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County Council

Meeting Venue
By Teams

Meeting date
Thursday, 9 December 2021

Meeting time
10.30 am

For further information please contact
Stephen Boyd
01597 826374
steve.boyd@powys.gov.uk



County Hall
Llandrindod Wells
Powys
LD1 5LG

3/12/2021

Mae croeso i chi siarad yn Gymraeg neu yn Saesneg yn y cyfarfod, a bydd gwasanaeth cyfieithu ar y pryd ar gael.
You are welcome to speak Welsh or English in the meeting, and a simultaneous translation service will be provided.

AGENDA

1.	APOLOGIES
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To receive apologies for absence.

2.	MINUTES
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To authorise the Chair to sign the minutes of the last meeting as a correct record.
(Pages 11 - 46)

3.	DECLARATIONS OF INTEREST
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To receive any declarations of interest from Members relating to items to be considered on the agenda.

4.	CHAIR'S ANNOUNCEMENTS
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To receive any announcements from the Chair of Council.

5.	LEADER'S ANNOUNCEMENTS
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To receive any announcements from the Leader.

6.	CHIEF EXECUTIVE'S BRIEFING
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To receive a briefing from the Chief Executive.

7.	ESTYN MONITORING REPORT
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To note the findings of the Estyn Monitoring Visit.
(Pages 47 - 54)

8.	BUDGET VIREMENTS
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To consider budget virements requiring Council approval. Report to Cabinet on budget pressures in Children's Services attached.
(Pages 55 - 66)

9.	DIRECTOR OF SOCIAL SERVICES ANNUAL REPORT
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To receive and consider the Director of Social Services Annual Report.
(Pages 67 - 114)

10.	ARRANGEMENTS FOR THE DEVELOPMENT, SUBMISSION, AND CONSIDERATION OF ALTERNATIVE BUDGET PROPOSALS
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To consider the report of the Head of Finance and Section 151 Officer.
(Pages 115 - 118)

11.	AMENDMENTS TO THE CONSTITUTION
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To consider a report by the Head of Legal and Democratic Services.
(Pages 119 - 404)

12.	AMENDMENTS TO THE INTER AUTHORITY AGREEMENT OF THE WALES PENSION PARTNERSHIP
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To consider the report of the Head of Finance and Section 151 Officer.
(Pages 405 - 418)

13.	APPOINTMENTS TO OUTSIDE BODIES AND COMMITTEES
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To note the following appointments made by political groups and approved by the Monitoring Officer:

Councillor Gwilym Williams appointed to the Brecon Beacons National Park Authority in place of Councillor Jon Williams.

Councillor Karl Lewis appointed to the Brecon Beacons National Park Authority in place of Councillor Iain McIntosh.

Councillor Ange Williams appointed to the Employment and Appeals Committee in place of Councillor Jon Williams.

14.	NOTICE OF MOTION - SUPPORT FOR THE AGRICULTURAL SECTOR
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The agricultural sector is of paramount importance to our economy and communities of Powys as indicated in this this map. With 9.5 million sheep in Wales we have seen one of the main natural products, wool, having extremely low prices in recent times.

We have wool grading centres in Newtown and Brecon, and the sheep sector is of huge importance in Powys. Wool is also a natural, environmentally friendly and fire retardant product.

In view of this, the Council proposes that the authority, as part of the Mid Wales Growth deal, looks at opportunities to add value to our agricultural products and specifically to work with the farming unions and the British Wool Marketing Board with a view of facilitating the establishment of the equivalent of WRONZ, Wool Research Organisation New Zealand in Mid Wales hence being a catalyst for innovative ideas, products and commercial spin offs using wool.

Proposer County Councillor Elwyn Vaughan
Seconder County Councillor Bryn Davies

COST IMPLICATIONS

This motion was received before the requirement for a financial assessment.

(Pages 419 - 420)

15.	NOTICE OF MOTION - RESPONSIBLE AFFORESTATION - A NON-EXPLOITATIVE AND SUSTAINABLE APPROACH
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Council expresses its concern about the purchase of family farms in Powys and the wider region by multinational companies to plant trees for the purpose of creating 'carbon credits' which are sold to polluting companies to meet their carbon offset targets.

While accepting that tree planting on a large scale is recognised as one means of combating climate change, Council regrets that carbon offsetting allows these high carbon-emitting companies to continue with their unsustainable conduct.

Furthermore, Council notes that multinational companies have already claimed over £1.3m from Welsh Government funding via the Glastir Woodland Creation fund, which means that Welsh taxpayers are subsidising the carbon offsetting programmes of companies from outside Wales.

Council supports the principle of responsible afforestation but believes this must be done in consultation with local communities, and should not have a detrimental impact on local employment, culture and community viability.

Councils calls on the Welsh Government to:

- Ensure that funding via the Glastir Woodland Creation scheme can only be claimed by active farmers in Wales
- Introduce planning development legislation to enable local planning authorities such as Powys to control afforestation projects, and to set a limit on the proportion of land on any farm that can be used for afforestation without the need for planning consent
- Deliver its afforestation plans by developing a publicly owned arms-length company to manage Wales' forestry and help reach the Welsh Government's carbon reduction targets

Council recognises the opinion of environmental campaigners that tree planting is not a silver bullet to averting climate change and agrees that only rapid reduction of burning fossil fuels can halt the ongoing and alarming rise in global temperatures.

Proposed by County Councillor Elwyn Vaughan
Seconded by County Councillor Emily Durrant

COST IMPLICATIONS

The Deputy Head of Finance confirms that there will not be any financial consequence from the proposed motion as it only requests that there is correspondence with Welsh Government about the position set out above. There are no further actions nor costs expected.

16. NOTICE OF MOTION - A STEP CHANGE IN ACTION ON THE CLIMATE AND ADOPTING THE ONE PLANET STANDARD

This Council notes that:

Council has an opportunity to make a step change in addressing the crisis we face; progress has been slower than residents and stakeholders anticipated and monitoring and feedback less transparent than they would like.

An increase in pace and openness is needed to tackle the climate and ecological emergency. Ambition and leadership from the Council will be key to taking our community and local stakeholders with us to reach the target set in September 2020 of Net Zero by 2030.

The COP26 international conference in Glasgow left no one in any doubt about the seriousness and urgency of the situation for communities at home and abroad. Our response requires nothing short of a whole-organisation cultural change where we clearly say what we are doing and do what we say, inspiring others to act too.

Swansea Council is piloting a new initiative – the One Planet Standard, launched in time for COP26, which is designed to support organisations like ours to adjust our activities to match our environmental aspirations. Supported by the Welsh Future Generations Commissioner, Sophie Howe, the One Planet Standard could help

Powys Council become resource-efficient, develop circular economic pathways with the engagement of employees, supply chains, customers and anyone affected by our activities. The One Planet Standard supports continuous improvement, with a simple **Plan > Do > Check > Act** virtuous cycle all set against our own goals, milestones, and time scales. At its core it is essentially an integrated reporting methodology to assist an organisation to measure, account for, and improve on, the environmental impact of its activities. The One Planet Standard would embrace the five ways of working:

Long Term – balancing short term needs with meeting long term needs.

Prevention – acting to prevent problems occurring or getting worse, using the precautionary principle.

Integration – considering how all Powys' actions impact upon each other, upon the social and ecological goals, and upon the interests and actions of stakeholders.

Collaboration – with any other person (or different departments) that could help Powys meet its objectives and its social and ecological goals.

Involvement – involving a wide range of people in achieving its social and ecological goals, ensuring that those people are from and reflect the diversity of Powys.

Understanding and adopting the requirements of the One Planet Standard will help the Portfolio Holder for the climate and ecological emergency, and other members of the Cabinet to shape strategic direction, and the senior management team implement change, whilst helping staff shift the corporate culture. Our partners and customers will better appreciate our ambitions and choose to join us on this journey.

This Council calls for:

The reinforcing of its declaration of a climate emergency in September 2020, its divestment decision of 2018 and its pursuit of the Local Nature Recovery Action Plan which is important to reporting on Section 6 of the Biodiversity and Resilience of Ecosystems Duty.

This Council resolves to:

- Call on the cabinet member for Climate Change for a clear and visible step change in activity necessary to deliver Powys' commitment to meet its net zero target by 2030, publishing the agreed baseline assessment and Action Plan for carbon reduction for members, stakeholders and residents to assess urgently.
- Become the second Council in Wales to pilot the One Planet Standard ahead of a decision, post May 2022, on whether to formally adopt it as a new way of working.

- Ask the Chair of Powys Pension Fund to call on the Welsh Pension Fund to use the power it has, including its influence as one of the UK's largest pension funds, to encourage divestment as agreed in the motion of 2018.

Proposed by County Councillor Jackie Charlton

Seconded by County Councillor Jake Berriman

COST IMPLICATIONS

There are no cost implications arising from this motion as the Portfolio holder has already confirmed continuity funding for the Climate Change Officer.

The One Planet Standard is free to use, whilst accreditation costs between £675 and £1,688 according to size of organisation and award level - Bronze, Silver and Gold. Benefits, however, might be expected to include greater corporate awareness and understanding, improved staff motivation, cost savings and greater efficiency, enhance transparency and public engagement

We have already agreed as a council to achieve the Net Zero goal so all budgeting will be integrated already taking account of these measures.

The reporting on the Local Nature Recovery Action Plan is embedded in the Statutory Duty of Section 6 of the Biodiversity and Resilience of Ecosystems Duty so there will be no added cost to this measure.

The Divestment Motion of 2018 set out to achieve the third resolution which has yet to be achieved and has no cost implications.

Actions should also result in savings too.

17.	NOTICE OF MOTION - WHITE RIBBON: CULTURE AND PRACTICE
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This Council Meeting notes:-

- Mid and West Wales MS Joyce Watson championed the White Ribbon cause, at the head of a cross party initiative, early in the Fourth Assembly/Senedd. Cllr William Powell represented Welsh Liberal Democrats at vigils and other events on behalf of Joyce Watson and met many different survivors. Joyce's ongoing leadership in this matter to this day is still an important part of Senedd business;
- Dyfed-Powys Police has raised the profile of domestic abuse, coercive control and violence against women. Our incoming DPP Chief Constable, Richard Lewis, currently Chief Constable of Cleveland, has identified domestic abuse and associated issues as a high priority;

- ONS figures show that almost one in three women aged 16-59 will experience domestic abuse in their lifetime, that two women a week in England and Wales are killed by a current or former partner, that over half a million women are raped or sexually assaulted each year and that a YouGov poll shows that a third of girls have experienced sexual harassment in schools;
- the global pandemic has led to more women and girls being vulnerable to domestic abuse and, according to a BBC news report last July, the initial three months of the first national lockdown saw an 80% increase in calls to the National Domestic Abuse Hotline;
- the recent Fawcett Society report “Tackling sexual harassment in the workplace” - reports on employer actions to prevent and respond to workplace sexual harassment, identifies over 40% of women have experienced workplace harassment and 45% online harassment of a sexual nature with rates highest amongst those with a protected characteristic.
- that, according to crime-survey and other government data, victims disproportionately come from those groups which already experience inequality and additional challenges in our society, including those who are mixed-race, have disabilities, or are transgender;
- as we reflect on the end of the delayed UEFA Euro 2020 tournament, previous research by Lancaster University showed that reported domestic abuse incidents increase whenever any of the home nations play in a major tournament, and the effect is particularly large on the days when those teams lose; and
- the highly disturbing implications of the Sarah Everard case and the subsequent revelations of misogynistic behaviour amongst other members of the police.

This Council Meeting further notes that:-

- White Ribbon UK is the leading charity with a mission to end **male violence against women** and part of the global White Ribbon movement which arose from a campaign started by men in Canada in 2004;
- White Ribbon Day is marked annually on 25th November, the International Day for the Eradication of Violence Against Women, by encouraging men and boys to pledge never to take part in, condone or stay silent about violence against women by wearing a white ribbon on the day and a week or two afterwards; and
- White Ribbon UK, which works across all 3 devolved administrations, operate a system of male Ambassadors, female Champions and youth Advocates, as well as having specific materials to support primary and secondary schools, all with the aim of encouraging men/boys to take the pledge and help to eradicate male violence against women.

This Council Meeting believes male violence against women can never be condoned and Powys County Council should do everything in its power to

ensure women are safe. The Authority has a strong policy on protecting women both in the workplace and in the communities it supports. Training is mandatory for staff and councillors. As part of this motion we ask that the council should facilitate and encourage participation by councillors, staff, and schools in the White Ribbon Campaign.

This Council Meeting therefore resolves to:-

1. Embrace a culture so that all male Councillors can the take White Ribbon pledge, never to take part in, condone or stay silent about violence against women;
2. undertake as soon as practicable the steps necessary to achieve White Ribbon accreditation, joining the large number of public sector bodies including 4 other Welsh councils and Dyfed Powys Police and Mid and West Wales Fire Service which have already done so; and
3. as part of this, encourage the Leaders of each political group to come together to nominate a male Councillor and the Chief Executive to nominate a member of staff as Ambassadors; mark White Ribbon Day on 25th November each year with a fundraising event; and encourage participation among council staff and local primary and secondary schools.
4. Undertake a review of protocols and procedures to determine if the Council is discharging its responsibility as a reputable employer in light of the recommendations of the Fawcett Report and to bring forward any modifications as a matter of urgency.

Proposed by County Councillor Pete Roberts

Seconded by County Councillor Jackie Charlton

COST IMPLICATIONS

It is difficult to find out the exact cost of putting the authority forward to achieve accreditation but a ball park figure would be in the region of other such accreditations according to level. Suggested figure would be between £500 and £2000. Press releases and other such communication activity could be budgeted for an annual focus in November each year.

Actions could also result in savings too.

It would support work being undertaken in school in respect of Anti Bullying policies and raising awareness.

It would fall into line with the new curriculum focus on well being and relationships.

18. QUESTIONS IN ACCORDANCE WITH THE CONSTITUTION

18.1. **Question to the Portfolio Holder for Education and Property from County Councillor William Powell**

I note your response to Cllr Gareth Ratcliffe's *question at any time* in the early autumn on Gwernyfed High School, where you stated that you were pleased that the team were now able to re-commence the work on the Gwernyfed High School project.

Can you please provide the local communities and me with an update and anticipated timelines? As we move forward, I'm sure that you will agree with me that clarity and transparency are vital to ensure that opportunities are not missed to progress this project, prior to the onset of purdah ahead of the elections in May 2022.

(Pages 421 - 422)

18.2. **Question to the Portfolio Holder for Housing, Planning and Economic Regeneration from County Councillor William Powell**

Following the recent debate on rodent management at Full Council initiated by the Welsh Labour Group and subsequent incidents reported to me locally, could you please clarify:

- What arrangements are in place by Powys County Council to address the nuisance and public health implications caused by rodents in Council owned rental accommodation, specifically those designed for and occupied by frail elderly or vulnerable persons and those with additional learning needs or anxiety issues?
- Are reports of rodent infestation made by residents dealt with as matters of urgency and with effective cross portfolio working, from those responsible for Public Protection and Housing?
- Subject to appropriate Covid-19 precautions, will the Portfolio holder(s) make themselves available to meet residents in the South Powys area, whose quality of life is being adversely affected by these issues?

(Pages 423 - 424)

18.3. **Question to the Portfolio Holder for Education and Property from County Councillor Gareth Ratcliffe**

Can the portfolio holder please provide the costs to the Gwernyfed primary cluster (per school) on general maintenance by year since the new schools opened? Several schools are facing the same design issues/ faults, impacting the budgets of these schools. The school process promised fit for purpose schools, yet the same problems highlight poor construction and design across the catchment. Can the council also arrange a meeting with heads and chairs to discuss ongoing issues and identify where Powys needs to support the financial impact. An example is the school new buildings were originally signed off as safe (in the case of the kitchens' roller shutters which have now been classified as not fire-proof, therefore not fit for purpose). If Powys County Council is serious about its schools' programme, then an assessment of this catchment is paramount to ensure its success is delivered.

(Pages 425 - 428)

**MINUTES OF A MEETING OF THE COUNTY COUNCIL HELD BY TEAMS ON
THURSDAY, 23 SEPTEMBER 2021**

PRESENT

County Councillor R G Thomas (Chair)

County Councillors MC Alexander, M Barnes, B Baynham, J Berriman, G Breeze, J Charlton, L V Corfield, K W Curry, A W Davies, B Davies, D E Davies, P Davies, S C Davies, M J Dorrance, E Durrant, D O Evans, L Fitzpatrick, L George, J Gibson-Watt, M R Harris, H Hulme, A Jenner, D R Jones, E Jones, G Jones, J R Jones, E M Jones, M J Jones, D Jones-Poston, K Laurie-Parry, H Lewis, K Lewis, P E Lewis, MC Mackenzie, I McIntosh, S McNicholas, DW Meredith, C Mills, G Morgan, JG Morris, R Powell, WD Powell, D R Price, G Pugh, G W Ratcliffe, L Rijnenberg, L Roberts, P Roberts, K M Roberts-Jones, E Roderick, D Rowlands, K S Silk, D Selby, L Skilton, D A Thomas, T J Van-Rees, E Vaughan, M Weale, J Wilkinson, A Williams, G I S Williams, D H Williams, J Williams, J M Williams, R Williams and S L Williams

1.	APOLOGIES
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Apologies for absence were received from County Councillors J Evans, S M Hayes, E A Jones, F H Jump and J Pugh

2.	DECLARATIONS OF INTEREST
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There were no declarations of interest reported.

3.	EXEMPT ITEMS
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RESOLVED to exclude the public for the following item of business on the grounds that there would be disclosure to them of exempt information under category 1 of The Local Authorities (Access to Information) (Variation) (Wales) Order 2007).

4.	APPOINTMENT OF DIRECTOR OF EDUCATION
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Following interview it was

RESOLVED to appoint Lynette Lovell as Director of Education on the bottom grade of Director 2.

Ms Lovell accepted the appointment.

County Councillor R G Thomas (Chair)

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**COFNODION CYFARFOD O'R CYNGOR SIR A GYNHALIWDY TRWY TEAMS AR
DDYDD IAU, 23 MEDI 2021**

YN BRESENNOL

Y Cynghorydd Sir R G Thomas (Cadeirydd)

Y Cynghorwyr Sir MC Alexander, M Barnes, B Baynham, J Berriman, G Breeze, J Charlton, L V Corfield, K W Curry, A W Davies, B Davies, D E Davies, P Davies, S C Davies, M J Dorrance, E Durrant, D O Evans, L Fitzpatrick, L George, J Gibson-Watt, M R Harris, H Hulme, A Jenner, D R Jones, E Jones, G Jones, J R Jones, E M Jones, M J Jones, D Jones-Poston, K Laurie-Parry, H Lewis, K Lewis, P E Lewis, MC Mackenzie, I McIntosh, S McNicholas, DW Meredith, C Mills, G Morgan, JG Morris, R Powell, WD Powell, D R Price, G Pugh, G W Ratcliffe, L Rijnenberg, L Roberts, P Roberts, K M Roberts-Jones, E Roderick, D Rowlands, K S Silk, D Selby, L Skilton, D A Thomas, T J Van-Rees, E Vaughan, M Weale, J Wilkinson, A Williams, G I S Williams, D H Williams, J Williams, J M Williams, R Williams a S L Williams

1.	YMDDIHEURIADAU
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Derbyniwyd ymddiheuriadau am absenoldeb gan y Cynghorwyr Sir J Evans, S M Hayes, E A Jones, F H Jump a J Pugh

2.	DATGANIADAU O DDIDDORDEB
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Ni chofnodwyd unrhyw ddatganiadau o ddiddordeb.

3.	EITEMAU EITHRIEDIG
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PENDERFYNWYD eithrio'r cyhoedd ar gyfer yr eitem busnes canlynol ar y sail y byddai'n golygu datgelu iddynt wybodaeth esempt o dan gategori 1 Gorchymyn Awdurdodau Lleol (Mynediad at Wybodaeth) (Amrywio) (Cymru) 2007.

4.	PENODI CYFARWYDDWR ADDYSG
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Yn dilyn cyfweiliad

PENDERFYNWYD penodi Lynette Lovell i swydd y Cyfarwyddwr Addysg ar raddfa gwaelod Cyfarwyddwr 2.

Derbyniodd Ms Lovell y penodiad.

Y Cynghorydd Sir R G Thomas (Cadeirydd)

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**MINUTES OF A MEETING OF THE COUNTY COUNCIL HELD AT BY TEAMS ON
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PRESENT

County Councillor R G Thomas (Chair)

County Councillors MC Alexander, M Barnes, B Baynham, J Berriman, G Breeze, J Charlton, L V Corfield, K W Curry, A W Davies, B Davies, D E Davies, P Davies, S C Davies, M J Dorrance, E Durrant, D O Evans, L George, J Gibson-Watt, M R Harris, H Hulme, A Jenner, D R Jones, E Jones, G Jones, J R Jones, E M Jones, M J Jones, D Jones-Poston, K Laurie-Parry, H Lewis, K Lewis, P E Lewis, MC Mackenzie, I McIntosh, S McNicholas, DW Meredith, C Mills, G Morgan, JG Morris, R Powell, WD Powell, D R Price, P C Pritchard, G Pugh, G W Ratcliffe, L Rijnenberg, L Roberts, P Roberts, K M Roberts-Jones, E Roderick, D Rowlands, K S Silk, D Selby, L Skilton, D A Thomas, T J Van-Rees, E Vaughan, M Weale, J Wilkinson, A Williams, G I S Williams, D H Williams, J Williams, J M Williams, R Williams and S L Williams

1. APOLOGIES

Apologies for absence were received from County Councillors James Evans, Stephen Hayes, Arwel Jones, Francesca Jump, and Jeremy Pugh.

2. MINUTES

The Chair was authorised to sign the minutes of the last meeting held on 15th July 2021 as a correct record.

3. DECLARATIONS OF INTEREST

County Councillor Peter Lewis declared a personal and prejudicial interest item 10 Pension and Investment Committee Chair's Allowance.

4. CHAIR'S ANNOUNCEMENTS

The Chair advised that details of his engagements would be circulated by email.

Council paused to remember Garry Banks, the former Councillor for Presteigne and past Chair of Council and Cabinet member who had passed away.

5. LEADER'S ANNOUNCEMENTS

The Leader noted the high number of Covid cases in the county and the significant pressures being experienced in social care. She reported that the Council was working the Home Office and the WLGA to take in Afghan families and was finding accommodation for them. The Leader also advised that the Growing Mid Wales Board had agreed the Portfolio Business Case for submission to the UK and Welsh governments. She thanked the staff who had

worked on the bid for UK City of Culture status. A decision on whether or not the bid had been shortlisted was expected in October. The Leader also reported that work was continuing on the Global Centre for Rail Excellence and that a decision was expected at the end of 2021.

6.	CHIEF EXECUTIVE'S BRIEFING
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The Chief Executive reported that instances of Covid were at the highest level since the start of the pandemic. Half of recent cases were in the 0 – 10 and 11 – 19 age groups and this was having an impact on schools with Cradoc CP school closing and returning to on-line learning. On 23 August the Council had returned to business continuity due to the cumulative impact of 18 months of the pandemic impacting on services, particularly Social Care and Test, Track and Protect. Staff had been redeployed to support these services and more staff were being recruited.

The Chief Executive advised that new equipment had been purchased to enable hybrid meetings to be held in the Chamber but that such was the demand for equipment it would not be installed until the new year. Officers would make every effort to facilitate face to face meetings for Members. She advised that budget planning had started and noted that it was likely to be a very challenging budget round. Finally, she congratulated Lynette Lovell on her appointment as Director of Education.

Councillor Amanda Jenner, Chair of the Health and Care Scrutiny Committee advised that the committee had been stood down for the time being to reduce the pressure on officers but that the committee would continue to do what it could to support social care without the need for formal meetings.

7.	CONSTITUTION
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Council considered the recommendations of the Democratic Services Committee on amendments to the Constitution.

Section 4 – Full Council

Council unanimously resolved as follows

RESOLVED	Reason for Decision:
<p>1. That the amendment to Rule 4.18.28 of the Constitution (Full Council) is approved as set out in the draft Section 4 attached to the report.</p> <p>2. That the Monitoring Officer is authorised to make such other changes to the Constitution as may be required to reflect the change set out in Recommendation 1 above.</p>	<p>To review and amend the Constitution so that it aligns with the current requirements of the Council.</p>

Section 11 – Officers.

By 55 votes to 5 with 3 abstentions it was

RESOLVED	Reason for Decision:
<p>3. That the amendments to Section 11 of the Constitution (Officers) are approved as set out in the draft Section 11 attached to the report.</p> <p>4. That the Monitoring Officer is authorised to make such changes to the Constitution as may be required to reflect the change set out in Recommendation 3 above.</p>	<p>To review and amend the Constitution so that it aligns with the current requirements of the Council.</p>

Governance and Audit Committee – Section 9 (Regulatory Committees

Council unanimously resolved as follows

RESOLVED	Reason for Decision:
<p>5. That Council approves an amendment to the membership of the Governance and Audit Committee to become 6 Councillors and 3 Independent Members as from May 2022.</p> <p>6. That the Monitoring Officer is authorised to make such amendments to Section 9 of the Constitution as are required to implement recommendation 5 above.</p> <p>7. That the Lay Members are in place as near to the start of 2022 (January) as possible in order to ensure continuity and to provide training and transition time so that the new Committee can operate efficiently from May 2022.</p>	<p>To meet the requirement of the Local Government and Elections (Wales) Act 2021 that as from May 2022, one third of the membership of the Governance and Audit Committee must be lay persons.</p>

Finance Panel and Section 7 (Scrutiny Procedure Rules)

By 57 votes to 4 with 2 abstentions it was

RESOLVED	Reason for Decision:
<p>8. That the revisions to the operation and composition of the Finance Panel in two phases as set out in Paragraphs 2.4.5 and 2.4.6 above</p>	<p>To review and amend the Constitution so that it aligns with the current requirements of the Council.</p>

<p>be supported.</p> <p>9. That the revised Terms of Reference of the Finance Panel as set out in Rules 7.37 and 7.38 is approved and implemented with immediate effect.</p> <p>10. That the Monitoring Officer is authorised to make such changes to Section 7 of the Constitution as may be required to reflect the changes set out in Recommendations 8 & 9 above.</p>	
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8.	APPOINTMENT OF INDEPENDENT (LAY) MEMBERS ON THE STANDARDS COMMITTEE
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Council considered the recommendation of the Appointment Panel on the appointment of an independent (lay) member to the Standards Committee. It was moved by County Councillor Tim Van-Rees and seconded by County Councillor Gareth Morgan and by 56 votes to 8 with 1 abstention it was

RESOLVED	Reason for Decision:
<p>1. To note the contents of the report and the Panel's recommendation and appoint Mr Nigel Steward as Independent (Lay) Member for a period of 6 years from 23 September 2021 and to appoint Mr Russell Stafford-Tolley as Independent (Lay) Member, for a period of 6 years from 3 March 2022.</p>	<p>To comply with the requirements for Independent (Lay) members of the Standards Committee as required by the Standards Committees (Wales) Regulations 2001 (as amended).</p>

Extension to the Term of Office of Independent (Lay) Member on the Standards Committee

It was further recommended that Mr Stephan Hays was reappointed for a further four-year term on the expiry of his current term on 25 January. It was moved by County Councillor Tim Van-Rees and seconded by County Councillor Kath Roberts-Jones and Council unanimously resolved as follows

RESOLVED	Reason for Decision:
<p>That the Council reappoints Mr Stephan Hays as an Independent [Lay] Member of the Standards Committee for a term of four years, from 26 January 2022, expiring on 25 January 2026.</p>	<p>To fill the Independent Member vacancy on the Standards Committee.</p>

9.	LLANDDEW COMMUNITY COUNCIL - INQUORATE
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Council considered a recommendation proposing the appointment of temporary community councillors to act until a sufficient number of councillors have been elected to take up office to make the Llanddew Community Council quorate again. The County Councillors for the neighbouring electoral wards of Felinfach St John and St Mary had agreed to act as such temporary members. A proposal to add a fourth member from the Yscir ward was not accepted by the Chair.

It was proposed by County Councillor RH Williams and seconded by County Councillor S McNicholas and by 52 votes to 8 with 3 abstentions it was

RESOLVED	Reason for Decision:
To make the Llanddew Community Council (Removal of Difficulty) Order 2021 as set out in Appendix A to the report.	To properly constitute Llanddew Community Council to enable the said Community Council to function.

10. PENSIONS AND INVESTMENT COMMITTEE CHAIR'S ALLOWANCES

County Councillor P Lewis declared an interest in this item and left the meeting while it was considered.

Council considered the request of the Pensions and Investment Committee to make a payment equivalent to a Senior Responsibility Allowance to the Chair of the Committee and re-charged to the Pension Fund, to reflect the responsibilities placed on the chair of that Committee and the increasing demands being placed on the role.

An amendment was proposed by County Councillor Gareth Ratcliffe and seconded by County Councillor RH Williams to refer the recommendation to the Democratic Services Committee. The amendment was lost by 26 votes to 37.

The recommendation in the report was moved by County Councillor T Van-Rees and seconded by H Williams. By 42 votes to 19 it was

RESOLVED to accept the recommendations of the Pensions and Investment Committee and agree that an amount equivalent to a senior responsibility allowance should be paid to the chair of the Pensions and Investment Committee and the additional cost to be recharged to the Pension Fund, to reflect the responsibilities placed on the chair of the Pensions and Investment Committee and the increasing demands being placed on the role.

Council adjourned at 13.23 and reconvened at 14.00.

PRESENT

County Councillor R G Thomas (Chair)

County Councillors MC Alexander, M Barnes, B Baynham, J Berriman, G Breeze, J Charlton, L V Corfield, K W Curry, A W Davies, B Davies, D E Davies, P Davies, S C Davies, M J Dorrance, E Durrant, D O Evans, L George, J Gibson-Watt, M R Harris, H Hulme, A Jenner, D R Jones, E Jones, G Jones, J R Jones, E M Jones, M J Jones, D Jones-Poston, K Laurie-Parry, H Lewis, K Lewis, P E Lewis, MC Mackenzie, I McIntosh, S McNicholas, DW Meredith, C Mills, G Morgan, JG Morris, R Powell, WD Powell, D R Price, P C Pritchard, G Pugh, G W Ratcliffe, L Rijnenberg, L Roberts, P Roberts, K M Roberts-Jones, E Roderick, D Rowlands, K S Silk, D Selby, L Skilton, D A Thomas, T J Van-Rees, E Vaughan, M Weale, J Wilkinson, A Williams, G I S Williams, D H Williams, J Williams, J M Williams, R Williams and S L Williams

11. WELSH AMBULANCE SERVICE NHS TRUST
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Jason Killens, the Chief Executive of the Welsh Service Ambulance Trust, Benjamin Collins, the Ambulance Operations Manager for Powys and Estelle Hitchon, Director of Partnership & Engagement joined the meeting and gave an update on the pressures facing the service and on the actions being taken in response.

Mr Collins updated members on the situation in Powys reporting increases in the number of calls to the service every month for the last 24 months with almost two thirds in either red or amber categories. He advised that following local recruitment and roster reviews, ambulance cover was being focused on the peak times when the highest call volume was expected. He confirmed that no ambulance stations would be closing. It was confirmed that there were some local difficulties in recruiting and retaining staff and that the service was looking at targeted local recruitment. He advised that fire service first responders had been reintroduced to help provide greater resilience and that a rural health care model was being developed with Powys Teaching Health Board. The service was also keen to have social workers based in ambulance control rooms to help manage calls and welcomed the invitation to join the Regional Partnership Board where these options could be explored.

12. NOTICES OF MOTION

12.1. Future motions presented to Council

Council debated the following motion moved by County Councillor Iain McIntosh and seconded by County Councillor Lucy Roberts:

“This council resolves:

That all notices of motion, or any amendment to a motion, presented to this council for consideration, must be accompanied by a costed analysis of the financial and resource implications that motion, or amendment to a motion, would have on this council, should it be approved.”

The proposer and seconder argued that when a motion was brought to council should be aware of what a proposal would cost. A number of members argued

that the motion would stifle debate. The Head of Finance advised that if the motion was passed, she and her officers would work in confidence with members on any notices of motion on costings but that they would need to be involved at an early stage.

An amendment was moved by County Councillor Jake Berriman and seconded by County Councillor David Selby asking Council to strike out

“That all notices of motion, or any amendment to a motion, presented to this council for consideration, must be accompanied by a costed analysis of the financial and resource implications that motion, or amendment to a motion, would have on this council, should it be approved”.

and replace it with Council Resolves to:

“Ask the Portfolio Holder for Corporate Governance to bring forward costed proposals to provide the necessary Member support to facilitate the proper costing of proposed Motions which Members may wish to put before Full Council for consideration”.

The amendment was put to the vote and was lost by 25 votes to 32 with 1 abstention. The motion was put to the vote and by 31 votes to 24 with 2 abstentions it was

RESOLVED that all notices of motion, or any amendment to a motion, presented to this council for consideration, must be accompanied by a costed analysis of the financial and resource implications that motion, or amendment to a motion, would have on this council, should it be approved.

County Councillors A Jenner and J Williams left the meeting at 15.48.

12.2. Declaring an Ecological Emergency and Supporting the Climate and Ecological Emergency Bill

Council debated the following motion moved by County Councillor Jake Berriman and seconded by County Councillor Jackie Charlton:

“This Council resolves to:

1. Declare an ecological emergency to demonstrate the Council's commitment to protecting Powys' natural environment, biodiversity and wildlife;
2. Declare its support for the Climate and Ecological Emergency (CEE) Bill;
3. Inform the local media of this decision, including sharing information on social media;
4. Write to our local Members of Parliament asking them to support the CEE Bill in its passage through Parliament; and
5. Write to the CEE Bill Alliance, the organisers of the campaign for the Bill expressing our support (campaign@ceebill.uk).”

The proposer and seconder urged Council to declare its support for a Climate and Ecological Emergency Bill to address the decline in nature. A number of members expressed concerns about the impact that the Bill would have on farming and the wider economy in the county.

The motion was put to the vote but lost by 24 votes to 31.

12.3. **Support a Simple Firework Licence**

Council debated a motion proposed by County Councillor J Charlton and seconded by County Councillor J Berriman:

“This Council resolves to:

1. Actively promote a public awareness campaign about the impact of fireworks on animal welfare and vulnerable people – including the precautions that can be taken to mitigate risks as the unintended consequences of legal fireworks.
2. Support the RSPCA in the work being undertaken to change the legislation on firework displays to enable and ensure all public firework displays are advertised in advance of the event, with appropriate information in respect of the size of the display, allowing residents to take precautions for people and pets.
3. Encourage, through awareness raising, local suppliers of fireworks to separate ‘quieter’ fireworks from the loud ones so people can choose which ones they prefer with animal and people safety in mind.”

Councillor Charlton advised that the motion was about supporting the work of other campaigning organisations through awareness raising. She had discussed this with officers who had agreed that it would not result in additional costs. She confirmed that she was not proposing a licensing system. The Leader and Portfolio Holder for Corporate Governance and Regulatory Services advised that Trading Standards and Environmental Health were already very active in this area.

The motion was put to the vote and was lost by 22 votes to 31 with 1 abstention.

12.4. **Universal Credit: Cancel the Cut**

Council debated the following motion proposed by County Councillor Liz Rijnenberg and seconded by County Councillor Matthew Dorrance:

“This council resolves to:

1. Write to the Chancellor of the Exchequer, the Work and Pensions Secretary and the Prime Minister to oppose the planned cut to Universal Credit;
2. Call on Fay Jones MP and Craig Williams MP to stand up for families in Powys and oppose the cut to Universal Credit; and

3. Work in partnership with advice agencies to support residents impacted by the Universal Credit cut.”

The proposer and seconder argued that this was not the right time to withdraw the uplift to Universal Credit noting that more than eight thousand families in Powys would lose £1,000 a year and that £8 million would be taken out of the Powys economy and that more pressure would be placed on social services.

An amendment was moved by County Councillor Aled Davies and seconded by County Councillor Iain McIntosh to remove the three recommendations in the Motion and substitute with: “This council resolves to work in partnership with advice agencies to support residents impacted by the removal of the temporary increase in the Universal Credit.”

The mover of the amendment argued that it would concentrate on what the Council could do.

The amendment was put to the vote and passed by 26 votes to 23 with 3 abstentions. The substantive motion was put to the vote and by 35 votes to 11 with 8 abstentions it was

RESOLVED to work in partnership with advice agencies to support residents impacted by the removal of the temporary increase in the Universal Credit.

County Councillor MJ Jones left the meeting at 17.08. County Councillor G Breeze left the meeting at 17.10.

12.5. Expansion of availability and awareness of Defibrillators in Powys

Council debated the following motion proposed by County Councillor P Roberts and seconded by County Councillor G Ratcliffe

“Council requests Cabinet to consider the following :

- The compilation of a list, and subsequent publication and updating of, all defibrillators that are maintained on council premises with information on how to access them.
- Undertaking a review of, and, where appropriate, and increase in, the public accessibility of defibrillators that are located within council-owned properties including public parks, community centres, schools, leisure facilities, and areas of high public footfall.
- The Chair of Council sending a letter on behalf of the Council the Health and Education Secretaries in the Senedd urging them to support moves to extend the availability of AEDs and promote their use though especially though training within the education system.”

The proposer and seconder argued that this measure could make a significant difference. The motion was put to the vote and by 29 votes to 20 it was

RESOLVED to request Cabinet to consider the following :

- **The compilation of a list, and subsequent publication and updating of, all defibrillators that are maintained on council premises with information on how to access them.**
- **Undertaking a review of, and, where appropriate, and increase in, the public accessibility of defibrillators that are located within council-owned properties including public parks, community centres, schools, leisure facilities, and areas of high public footfall.**
- **The Chair of Council sending a letter on behalf of the Council the Health and Education Secretaries in the Senedd urging them to support moves to extend the availability of AEDs and promote their use though especially though training within the education system.**

County Councillor C Mills left the meeting at 17.24.

13. QUESTIONS IN ACCORDANCE WITH THE CONSTITUTION
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13.1. Question to the Portfolio Holder for Adult Social Care, the Portfolio Holder for Housing, Planning and Economic Regeneration and the Portfolio Holder for Education and Property from County Councillor Timothy Van-Rees

Having benefitted from the assistance of interpreters and other locally enlisted personnel during my service overseas I would commend the Cabinet in deciding to offer accommodation to six families of refugees from Afghanistan.

Having regard to the state of affairs in that unhappy country there is likely to be a requirement for accommodation for a significantly larger number of refugees and indeed provision for the education of their children. What contingency plans has the Cabinet made in an event of an approach from HMG / Welsh Government for additional assistance?

Response

Powys County Council has pledged to provide homes for six families as part of the national Afghan Relocations and Assistance Programme (ARAP). After discussions with housing associations the council has been able to increase the previous offer.

The variety and complexity of the needs of the Afghan families, coupled with the rural nature of Powys, provides the Council with a number of challenges in scaling up provision. We need to ensure that both housing and support needs are fully met so that these families can settle quickly and thrive within their new communities when they move to Powys. In order to meet these challenges, services are able to draw on experience from the successful Syrian Vulnerable Persons Relocation Project, where the council works in partnership to ensure that wrap around accessible support is readily available.

Families recently displaced from Afghanistan are part of a wider and growing need from refugee and asylum seeking households. To this end, Powys County Council is also working in partnership with the Welsh Refugee Council and Clearsprings, the organisation tasked with finding homes for asylum seekers and secure suitable accommodation within the private rented sector.

Schools are well prepared for accepting pupils from refugee families through the usual admissions process at the Local Authority. The Admissions Team are aware that refugee families will be settling in Powys, and are building on the

already established link with the Vulnerable Groups team to ensure that they are notified of any admissions applications received in respect of refugee families from Afghanistan, in the same way as they do for refugee families from Syria. School places are available and the Admissions Team will be able to provide information about schools in the area that the families move to.

There was no supplementary question.

13.2. Question to the Portfolio Holder for Young People and Culture from County Councillor James Gibson-Watt

Could the Portfolio Holder provide figures in actual and percentage terms for the total annual reductions in Powys County Council's grant funding to arts and cultural organisations included in the Council's Budget in each year from 2017/18 to 2021/22?

Response

Powys County Council's Arts Service Budget 2017 - 2022

	2020-21 to 2021-22		2019-20 to 2020-21		2018-19- to 2019-20		2017-18 to 2018-19	
Arts & Cultural Grant Support	Budget	%	Budget	%	Budget	%	Budget	%
Reductions	-£59,480.00	-33.84%	-£58,060.00	-24.83%	-£43,550.00	-15.70%	-£9,810.00	-3.42%

The Arts Service budget has reduced every year during the period in question, 2017/18 to 2021/22. Over that timeframe the reductions equate to £170,900. The current budget for the Arts Service is £116,280.

The Arts Service has consulted and communicated with affected organisations throughout this period, providing information, resources and advice on broadening funding income portfolios including opportunities for income generation, business development and re-modelling. This support for community arts providers and creative industry partners is continuing and developing, especially in the areas of access to external sources of funding, collaborative and partnership working as well as working closely with those involved in national strategic investment planning.

In response to Councillor Gibson-Watt's supplementary question about how she would mitigate the message the Council's reducing level of support for the arts would send to the assessors reviewing the bid for City of Culture status, the Portfolio Holder advised that the arts service would have to review commissioning principles and look at new ways of working with organisations in light of the current situation.

13.3. Question to the Portfolio Holder for Housing, Planning and Economic Regeneration from County Councillor William Powell

Will the Portfolio Holder for Housing please update Council on the latest proposals for reorganisation of the Powys County Council Housing Service, currently subject to consultation?

At a time of intense housing pressure - and given the renewed emphasis by Welsh Government Climate Change Minister, Julie James MS, on the

importance of the timely reinstatement of Empty Properties, can the Portfolio Holder please reassure Members that the prize winning Private Sector Housing Team will not be disbanded or eroded in any way?

Response

Housing Services is being restructured with the aim to improve the Council's ability to respond to a changing housing market in which supply and demand need to be better aligned, and to the expectations and aspirations of households to have more opportunities to enjoy a secure, well-maintained home.

A proposal for a new approach to Housing Services, to meet these outcomes, was agreed this summer by Cabinet. The Business Case setting out a proposal for the future of Housing Services, was shared with colleagues on August 3rd. The proposal includes a strong emphasis on local accountability, a tenure blind approach to improving the way the housing market provides and improves homes, and a clear focus on high quality services.

A six-week consultation period on the proposal ended on September 10th. During this time, all colleagues were able to have a 1-2-1 with the Professional Lead for Housing and team meetings and group discussions took place. Now that the consultation period has ended, a final Business Case is being drawn up, taking into consideration the contributions and feedback received since August 3rd. We cannot comment further on the proposals at this stage while the final Business Case is being completed.

With the work still in progress in terms of the Management of Change process, it is not possible to outline the impact on the Private Sector Housing team at this stage. However, the work being undertaken by the team remains a priority and if there are changes it will be in order to build capacity in these key areas.

The redesign is planned to be introduced on January 1st, 2022.

There was no supplementary question.

13.4. Question to the Portfolio Holder for Adult Social Care from County Councillor Jon Williams

As councillors we are constantly being told that staff are being seconded to other service areas because of Covid. Due to the extra workload adult social services are having to deal with and the huge amount of pressure they are facing on a daily basis, Could the portfolio holder please tell me how many staff have been seconded to support adult social services, how many staff from this service area are on furlough and what steps are the council taking to ensure the welfare of the staff in this service area.

Response

Redeployment

Since March 2020, 54 members of staff have been deployed into Adult Services & Commissioning from other service areas. One deployee from other area service was successful in application for permanent role in which they were initially deployed to. Redeployed staff have played a crucial role in assisting Adult Services in delivering its business critical services during business continuity, which the service has remained in since March 2020.

The numbers of people redeployed to Adult Services has changed during the pandemic period, especially, when other areas of the Council came out of business continuity to step back up service delivery.

As of 9th September 2021, 5 staff are deployed into Adult Services & Commissioning from other service areas (1 of these is now due to start in a permanent role imminently). We have another member of staff awaiting to be redeployed also.

There are also two employees who are undertaking formal secondments in Adult Services from other service areas, who were previously redeployed from other service areas.

It should be noted that Adult Services has also internally deployed some of its staff to ensure that we can maintain our mission critical activities. As of 25th August 2021, 35 of our staff whose substantive roles are in day support services, were redeployed to outreach and domiciliary care roles.

Again, as of 25th August 2021, 3 additional staff from day support services are currently supporting continuity of care in our care homes.


During the pandemic, we have had cause to support our commissioned care homes when they have faced acute staffing issues, by providing emergency staffing resource. Such a response is only made possible through the willingness of our staff to support, many of whom have not worked in a care home previously. We remain forever grateful to these staff for their willingness and ability to step up at very short notice to support our providers. We currently have 13 staff in Adult Services who have committed to supporting care homes at short notice (in the past, this has been with less than 24 hours notice).

Furlough

With regards to furlough, we currently have 14 staff on full furlough and 47 staff on flexible furlough. Furlough arrangements are in place until 30th September 2021.

Steps taken to ensure staff welfare

Our staff are our greatest asset and their resilience and resolve have been tested to the limits during the pandemic. We are in awe of their continued efforts to support the wellbeing and safety of our residents and want to do all we can to make it as easy as possible to undertake some of the most challenging of work.

We have a range of wellbeing measures in place to support our staff. This includes our  [wellbeing protocol](#) that emphasises the importance of protected time for work catch-ups, lunch, keeping work within work hours and links to health and wellbeing support.

All our employees have access to [Care First](#); a great and confidential employee well-being resource that provides impartial advice and support 24 hours a day, 365 days a year through a free-phone number - 0800 174319.

We have also introduced a range of wellbeing activities such as Yoga, Singing and short exercise classes that staff can access as and when they want, which have both physical and mental health benefits.

In Adult Services, we know that our staff are likely to feel more positive about their jobs if they feel listened, communicated with, and have a genuine part to play in co-designing our services. In Adult Services, we have maintained our commitment to holding regular employee-rep groups and the Head of Service has facilitated virtual tea-breaks and virtual management check-ins with staff throughout the pandemic. Earlier in the year, we, alongside Children's Services held a number of Dragon's Den events where our staff were invited to bid for funding for new projects and ways of working. We were able to fund a number of exciting initiatives such as training for falls interventions, additional visual

impairment support and multi-generational partnerships between schools and care homes.

13.5. Question to the Leader from County Councillor William Powell

The Mid Wales Growth Deal has the potential to be an enormous driver for the Mid Wales economy in the challenging years ahead and the efforts made by Members and Officers, working with UK and Welsh Government actors, need to be recognized.

However, the Welsh experience of other Growth Deal initiatives in recent years, notably in the Swansea Bay Region, has demonstrated the vital importance of scrutiny in testing the soundness and viability of particular strategies.

With this in mind, what consideration has the Leader given to promoting joint scrutiny by Members, drawn from Ceredigion and Powys County Councils, so as to provide reassurance and transparency, and thus gain greater buy-in, from the wider public?

Response

Thank you for your question regarding scrutiny of the Mid Wales Growth Deal.

I can confirm that arrangements have been put in place for a joint scrutiny committee comprising of 7 Members from each Council. Members from each authority have been nominated by Group Leaders on a politically balanced basis and the Council's former Co-Ordinating Committee agreed that our membership of the Joint Scrutiny Committee should be made up of 3 from the Economy, Residents and Communities Scrutiny Committee, 1 from Learning & Skills Scrutiny Committee, 1 from the Health and Care Scrutiny Committee, 1 from the Finance Panel with the 7th Member not on any Scrutiny Committee. Arrangements are in hand for meetings of the Joint Scrutiny Committee on 11th and 22nd October 2021 and 29th November 2021.

In response to Councillor Powell's supplementary question about how business interests would be represented, the Leader advised that a new group would be established to replace the Economic Strategy Group and that she hoped that some members from the ESG would be part of the new group.

13.6. Question to the Portfolio Holder for Environment from County Councillor Pete Roberts

Progress of the Covid Recovery fund Pothole repair scheme

As we are now almost half way through the financial year and hence the duration of the covid recover fund cycle. Could the portfolio holder provide a breakdown by council ward of the cost and scope of pothole repair schemes that have been undertaken to date as a result of this investment and provide a similar breakdown of the works that are scheduled to be undertaken throughout the rest of the year?

Response

Thank you for your question in relation to the Covid recovery fund for highway works. I can confirm the highway spend across the County is as follows:

North - £140,000

Mid - £80,000

South – £80,000

In response to Councillor Roberts' supplementary question, the Portfolio Holder advised that it was not possible to provide a breakdown by Council ward as the work was carried by the three depots based on priority and not by ward.

County Councillor R G Thomas (Chair)

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**COFNODION CYFARFOD O'R CYNGOR SIR A GYNHALIWDY TRWY TEAMS AR
DDYDD IAU, 23 MEDI 2021**

YN BRESENNOL

Y Cynghorydd Sir R G Thomas (Cadeirydd)

Y Cynghorwyr Sir MC Alexander, M Barnes, B Baynham, J Berriman, G Breeze, J Charlton, L V Corfield, K W Curry, A W Davies, B Davies, D E Davies, P Davies, S C Davies, M J Dorrance, E Durrant, D O Evans, L George, J Gibson-Watt, M R Harris, H Hulme, A Jenner, D R Jones, E Jones, G Jones, J R Jones, E M Jones, M J Jones, D Jones-Poston, K Laurie-Parry, H Lewis, K Lewis, P E Lewis, MC Mackenzie, I McIntosh, S McNicholas, DW Meredith, C Mills, G Morgan, JG Morris, R Powell, WD Powell, D R Price, P C Pritchard, G Pugh, G W Ratcliffe, L Rijnenberg, L Roberts, P Roberts, K M Roberts-Jones, E Roderick, D Rowlands, K S Silk, D Selby, L Skilton, D A Thomas, T J Van-Rees, E Vaughan, M Weale, J Wilkinson, A Williams, G I S Williams, D H Williams, J Williams, J M Williams, R Williams a S L Williams

1. YMDDIHEURIADAU

Derbyniwyd ymddiheuriadau am absenoldeb gan y Cynghorwyr Sir James Evans, Stephen Hayes, Arwel Jones, Francesca Jump, a Jeremy Pugh.

2. COFNODION

Awdurdodwyd y Cadeirydd i lofnodi cofnodion y cyfarfod diwethaf a gynhaliwyd ar 15fed Gorffennaf 2021, fel cofnod cywir.

3. DATGANIADAU O DDIDDORDEB

Cofnododd y Cynghorydd Sir Peter Lewis ddiddordeb personol a rhagfarnus yn eitem 10 Lwfans Cadeirydd y Pwyllgor Pensiynau a Buddsoddiadau.

4. CYHOEDDIADAU'R CADEIRYDD

Nododd y Cadeirydd y byddai manylion ei ymrwymadau yn cael eu dosbarthu trwy ebost.

Oedodd y Cyngor i gofio Garry Banks, cyn cynghorydd Llanandras a chyn-gadeirydd y Cyngor ac aelod o'r cabinet a fu farw'n ddiweddar.

5. CYHOEDDIADAU'R ARWEINYDD

Nododd yr Arweinydd y nifer uchel o achosion Covid yn y sir, a'r pwysau sylweddol oedd yn effeithio ar faes gofal cymdeithasol. Nododd fod y Cyngor yn gweithio gyda'r Swyddfa Gartref a ChLILC i dderbyn teuluoedd o Afghanistan ac roedd yn cael hyd i lety iddynt. Nododd yr Arweinydd hefyd fod Bwrdd Tyfu Canolbarth Cymru wedi cytuno'r Achos Busnes Portffolio fyddai'n cael ei

gyflwyno i lywodraeth y DU a Llywodraeth Cymru. Diolchodd l'r staff fu'n gweithio ar y cynnig ar gyfer statws Dinas Diwylliant y DU. Disgwylir penderfyniad ym mis Hydref fyddai'n cadarnhau a oedd y cais wedi cyrraedd y rhestr fer ai peidio. Nododd yr Arweinydd fod gwaith yn parhau ar y Ganolfan Ragoriaeth Fyd-eang ar gyfer Rheilffyrdd ac y disgwylir penderfyniad tua diwedd 2021.

6. | **NEGES BRIFFIO'R PRIF WEITHREDWR**

Nododd y Prif Weithredwr fod nifer yr achosion Covid ar y lefel uchaf erioed ers dechrau'r pandemig. Roedd hanner yr achosion diweddar yn y grwpiau oedran 0 – 10 ac 11 – 19 ac roedd hyn yn effeithio ar ysgolion; roedd Ysgol GG Cradoc wedi gorfod cau ac wedi dychwelyd at ddysgu ar-lein. Ar 23 Awst, roedd y Cyngor wedi dychwelyd at statws parhad busnes oherwydd effaith gronnsus 18 mis y pandemig a'r effaith ar wasanaethau, yn benodol Gofal Cymdeithasol, a Phrofi, Orlhain a Diogelu. Roedd staff wedi cael eu hadleoli er mwyn cefnogi'r gwasanaethau hyn, ac roedd mwy o staff yn cael eu recriwtio.

Nododd y Prif Weithredwr fod offer newydd wedi cael ei brynu i alluogi cynnal cyfarfodydd hybrid yn y Siambr, ond bod cymaint o alw ar gyfer yr offer, ni fyddai'n cael ei osod tan y flwyddyn newydd. Byddai Swyddogion yn gwneud bob ymdrech i hwyluso cyfarfodydd wyneb yn wyneb ar gyfer Aelodau. Cyhoeddodd fod y broses o gynllunio'r gyllideb wedi cychwyn, a nododd y byddai'r rownd cyllidebu nesaf yn debygol o fod yn un heriol iawn. Yn olaf, llongyfarchodd Lynette Lovell yn sgil cael ei phenodi fel y Cyfarwyddwr Addysg.

Hysbyswyd y cyfarfod gan y Cynghorydd Sir Amanda Jenner, Cadeirydd y Pwyllgor Craffu ar Iechyd a Gofal, nad oedd y pwyllgor yn cwrdd am y tro er mwyn lleihau'r pwysau ar swyddogion, ond y byddai'r pwyllgor yn parhau i wneud yr hyn y gallai i gefnogi gofal cymdeithasol heb yr angen ar gyfer cyfarfodydd ffurfiol.

7. | **CYFANSODDIAD**

Bu'r Cyngor yn ystyried argymhellion y Pwyllgor Gwasanaethau Democrataidd ar ddiwygiadau i'r Cyfansoddiad.

Adran 4 – Y Cyngor Llawn

Roedd penderfyniad unfrydol y Cyngor fel a ganlyn:

PENDERFYNWYD	Rheswm dros y Penderfyniad:
1. Cymeradwyo'r diwygiad i Reol 4.18.28 y Cyfansoddiad (Y Cyngor Llawn) fel yr amlinellir yn Adran 4 drafft sydd ynghlwm wrth yr adroddiad.	Adolygu a diwygio'r Cyfansoddiad i sicrhau ei fod yn gweddu i ofynion cyfredol y Cyngor.
2. Awdurdodir y Swyddog Monitro i wneud unrhyw newidiadau eraill i'r Cyfansoddiad fel bo angen er mwyn	

adlewyrchu'r newid a amlinellir yn Argymhelliad 1 uchod.	
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Adran 11 – Swyddogion.

Gyda 55 pleidlais o blaid, 5 yn erbyn, a 3 yn atal pleidlais:

PENDERFYNWYD	Rheswm dros y Penderfyniad:
<p>3. Cymeradwyo'r diwygiadau i Adran 11 y Cyfansoddiad (Swyddogion) fel yr amlinellir yn Adran 11 drafft sydd ynghlwm wrth yr adroddiad.</p> <p>4. Awdurdodir y Swyddog Monitro i wneud unrhyw newidiadau eraill i'r Cyfansoddiad fel bo angen er mwyn adlewyrchu'r newid a amlinellir yn Argymhelliad 3 uchod.</p>	<p>Adolygu a diwygio'r Cyfansoddiad i sicrhau ei fod yn gweddu i ofynion cyfredol y Cyngor.</p>

Y Pwyllgor Llywodraethu ac Archwilio – Adran 9 (Pwyllgorau Rheoleiddiol)

Roedd penderfyniad unfrydol y Cyngor fel a ganlyn:

PENDERFYNWYD	Rheswm dros y Penderfyniad:
<p>5. Mae'r Cyngor yn cymeradwyo diwygio aelodaeth y Pwyllgor Llywodraethu ac Archwilio i 6 Chynghorydd a 3 Aelod Annibynnol o fis Mai 2022.</p> <p>6. Awdurdodir y Swyddog Monitro i wneud unrhyw newidiadau eraill i'r Cyfansoddiad fel bo angen er mwyn adlewyrchu'r newid a amlinellir yn Argymhelliad 5 uchod.</p> <p>7. Bod yr Aelodau Lleyg yn eu lle mor agos ag sy'n bosib at ddechrau 2022 (Ionawr) er mwyn sicrhau parhad, ac i ddarparu cyfnod hyfforddi a phontio i'r Pwyllgor newydd allu gweithredu mewn ffordd effeithlon o fis Mai 2022.</p>	<p>Diwallu gofynion Deddf Llywodraeth Leol ac Etholiadau (Cymru) 2021, sef bod yn rhaid i draean aelodaeth y Pwyllgor Llywodraethu ac Archwilio fod yn aelodau lleyg o fis Mai 2022.</p>

Y Panel Cyllid ac Adran 7 (Rheolau Gweithdrefnau Craffu)

Gyda 57 pleidlais o blaid, 4 yn erbyn a 2 yn atal pleidlais:

PENDERFYNWYD	Rheswm dros y Penderfyniad:
<p>8. Cefnogi'r diwygiadau i weithredu a chyfansoddiad y Panel Cyllid mewn dau gam fel yr amlinellir ym Mharagraffau 2.4.5 a 2.4.6 uchod.</p>	<p>Adolygu a diwygio'r Cyfansoddiad i sicrhau ei fod yn gweddu i ofynion cyfredol y Cyngor.</p>

<p>9. Cymeradwyo a gweithredu ar unwaith Cylch Gorchwyl diwygiedig y Panel Cyllid fel yr amlinellir yn Rheolau 7.37 a 7.38.</p> <p>10. Awdurdodir y Swyddog Monitro i wneud unrhyw newidiadau eraill i'r Cyfansoddiad fel bo angen er mwyn adlewyrchu'r newid a amlinellir yn Argymhellion 8 & 9 uchod.</p>	
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8. PENODI AELODAU ANNIBYNNOL (LLEYG) AR Y PWYLLGOR SAFONAU

Bu'r Cyngor yn ystyried argymhelliad y Panel Penodiadau mewn perthynas â phenodi aelod annibynnol (lleyg) i'r Pwyllgor Safonau. Cynigiodd y Cynghorydd Sir Tim Van-Rees ac eiliodd y Cynghorydd Sir Gareth Morgan a gyda 56 pleidlais o blaid, 8 yn erbyn ac 1 yn atal pleidlais:

PENDERFYNWYD	Rheswm dros y Penderfyniad:
<p>1. Nodi cynnwys yr adroddiad ac argymhelliad y Panel, a phenodi Mr Nigel Steward fel yr Aelod Annibynnol (Lleyg) am gyfnod o 6 mlynedd o 23 Medi 2021, a phenodi Mr Russell Stafford-Tolley fel Aelod Annibynnol (Lleyg) am gyfnod o 6 mlynedd o 3 Mawrth 2022.</p>	<p>Cydymffurfio â gofynion o ran aelodau Annibynnol (Lleyg) y Pwyllgor Safonau yn unol â Rheoliadau Pwyllgorau Safonau (Cymru) 2001 (fel y'u diwygiwyd).</p>

Estyniad i Gyfnod Swydd yr Aelod Annibynnol (Lleyg) ar y Pwyllgor Safonau

Argymhellwyd hefyd y dylid ail-benodi Mr Stephan Hays am gyfnod arall o bedair blynedd, adeg y daw ei gyfnod presennol yn y swydd i ben ar 25 Ionawr. Cynigiodd y Cynghorydd Sir Tim Van-Rees ac eiliodd y Cynghorydd Sir Kath Roberts-Jones a thrwy benderfyniad unfrydol:

PENDERFYNWYD	Rheswm dros y Penderfyniad:
<p>Y byddai'r Cyngor yn ail-benodi Mr Stephan Hays fel Aelod Annibynnol (Lleyg) o'r Pwyllgor Safonau am gyfnod o bedair blynedd, o 26 Ionawr 2022, fydd yn dod i ben ar 25 Ionawr 2026.</p>	<p>Llenwi'r lle gwag ar y Pwyllgor Safonau ar gyfer Aelod Annibynnol.</p>

9. CYNGOR CYMUNED LLANDDEW – DIFFYG CWORWM

Bu'r Cyngor yn ystyried argymhelliad oedd yn cynnig penodi cyngorwyr cymuned dros dro i weithredu nes etholir digon o gynghorwyr i lenwi'r swyddi i sicrhau fod gan Gyngor Cymuned Llanddew gworwm eto. Roedd y Cynghorwyr Sir y wardiau etholwyr cyfagos, sef Felinfach, Sant Ioan a'r Santes Fair wedi

cytuno gweithredu fel aelodau dros dro. Ni dderbyniodd y Cadeirydd cynnig i ychwanegu pedwerydd aelod o ward Ysgir.

Cynigiodd y Cyngorydd Sir RH Williams ac eiliodd y Cyngorydd Sir S McNicholas a gyda 52 pleidlais o blaid, 8 yn erbyn a 3 yn atal pleidlais:

PENDERFYNWYD	Rheswm dros y Penderfyniad:
Gweithredu Gorchymyn Cyngor Cymuned Llanddew (Dileu Anhawster) 2021 fel yr amlinellir yn Atodiad A yr adroddiad.	Sicrhau cyfansoddiad priodol ar gyfer Cyngor Cymuned Llanddew i alluogi'r Cyngor Cymuned dan sylw i weithredu.

10.	LWFANSAU CADEIRYDD Y PWYLLGOR PENSIYNAU A BUDDSODDIADAU
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Roedd y Cyngorydd Sir P Lewis wedi datgan diddordeb yn yr eitem hon, a gadawodd y cyfarfod tra bo'r eitem yn cael ei hystyried.

Bu'r Cyngor yn ystyried cais y Pwyllgor Pensiynau a Buddsoddiadau i wneud taliad sy'n cyfateb i Lwfans Uwch Gyfrifoldeb i Gadeirydd y Pwyllgor fyddai'n cael ei ailgodi gan y Gronfa Pensiwn, i adlewyrchu cyfrifoldebau cadeirydd y Pwyllgor hwnnw a'r gofynion cynyddol sy'n gysylltiedig â'r rôl.

Cynigiodd y Cyngorydd Sir Gareth Ratcliffe welliant, a eiliwyd gan y Cyngorydd Sir RH Williams i atgyfeirio'r argymhelliad i'r Pwyllgor Gwasanaethau Democrataidd. Collwyd y gwelliant gyda 26 o blaid a 37 yn erbyn.

Cynigiwyd argymhelliad yr adroddiad gan y Cyngorydd Sir T Van-Rees a eiliwyd gan H Williams, a gyda 42 pleidlais o blaid, ac 19 yn erbyn

PENDERFYNWYD derbyn argymhellion y Pwyllgor Pensiynau a Buddsoddiadau a chytuno y dylid talu lwfans uwch gyfrifoldeb i gadeirydd y Pwyllgor Pensiynau a Buddsoddiadau gyda'r gost ychwanegol yn cael ei ailgodi i'r Gronfa Pensiwn, i adlewyrchu cyfrifoldebau Cadeirydd y Pwyllgor Pensiynau a Buddsoddiadau a'r gofynion cynyddol sy'n gysylltiedig â'r rôl.

Torrodd y Cyngor am 13.23 a dychwelodd am 14.00.

YN BRESENNOL

Y Cyngorydd Sir R G Thomas (Cadeirydd)

Y Cyngorwyr Sir MC Alexander, M Barnes, B Baynham, J Berriman, G Breeze, J Charlton, L V Corfield, K W Curry, A W Davies, B Davies, D E Davies, P Davies, S C Davies, M J Dorrance, E Durrant, D O Evans, L George, J Gibson-Watt, M R Harris, H Hulme, A Jenner, D R Jones, E Jones, G Jones, J R Jones, E M Jones, M J Jones, D Jones-Poston, K Laurie-Parry, H Lewis, K Lewis, P E Lewis, MC Mackenzie, I McIntosh, S McNicholas, DW Meredith, C Mills, G Morgan,

JG Morris, R Powell, WD Powell, D R Price, P C Pritchard, G Pugh, G W Ratcliffe, L Rijnenberg, L Roberts, P Roberts, K M Roberts-Jones, E Roderick, D Rowlands, K S Silk, D Selby, L Skilton, D A Thomas, T J Van-Rees, E Vaughan, M Weale, J Wilkinson, A Williams, G I S Williams, D H Williams, J Williams, J M Williams, R Williams a S L Williams

11. YMDDIRIEDOLAETH GIG GWASANAETHAU AMBIWLANS CYMRU

Ymunodd Jason Killens, Prif Weithredwr Ymddiriedolaeth Gwasanaethau Ambiwllans Cymru, Benjamin Collins, Rheolwr Gweithrediadau Ambiwllans Powys ac Estelle Hitchon, Cyfarwyddwr Partneriaethau ac Ymgysylltiad â'r cyfarfod i roi diweddariad ar y pwysau sy'n wynebu'r gwasanaeth ac ar y camau gweithredu sy'n cael eu cymryd i ymateb i'r rhain.

Rhoddodd Mr Collins ddiweddariad i aelodau ar y sefyllfa ym Mhowys o ran adrodd cynnydd yn nifer y galwadau i'r gwasanaeth bob mis dros y 24 mis diwethaf, gyda bron dwy ran o dair ohonynt yn alwadau categori coch neu ambr. Nododd, yn dilyn adolygiadau recriwtio a rhestr ddyletswyddau lleol, roedd y gwasanaeth yn canolbwyntio ar y prif adegau pan fyddai disgwyl y nifer uchaf o alwadau. Cadarnhaodd na fyddai unrhyw orsafoedd ambiwlans yn cau. Cadarnhawyd hefyd bod rhai anawsterau lleol yn bodoli o ran recriwtio a chadw staff, a bod y gwasanaeth yn ystyried targedu ymgyrch recriwtio lleol. Nododd fod ymatebwyr cyntaf y gwasanaeth tân wedi cael eu cyflwyno eto i helpu sicrhau mwy o wydnwch, a bod Bwrdd Iechyd Addysgu Powys wrthi'n datblygu model gofal iechyd gwledig. Roedd y gwasanaeth hefyd yn awyddus i gael gweithwyr cymdeithasol mewn ystafelloedd rheoli ambiwlansys i helpu rheoli galwadau, ac roeddynt yn croesawu'r gwahoddiad i ymuno â'r Bwrdd Partneriaeth Ranbarthol lle gellir ystyried yr opsiynau hyn.

12. RHYBUDDION O GYNNIG

12.1. Cynigion i'w cyflwyno yn y dyfodol i'r Cyngor

Bu'r Cyngor yn trafod y cynnig canlynol, a gyflwynwyd gan y Cynghorydd Sir Iain McIntosh ac a eiliwyd gan y Cynghorydd Sir Lucy Roberts:

“Mae'r cyngor hwn yn penderfynu:

Y dylid cyflwyno unrhyw rybuddion o gynnig, neu unrhyw welliant i gynnig, sy'n dod gerbron y cyngor hwn i'w hystyried, ar y cyd â dadansoddiad o gostau goblygiadau o safbwynt adnoddau ac ariannol fyddai'n deillio o'r cynnig neu'r gwelliant i gynnig os caiff ei gymeradwyo, ar y cyngor hwn.”

Dadl y cynigydd a'r eilydd oedd, wrth ddod â chynnig gerbron y cyngor, dylai'r cyngor fod yn ymwybodol o'r goblygiadau o ran costau. Roedd nifer o aelodau'n dadlau y byddai'r cynnig yn mygu dadleuon. Cyngor y Pennaeth Cyllid, pe byddai'r cynnig yn cael ei gymeradwyo, oedd y byddai hi a'i swyddogion yn hyderus ynghylch gweithio gydag aelodau ar unrhyw rybuddion o gynnig ar gostau, ond y byddai angen eu cynnwys yn gynnar yn y broses.

Cynigiwyd gwelliant gan y Cynghorydd Sir Jake Berriman a eiliwyd gan y Cynghorydd Sir David Selby yn gofyn i'r Cyngor diddymu:

“Y dylid cyflwyno unrhyw rybuddion o gynnig, neu unrhyw welliant i gynnig, sy'n dod gerbron y cyngor hwn i'w hystyried, ar y cyd â dadansoddiad o gostau goblygiadau o safbwynt adnoddau ac ariannol fyddai'n deillio o'r cynnig neu'r gwelliant i gynnig os caiff ei gymeradwyo, ar y cyngor hwn”.

i'w ddisodli gyda'r canlynol: mae'r Cyngor yn penderfynu:

“Gofyn i Ddeiliad y Portffolio ar gyfer Llywodraethu Corfforaethol gyflwyno cynigion gyda chostau i ddarparu'r cymorth angenrheidiol i Aelodau i hwyluso darparu costau priodol ar gyfer Cynigion arfaethedig y mae Aelodau'n dymuno eu rhoi gerbron y Cyngor Llawn i'w hystyried”.

Cynhaliwyd pleidlais ar y gwelliant, a gollwyd gyda 25 o blaid, 32 yn erbyn ac 1 yn atal pleidlais. Cynhaliwyd pleidlais ar y cynnig, a gyda 31 o blaid, 24 yn erbyn a 2 yn atal pleidlais:

PENDERFYNWYD bod yn rhaid i unrhyw rybudd o gynnig, neu unrhyw welliant i gynnig, a gyflwynir i'r cyngor hwn i'w ystyried, gynnwys dadansoddiad o ran goblygiadau'r costau adnoddau ac ariannol sy'n gysylltiedig â'r cynnig dan sylw neu'r gwelliant i gynnig, os caiff ei gymeradwyo, ar y cyngor hwn.

Gadawodd y Cyngorwyr Sir A Jenner a J Williams y cyfarfod am 15.48.

12.2. Cyhoeddi Argyfwng Ecolegol a Chefnogi'r Bil Brys ar yr Hinsawdd ac Ecoleg

Bu'r Cyngor yn trafod y cynnig canlynol a gynigwyd gan y Cynghorydd Sir Jake Berriman ac a eiliwyd gan y Cynghorydd Sir Jackie Charlton:

“Mae'r Cyngor hwn yn penderfynu:

1. Cyhoeddi argyfwng ecolegol er mwyn dangos ymrwymiad y Cyngor i ddiogelu amgylchedd naturiol, bioamrywiaeth a bywyd gwyllt Powys;
2. Datgan ei gefnogaeth ar gyfer y Bil Brys ar yr Hinsawdd ac Ecoleg (CEE);
3. Hysbysu'r cyfryngau lleol am y penderfyniad hwn, gan gynnwys rhannu gwybodaeth ar gyfryngau cymdeithasol;
4. Ysgrifennu at ein Haelodau Seneddol lleol yn gofyn iddyn nhw gefnogi'r Bil CEE pan gaiff ei drafod yn y Senedd; ac
5. Ysgrifennu at Gynghrair Bil CEE, trefnwyr yr ymgyrch dros y Bil i ddatgan ein cefnogaeth (campaign@ceebill.uk).”

Roedd y cynigydd a'r eilydd yn annog y Cyngor i gyhoeddi ei gefnogaeth ar gyfer y Bil Brys ar yr Hinsawdd ac Ecoleg i fynd i'r afael â'r dirywiad mewn natur. Roedd nifer o aelodau wedi mynegi pryderon ynghylch effaith y Bil ar ffermio ac economi ehangach y sir.

Cynhaliwyd pleidlais ar y cynnig, ond fe'i gollwyd gyda 24 o blaid a 31 yn erbyn.

12.3. Cefnogi Trwydded Tân Gwyllt Syml

Bu'r Cyngor yn trafod cynnig a gynigiwyd gan y Cynghorydd Sir J Charlton ac a gefnogwyd gan y Cynghorydd Sir J Berriman:

"Mae'r Cyngor hwn yn penderfynu:

1. Hyrwyddo ymgyrch ymwybyddiaeth ymhlith y cyhoedd am effaith tân gwyllt ar les anifeiliaid a phobl fregus - gan gynnwys y camau diogelu y gellir eu cymryd i liniaru risg o ran canlyniadau anfwriadol tân gwyllt cyfreithiol.
2. Cefnogi'r RSPCA yn y gwaith sy'n cael ei wneud i newid deddfwriaeth mewn perthynas ag arddangosfeydd tân gwyllt i alluogi a sicrhau y caiff unrhyw arddangosfa gyhoeddus o dân gwyllt ei hysbysebu ymlaen llaw, gyda gwybodaeth briodol mewn perthynas â maint yr arddangosfa, sy'n caniatáu i breswylwyr gymryd camau priodol ar gyfer pobl ac anifeiliaid anwes.
3. Annog cwmnïau sy'n cyflenwi tân gwyllt lleol, trwy godi ymwybyddiaeth, i wahanu tân gwyllt 'tawelach' oddi wrth y rhai swnllyd er mwyn i bobl gael dewis pa arddangosfa sy'n well ganddynt wrth ystyried diogelwch anifeiliaid a phobl."

Nododd y Cynghorydd Charlton taw diben y cynnig oedd cefnogi gwaith sefydliadau eraill sy'n ymgyrchu trwy godi ymwybyddiaeth. Roedd hi wedi trafod hyn gyda swyddogion oedd yn cytuno na fyddai'n arwain at gostau ychwanegol. Cadarnhaodd nad oedd yn cynnig system trwyddedu. Nododd yr Arweinydd a Deiliad y Portffolio ar gyfer Llywodraethu Corfforaethol a Gwasanaethau Rheoleiddiol bod y Safonau Masnach ac adran Iechyd yr Amgylchedd eisoes yn weithgar yn y maes yma.

Cynhaliwyd pleidlais ar y cynnig, a gollwyd gyda 22 o blaid a 31 yn erbyn, gydag 1 yn atal pleidlais.

12.4. Credyd Cynhwysol: Canslo'r Toriad

Bu'r Cyngor yn trafod y cynnig canlynol a gynigiwyd gan y Cynghorydd Sir Liz Rijnenberg ac a eiliwyd gan y Cynghorydd Sir Matthew Dorrance:

"Mae'r cyngor hwn yn penderfynu:

1. Ysgrifennu at y Canghellor, Yr Ysgrifennydd Gwaith a Phensiynau a'r Prif Weinidog i wrthwynebu'r toriad arfaethedig i Gredyd Cynhwysol;
2. Galw ar Fay Jones AS a Craig Williams AS i sefyll dros deuluoedd ym Mhowys a gwrthwynebu'r toriad i Gredyd Cynhwysol; a
3. Gweithio mewn partneriaeth gydag asiantaethau cyngor i gefnogi trigolion sy'n cael eu heffeithio gan y toriad i Gredyd Cynhwysol."

Dadl y cynigydd a'r eilydd oedd nad dyma'r amser iawn i dynnu nôl y cynnydd mewn Credyd Cynhwysol, gan nodi y byddai mwy nag wyth mil o deuluoedd Powys yn colli £1,000 y flwyddyn ac y byddai economi Powys yn colli £8 miliwn ac y byddai'n arwain at fwy o bwysau ar y gwasanaethau cymdeithasol.

Cynigiwyd gwelliant gan y Cynghorydd Sir Aled Davies a eiliwyd gan y Cynghorydd Sir Iain McIntosh i ddileu'r tri argymhelliad yn y cynnig a'u disodli gyda: "Mae'r cyngor hwn yn penderfynu gweithio mewn partneriaeth gydag asiantaethau partner i gefnogi trigolion sy'n cael eu heffeithio yn sgil dileu'r cynnydd dros dro mewn Credyd Cynhwysol."

Dadl cynigydd y gwelliant oedd y byddai'n canolbwyntio ar yr hyn y gall y Cyngor ei wneud.

Cynhaliwyd pleidlais ar y gwelliant, a gyda 26 pleidlais o blaid, a 23 yn erbyn, gyda 3 yn atal pleidlais, enillodd y gwelliant. Wedyn rhoddwyd y cynnig terfynol gerbron y cyfarfod, a gyda 35 pleidlais o blaid, 11 yn erbyn, ac 8 yn atal pleidlais:

PENDERFYNWYD gweithio mewn partneriaeth gydag asiantaethau cyngor i gefnogi trigolion sy'n cael eu heffeithio yn sgil dileu'r cynnydd dros dro mewn Credyd Cynhwysol.

Gadawodd y Cynghorydd Sir MJ Jones y cyfarfod am 17.08. Gadawodd y Cynghorydd Sir G Breeze y cyfarfod am 17.10.

12.5. Ehangu argaeledd ac ymwybyddiaeth am Ddiffibrilwyr ym Mhowys

Bu'r Cyngor yn trafod y cynnig canlynol a gynigiwyd gan y Cynghorydd Sir P Roberts ac a eiliwyd gan y Cynghorydd Sir G Ratcliffe

"Mae'r Cyngor yn gofyn i'r Cabinet ystyried y canlynol :

- Llunio rhestr, ac yn sgil hynny, cyhoeddi a diweddarau manylion yr holl ddiffibrilwyr sy'n cael eu cynnal a'u cadw ar eiddo'r cyngor gyda gwybodaeth o ran sut i gael mynediad atynt.
- Cynnal adolygiad o, a lle bo'n briodol, cynyddu hygyrchedd y cyhoedd at ddiffibrilwyr mewn adeiladau sy'n eiddo i'r cyngor gan gynnwys parciau cyhoeddus, canolfannau cymunedol, ysgolion, cyfleusterau hamdden, a lleoliadau uchel eu defnydd.
- Cadeirydd y Cyngor i anfon llythyr ar ran y Cyngor at Ysgrifenyddion Iechyd ac Addysg y Senedd i'w hannog i gefnogi symudiadau i ymestyn argaeledd Cyfarpar Diffibrilio Allanol Awtomatig [AED] a hyrwyddo eu defnyddio yn enwedig trwy hyfforddiant o fewn y gyfundrefn addysg."

Dadl y cynigydd a'r eilydd oedd y gall y mesur yma wneud gwahaniaeth sylweddol. Cynhaliwyd pleidlais ar y cynnig, a gyda 29 o blaid, ac 20 yn erbyn

PENDERFYNWYD gofyn i'r Cabinet ystyried y canlynol:

- **Llunio rhestr, ac yn sgil hynny, cyhoeddi a diweddarau manylion yr holl ddiffibrilwyr sy'n cael eu cynnal a'u cadw ar**

eiddo'r cyngor gyda gwybodaeth o ran sut i gael mynediad atynt.

- Cynnal adolygiad o, a lle bo'n briodol, cynyddu hygyrchedd i'r cyhoedd at ddiffibrilwyr mewn adeiladau sy'n eiddo i'r cyngor gan gynnwys parciau cyhoeddus, canolfannau cymunedol, ysgolion, cyfleusterau hamdden, a lleoliadau uchel eu defnydd.
- Cadeirydd y Cyngor i anfon llythyr ar ran y Cyngor at Ysgrifenyddion Iechyd ac Addysg y Senedd i'w hannog i gefnogi symudiadau i ymestyn argaeledd Cyfarpar Diffibrilio Allanol Awtomatig [AED] a hyrwyddo eu defnyddio yn enwedig trwy hyfforddiant o fewn y gyfundrefn addysg."

Gadawodd y Cyngorydd Sir C Mills y cyfarfod am 17.24.

13. CWESTIYNAU'N UNOL A'R CYFANSODDIAD

13.1. Cwestiwn i Ddeiliad y Portffolio ar gyfer Gofal Cymdeithasol i Oedolion, Deiliad y Portffolio ar gyfer Tai, Cynllunio ac Adfywio Economaidd a Deiliad y Portffolio ar gyfer Addysg ac Eiddo gan y Cyngorydd Sir Timothy Van-Rees

Ar ôl elwa o gymorth cyfieithwyr ac unigolion lleol eraill yn ystod fy nghyfnod yn gwasanaethu tramor, buaswn yn llongyfarch y Cabinet ar eu penderfyniad i gynnig llety i chwe theulu o ffoaduriaid o Afghanistan.

Wrth ystyried cyflwr y wlad anhapus honno, mae'n debyg y bydd gofyn am lety ar gyfer nifer sylweddol uwch o ffoaduriaid, ac yn wir, darpariaeth i addysgu eu plant. Pa gynlluniau wrth gefn sydd gan y Cabinet yn achos cais gan Lywodraeth ei Mawrhydi / Llywodraeth Cymru ar gyfer cymorth ychwanegol?

Ymateb

Mae Cyngor Sir Powys wedi addo rhoi cartrefi i chwe theulu fel rhan o'r Rhaglen genedlaethol i Adleoli a Chynorthwyo ffoaduriaid o Afghanistan (ARAP). Yn sgil trafodaethau gyda chymdeithasau tai, mae'r cyngor wedi llwyddo i gynyddu'r cynnig blaenorol a wnaethpwyd.

Mae amrywiaeth a chymhlethdod anghenion y teuluoedd Afghan, ar y cyd â natur wledig Powys, yn golygu nifer o heriau o safbwynt y Cyngor o ran tyfu'r ddarpariaeth. Mae angen inni sicrhau y caiff yr anghenion tai a chymorth eu diwallu'n llawn er mwyn i'r teuluoedd hyn setlo'n gyflym a ffynnu yn eu cymunedau newydd wrth symud i Bowys. Er mwyn bodloni'r heriau hyn, bellach mae gwasanaethau'n gallu defnyddio profiad y Prosiect llwyddiannus i Adleoli Unigolion Bregus o Syria, lle mae'r cyngor yn gweithio mewn partneriaeth i sicrhau fod cymorth cofleidiol hygyrch ar gael pan fo angen.

Mae teuluoedd wedi'u dadleoli'n ddiweddar o Afghanistan yn rhan o angen ehangach a chynyddol o ran ffoaduriaid a cheiswyr lloches sy'n chwilio am lety. I'r perwyl hwn, mae Cyngor Sir Powys hefyd yn gweithio mewn partneriaeth gyda Chyngor Ffoaduriaid Cymru a Clearsprings, y sefydliad a benodwyd i gael hyd i gartrefi ar gyfer ceiswyr lloches a llety addas diogel o fewn y sector rhentu preifat.

Mae gweithdrefnau derbyn disgyblion i ysgolion wedi eu paratoi i dderbyn disgyblion teuluoedd ffoaduriaid trwy broses derbyniadau arferol yr Awdurdod Lleol. Mae'r Tîm Derbyniadau'n ymwybodol y bydd teuluoedd o ffoaduriaid yn

symud i Bowys, ac maent yn datblygu'r cyswllt a sefydlwyd eisoes gyda'r tîm Grwpiau Bregus i sicrhau eu bod yn cael eu hysbysu am unrhyw geisiadau ar gyfer derbyniadau ysgolion a dderbynnir mewn perthynas â theluoedd ffoaduriaid o Afghanistan, yn yr un ffordd ag ar gyfer teuluoedd ffoaduriaid o Syria. Mae llefydd ysgol ar gael a bydd y Tîm Derbyniadau'n gallu rhoi gwybodaeth am ysgolion yn yr ardal lle bydd y teuluoedd yn symud.

Doedd dim cwestiwn atodol.

13.2. Cwestiwn i ddeiliad y Portffolio ar gyfer Pobl Ifanc a Diwylliant gan y Cyngorydd Sir James Gibson-Watt

A wnaiff Deiliad y Portffolio ddarparu ffigurau - gwirioneddol ac fel canran - ar gyfer cyfanswm y lleihad blynyddol yng nghyllid grant Cyngor Sir Powys i sefydliadau ym maes celfyddydau a diwylliant oedd yng Nghyllideb y Cyngor bob blwyddyn o 2017/18 hyd at 2021/22?

Ymateb

Cyllideb Gwasanaethau Celfyddydol Cyngor Sir Powys 2017 - 2022

	2020-21 - 2021-22		2019-20 - 2020-21		2018-19 - 2019-20		2017-18 - 2018-19	
Cymorth Grant Celfyddydau a Diwylliannol	Cyllideb	%	Cyllideb	%	Cyllideb	%	Cyllideb	%
Lleihad	-£59,480.00	-33.84%	-£58,060.00	-24.83%	-£43,550.00	-15.70%	-£9,810.00	-3.42%

Bu gostyngiad yng nghyllideb y Gwasanaeth Celfyddydau bob blwyddyn yn ystod y cyfnod dan sylw, 2017/18 hyd at 2021/22. Dros y cyfnod hwnnw, mae'r gostyngiadau'n cyfateb i £170,900. Cyllideb gyfredol y Gwasanaeth Celfyddydau yw £116,280.

Mae'r Gwasanaeth Celfyddydau wedi ymgynghori ac wedi cyfathrebu gyda sefydliadau a effeithiwyd trwy gydol y cyfnod hwn, gan ddarparu gwybodaeth, adnoddau a chynghor ar ehangu portffolios incwm gan gynnwys cyfleoedd i greu incwm, datblygu busnesau ac ailfodelu. Mae'r cymorth yma i ddarparwyr celfyddydau cymunedol a phartneriaid y diwydiant creadigol yn parhau ac yn datblygu, yn enwedig ym maes mynediad at ffynonellau cyllid allanol, cydweithio a gweithio mewn partneriaeth yn ogystal â gweithio'n agos gyda'r sawl sy'n gysylltiedig â chynllunio buddsoddiad cenedlaethol strategol.

Wrth ymateb i gwestiwn atodol gan y Cyngorydd Gibson-Watt ynghylch sut y byddai'n lliniaru'r neges mewn perthynas â lleihad yn lefel cymorth y Cyngor ar gyfer y Celfyddydau a'r neges y byddai hyn yn ei chyfleu i'r aseswyr sy'n adolygu'r cais ar gyfer statws Dinas Diwylliant, nododd Deiliaid y Portffolio y byddai gofyn i'r gwasanaeth celfyddydau adolygu ei egwyddorion comisiynu ac ystyried ffyrdd newydd o weithio gyda sefydliadau wrth ystyried y sefyllfa sydd ohoni.

13.3. Cwestiwn i Ddeiliad y Portffolio ar gyfer Tai, Cynllunio ac Adfywio Economaidd gan y Cyngorydd Sir William Powell

A wnaiff Deiliad y Portffolio ar gyfer Tai roi diweddariad i'r Cyngor ar y cynigion diweddaraf ar gyfer ad-drefnu Gwasanaeth Tai Cyngor Sir Powys, sy'n destun ymgynghoriad ar hyn o bryd?

Ar adeg pwysau sylweddol ar dai, a gan ystyried y pwyslais o'r newydd gan Weinidog Llywodraeth Cymru ar gyfer Newid yn yr Hinsawdd, Julie James AS, ar bwysigrwydd adfer Eiddo Gwag ar adeg priodol amserol, a wnaiff Deiliad y Portffolio roi sicrwydd i Aelodau na chaiff y Tîm Tai Sector Preifat arobryn, ei ddiddymu neu ei chwalu mewn unrhyw ffordd?

Ymateb

Mae'r Gwasanaethau Tai'n cael eu haildrefnu gyda'r nod o wella gallu'r Cyngor i ymateb i farchnad dai sy'n newid lle mae angen i'r cyflenwad a'r galw weddu i'w gilydd yn well, ac i ddisgwyliadau a dyheadau aelwydydd i gael mwy o gyfleoedd i fwynhau cartref diogel, sy'n cael ei gynnal a'i chadw mewn cyflwr da.

Cytunwyd cynnig ar gyfer agwedd newydd tuag at y Gwasanaethau Tai, er mwyn bodloni'r deilliannau hyn, gan y Cabinet yn yr Haf. Rhannwyd yr Achos Busnes, oedd yn olrhain cynnig ar gyfer dyfodol y Gwasanaethau Tai gyda chydweithwyr ar 3ydd Awst. Mae'r cynnig yn cynnwys pwyslais cryf ar atebolrwydd lleol, agwedd ddall o safbwynt deiliadaeth i wella'r ffordd y mae'r farchnad dai'n darparu ac yn gwella cartrefi, a ffocws clir ar wasanaethau uchel eu hansawdd.

Daeth cyfnod ymgynghori o chwe wythnos ar y cynnig i ben ar 10fed Medi. Yn ystod y cyfnod hwn, roedd pob un o'r gweithwyr yn gallu cael sesiwn unigol gydag Arweinydd Proffesiynol y Gwasanaethau Tai a chynhaliwyd cyfarfodydd tîm ynghyd â thrafodaethau grŵp. Gan fod y cyfnod ymgynghori wedi dod i ben bellach, mae Achos Busnes terfynol yn cael ei baratoi, sy'n ystyried y cyfraniadau a'r adborth a dderbyniwyd ers 3ydd Awst. Ni fedrwn gynnig sylw pellach ar y cynigion ar hyn o bryd, tra bo'r Achos Busnes terfynol yn cael ei gwblhau.

Gyda'r gwaith dal ar y gweill o safbwynt y broses Rheoli Newid, nid yw'n bosib olrhain yr effaith ar y tîm Tai Sector Preifat ar hyn o bryd. Er hynny, mae gwaith y tîm dal yn flaenoriaeth, ac os bydd unrhyw newidiadau, bydd hynny er mwyn meithrin capasiti yn y meysydd allweddol hyn.

Y bwriad yw cyflwyno'r gwasanaeth ar ei newydd wedd ar 1af Ionawr, 2022.

Doedd dim cwestiwn atodol.

13.4. **Cwestiwn i Ddeiliad y Portffolio ar gyfer Gofal Cymdeithasol i Oedolion gan y Cyngorydd Sir Jon Williams**

Fel cynghorwyr, rydym yn cael ein hysbysu o hyd bod staff yn cael eu secondio i feysydd gwasanaeth eraill oherwydd Covid. Oherwydd y llwyth gwaith ychwanegol y mae'r gwasanaethau cymdeithasol i oedolion yn gorfod delio ag ef, a'r pwysau enfawr sy'n eu hwynebu'n ddyddiol, a wnaiff Deiliad y Portffolio fy hysbysu faint o staff sydd wedi cael eu secondio i gefnogi gwasanaethau cymdeithasol i oedolion, faint o staff o'r maes gwasanaeth hwn sydd ar ffyrlo, a pha gamau mae'r cyngor yn eu cymryd i sicrhau llesiant staff y maes gwasanaeth hwn.

Ymateb

Adleoli Staff

Ers mis Mawrth 2020, mae 54 aelod o staff wedi cael eu hadleoli i Wasanaethau Oedolion a Chomisiynu o feysydd gwasanaeth eraill. Llwyddodd un aelod o staff

a adleolwyd o faes gwasanaeth arall gyda chais ar gyfer swydd barhaol, lle cafodd ei symud adeg adleoli yn wreiddiol. Mae staff a adleolwyd wedi chwarae rhan hollbwysig o ran cynorthwyo'r Gwasanaethau Oedolion i gyflenwi gwasanaethau critigol i fusnes yn ystod parhad y busnes, ac mae'r gwasanaeth yn yr un sefyllfa ers mis Mawrth 2020.

Mae nifer y bobl a adleolwyd i'r Gwasanaethau Oedolion wedi newid yn ystod cyfnod y pandemig, yn enwedig pan ddaeth meysydd eraill y Cyngor allan o gyflwr parhad busnes er mwyn adfer cyflenwi gwasanaethau eto.

Ar 9^{fed} Medi 2021, mae 5 aelod o staff yn cael eu hadleoli i Wasanaethau Oedolion a Chomisiynu o feysydd gwasanaeth eraill (ac mae 1 o'r rhain fod i gychwyn swydd barhaol yn y dyfodol agos). Mae aelod arall o staff sy'n aros i gael ei adleoli hefyd.

Mae dau o weithwyr ar secondiadau ffurfiol gyda'r Gwasanaethau Oedolion o feysydd gwasanaeth eraill; cawsant eu hadleoli o feysydd gwasanaeth eraill cyn hynny.

Dylid nodi fod y Gwasanaethau Oedolion hefyd wedi adleoli rhai o'i staff i sicrhau y gallwn gynnal ein gweithgareddau sy'n gritigol i genhadaeth y cyngor. Ar 25^{ain} Awst 2021, roedd 35 o'n staff, y mae eu prif rolau mewn gwasanaethau cymorth dydd wedi cael eu hadleoli i rolau estyn allan a gofal cartref.

Eto ar 25^{ain} Awst 2021, roedd 3 aelod o staff ychwanegol o'r gwasanaethau cymorth dydd ar hyn o bryd yn cefnogi parhad gofal yn ein cartrefi gofal.


Yn ystod y pandemig, bu achos inni gefnogi'r cartrefi gofal a gomisiynir wrth iddynt wynebu problemau staffio aciwt, trwy ddarparu adnoddau staffio brys. Mae ymateb felly ond yn bosib trwy barodrwydd ein staff i gefnogi; nid yw llawer ohonynt wedi gweithio mewn cartref gofal o'r blaen. Rydym yn hynod ddiolchgar i'r staff yma am eu parodrwydd a'u gallu i gamu i'r adwy ar rybudd byr iawn i gefnogi ein darparwyr. Ar hyn o bryd mae gennym 13 aelod o staff yn y Gwasanaethau Oedolion sydd wedi ymrwymo i gefnogi cartrefi gofal ar fyr rybudd (yn y gorffennol, mae hyn wedi golygu llai na 24 awr o rybudd).

Ffyrlo

Mewn perthynas â'r cynllun ffyrlo, ar hyn o bryd mae gennym 14 aelod o staff ar ffyrlo llawn, a 47 ar ffyrlo hyblyg. Daw'r trefniadau ffyrlo i ben ar 30ain Medi 2021.

Camau a gymerwyd i sicrhau llesiant staff

Ein staff yw ein hased mwyaf, a phrofwyd eu gwydnwch a'u penderfyniad hyd yr eithaf yn ystod y pandemig. Rydym yn llawn barchedig ofn o'u hymdrechion parhaus i gefnogi llesiant a diogelwch ein preswylwyr ac rydym yn awyddus i wneud popeth y gallwn i sicrhau ei fod mor rhwydd â phosib i gyflawni'r gwaith mwyaf heriol.

Rydym wedi sefydlu ystod o fesurau llesiant er mwyn cefnogi ein staff. Ymhlith y rhain mae ein  [protocol llesiant](#) sy'n pwysleisio pwysigrwydd amser neilltuedig ar gyfer sesiynau dal fyny, cinio, sicrhau fod gwaith yn aros o fewn oriau gwaith, a chysylltiadau at gymorth ym maes iechyd a llesiant.

Mae gan bob un o'n gweithwyr fynediad at [Care First](#) adnodd gwych a chyfrinachol ar gyfer llesiant gweithwyr sy'n cynnig cyngor a chymorth diduedd 24 awr y dydd, 365 diwrnod y flwyddyn trwy ffonio'r rhif rhadffôn - 0800 174319.

Hefyd rydym wedi cyflwyno ystod o weithgareddau llesiant megis Yoga, Canu, Dosbarthiadau ymarfer byr ar gyfer staff i'w mynychu fel a phan fo angen, sy'n cael buddion corfforol yn ogystal â rhai iechyd meddwl.

O safbwynt Gwasanaethau Oedolion, gwyddom fod ein staff yn fwy tebygol o deimlo'n bositif am eu swyddi os bydd rhywun yn gwranddo arnynt ac yn

cyfathrebu gyda nhw, a theimlo fod ganddynt gyfraniad go iawn i'w chwarae wrth gyd-ddylunio ein gwasanaethau. O fewn y Gwasanaethau Oedolion, rydym wedi cadw ein hymrwymiad i gynnal grwpiau rheolaidd gyda chynrychiolwyr gweithwyr ac mae Pennaeth y Gwasanaeth wedi hwyluso egwyl paned rhithiol ac wedi trefnu sesiynau dal fyny rhithiol gyda staff trwy gydol y pandemig. Yn gynharach yn y flwyddyn, ochr yn ochr â'r Gwasanaethau Plant, cynhaliwyd nifer o ddigwyddiadau Ffau'r Ddraig gyda gwahoddiad i staff wneud cynnig ar gyfer cyllid i gefnogi prosiectau newydd a ffyrdd newydd o weithio. Llwyddwyd i gyllido nifer o fentrau cyffrous megis hyfforddiant ym maes ymyriadau syrthio, cymorth ychwanegol ym maes nam gweledol, a phartneriaethau aml-genhedlaeth rhwng ysgolion a chartrefi gofal.

13.5. Cwestiwn i'r Arweinydd gan y Cyngorydd Sir William Powell

Mae gan Fargen Twf Canolbarth Cymru botensial i fod yn sbardun enfawr ar gyfer economi Canolbarth Cymru yn ystod y blynyddoedd heriol sydd o'n blaenau ac mae angen cydnabod ymdrechion yr Aelodau a Swyddogion sydd wedi cydweithio gydag actorion Llywodraeth y Du a Llywodraeth Cymru.

Fodd bynnag, mae profiad Cymru o fentrau Bargenni Twf dros flynyddoedd diweddar, yn benodol yn Rhanbarth Bae Abertawe, wedi dangos pa mor hollbwysig mae'r broses craffu o ran profi cadernid a hyfywedd strategaethau penodol.

Gan ystyried hyn, pa ystyriaeth y mae'r Arweinydd wedi ei gwneud mewn perthynas â hyrwyddo cyd-graffu gan Aelodau, o Gynghorau Sir Ceredigion a Phowys, er mwyn tawelu meddwl a sicrhau tryloywder, ac o ganlyniad mwy o gefnogaeth gan y cyhoedd ar lefel ehangach?

Ymateb

Diolch am eich cwestiwn mewn perthynas â chraffu ar Fargen Twf Canolbarth Cymru.

Gallaf gadarnhau fod trefniadau mewn bodolaeth ar gyfer cydbwyllgor craffu sy'n cynnwys 7 Aelod ar ran pob Cyngor. Arweinyddion Grŵp ar sail cydbwysedd gwleidyddol, sydd wedi enwebu'r Aelodau o bob awdurdod a chytunodd cyn Pwyllgor Cyd-gydlynu'r Cyngor y dylai ein haelodau ni ar y Cydbwyllgor Craffu gynnwys 3 o'r Pwyllgor Craffu ar yr Economi, Trigolion a Chymunedau, 1 o'r Pwyllgor Craffu ar Ddysgu a Sgiliau, 1 o'r Pwyllgor Craffu ar Iechyd a Gofal, 1 o'r Panel Cyllid, gyda'r 7fed Aelod nad yw'n aelod o unrhyw Bwyllgor Craffu. Mae trefniadau mewn lle i gynnal cyfarfodydd o'r Cydbwyllgor Craffu ar 11^{eg} ac 22^{ain} Hydref 2021 a 29^{ain} Tachwedd 2021.

Wrth ymateb i gwestiwn atodol y Cyngorydd Powell ynghylch sut y byddai buddion busnes yn cael eu cynrychioli, nododd yr Arweinydd y byddai grŵp newydd yn cael ei sefydlu yn lle'r Grŵp Strategaeth Economaidd, a'i gobaith oedd y byddai rhai o aelodau'r GSE yn rhan o'r grŵp newydd.

13.6. Cwestiwn i Ddeiliad y Portffolio Amgylchedd gan y Cyngorydd Sir Pete Roberts

Cynnydd y gronfa Adfer yn sgil Covid – cynllun atgyweirio tyllau yn y ffordd.

Gan ein bod bellach rhyw hanner ffordd drwy'r flwyddyn ariannol, ac felly hyd gylch y gronfa adfer yn sgil Covid, a wnaiff Deiliad y Portffolio roi dadansoddiad

inni fesul wardiau'r cyngor o gost a chwmpas y cynlluniau atgyweirio tyllau yn y ffordd a gynhaliwyd hyd yn hyn yn sgil y buddsoddiad hwn, ynghyd â dadansoddiad tebyg o'r gwaith sydd ar y gweill ar gyfer gweddill y flwyddyn?

Ymateb

Diolch am eich cwestiwn mewn perthynas â chronfa adfer yn sgil Covid ar gyfer gwaith ar y priffyrdd. Gallaf gadarnhau y gwariwyd y symiau canlynol ar draws y Sir:

Gogledd - £140,000

Canol - £80,000

De – £80,000

Wrth ymateb i gwestiwn atodol y Cynghorydd Roberts nododd Deiliad y Portffolio nad oedd yn bosib rhoi dadansoddiad fesul wardiau'r Cyngor oherwydd mae'r gwaith yn cael ei gyflawni gan y tri depo ar sail blaenoriaeth ac nid fesul ward.

Y Cynghorydd Sir R G Thomas (Cadeirydd)

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Arolygiaeth Ei Mawrhydi dros Addysg a Hyfforddiant yng Nghymru
Her Majesty's Inspectorate for Education and Training in Wales

**Report following monitoring
Local authority causing significant concern**

**Powys County Council
Powys County Hall
Spa Road East
Llandrindod Wells
Powys
LD1 5LG**

Date of visit: October 2021

by

**Estyn, Her Majesty's Inspectorate for Education and
Training in Wales**

This report is also available in Welsh.

Outcome of visit

Powys County Council is judged to have made sufficient progress in relation to the recommendations following the most recent core inspection.

As a result, Her Majesty's Chief Inspector is removing the authority from the category of local authorities causing significant concern.

Progress since the last inspection

Recommendation 1: Improve standards in secondary schools, and especially the performance of more able learners

We are unable to provide a full evaluation of outcomes due to the impact of the COVID-19 pandemic, which caused the suspension of inspections of schools and most other education providers between March 2020 and September 2021. It is also due to the lack of comparative national data about outcomes that can be compared over time as the pandemic caused changes to the way that qualifications were awarded. It also affected most other data that inspectors consider when making evaluations, such as school attendance, school exclusions and post-16 learner destinations. Despite not being able to report on outcomes, we have evaluated the actions of the local authority to support the improvement of standards in secondary schools.

During the pandemic, the local authority launched their 'Powys Secondary School Improvement Strategy'. This strategy focuses on driving up the quality of provision and leadership across all secondary schools. Through this work, officers provide secondary schools with valuable support across a comprehensive range of aspects such as skill development and collaborative working. There are suitable references throughout the strategy to standards and to the progress of groups of pupils, including the more able. Currently, many of the success criteria in the action plan for this work are insufficiently specific or measurable and as a result it makes it difficult to evaluate the effectiveness of the strategy in detail.

Throughout this challenging time, officers and school improvement advisers have worked with schools virtually and, where possible, in person to implement elements of the strategy, always mindful of the capacity and wellbeing of school leaders. School improvement advisers have developed stronger relationships with schools and other teams across the service. In particular there are now beneficial links with the additional learning needs team. This has helped school improvement advisers to offer a balance of challenge and support and prioritise standards and progress appropriately.

School improvement advisers engage constructively with schools in need of support or in an Estyn follow-up category. This includes participation in the pilot multi agency approach alongside partners such as the Welsh Government and Estyn. Recently, a

Powys secondary school has demonstrated sufficient progress to be removed from a statutory category of follow-up.

The local authority continues to offer a wide range of engaging professional learning opportunities, many with a strong focus on national priorities including a Curriculum for Wales. It is too early to evaluate the impact of this area of work on standards across the secondary sector in Powys.

Recommendation 2: Improve the evaluation, planning and coordination of provision for learners with special educational needs and other pupils who may require extra support

Since the core inspection, the local authority has developed and communicated a clear vision to support its learners with special educational needs (SEN)¹ and other pupils who may require extra support. It has been successful in developing an integrated and inclusive education system where learners have access to a specialist education that meets their needs, either in mainstream or specialist provision. Officers understand their areas of responsibility well and share a passion and commitment to improve provision and outcomes for pupils with special educational needs.

The local authority has developed a co-ordinated, strategic approach to improve provision and support for schools and PRUs. Officers, central team staff and partners work effectively in 'cluster' teams within geographical areas in Powys. They know their schools well and provide relevant support to schools, pupils and families. This has resulted in improved opportunities for children and young people with SEN and other pupils who may require extra support, despite the impacts of the pandemic.

Overall senior leaders within schools and settings feel well supported by local authority additional learning needs officers and central service staff. Officers communicate regularly with schools and settings, produce clear guidance and pathways, and provide support and advice through purposeful weekly bulletins, meetings and valuable online resources. School leaders appreciate the authority's single point of access for referrals into the Schools Service through the Powys Inclusion Panel (PIP) and the Early Years Inclusion Panel, as well as the bilingual 'Tyfu' platform and gateway. This platform is a very useful and easily accessible resource and ensures that SEN documentation and referrals are all available in one convenient access point.

The local authority has developed a valuable offer of professional learning for schools and settings. A few teachers in special schools and specialist centres have been funded to provide post-graduate diplomas in SEN provision. This expertise is shared beneficially with other providers. Other staff in special schools have undertaken professional learning to ensure a high-level of understanding of need. A county-wide training programme has also been established, so that teaching and support staff in all schools are able to develop skills in relation to a broad range of SEN, including autistic spectrum condition, speech, language and communication difficulties, specific learning difficulties and social, emotional and behaviour

¹ The use of the term special educational needs (SEN) preceded the introduction of additional learning needs education tribunal act (ALNET). The findings of the inspection team refer therefore to those pupils with SEN as per the recommendation.

difficulties. The local authority is beginning to develop a body of evidence around effective practice for supporting pupils with SEN and is using this to support schools across the region.

The local authority makes effective use of a range of data and information as part of its evaluation of services. Officers reflect on strategies that have worked well and those that have been less successful in terms of their impact on learners. For example, following a recent positive behaviour training event, nearly all delegates have made changes to their practice as a direct result of the professional learning. Many schools and settings report that they have already started to see a positive impact on practice including an improved consistency of approach from staff as well as a reduction in challenging behaviours and exclusions.

Recommendation 3: Improve the consistency and impact of senior leaders in improving the quality of education services and continue to strengthen the rigour, scrutiny and challenge about performance of the authority's services

Senior leaders within the authority provide a clear sense of direction for education services. The Chief Executive, the Leader, the Portfolio Holder for Education and the Director of Education have provided robust leadership and have secured notable positive change for education in Powys. Their impact in improving the quality of education services and their rigour, scrutiny and challenge about the performance of the authority's services is good.

Since the inspection, the authority has maintained its momentum in addressing the recommendations despite the additional challenges brought by the pandemic. Overall, leaders have worked well with stakeholders and partners to make strong progress against all recommendations.

There have been positive developments in leadership structures at the local authority including key appointments to the education service. Recently, the interim Head of Education was appointed to the permanent post of Director of Education. She provides a clear sense of direction to the work of the education service and has built strong working relationships with schools. This has helped to accelerate improvement in key areas under difficult circumstances.

The authority continues to focus on increasing the leadership capacity within its education service, including through the support of external advisers. The Chief Executive and the Portfolio Holder for Education are keen that the transition of knowledge and skills from the external advisers to the officers within the authority continues in the short term, so that internal capacity is strengthened further to ensure sustainability of improvements.

There is greater distributed leadership within the education service, including improved joint working within the service and with other local authority departments. This has enabled officers to increase their leadership capacity and their ownership of actions and approaches to address areas of concern. For example, officers other than senior leaders have opportunities to present information and evidence to the Learning and Skills Scrutiny Committee and answer questions about their areas of responsibility.

Generally, the quality, accuracy and usefulness of the reports and briefings provided by officers to the Learning and Skills Scrutiny Committee have improved. By now, leaders have a better overview of all services across the local authority and can compare and challenge services more effectively. The scrutiny process is now more robust, and members question and analyse decisions in much more depth. Discussions within the committee are relevant and suitably challenging and provide appropriate scrutiny to the work and the ambitions of the local authority.

The interaction between the Learning and Skills Scrutiny Committee, the Portfolio Holder for Education and the education service is good. Together, they work well, and, as a result, there is more effective scrutiny and challenge about performance of the authority's services. The Portfolio Holder for Education is passionate about improving education in the authority and is a strong catalyst for promoting positive change. When necessary, for example about school transformation, the Cabinet has taken difficult decisions in a timely manner following a rigorous and open process of considering evidence, advice and undertaking consultation.

Recommendation 4: Ensure that the organisation of provision for non-maintained, post16, Welsh-medium education and secondary education meets the needs of the children and young people of Powys

The local authority has worked well with a range of stakeholders to develop a purposeful and ambitious vision to ensure that its education provision meets the needs of all learners now and in the future. The vision provides the basis for Powys' Transforming Education Strategy. This is a ten-year strategy, which includes key strategic aims and objectives for improving learner entitlement and opportunities, Welsh-medium provision, ALN provision and post-16 provision.

A strong governance structure in relation to the transformation agenda now ensures that senior leaders, Council Members and other officers have access to a useful range of information and data to make informed strategic decisions relating to school organisation. Effective communication across the authority's departments now ensures a strong awareness by officers of the key strategic objectives of the transformation strategy. This enables them to contribute well to support the work of the education transformation team and other working groups by providing advice and expertise. For example, the Welsh in Education Team have worked well with officers from the corporate and education transformation teams, human resources, transport services and health and safety to plan for a pilot Welsh language immersion project to support learners. Since the core inspection, members of the Cabinet have progressed successfully school organisation proposals following the consultation process, which reflects their commitment to the transformation strategy. In addition, members of the Learning and Skills Scrutiny Committee have provided suitable challenge when required, in order to ensure that the Cabinet's decisions are robust.

Since the core inspection, the local authority has embarked on an ambitious programme of school organisation proposals based on the Transforming Education Strategy. These proposals have included the opening of a new all-age school, the merger of a number of primary schools and the closure of small rural schools, as well as changes to the language category of schools. Officers and relevant members of the council have engaged with parents, pupils, staff and governors to discuss the

proposals and allay concerns. They have considered appropriately the sensitivities and conflicting views of key stakeholders during the consultation period.

The local authority is also working with representatives from secondary schools and other stakeholders to co-construct purposeful post-16 provision to improve learner entitlement across Powys. Although this is at an early stage, the local authority is working with partners in further education colleges as well as schools and colleges in neighbouring local authorities to provide a bespoke bilingual academic and vocational learner entitlement for all learners, regardless of their location.

The local authority has recently published a Welsh in Education Strategy consultation document, in which it outlines its plans on the development of the Welsh language education provision over the next ten years. This strategy aligns well with the local authority's strategy for transforming education in Powys and its vision for Welsh medium education. It aims to ensure that learners in all 13 areas of the local authority will have suitable access to Welsh-medium education and bilingualism from birth. The local authority now has a better understanding of which areas require support to help meet the demand for Welsh-medium education and how to stimulate growth in the use of the language over time. The plan includes establishing new Welsh-medium early years provision, primary and secondary schools as well as supporting learners to develop their Welsh language skills in English-medium schools. In addition, the local authority has recognised the need to develop the workforce to be able to support learners through the medium of Welsh. It also recognises the need to establish high-quality 'trochi'(immersion) provision to support learners who move into Powys that can't speak Welsh, and also for those who choose to move to a Welsh-medium school from an English-medium school or stream. The local authority has also successfully reviewed their Welsh-medium additional learning needs provision and has plans to improve the current services available to learners across Powys.

Recommendation 5: Continue to improve the quality of financial management in schools and take appropriate action to address schools with significant deficit budgets

The authority has made good progress to strengthen financial management arrangements since the inspection. A focus on clear, regular, consistent communication and co-operation, building on the 'team around the school' approach, has improved relationships between senior leaders, finance staff and schools. This includes finance staff attending regular briefings for schools during the pandemic to provide advice and guidance about additional funding sources and to answer questions. The authority has also prepared a suite of guidance notes for topics such as value added tax (VAT), grants eligibility and expenditure coding for schools. The authority's benchmarking data is welcomed by schools and officers are planning further developments to support the budget setting process for 2022-2023.

Local authority officers are delivering training for headteachers, governors and school staff in shorter, focused online sessions to align with the school day. The authority recognises the need to further develop financial management training for chairs of governing bodies and those on school finance committees.

Collaborative working groups have reviewed how to further strengthen arrangements. For example, the local authority is developing a cluster business manager model to

provide support and guidance to schools and is also considering the funding formulae to support fair distribution of the budget to schools. The authority is taking time to carefully assess whether any changes made are sustainable.

Schools and officers worked together to design a new funding formula for the primary sector. They are currently consulting on the proposed funding formula and plan to use it from April 2022. At the same time, work has progressed to review the funding formula for the secondary and special schools alongside the transformation plans.

The authority recognises that cumulative school balances remain a concern. However, schools work well with officers to bring in-year budgets into balance and halt the growth of cumulative deficits. Monthly monitoring and updating of budgets, together with a clear, understood process for swift escalation to senior managers, means that concerns are quickly identified and considered. The authority appropriately uses warning notices, recovery plans and removal of financial delegation to strengthen financial management at schools causing most concern.

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CYNGOR SIR POWYS COUNTY COUNCIL

CABINET EXECUTIVE

23 November 2021

REPORT AUTHOR: County Councillor Rachel Powell
Portfolio Holder for Children Services

REPORT TITLE: Children Services Budget Pressures

REPORT FOR: Decision

1. Purpose

- 1.1 This report is presented to Cabinet to ensure that the Cabinet is sighted on the pressures across Children Social Services. The report sets out the financial impact of these pressures on the service and the funding streams that have already been drawn upon to support these costs.
- 1.2 The report goes on to propose the virement of funds into the service budget to ensure that the organisation works within the financial regulations and discharges its statutory duties under the Social Services Wellbeing Act.

2. Background

- 2.1 The Revenue Budget Monitoring Report for Quarter 2 was considered by Cabinet on the 2nd November 2021. Due to the forecasted level of expenditure for some services the report recommended that where additional in year financial pressure cannot be accommodated within existing budgets, a detailed report is requested to give a clear explanation of the projected overspend in order for Cabinet to consider any action required to address the projected deficit.
- 2.2 This report is submitted for Children Services.

3. Advice

- 3.1 The Statutory Director of Social Services has a responsibility to ensure councillors have clear advice on the level of resources required for a local authority to effectively deliver its social services functions. At the end of Quarter two Children Services is reporting a forecast end of year

position of an overspend of £1.854 million. This takes into consideration of known pressures as below:

3.2 **Current Service Pressures** - Included in the forecast outturn at quarter 2

- £2.065 million relates to the increased expenditure which is a combination of the costs associated with the new children who are becoming looked after and the increasing costs in relation to meeting the complexity of need of the current cohort of Children Looked After (CLA). The increased demand that is directly related to Covid 19 can be recovered through the Welsh Government Hardship fund and £160k has already been drawn down to date. But the majority of the demand is not eligible under this fund and this remaining pressure falls on the Council.
- £196k relates to increased demand for short breaks due to the pressures on families as an indirect result of the pandemic. As explained above directly attributable costs are recoverable from the hardship fund and £80k has already been drawn down to date leaving this pressure.
- £72k budget pressure is in relation to Section 21 of the Social Services and Wellbeing Act, for families in need of care and support following the lockdown and trying to keep children with their families wherever it is safe and in their best interests to do so.

3.3 Budget under-spends across the service are currently being utilised to mitigate these pressures which reduces the overall figure to the £1.854 million now being reported.

3.4 The forecast does not include potential future pressures

3.5 **Potential Further Pressures that could fall in the current financial year** - Not currently included in the forecast outturn.

- The situation for families due to the pandemic makes predicting future pressures even more uncertain. We are working hard to keep children with their families wherever it is safe and in their best interests to do so. So far we have brought into care fewer children than in the same period last year. The numbers of children in care has reduced this quarter. Therefore, we are confident that we have mitigated this risk.

- The national shortage of placements is making it more difficult to find suitable placements that meet children's needs, this is particularly for children with the most complex needs. There is likely to be a further pressure on placement costs, but it is impossible to forecast at this point.
- The sustained increased demand at Front Door and Early Help means additional staff have been required. This has been covered by the Welsh Government COVID-19 recovery fund to date. If demand continues to grow this will create an ongoing budgetary pressure. It is critical to respond as early as possible to prevent escalating need and avoid the accompanying costs.

3.6 **Cost Reductions** - Children Services continue to make progress of delivering the efficiencies within the year as below:

a. **Assured**

The original target of £3.2 million is currently on target to achieve delivery, of which £2 million (62%) of the original target to date achieved and included in the forecast outturn. There is assurance of delivery of the £1.2m balance outstanding.

b. **Undeliverable**

Work to ensure shared costs for continuing care for children and young people continues with very limited success.

c. **Mitigations being delivered**

We expect to over-deliver on our 'closer to home' work to mitigate the above.

3.7 When setting the Councils budget for the year a corporate risk budget was identified to cover areas of risk that could materialise during the financial pressure. Demographic changes in children Services was identified as a risk that could be supported from this budget. £187k in relation to increased number in CLA, have now materialised and it is proposed that this budget is transferred to the service to cover his pressure. This temporary allocation will only support these costs during 2021/22 and the full year impact is being considered in the Service's Integrated Business Plan (IBP) for future years.

3.8 The Council set aside a £1m specific reserve to aide services with recovery. Children services were allocated £350k from this fund. As follows:-

- £150k to enable continued funding of the 4 additional agency workers in the Front Door and Assessment Teams to help manage the continued demand from the pandemic. Due to the increase in demand on the Front Door Service and then through to the Assessment Teams following the end of the first lockdown last year, a further 4 additional agency workers were recruited into the teams. This additional support has been vital to assisting the teams to deal with demand safely. Prior to the pandemic, the Front Door Services received between 400 and 450 contacts a month. Since the end of the first lockdown in June 2020, this has increased to consistently over 500 contacts and has been over 600 during a number of months. The teams are reporting an increase in complexity of cases that are referred since the pandemic which impacts on the workload of Social Workers.
- £200k to fund cover for staff who are shielding and unable to undertake their front facing roles. Children's Services have a number of the workforce who are in front facing roles who have been advised to shield since the start of the pandemic. This has meant that colleagues in their teams have had to pick up all of their face to face work. Now 20 months on since the start of the pandemic the service has been advised by HR that guidance dictates that although shielding has officially ended these staff still cannot undertake face to face work with children, young people and families as they are still extremely clinically vulnerable.
- We have been able to support these costs through additional Welsh Government grant received in the service and the Covid Hardship Fund with £199k claimed to date and will continue to claim if allowable under the terms and conditions of the funding. No funding has therefore been drawn down from the specific reserve.

3.9 Staff are fatigued and it is now taking its toll on their wellbeing, which is of considerable concern to the service. The impact is also being seen in the service's performance indicators as the additional workload is no longer sustainable for teams. Additional staff resource has been recruited as detailed in 3.10 and 3.11 below but this is not included in the Quarter 2 forecast outturn.

- 3.10 A further pressure of £350k will be incurred for the remainder of this financial year to cover the fixed term business support appointments made in response to this to support front line staff. A further pressure of £210k will be seen in 2022/23. £100k has been drawn down from the Welsh Government Social Care recovery grant to support these costs but the remaining £250k forecasted pressure remains.
- 3.11 Recently a team of seven agency social workers have also been commissioned to assist with the rising case load pressures the part year additional cost of this team is £260k for the current year and £50k in 2022/23
- 3.12 It is the advice of the Director of Social Services that the appropriate funds are vired to the appropriate cost centres in Children Services to ensure that the Council complies with the financial regulations and discharges its statutory duties under the Social Services Wellbeing Act.

4. Proposal

- 4.1 In the first instance all costs that are claimable under the Welsh Government Hardship fund will continue to be claimed.
- 4.2 That any additional funding provided by Welsh Government or other body is utilised wherever possible to meet these existing pressures where allowable under the Terms and conditions of grant
- 4.3 That £187k in relation to increased number in CLA as set out in paragraph 3.7 is vired from the corporately held revenue Risk budget into the service for the current financial year only. The service will need to consider any ongoing pressure in their service IBP for future financial years.
- 4.4 That the £350k allocated to the service from the £1m Powys Recovery Reserve be drawn upon to support the pressure outlined in the report and the virement is recommended for approval.
- 4.5 At the end of this financial year, any of the remaining pressures as set out in paragraphs 3.2, 3.10 and 3.11 up to a maximum of £1,854k, in relation to the specific items set out in this report, will be authorised and vired from the Councils Budget Management Reserve, providing that evidence is produced to establish that the pressures have been mitigated wherever possible.

5. Resource Implications

- 5.1 The Head of Finance (Section 151 Officer) has considered the potential funding streams to support the projected overspend for Childrens services and is supportive of the proposals set out above. All avenues must be explored before supporting any drawn on the Council's reserves including the overall financial position of the Council. I therefore propose that subject to the virements proposed in paragraphs 4.3 and 4.4 of the report no further transfer is made until the financial year end when an exact figure is reported, but that the commitment to Children's services is recorded in the subsequent revenue monitoring reports and that the service is operating within in an approved position and in line with the Councils Financial regulations. Any such virement required at the end of the financial year up to a maximum amount of £1.854 million will be made from the Councils Budget Management Reserve, the current balance for this reserve is £4.330 million.
- 5.2 Any further financial pressure not included in this report is not approved and the Service must seek advice before committing to any additional unbudgeted costs. In the event of an urgent decision being required to make statutory provision the Director of Social Services can commit to that expenditure but must notify the Section 151 Officer as soon as possible thereafter and prepare a further report to formally notify the Council and requesting a further draw down of funding.

6. Legal implications

- 6.1 Legal: the recommendations can be accepted from a legal point of view
- 6.2 The Head of Legal and Democratic Services (Monitoring Officer) has commented as follows: "I note the legal and financial comments and have nothing to add to the report".

7. Data Protection

- 7.1 There are no data protection issues within this report.

8. Comment from local member(s)

- 8.1 This report relates to a service delivered across the whole County.

9. Comments from Health and Care Scrutiny Committee

- 9.1 This report was considered by the Health and Care Scrutiny Committee and a copy of their comments can be viewed in Appendix I. The comments were all noted and clarification and responses are provided below.
- 9.2 It is important, in financial planning in-year, to prepare for potential over-spends and to manage the budget accordingly in a timely manner. This virement will enable the service to do so. If grants or other funds (such as the Welsh Government's COVID-19 Hardship Fund) are made available, these will be utilised as appropriate and the virement will not be required. This virement enables the service to respond to operational challenges within financial regulations, without delay.
- 9.3 All additional COVID-19 service provision is drawn down from the Hardship Fund. However, there are indirect costs where families are now accessing services, where previously they would not have done so. These developments would have been undertaken over time, regardless of the pandemic, but the situation led to having to drive the developments at a quicker pace. These costs cannot, therefore, be funded through the Welsh Government's Hardship Fund. It is challenging to identify which aspects of new service provision are the result of the pandemic, or not.
- 9.4 Work continues with the Powys Teaching Health Board to ensure that individuals who require Continuing Care are enabled to access this provision.
- 9.5 To confirm that the numbers of requests for children's services has increased significantly over the period of public health crisis.

	September 2019	September 2020	September 2021
Contacts to Front Door	387	534	884

The costs for placements has been increasing significantly over the past few years. It is intended to offer to meet with the Scrutiny Committee before the end of the financial year in order offer the opportunity to scrutinise these costs and to provide assurance that this virement is a part of responsible budgetary planning. This session could also consider the agency staff utilisation, especially around the Front Door Services.

9.6 Director has been meeting with Welsh Government officials to make the case for increasing funding for children’s services. Similarly, the Portfolio Holder has been attending Welsh Local Government Association (WLGA) meetings to influence decision making and to agree lobbying of Welsh Government ministers through the WLGA.

10. Impact Assessment

10.1 No impact assessment required.

11. Recommendations

11.1 That Cabinet notes and approves the proposals set out in section 4 of the report.

11.2 That Cabinet recommends to Full Council the virements of £187k and £350k set out in 4.3 and 4.4 of the report.

11.3 That Cabinet further recommends to Full Council that at the end of this financial year, any of the remaining pressures as set out in paragraphs 3.2, 3.10 and 3.11 up to a maximum of £1.854 million will be authorised and vired from the Councils Budget Management Reserve, providing that evidence is produced to establish that the pressures have been mitigated wherever possible.

Contact Officer:	Ali Bulman
Email:	jan.coles@powys.gov.uk
Head of Service:	Jan Coles
Corporate Director:	Ali Bulman

Appendix I

Scrutiny Committee Observations



Health and Care Scrutiny Committee

Scrutiny Observations to Cabinet – Children’s Services Virement

The Health and Care Scrutiny Committee undertook virtual scrutiny of the request for a virement for Children’s Services.

Whilst the necessity of the request for the virement is understood, there are number of additional comments and further issues to note:

- Due to the nature of Children’s services, it is understood that urgent decisions must be made, however, it seems sensible that the report notes that the S151 Officer must be made aware of such decisions at the earliest opportunity
- There is concern regarding the request at this stage to address an end of year overspend.
- Is every opportunity being taken to analyse the additional costs for a COVID component which might lead to further cost recovery from Welsh Government. Staff wellbeing, again, is a case in point, insofar as extra expenditure is being made to make up the inevitable performance deficit.
- For example, with regard to the pressures due to short breaks, why is the full cost £196k not drawn down from the Covid Hardship Fund if this is attributable to the pandemic? Also, the £72k budget pressure in relation to Section 21 of the Social Services and Wellbeing Act which is referred to being due to the lockdowns – again why can this not be claimed from the Covid Welsh Government Hardship Fund?
- What is being done to resolve the continuing care costs with the Health Board? The Committee had hoped to speak with a representative of the health Board at a meeting in September, but this was not possible. Given the enduring nature of this, can more be done to raise the matter with Welsh Government ministers to see if they are able to exert any influence over the Health Board?
- Given that the report states that we have brought fewer children into the service than in the same period last year, the scrutiny Committee

would like to see a line by line breakdown of the £2 million increased overspend which is noted as being down to “new children who are becoming looked after”. This time last year, the performance report shows there were 30 more children being looked after. Why are our costs for looked after children increasing when numbers of children being looked after are coming down? The Committee would like to understand the detail behind this.

- The Committee note the comments regarding staff weariness and believe this should be considered in more depth by the Committee. This will affect Adult Services as well as Children’s Services.
- The Committee have been advised for some time that the workload across the service is increasing, both in numbers and the complexity of cases contributing to staff becoming fatigued. It seems there are fundamental problems that need resolving in order to effectively deliver an excellent service. More support is needed from Welsh government to address some of these issues. The level of funding that will be needed in the future to sustain this service is of concern. How is this being raised with Welsh Government Ministers?
- Whilst the Committee recognises the pressures that Children’s Services is under, this request for more money does not sit easily. If Cabinet and Council are minded to agree to this virement, then one of the conditions must be that the Head of Service produces a report explaining the detail behind these costs discrepancies and what measures she proposes to introduce to bringing provision unit costs more in line with comparable Welsh local authorities. If this virement is approved there is a risk that the extra funding will become part of the service's base budget in 2022/23. When one service is being funded at such high unit cost it is depriving other services of funding and the Council must get to grips with this issue without further delay. The Health and Care Committee has not met formally for some time due to the service operating on a business-critical basis and being unable to support scrutiny due to other pressures. Some Members have expressed a view that formal meetings should resume otherwise there is the potential for a budget to be driven by service delivery pressures rather than by a considered assessment of needs of children in Powys.
- It is noted that agency staff are being used to build up the Front Door service and since it is important that direction at the front door is effective and has a significant role to play in cost avoidance further down the line, further information, in due course, about the extent to which these benefits are in fact being delivered by the changes in the Front Door would be welcomed. Is the service undertaking specific recruitment for Front Door services?

Members of the Health Care and Housing Scrutiny Committee: County Councillors A Jenner (Chair), J Gibson-Watt, S Hayes, E Jones, S

McNicholas, G Morgan, L Roberts, K Roberts-Jones, D Rowlands, L
Rijnenberg, A Williams, R Williams and J M Williams

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Director of Social Services Annual Report April 2020 to March 2021

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Director's Summary of Performance

This last year has been an extremely challenging year across Social Care & Health. However, we have continued to work together, with our partners in the NHS & the Voluntary Sector to deliver the best possible outcomes for Powys Residents whilst also responding to the direct and in direct impact of the Coronavirus Pandemic.

Despite the challenges, we have continued to develop quality sustainable services across the County to meet the needs of our residents. We have further to go on delivering on our aspirations, but I want to recognise the progress and the journey so far for Powys. In October 2020, after inspections of both our Children and Adult services, Care Inspectorate Wales (CIW) held an improvement conference for both services. This conference included partners and provided CIW with a 360-degree view of the progress we have made. As an outcome CIW reported that they were sufficiently assured of significant improvement across both Children & Adult services. They assessed that there was no longer a need for enhanced monitoring activity within Powys. They commented on the visionary but realistic leadership and the learning culture developing within the Organisation. This outcome is a real tribute to the hard work and commitment of the staff across Social Services in Powys in which ever role you fill.

For the whole of this performance year Social Services staff have been working under our business continuity plan. This is a plan, which highlights those critical activities that we 'must' do and enables us to be clear about what we can stop doing to ensure we have the capacity and resource to do the 'must' do. In Social Services we invoked the Business Continuity Plan on the 16th of March 2020. At the point of writing this we are still very much working under these arrangements. Our teams have worked tirelessly to deliver these critical services to our residents. This has included often working in other teams, other parts of the organisation and even at times working within privately owned care homes (with high numbers of infection rates) to support the continued services to people who live there. We recognise the commitment and work of care staff and social care practitioners and in our wish to ensure that this work is valued, the Council committed additional money to support Adult Social Care in the budget for 2021/2022 and this has enabled us to deliver on the Powys Pledge which has greatly contributed to the sustainability of the care market in Powys and improve care staff's terms and conditions of work.

I want to dedicate this Directors report to our workforce, internally and the external workforce that we commission services from. I also want to thank the Cabinet, Council and portfolio holders, Cllr Rachel Powell and Cllr Myfanwy Alexander for the political leadership and support which has been unwavering through such a difficult year.

Alison Bulman



Director of Social Services

Introduction

This is the Director of Social Services' report for 2020/21 for Powys County Council. It provides an overview of how well the services achieved the intended outcomes as set out in 2019/20 report, as well as identifying new developments and aspirations for 2020/21/2022 and beyond.

Powys County Council's Social Services Department includes Children's Services and Adults' Services, both are supported by an internal Commissioning team, as well as corporate finance, Human Resources, and other support services. The Adults' Social Care service works to agreed principles:

Keeping people safe and well – we want people supported to feel safe, well and listened to. Our relationship-based care approach considers community awareness and engagement with friends, families, and local communities to promote the physical, mental, and emotional wellbeing of those they support

Providing relationship-based care and support – we want to build a relationship with the person we support and to respond to what is important to the person being supported

Working together – we want all those involved in the person's care to work together as a team and to work more closely with the independent / third sector care providers

Building a stronger workforce – we want our staff to feel valued, motivated and supported. To know where they fit in the organisation, know their job role, and feel confident in their job role, and feel that they have a voice in developing the service.

Smarter use of resources – we want to remove manual tasks, and make these more automated. We want the team to feel confident in using digital technologies and the team to suggest ideas for improvement

Children's Services set out its principles within the Plan on a Page:

Children's Services at a glance

- 1. Promote a range of Early Help services** which families can access, preventing the need for statutory intervention.
- 2. Focus on early intervention and prevention** ensuring access to the right support at the right time to keep families together, where possible and children safe; intervening at the earliest opportunity to ensure that children and young people do not suffer harm.
- 3. 'Work with' children, young people and their families** rather than 'do to', to co-produce plans which will bring about the changes children need as quickly as possible.
- 4. Provide and commission a flexible and affordable mix of high-quality placements** for children who are looked after to meet the diverse range of their needs and circumstances, keeping children as close to home as possible.
- 5. Achieve the best possible outcomes** for those children in our care by providing good parenting, specialist support and clearly planned journeys through care into adulthood.
- 6. Ensure that the service has a skilled, supported workforce,** equipped to provide a high-quality service to children, young people and their families, which is compliant with the legislative framework and in line with best practice.

Listening and responding to the voice of the child

signs of safety

A strengths-based approach for professionals and families to build meaningful safety for vulnerable and at-risk children

Powys

Adult Services vision is to treat each person as unique, with strengths and hopes as well as needs. We will support people to live the best life they can, and by focussing on what matters, we will work alongside people to help them find the right solutions for themselves. The Adult Services Plan on a Page (below) explains how we will achieve that vision:

Our 7 key objectives

- 1. Front Door**
We operate an effective front door which provides information, advice and signposting which enables residents to make informed choices in relation to their care and wellbeing. The service focuses on resolution at the earliest opportunity for the resident.
- 2. Hospital**
We work with NHS Partners to have in place a set of arrangements that allow for the speedy transfer of people from hospital, to achieve the best possible outcomes for those people.
- 3. Partnership**
We work with Powys Teaching Health Board to adopt and reinvigorate a recovery approach to all health and social care services.
- 4. Community**
We work to ensure that there is timely, targeted and effective use of reablement, rehabilitation and support that has a focus on enabling independence and self-management and avoiding the over-prescription of care.
- 5. Long term care**
We work alongside people with long-term care needs to have a care and support plan with a focus on achieving the maximum possible independence (as is realistic and possible for their individual circumstances) and delivers the desired outcome. We review these plans regularly based on outcomes achieved.
- 6. Workforce**
We have in place a workforce that is fully trained and supported to work with people needing social care which fits with the ethos and principles of the Council.
- 7. Management**
We collate and analyse data to help us understand whether there has been an impact on the delivery of outcomes and the management of demand on our services.

3. How Are People Shaping Our Services?

Citizen Forums

The citizen forums were put on hold at the beginning of the pandemic but later reconvened virtually using Zoom. On reflection, accessibility to these forums has improved as a result enabling participation from people who would otherwise have barriers to attend. This has prompted us to consider a blended approach going forward consisting of face-to-face meetings (when this is feasible) as well as on-line.

Credu

We have been in contact with 5,090 Carers and Young Carers, giving direct individual and peer group support to 1,918 families.

People across Powys have been saying: 'there are lots of organisations that do slightly different things – it would be so helpful if you could join up better'. This was such good advice, with funding from the National Lottery Community Fund, we joined up with Age Cymru Powys, Accessibility Powys, RVS and Citizens Advice.

Credu is here for Young & Adult Carers and their families to enjoy a good quality of life as they define it.

Getting a good quality of life can be hugely challenging when serious ill health or disability impacts on one's family. We work with Carers in a variety of different ways, depending on what is most important to each person and we have three main missions:

LISTEN TO AND SUPPORT YOUNG / ADULT CARERS AND FAMILIES:
We know Carers are experts in their own lives and although we might have lots of information at our finger tips, we find that Carers value being listened to and having the space to work through challenges.

BUILD CARER SUPPORTIVE COMMUNITIES:
With Carers, we build Carer awareness and support in communities, schools, services and build peer connections between Carers.

SUPPORT STRONG CARER VOICE AND INFLUENCE:
This can be having a voice as an individual family wanting support, or it can be a collective voice, making changes on a community, county or national level.

This big review is in three parts, based on these three missions and includes a snippet of some of the work that has taken place across Ceredigion, Conwy, Denbighshire, Powys and Wrexham.

Get in touch for a warm welcome
Phone: 01597 823800
Email: carers@credu.cymru
Website: www.credu.cymru

Facebook, YouTube, Instagram, Twitter

The Improving the Cancer Journey (ICJ) in Powys programme

Funded by Macmillan Cancer Support and in partnership with the council and Powys Teaching Health Board, the ICJ programme is being shaped by engaging and listening to the views of people living with cancer. The aim is to improve their lives and ensure they get the support that matters to them whether this is emotional, practical, physical, spiritual, or social.

Pilot projects will be launched in late Spring 2021 and offer people living with cancer a holistic needs assessment. This assessment allows the person to set out their key concerns and then discuss them with a trained worker so that a tailored package of support is put in place.

The 30+ personal stories captured from people living with cancer identified ten key themes. From these some specific details have been shared confidentially with the relevant professionals and led to discussions to aid and improve the well-being of people living with cancer in the county, including:

- Insights have been fed back to GPs via a regular newsletter asking them to help reduce “unnecessary travel” for people living with cancer who need to have a blood test ahead of their treatment which can be offered at their local surgery.
- Feedback around removal of drains by district nurses has been fed back to help the service consider again how they can help to reduce unnecessary travel for some patient's post-surgery.
- a focus group held with council employees with a cancer diagnosis led to a conversation with HR about flagging up employees with cancer so they can access welfare rights and benefits advice for the team already in situ and funded by Macmillan.

The whole programme is based on a partnership co-production ethos and involves supporting people living with cancer so that their physical and mental health and well-being is improved because of being offered a holistic needs assessment followed by a tailored support package.

North Powys Wellbeing Programme

The North Powys Wellbeing Programme is a chance to create a Multi-agency Wellbeing Campus in the heart of Newtown. Led by Powys County Council and Powys Teaching Health Board under the umbrella of the Powys Regional Partnership Board, this project will promote address the biggest causes of ill health and poor wellbeing through professionals and communities working together, offering early help and health technology to ensure residents have a more seamless service when they need it.

The programme commenced in 2019 but was impacted by the Covid-19 pandemic with staff resource being largely redirected elsewhere. Despite this, the overarching Programme Business Case for the Multi-agency Wellbeing Campus has been submitted to Welsh Government.

The campus will enable delivery of the Integrated Model of Care which was created following a programme of engagement with the public in 2019. The ambition is that the campus will provide:

- hospital and other health and care facilities, including the potential to carry out some diagnostic and outpatients’ services, and day-surgery
- a health and care academy
- library provision
- shared community space
- community garden space
- short and long term supported living accommodation.

As well as the longer-term aspirations of the programme, short term projects have also been funded to help improve the way services are delivered.

Since early 2021 work is now gathering a head of steam again and we look forward to re-engaging with communities and professionals with a view to submitting the next stage business case (Strategic Outline Case) for the multi-agency wellbeing campus.

Children's Services take participation extremely seriously and are fully committed to children, young people and their families having a meaningful voice in service design and delivery. During the pandemic it has been more important than ever to be engaging and communicating with children and young people, therefore we developed a range of platforms and methods to ensure that engagement and participation continued. For children aged 8 -13 years, an age-appropriate blog was developed. The blog included child friendly information on COVID-19 as well as educational links and support lines. For parents and carers there was a link to different resources for children aged 0-7 years who cannot independently use the site and it included an ALN resource. An Instagram page was developed specifically for care experienced young people. The page contained important information on COVID-19 and challenges and information to help young people have a focus during their time in lockdown.

Children's Services have developed a Participation Team within the structure which consists of a Participation Officer and Participation Apprentice. This team's complete focus is on developing ways of increasing participation and supporting the operational teams to ensure children and young people's voices are heard. During the pandemic, the children and young people's forums had to move on-line. We were grateful that they were able to help us make improvements to our Children's Guide and handbook for 16+ care experienced young people.

The Junior Safeguarding Board is well attended by young people, and they have worked with other junior safeguarding boards in Wales to develop training on safeguarding. A representative from the board also attends the Powys Local Operating Group to give updates on the work being undertaken.

A Junior Start Well Board was set up to ensure that children and young people's voices are heard by members of the Start Well Board. The Junior Board is made up of representatives from existing groups such as the Children's Services forums, voluntary sector youth organisations and the Young Carers Forums. The members of the board have so far worked on the NO wrong door project and a play sufficiency survey. We continue to work to extend the representation of young people on the Start Well Board.

In May 2020, the service launched the Mind of My Own app, which has been designed to help children and young people express themselves and communicate with their worker about what is important to them. The app was co-produced with children and young people to ensure that it is easily understood. The app can be used by young people to prepare for meetings, share good news or worries and concerns, they can say if they feel unsafe or scared and their worker is notified immediately. Young people create their own account, which can be used on any device at any time. Virtual training sessions have been held throughout the year for staff and the app has also been promoted with our Foster Carers.

As part of the Quality Assurance Learning Framework that the service implemented, all audits, including case and thematic audits, have a focus on the voice of the child being evidenced in the child's plan. In 2020-21 the service target to achieve this was 75%, however at year end this had been exceeded with 82.5% of audits demonstrating that the child's voice was evidenced in their plan.

The Intervention and Prevention Service have developed and implemented a 'distance travelled' tool. Young people complete a series of questions before they start their intervention and then complete

them again at the end. Using the tool, feedback from 83% of young people demonstrated satisfaction with the intervention and prevention service in 2020-21.

The service continues to have a strong commitment to involving young people in the recruitment and appointment of our staff and this continued during 2020-21 with care experienced young people involved in interview panels and decisions on appointments.

Providing Services during the Covid-19 Pandemic

At the start of the COVID-19 pandemic Children's Services operational management team came together to agree a business continuity plan for the uncertain times that we were facing and to ensure that we were well equipped to continue to run business critical services and keep children safe. Staff were trained across the service to be able to undertake different roles through a series of webinars. Staff surveys were produced to identify staff skills for redeployment if staff needed childcare to enable them to continue working and if they were willing to work additional hours. This allowed us to quickly identify who could be redeployed across areas of the service when required. The Children's Service Leadership Team commenced daily sit reps to review staffing capacity across the service to ensure services continued to children, young people, and families in Powys.

We were active participants in the weekly regional meetings that took place and led on several developments which have been key to supporting front line staff. A Powys Children's Services emergency procedure was developed in respect of child protection conferences, which was quickly adapted to be utilised at a regional level. This procedure ensured the continuity of child protection conferences and covered timescales, participation of families, quoracy and recording. This supported the smooth transition to virtual conferences. Another local emergency procedure led to the development of a regional policy document for child protection visits and section 47 planning considerations. This covered planning for sections 47's and included making use of outdoor spaces to speak to children alone.

We very quickly put into place arrangements to be able to run aspects of the service virtually, in order to keep children, families, and our workforce safe. Within 1 week of going into lockdown the first virtual child looked after review was held and 2 days later the first virtual child protection conference held. Our workforce adapted quickly and supported families, children, and young people through the complete change in way of working.

Our face-to-face work and visits were continued from the very start of the pandemic and at no point stopped, even when schools closed, and other agencies had stood down and were not seeing children and families in person. Between the start of lockdown on 23rd March and 13th May 2020 over 1000 face to face visits had already taken place with children and young people. Performance data was analysed in the daily sit reps to monitor demand on the service. Approaches to the service initially dropped at the start of lockdown which was a big concern to us, in response we increased contact and face to face visits and a domestic abuse project was developed due to the national reports of increases in domestic abuse and a social media and flyer campaign was undertaken across the County. The service saw a large increase in demand for services following this and this has continued throughout the year as we see and deal with the impact that lockdowns and the COVID-19 pandemic has had on children, young people, families, and communities.

Throughout this time our workforce has been totally dedicated and worked tirelessly to ensure they could continue to visit children safely by adapting practice for example, utilising PPE and outdoor visits. In 2020-21, 93% of statutory visits carried out for children who are looked after, and child protection statutory visits were within timescales. When the Welsh Government and Public Health Wales PPE guidance was issued, within 24 hours the service had produced and circulated task specific documents for the workforce alongside a risk assessment and decision-making tree. Members of staff volunteered to operate PPE stations from their own homes which could be collected by the workforce 24/7 to keep them safe and ensured visits could continue. Guidance was also produced for our Foster Carers and the Fostering teams increased their contact to provide additional support to them during the pandemic and when schools were closed.

Our workforce, at a time that the country was in fear and trepidation, showed commitment, dedication and bravery and found new and innovative ways to visit and work with children and families and ensure that our statutory duties were met. Some of those examples are:

- *During lockdown when schools were closed social workers visited homes and undertook a range of activities with children including helping with schoolwork, learning new BMX bike tricks, and making paper games.*
- *A personal advisor provided support to a care experienced young person who made the very brave decision to stay in university accommodation alone during lockdown. They kept in regular contact*
- *A young person whose placement broke down was visited face to face daily by their social worker while they settled into their new placement.*
- *Workers supported foster carer families who were shielding by collecting medication and groceries from the supermarket.*
- *Workers attended foster carers homes to help them set up technology so that children in their care could undertake video contact with families.*
- *Where a family was self-isolating a social worker played 'hide and seek' with a child through the downstairs windows of their home to help engage and communicate with them in such a difficult situation.*
- *Worker helped to encourage physical activity when the schools were shut, they undertook virtual walks with young people and video chatted whilst they were walking, and they set step challenges and made weekly targets.*
- *Social workers ensured that children who became looked after during lockdown or had a placement move, had their belongings taken with them or by observing social distancing guidelines and using PPE they assisted by collecting them and taking them to their placement.*

Communication was a priority for the service throughout lockdown and the pandemic. When the offices closed, the service overcame logistical issues to ensure that letters were still being sent to families and that information provided was up to date and current. We also ensured that partner

agencies were kept up to date of our business-critical services and to continue to refer in through the Front Door Service.

The service undertook our own welfare calls to children that had received a shielding letter from the Health Board. The Integrated Disability Team arranged food parcels where needed and kept in regular contact to support families.

Funding was secured to set up all our Foster Carers with Office 365 accounts. Working in partnership with Corporate ICT we ensured the rapid setting up of Powys emails for Foster Carers and this was invaluable for keeping in contact and providing support and information during the pandemic. It also enabled children looked after to have virtual video contact with their families during lockdown.

Also, during the pandemic, the Community Support Emergency Team (C-Sert) was created to join up PTHB, PCC, third sector partners, the Regional Partnership Board, and community volunteers. The C-Sert Team helped provide mental health support, shopping assistance, pharmaceuticals pickups and more.

Care Home and Dom Care Provision During Covid-19

There are several areas in which intensive support activity was needed during the pandemic. The Council's work with care homes and domiciliary care has been subject to continuous change and some significant highlights are detailed below:

1. During the COVID-19 pandemic, the Council increased contact with care home and domiciliary care providers, at one point including daily calls to offer support, advice, and guidance.
2. An email address for the Council's Commissioning team was set up and monitored 7 days a week. This provided care homes with an out of hours contact for information, advice, and/or support.
3. The Council's contract monitoring officers initiated a process to reduce the number of calls being received by care homes from partners such as Powys Teaching Health Board (PTHB) and Public Health Wales and collaborated with PTHB nursing staff to streamline this process once it was in place.
4. The Council's contract monitoring officers, together with the Business Intelligence team developed a Care Home Dashboard which holds up to date care home information and as such, eliminates the need for multiple requests for information from the care homes themselves.
5. Homes were supplied with PPE packs comprising 200 disposable aprons, 200 pairs of disposable gloves, 200 fluid resistant face masks and 50 pair of reusable eye goggles. As PPE availability improved, the Council worked with homes to establish their PPE consumption needs and provide ongoing supplies.
6. The Community Equipment Service were proactive in providing equipment such as profiling beds, static mattresses, alternating mattresses, static cushions, and alternating cushions. 26 care homes (without appropriate alternative equipment) were provided with an iPad to ensure they had the capability to undertake activities such as calls to residents' relatives, virtual GP bedside visits and remote inspection visits.
7. The Council held Business Continuity Plan workshops with homes.
8. There were several instances during the 'second wave' where the Council had to provide direct support to homes. Support included actions to maintain safe staffing levels

(including temporary Council staff redeployment). In one instance the Council helped to source alternative temporary arrangements for resident catering.

9. The Council provided support to homes in response to requests concerning problems with securing COVID testing kits; correct self-testing procedures; and establishing operable staff testing arrangements, etc.
10. The Council worked with PTHB to arrange and deliver on-line infection prevention and control training sessions with care homes.
11. The Council promoted the availability of the Welsh Government hardship fund and assisted homes to make claims related to increased staffing costs and food prices, the provision of COVID secure visitor pods and testing areas, and additional costs incurred due to the requirement for staff testing. As of March 2021, the monies paid to homes via the Council from the hardship fund totalled £3,859,115.

Feedback from the Public

To help shape our service, we collect Compliments, Comments and Complaints and we discuss this feedback on a regular basis. We categorise them into Stage 1 and Stage 2 Complaints. Stage 1 complaints are dealt with by the team or senior manager of the department. If we are unable to resolve a complaint at Stage 1, then it escalates to Stage 2 where the investigation is undertaken by an external independent investigator. If the matter is still unresolved, the complaint escalates to the Ombudsman.

Compliments	2018/19	2019/20	2020/21
Children's	14	14	61
Adults	126	130	93
Total	140	144	154



For 2020/21 there was an overall increase of 11 complaints and enquiries compared to 2019/20, however, 30% of all contacts into the complaints team are now being dealt with as enquiries and resolved before progressing to becoming a complaint. This is a result of focusing on dealing with issues as soon as possible and resolving them before they progress into bigger concerns.

There has been a slight increase in compliments received during 2020/21 from 144 to 154. There was a substantial increase in Children's compliments up 400%, demonstrating the improvements in practise compared to previous years. The full Social Services Annual Complaint report is available on our website at <https://en.powys.gov.uk/socialservicescomplaints>

Promoting and Improving the Well-being of Powys Residents

(a) Working with people to define and co-produce personal well-being outcomes that people wish to achieve

Understanding "what matters" in our conversations with people is paramount to successfully placing the individual at the centre of what we do. "What matters" is the golden thread that runs throughout our services and is an important guiding principle of the Social Services and Wellbeing (Wales) Act 2014.

What did we plan to do last year?

In last year's Annual Report, we set out several priority actions to enhance how we work with people to help them achieve their outcomes, namely that we would:

- A1: Provide care and support for carers which will enable them to be supported to continue their caring role.
- A2: Further develop our strengths-based approach through promoting individual's own assets and community network support when determining how eligible needs can be best met.
- A3: Strengthen the Quality Assurance Framework and workforce development arrangements to ensure that assessments include the voices of children, young people and their families and plans are co-produced.
- A4: Develop the Early Help Strategy to promote Early Help as the multi-agency approach in Powys
- A5: Launch the rebranded Children's Services Front Door and Early Help Service
- A6: Review with partners the planned approach to multi-agency Early Help Hubs in the light of the Covid-19 pandemic.

How far did we succeed and what difference did we make?

A1: Credu, our commissioned service for Carers, have released a new Carer's Rights Booklet. This helpful guide for unpaid carers is easy to follow and will help carers get the right support in their caring role.

A1: Adult Services fully acknowledge the vital role which unpaid carers undertake across our communities in Powys; our respite policy for unpaid carers, which was co-produced alongside carers, has been published - <https://en.powys.gov.uk/article/10190/Council-publishes-respite-policy-for-unpaid-carers>

A2: We continued to rollout our Collaborative Communication / Strengths Based training although it has been curtailed due to Covid-19 challenges. Adult services has started a screening meeting with

our front door service, ASSIST to help deal with front door workflow and finding ways to better utilise our community services, family, and friends prior to statutory services.

The Community Connector service was instrumental in Powys's response to the pandemic at a community level. 2020-21 saw a 145% increase in referrals from the previous year. The three main reasons for referral were COVID 19 shielding/welfare support, COVID 19 support and prescription/medication delivery requests. In order to manage demand the service increased its operating hours so it was available 7 days a week, 13 locality networks were established to aid partnership working. The average time taken from when a referral was received to when support started was 3 days and 100% of clients who wanted to receive the service through the medium of Welsh were able to. Community Connector awarded grants to community groups/informal volunteering groups totalled £47,710 and grants were used to support with the cost of PPE, volunteer expenses and meal provision. 93% of health and social care professionals said that the information provided by the service improved their ability to support their client/patient.

Our *Disabilities Forum* continued throughout covid.

A member of staff who was originally deployed from her substantive post in the council to work within domiciliary care service has successfully gained permanent employment in care provision – see her tell her story at <https://youtu.be/25EOuqbV2zg>

To support, protect and keep our staff safe, a new Unacceptable Customer Conduct Policy has been implemented. <https://www.countytimes.co.uk/news/18584746.powys-council-plans-clampdown-bullying-behaviour/>

A new suite of webinar training resources has been made available for staff in the absence of being able to deliver face to face training during COVID-19.

A staff survey has been designed to enable staff to give their views on how to improve the WCCIS (people management system) interface and make it easier for staff to record information on WCCIS.

Adult Services undertook an active part in the virtual jobs fair which was hosted by the Job Centre and targeted those on furlough, unemployed or at risk of redundancy because of the COVID-19 pandemic.

We have continued to support our external Providers in their campaigns to recruit new members of staff through signposting on our council's job vacancy page and promoting via social media

A3: The Children's Services Quality Assurance and Learning Framework was reviewed and revised in 2020/21. Staff are committed to ensuring that quality assurance activity is embedded, evaluated, and acted upon. The Quality Assurance and Learning Framework is underpinned by the key aims of the overarching Children's Services Integrated Business Plan. The framework sets out the principles that underpin quality assurance and learning which are informed by the Signs of Safety (SofS) strengths-based approach to practice that is being implemented across Powys Children's Services. The overall aim of the framework is to support colleagues across Children's Social Care to achieve better outcomes for children and to understand 'what good looks like.' The purpose of the framework is to improve our understanding of whether we are supporting the right children, in the right way, at the right time, and whether we are making a positive difference to their lives. It is designed to help us on our path of continuous self-assessment, improvement, and learning.

Effective audits provide insight into the quality of work with children and families, the quality of management oversight and support for the social worker and, importantly, the views, experiences, and outcomes for the child.

In 2020/21 82% of audits of children’s plans evidenced the child’s voice. The voice of a child is always at the forefront of the work that Children’s Services undertake and the active offer for advocacy is made to all children and young people.

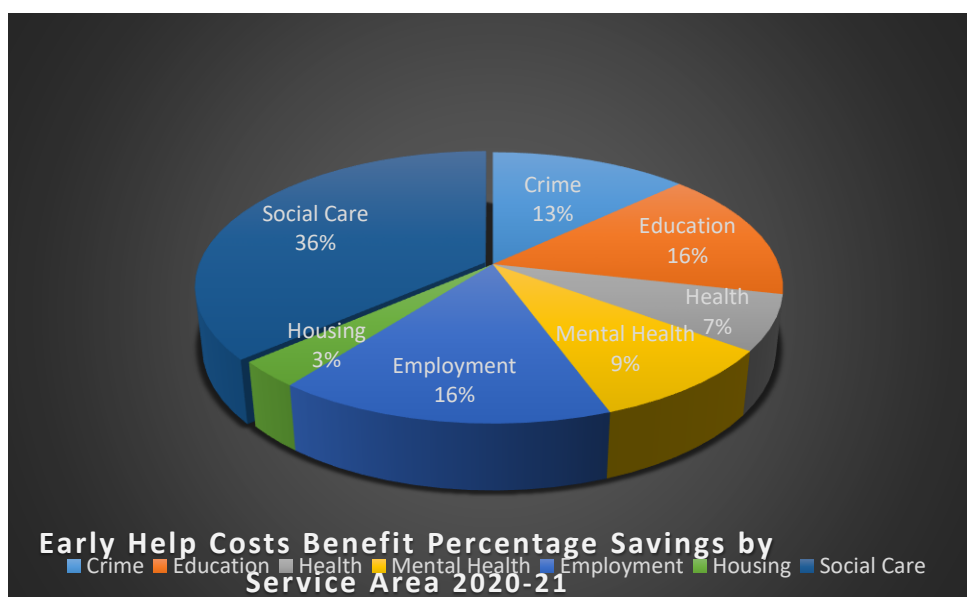
Following audits being undertaken the service reports on themes and shares learning through webinar events for all practitioners.

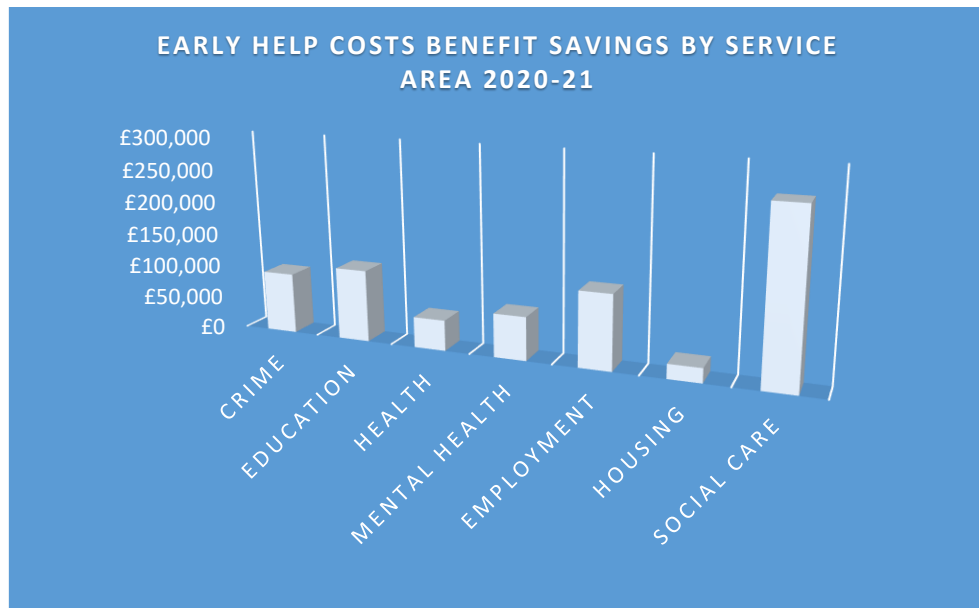
A4: Due to the challenges faced by the COVID-19 pandemic the development of the Early Help strategy was delayed initially. However, despite being in business continuity planning mode, the draft Early Help Strategy was developed in the later part of the year and went through the Council’s corporate governance process and was agreed by Cabinet. The formal launch is planned for Summer 2021. Throughout 2020-21 we have continued to provide face to face and virtual Early Help and parenting support.

During the year:

- 94% of individuals reported stabilisation or positive change following support from Early Help across all of 2020-21.
- 93% of individuals reported stabilisation or positive change in health and wellbeing following support from Early Help over 2020-21.
- 93% of individuals reported stabilisation or positive change in achieving potential over 2020-21.
- 94% of individuals reported stabilisation or positive change in confidence and resilience over 2020-21.
- 97% of individuals reported stabilisation or positive change in economic wellbeing over 2020-21.

A cost benefit analysis, using the ‘Families First Cost Savings Toolkit’ which was commissioned by Welsh Government and developed by Wavehill Social and Economic Research Group, has been undertaken and it has identified that in 2020-21 the Early Help Service provided a cost avoidance total of £703,888.03. The details are as follows:





A5: The launches of the rebranded Front Door and Early Help Services were delayed due to the COVID-19 pandemic and the service moving into business continuity plans. The work was restarted, and this is now planned for Summer 2021 alongside the launch of the Early Help strategy.

A6: Review with partners the planned approach to multi-agency Early Help Hubs in the light of the Covid-19 pandemic.

The development of the Early Help hub was initially delayed due to the COVID-19 pandemic. It remained as a priority in the Start Well workstream leading on Building Resilient Communities and developing Integrated Access to Services. In September 2020, the Start Well Board took the decision to temporarily stand down a number of the five workstreams due to the demand on partners responding to the Covid 19 pandemic. It was agreed that the Building Resilient Communities and Integrated Access to Services workstream and the Emotional Health and Wellbeing workstream would continue to meet regularly to progress work related to the Covid 19 response but the remaining workstreams were to be stood down. The Start Well Board agreed to review these arrangements in Spring 2021. Work continues with the development of an early help hub in the North of the County. All stakeholders have been engaged and the facility is due to open to the public April 2022.

What are our priorities for next year and why?

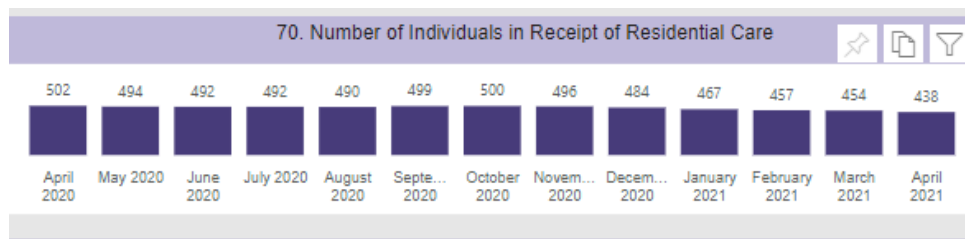
- A1 Goal: Develop a Personal Assistant finder tool to help service users who receive direct payments to find the help they need.
- A3 Goal: Launch the rebranded Front Door and Early Help Services.
- A4 Goal: Develop the Early Help Hub in the North of the County in preparation for opening in April 2022.
- A5 Goal: Strengthening the resilience of the workforce through achieving our Grow Our Own objectives.
- A6 Goal: Continue to provide mission critical services during these changing times to children, young people and families in Powys.

(b) Working with people and partners to protect and promote people’s physical and mental health and emotional well-being

What did we plan to do last year?

In the 2020/21 Directorate Plan we said that we would:

- B1 Improve our system of tracking what services people are needing in Powys to support future commissioning decisions.
- B2 Enable more people to remain in their own homes and reducing admissions into residential care, aided by effective partnership working in community mental health teams, and working alongside health partners to ensure that those with a primary health need have needs met through timely continuing healthcare funded support.
- B3 To develop regular conference calls with providers and to communicate effectively with providers via the conference call and by writing to them regularly with updates on national and local developments.
- B4 Improve and revamp the Adult Social Care website to ensure that people can easily find what they want and designed to match the Social Services and Well Being Act. Including promoting greater awareness of AskSara.
- B5 Work with our partners to review the Start Well Board priorities to refocus how the partnership works together to support children’s emotional wellbeing and mental health at the earliest opportunity.
- B6 Appoint an inhouse Psychologist in partnership with PTHB
- B7 Establish a trauma informed approach across Children’s Services.
- B8 Increase the number of care leavers that report good wellbeing.
- B9 Further develop the range of short breaks provision available.
- B10 To improve our partnership working with the Powys Teaching Health Board’s Child and Adolescent Mental Health Service.



How far did we succeed and what difference did we make?

B1 Improve our data tracking to support good decision-making around commissioned services.

- It was announced in August that day centres for older people and day services for individuals with a learning disability will remain closed for a further 6 months; it is not feasible for us to re-open these facilities and comply with social distancing requirements. “What matters to you” conversations are being held with all those affected and where required alternative support arrangements are being put in place including making best use of community provision across the county. It has been agreed that long-term review of daytime

opportunities will be undertaken and presented to the Council's Cabinet. The day centres and day service bases originally closed in March 2019 due to the COVID-19 pandemic.

- Microenterprises (small community businesses that support and care for local people) are operating in Brecon, Hay on Wye, Presteigne, Knighton and Crickhowell; it is reported that microenterprises are covering each other during periods of absence. The 12 Microenterprises in operation currently support 47 individuals known to the council and 56 private clients, totalling 663 hours/week; Our Commissioning Team are working with the Community Catalyst to identify whether the microenterprise approach can be expanded to other areas outside of the original project area.
- Information has been developed for care management teams to enhance understanding of the role of Community Catalysts.
- The personal assistant (PA) tool finder is now live and promoted amongst Community Micro Enterprises and Personal Assistants; this will enable those individuals seeking the support of a Personal Assistant or Community Micro Enterprise to search for availability in their area – demonstrations of software have taken place.
- Virtual wallet – fortnightly project meetings are being held with the commissioned provider. The virtual wallet is akin to an on-line bank account and will be available to individuals to enable them to keep track of their direct payments; this will be made available to new service users initially but there is the potential to roll out to existing service users to transfer to the virtual wallet from a managed account.
- To reduce the number of review conversations with individuals receiving a social care service, moving, and handling reviews, which are undertaken by our Occupational Therapists, are now being undertaken at the same time as community reviews wherever possible
- Opportunities are being considered as to how we can support domiciliary carers who are available but non-drivers in relation to taxi or electric bike provision especially in areas where we are finding it difficult to source care packages; this will support our work in reducing waiting times for a service
- Ask Sara – as previously reported, the Council has invested in its information and advice services in order to enable people to make informed decisions as to their needs and how to meet them. In Quarter 2, we saw a considerable increase in visits to the site which may be as a direct result of the Comms campaign which was undertaken due to the numbers accessing Ask Sara not being as high as originally anticipated; new visits have gone up to the highest level, even surpassing the first month of the site going live.

B2 Enable more people to remain in their own homes - one way that Powys Council supports people to live independently is through our Shared Lives scheme. Shared Lives provides care and support to adults with a learning disability, but also to others such as older people, people with mental health problems and young people in transition and helps them choose who they live with, where they live and how they spend their time.

Case Study: Shared Lives – Ryan

This video tells the story of how Ryan, who lives with a Shared Lives caring family, has found a place where he 'truly belongs.' A video of Ryan's experience can be found at <https://en.powys.gov.uk/article/1901/Supporting-adults-Shared-Lives>

B3 To develop regular conference calls with providers and to communicate effectively with providers – on hold due to Covid.

B4 Improve and revamp the Adult Social Care website to ensure that people can easily find what they want and designed to match the Social Services and Well Being Act – on hold due to Covid.

B5 The Start Well Board considered and reviewed its priorities in the Summer of 2020 and as a result revised the structure of the Board’s workstreams so they would be better aligned to support the shared partnership priorities. The Start Well Board agreed to reform the work and the workstreams in the following way to most effectively support the workplan of Start Well:



- The Start Well Board agreed to develop a Junior Start Well Board which will have representation from a wide range of children and young people across Powys. This will ensure their involvement, influence, and engagement in the work of the Start Well
- Work continues with the development of an early help hub in the North of the County. All stakeholders have been engaged and the facility is due to open to the public April 2022.
- Working to support the emotional health and wellbeing of children and young people at the earliest opportunity continues to be a priority for the Start Well Board and the Start Well Board have developed a project specifically to focus on emotional Health and Wellbeing and Covid recovery which has been allocated funding for 2021/2022.

B6 In early 2020 we successfully appointed an in-house Psychologist in partnership with Powys Teaching Health Board. The in-house Psychologist supports staff across Children’s Services in thinking about their work with children and families and to help staff recognise and value their existing skills, expertise and strengths, and to develop new learning and understanding. This is being achieved through having discussions:

- To help staff to understand needs, difficulties, and strengths
- To work with children and families who have not responded to offers of support, who may be a risk to themselves or others
- To develop approaches to assist families

- To consider how different practitioners and services are working together to support a child and their family
- To work with complexity and plan future interventions
- To think about the need for and appropriateness of specialist interventions, assessments, or therapeutic input

Childrens Services are also facilitating group supervisions, reflective sessions and providing training for staff to ensure they feel confident and supported in their roles. The psychologist also provides advice and guidance in several professional meetings such as resource panel, children of concern meetings, youth justice service team meetings, Youth Justice Management Board meetings and meetings with Child and Adolescent Mental Health Services (CAMHS) practitioners at various levels. We also represent Powys on the All-Wales Traumatic Stress Workstream for Children and Young People and the Gwent Tier 3 Forensic MDT service meetings.

B7: This has been delayed as the service has been in business continuity arrangements due to the COVID-19 pandemic. Plans are in place to undertake a self-assessment in relation to being a trauma informed service and from this we will develop and action plan for implementation.

B8: *Increase the number of care leavers that report good wellbeing.* During the year, the service undertook a piece of work to develop and revise the Pathway Plan for care experienced young people. Due to the COVID-19 pandemic this was delayed slightly but the plan went live in early 2020/21/2022 and the service will be able to report data on outcomes for young people from the new comprehensive plan.

The COVID-19 pandemic for care experienced young people with limited support networks and resources has been a very worrying and anxious time. Many care-experienced young people were at an increased risk of deterioration in their physical and mental health and emotional wellbeing. At the start of the pandemic supporting our care experienced young people was a clear priority for the service. All young people were contacted to assess and support their well-being and physical needs. A register of current locations was set up to easily identify where support may be needed. The young people were candid about the anxieties they feel about self-isolation and the risk of infection in the lockdown period and accepted support and guidance to address their needs. Contact was maintained with care leavers by face-to-face visits, telephone and email contact and via a variety of social media platforms according to the preference of the young person. The social worker and personal assistant workforce was strengthened in the first lockdown with additional support worker capacity by re-deployed staff to ensure that there was a flexible and responsive service in place. Emergency packs containing a basic food supply, toiletries, sanitary protection, and cleaning products were prepared and distributed. Arrangements were put into place to offer care leavers financial support either in cash or into bank accounts, allocation of food vouchers and e-vouchers and Smart meter cards to pay for utilities are available. Financial allowance was increased in line with the change to universal credit. Care experienced young people were supported with their accommodation choices whether that was to come back into care, stay in university accommodation or through providing additional support to them in semi-independent accommodation.

B9: Further develop the range of short breaks provision available. Covid-19 has presented many challenges in providing residential short break provision, practice and provision had to change quickly to meet the changing demand. Our in-house children's residential provision was re-focussed to provide safe, long-term placements for a small group of young people. For most families, the closure of schools and the lockdown restrictions placed significant pressures and the need for short breaks

has increased. By providing Short Breaks, Powys County Council aims to also support parents and carers, including young carers. The aim is to enable them to maintain their caring role and give them time to have a break from what is recognised as a lifelong responsibility. Carers have the right to an assessment of their needs.

A children's residential short break provider was identified in the north of the County and a provider outside of Powys, who had the relevant staffing teams, accommodation, and registrations (where appropriate), to provide residential short breaks for children. The relevant PPE has been provided. Relevant training and guidance and Covid-19 testing schedules were also implemented to support this. The short breaks are scheduled in two-week periods to reduce the number of contacts with staff and family members.

The number of Direct Payment packages has increased significantly during Covid-19. The Children's Commissioning Team developed a bespoke recruitment campaign to specifically recruit and match Personal Assistants to provide support to meet families' needs. We successfully advertised and recruited ten additional Personal Assistants who have been matched to families to provide short break support.

The number of hours has also been increased to some children and young people provided by our commissioned provider, Action for Children, who provide 1:1 support as part of Tier 2 short break provision.

The Short Break Project Team have met regularly throughout the pandemic to review progress against provision for each child and young person. Where direct payments have not been appropriate the Commissioning Team have worked with the Fostering Team to identify in-house, short break foster carers to provide short breaks. This has been challenging due to the implications and considerations of Covid-19; however, some children have been able to match to foster carers where this can be safely achieved.

The closure of schools allowed for the widening of the availability for children and young people to access short breaks during the week as well as weekends. For most families, the closure of schools and the lockdown restrictions have placed significant pressures and the need for short breaks has increased. The Children's Services teams worked closely with families to communicate the changes and to explore all options for short break provision.

B10 To improve our partnership working with the Powys Teaching Health Board's Child and Adolescent Mental Health Service. During 2020/21 Children's Services increased activity to improve continuing care arrangements for children and young people and support for children whose mental and emotional wellbeing has been affected by the trauma they have experienced but who do not meet the criteria for CAMHS. The services are moving together to develop a response for example, the Safe Accommodation for Children and Young People with Complex Needs project, but we have not made the progress we would have liked to, and we continue to work to improve our partnership working with the Powys Teaching Health Board's Child and Adolescent Mental Health Service.

What are our priorities for next year and why?

In 2020/21/2022, we intend to address the following priorities around protecting and promoting the physical and mental health and emotional well-being of our residents.

- B1 Goal - Update our Market Position Statement for Commissioning including residential, domiciliary care and children's placements.

- B2 Goal - North Powys Wellbeing Programme will continue to expand its following successful delivery of the project in north Powys. Children's First initiative has been expanded further across north Powys to include Machynlleth and Llanidloes. Children Looked After will continue to be supported in local placements in Powys where possible. Further projects have also been funded to support digital and more local Ophthalmology and Respiratory services in north Powys.
- B3 Goal - Extra Care – Adult Social Care is committed to adding new projects to support people in need of residential care in Welshpool, Ystradgynlais, Machynlleth, and Brecon.
- B4 Goal - Support adults who require care and support through timely and strengths-based assessments and care and support planning and working to ensure that the right level of care and support is available to adults who require this support.
- B5 Goal - Provide and commission a flexible and affordable mix of high-quality support services for adults who require care and support and their carers to meet the diverse range of their individual needs and circumstances. With a focus on outcomes.
- B6 Goal - To increase the availability of volunteers to work in health and social care during the pandemic (and beyond), and to work with care and support providers to increase use of volunteers to increase service capacity.
- B7 Goal – Increase the number of care experienced young people that report good wellbeing.
- B8 Goal – Maximise the role of Clinical Psychologist to support across the service and establish a trauma informed approach.
- B9 - Complete an options appraisal regarding provision of short breaks in Powys or implement changes to the provision of short breaks.

Service User Story – Canary Monitoring System

My father is 89 years old and has long term health issues, including dementia. The Canary Care monitor system has allowed us to know that he is safe and that his doors have not been left open. It also enables us to know when his Careline alarm goes off - allowing us to see whether it was an accident or if there is a problem. His movements are detected by the sensors when he moves from room to room, and there is also a record of when his entry doors are opened and closed. The movement data also helps us know how well he slept and how frequent were his night-time visits to the bathroom. We also have a card system that allows carers to easily come and go, yet any unexpected visitors will be flagged up by the system providing a useful security feature. We have found the entire system easy to use and very reassuring. It is one of the key devices my father has in his package of care which helps him stay at home and to be safe in his own home.

(c) Taking steps to protect and safeguard people from abuse, neglect or harm

What did we plan to do last year?

During 2020/21 we said we would:

- C1: The Regional Safeguarding Board will publish the regional safeguarding response to Safeguarding which is a single document outlining the Safeguarding response to children and adults safeguarding. The purpose of this document is to provide a designated reference point for the specific processes to be followed during the COVID-19 pandemic, and to show the significant work undertaken by all our Board and partners in the development of these

policies. The Senior manager has engaged with the board to produce this document and provide clarity during this time.

- C2: To develop a joint care home escalation matrix with the Powys Teaching Health Board to enable full awareness by the Care Home Steering Group (Section 33) of contract monitoring and concerns.
- C3: To convene a regular interagency, multidisciplinary team meeting to consider the needs and sustainability of care homes in Powys.
- C4: Work closely with partner agencies to improve our response to child exploitation and lead on the review of the regional arrangements for multi-agency working.
- C5: Complete phase two of the Children's Services restructure to strengthen the Safeguarding and Quality Assurance Service.
- C6: Develop the Powys Child Exploitation Strategy and Implementation Plan
- C7: Establish our Specialist Child Exploitation Intervention team.
- C8: Undertake a review of EDT and implement an out of hours response to child protection and adult safeguarding and mental health which meets demand.

How far did we succeed and what difference did we make?

- C1: The Regional Safeguarding Board will publish the regional safeguarding response to Safeguarding which is a single document outlining the Safeguarding response to children and adults safeguarding. The purpose of this document is to provide a designated reference point for the specific processes to be followed during the COVID-19 pandemic, and to show the significant work undertaken by all our Board and partners in the development of these policies. The Senior Manager has engaged with the board to produce this document and provide clarity during this time.
- C2: The Council continues to prepare for the transition from the statutory obligation to complete Deprivation of Liberty assessments (DoLs) to the new Liberty Protection Safeguards (LPS), which comes into force sometime in 2022. The Council continues to undertake DoLs through the pandemic.
- C2: Powys Social Care is now working to the new Regional Threshold guidance and has delivered online training to support staff with a clear process to inform safeguarding referrals.
- C3: A regular interagency, multidisciplinary care home team has been meeting regularly since April 2020, initially daily now weekly. Members are recruited from ASC Commissioning, operational, safeguarding and Environmental Health. PTHB co-chairs with commissioning in PCC. This group oversaw the development of the care home dashboard. In addition, daily system flow meetings have been held in Adult Services to monitor flow of demand through the adult services system, to identify issues that require escalation corporate management team, and to monitor our ability to respond to safeguarding alerts in a timely manner.
- C4: In 2019 Powys Children's Services created a new operational team led by a Child Exploitation Manager dedicated to preventing, protect and support children from all forms of child exploitation. Since then, team has transformed the work of Child Exploitation and has led the region in many initiatives and developments. Children's Services have taken the lead in developing the strategic MACE (Multi-Agency Child Exploitation meetings). Working with our partners and agencies we been developing a Child Exploitation profile which is co-ordinated within our strategic MACE. Early indications suggest a greatly improving picture in terms of effective responses to child exploitation in Powys, the safeguarding process is fluid in such that children are no longer entering and getting 'stuck' in a process which was

previously happening as there was no joined up working to enable effective disruption and trauma informed responses to recovery. Powys Children's Services CE team has taken the lead on change in line with research and policy across the region.

Our implemented MACE strategic child exploitation profile which centralises around key data analysis to support a collaborative understanding of trends and themes within our area and what we can collectively to enable safe change has been recognised by the Regional Independent child trafficking Guardianship service as innovative, and subsequently it has been shared to other Local Authorities as an example of best practice. In July 2020 we implemented quarterly multi-agency 'community of practice events. The aim being to support multi-agency best practice through accessing regular expert guest speakers from across Wales and the UK who promote understanding of research, policy, thresholds, and best practice approaches. We have routinely gained excellent attendance across a broad range of professionals including multi-agency partners, third sector and children's residential provisions in Powys. We have reached a maximum of 131 professionals per session, and feedback forms have reflected only the benefits of the sessions. We have also welcomed other LA's who are considering change within their approaches to child exploitation to join us which has been received by 4 Local Authorities within Wales. This has supported raising awareness and greater quality of referrals to Children's Services and a more child centred approach with greater recognition of complexities within this form of abuse, such as the impact of grooming on conditions of consent and the devastating impact it can have on the child and their family.

- C5: Complete phase two of the Children's Services restructure to strengthen the Safeguarding and Quality Assurance Service. Phase two of the Children's Services restructure to strengthen the Safeguarding and Quality Assurance Service was completed in 2021/2022. The restructure has meant the creation and appointment of a Practice Development Manager. The post leads on workforce development, practice guidance and quality assurance for the service. This has ensured that the service is supported to create and provide learning and development opportunities and that our workforce is skilled and equipped to provide a high-quality service to children. The Practice Development Manager role has developed and implemented the Quality Assurance Framework and thematic audits of plans and assessments. Feedback and learning sessions have been held following the audits to promote the services' learning culture.
- C6: Develop the Powys Child Exploitation Strategy and Implementation Plan. We have developed a Child Exploitation Strategy in consultation with key partners to support our aim in working together to set out our aspirations, intent, and vision of working together with children and families, social work teams, partner agencies and support services to create communities that are harsher for perpetrators and provide non blaming and safe environments for children. The strategy supports our vision to create a centre of excellence within Powys by ensuring strong leadership and multi-agency collaboration. These include early intervention and prevention, protection and trauma informed responses that will place the child at the heart of their care and support needs whilst providing a targeted response to disruption and the prosecution of offenders. The Strategy also utilises existing provision and maximises effective partnership working to achieve its aim. The strategy is overseen by MACE meetings which are an effective mechanism for reviewing the implementation of the plan. The Strategy is multi-agency which dilutes the burden on one single agency. It harnesses third sector and statutory bodies to ensure aims are agreed and monitored. The Local Authority has invested in the development of materials for awareness raising and the agreed workforce development budget recognises the need to invest in this area of skills development. The

meaningful measures within the action plan reflect the value and impact of the Strategy within its core elements to prevent, protect and support children at heightened risk, have or are being exploited.

- C7: Establish our Specialist Child Exploitation Intervention team. The Safeguarding and Quality Assurance restructure saw the Child Exploitation Workers move from the Intervention and Prevention Service over to Safeguarding and Quality Assurance under the leadership of the Child Exploitation Manager. The team have been extremely successful in driving forward the work in Powys around Child Exploitation. During safeguarding week last year, we successfully undertook the following activities collaboratively with other agencies across Powys:
 - We worked with the Powys Open Access Youth Services to create a video which young people helped to film. The video was shared on the Powys County Council Facebook Page. It gained 2.4K views and 19 shares.
 - The video was also shared on the Powys Open Access Youth Service Facebook Page. It gained 1.3k views and 19 shares.
 - We worked with the Powys Youth Intervention Service to create two videos in the North and South of the County. The video was shared on the Powys Family Information Service Facebook Page. It gained 289 views and 10 shares.
 - The video was also shared on the Powys Youth Intervention Facebook Page. It gained 290 views and 1 share.
 - We worked with Powys Licencing and community PCSO's to raise awareness at local off licence premises and pubs. Together we visited 3 off licences and 7 pubs within the mid of the County.
 - We communicated with employees that safeguarding is every one's responsibility and how they can support in making communities safer for children. We provided 10 information packs that included additional information and visual flyers for their premises.
 - The licencing team communicated with registered Powys Taxi Drivers. They provided an information awareness raising video promoting safeguarding as everyone's responsibility, and how they can support to make communities safer for children.
 - Each evening in the North and South of the County we met with local youth workers providing outreach to children.
 - We communicated with 71 children across the County.
 - We provided 40 Child Exploitation Wristbands to children.
 - The Youth Service provided bicycle lights to promote children's safety in the evenings.

From speaking to young people an action plan was developed to continue to strengthen the work that the team undertake in Powys. We are also providing public facing events for parents, carers, families, and communities to raise awareness, our initial session gained over 30 attendees and a further event is due to run in June.

The Child Exploitation Hub recognises and value the importance of child participation, and we are developing a child exploitation ambassador programme within every comprehensive school in Powys to promote awareness and initiate conversations within peer groups. We hope to develop this within colleges and other forms of training across Powys too.

Child Exploitation intervention workers have created opportunity to support children with trauma informed responses which are at the child's pace. The team utilise non victimising approaches and are also at the forefront of challenging people's language to support the child never being at blame for

their abuse. For example, children do not place themselves at risk which is a phrase which has previously been common across agencies when thinking about children abused through exploitation.

We have developed a comprehensive performance data set which will help us to drive and develop the service further to meet the needs of children and young people.

C8: Undertake a review of EDT and implement an out of hours response to child protection and adult safeguarding and mental health which meets demand. A full review of the Emergency Duty Team and the current out of hours response was undertaken in 2020/2021. Although this was delayed slightly due to the COVID-19 pandemic, the work was undertaken, and a comprehensive options appraisal developed. The agreed outcome from the options appraisal is planned to be implemented in 2021/2022.

What are our priorities for next year and why?

During 2020/2021 we will be focussed on delivering a range of outcomes, including:

- C1 Goal: We will work with the whole Council to mitigate adverse impact on community wellbeing in Powys from the Covid pandemic.
- C2 Goal: We will work with the third sector to develop a regular wellbeing call system to reach individuals who have been assessed as needing care, but where there is no care available.
- C3 Goal: In light of the economic impact of the pandemic, we will redefine our in-house domiciliary care service to better support outside care agencies who face resource challenges.
- C4 Goal: We will work with care homeowners, managers, and other stakeholders to ensure that care home residents are safeguarded during potential sustainability challenges.
- C5 Goal: Implement Mid and West Wales Regional Safeguarding Board Multi-Agency High -Risk Behaviour Policy (including self-neglect/hoarding.)
- C6 Introduce a best practice response to Child Exploitation and work in partnership with the region to achieve a consistent approach.
- C7 Implement the Child Exploitation strategy in line with the implementation plan.
- C8 Implement the EDT options appraisal agreed outcome.
- C9 Further implement the Quality Assurance Framework with a focus on closing the circle on learning from audits and Child Practice Reviews.

(d) Encouraging and supporting people to learn, develop and participate in society

What did we plan to do last year?

During 2020/21 we said we would:

- D1 Goal: To enable more adults with a disability to gain training and paid employment as our current commissioned service expires in October of 2020, we will be retendering by reviewing current employment needs and using a locality approach.

D2 Goal: To review daytime opportunities for adults and to support people to achieve what matters to them.

D3 Goal: To increase uptake of technology amongst the people that we support to increase social connection and reduce loneliness and isolation.

D4 Open a Spring-Board house in mid Powys.

D5 Complete an options appraisal of how a full range of supported accommodation for Care Leavers and Young People aged 16 to 17 who are homeless, can be best delivered.

D6 Increase the number of young people in care who achieve their educational goals.

D7 Increase the number of care leavers who are living in permanent accommodation at the age of 25.

D8 Increase the number of care leavers who are in full time employment, education, or training.

How far did we succeed and what difference did we make?

D1 - Our Commissioning Service continues to explore employment support options using feedback from individuals who use the Service currently and those that may in the future via "what matters conversations". Strengths based conversations have been undertaken with all individuals who are currently in supported employment. Following the contract end date, Adult Services have supported individuals to maintain their employment through a variety of support options.

Due to COVID-19 and ongoing business continuity, we have not been able to fully the work to develop the options available in respect of supported employment has been extended. Work will continue to develop more supported employment options; timescales will depend on the ongoing pandemic; action completion date is dependent on business continuity and consideration of Winter pressures.

D2 - Powys we took the difficult decision, due to COVID-19 restrictions and the infection rates across Powys, to extend the temporary closure of day centre facilities until February 2022. Councillor Alexander, the Cabinet Member with responsibility for Adult Social Care commented "I fully appreciate that this will be disappointing news for service users and their families, but the priority must be safety at this critical time." We will continue to discuss with citizens how to best support their needs and the review the future options for day opportunities.

D3- Technology Enabled Care – Adult Services provide a range of different pieces of technology to help make living at home easier for older people as well as individuals who just need help with certain tasks (e.g., home monitoring systems, pendant alarms, and door sensors). The Service promotes what is available through a series of animations which can be found via the following link. While recent referral levels have reduced during the first and second wave of Covid, the numbers are now returning to pre-pandemic levels. Our Contact Officers in ASSIST and Community Connectors are now trained in being able to prescribe low level equipment allowing us to support individuals at the earliest opportunity without them having to await a formal assessment.

We are working alongside a partner agency to better provide various therapeutic support to individuals in remote parts of the county and those that live on border towns. We have purchased some interactive robotic companion pets which will be trialled under this project; the evidence is that these can provide therapeutic support and have the potential to reduce medication. We will also look to trial with individuals who have dementia. The "pets" which have been purchased are robotic cats which are designed to look, feel, and sound like a real cat and come in a range of colours. They have

synthetic, brush-able fur and built-in sensors which respond to motion and touch, including petting and hugging. They also make cat-like movements and sounds.

D4 Open a Spring-Board house in mid Powys. Despite the service being in Business Continuity Plans and dealing with a global pandemic, we successfully opened a Spring-Board house in mid Powys. This is our third Spring-Board house to be opened so far across the County. The project helps our care experienced young people to be supported and learn essential life skills to enable them to become tenant ready. The young people are supported by the Through Care 14+ team to assist in making their journey into adulthood a positive one that provides them with the tools to become independent adults.

D5 Complete an options appraisal of how a full range of supported accommodation for Care Leavers and Young People aged 16 to 17 who are homeless, can be best delivered. An options appraisal was undertaken in 2020/2021 and included an analysis of the current costs and predicted future demand for 16+ accommodation, which emphasised the importance of taking a more strategic approach in commissioning accommodation and support for young people aged 16+. The options appraisal considered a range of options for delivery of services and the strengths and challenges for each option. The appraisal was considered by the multi-agency 16+ Accommodation Project Team and Children's Leadership Team and a recommendation for the preferred option made. The options appraisal went through the Council Governance process to Cabinet.

D6 Increase the number of young people in care who achieve their educational goals – Due to the COVID-19 pandemic the work we planned to undertake on developing our reporting of this measure, in partnership with Education was delayed. We revised our Pathway plan document as part of the Signs of Safety Implementation Group, and it has been embedded into practice. All children who are looked after had their PEP's reviewed and mechanisms are in place to ensure all children who are looked after of school age have an up-to-date PEP.

D7 Increase the number of care leavers who are living in permanent accommodation at the age of 25. Due to the COVID-19 pandemic the work we planned to undertake on developing our reporting of this measure was delayed. We revised our Pathway plan document as part of the Signs of Safety Implementation Group, and it has been embedded into practice.

D8 Increase the number of care leavers who are in full time employment, education, or training. Due to the COVID-19 pandemic the work we planned to undertake on developing our reporting of this measure was delayed. We revised our Pathway plan document as part of the Signs of Safety Implementation Group, and it has been embedded into practice.

Throughout the pandemic supporting our care experienced young people has been a clear priority for the service. Contact was maintained with care leavers by face-to-face visits, telephone and email contact and via a variety of social media platforms according to the preference of the young person. Emergency packs containing a basic food supply, toiletries, sanitary protection, and cleaning products were prepared and distributed. Arrangements were put into place to offer care leavers financial support either in cash or into bank accounts, allocation of food vouchers and e-vouchers and Smart meter cards to pay for utilities are available.

Care experienced young people were encouraged and supported to apply for the Powys County Council contact tracing advisor positions when they were created and advertising during the pandemic. We organised and ran webinars to provide advice and support to completing the application form and then a session on interview techniques and prep. Five of our care experienced young people were successful to the interview stage and two were offered positions.

Technology Enabled Care

Technology Enabled Care (TEC) has continued to develop with new services being trialled. The number of unique individuals supported and the number of pieces of equipment prescribed continue to grow with 1,176 pieces of equipment going to 575 new clients in 2020/21. TEC is helping unpaid carers to look after their loved ones with dementia in their homes for longer, some avoiding care home admission altogether or delaying the need for this. Using an average of £670 per person in annual savings, the projected costs which have been avoided because of the use of technology enabled care was £385,183 for the 20/21 fiscal year.

Projected Cost Avoidance to Powys Social Care 2020/21

	No Clients ¹	Estimated Annual Saving per Client ²	Estimated Saving 2020/21 ³
Total	575	£670	£385,183

(1) Actual number of unique clients supported with Technology Enabled Care in Powys

(2) Estimated annual net savings per client based on research but at 30% only and assumes 70% of clients retain their TEC for 12 months

(3) Savings per client reduce each month to reflect diminishing time remaining in the financial year

Especially popular is the *Canary Home Monitoring System* which allow non-invasive monitoring of vulnerable person to know their movements, see video at <https://www.youtube.com/watch?v=KJ350uHTC2k>.

"I have gotten fantastic feedback from clients/family using the equipment. The potential cost savings from families being able to maintain their loved one at home without the need for a care package is huge." - Health Board Occupational Therapist talking about the Canary Home Monitoring System

"My gran remained at home without a care package right up until she was hospitalised over a 5-month period, and, unfortunately then required 24-hour care in a nursing home. As a family we strongly feel that the Canary was the main reason we kept her at home for so long." – Granddaughter

Overall, the number of unique individuals supported has continued to grow in line with Vision 2025.

What We Will Do Next Year:

During 2020/21/2022 we will be focussed on delivering a range of outcomes, including:

- D1 Goal: Recruit an Employment Access Officer to work with internal and external organisations including local business to look at future employment opportunities and barriers.
- D2 Goal: Supported employment - Initiate a Work, Leisure and Learning Panel to drive strategic planning to find out the role of Day Services, education, and private sector partners.
- D3 Implement the options appraisal for supported accommodation for Care Leavers and Young People aged 16 to 17

D4 Increase the number of young people in care who achieve their educational goals.

D5 Increase the number of care leavers who are living in permanent accommodation at the age of 25.

D6 Increase the number of care leavers who are in full time employment, education, or training

(e) Supporting people to safely develop and maintain healthy domestic, family and personal relationships.

What did we plan to do last year?

During 2020/21 we said we would

- E1 The pandemic has meant that all day services have been closed. It is likely that risk assessments will result in an inability to re-open day centres in the near future due to the requirement to physically distance, especially among vulnerable groups. Therefore, the Council will need to work with day service users to ascertain the best alternative methods of achieving what matters to them. This may mean support to access technology and use technology to maintain relationships in a different manner, or to access physically distanced befriending groups, or other types of support. In addition, we will be working alongside service users to identify suitable volunteering, work experience and employment opportunities. The service will prioritise this work during the year.
- E2 Develop Supported Living Services which are outcome focused and support individuals in their own wellbeing within society
- E3 Identify those in our teams who should complete the level two and three Violence Against Women, Domestic Violence and Sexual Violence (VASDAWS) training and provide the relevant training opportunities.

How far did we succeed and what difference did we make?

E1: Day Services continue to remain closed; staff are conducting outreach activities to service users to find one-to-one activities to support them in the meantime.

E2: Supported Living Framework – As part of our 5-Year Live Well Accommodation and Support Delivery Plan, the framework has now been in place for 12 months with all handovers of recommissioned services being smooth and feedback from providers and adult services being positive. The initial review of the contract has identified that the services are performing flexibly and meeting their aims and objectives. We have also increased the number of individuals and types of support provided during this period. Our commissioning team have facilitated during COVID-19 over 50 virtual visits by video calls to undertake monitoring activity and provide support to tenants. On a further positive note, the services have suffered a relatively low number of COVID-19 infections in tenants and support staff.

Powys commissions Domestic Abuse Support from two main providers, one North one South. Providers provide services which include:

- Access to safe and appropriate accommodation
- Crisis Support
- Recovery Support
- Preventative Services

- Services specifically for children and young people effected by domestic Abuse
- General awareness raising services

E3: We continue to promote staff training, ensure relevant training is available and support staff to attend; this is reviewed with staff in their monthly 1:1s and Annual Reviews/appraisals.

Other Projects

Social Care has other project that are supporting people to develop healthy domestic, family, and personal relationships, as follows:

Technology Enabled Care

Adult Services are able to provide a range of different pieces of technology to help make living at home easier for older people as well as individuals who just need help with certain tasks which includes e.g., home monitoring systems, pendant alarms, and door sensors. The Service has continued to promote what is available through a series of animations which can be found via the following link - <https://en.powys.gov.uk/article/10016/Help-to-live-at-home-through-the-use-of-technology> Whilst referrals are relatively low currently, our Contact Officers in ASSIST and Community Connectors are also trained in being able to prescribe low level equipment which means we are able to support individuals at the earliest opportunity without them having to await a formal assessment.

We are working alongside a provider who is providing support to individuals in a remote part of the county on different therapeutic solutions. We have purchased some interactive robotic companion pets which will be trialled under this project; the evidence is that these can provide therapeutic support and have the potential to reduce medication. We will also look to trial with individuals who have dementia. The “pets” which have been purchased are robotic cats which are designed to look, feel, and sound like a real cat and come in a range of colours. They have synthetic, brush-able fur and built-in sensors which respond to motion and touch, including petting and hugging. They also make cat-live movements and sounds.

Full quarter statistics for Technology Enabled Care are not available for Quarter 4 and will be reported retrospectively. However, between 1st April 2020 and 28th February 2021, 518 unique individuals have been supported with technology enabled care. The 518 individuals received between them a total of 653 prescriptions (deliveries) equating to 1051 items of technology enabled care.

We took the difficult decision, due to COVID-19 restrictions and the infection rates across Powys, to extend the temporary closure of day centre facilities until August 2021. However, Adult Social Care have continued to discuss with citizens how best to support their needs in different ways, including living with the support of carers or through family support. Our staff teams who normally work in day services have been supporting other business critical areas such as domiciliary care and outreach work.

Domiciliary Care and Microenterprises

Adult Services continue to seek alternatives to the traditional domiciliary care model. One method is called microenterprises, where individuals are assisted in navigating the complexities of forming a small care business and taking on a few clients. The aim being to support 47 individuals known to the council and 56 private clients. Overall, they deliver 663 hours of care and support per week. to stay at home for longer and in the communities of their choice. Microenterprises also allow people with skills and willingness to serve members of their community, whilst not willing to work full time for a

domiciliary care agency. Our Commissioning Team are working with the Community Catalysts to identify whether the microenterprise approach can be expanded to other areas outside of the original project.

Powys has 23 microenterprises listed among our directory of larger providers that our social care staff provide to service users for them to contact directly. Our disabilities team has also seen an increase in individuals wishing to have their support provided via the microenterprise approach and individuals have embraced the flexibility that this provides.

Community Connectors

Our social work teams have continued to work collaboratively with Community Connectors with the number of referrals to them increasing. The Community Connector lead is now an integral member of the Community Resource Panels providing additional overview of services which are available within communities to support residents.

15 Community Connectors who work across the locality areas of Powys.

2 Homeless Community Connectors who work closely with PCC Housing to support clients who are facing homelessness, are homeless or in need of temporary accommodation.

1 Duty Officer who receives referrals, enquiries and responds to emails on behalf of the team, 9am – 4pm Monday – Friday.

1 Senior Officer supporting the team. The team sits with PAVO Health and Wellbeing Team.

We also have 13 Locality Networks across Powys to bring together community groups, 3rd sector organisations, individuals, and statutory professionals to share best practises and ways to collaborate.

Achievements 2020/21

- 7,340 people supported to find ways for them to take responsibility for their own health and well-being
- 3,577 new clients; 2,537 self-referrals
- 4,901 people were guided to third sector services that met their need within their own community
- 3,937 people supported with Covid-19 related support (shopping, prescription delivery, etc)
- 278 clients supported in temporary accommodation as part of Phase 2 Homelessness Project
- 617 Multi-disciplinary, Virtual Wards or Patient flow meetings attended

What are our priorities for next year and why?

During 2021/2022 we will be focussed on delivering a range of outcomes, including:

- E1 Goal: To develop our early intervention and prevention services including self-service options for the public, home-based support options and provision of technology enabled care.
- E2 Goal: In the absence of normal day services, to find ways to support individuals to maintain and develop social connections.
- E3 Goal: To develop welfare/wellbeing calls for people at home awaiting care provision.
- E4 Goal: To review respite and home-based respite options with Credu to support unpaid carers to maintain their relationships both with the cared for and with their wider networks and communities.

(f) Working with and supporting people to achieve greater economic well-being, have a social life and live-in suitable accommodation that meets their needs

What did we plan to do last year?

In the 2020/21 fiscal year, we stated that we would:

F-1 Goal: Further embed discharge to recover and assess pathways in partnership with health and third sector to promote as far as possible the recovery and rehabilitation of patients following their transfer from hospital.

F-2 Goal: Conduct a review of our reablement service. Our joint partnership board has agreed to work together to commission a review of our reablement service to formalise the model we are working under; one that supports both the managing of demand from hospitals and in service users in our communities.

F-3 Goal: To develop wellbeing calls to proactively contact vulnerable individuals in the community to support their independent living.

F-4 Goal: To continue to develop the extra care schemes across Powys.

F-5 Goal: To review the older persons' care home market to consider appropriate provision and evaluate provision is appropriate to meet need.

F-6: We will continue the recruitment drive for foster carers and supported lodgings hosts.

F-7: We will improve the support provided to our foster carers.

F-8: We will increase the number of supported lodgings hosts.

F-9: We will open the first of our new Powys Residential Children's Homes.

F-10: Undertake an analysis of range and cost of accommodation for care leavers age 18+

F11: Following the review, we will commission or develop provision to improve the range of accommodation options for young people leaving care and homeless young people aged 16 to 17 years and deliver value for money.

F-12: Design the model of care and therapeutic model for a Powys Children's Therapeutic Residential Home.

How far did we succeed and what difference did we make?

F1: The Discharge to Recover and Assess pathway was implemented and is now embedded into health and social care in Powys. More work is being undertaken, via the North Powys Programme to develop the pathway further and to integrated with other rehabilitative services which aim to support people to transfer home.

F2: A review of our reablement service has commenced as part of a wider review of intermediate care across Powys. This work has been enabled through the North Powys Wellbeing Programme.

F3: Wellbeing calls were undertaken with those residents that were classified as extremely or clinically extremely vulnerable in 2020/21. We worked alongside colleagues in digital services to create a script for our customer services staff who we were undertaking wellbeing calls to shielded individuals. Whenever any potential social care needs were identified, the individual was contacted by our Adult Services Front Door to have a what matters conversation and provide any information/advice further referrals, as necessary.

Between 3 April and 14 August, a total of 23,791 welfare calls were made by Powys County Council staff to individuals in Powys who had been told to shield, resulting in:

- 649 Welsh Government food parcels being ordered
- 438 requests for a call back from the resident's local county councillor
- 459 requests for help with basic care needs which were passed on to ASSIST
- 1,654 referrals to PAVO's Community Connector Service (of these 1,076 wanted help with food, 373 needed help with their prescriptions and 205 wished to talk to a volunteer)
- 150 referrals over safeguarding.

In addition, we worked proactively to contact individuals that were known to us in Adult Services to ensure that their welfare was maintained and that their needs were currently being met. In quarter 1, we contacted 2,275 individuals. Of those 1,210 were signposted to third sector organisations for support and 87 were flagged to Welsh Government as in need of a food parcel.

F4: Work has continued in developing older persons' accommodation options across the county, with planning and funding agreed for both Ystradgynlais and Welshpool extra developments. It is anticipated that work will commence on site in both Welshpool and Ystradgynlais during the summer of 2021. We are also working with housing associations to consider options at Brecon, Builth/Llandrindod and Machynlleth.

F5: The review of care home accommodation in Powys has been undertaken in light of the pandemic, considering resilience, staffing capacity, and financial challenges. A further review of older persons' accommodation in general is being developed and incorporates the wider plan for extra care and care home availability.

F6: *We will continue the recruitment drive for foster carers and supported lodgings hosts* Despite the COVID-19 pandemic the service continued their recruitment drive for foster carers and supported lodgings hosts. During the lockdown we came up with new and innovative ways to run campaigns using social media and other means. These included:

- Produced and printed new information leaflets to promote supported lodgings.
- Produced new supported lodgings merchandise, including various items of clothing, table, tablecloth, pens, notepads, trolley tokens, banners, insulated cups, shopping bags, book bags.
- Newspaper articles.
- Regular social media posts including promotion of foster care fortnight, regional campaign in June and July 2020, campaign for emergency carers, short break carers and carers for unaccompanied asylum-seeking children.
- Leaflet drops and posters displayed in all towns.
- Attended local markets.
- Emails to all staff and Councillors in the Council and to Powys Teaching Health Board.
- Posts on the Powys County Council Intranet.

During the year we received 81 fostering enquiries from members of the public and 57 viability assessment enquiries from family members and friends to become carers. In total there were 11 new foster carer families approved and in addition there were 13 connected persons (family and friends) approved. There were also 9 new supporting lodgings hosts approved, taking the number of hosts in Powys to 15.

F7: We will improve the support provided to our foster carers. At the start of the year and the pandemic all foster carers were provided with Office 365 and Powys emails to ensure we could keep them up to date quickly with changes in guidance and provide support. Foster Carer support groups were increased to 2 every month, these moved to virtual meetings at the start of the month. Foster Carers receive regular supervision from the Fostering Teams, which in 2020-21 were held virtually using Teams that Foster Carers have access to with Office 365. A range of training courses have also

been developed online during the pandemic and these are held virtually through Teams and the Adoption mentoring scheme was set up in the year. Foster Carers received face to face support and visits from the Fostering Team alongside all the virtual support provided.

F8: We will increase the number of supported lodgings hosts. In 2020-21 there were 9 new supporting lodgings hosts approved, taking the number of hosts in Powys to 15. The Supported Lodgings Coordinators, alongside recruitment have worked on retaining the hosts, they have supplied information packs and fire blankets, hosted regular social and training events, and provided regular supervision to support hosts.

F9: We will open the first of our new Powys Residential Children's Homes. We secured a suitable property with capacity for two children to be accommodated in the South of the County at the start of the year. All the renovations and adjustments to accommodate the regulations, were completed, however the work was delayed initially due to the COVID-19 pandemic and subsequent lock downs. Staffing rotas have been developed and recruitment has taken place for the home. We are now able to register the home with the aim to welcome our first children as residents in 2020/2021/2022.

F10: Undertake an analysis of range and cost of accommodation for care leavers age 18+ In Powys, demand is greater than supply for quality placements for our Children Looked After aged 16 plus. Analysis of the current costs and predicted future demand for 16+ accommodation emphasises the importance of taking a more strategic approach in commissioning accommodation and support for young people aged 16+. An options appraisal was undertaken and has been informed by the Multi-Agency 16+ Accommodation and Support Project Team as part of a much wider range of commissioning activity. A cost and needs analysis were produced to examine the picture of Powys' 16+ children who are looked after population and to understand how the budget was being used to support young people. The options appraisal considered a range of options for delivery of services. It informed of the current position, evaluated the strengths and challenges with each option including any associated costs and any hidden costs.

F11: Following the review, we will commission or develop provision to improve the range of accommodation options for young people leaving care and homeless young people aged 16 to 17 years and deliver value for money. The options appraisal was presented to the Children's Services Leadership team and a scoring matrix undertaken to make a recommendation on the best option. A report was prepared, and this went through the Council Cabinet Governance process. The preferred option has gone out to a tender process and will be implemented in 2021/2022.

F12: Design the model of care and therapeutic model for a Powys Children's Therapeutic Residential Home

The model of care to develop safer accommodation for children and young people with complex needs was developed via the safe accommodation project group. A suitable property was identified and is in the process of being purchased and the necessary planning permission have been sought, with a plan to opening in 2021/2022.

The model of care we have developed will promote the wellbeing of a child or young person with extremely complex needs. We are in discussion with Welsh Government and Powys Teaching Health Board on how the project will be financed.

What are our priorities for next year and why?

During 2020/2021/2022 we will be focussed on delivering a range of outcomes, including:

- F1 Goal: Continue to progress with our closer to home programme, which will see more people with disabilities moving out of County and back into Powys, to help them live the lives they want. The programme is not only a significant investment but also a fantastic example of partnership working with builders, housing associations, support providers and of course people who draw on care and support. The work aligns with our vision in Powys of supporting people to live the best life they can, and by focussing on what matters, working alongside people to help them find the right solutions for themselves.
- F2 Goal: Continue to work alongside Health and Third Sector colleagues to embed Powys hospital to home pathways, through the embedding of a hospital assessment and D2RA team which will be part of a wider integrated discharge planning process.
- F3 Goal: To develop, in conjunction with the third sector, wellbeing calls for individuals who have no support and are waiting for care provision.
- F4 Goal: To continue to develop the older persons' accommodation options.
- F5: We will continue the recruitment drive for foster carers and supported lodgings hosts.
- F6: We will improve the support provided to our foster carers.
- F7: We will increase the number of supported lodgings hosts.
- F8: We will open further Powys Residential Children's Homes.
- F9: Continue to work with health colleagues to develop safer accommodation for children and young people with the most complex needs.

How We Do What We Do

(a) Our Workforce and How We Support their Professional Roles

During 2020-21 Children's Services workforce have worked tirelessly and gone over and above to support and safeguard children, young people and their families. It has been more important than ever as service to support and look after the wellbeing of our workforce due to the many challenges faced due to the COVID-19 pandemic. At the start of the year, it was vital that we ensured that staff were issued with the correct PPE and guidance so that business critical and face to face activities could continue. We very quickly moved all training to a virtual online basis and between the first lockdown and the end of August 53 webinars were held, they were also recorded so that staff could view them anytime. The social care workforce training programme also moved to online, and practitioners have had many opportunities to attend a comprehensive range of courses for their own professional and career development.

Wellbeing has been a priority and the service introduced weekly wellbeing sessions which all staff were encouraged to attend, these were mindfulness and singing and were very well attended. Staff roadshows were held virtually instead of in person, and they also contained an interactive session on wellbeing. The service developed weekly wellbeing bulletins that went on email, the leadership team ran a campaign encouraging staff to take their leave.

The Corporate Centre sent out a wellbeing questionnaire to all the council, and Children's Services had the highest response rate, and the results were extremely positive and are as follows:

Questions about home working:

- 91% receive the right amount of communication from their manager
- 90% have a manager/supervisor who is regularly checking that they are ok (e.g., once a week)
- 94% say that the communication about COVID-19 has been clear and timely

Questions to Front Line Workers:

- 98% feel that they have good colleagues who are supportive
- 92% have a manager/supervisor who is regularly checking that they are ok (e.g., once a week)
- 94% are feeling good about being a frontline employee providing support to more vulnerable residents or delivering key services like recycling, support in the hubs, care to those in need
- 90% receive the right amount of communication from their manager
- 93% say that the communication about COVID-19 has been clear and timely

During the year, the service received a Care Inspectorate Wales performance evaluation inspection. The findings of the inspection were positive with areas of strength being seen in leadership and management. Some of the key findings were:

The local authority's investment in the professional development of its workforce, particularly in introducing a systemic model of practice in children's services, shared with partners, is delivering positive results for children and families, and delivering shared understanding of practice between agencies and families.

The restructure of children's services to include early help, intervention, and preventative services along with a Signs of Safety approach is enabling social workers and support staff to maintain a strength-based focus when engaging with young people and families.

Senior officers have a high level of skills and professional knowledge with a robust understanding of relevant legislation, social care professional practice and workflow management. By developing shared responsibility, oversight of service delivery and a clear sense of direction, it has created an environment in which social work can flourish.

The local authority recognises supporting its workforce is business critical and it has a clear focus on recruitment, retention, and workforce development. All staff benefit from the opportunity to develop their knowledge, skills, and careers. The local authority is ambitious to ensure people living in Powys benefit from longer-term and trusting relationships with skilled and supportive social workers who understand their needs and how best to work with them to reduce risk and improve their personal outcomes.

Senior managers provide operational practitioners with internal guidance and management support to make informed choices about maintaining their own health and well-being and the health of those they visit. Management support and supervision is highly regarded and practitioners welcome opportunities to be autonomous and creative.

Support for practitioners during the pandemic has included a range of information, quizzes, virtual singing, and virtual lunches. Practitioners told us about the difference this support makes to their well-being.

The service was extremely proud to have been deemed to have made significant progress since the last inspection in October 2018 and we continue to strive to provide the best services to children, young people and their families in Powys.

Strength-Based Approach

In Adult Services strengths-based working is ‘what we do.’ It means that we take the time to understand what matters to those who approach us for support, to identify what they can do for themselves and what support they can draw upon from friends, family, and their wider communities. We have made our Strengths-based outcome focus training a mandatory requirement for all staff in adult operational teams.

We maintain strong links with Social Care Wales (SCW) to utilise their on-line training videos and other resources. We continue to attend all-Wales mentoring Group facilitated by SCW which enables us to network with other organisations and share their experiences of embedding the approach into practise. We have also attended workshops on outcome focussed case recording facilitated by SCW and researchers from Swansea University.

We have a pool of 36 Strengths-based outcome focussed mentors and have been running monthly support groups to increase their skills and confidence. Mentoring is undertaken formally through supervision, group reflective sessions and informally on day-to-day basis. We have also created an online library of guidance and good practice.

Powys is fortunate to have dedicated and hard-working social care staff who routinely demonstrate commitment and care for the individuals they serve. Despite that, Powys faces a significant long-term challenge because demographic change is leading to an increase in older people (75+) and a decline in the number of people of working age (see table below).

	2018	2020	2025	2030	2035	2040
Total	132,447	132,421	132,710	132,905	133,211	133,602
18-29	15,127	14,301	13,082	12,935	13,468	13,313
30-44	18,419	18,554	19,258	19,277	18,283	17,940
45-54	18,911	17,805	15,213	14,297	15,187	15,612
55-67	26,124	27,013	28,529	27,995	25,190	23,688
Working Age	78,581	77,672	76,082	74,504	72,128	70,552

Table 1 Population projections

Source: 2018 Welsh Government Population Projections © Crown Copyright

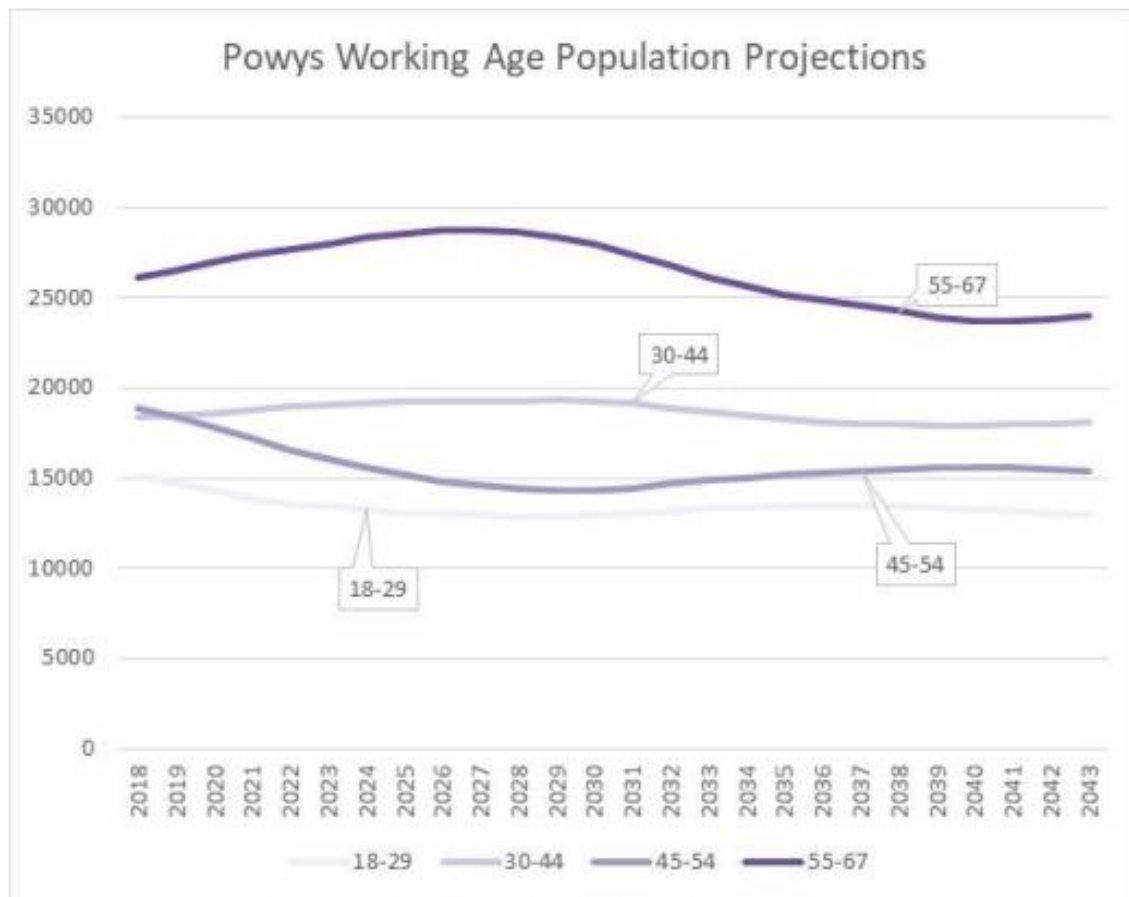


Chart 4 Powys working age population projections

Source: 2018 Welsh Government Population Projections © Crown Copyright

This is causing recruitment and retention problems for the council. The longer-term challenges are shown in the table and graph below, which identifies the age categories of the Council’s workforce:

	Annual population survey	Powys County Council workforce						
		Powys Dec 2020	Education	Economy & Environment	Children & Adults	Resources and Transformati	Legal & Democratic Services	(above L3)
aged 16-64	59,560	2,971	1,383	923	409	48	10	5,744
aged 16-19	2,500	42	7	4	1	0	0	54
aged 20-24	4,800	118	55	25	25	1	0	224
aged 25-34	10,800	496	175	189	80	4	1	945
aged 35-49	18,660	1,127	423	290	153	6	2	2,001
aged 50-64	22,820	1,046	640	378	141	25	7	2,237
Other		142	83	37	9	12	0	283

Table 2

Source: Annual Population Survey (APS), ONS © Crown Copyright and Powys Headcount August 2021

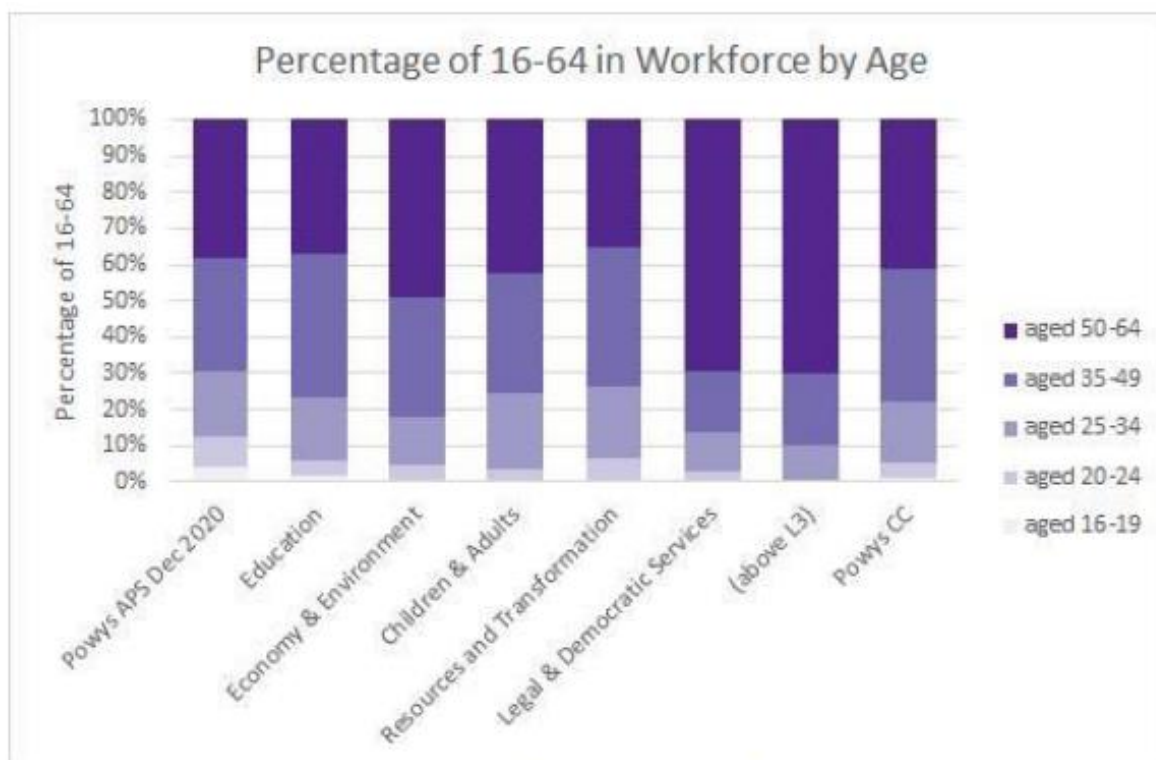


Chart 7 Percentage of 16-64 in the workforce by age

Source: Annual Population Survey (APS), ONS © Crown Copyright and Powys Headcount August 2021

As part of a “One Council” approach, we acknowledge the need to have the right numbers of people in the right roles with the required capabilities to deliver improvement. To achieve that goal, we are investing in the following:

- Workforce planning
- Attracting and recruiting staff
- Leadership and management development
- Performance management of people
- Workforce development
- Pay reward and recognition
- Professional progression
- Workforce health and wellbeing

The workforce in Powys is highly skilled and demonstrates an eagerness to improve services. The Council was developing agile working systems and policies throughout 2019/20, but this changed rapidly towards the end of March 2020 when the Council invoked business continuity and social services staff were supported to work from home or to be based at home where possible. The previous developments enabled this to be implemented effectively and efficiently and enabled swift transition to a new mode of working.

What we Achieved

To increase our staff engagement, we established an employee representative forum, which provides an opportunity for staff to be briefed on current issues within the Service and to have the

opportunity to raise issues and ideas for discussion or escalation. The group is working collaboratively to support the wider engagement and build a stronger culture of continuous feedback and learning across Social Services.

Grow our own – Adults services have 5 and Children’s Services have 1 student on the Open University Degree in Social Work, all of whom are on Level 2 of their degree and have commenced their practice learning opportunity. There are also 4 members of staff in Adult Services undertaking their practice assessor qualification.

Securing a Stable Workforce

The Children’s Services workforce needs to be stable and sustainable to deliver high quality timely responses to protect and support vulnerable families. It is essential that we plan for the future continuity of services to deliver our statutory duties and reliable and cost-effective interventions. There has been success in recruiting a permanently employed senior and team management cohort. However, there continue to be difficulties in recruiting and retaining experienced social workers across the county. Powys has some characteristics which pose additional challenges in the recruitment and retention of permanent social workers. Powys has a unique and spectacular geography which supports an attractive rural lifestyle. However, this rural factor also adds complexity to the recruitment of social workers. There is a need to visit families in their homes across all areas of the community, which adds mileage and time to the working day. Despite various innovative recruitment campaigns, social services continue to invest a significant amount of financial resource into recruiting agency workers to cover qualified social work positions. In response to this Children’s Services have developed a Grow Our Own Social Worker project.

The Grow Our Own Social Worker project has been in its early stages of development over the last two years. Grow Our Own Social Worker (GOOSW) aims to promote professional growth and development of employees of Powys Local Authority by supporting the development of social care skills as well as financially supporting staff to undertake a social work qualification. The GOOSW project aims to support the sponsorship of a further 57 qualified social workers between 2021-2026 for both Children’s and Adults Services. In 2020, GOOSW commenced its implementation stage. This consisted of a significant increase in the numbers of staff applying to undertake the 1st year of practice modules (K102 and KZW113) and an increase in sponsorship for the Open University social work degree (Wales) compared to previous years. There were 20 Children’s Services staff commencing onto K102, 16 commencing onto KZW113 and 6 commencing the degree sponsorship. In addition to the scale up plans for OU degree sponsorships, Children’s Services are funding 2 sponsorships for the Master’s in social work commencing in 2021. The successful applicants will have their course fees fully funded and will be paid a salary for the duration of the two-year programme. Interviews occurred and 2 candidates were selected and offered places at Cardiff University. The students will be required to remain within the service area for a 3-year period post qualifying. The costs of this initiative are being met by Children’s Services.

Despite the COVID-19 pandemic putting many of plans on hold, including attending national recruitment events and promotion in universities, we adapted quickly and implemented various social media campaigns to advertise our vacancies. We also advertised in a Welsh national newspaper, on the radio and developed new promotional videos with our social workers talking about why they like working in Powys and in Children’s Services.

As part of the work to recruit and retain more permanent social workers, Children’s Services implement a new pilot project in 2020-21, which provided additional support to frontline social workers in the form of Team Co-Ordinator’s. The aim of the project was to ‘reclaim social work’ and enable social workers to spend more time building relationships and working directly with children, young people and their families. The pilot has been a great success and social workers have fed back that they could not manage without this role now. The project has therefore been extended into 202021/2022 to continue this support to our frontline social work teams.

While we had to curtail our attendance at usual recruiting events dur to the pandemic, we found other ways to ensure a stable workforce by promoting our Grow Our Own Social Worker pathway, where staff can undertake a degree in Social Work via a distance learning route with our partner university (Open University). Twelve staff across adult and children's services children's are due to commence their degrees and we have successfully appointed several staff into permanent social worker posts via the "grow your own" approach.

(b) Our Financial Resources and How We Plan for the Future

Many local authorities are experiencing budget challenges and Powys is no exception, with significant financial savings having to be made over the past ten years. The large variation in our expenditure makes resource management especially challenging. Decisions which affect the type and cost of services to be provided are often outside of the council's control and thus are uncontrolled and unpredictable (e.g., decisions taken by the court in children’s cases).

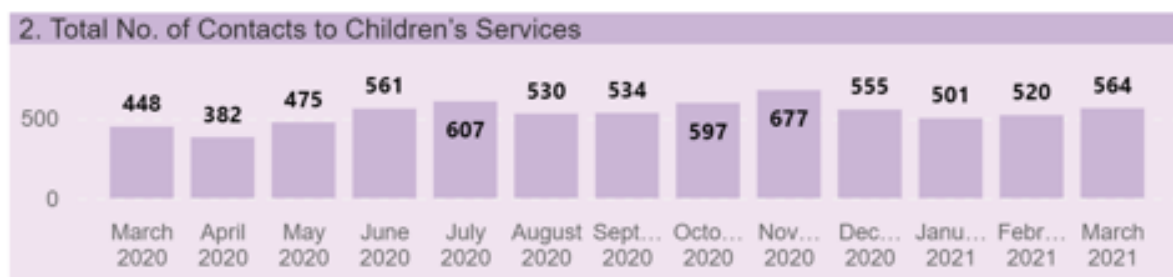
As part of the budget setting process Adult Social Care had identified significant service pressures of £9.534 million. To counter the pressures, efficiencies were identified and achieved in full of £5.052 million. The gap was bridged with cost mitigation due to early intervention and prevention through strengths-based practice and Technology Enabled Care (TEC) and the decision not to give an uplift to providers during the year. This has left the care market, which was supported financially through the Welsh Government’s Hardship Fund paying for a proportion of vacant beds in care homes, in a fragile position and may need to be addressed in the future.

The COVID-19 pandemic has created huge pressures on the availability of suitable placements for children and young people. There has been a national shortage of placements which has been exasperated by the pandemic with complications arising due to government guidance around Children’s homes and issues with isolating and positive cases. In particular there is a lack of provision of therapeutic residential placements for children and young people with severe emotional and behavioral needs in Powys and Wales. This has made it extremely difficult to balance the competing priorities of managing service demand, meeting the needs of children and young people and reducing expenditure with the need to achieve budget savings.

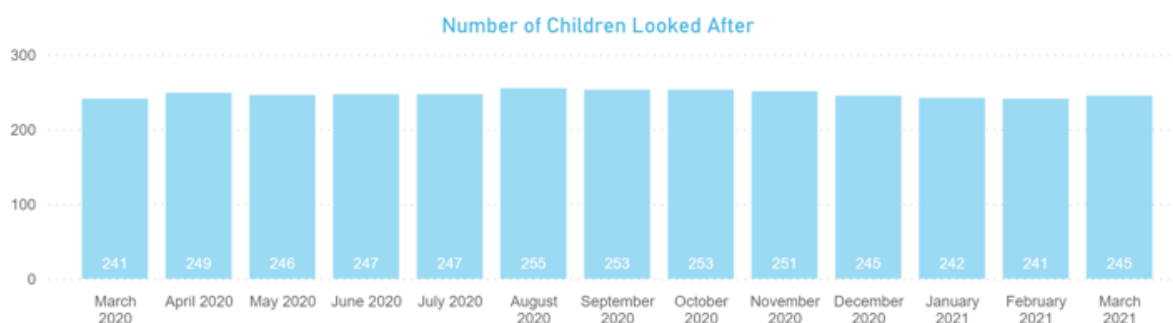
From June 2020, as we were coming out of lockdown, we saw an increase in demand for services into the Front Door, this followed through to statutory services and the increase has sustained ever since. Our children looked after population increased alongside the number of children on the child protection register.

	September 2019	September 2020	September 2021
Contacts to Front Door	387	534	884

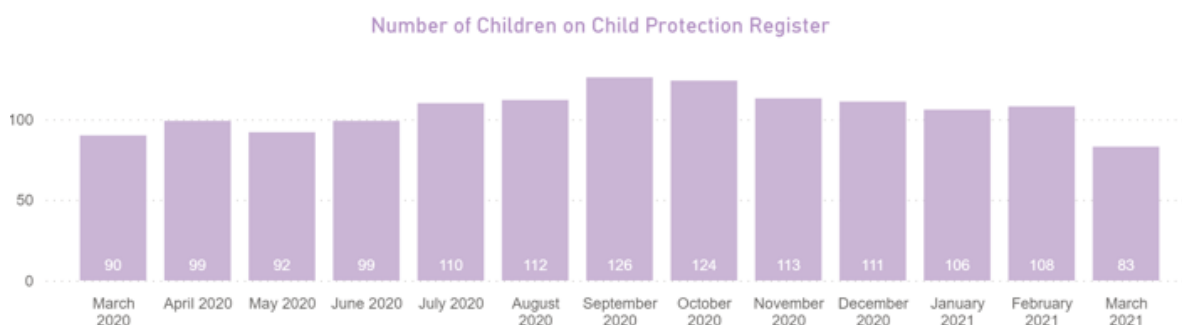
Contacts to Children's Services for the year



Number of Children Looked After



Number of Children on the Child Protection Register



The increase in demand for services meant we needed to increase staffing resources in the Front Door, Assessment teams and Early Help. Initially these costs were going to be funded by the core budget but at the end of the year they were covered by Welsh Government grants for Covid relief.

The Children's Services 2020/21 baseline budget included an investment of £5.15 million which in part was for new service development, to offset the 2019/20 existing pressures and the 2020/21 salary inflation, including employers pension contributions. Within the Financial Resources Model (FRM) pressures of £7.646 million were identified (and materialised) and savings of £2.221 million were agreed, of which £1.753 million were delivered. Additionally, £275,000 of the unachieved 2019/20 savings were rolled forward into 2020/21 and achieved. The £468,000 of 2020/21 unachieved savings were written off as part of the 2021/22 budget setting process. The outturn was an underspend of £944,000.

It is recognised that the impact of the global pandemic, COVID-19 will be felt within the service for the year 2020/21. Towards the end of 2020/21 the service had started to increase its spending in

preparation for a potential surge in infection rates and demand for support. This spending was eventually funded by the Welsh Government.

(c) Our Partnership Working, Political and Corporate Leadership, Governance and Accountability

Powys Children's Service has engaged with all aspects of the regional safeguarding boards activities throughout the pandemic and have shown leadership on several developments which have been key to supporting frontline staff. Children's Services are committed to continuing this level of engagement and regard the relationship with the regional board as positive and productive. The regional safeguarding board have been pivotal in supporting multiagency efforts to ensure people are protected during this period and we have fully engaged with this work. Children's services continue to attend all the regional sub-groups and CPR action plans have been updated and all LOG reports have been submitted within timescales. The Powys audit subgroup has continued its activities and has recently analysed a multi-agency audit which led to a CPR referral being discussed at PLOG prior to the CPR subgroup, as it is felt that learning can occur from the case. The policy development officer attends the policies and procedures subgroup and has recently led on the regional development of a pre-birth pathway. The Senior Manager for Safeguarding and Quality Assurance overseeing workforce development, chairs the training subgroup. They also attend the Childrens safeguarding lead meetings which began during the pandemic. Children's Services are active in preparations for Safeguarding Week and regional developments on standardising webinar training for the Wales Safeguarding Procedures.

We developed an emergency procedure in respect of child protection conferences, which was quickly adapted to be utilised at a regional level. This procedure ensured the continuity of Child Protection Conferences and covered timescales, participation of families, quoracy and recording. This supported the smooth transition to virtual conferences. Another local emergency procedure led to the development of a regional policy document for child protection visits and s47 planning considerations. This covered planning for s47's and included making use of outdoor spaces to speak to children alone. Ensuring child protection visits remained in timescale was included and the importance of updating child protection plans to consider the impact of lockdown on family functioning. Both documents supported practitioners with clear guidance in the early stages of the crisis and drew attention to the potential impact on children's welfare and wellbeing.

A Senior Manager in Children's Services led a task and finish group to revise the regional terms of reference for multi-Agency Child exploitation meetings. This involved drafting a document which explains the rationale for the meetings to consider wider forms of exploitation and to strengthen strategic elements of meetings. This includes the improvement of a regional data set to promote an understanding of the effectiveness of tackling child exploitation in the region. There is a plan to expand on this work as the regional board is interested in the Child Exploitation Strategy currently being developed by Powys Children's Services.

A Senior Manager in Children's worked with the regional business manager and a police colleague to develop and deliver a regional Joint Investigation Training. This project aimed to design a regionally owned course content to be delivered at a local level. Powys will be piloting this course in 2021. The course involves input from police, health, in-house psychologist, a researcher from Cardiff university and social services staff. This is an identified gap as joint training ceased several years ago when the police college introduced the SCAIDIP course which ended highly valuable joint training.

Children's Services, working closely with the Education Service, understand the importance of working closely with our multi agency partners and this was recognised in Care Inspectorate Wales Performance Evaluation Inspection report. Key findings were:

Partnership arrangements at both local and regional level continue to develop and mature. Senior officers are increasingly able to demonstrate how the links between their different directorate responsibilities including health, housing and finance are supporting the social services agenda across the local authority. Joint working with third sector organisations in the development and delivery of care and support and preventative services during these unprecedented times is seen as a strength the authority wishes to build on and embed in its practice.

Partnership working during COVID-19 has highlighted positive examples of improvements partners can realise through closer working. For example, practitioners told us there was an opportunity to replace the present pupil inclusion panel (PIP) with an integrated access to services panel which places greater emphasis on joint working and decision-making. Panel members ensure the purpose of panel is to promote access, prevent children reaching crisis, and placing unnecessary demand on services. Arrangements for "virtual" meetings has improved communication with partner agencies.

There is positive, improving, working relationships with the health board. We were told about clear escalation processes in relation to professional challenges. Newly developed partnership working, stability of workforce and creative relationships driving service improvements at pace with a shared vision.

The local authority is a proactive member and contributor to regional boards, and aspects of the local authority's improvement and transformation agenda are being progressed through the priorities of Mid and West Wales Regional Partnership Board and the work of the Regional Safeguarding Board

Working in partnership our Area Plan identifies which services will receive greatest priority in respect of integrated working between the Council, the health service and others, including:

- Older people with complex needs and long-term conditions, including dementia
- People with learning disabilities
- Carers, including young carers
- Integrated Family Support Services
- Children with complex needs due to disability or illness

In line with the requirements of the Social Services and Well-being Act, the Regional Partnership Board (RPB) provides cross sector leadership through a strong and shared commitment to providing seamless and integrated health and social care services for children, young people and adults living in Powys, with a primary emphasis on prevention and early intervention.

To this end, we have developed a high-level, overarching plan called the Health and Care Strategy which sets out the strategic vision and approach to be taken in Powys. The Area Plan will outline the priorities to be delivered over the first 5 years and identify the lead agency for delivery.

The Health and Care Strategy priority areas are:

- Wellbeing
- Early help and Support
- Tackling the Big Four (cancer, circulatory disease, respiratory disease, mental health)
- Joined up Care

The RPB will also address the key strategic enablers outlined in the Health and Care Strategy which will help us to develop and deliver the proposed model of care including:

1. Workforce
2. Innovative environments
3. Digital First
4. Transforming in Partnership

Our renewed focus on our corporate leadership and governance through our vision 2025 plan sets out many challenges for us:

- a. The Council will ensure that its vision for the future is promoted and understood by the officers, partners, and residents.
- b. The Council, members and officers will be open about what the most important issues are and focus on addressing them.
- c. The Council will create a mutually supportive leadership culture, with clear roles between members and officers.
- d. By strengthening the corporate center, the Council can support a more delegated leadership structure.
- e. Integrated Disability Service – We established the Integrated Disability Service (IDS) to include co-located multi-agency teams and a single management structure. An Integrated Disability Service triage process has been started. What were monthly physical meetings are now weekly meetings using Skype where needed. This gives quicker and more informed advice and action for children with disabilities or complex health needs.

Accessing Further Information and Key Documents

In publishing this annual report, we have relied upon a substantial amount of information, data, progress reports including those that have featured heavily this year following our recent inspections, and surveys.

The annual report identifies the progress of the Council in responding to the wellbeing of those people who need our help and support. This report however is not the only source of information available to members of the public, key partners, and service providers.

We have a significant amount of background information that sits behind this report that provide additional detail about what we do and how we do it. Importantly if something is not mentioned in this report as a key priority it doesn't mean we're not doing it, as there is a lot of activity across social services that plays a part in helping us to provide for some of the most vulnerable groups in our community. It's not possible to capture everything which is why we are keen to signpost people to further information.

To access further information about what we do then these are some of the documents that will provide more detail:

1. Powys County Council Corporate Leadership & Governance Plan 2017- 2020
2. Healthy Caring Powys – Delivering the Vision (Area Plan)
3. The Adult Services Improvement Plan 2018-2023
4. The Powys Population Needs Assessment
5. Children's Services Integrated Business Plan 2020-2023
6. Vision 2025 Corporate Improvement Plan

7. Council's Annual Performance Report

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CYNGOR SIR POWYS COUNTY COUNCIL.**COUNTY COUNCIL**
Date 9th December 2021**REPORT AUTHOR: Head of Finance and Section 151 Officer****REPORT TITLE: Arrangements for the development, submission, and consideration of alternative budget proposals**

REPORT FOR: Decision

1. Purpose

- 1.1 To set out for approval the arrangements and timetable for the development, submission, and consideration of alternative budget proposals.

2. Background

- 2.1 Members or political groups have the opportunity to submit an alternative budget proposal for consideration.
- 2.2 To assist in this process the Section 151 Officer will allocate an officer from the Finance service to work with Members or political groups to develop their proposal. This work is undertaken on a confidential basis.
- 2.3 In order for an alternative budget to be submitted to Council for consideration it must first be approved by the Section 151 Officer who is required to assess the proposal and to confirm that is legal, robust, deliverable and maintains a balanced budget position. Only on this basis can it be submitted to Council.
- 2.4 The Local Government Act 2003 requires an authority's Section 151 officer to give a formal opinion on any budget proposal as to the robustness of the budget estimates and the level of reserves held by the Council. Under Section 26 of the 2003 Act it is also required that an appropriate person (in this case, the Head of Finance and Section 151 Officer) determines the appropriate level for the balance of the Council's General Fund Reserves.
- 2.5 The process for developing, submitting, and considering alternative budgets in previous years has not been well defined and the process and timetable proposed in this report looks to strengthen this.

3. **Advice**

- 3.1 The development of the budget proposal submitted by Cabinet takes place over many months and as information becomes known and the details of the budget are worked up, the Section 151 officer keeps Cabinet updated regularly and offers advice as the proposal develops.
- 3.2 Council more generally are updated through Budget Seminars and with engagement through the Finance Panel.
- 3.3 It is felt that regular updates by the Section 151 Officer with Group Leaders should also be undertaken to keep them abreast of changes in proposed funding projections and the financial pressures that are being identified. This will also provide the opportunity to offer more general advice on all aspects of the budget including the level of reserves held and Council Tax calculations. This will ensure that advice to opposition groups is consistent with the advice being offered to Cabinet as they develop their budget proposal.
- 3.4 Costing of proposals can be developed in confidence with the officer assigned to support the group at an earlier point in the process, at this point no information is shared or discussed outside the group arena. Where necessary Heads of Service will be required to be involved in the development and costing of proposals and this is also undertaken on a confidential basis.
- 3.5 A timetable will be put in place each year setting out the dates to be met for the submission of budget proposals.
- 3.6 The timeline for submitting and considering alternative budgets is in part dictated by the date on which the Council is advised by Welsh Government of its forthcoming funding settlement. This has been delayed in the past few years with announcements made in late December rather than October as was previously the case.
- 3.7 This has impacted on the availability of time from receiving the settlement to when Council must approve the Budget for the forthcoming year. The process builds in time for the preparation of Impact Assessments and for the scrutiny of all budgets being proposed.
- 3.8 For the setting of the 2022/23 budget the following timetable is proposed.

	<u>From</u>	<u>Final date</u>
Cabinet / EMT approval of budget	06/01/22	12/01/22
Publish Cabinet agenda		12/01/22
Cabinet approve Budget		18/01/22
Scrutiny of Cabinet Proposals	19/01/22	02/02/22

Preparation of Alternative Budget & discussions with Heads of Services re Impact assessments	19/01/22	02/02/22
Discussion of alternative Budget with S 151 officer		04/02/22
Last date for submission of alternative budget with Final Impact assessments		07/02/22
Issue Scrutiny Agenda for Alternative Budget (papers to follow)		07/02/22
Informal Cabinet to consider Scrutiny Comments on Cabinet Budget		08/02/22
Last date for Alternative budgets to be approved by s151 officer		09/02/22
Send Alternative Budget papers to Scrutiny if approved by S151 officer		09/02/22
Scrutiny Of Alternative Budgets	11/02/22	14/02/22
Prepare Scrutiny Report for alternative budget	14/02/22	15/02/22
Cabinet consider Alternative Budget		15/02/22
Publish Agenda for Council meeting to consider approval of Cabinet and/ or alternative Budgets - No amendments to the Cabinet Budget or alternative budgets can be made after this date (NB Constitution will require amendment to achieve this). Minor amendments arising from the Council debate would be considered.		18/02/22
Full Council Set Budget		24/02/22
Council set council tax		03/03/22
Last date by which Council must set Council Tax		11/03/22

4. Resource Implications

- 4.1 Support for the development of alternative budget proposals can generally be accommodated within the existing resources of the Finance Service. Should the work involved exceed the capacity that is normally required, discussion will take place with the members requesting the support. Early discussion of any significant work being considered is essential.

5. Legal implications

- 5.1 The Head of Legal and Democratic Services (Monitoring Officer) has commented as follows: “ The recommendations can be accepted from a legal point of view and proposals to amend the Constitution to prevent amendments to the Cabinet Budget or alternative budgets being proposed after publication of the Council Agenda for setting the budget will be considered later in the meeting”

6. Data Protection

N/A

7. Comment from local member(s)

N/A

8. Impact Assessment

- 8.1 Impact Assessments will be required for all budget proposals submitted for consideration.

9. Recommendation

That Council approve the process and timetable as set out in this report for the development, submission and consideration of alternative budgets.

Contact Officer: Jane Thomas
Tel: 01597827789
Email: jane.thomas@powys.gov.uk

Head of Service:

Corporate Director:

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

Purpose of the Constitution

2.1 The purpose of the Constitution is to:

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

Definitions in the Constitution

2.2.1 The Constitution of the Council is this document.

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

“Annual Meeting”	In a year when there is an ordinary election of councillors, the annual meeting will take place within 21 days of the retirement of the outgoing councillors. In any other year, the annual meeting will take place in March, April or May. ¹
“Budget”	the overall revenue and capital budget approved by Full Council (Section 4);
“Chief Executive”	<u>an Officer who must be appointed by law to carry out certain functions. See Section 11 for more details. The Officer will usually have other duties and a different job title. See Section 11 for which Officer is the Chief Executive;</u>
“Chief Officer”	Unless stated otherwise Chief Officer means the following officers: Chief Executive Executive Directors
“Clear Days”	The number of days that the notice and summons of a meeting have to be published in advance of a meeting. The clear days do not include (a) the day the document is published and / or received; and (b) the day of the meeting; and (c) weekends and bank holidays. ²
“Co-Opted Member”	A person chosen by the Council to serve on one of its Member Bodies consisting of the following:

¹ Local Government Act 1972, Schedule 12

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

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

	<p>5 Independent (Lay) Members of the Standards Committee; 3 Town and Community Council representatives of the Standards Community Sub-Committee; 3 Parent Governor Representatives on the Learning and Skills Scrutiny Committee; 1 Church in Wales representative on the Learning and Skills Scrutiny Committee; 1 Roman Catholic Church representative on the Learning and Skills Scrutiny Committee; ‘Lay’ Members of the Governance and Audit Committee; 1 co-opted Member in respect of crime and disorder matters on the Economy, Residents, Communities and Governance Scrutiny Committee.</p>
“Councillor”	a person elected to the Council to represent an area (called an electoral division) within the county of Powys;
<u>Council Term</u>	<u>The Council term will be 5 years or for such other period specified by Welsh Government from time to time.</u>
“Deputy Chief Officer”	Unless otherwise stated Deputy Chief Officers means the following officers: Directors Heads of Service
“Executive”	the Cabinet or a Member or Members of the Cabinet when exercising Executive Functions;
“Executive Decision” or “Cabinet Decision”	any decision taken by the Cabinet to exercise or refrain from exercising an Executive Function. It also includes decisions made by persons or Member Bodies to whom the Leader or Cabinet has delegated Executive Functions to exercise or refrain exercising those functions;
“Executive Function” or “Cabinet Function”	<p>(a) Executive Functions are defined by the Local Government Act 2000, subsidiary legislation ³ and associated guidance. Any function that is not exercisable only by Full Council or delegated to another Member body is an Executive Function. It should be noted that regulatory functions such as planning, licensing, rights of way and building control, are not Executive Functions;</p> <p>(b) Contractual matters (within an approved budget), the acquisition and disposal of land and financial support to organisations and individuals are also Executive Functions.</p>

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

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

“Exempt Information”	Information which a Council is able to withhold from being disclosed to the public as it falls within one of 10 categories of information described in regulations. ⁴
“Forward Work Programme”	the Forward Work Programme is a document which lists all of the decisions that the Cabinet intend to take and when those matters will be discussed. This does not prevent urgent or unforeseen matters being considered;
“Full Council”	the body where all Councillors act to exercise functions of the Council;
“Head of Service”	such officers appointed from time to time by Strategic Directors and / or Directors to run the individual services within their directorates.
“Head of Paid Service”	an Officer who must be appointed by law to carry out certain functions. See Section 11 for more details. The Officer will usually have other duties and a different job title. See Section 11 for which Officer is the Head of Paid Service;
“Independent (Lay) Member”	a member of the Standards Committee who is not: (a) a Councillor; (b) an officer; or (c) the spouse of a Member or an officer of the Council, or any other Relevant Authority, or a Community Council.
“Lay Member”	the Co-Opted Member of the Governance and Audit Committee appointed by the Full Council who cannot be a Councillor.
“Local Choice Functions”	there are some functions which the Council may treat as being the responsibility of the Cabinet (in whole or in part) or as being non-executive, at its discretion; ⁵
“Local Representative”	has the meaning set out in Rules 19.82 to 19.89 (Planning Protocol).
“Management Team”	the senior management body for officers (Section 11). It includes those officers designated from time to time by the Head of Paid Service <u>Chief Executive</u> as members of the Management Team;
“the Measure”	means the Local Government (Wales) Measure 2011.
“Member”	either a Councillor or a Co-Opted Member chosen by the

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

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

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

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

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

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

	the officer responsible for the administration of elections of councillors of the county, and elections of councillors of communities within the County.
“Scrutiny Committees”	<ul style="list-style-type: none"> • Learning and Skills Scrutiny Committee; • Health and Care Scrutiny Committee; • Economy, Residents and Communities Scrutiny Committee; • Public Service Board Scrutiny Committee.
“Section 151 Officer”	an Officer who must be appointed by law to carry out certain functions in relation to financial administration. See Section 11 for a description of those functions. The Officer may have other duties and a different job title. See Section 11 for which Officer is the Section 151 Officer;
“Service”	any of the services provided by the Council;
“Corporate Improvement Plan (CIP)”	The CIP is a strategic document, and sets out the council’s vision for the future of Powys, in line with the priorities of the ruling administration. The plan outlines the well-being and equality objectives the council will aim to deliver over a five year period, to achieve its vision and meet the needs of local residents and communities. These objectives are required by legislation (Well-being of Future Generations Wales Act 2015 and Equality Act 2010).

Interpretation of the Constitution

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

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

Duty to Monitor and Review the Constitution

- 2.4.1 The Monitoring Officer will monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect.
- 2.4.2 The Monitoring Officer will make arrangements for any proposed changes to the Constitution to be considered by the Democratic

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

Services Committee which will in turn make recommendations to the Full Council as to any amendments that may be necessary.

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

Protocol for Monitoring and Review of Constitution by Monitoring Officer

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

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

Changes to the Constitution

Approval

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

Minor Changes

- 2.7 If, in the reasonable opinion of the Monitoring Officer, a change is:
- 2.7.1 a minor variation; or
 - 2.7.2 required to be made to remove any inconsistency, ambiguity or typographical correction;
the Monitoring Officer may make such a change. Any such change made by the Monitoring Officer shall come into force with immediate effect. Such changes shall be reported to the Democratic Services Committee and the next Full Council meeting for information.
 - 2.7.3 A minor change includes changes to the titles and roles of the Senior Leadership Team and Proper Officers, and the names of Council Committees.

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Legislative Change

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

Suspension of the Constitution

Limit to Suspension

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

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

Procedure to Suspend

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

Publication

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

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SECTION 7 – SCRUTINY COMMITTEES

Introduction

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

Scrutiny Committees

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

Role, Scope and Membership

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

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

SECTION 7 – SCRUTINY COMMITTEES

	<ul style="list-style-type: none"> • Strengthening community development and resilience • Support communities to be able to do more for themselves and reduce the demand on our public services • Strengthening our relationship with residents and communities • Improve our understanding of our residents needs and improve our service delivery <p style="text-align: center;">SERVICE AREAS:</p> <p>CHIEF EXECUTIVE</p> <ul style="list-style-type: none"> • Finance • Legal and Democratic Services <p>ECONOMY AND ENVIRONMENT</p> <ul style="list-style-type: none"> • Property, Planning and Public Protection • Highways, Transport and Recycling • Housing and Community Development <p>TRANSFORMATION</p> <ul style="list-style-type: none"> • Strategy, Performance and Transformation Programmes • Customers and Communications • Workforce and OD <p style="text-align: center;">PARTNERSHIPS</p> <ul style="list-style-type: none"> • Growing Mid Wales • Powys Regeneration Partnership • TRACC • BBNP • MWWFRA • WLGA • Central Wales Infrastructure Collaboration • Central Wales Waste Partnership • North and Mid Wales Trunk Road Agency Partnership Board • Tourism Partnership Mid Wales • Western Valleys Strategic Regeneration Area Board • Powys Community Endowment Fund
Health and Care Scrutiny Committee	<p>Vision 2025 objectives:</p> <p>Health and Care:</p> <ul style="list-style-type: none"> • Focussing on well-being

SECTION 7 – SCRUTINY COMMITTEES

<p>14 Councillors – Politically Balanced</p>	<ul style="list-style-type: none"> • Early help and support • Providing joined up care • Developing a workforce for the future • Creating innovative environments • Developing digital solutions • Transforming in partnership <p style="text-align: center;">SERVICE AREAS:</p> <ul style="list-style-type: none"> • Children’s Services • Adult Services • Commissioning (Children and Adults) <p>TRANSFORMATION</p> <p>PARTNERSHIPS</p> <ul style="list-style-type: none"> • Regional Partnership Board • Powys Executive Safeguarding Group • Regional Safeguarding Group • Youth Justice Board • Health, Social Care and well-Being Partnership • Powys Community Health Council
<p>Learning and Skills Scrutiny Committee Membership: 14 Councillors – Politically Balanced; 3 parent governor representatives; 1 Church in Wales Diocese representative; 1 Roman Catholic Church Diocese representative,</p>	<p style="text-align: center;">Vision 2025 objectives:</p> <p>Learning and Skills:</p> <ul style="list-style-type: none"> • Improving the educational attainment of all pupils • Supporting children and families to have the best start in life • Improving our schools infrastructure • Improving the skills and employability of young people and adults <p style="text-align: center;">SERVICE AREAS:</p> <ul style="list-style-type: none"> • Education <p>TRANSFORMATION</p> <p>PARTNERSHIPS</p> <ul style="list-style-type: none"> • ERW
<p>Public Service Board Scrutiny Committee</p>	<p>As set out in Rules 7.39 to 7.41</p>

SECTION 7 – SCRUTINY COMMITTEES

General Functions

7.5 Within their terms of reference, Scrutiny Committees will:

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

Specific Functions

Policy Development and Review

7.6 The Scrutiny Committees may:

- 7.6.1 assist the Cabinet and the Council in the development of its Budget and Policy Framework by in depth analysis of policy issues, including pre-scrutiny of draft or amended policies;
- 7.6.2 conduct research, site visits, community and other consultation in the analysis of policy issues and possible options;
- 7.6.3 question members of the Cabinet and / or Committees and Chief Officers from the Council about their views on issues and proposals affecting the area;
- 7.6.4 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;
- 7.6.5 consider the impact of policies to assess if they have made a difference;
- 7.6.6 consider and implement mechanisms to encourage and enhance community participation in the scrutiny of the development of policy options; and
- 7.6.7 investigate or review a particular matter in depth, reporting their conclusions and making any recommendations to the Cabinet or Council as appropriate.
- 7.6.8 Each scrutiny committee will regularly review the effectiveness of its meetings and will undertake an annual self-assessment exercise to be considered as part of the annual review of the Council's performance.

Scrutiny

7.7 Scrutiny Committees may:

- 7.7.1 review and scrutinise the decisions by and performance of the Cabinet and / or Cabinet Committees and Council Officers in relation to individual decisions and over time;
- 7.7.2 review and scrutinise the performance of the Council in relation to its

SECTION 7 – SCRUTINY COMMITTEES

- 7.7.3 policy objectives, performance targets and/or particular service areas; question members of the Cabinet and / or Cabinet Committees and Chief Officers from the Council about their decisions and performance, whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions, initiatives or project;
- 7.7.4 make recommendations to the Cabinet and / or appropriate Committee and / or Council arising from the outcome of the scrutiny process;
- 7.7.5 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;
- 7.7.6 question and gather evidence from any person (with their consent);
- 7.7.7 review and scrutinise the budget setting process;
- 7.7.8 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
- 7.7.9 consider and report on mechanisms to encourage and enhance community participation in the development of service delivery options.

Finance

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

Annual Report

- 7.9 Each Scrutiny Committee shall report annually to the Full Council on their workings.

Head of Democratic Services

- 7.10 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 ?

- 7.11 All Councillors (except members of the Cabinet) may be members of the Scrutiny Committees. However, no Member may be involved in scrutinising decisions in which they have been directly involved.

Co-Optees

- 7.12.1 The Learning and Skills Scrutiny Committee shall include in its membership the following voting representatives:
 - 7.12.1.1 One Church in Wales diocese representative;
 - 7.12.1.2 One Roman Catholic diocese representative; and
 - 7.12.1.3 ~~Three~~ Two parent governor representatives (covering so far as practicable the primary / special schools, and secondary / all-through schools ~~and special needs sectors~~)

SECTION 7 – SCRUTINY COMMITTEES

7.12.1.4 The term of office for co-opted Members will be a period of no more than four years.

- 7.12.2 When matters which are not education matters, which are the responsibility of the Cabinet, fall to be considered by the Learning and Skills Scrutiny Committee, the co-opted representatives specified in rule 7.12.1 shall not vote, although they may stay in the meeting and speak.
- 7.12.3 The Economy, Residents and Communities Scrutiny Committee shall include in its membership in a non-voting capacity 1 representative from the Police and Crime Panel (or from such other body which replaces the Panel), subject to that representative not being a Powys County Council representative on the Police and Crime Panel.
- 7.12.4 In addition to co-optees appointed under rules 7.12.1.1 to 7.12.1.3 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
- 7.12.5 The total number of co-optees on each Scrutiny Committee may not exceed more than one third the membership of the committee.¹
- 7.12.6 A co-optee cannot be a Vice-Chair of a Scrutiny Committee and cannot represent the Council on outside bodies.

Who Chairs Scrutiny Committees?

- 7.13 The arrangements included in sections 66-75 of The Measure will be followed for appointing persons to chair ².

Role of the Chair of Scrutiny Committees

- 7.14.1 The chairs of the Scrutiny Committees will liaise with the Cabinet and the ~~Head of Paid Service~~ Chief Executive and will supervise the work programme for their Scrutiny Committee and identify cross cutting themes arising from the various Scrutiny Committees .
- 7.14.2 In summary, therefore, the Chair will:
- 7.14.2.1 be accountable for delivering effective scrutiny;
 - 7.14.2.2 will regularly monitor the work programmes for their Scrutiny Committee; and
 - 7.14.2.3 will liaise with the Cabinet on issues affecting the scrutiny work programme.
 - 7.14.2.4 Prepare Annual Reports to Council in accordance with Rule 7.9 above
 - 7.14.2.5 To receive requests from Members of Scrutiny of potential matters to be scrutinised.

Work Programme

¹ Paragraph 8.19 Statutory Guidance from the Local Government Measure 2011 (issued by Welsh Government June 2012)

SECTION 7 – SCRUTINY COMMITTEES

- 7.15 The Chair in consultation with the Committee and officers 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 suggestions of scrutiny topics from other Members and the public and should focus on strategic and important issues.

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Joint Scrutiny Committees

7.16 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”)

7.17 Rules 7.17 to 7.36 (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 ?

- 7.18.1 Subject to Rules 7.39 to 7.41 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 Committee may appoint smaller groups (Member and Officer Working Groups) to carry out detailed examination of particular topics for report back to the committee. Such groups may be appointed for a fixed period on the expiry of which they shall cease to exist or may be appointed on a task and finish basis. Such Member and Officer Working Groups should work on a non-political basis and wherever possible should comprise as many political groups as practicable.
- 7.18.2 The terms of reference / areas of responsibility of the various Scrutiny Committees will be as set out in Rule 7.4 above.
- 7.18.3 Each Scrutiny Committee (with the exception of the Public Service Board Scrutiny Committee) will be Chaired by a chair appointed by the Full Council from the membership of that Scrutiny Committee and there will be cross party membership of all Scrutiny Committees.

Meetings of the Scrutiny Committees

- 7.19.1 The three Scrutiny Committees will meet on a regular basis to meet the needs of Council and with the agreement of each Chair of Scrutiny.
- 7.19.2 In addition, extraordinary meetings may be called from time to time by:
- 7.19.2.1 the Full Council by resolution; or
 - 7.19.2.2 the relevant Scrutiny Committee by resolution; or
 - 7.19.2.3 the chair of the relevant Scrutiny Committee; or
 - 7.19.2.4 any 5 members of the relevant Scrutiny Committee; or
 - 7.19.2.5 the ~~Head of Paid Service~~ Chief Executive; or
 - 7.19.2.6 the Monitoring Officer; or
 - 7.19.2.7 the Section 151 Officer;

as s/he / they considers necessary or appropriate.

Quorum

7.20 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..

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

- 7.21 The first meeting of a scrutiny committee following the Annual Meeting of the County Council will (as may be appropriate):
- 7.21.1 elect a chair of the PSB Scrutiny Committee;
 - 7.21.2 elect a person to preside if the chair of the Committee is not present;
 - 7.21.3 elect the vice-chair of the Committee
 - 7.21.4 make appointments to sub-committees authorised by Full Council (see Rules 4.6.1; 4.6.7; 4.15.7; and 4.18.6); such appointments to be in accordance with the wishes of the groups unless the committee decides unanimously to dis-apply the political balance requirements;
 - 7.21.5 deal with those items of business listed in Rule 7.23 below as may be appropriate.

The order of business, with the exception of items 7.21.1 and 7.21.2 may be altered by the chair.

Business at Other Meetings

- 7.22 At all other meetings of committee, the committee will (as may be appropriate)
- 7.22.1 elect a person to preside if the chair and vice-chair of the Committee are not present;
 - 7.22.2 elect the chair of the PSB Scrutiny Committee in the event of there being a vacancy
 - 7.22.3 elect a vice-chair of the Committee in the event of there being a vacancy;
 - 7.22.4 receive declarations of interest (including whipping declarations);
 - 7.22.5 make appointments to sub-committees and Member and Officer Task and Finish Groups in the event of there being a vacancy;
 - 7.22.6 receive apologies for absence;
 - 7.22.7 approve the minutes of the last meeting;
 - 7.22.8 receive any announcements from the chair;
 - 7.22.9 receive reports from the Cabinet and / or from any other committees, and / or from officers;
 - 7.22.10 make recommendations to the Cabinet or Full Council;
 - 7.22.11 deal with any business outstanding from the last meeting;
 - 7.22.12 (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;
 - 7.22.13 put questions to the chair or relevant officers of the Council where appropriate on items of business before the committee and to receive responses.
 - 7.22.14 receive reports from sub-committees and Member and Officer Task and Finish Groups;
 - 7.22.15 to consider requests from members of the committee for items of business for consideration at a future meeting or at the meeting

SECTION 7 – SCRUTINY COMMITTEES

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;

- 7.22.16 consider motions without notice as set out in the Full Council Procedure Rules in Section 4 of this Constitution;
- 7.22.17 review the Committee's Work Programme for the forthcoming year;
- 7.22.18 consider such other business specified in the summons to the meeting;
- 7.22.19 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;
- 7.22.20 to exclude the public for the consideration of any item in accordance with the Access to Information Procedure Rules;

The order of business, with the exception of items 7.22.1 to 7.22.4 may be altered by the chair.

Agenda Items

- 7.23.1 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 for inclusion on the agenda for the next available meeting.
- 7.23.2 Scrutiny Committees shall also respond, as soon as their work programme permits, to requests from the Full Council and/or the Cabinet to review particular areas of Council activity. Where they do so, the particular Scrutiny Committee shall report their findings and any recommendations back to the Cabinet and / or Council as appropriate. The Cabinet and / or the Council shall consider the report of the Scrutiny Committee and respond (if appropriate) as soon as possible or at the latest within 2 months of the date of the meeting.

Policy Review and Development

- 7.24.1 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.
- 7.24.2 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.
- 7.24.3 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.

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Reports from Scrutiny Committees

- 7.25.1 All formal reports from Scrutiny Committees will be submitted for consideration by the Cabinet (if the proposals are consistent with the existing Budget and Policy Framework), or to the Council as appropriate (e.g. if the recommendation would require a departure from or a change to the agreed Budget and Policy Framework).
- 7.25.2 If a Scrutiny Committee cannot agree on one single final report to the Cabinet or Council as appropriate, one minority report may be prepared and submitted for consideration by Cabinet or Council with the majority report.
- 7.25.3 A Scrutiny Committee may publish any non-confidential report.

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

- 7.26.1 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 Cabinet or Council within the period specified above, the Chair of Council or the Leader or Portfolio Holder will give an explanation of the reasons to the chair of the relevant Scrutiny Committee as soon as practicable.
- 7.26.2 Where a scrutiny report is referred to the Cabinet the relevant Portfolio Holder(s) and senior officers will attend the meeting of the Cabinet wherever possible. The Cabinet will prepare a written response to the scrutiny report, including an action plan where appropriate, as soon as possible or at the latest within 2 months of the date of the meeting. The Portfolio Holder(s) and senior officers if requested to do so will attend a future meeting of that Scrutiny Committee to present the Cabinet's response.

Rights of Members of Scrutiny Committees to Documents

- 7.27.1 Members of Scrutiny Committees have the additional right to documents, and to notice of meetings as set out in the Access to Information Procedure Rules in Section 14 of this Constitution.
- 7.27.2 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

- 7.28.1 Scrutiny Committees / Working Groups may scrutinise and review decisions made or actions taken in connection with the discharge of any Council functions within its remit. As well as reviewing documentation, in fulfilling the Scrutiny role, it may require any member of the Cabinet, the Chief Executive and/or any senior Officer to attend before it to explain the following matters within their remit:
- 7.28.1.1 any particular decision or series of decisions; and / or
 - 7.28.1.2 the extent to which the actions taken implement Council policy; and/or
 - 7.28.1.3 the implementation of decision(s) and or Council policy
- and it is the duty of those persons to attend if so required.
- 7.28.2 Where there are concerns about the appropriateness of the Officer who

SECTION 7 – SCRUTINY COMMITTEES

- should attend, the relevant Chief Officer shall discuss this with the appropriate Scrutiny Chair or Vice Chair with a view to achieving consensus.
- 7.28.3 Where any Cabinet Member is required to attend Scrutiny Committees / Working Group under this provision, the Chair of that Committee / Working Group will inform the relevant Cabinet Member in writing at least 5 working days' before the meeting at which s/he is required to attend (unless agreed otherwise). The written notice will state the nature of the item on which he or she is required to attend to give account and whether any papers are required to be produced for the Committee.
- 7.28.4 Where any Officer is required to attend Scrutiny Committees / Working Group under this provision, the Chair of that Committee / Working Group will inform the relevant Head of Service. The relevant Head of Service shall inform the Officer, if necessary in writing, giving at least 5 working days' notice of the meeting at which s/he is required to attend (unless agreed otherwise). The notice will state the nature of the item on which he or she is required to attend to give account and whether any papers are required to be produced for the Committee.
- 7.28.5 Where the account to be given to a Scrutiny Committee / Working Group will require the production of a report, then the Member or Officer concerned will be given sufficient notice to allow for its preparation.
- 7.28.6 Where, in exceptional circumstances, the Member or Officer is unable to attend on the required date, then the Scrutiny Committee / Working Group shall in consultation with the Member or Officer arrange an alternative date for attendance.

Attendance by Others

Attendance of Leader or Cabinet Member

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

Attendance of Members at Committee Meetings

- 7.30.1 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.
- 7.30.2 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.
- 7.30.3 Such right of attendance is subject to the Councillor not having a Prejudicial Interest in the matter under discussion under the Members' Code of Conduct and subject to any legal provisions and any limitations or restrictions within this Constitution.

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Others

7.31 Scrutiny Committees / Working Group may invite people other than those people referred to in Rules 7.28 and 7.29 above to address it, discuss issues of local concern and/or answer questions. It may for example wish to hear from residents, stakeholders, members and officers in other parts of the public sector and shall invite such people to attend.

The Party Whip in Scrutiny

7.32 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.³

Procedure at Scrutiny Committee Meetings

7.33.1 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.

7.33.2 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:

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

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

7.33.2.3 that the business be conducted as efficiently as possible.

7.33.3 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

7.34 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 if they fail to agree, the decision will be made by Monitoring Officer.

³ Section 78(1) of the Local Government (Wales) Measure 2011.

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Call-In Procedure Rules

- 7.35A The Call-In Procedure Rules set out in this Rule 7.35 do not apply to the Public Services Board Scrutiny Committee. For the sake of clarity the Public Service Board Scrutiny Committee does not have the ability to call-in decisions / recommendations made by the Public Service Board.
- 7.35B For the purpose of Rule 7.35, where the Monitoring Officer and / or the Chief Finance Officer is the author of the report which is the subject of a potential Call-In to scrutiny, that officer cannot undertake the decisions described in Rules 7.35.3 and 7.35.15 in which event, the decision will be taken by the Chief Executive in consultation with the Deputy Monitoring Officer and / or Deputy Chief Finance Officer as appropriate.
- 7.35.1 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.
- 7.35.2 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 7.36.3) 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.
- 7.35.3 Subject to Rule 7.35B above, and during the Call-in Period the Monitoring Officer shall call-in a decision for scrutiny by the relevant Scrutiny Committee if so requested in the specified format (“the Call-In Request”⁴) by the chair or 4 members of a Scrutiny Committee PROVIDED THAT the Monitoring Officer and / or the Chief Finance Officer are satisfied that the following conditions are met:

Appendix 1 - Call In Request

- 7.35.3.1 the decision or action was contrary to the policy framework or budget, or fell outside the functions of the Cabinet; or
- 7.35.3.2 the Cabinet or decision maker had not followed agreed procedures or failed to consult (where required) before reaching its decision; or
- 7.35.3.3 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.
- 7.35.4 Where the Monitoring Officer and / or the Chief Finance Officer are satisfied that one or more of the conditions set out in rule 7.35.3 above have been

⁴ See Appendix 1 to this Section.

SECTION 7 – SCRUTINY COMMITTEES

met, they shall produce a written report setting out the reasons for coming to this conclusion and the Monitoring Officer (subject to Rule 7.35B above) will then arrange for a “Call-In Notice”⁵ to be issued in accordance with Rule 7.35.5 below.

Appendix 2 - Call In Notice

- 7.35.5 A Call-In Notice must contain the following:
- 7.35.5.1 details of the condition set out in rule 7.35.3 above being relied upon;
 - 7.35.5.2 the reasons why it is believed one or more of the conditions are satisfied;
- 7.35.6 The Monitoring Officer (subject to Rule 7.35B above) shall call a meeting of that Scrutiny Committee on such a date as s/he may determine, where possible after consultation with the chair or vice chair of that the appropriate Scrutiny Committee , and usually within 10 clear days of the receipt of the Call-In Request (the “Scrutiny Period”) (only in exceptional circumstances will the chair of the Scrutiny Committee consider extending this time limit and the period of extension cannot in any circumstances exceed a further 5 clear days).
- 7.35.7 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.
- 7.35.8 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 7.35.6 as the case may be).
- 7.35.9 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.
- 7.35.10 If a Scrutiny Committee refers the matter to Full Council, the Monitoring Officer (subject to Rule 7.35 above) shall call a meeting of the Full Council on such a date as s/he may determine, where possible after consultation with the chair or vice chair of the Full Council, and usually within 10 clear days of the receipt of the referral (the “Council Scrutiny Period”) (only in exceptional circumstances will the chair of the Full Council consider extending this time limit and the period of extension cannot in any circumstances exceed a further 5 clear days).
- 7.35.11 If, having considered the decision, the Full Council remains concerned about

⁵ See Appendix 2 to this Section.

SECTION 7 – SCRUTINY COMMITTEES

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.

- 7.35.12 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.
- 7.35.13 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.
- 7.35.14 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:
- 7.35.14.1 each Scrutiny Committee may only call-in a total of five decisions per year;
 - 7.35.14.2 where a Call-in Request has been made by four members of a Scrutiny Committee in accordance with Rule 7.35.3 those four members must come from at least two political groups, or one political group and / or one or more non-aligned Councillor(s);
 - 7.35.14.3 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.
 - 7.35.14.4 no Education Co-opted members may request a decision be called in.
 - 7.35.14.5 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.
 - 7.35.14.6 the decision being called-in, or broadly the same decision, has been called in during the last 6 months.
 - 7.35.14.7 the provisions of Rule 7.36.1 apply (Urgency)
- 7.35.15 Subject to Rule 7.35B above, the Monitoring Officer and / or the Chief Finance Officer may veto any request for call-in if it falls outside the remit of this scheme.
- 7.35.16 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.
- 7.35.17 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

7.36.1 The call-in procedure set out in Rule 7.35 above shall not apply where the decision being taken is urgent. A decision will be urgent if:

- 7.36.1.1 any delay likely to be caused by the call-in process would seriously

SECTION 7 – SCRUTINY COMMITTEES

- prejudice the Council's or other public interests; and
- 7.36.1.2 Subject to Rule 7.36.3 below the ~~Head of Paid Service~~Chief Executive and / or the Monitoring Officer and / or the Chief Finance Officer certifies in writing the reasons why any delay caused by a call-in process could seriously prejudice the Council, or the public interest; and
- 7.36.1.3 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
- 7.36.1.4 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~~Chief Executive and / or the Monitoring Officer and / or the Chief Finance Officer (subject to Rule 7.35B above) and by the chair of the relevant Scrutiny Committee or Scrutiny vice-chair or the chair of Council.
- 7.36.2 Decisions taken as a matter of urgency can be implemented forthwith but must be reported at the next available meeting of the relevant Scrutiny Committee, together with the reasons for urgency, such report to the scrutiny committee must contain the written certification as required in Rule 7.36.1.2 above.
- 7.36.3 For the purposes of Rules 7.36.1.2 above the officer certifying the reasons why any delay caused by a call-in process could seriously prejudice the Council, or the public interest cannot be an officer whose report is being considered under the Rule 7.36 procedure.

Finance Panel.

Role, Scope and Membership.

7.37

- 7.37.1 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.
- Other representatives from the Governance and Audit Committee one of which should be the Independent "Lay" Member appointed by the Governance and Audit Committee.
- The Portfolio Holder for Finance will be required to attend

SECTION 7 – SCRUTINY COMMITTEES

- 7.37.2 Chair : all meetings, but will not have any voting rights.
The Chair of the Panel will be elected from the Panel's membership.
- 7.37.3 Vice-Chair: The Vice-Chair of the Panel will be elected from the Panel's membership.
- 7.37.4 Meetings: Meetings of the Panel will be held on a schedule to be determined by the Panel.
- 7.37.5 Reports by the Panel: The Panel will make reports on its findings to the Cabinet and where necessary Full Council.

Terms of Reference:

- 7.38 The Panel will concentrate on strategic financial matters including the following:
- 7.38.1 review and scrutinise in private session:
- assist with the delivery of financial plans to support change and the Medium Term Financial Strategy to inform policy changes, and providing robust challenge and accountability;
 - consider the robustness of the evidence base upon which the MTFS and Council budget are predicated
 - Assumptions underlying the budget strategy;
 - The Medium Terms Financial Strategy / Finance Resource Model;
 - Budget Assumptions;
 - Draft Budget and Impact Assessments;
 - Development of the budget, future planning and finance transformation
 - provide evidence based recommendations to the Cabinet on its findings;
 - develop a forward work programme based on the budget timetable and the Council's medium term financial strategy;
- 7.38.2 to review and scrutinise in public session:
- Annual Local Government Settlement and any legislative changes affecting local government;
 - Financial aspects of the Risk Register;
 - Financial Monitoring;
 - to review budget monitoring reports for Revenue and Capital
 - any other monitoring and performance reports as appropriate
 - provide evidence based recommendations to the Cabinet on its findings
 - develop a forward work programme

Public Service Board Scrutiny Committee.

- 7.39 The Chairs of the Scrutiny Committees shall appoint two Members from the Scrutiny Committees to act as representatives of the Council on the Public Service Board Scrutiny Committee.

SECTION 7 – SCRUTINY COMMITTEES

- 7.40 The Chairs of the Scrutiny Committees shall appoint a substitute for each of the two Members of the Public Service Board Scrutiny Committee appointed under Rule 7.39 above from the Scrutiny Committees, such substitute shall not be a member of the Public Service Board.
- 7.41 The Terms of Reference and Membership of the Public Service Board Scrutiny Committee are set out in the “Arrangements for the Scrutiny of the Public Service Board in Powys” document approved by Full Council from time to time.

Councillor Call for Action

- 7.42.1 The Councillor Call for Action is a mechanism for enabling Councillors to bring matters of local concern to the attention of the Council via the Scrutiny process. It should be an option of “last resort”.
- 7.42.2 Any Councillor may request that an item is placed on the agenda of the relevant Scrutiny Committee for consideration.
- 7.42.3 The procedure for dealing with a Call for Action is set out in the Councillor Call for Action - Guidance for Councillors which can be found on the Council's website as follows:

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

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SECTION 8 – THE STANDARDS COMMITTEE

The Council will establish a Standards Committee to exercise the functions set out in Rule 8.8. The Standards Committee will appoint a Standards Community Sub-Committee to exercise the functions set out in Rule 8.8 insofar as they affect Town and Community Councils. The Standards Committee and the Sub-Committee are exempt from the requirements to achieve as far as reasonably practicable a political balance on committees which apply to other Council committees.

Composition

Membership of the Standards Committee.

8.1 The Standards Committee is composed of 9 Members. Its Membership includes:

8.1.1 5 'Independent' (Lay) Members.

The following persons are not eligible to serve as Independent (Lay) Members of the Standards Committee:

- (a) A person who is a Councillor or Officer of Powys County Council or the spouse or civil partner of a Councillor or an Officer;
- (b) A person who has been, but is no longer a Councillor or Officer of Powys County Council;
- (c) A person who is a member or an officer, or the spouse or civil partner of a member or an officer of:

Any other County Council;
Any County Borough Council;
Any National Park Authority;
Any Fire Authority;
Any Community Council.

- (d) For the period of 12 months commencing with the date on which that person ceased to be a member or officer of any of the bodies listed below, a person who has been, but is no longer a member or officer of;

Any other County Council;
Any other County Borough Council;
A National Park Authority;
A Fire Authority.

8.1.2 4 Councillors (other than the Cabinet Leader including not more than 1 member of the Cabinet) appointed by the County Council at the Annual Meeting following the ordinary local government elections for the County Council, or at an ordinary meeting in the event of a vacancy occurring.

SECTION 8 – THE STANDARDS COMMITTEE

Membership of the Standards Community Sub-Committee.

8.2.1 The sub-committee will comprise of:

- The five Independent (Lay) Members of the Standards Committee;
- One County Councillor; and
- Three community committee members appointed in accordance with Rule 8.2.2. below.

8.2.2 Nominations will be sought from all Town and Community Councils in Powys for three community committee members, one from each Shire. Following the close of nominations a ballot will be held and those receiving the majority of the votes cast in each Shire will be appointed by the Standards Committee to the Standards Community Sub-Committee. (The County Council delegated the responsibility for making these appointments to the Standards Committee in July 2008)

Term of Office

8.3.1 Independent (Lay) Members are appointed for a period of not less than four and not more than six years and may be reappointed for a consecutive term not exceeding four years.

8.3.2 Councillors who are also Members of the Standards Committee will have a term of office of no more than four years or until the next ordinary local government election following their appointment, whichever is the shorter. They may be reappointed for one further consecutive term. A Councillor ceases to be a Member of the Standards Committee upon ceasing to be a Councillor.

Quorum of Standards Committee

8.4 A meeting of the Standards Committee shall only be quorate when:

8.4.1 at least 3 Members, including the Chair, are present; and

8.4.2 at least half the Members present (including the Chair) are Independent (Lay) Members.

Quorum of Standards the Community Sub-Committee

8.5 A meeting of the Standards Community Sub-Committee shall only be quorate when:

8.5.1 at least three members, including the chair, are present, and

8.5.2 at least half the members present (including the chair) are Independent (Lay) Members

8.5.3 For the purposes of this Rule “community committee member” means a member of the Standards Community Sub-Committee who is also a member of a community council within Powys

8.5.4 Where the Standards Community Sub-Committee considers any

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matter relating to a Town or Community Council in Powys or a Councillor of such a Town or Community Council, any member of the Standards Community Sub-Committee (whether County Councillor or Community Committee Member) who is also a member of that Town or Community Council shall not take part in the proceedings of the Sub-Committee in relation to that matter.

Voting

8.6.1 All Members including Independent (Lay) Members will be entitled to vote at meetings.

8.6.2 A question to be decided by the Standards Committee / Standards Community Sub-Committee shall be decided by a majority of the votes cast by those members present at the meeting and eligible to vote.

8.6.3 In the case of an equality of votes, the person presiding at a meeting of the Standards Committee / Standards Community Sub-Committee shall have a second, casting vote.

Chairing the Committee and the Standards Community Sub-Committee.

8.7.1 Only an Independent (Lay) Member of the Standards Committee and the Standards Community Sub-Committee may be the Chair or Vice-Chair.

8.7.2 If the Chair is absent from a meeting of the Standards Committee / Standards Community Sub-Committee, then the Vice-Chair of the Committee / Standards Community Sub-Committee, if present, shall preside.

8.7.3 If both the Chair and the Vice-Chair of the Standards Committee / Standards Community Sub-Committee are absent from a meeting, an independent member as chosen by the Standards Committee / Standards Community Sub-Committee shall preside.

8.7.4 Subject to 8.7.1 and 8.7.5 below the Chair and Vice Chair will be elected by the Members of the Standards Committee or the Standards Community Sub-Committee for whichever is the shortest period of:

- (i) not less than four years or no more than six years; or
- (ii) until the term of office of the Independent Member comes to an end.

8.7.5 A Chair or Vice-Chair can be re-elected following their re-appointment as a Member of the Committee or Sub-Committee as the case may be.

Role and Function

8.8 The Standards Committee will have the following roles and functions:

8.8.1 promoting and maintaining high standards of conduct by Members (including church and parent governor representatives);

8.8.2 assisting Members (including church and parent governor

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- representatives) to observe the Members' Code of Conduct;
- 8.8.3 advising the Council on the adoption or revision of the Members' Code of Conduct;
- 8.8.4 monitoring the operation of the Members' Code of Conduct;
- 8.8.5 advising on training or arranging to train Councillors, co-opted members and church and parent governor representatives on matters relating to the Members' Code of Conduct;
- 8.8.6 granting dispensations to councillors, co-opted members and church and parent governor representatives from requirements relating to interests set out in the Members' Code of Conduct;
- 8.8.7 dealing with any reports from a case tribunal or interim case tribunal, and any report from the Monitoring Officer on any matter referred to that officer by the Public Services Ombudsman for Wales.
- 8.8.8 overseeing the Council's whistle-blowing regime;
- 8.8.9 providing advice to individual Councillors on such issues as the treatment of personal interest and on conduct matters generally;
- 8.8.10 determining appropriate action on matters referred to it by the Public Services Ombudsman for Wales.
- 8.8.11 overseeing the Register of Interest of Members, Co-opted members and Church and Parent Governor Representatives and Officers.
- 8.8.12 overseeing the Council's rules and protocols on accountability of members.
- 8.8.13 overseeing the attendance of Members and Co-opted Members at relevant meetings;
- 8.8.14 monitor the training of Members serving on Member Bodies.
- 8.8.15 To monitor compliance by leaders of political groups on the council to take reasonable steps to promote and maintain high standards of conduct by members of the group; and
- To advise on training or arranging to train leaders of political groups on the council about matters relating to this duty.
- 8.8.16 As soon as reasonably practicable after the end of each financial year, the Standards Committee will make an annual report to Full Council setting out the following:
- (a) how the Committee's and Sub-Committee's functions have been discharged
 - (b) what has been done to discharge the general and specific functions set out in Rules 8.8.1 to 8.8.5 above;
 - (c) reports and recommendations made or referred to the Committee or Sub-Committee by the Ombudsman;
 - (d) action taken by the Committee or Sub-Committee following its consideration of such reports and recommendations;
 - (e) notices given to the Committee or Sub-Committee by the Adjudication Panel for Wales.
 - (f) the extent to which leaders of political groups on the council have complied with their duties to promote and maintain high

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- standards of conduct during the financial year.
(g) such other matters as the Committee may wish to draw to the attention of Full Council in relation to the Standards Committee's functions.

- 8.9 the Standards Community Sub-Committee will have the roles and functions listed in 8.8.1 to 8.8.7 above in relation to the Town and Community Councils in Powys and members of those Councils.

Rules of Procedure and Debate

- 8.10.1 The Council Procedure Rules at Section 4 will apply to the meetings of the Standards Committee Members.
- 8.10.2 When considering the conduct of individual Councillors, the procedures outlined in Appendix 3 to Section 18 will apply.

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SECTION 9 – REGULATORY AND OTHER COMMITTEES

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

The Democratic Services Committee

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

Regulatory Committees and Sub-Committees

- 9.3.1 The Council will appoint such Regulatory Committees as it considers appropriate to the exercise of its functions. These will include a Planning, Taxi Licensing and Rights of Way Committee of 21 Members¹, a Licensing Act 2003 Committee of 14 Members, an Employment and Appeals Committee of 14 Members, a Governance and Audit Committee of 15 Members, and a Pensions and Investments Committee of 5 Members plus the Portfolio Holder for Finance together with a Staff and Employers Representative.
- 9.3.2 Any Regulatory Committee appointed by the Council may at any time appoint additional Sub-Committees and panels throughout the year. The terms of reference and delegation of powers to them shall be explicit and within the Regulatory Committee's terms of reference.
- 9.3.3 Subject to Rule 9.3.4 below, Cabinet Members cannot be members of Regulatory Committees and / or their Sub-Committees.
- 9.3.4 Cabinet Members may be members of the following Regulatory Committees and / or their Sub-Committees in the manner described below:
- 9.3.4.1 Pensions and Investment Committee;
 - 9.3.4.2 Employment and Appeals Committee where dealing with

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

SECTION 9 – REGULATORY AND OTHER COMMITTEES

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

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

9.4 Governance and Audit Committee.

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

<p>Governance and Audit Committee Membership: 14 Councillors plus 1 Independent / Lay Member</p>	<ul style="list-style-type: none"> • To approve authority's statement of accounts, income and expenditure and balance sheet or record of receipts and payments (as the case may be). • Ensure the risk management strategy guides the programme of internal and external work, to address the controls and risk related issues identified • Oversee the production of the annual governance statement, recommend its adoption to County Council and ensure appropriate action is taken to address the issues raised • To consider and approve the annual audit opinion on internal control and the level of assurance given to the corporate governance arrangements • Approve the annual audit plan, ensuring there is sufficient and appropriate coverage, with a strong emphasis on risk management and resources are available to implement the plan. <p>Receive and review internal audit reports and ensure officers respond promptly to the findings. Where necessary recommendations to other committees and portfolio holders will be made, to ensure action plans are implemented</p> <p>Consider and approve the annual letter, regulatory plan and specific reports as agreed.</p> <p>Where necessary ensure action is taken by officers to address those issues raised, and if necessary recommendations to other committees and portfolio holders will be made to address findings and deliver clear conclusions</p> <p>Comment on the scope and depth of the external audit work, to ensure it gives value for money</p> <p>Assess and approve the annual statement of accounts,</p>
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SECTION 9 – REGULATORY AND OTHER COMMITTEES

	<p>external audit opinion and management representation in relation to annual audit findings</p> <p>Promote effective relationships between external and internal audit, inspection agencies and other relevant bodies to ensure the value of audit and inspection is enhanced and actively promoted</p> <ul style="list-style-type: none">• regularly monitor treasury management reports <p>Local Government Measure 2011 (Section 81) as amended by the Local Government and Elections (Wales) Act 2021 (Section 115)</p> <ul style="list-style-type: none">• review and scrutinise the authority's financial affairs• make reports and recommendations in relation to the authority's financial affairs• review and assess the risk management, internal control, performance assessment and corporate governance arrangements of the authority• make reports and recommendations to the authority on the adequacy and effectiveness of those arrangements• review and assess the authority's ability to handle complaints effectively• make reports and recommendations in relation to the authority's ability to handle complaints effectively• oversee the authority's internal and external audit arrangements, and• review the financial statements prepared by the authority <p><u>Local Government and Elections (Wales) Act 2021 (Section 91)</u></p> <ul style="list-style-type: none">• <u>Duty to review the Council's draft performance self assessment report and may make recommendations for changes to the conclusions or to anything included in the draft</u>• <u>Duty to review the Council's draft response of the panel performance assessment and may make recommendations for changes to the statements made</u>• <u>Duty to consider the report of the Auditor General following a special inspection</u>• <u>Duty to review the Council's draft response to the report of the Auditor General and may make recommendations for changes to the statement made</u>
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9.4.2 The Committee can make reports and / or recommendations to the Cabinet and / or Scrutiny Committees and / or the Full Council, in connection with the discharge of any function of the authority;

Membership of the Governance and Audit Committee

9.4.3 The Governance and Audit Committee will comprise 14 Councillors,

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appointed to achieve as far as reasonably practicable a political balance on the committee plus 1 voting Lay Member plus such other co-optees as may be appointed by the Council (subject to the total number of co-optees being less than one third of the total membership).²

9.4.4 In accordance with Section 82 of The Measure:

9.4.4.1 At least one member of the Governance and Audit Committee must be a voting Lay Member;

9.4.4.2 An act of the Governance and Audit Committee will be invalid if the membership of the committee breaches any of the membership requirements set out in Rules 7.5.1 and 7.5.2.1.

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

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

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

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

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

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

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

Who May Sit on the Governance and Audit Committee

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

Work Programme

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

SECTION 9 – REGULATORY AND OTHER COMMITTEES

Meetings of the Governance and Audit Committee

9.4.10 The Governance and Audit Committee must also meet if:

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

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

Rules of Procedure and Debate

9.5 The Council Procedure Rules in Section 4 will apply.

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

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SECTION 11 – OFFICERS

Management Structure

General

11.1 The Council may engage such staff (referred to as Officers) as it considers necessary to carry out its functions.

Chief Officers

11.2 The Full Council will engage persons for the following posts, who will be designated Chief Officers¹, which designation includes persons acting temporarily in such capacity:

Post	Functions and Areas of Responsibility
Chief Executive	<p>The Chief Executive will be the Head of Paid Service and will have the responsibility for <u>keeping</u> the following <u>under review</u>:</p> <ul style="list-style-type: none"> • Leading and managing the Executive and Senior Leadership Teams <u>and determining the way in which the Council's different functions are co-ordinated</u> • Delivery of Vision 2025<u>the Corporate Improvement Plan</u> • Overall performance of the Council • With S151 officer, the oversight of the<u>Financial Planning (including Medium Term Financial Strategy), asset management and risk management</u> • With Monitoring Officer, the smooth running of democracy • Leadership of strategic partnerships and major structural collaborations/service mergers • <u>Performance management of Executive Directors, Section 151 Officer and Monitoring Officer.</u> • <u>The number and grades of staff required by the Council for the exercise of its functions</u> • <u>The organisation of the Council's staff</u> • <u>The appointment of the Council's staff</u> • <u>Arrangements for the management of the Council's staff (including arrangements for training and development)</u>

Post	Functions and Areas of Responsibility
Executive Director – Economy and Environment	<p>The Executive Director – Economy and Environment will share be responsible for leading and managing the Corporate Portfolio as follows:</p> <ul style="list-style-type: none"> • Leadership of aspects of Vision 2025 (to be agreed with Chief Executive);

¹ Defined in Section 2, 2.2

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	<ul style="list-style-type: none"> • Development of the Mid-Wales Growth Deal; • Leadership of the Council's overall approach to commercialisation; • Emergencies and business continuity; • Performance management of relevant Heads of Service.
Executive Director – People and Organisational Development	<p>The Executive Director – People and Organisational Development will be responsible for leading and managing the Corporate Portfolio as follows:</p> <ul style="list-style-type: none"> • This Executive Director will also be the Council's statutory Director of Social Services and the lead Director for Children and Young People; • Leadership of aspects of Vision 2025 (to be agreed with Chief Executive); • Outcomes for all children and young people and vulnerable adults; • Leadership of the Regional Partnership Board (RPB) and working with key strategic partners especially Education and Health; • Performance management of relevant Heads of Service; • Leading the Council's Workforce and Organisational Development, including Health and Safety and Welfare. • As Director of Social Services this post holder will be the Council's senior lead on Safeguarding.

Statutory Officers

11.3 The Council will designate the following posts as shown:

Designation	Post
Head of Paid Service Chief Executive ²	Chief Executive
Monitoring Officer ³	Head of Legal and Democratic Services
Chief Finance Officer (Section 151 Officer) ⁴	Head of Finance
Director of Social Services	Executive ⁵ Executive Director – People and Organisational Development
Chief Education Officer	Director of Education ⁶

² Section 4 – Local Government and Housing Act 1989.

³ Section 5 – Local Government and Housing Act 1989.

⁴ Section 151 – Local Government Act 1972.

⁵ Section 6 – Local Authority Social Services Act 1970

⁶ Section 532 – Education Act 1996

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⁷ Lead Director for Children and Young People's Services	Executive – Executive Director – People and Organisational Development
Head of Democratic Services ⁸	Scrutiny Manager
Data Protection Officer	Professional Lead – Data Protection

11.4 The posts set out in Rule 11.3 above will have the functions described in Rules 11.5 to 11.33.

Functions of the ~~Head of Paid Service~~ Chief Executive

Discharge of Functions by the Council

11.5 Section 4 of the Local Government and Housing Act 1989 imposes a duty on authorities to designate one of their officers as ~~Head of Paid Service~~ Chief Executive. The ~~Head of Paid Service~~ Chief Executive will report to Full Council on the manner in which the discharge of the Council's functions is co-ordinated, the number and grade of Staff required for the discharge of functions, the organisation of the authority's staff and the appointment and proper management of the authority's staff.

Restrictions on Functions

11.6 The ~~Head of Paid Service~~ Chief Executive may not be the Monitoring Officer or the Head of Democratic Services but may hold the post of Chief Finance Officer if a qualified accountant.

Functions of the Monitoring Officer

11.7 These are set out in section 5 of the Local Government and Housing Act 1989 as amended.

Maintaining the Constitution

11.8 The Monitoring Officer will maintain an up-to-date version of the Constitution and will ensure that it is available to Members, staff and the public.

Ensuring Lawfulness and Fairness of Decision Making

11.9 After consulting with the ~~Head of Paid Service~~ Chief Executive and Chief Finance Officer, the Monitoring Officer will report to the Full Council or to the Cabinet in relation to any function if s/he considers that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission has given rise to maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.

Supporting the Standards Committee

11.10 The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct through provision of support to the Standards Committee.

⁷ Section 27 – Children Act 2004

⁸ [Section 8 of the Local Government \(Wales\) Measure 2011 as amended by Section 161 of the Local Government and Elections \(Wales\) Act 2021.](#)

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Receiving Reports

11.11 The Monitoring Officer will receive and act on reports made by the Public Services Ombudsman for Wales (“the Ombudsman”) and decisions of the case tribunals.

Conducting Investigations

11.12 The Monitoring Officer will conduct investigations into matters referred by the Ombudsman and make reports or recommendations in respect of them to the Standards Committee.

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Proper Officer for Access to Information

11.13 The Monitoring Officer will ensure that Cabinet decisions, together with the reasons for those decisions and officer under investigation reports and background papers are made publicly available as soon as possible.

Advising whether decisions of the Cabinet are within the Budget and Policy Framework

11.14 The Monitoring Officer will, in conjunction with the Chief Finance Officer, advise whether decisions of the Cabinet are in accordance with the Budget and Policy Framework.

Providing Advice

11.15 The Monitoring Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and Budget and Policy Framework issues to the Councillors.

Power to Appoint to Committees and Outside Bodies and Amendments to the Constitution.

11.16.1 The Council has authorised the Monitoring Officer to make an appointment to fill a vacancy on a committee or outside body where the appointment must reflect the wishes of a political group and the appointment reflects such wishes of that political group to whom the committee seat or position on the outside body remains allocated.

11.16.2 The Council has authorised the Monitoring Officer to make minor amendments to the Constitution in accordance with Rule 2.7 and Council confirms that changes to the titles and roles of the Senior Leadership Team and Proper Officers are minor changes which can be made by the Monitoring Officer provided that they are reported to the Democratic Services Committee and the next Full Council meeting for information.

Restrictions on Posts

11.17 The Monitoring Officer cannot be the Chief Finance Officer, the ~~Head of Paid Service~~ Chief Executive or the ~~Head of Democratic Services~~.

Functions of the Chief Finance Officer (Section 151 Officer)

11.18 These are set out in section 6 of the Local Government and Housing Act 1989.

Ensuring Lawfulness and Financial Prudence of Decision Making

11.19 After consulting with the ~~Head of Paid Service~~ Chief Executive and the Monitoring Officer, the Chief Finance Officer will report to the Full Council or to the Cabinet in relation to an Executive Function and the Council's external auditor if s/he considers that any proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss or deficiency or if the Council is about to enter an item of account unlawfully.

SECTION 11 – OFFICERS

Administration of Financial Affairs

11.20 The Chief Finance Officer will have responsibility for the administration of the financial affairs of the Council.

Contributing to Corporate Management

11.21 The Chief Finance Officer will contribute to the corporate management of the Council, in particular through the provision of professional financial advice.

Providing Advice

11.22 The Chief Finance Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and Budget and Policy Framework issues to all Councillors and will support and advise Councillors and Officers in their respective roles and in particular will advise whether decisions of the Cabinet or Full Council are in accordance with the budget.

Give Financial Information

11.23 The Chief Finance Officer will provide financial information to the media, members of the public and the community.

Advising whether Decisions of the Cabinet are within the Budget and Policy Framework

11.24 The Chief Finance Officer will, in conjunction with the Monitoring Officer, advise whether decisions of the Cabinet are in accordance with the Budget and Policy Framework.

Restrictions on Posts

11.25 The Chief Finance Officer cannot be the Monitoring Officer or the Head of Democratic Services.

Functions of the Director of Social Services

Protocol – Responsibility for Social Services Functions

11.26 The areas of responsibility of the Director of Social Services are detailed in the protocol contained in Section 25 of this Constitution.

Lead Director for Children and Young People’s Services

11.27 Strategic management responsibility for ensuring that the Authority meets the requirements of Section 27 of the Children Act 2004.

Functions of the Chief Education Officer

11.28 Strategic management responsibility and provision of the Council’s education services in accordance with Section 532 of the Education Act 1996.

Functions of the Head of Democratic Services

11.29 These are set out in section 9 of the Measure. The functions of the Head of Democratic Services are:

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- 11.29.1 to provide support and advice to the authority in relation to its meetings, subject to Rule 11.31;
- 11.29.2 to provide support and advice to committees of the authority (other than the committees mentioned in Rule 11.29.5) and the members of those committees (subject to Rule 11.31);
- 11.29.3 to provide support and advice to any joint committee which a local authority is responsible for organising and the members of that committee, subject to Rule 11.31;
- 11.29.4 to promote the role of the Scrutiny Committees;
- 11.29.5 to provide support and advice to:
 - 11.29.5.1 the authority's Scrutiny Committees ; and
 - 11.29.5.2 the authority's Democratic Services Committee;
- 11.29.6 to provide support and advice in relation to the functions of the authority's Scrutiny Committees to each of the following:
 - 11.29.6.1 Members and officers of the authority;
 - 11.29.6.2 members of the Cabinet of the authority;
- 11.29.7 to provide support and advice to each Member of the authority in carrying out the role of Member of the authority, subject to Rule 11.32;
- 11.29.8 to make reports and recommendations in respect of any of the following:
 - 11.29.8.1 the number and grades of staff required to discharge democratic services functions;
 - 11.29.8.2 the appointment of staff to discharge democratic services functions;
 - 11.29.8.3 the organisation and proper management of staff discharging democratic services functions;
- 11.29.9 such other functions as may be prescribed by law.

Restrictions on Posts

- 11.30 The Head of Democratic Services cannot be the ~~Head of Paid Service~~Chief Executive, ~~the Monitoring Officer~~ or the Chief Finance Officer.
- 11.31 The function of providing advice about whether or how the authority's functions should be, or should have been exercised, only applies to advice concerning the functions of the Scrutiny Committees and Democratic Services Committee.
- 11.32 Advice to a Member does not include advice in connection with their role as a Cabinet Member and does not include advice about a matter being or to be considered at a meeting (other than a meeting of a Scrutiny Committee or Democratic Services Committee).

Functions of the Data Protection Officer.

- 11.33.1 To monitor internal compliance with GDPR, to inform and advise the Council on its data protection obligations, to provide advice regarding Data Protection Impact Assessments (DPIAs) and act as a contact point for data subjects and the supervisory authority.

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11.33.2 To monitor compliance with the GDPR and other data protection laws, the Council's data protection policies, awareness-raising, training, and audits.

11.33.3 To act as the contact point for the ICO, and to co-operate with the ICO in all matters.

Duty to Provide Sufficient Resources to the ~~Head of Paid Service~~ Chief Executive, Monitoring Officer, Chief Finance Officer, Head of Democratic Services and Data Protection Officer

11.34 The Council will provide the ~~Head of Paid Service~~ Chief Executive, the Monitoring Officer, the Chief Finance Officer, the Head of Democratic Services and the Data Protection Officer with such officers, accommodation and other resources as are in their opinion sufficient to allow their duties to be performed.

Deputy Chief Officers.

11.35 The Employment and Appeals Committee will engage persons for the following Director and Heads of Service posts within the directorates indicated, who will be designated Deputy Chief Officers and such posts will have the functions and areas of responsibility set out below.

Post	Functions and Areas of Responsibility
Director of Education	<ul style="list-style-type: none"> • Statutory Director of Education and will be accountable for the effective and efficient delivery of educational services to young people across Powys • Lead and Manage Education Services providing educational leadership and oversight of major strategic priorities • Strategic Responsibility for: <ul style="list-style-type: none"> • Adult and Community Learning • ALN / SEN • Cross networking with Powys Teaching Local Health Board • Schools Service • School Transformation • Standards in schools and School Improvement • Regional and National Partnerships • Youth Services

Post	Functions and Areas of Responsibility
Head of Finance	<ul style="list-style-type: none"> ▪ Council's statutory s151 officer, the statutory officer for all financial matters and the proper administration of the Council's financial affairs, as defined by section 151 of the Local Government Act 1972 ▪ Section 151 Officer for the Powys Pension Fund ▪ Income and Awards ▪ Commercial Services ▪ Risk

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<p>Head of Legal and Democratic Services</p>	<ul style="list-style-type: none"> ▪ Monitoring Officer, the statutory officer with the specific duty to ensure that the Council, and its Elected Members and officers, maintain the highest standards of conduct in all they do, as set out in section 5 of the Local Government and Housing Act 1989, as amended by the Local Government Act 2000 ▪ Corporate Legal Team ▪ Electoral Registration ▪ Members’ Standards and Ethical Issues. ▪ Ombudsman. ▪ Registration of Births, Deaths and Marriages ▪ Scrutiny, Democratic Services and Member Support
<p>Head of Transformation, and Communications</p>	<ul style="list-style-type: none"> • Lead on improvement, performance and transformation • Lead delivery of the 21st Century Schools programme • Lead development of Corporate strategies, and plans including the Corporate Improvement Plan, the Strategic Equality Plan and the Public Service Board Wellbeing Plan • Lead Communications and Welsh Language Services • Lead the development and overall strategic Programme Management of the Council’s Transformation
<p>Head of Economy and Digital Services</p>	<ul style="list-style-type: none"> ▪ Customer Services ▪ Digital Transformation of Council’s services ▪ Economic Growth ▪ ICT Support Services and Cyber Security ▪ Information Governance
<p>Head of Workforce and Organisational Development</p>	<ul style="list-style-type: none"> ▪ Workforce strategy, planning and development ▪ Health and Safety ▪ Employment Services ▪ Human Resources advice, guidance and support ▪ Leadership, management and corporate development programme
<p>Head of Property, Planning and Public Protection</p>	<ul style="list-style-type: none"> ▪ Building Control. ▪ Community Safety ▪ County Farms Estate ▪ Corporate Property ▪ Emergency Planning ▪ Environmental Health ▪ National Estate and Lettings Agency ▪ Planning ▪ Trading Standards
<p>Head of Highways, Transport and Recycling</p>	<ul style="list-style-type: none"> ▪ Active Travel ▪ Car parks ▪ Countryside Services ▪ Fleet Management

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	<ul style="list-style-type: none"> ▪ Grounds Maintenance ▪ Home to School / College Transport ▪ Highways ▪ Local Lead Flood Authority, Sustainable Approval Body & Land Drainage ▪ Markets ▪ Public Conveniences ▪ Public rights of way management and enforcement; ▪ Public Transport ▪ Road safety ▪ Street Cleaning (▪ TraCC (Trafnidiaeth Canolbarth Cymru / Mid Wales Transportation) ▪ Traffic Management ▪ Waste & Recycling Services
<p>Head of Housing and Community Services</p>	<ul style="list-style-type: none"> ▪ Archives and Information Management ▪ Arts ▪ Catering and Cleaning ▪ Housing ▪ Leisure ▪ Libraries ▪ Museums ▪ Sports Development
<p>Head of Education</p>	<ul style="list-style-type: none"> ▪ Chief Education Officer ▪ Overall strategic responsibility for: <ul style="list-style-type: none"> ▪ Developing and maintaining strong relationships with school leaders ▪ School improvement and effectiveness ▪ Additional learning needs (ALN) and inclusion (0-25) ▪ School transformation and organisation ▪ School standards and school provision ▪ Pupil attainment ▪ Pupil exclusions and attendance ▪ Central Support Services relating to education and Powys schools ▪ Development of educational strategies and operating arrangements ▪ School improvement aspects of 21st Century Schools (delivery lead of 21st Century Schools is Head of Transformation and Communications) ▪ Education welfare and educational psychology ▪ Education other than at school, including Pupil Referral Units ▪ Children looked after's (CLA) educational needs ▪ English as an additional language ▪ Education provision for migrant and traveller children

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	<ul style="list-style-type: none"> ▪ Pupil admissions and links with school transport policy ▪ School governance and Governor support ▪ Early years education ▪ Post – 16 provision ▪ Youth Services ▪ Adult continuing learning, training and skills ▪ Relations with strategic partners
<p>Head of Children Services</p>	<ul style="list-style-type: none"> ▪ Early Help Services ▪ Children’s Services Front Door ▪ Assessment Services ▪ The local authority’s care and support provision for children with disabilities ▪ Services for children in need of Care and Support ▪ Services for children in need of Protection ▪ Services for children in the care of Powys County Council ▪ Care Leaver Services ▪ Adoption Services ▪ Fostering Services ▪ RISCA regulated services ▪ Intervention and Prevention Services ▪ Youth Justice Services ▪ Workforce Development for Adult and Children’s Social Services ▪ Safeguarding Services ▪ Emergency Duty Team for Adult and Children’s Social Services ▪ Responsibility for delegated budget across Children’s Services ▪ Systems to ensure children and young people in Powys are safeguarded and the management of associated risks ▪ System leadership for the safety and wellbeing of children across the Startwell agencies ▪ Strategic Oversight of the delivery of the Health and Care Strategy
<p>Head of Adult Services</p>	<ul style="list-style-type: none"> ▪ Bodlondeb extra care support ▪ Day services and day centres ▪ Front Door (Assist) ▪ Home support ▪ Housing Wardens ▪ Occupational Therapy ▪ Provider services ▪ Reablement and Domiciliary Care ▪ Sensory Loss ▪ Shared Lives ▪ Social Services Emergency Duty Team

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	<ul style="list-style-type: none"> ▪ Social Work Assessment Teams (Older Peoples, Disabilities and Mental Health) ▪ Supported Living
Head of Commissioning and Partnerships	<ul style="list-style-type: none"> • Carers Services • Childcare and Support • Contract monitoring • Health and Care Equipment and Technology Enabled Care • Long-term support and care for children, adults, and older people • Partnership with the Powys Teaching Health Board and other external partners • Social care focussed accommodation and homelessness prevention • Social care emergency planning and social care business continuity • Strategic planning and Commissioning for adults and children’s services • Welsh language Champion for social services

Departmental Structure.

11.36 The ~~Head of Paid Service~~ Chief Executive will recommend to Cabinet and publicise a description of the overall departmental structure of the Council showing the management structure and deployment of officers.

Appointment of Proper Officers

11.37 The posts set out below have been designated to the Proper Officer Posts for the Council and those posts shall undertake the specific responsibilities attached to the role of the specific Proper Officer.

11.38 In the event of any Officers mentioned below being unable to act in their post or the post becoming vacant, the Chief Executive or in his/her absence, the Monitoring Officer, and in the absence of both, the Chief Finance Officer, shall nominate an Officer to act in their stead.

11.39 Until the Council decides otherwise the Chief Executive is appointed the Proper Officer for the purpose of all statutory provisions, whether existing or future, in respect of which no express Proper Officer appointment has been made as set out in rule Rule 11.40 below. In the absence of the Chief Executive, or otherwise being unable to act, the Monitoring Officer will act as the proper Officer.

11.40 The Council has designated the following Proper Officer Posts:

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Proper Officers

Any reference to any enactment passed before or during the 1971-72 session of Parliament other than the Local Government Act 1972 or in any instrument made before 26th October 1972 to the Town Clerk of a Borough which, by virtue of any provision of the said Act, is to be construed as a reference to the Proper Officer of the Council.	Chief Executive
Any reference in any local statutory provision to the Clerk of the Council or similar which, by virtue of an order made under the Local Government Act 1972 or the Local Government Act 1992, is to be construed as a reference to the Proper Officer of the Council.	Chief Executive

Building Act 1984:

Section	Provision	Proper Officer
S61(2)	To exercise the right to have free access to work undertaken in relation to emergency repairs of drains.	Head of Highways, Transport and Recycling
All (except S61(2))		Head of Property, Planning and Public Protection

Council Tax (Administration and Enforcement) Regulations 1992:

Section	Provision	Proper Officer
Reg 7	Service of Attachment of Earnings Orders	Chief Financial Officer

Elections:

Section	Provision	Proper Officer
N/A	Registration Officer for any constituency or part of a constituency coterminus with or contained in the County of Powys	Chief Executive
N/A	Returning Officer for the election of Councillors for the County Council of Powys	Chief Executive
N/A	Returning Officer for the election of Town and Community Councillors for Town and Community Councils in the County of Powys	Chief Executive

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Environmental Protection Act 1990:

Section	Provision	Proper Officer
All		Head of Property, Planning and Public Protection

Estate Agents Act 1979 as amended and ancillary legislation:

Section	Provision	Proper Officer
All	National Trading Standards Estate and Letting Agency Team (“the Lead Enforcement Authority”)	Senior Manager – National Trading Standards Estate and Letting Agency Team

Health Protection (Notification)(Wales) Regulations 2010:

Section	Provision	Proper Officer
All	Infectious Diseases	Head of Property, Planning and Public Protection

Health Protection (Part 2A Orders)(Wales) Regulations 2010:

Section	Provision	Proper Officer
All	Infectious Diseases	Head of Property, Planning and Public Protection

Highways Act 1980:

Section	Provision	Proper Officer
All		Head of Highways, Transport and Recycling

Local Authorities Cemeteries Order 1977:

Section	Provision	Proper Officer
All		Head of Property, Planning and Public Protection

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Local Authorities (Standing Orders) (Wales) Regulations 2005

Section	Provision	Proper Officer
Regs 6 and Schedule 3, Part 4	Provisions relating to the appointment and dismissal of, and taking disciplinary action against, staff	Chief Executive or by an officer(s) nominated by the Chief Executive

Local Elections (Parish and Communities) (England and Wales) Rules 2006:

Section	Provision	Proper Officer
Rule 44	Receipt from Returning Officer of names of persons elected to Council	Chief Executive
Rule 46, 47	Receipt from Returning Officer of election documents	Chief Executive
Rule 48, 49, 51	Retention of election documents and making them available for public inspection	Chief Executive
	Receipt from Returning Officer of names of persons elected to Town and Community Councils in the County of Powys	Chief Executive
	Receipt from Returning Officer of election documents	Chief Executive
	Retention of election documents and making them available for public inspection	Chief Executive

Local Government Act 1972:

Section	Provision	Proper Officer
N/A	Any reference in any local statutory provision to the Treasurer of a specified Council or the Treasurer of a specified Borough which, by virtue of order made under Section 254 of the Local Government Act 1972, or the Local Government Act 1992, is to be construed as a reference to the Proper Officer of the Council	Chief Financial Officer
N/A	Any reference in any enactment passed before or during the 1971/72 session of Parliament other than the Local Government Act 1972 or in any instrument made before 26th October 1972 to the Treasurer or a Treasurer of a Borough which virtue of any provision of the said Act is to be construed as a reference to the Proper Officer of the Council	Chief Financial Officer
S83(1)-(4)	Witness and receipt of declaration of acceptance of office	Monitoring Officer
S84	Receipt of declaration of resignation of office	Monitoring Officer
S88(2)	Convening of meeting of Council to fill casual vacancy in office of Chair/Mayor	Monitoring Officer
S89(1)(b)	Receipt of notice of casual vacancy from two local government electors	Chief Executive

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S94 & 96(2)	Keeping of record of disclosures and notice of pecuniary interests	Monitoring Officer
S96(1)	Receipt of notices of pecuniary interests	Monitoring Officer
S100(B)(2)	Circulation of reports and agendas	Monitoring Officer
S100(B)(7)	Supply of papers to press	Monitoring Officer
S100(C)(2)	Summary of minutes	Monitoring Officer
S100(D)(1)(a)	Compilation of background papers	Monitoring Officer
S100(D)(5)(a)	Identification of background papers	Monitoring Officer
S100(F)	Identification of confidential documents not open to Members	Monitoring Officer
S115(2)	Receipt of money due from Officers	Chief Financial Officer
S146(1) (a) & (b)	Declarations and certificates with regard to securities	Chief Financial Officer
S210(6) & (7)	Charity functions of holders of offices with existing authorities transferred to holders of equivalent office with new authorities, or if there is no such office, to the Proper Officer	Chief Financial Officer
S225(1)	Deposit of documents	Monitoring Officer
S228(3)	Accounts - to be open for inspection	Chief Financial Officer
S229(5)	Deposit of documents - certification	Monitoring Officer
S234(1)	Authentication of documents	Monitoring Officer
S236(9) & (10)	Service of Byelaws on other Authorities	Monitoring Officer
S238	Certification of Byelaws	Monitoring Officer
S248 (2)	Keeping roll of Freeman	Monitoring Officer
Schedule 12 Para 4(2)(b)	Signature of summons to Council	Monitoring Officer
Schedule 12 Para 4(3)	Receipt of notices regarding addresses which Summons to meeting are to be sent	Monitoring Officer
Schedule 14 Para 25(7)	Certification of resolutions - Para 25	Monitoring Officer
S191	Functions in respect of Ordnance Survey	Head of Highways, Transport and Recycling

Local Government Act 1974:

Section	Provision	Proper Officer
S30(5)	Notice of Local Government Ombudsman report	Monitoring Officer

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Local Government (Miscellaneous Provisions) Act 1976

Section	Provision	Proper Officer
S41	Certification of copies of resolutions, Minutes, other documents	Monitoring Officer

Local Government and Housing Act 1989:

Section	Provision	Proper Officer
S2	Receipt of list of Politically Restricted Posts	Chief Executive
S15, 16, 17	Receipt of notices relating to Political Groups	Monitoring Officer
S19	Members interests - notification	Monitoring Officer

Local Government Finance Act 1988:

Section	Provision	Proper Officer
S114	Powers to prevent unlawful expenditure and an unbalanced budget	Chief Financial Officer

National Assistance Act 1948

Section	Provision	Proper Officer
All	Public Health (misc)	Head of Property, Planning and Public Protection

National Assistance (Amendment) Act 1951:

Section	Provision	Proper Officer
All	Public Health (misc)	Head of Property, Planning and Public Protection

Proceeds of Crime Act 2002, Part 7 (Money Laundering):

Section	Provision	Proper Officer
S331	Money Laundering Reporting Officer	Head of Finance (Section 151 Officer)

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Public Health (Control of Diseases) Act 1984 (as amended by the Social Care Act 2008 and associated regulations):

Section	Provision	Proper Officer
All	Control of Diseases (various)	Head of Property, Planning and Public Protection

Registration Services Act 1953:

Section	Provision	Proper Officer
S9(1) S3(b) S13(2)(h) S20(b)	Registration of Births, Deaths and Marriages	Monitoring Officer
	Registration of Births, Deaths and Marriages Regulations 1968 - 1994	Monitoring Officer

Weights and Measures Act 1985:

Section	Provision	Proper Officer
Section 72	Chief Inspector (Weights and Measures)	Such other person(s) with the relevant qualification under the Act as nominated by the Chief Executive.

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Conduct

- 11.41 Officers will comply with the Code of Conduct for Employees (Section 20) and the Protocol on Officer/Member Relations (Section 21) set out in this Constitution.

Employment

- 11.42 The recruitment, selection and dismissal of Officers will comply with the Officer Employment Procedure Rules set out below and the relevant employment policies contained on the Council's intranet..

Indemnities for Officers

- 11.43 The former Board and the County Council⁹ has under the Local Government Act 2000 and the Local Authorities (Indemnities for Members and Officers) (Wales) Order 2006 approved a form of indemnity for both Members and officers as set out in Section 26 of this Constitution.

Officer Employment Procedure Rules

Recruitment and Appointment

Declarations

- 11.44.1 A candidate for an appointment as an Officer must state in writing whether they have any relationship with any Councillor or Senior Officer (i.e. Senior Management Grade or above) of the Council.
- 11.44.2 No candidate so related to a Councillor or a Senior Officer will be appointed without the authority of the relevant Chief Officer or an Officer nominated by him / her.

Seeking Support for Appointment

- 11.45.1 The Council will disqualify any applicant who directly or indirectly seeks the support of any Councillor for any appointment with the Council. The content of this paragraph will be included in any recruitment information.
- 11.45.2 No Councillor or employee of the Council will seek support for any person for any appointment with the Council.

Recruitment and Appointment (Including Shortlisting) of **Head of Paid**

Service Chief Executive, other Chief Officers,

- 11.46 Subject to Rule 11.58 below, the Full Council will appoint the **Head of Paid Service Chief Executive** and any other Chief Officer as defined in Rule 11.2 above, from a shortlist of candidates prepared by the Employment and Appeals Committee or a Sub-Committee of that committee. The Employment and Appeals Committee or a Sub-Committee of that committee must include at least one Member of the Cabinet.
- 11.47.1 Where it is proposed to pay an Officer a remuneration of £100,000 or more per annum, the Full Council will determine the level, and any change in the level, of remuneration of such an Officer.

⁹ Board Meeting 11th October, 2006 and Council Meeting 26th October, 2006.

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- 11.47.2 Rule 11.47.1 above does not apply if the Authority proposes to appoint an Officer for a period of no longer than 12 months.
- 11.48 Subject to Rule 11.47.2 above, where the Council proposes to appoint an Officer and the remuneration it proposes to pay is £100,000 or more per annum the Full Council must–
- 11.48.1 draw up a statement specifying:
 - (i) the duties of the officer concerned, and
 - (ii) any qualifications or qualities to be sought in the person to be appointed;
 - 11.48.2 make arrangements for the post to be publically advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it; and
 - 11.48.3 make arrangements for a copy of the statement mentioned in Rule 11.48.1 to be sent to any person on request.
- 11.49 Where a post has been advertised as provided in Rule 11.49.2, the Full Council must interview those qualified candidates included on a short list prepared by the Employment and Appeals Committee or a Sub- Committee of that committee as referred to in Rule 11.45 above.
- 11.50 Where no qualified person has applied, or if the Council decide to re-advertise the appointment, the Council may make further arrangements for advertisement in accordance with Rule 11.49.2.
- 11.51 The power to approve the appointment of the ~~Head of Paid Service~~Chief Executive must be exercised by the Full Council and accordingly section 101 of the Local Government Act 1972 (arrangements for discharge of functions by local authorities) does not apply to the exercise of that power.

Recruitment and Appointment (Including Shortlisting) of non-Executive Directors

- 11.52 Subject to Rule 11.58 below, the Employment and Appeals Committee will appoint the non-Executive Director from a shortlist of candidates prepared by the Employment and Appeals Committee or a Sub-Committee of that committee. The Employment and Appeals Committee or a Sub-Committee of that committee must include at least one Member of the Cabinet.
- 11.53 Where the Employment and Appeals Committee proposes to appoint the non-Executive Director and it is not proposed that the appointment be made exclusively from among its existing officers, the Authority must:
- 11.53.1 draw up a statement specifying:
 - 11.53.1.1 the duties of the officer concerned, and
 - 11.53.1.2 any qualifications or qualities to be sought in the person to be appointed;
 - 11.53.2 make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it; and

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- 11.53.3 make arrangements for a copy of the statement mentioned in Rule 11.53.1 to be sent to any person on request.
- 11.54 Where a post has been advertised as provided in Rule 11.55.2, the Council must interview those qualified candidates included on a short list prepared by the Employment and Appeals Committee or a Sub-Committee of that committee as referred to in Rule 11.45 above.
- 11.55 Where no qualified person has applied, or if the Authority decides to re-advertise the appointment, the Authority may make further arrangements for advertisement in accordance with Rule 11.53.2.

Recruitment and Appointment (Including Shortlisting) of Heads of Service.

- 11.56 Subject to Rule 11.59 below, the Employment and Appeals Committee will appoint Heads of Service from a shortlist of one or more candidates prepared by the Employment and Appeals Committee or a Sub-Committee of that committee. The Employment and Appeals Committee or a Sub-Committee of that committee must include at least one Member of the Cabinet.

Recruitment and Appointment (including Shortlisting) of Joint Appointments with other organisations.

- 11.5 In respect of recruitment and employment of joint appointments with other organisations, Rules 11.45 to 11.57 shall not apply and the method and process of recruitment and appointment (including shortlisting) shall be agreed between the ~~Head of Paid Service~~Chief Executive and the Chair of the Employment and Appeals Committee so as to ensure that a post appropriate process is achieved.
- 11.58 The recruitment process agreed pursuant to Rule 11.59 shall be reported for information purposes to the next meeting of the Employment and Appeals Committee.

Recruitment and Appointment (Including Shortlisting) of the Monitoring Officer and Section 151 Officer (if not to be appointed under Rules 11.47 to 11.51 above)

- 11.59 The relevant Chief Officer or Deputy Chief Officer will appoint the Monitoring Officer and / or Section 151 Officer and Members must not be involved.
- 11.60 Where the relevant Chief Officer or Deputy Chief Officer proposes to appoint the Monitoring Officer and / or Section 151 Officer and it is not proposed that the appointment be made exclusively from among its existing officers, the Authority must:
- 11.61.1 draw up a statement specifying:
- 11.61.1.1 the duties of the officer concerned, and
 - 11.61.1.2 any qualifications or qualities to be sought in the person to be appointed;

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- 11.61.2 make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it; and
- 11.61.3 make arrangements for a copy of the statement mentioned in Rule 11.61.1 to be sent to any person on request.
- 11.62 Where a post has been advertised as provided in Rule 11.61.2, the Authority must interview those qualified candidates included on a short list prepared by the relevant Chief Officer or Deputy Chief Officer.
- 11.63 Where no qualified person has applied, or if the Authority decides to re-advertise the appointment, the Authority may make further arrangements for advertisement in accordance with Rule 11.61.2.

Recruitment and Appointment (Including Shortlisting) of staff below Head of Service (other than Monitoring Officer and Section 151 Officer)

- 11.64 The function of the recruitment and appointment (including shortlisting) of officers below Heads of Service are the responsibility of the relevant Head of Service or his/her nominee and Members must not be involved.

Dismissals of Chief Officers and Deputy Chief Officers

- 11.65 In Rules 11.656 to 11.734 and in Appendices A and B:
“the Investigatory means the Chief Officers’ Investigating and Disciplinary Committee” Sub-Committee of the Employment and Appeals Committee as constituted in accordance with Appendix B; and
- 11.66 The dismissal of the ~~Head of Paid Service~~ Chief Executive, Chief Finance Officer (Section 151 Officer), Monitoring Officer and Head of Democratic Services is the responsibility of the Full Council and the procedures set out in Appendix A to this Section of the Constitution shall apply.
- 11.67 The dismissal of the Chief Officers as defined in Rule 11.2 (with the exception of those identified in Rule 11.67 above) and Deputy Chief Officers as defined in Rule 11.34 is the responsibility of the Investigatory Committee and the procedures set out in Appendix B to this Section of the Constitution shall apply.
- 11.68 Notice of the dismissal of an officer named in Rule 11.64 and / or Rule 11.65 above must not be given by the Employment and Appeals Committee or the Investigatory Committee or Full Council (as appropriate) until the Authority has complied with Schedule 3 of the Local Authorities (Standing Orders) (Wales) Regulations 2006.

Other Officers

- 11.69 Appointment and dismissal of officers below Chief Officer is the responsibility of the Chief Executive, ~~Head of Paid Service~~ Chief Executive or his / her nominee, and may not be undertaken by Councillors.
- 11.70 Councillors will not be involved in disciplinary action against any Officer below Chief Officer except where such involvement is necessary for any investigation or inquiry into alleged misconduct or where the Council’s disciplinary, capability

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and related procedures, as adopted from time to time, allow a right of appeal to Councillors.

Disciplinary Action

11.71 In Rules 11.65 to 11.73 and in Appendices A and B “disciplinary action” includes proposed dismissal for any reason other than redundancy, permanent ill health or failure to renew a fixed term contract, planned retirement and early retirement and unsatisfactory probationary periods.

Written Procedures

- 11.72.1 Disciplinary action against the ~~Head of Paid Service~~Chief Executive, the Monitoring Officer, the Chief Finance Officer and the Head of Democratic Services will be taken in accordance with Appendix A.
- 11.72.2 Disciplinary action against all other Officers will be taken in accordance with the Disciplinary Policy (or such other document which supersedes the Disciplinary Policy).

Appeals

11.73 None of the above shall prevent a Councillor serving as a member of an appeals committee or body established to consider an appeal in accordance with Appendices A and / or B.

APPENDIX A.

Procedure for dismissal of the ~~Head of Paid Service~~Chief Executive, Chief Finance Officer (Section 151 Officer), Monitoring Officer and the Head of Democratic Services.

1. No disciplinary action (other than suspension under paragraphs 2 and 3) in respect of the ~~Head of Paid Service~~Chief Executive, the Monitoring Officer, the Chief Finance Officer or the Head of Democratic Services, may be taken by the Full Council, other than in accordance with a recommendation in a report made by a designated independent person under regulation 9 of the Local Authorities (Standing Orders) (Wales) Regulations 2006 (investigation of alleged misconduct).
2. Suspension of officers to which this Appendix applies (other than the ~~Head of Paid Service~~Chief Executive) for the purpose of investigating alleged misconduct may be undertaken by the ~~Head of Paid Service~~Chief Executive or Monitoring Officer (as appropriate) in conjunction with the Head of Workforce and Organisational Development, and such suspension (subject to an extension in accordance with paragraph 4(6)(a)(ii) below) must terminate no later than the expiry of two months beginning on the day on which the suspension takes effect and will be on full pay¹⁰.
3. Suspension of the ~~Head of Paid Service~~Chief Executive (Chief Executive) may be undertaken only by the Chair or Vice Chair of the Employment and Appeals Committee following consultation with the Leader.¹¹

¹⁰ Paragraph 3 of Schedule 4 of the Local Authority (Standing Orders) (Wales) Regulations 2006

¹¹ County Council decision 4th March, 2013.

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4.

4(1) Where it appears to the Authority that an allegation of misconduct which may lead to disciplinary action has been made against:

- (a) the ~~Head of Paid Service~~ Chief Executive; or
- (b) the Monitoring Officer; or
- (c) the Chief Finance Officer; or
- (d) the Head of Democratic Services.

the Full Council must appoint an Investigation Committee to consider the alleged misconduct.

4(2) The Investigation Committee must:

- (a) consist of a minimum of 3 Councillors; and
- (b) be politically balanced in accordance with section 15 of the 1989 Act; and

must, within 1 month of its appointment, consider the allegation of misconduct and decide whether it should be further investigated.

4(3) For the purpose of considering the allegation of misconduct, the Investigation Committee:

- (a) may make such enquiries of the officer under investigation or any other person it considers appropriate; and / or
- (b) may request the officer under investigation or any other person it considers appropriate to provide it with such information, explanation or documents as it considers necessary within a specified time limit; and / or
- (c) may receive written or oral representations from the officer under investigation or any other person it considers appropriate.

4(4) Where it appears to the Investigation Committee that an allegation of misconduct by the officer under investigation should be further investigated, the Investigation Committee must appoint a person ("the designated independent person") for the purposes of paragraph 1 above.

4(5) The designated independent person who is appointed:

- (a) must be such person as may be agreed between the Investigation Committee and the officer under investigation within 1 month of the date on which the requirement to appoint the designated independent person arose; or
- (b) where there is no such agreement, must be such person as is nominated for the purpose by the Welsh Government.

4(6) Subject to paragraph 4(7) below, the officer under investigation and the Investigation Committee must consult with the designated independent person, and attempt to agree a timetable within which the designated independent person is to undertake the investigation.

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4(7) Where there is no agreement under paragraph 4(6) above, the designated independent person must set a timetable as that person considers appropriate within which the investigation is to be undertaken.

4(8) The designated independent person:

- (a) may direct:
 - (i) that the Authority terminate any suspension of the officer under investigation; or
 - (ii) that any such suspension is to continue after the expiry of the period referred to in paragraph 2¹².; or
 - (iii) that the terms on which any such suspension has taken place are to be varied in accordance with the direction of the designated independent person; or
 - (iv) that no steps (whether by the Full Council) by way of disciplinary action or further disciplinary action against the officer under investigation, (other than steps taken in the presence, or with the agreement, of the designated independent person), are to be taken before a report is made under sub-paragraph (d) below;
- (b) may inspect any documents relating to the conduct of the officer under investigation which are in the possession of the Authority, or which the Authority has power to authorise the designated independent person to inspect;
- (c) may require any Member or member of staff of the Authority to answer questions concerning the conduct of the officer under investigation;
- (d) must make a report to the Full Council:
 - (i) stating an opinion as to whether (and, if so, the extent to which) the evidence obtained supports any allegation of misconduct against the officer under investigation; and
 - (ii) recommending any disciplinary action which appears appropriate for the Full Council to take against the officer under investigation, and
- (e) must no later than the time at which the report is made under sub-paragraph (d) above, send a copy of the report to the officer under investigation.

4(9) The Full Council must consider the report prepared under paragraph 4(8) (d) above within 1 month of receipt of that report.

Pre-Disciplinary Hearing Procedure

5.1 Within seven working days of receipt of the Investigation Report, the Chief Executive, or his nominee, shall send a copy to the officer under investigation. This shall be accompanied by a written indication if any further action is to be taken, and if so, notice of the specific allegations to be considered by the

¹² Regulation 9(6)(ii) of the Local Authority (Standing Orders) (Wales) Regulations 2006

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- Investigating and Disciplinary Committee at the Disciplinary Hearing and any supporting documentation.
- 5.2 The officer under investigation shall, if they so wish, request further information and/or documents relating to the allegations within five working days of receipt of the Investigation Report.
- 5.3 Any additional information and documentation requested will be provided by the Investigator, where relevant, within five working days or such other time as appropriate in the circumstances
- 5.4 Once the period for requesting further information has elapsed or once a response has been provided by the Investigator further to paragraph 5.3 above, the Chief Executive or a nominee shall give the officer under investigation not less than ten working days written notice of the date of the Disciplinary Hearing with the Investigating and Disciplinary Committee. The notice shall include:-
- 5.4.1 the time (date) and place of the Disciplinary Hearing;
 - 5.4.2 who will be in attendance at the Disciplinary Hearing including the members of the Investigating and Disciplinary Committee, including any witnesses;
 - 5.4.3 a copy of the Investigator's Report and any supporting documentation (including any witness statements where relevant) and the allegations to be considered at the Disciplinary Hearing;
 - 5.4.4 confirmation that the Disciplinary Hearing is convened under this procedure and could result in disciplinary action, including dismissal (where appropriate) ;
 - 5.4.5 confirmation that the officer under investigation may be accompanied at the Disciplinary Hearing by a local trade union representative, an official employed by a trade union or a fellow work colleague or professional representative ("Companion");
 - 5.4.6 confirmation that the officer under investigation may ask any person to be present as a witness or adduce any documents or written statements in support of his response, provided full details of such witnesses and details of the documents to be adduced at the hearing or witness statements are provided to the Chief Executive, or his nominee, at least five working days before the date of the Disciplinary Hearing, for distribution to all parties.
- 5.5 Within two working days of receipt of the notice under paragraph 9.4, the officer under investigation shall either agree the date for the Hearing or propose to the Chief Executive or a nominee, a postponement for the date of the Hearing for a period not exceeding ten working days setting out the reasons for the request. For the avoidance of doubt, the postponement includes any postponement due to the availability of the officer under investigation's Companion. If the officer under investigation requests a postponement, the Chief Executive or a nominee and the officer under investigation (or his representative) shall agree the new date for the hearing. If they cannot agree the date within one working day, the Chair of the Investigating and Disciplinary Committee, having taken appropriate advice, shall determine the date of the Disciplinary Hearing.
- 5.6 The Chief Executive or a nominee shall then formally give notice to the Investigating and Disciplinary Committee (and the officer under investigation if the Hearing has been postponed) of the date for the Disciplinary Hearing. The

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- Investigating and Disciplinary Committee will be sent a full copy of all relevant documentation including the Investigation Report and supporting evidence and any written representations and witness evidence provided by the officer under investigation.
- 5.7 The officer under investigation and their Companion must make every effort to attend the Disciplinary Hearing (whether reconvened or otherwise). Failure to attend without good reason may be treated as misconduct in itself. If the officer under investigation fails to attend without good reason, or persistently fails to do so, the Disciplinary Hearing may proceed in their absence and a decision may be made based on the available evidence.
- 5.8 At least five working days before the date of the Disciplinary Hearing the officer under investigation shall give to the Chief Executive, or a nominee:-
- 5.8.1 Full details of any witnesses they wish to call together with copies of their witness statements (it shall be the responsibility of the officer under investigation to arrange for the attendance of their witnesses via the contact officer) ; and
 - 5.8.2 Copies of any documents which they wish to refer to in support of their response; and
 - 5.8.3 Any written statements or submissions which they wish to submit; and
 - 5.8.4 Details of the Companion they wish to bring to the Disciplinary Hearing. If the officer under investigation's choice of Companion is unreasonable, the Chief Executive or his nominee may request that another Companion be selected e.g. where the Companion may have a conflict of interest or prejudice the Disciplinary Hearing.
- 5.9 The Chief Executive or a nominee shall provide a copy of such documents and information to the Investigating and Disciplinary Committee as soon as reasonably practicable thereafter and no later than three working days prior to the Disciplinary Hearing.

The Investigating and Disciplinary Committee Hearing

- 6.1 The procedure for the Disciplinary Hearing will be as follows:-
- 6.1.1 the Chair of the Investigating and Disciplinary Committee will explain the purpose of the Hearing and the procedure to be followed;
 - 6.1.2 the Investigating Officer will present the Investigation Report and introduce the evidence relating to each allegation and/or complaint, including documents and witness evidence either in person or in writing as previously notified;
 - 6.1.3 the officer under investigation or his/her Companion, and the Investigating and Disciplinary Committee and Independent Adviser, will have the opportunity to ask questions of the Investigating Officer including direct questions to any witnesses;
 - 6.1.4 the officer under investigation or their Companion will introduce evidence in support of their response to the allegations, including documents and witnesses as previously notified;
 - 6.1.5 the Investigating Officer, the Investigating and Disciplinary Committee and the Independent Adviser will have the opportunity to ask questions of the

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- officer under investigation and/or their Companion, including direct questions to any witnesses;
- 6.1.6 both sides will sum-up their presentations, commencing with the Investigating Officer.
- 6.2 The Companion can address the hearing, put and sum up the officer under investigation's case, make representations on behalf of the officer under investigation to any views expressed at the Disciplinary Hearing and confer with the officer under investigation during the Disciplinary Hearing. The Companion does not, however, have the right to answer questions on the officer under investigation's behalf.
- 6.3 The Disciplinary Hearing may be adjourned if the Investigating and Disciplinary Committee need any further investigations to be carried out, such as re-interviewing witnesses in the light of any new points which are raised at the Disciplinary Hearing. The officer under investigation will be given a reasonable opportunity to consider any new information obtained before the Disciplinary Hearing is reconvened.
- 6.4 When the Investigating and Disciplinary Committee has heard all of the evidence submitted they will adjourn to consider what, if any, further action should be taken. The range of options available to them include:-
- 6.4.1 taking no further action;
- 6.4.2 recommending informal resolution or other appropriate procedures be followed;
- 6.4.3 referring back to the Investigator for further investigation and a further report;
- 6.4.4 taking disciplinary action against the officer under investigation in accordance with paragraph 6.5.
- 6.5 In the case of disciplinary action, this can include the following:-
- 6.5.1 a recorded or oral warning;
- 6.5.2 a final written warning;
- 6.5.3 a final written warning accompanied by:-
- (a) suspension on half pay or no pay for a specified period; and/or
- (b) relegation (i.e. reduction in salary) for a specified period and/or on specified terms; and/or
- (c) demotion;
- 6.5.4 dismissal (whether summary dismissal or on notice); and
- 6.5.5 alternatively the Investigating and Disciplinary Committee may explore other alternatives such as but not limited to early retirement, secondment, or redeployment to a more junior post (provided that such a post is vacant) where there are issues relating to capability or loss of trust and confidence in the officer under investigation in their current role.
- 6.6 For the avoidance of doubt, the actions set out in paragraph 6.5.3 above shall only be applied in circumstances where the Investigating and Disciplinary

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- Committee has decided that appropriate disciplinary action would include dismissal but that action short of dismissal would be more appropriate due to mitigating or other circumstances.
- 6.7 A Final Written warning will set out the nature of the misconduct, the change in behaviour required, the period for which the warning will remain active, and the likely consequences of further misconduct in that period.
 - 6.8 All others present at the Disciplinary Hearing (other than the Independent Adviser) will withdraw while the Investigating and Disciplinary Committee consider their decision.
 - 6.9 Where practicable, the decision of the Investigating and Disciplinary Committee will be delivered orally after an adjournment with full reasons for the decision being given by letter within five working days of the Disciplinary Hearing. However, in order to ensure that the Investigating and Disciplinary Committee shall be afforded sufficient time to fully consider their decision, their decision may be deferred and issued to the officer under investigation in writing within five working days of the Disciplinary Hearing, or as soon thereafter as is reasonably practicable.
 - 6.10 The letter will outline the decision and the action, if any, to be taken and will set out the rights of appeal (“Decision Letter”).
7. The Authority must pay reasonable remuneration to a designated independent person appointed by the Investigation Committee and any costs incurred by, or in connection with, the discharge of functions under this regulation.

APPENDIX B

Procedure for the dismissal of the Chief Officers and Deputy Chief Officers with the exception of those identified in Appendix A.

DISCIPLINARY PROCEDURE FOR CHIEF OFFICERS

Scope of Procedure

- 1.1 This procedure applies to all Chief Officers and Deputy Chief Officers of the Authority other than the ~~Head of Paid Service~~ Chief Executive, the Monitoring Officer, the Chief Finance Officer (Section 151 Officer) and the Head of Democratic Services.
- 1.2 This procedure has been adopted by the Full Council for the purpose of dealing with disciplinary, capability and other similar issues in relation to an officer under investigation of the Authority under Appendix B.
- 1.3 Minor conduct issues can often be resolved informally. Formal steps will be taken under this procedure if the matter is not resolved, or if informal discussion is not appropriate (for example, because of the seriousness of the allegation).
- 1.4 The objective of this procedure is to:-
 - 1.4.1 encourage employees to achieve and maintain acceptable standards of behaviour;
 - 1.4.2 provide a fair and consistent method of dealing with alleged failure to maintain acceptable standards of behaviour;
 - 1.4.3 minimise disagreements about disciplinary matters; and

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- 1.4.4 reduce the need for disciplinary action and dismissals.
- 1.5 Save where alternative arrangements have been agreed in advance between the Chief Executive and the officer under investigation the steps set out in this procedure should be followed. It is recognised that it may be necessary to depart from the procedure, from time to time, according to particular circumstances of a case. In such circumstances, the Chief Executive and the officer under investigation involved will give fair consideration to reasonable proposals to modify the procedure accordingly, and such modifications will be recorded in writing.
- 1.6 This procedure does not form part of a officer under investigation's contract of employment and it may be amended at any time.
- 1.7 Any disciplinary matters will be dealt with sensitively and with due respect for the privacy of any individuals involved. All individuals involved must treat as confidential any information communicated to them in connection with an investigation or disciplinary matter.

Roles and Responsibilities

- 2.1 Where it appears that an issue has arisen which, if proven, could result in disciplinary action being taken against a officer under investigation, the Chief Executive shall be responsible for conducting the preliminary investigation which is further referred to in paragraph 5 below. The Chief Executive may choose to appoint another Chief Officer or an independent person to carry out the preliminary investigation on his behalf and whosoever undertakes that role shall be referred to as the "Preliminary Independent Investigator" in this procedure.
- 2.2 The Chief Executive or nominee shall undertake a preliminary investigation into the allegations of conduct or capability, or other issues under investigation in order to determine whether a case to answer appears to exist which requires further consideration the Chief Executive will decide whether or not the investigation can be carried out by an officer of the same grade or above or by an independent person ("Investigating Officer").
- 2.3 Save where the Chief Executive is satisfied, following a preliminary investigation, that the issue requires no further action or can be resolved informally, the matter must be referred to an Investigating and Disciplinary Committee consisting of no fewer than three elected members made up of one member of the Cabinet plus members of the Employment and Appeals Committee and should not include any member with a direct personal involvement in the complaint or who has participated in the preliminary investigation. The Leader shall appoint the Cabinet Member and the members of the Employment and Appeals Committee shall be appointed in consultation with the Chair of that Committee. The Investigating and Disciplinary Committee shall be responsible for determining the matter.

Timescale

- 3.1 The procedure does not incorporate prescriptive timescales as it is recognised that these could be impracticable to achieve in the circumstances of a particular case. However, it is implicit that all stages of the procedure be operated expeditiously by all parties in order to avoid unnecessary delay and prejudice to the interests of all parties.

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Suspension

- 4.1 Suspension is not regarded as disciplinary action under this procedure but as a neutral act which may be implemented where, in the opinion of the Chief Executive, it is believed that the officer under investigation's continuing presence at work might compromise the investigation or otherwise impair the efficient exercise of the Authority's functions.
- 4.2 Suspension may also be necessary if an allegation is such that, if proven, it would amount to gross misconduct.
- 4.3 Prior to imposing suspension in any case, the Chief Executive shall inform the officer under investigation in writing, of the reason for the proposed suspension and the officer under investigation shall have the opportunity to make written representations before a decision is taken.
- 4.4 The necessity for the officer under investigation to remain suspended should be reviewed at monthly intervals and where possible lengthy periods of suspension should be avoided. Further specific consideration should be given as to whether alternative working arrangements might be implemented which could avoid the need for the officer under investigation r's suspension, whilst avoiding any compromise to the investigation or to the efficient exercise of the Authority's functions.
- 4.5 Absence due to suspension shall be on full pay.
- 4.6 The Chief Executive will allocate a contact officer for the officer under investigation. The contact officer should be another Chief Officer, with no direct relationship to the officer under investigation being suspended, and be someone whom the officer under investigation should use as a point of contact for accessing any witnesses etc.

Preliminary Investigation

- 5.1 The Chief Executive will be responsible for informing the officer under investigation, in writing, of the nature of the allegations or other issues under investigation. The date of this notification shall be the "commencement date" for the purpose of this procedure.
- 5.2 The Chief Executive shall be responsible for determining the arrangements for conducting a preliminary investigation, as set out in paragraph 2.2 above.
- 5.3 The Chief Executive shall, when appointing another to conduct the preliminary investigation on their behalf, determine the terms of appointment of the Preliminary Independent Investigator, agree any remuneration payable to the Preliminary Independent Investigator (if appropriate), provide facilities and all available information regarding allegations or other issues under investigation as are necessary to enable the Preliminary Independent Investigator to fulfil their role.
- 5.4 The Preliminary Independent Investigator will be entitled to interview witnesses and carry out such enquiries as they deem necessary. This may include examining the Authority's email, internet, and other IT systems, including the accounts of the officer under investigation in line with GDPR Guidance. The officer under investigation shall fully cooperate with the Preliminary Independent Investigator and shall make themselves available for such interviews and meetings and provide any relevant documentation or information as the Preliminary Independent Investigator deems necessary.

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- 5.5 The officer under investigation shall be given reasonable facilities and access to the Authority’s premises and systems as well as personal files/diary, etc. to allow them to prepare their responses on such terms as may be agreed by the Preliminary Independent Investigator.
- 5.6 The Preliminary Independent Investigator shall prepare a short report following their investigation which, save where the investigation is conducted by the Chief Executive, shall be submitted to the Chief Executive for consideration (“Preliminary Investigation Report”). A copy of the Preliminary Investigation Report shall be provided to the officer under investigation within seven working days of receipt by the Chief Executive or where completed by the Chief Executive within seven working days of its completion.
- 5.7 The officer under investigation shall, if they so wish, make written representations in relation to the Preliminary Investigation Report, within five working days of receipt by the officer under investigation of the Preliminary Investigation Report.
- 6.1 The Chief Executive will give careful consideration to the allegations or other issues, the Preliminary Investigator’s Report, supporting evidence and any written representations put forward by the officer under investigation before taking further action.
- 6.2 The Chief Executive shall decide whether:
- 6.2.1 The issue requires no further formal action under this procedure (in which case they will consider what other steps, if any, should be taken) and would ordinarily lift any suspension immediately; or
- 6.2.2 The issue should be referred to the Investigating and Disciplinary Committee, in which case paragraphs 7 to 11 shall apply.
- 6.3 The Chief Executive shall inform the officer under investigation of the decision, in writing, as soon as practicable.

The Role of the Investigating and Disciplinary Committee and appointing an Investigator

- 7.1 If the Chief Executive decides that the matter should be referred to the Investigating and Disciplinary Committee, the Chief Executive shall appoint another Chief Officer, or an independent person, to carry out any further investigation required into the allegations or other issues as soon as practicable (“ the Investigator”). The Investigator can be the same person who carried out the preliminary investigation.
- 7.2 The Chief Executive shall determine the terms of appointment of the Investigator, agree the Investigator’s remuneration (if appropriate), procure the necessary facilities and provide all available information about the allegations or other issues under investigation as shall be necessary to enable them to fulfil their role.
- 7.3 The officer under investigation will be informed that the matter has been referred to the Investigating and Disciplinary Committee, the members of the Committee and that an Investigator has been appointed who, subject to availability, may be the same person who carried out the preliminary investigation.
- 7.4 The Investigating and Disciplinary Committee should include no fewer than three elected members made up of one member of the Cabinet plus members of the Employment and Appeals Committee and should not include any member with a

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direct personal involvement in the complaint or who has participated in the preliminary investigation. The Leader shall appoint the Cabinet Member and the members of the Employment and Appeals Committee shall be appointed in consultation with the Chair of that Committee.

- 7.5 The Investigating and Disciplinary Committee shall appoint a chair person to oversee the function of the Committee (“Chair”).
- 7.6 The Investigating and Disciplinary Committee shall be advised throughout by a suitable adviser who may be employed by or independent of the Authority, (“the Independent Adviser”) who shall ordinarily be accompanied by a member of the Council’s HR or Legal Teams, save in cases where a conflict of interest could arise, in which case the Chief Executive shall appoint a nominee.

Responsibilities of the Investigator

- 8.1 It will be the responsibility of the Investigator to carry out a further investigation into the allegations or other issues under investigation and to prepare a report (“Investigation Report”):
 - 8.1.1 stating in his/her opinion whether (and if so, the extent to which) the evidence they have obtained supports any allegation of misconduct, or incapability or supports a need for action under this procedure for some other substantial reason; and
 - 8.1.2 recommending what, if any, disciplinary action or range of actions appears to be appropriate for the Authority, through its Investigating and Disciplinary Committee, to take against the officer under investigation having regard to all the circumstances of the case.

Pre-Disciplinary Hearing Procedure

- 9.1 Within seven working days of receipt of the Investigation Report, the Chief Executive, or his nominee, shall send a copy to the officer under investigation. This shall be accompanied by a written indication if any further action is to be taken, and if so, notice of the specific allegations to be considered by the Investigating and Disciplinary Committee at the Disciplinary Hearing and any supporting documentation.
- 9.2 The officer under investigation shall, if they so wish, request further information and/or documents relating to the allegations within five working days of receipt of the Investigation Report.
- 9.3 Any additional information and documentation requested will be provided by the Investigator, where relevant, within seven working days or such other time as appropriate in the circumstances.
- 9.4 Once the period for requesting further information has elapsed or once a response has been provided by the Investigator further to paragraph 9.3 above, the Chief Executive or a nominee shall give the officer under investigation not less than ten working days written notice of the date of the Disciplinary Hearing with the Investigating and Disciplinary Committee. The notice shall include:-
 - 9.4.1 the time and place of the Disciplinary Hearing;
 - 9.4.2 who will be in attendance at the Disciplinary Hearing including the members of the Investigating and Disciplinary Committee;

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- 9.4.3 a copy of the Investigator’s Report and any supporting documentation (including any witness statements where relevant) and the allegations to be considered at the Disciplinary Hearing;
 - 9.4.4 confirmation that the Disciplinary Hearing is convened under this procedure and could result in disciplinary action, including dismissal (where appropriate) ;
 - 9.4.5 confirmation that the officer under investigation may be accompanied at the Disciplinary Hearing by a local trade union representative, an official employed by a trade union or a fellow work colleague (“Companion”);
 - 9.4.6 confirmation that the officer under investigation may ask any person to be present as a witness or adduce any documents or written statements in support of his response, provided full details of such witnesses and details of the documents to be adduced at the hearing or witness statements are provided to the Chief Executive, or his nominee, at least five working days before the date of the Disciplinary Hearing, for distribution to all parties.
- 9.5 Within two working days of receipt of the notice under paragraph 9.4, the officer under investigation shall either agree the date for the Hearing or propose to the Chief Executive or a nominee, a postponement for the date of the Hearing for a period not exceeding ten working days setting out the reasons for the request. For the avoidance of doubt, the postponement includes any postponement due to the availability of the officer under investigation’s Companion. If the officer under investigation requests a postponement, the Chief Executive or a nominee and the Relevant Chief Officer (or his representative) shall agree the new date for the hearing. If they cannot agree the date within one working day, the Chair of the Investigating and Disciplinary Committee, having taken appropriate advice, shall determine the date of the Disciplinary Hearing.
- 9.6 The Chief Executive or a nominee shall then formally give notice to the Investigating and Disciplinary Committee (and the officer under investigation if the Hearing has been postponed) of the date for the Disciplinary Hearing. The Investigating and Disciplinary Committee will be sent a full copy of all relevant documentation including the Investigation Report and supporting evidence and any written representations and witness evidence provided by the Relevant Chief Officer.
- 9.7 The officer under investigation and their Companion must make every effort to attend the Disciplinary Hearing (whether reconvened or otherwise). Failure to attend without good reason may be treated as misconduct in itself. If the officer under investigation fails to attend without good reason, or persistently fails to do so, the Disciplinary Hearing may proceed in their absence and a decision may be made based on the available evidence.
- 9.8 At least five working days before the date of the Disciplinary Hearing the officer under investigation shall give to the Chief Executive, or a nominee:
- 9.8.1 Full details of any witnesses they wish to call together with copies of their witness statements (it shall be the responsibility of the officer under investigation to arrange for the attendance of their witnesses via the contact officer) ; and
 - 9.8.2 Copies of any documents which they wish to refer to in support of their response; and

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- 9.8.3 Any written statements or submissions which they wish to submit; and
 - 9.8.4 Details of the Companion they wish to bring to the Disciplinary Hearing. If the officer under investigation's choice of Companion is unreasonable, the Chief Executive or his nominee may request that another Companion be selected e.g. where the Companion may have a conflict of interest or prejudice the Disciplinary Hearing.
- 9.9 The Chief Executive or a nominee shall provide a copy of such documents and information to the Investigating and Disciplinary Committee as soon as reasonably practicable thereafter and no later than three working days prior to the Disciplinary Hearing.

The Investigating and Disciplinary Committee Hearing

- 10.1 The procedure for the Disciplinary Hearing will be as follows:
- 10.1.1 the Chair of the Investigating and Disciplinary Committee will explain the purpose of the Hearing and the procedure to be followed;
 - 10.1.2 the Investigating Officer will present the Investigation Report and introduce the evidence relating to each allegation and/or complaint, including documents and witness evidence either in person or in writing as previously notified;
 - 10.1.3 the officer under investigation or his/her Companion, and the Investigating and Disciplinary Committee and Independent Adviser, will have the opportunity to ask questions of the Investigating Officer including direct questions to any witnesses;
 - 10.1.4 the officer under investigation or their Companion will introduce evidence in support of their response to the allegations, including documents and witnesses as previously notified;
 - 10.1.5 the Investigating Officer, the Investigating and Disciplinary Committee and the Independent Adviser will have the opportunity to ask questions of the officer under investigation and/or their Companion, including direct questions to any witnesses;
 - 10.1.6 both sides will sum-up their presentations, commencing with the Investigating Officer.
- 10.2 The Companion can address the hearing, put and sum up the officer under investigation's case, make representations on behalf of the Relevant Chief Officer to any views expressed at the Disciplinary Hearing and confer with the officer under investigation during the Disciplinary Hearing. The Companion does not, however, have the right to answer questions on the officer under investigation's behalf.
- 10.3 The Disciplinary Hearing may be adjourned if the Investigating and Disciplinary Committee need any further investigations to be carried out, such as re-interviewing witnesses in the light of any new points which are raised at the Disciplinary Hearing. The officer under investigation will be given a reasonable opportunity to consider any new information obtained before the Disciplinary Hearing is reconvened.

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- 10.4 When the Investigating and Disciplinary Committee has heard all of the evidence submitted they will adjourn to consider what, if any, further action should be taken. The range of options available to them include:
- 10.4.1 taking no further action;
 - 10.4.2 recommending informal resolution or other appropriate procedures be followed;
 - 10.4.3 referring back to the Investigator for further investigation and a further report;
 - 10.4.4 taking disciplinary action against the officer under investigation in accordance with paragraph 10.5.
- 10.5 In the case of disciplinary action, this can include the following:
- 10.5.1 a recorded or oral warning;
 - 10.5.2 a final written warning;
 - 10.5.3 a final written warning accompanied by:
 - (a) suspension on half pay or no pay for a specified period; and/or
 - (b) relegation (i.e. reduction in salary) for a specified period and/or on specified terms; and/or
 - (c) demotion;
 - 10.5.4 dismissal (whether summary dismissal or on notice); and
 - 10.5.5 alternatively the Investigating and Disciplinary Committee may explore other alternatives such as but not limited to early retirement, secondment, or redeployment to a more junior post (provided that such a post is vacant) where there are issues relating to capability or loss of trust and confidence in the officer under investigation in their current role.
- 10.6 For the avoidance of doubt, the actions set out in paragraph 10.5.3 above shall only be applied in circumstances where the Investigating and Disciplinary Committee has decided that appropriate disciplinary action would include dismissal but that action short of dismissal would be more appropriate due to mitigating or other circumstances.
- 10.7 A Final Written warning will set out the nature of the misconduct, the change in behaviour required, the period for which the warning will remain active, and the likely consequences of further misconduct in that period.
- 10.8 All others present at the Disciplinary Hearing (other than the Independent Adviser) will withdraw while the Investigating and Disciplinary Committee consider their decision.
- 10.9 Where practicable, the decision of the Investigating and Disciplinary Committee will be delivered orally after an adjournment with full reasons for the decision being given by letter within five working days of the Disciplinary Hearing. However, in order to ensure that the Investigating and Disciplinary Committee shall be afforded sufficient time to fully consider their decision, their decision may be deferred and issued to the officer under investigation in writing within five working days of the Disciplinary Hearing, or as soon thereafter as is reasonably practicable.

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- 10.10 The letter will outline the decision and the action, if any, to be taken and will set out the rights of appeal (“Decision Letter”).

Appeal Process

- 11.1 The officer under investigation shall have the right to appeal the Investigating and Disciplinary Committee’s decision, to an Appeals Committee consisting of no fewer than three elected members made up of one member of the Cabinet plus members of the Employment and Appeals Committee and should not include any member with a direct personal involvement in the complaint or who has participated in the preliminary investigation or the Disciplinary Hearing. The Leader shall appoint a Cabinet Member and the members of the Employment and Appeals Committee shall be appointed in consultation with the Chair of that Committee.
- 11.2 Any appeal must be made in writing to the Chief Executive or his / her nominee as set out in the Decision Letter within ten working days of the date of the Decision Letter including the grounds of appeal (“Notice of Appeal”).
- 11.3 Within five working days of submitting a Notice of Appeal the officer under investigation must inform the Chief Executive of the following details in relation to the Notice of Appeal and provide the following information:
- 11.3.1 whether the officer under investigation is to be accompanied at the appeal hearing by a Companion and if so by whom;
 - 11.3.2 whether they wish to call witnesses and if so, their names and copies of their statements if not already supplied for the purposes of the original Disciplinary Hearing;
 - 11.3.3 copies of any additional documents or information relevant to the appeal that was not provided at the Disciplinary Hearing;
- 11.4 Having considered the Notice of Appeal, the Appeals Committee in its absolute discretion will determine whether the appeal hearing will take the form of a full re-hearing or a review of the decision taken by the Investigating and Disciplinary Committee and will notify the officer under investigation of their decision in writing.
- 11.5 The Appeals Committee will consider the appeal as soon as reasonably practicable after the Notice of Appeal has been received. It will invite the following persons to be present at an appeal hearing:
- 11.5.1 the officer under investigation, who may be accompanied by a Companion; and
 - 11.5.2 the Chair of the Investigating and Disciplinary Committee or another members of the Committee if so nominated by the Chair, to explain their reasons for their decision and to answer any questions; and
 - 11.5.3 the Investigating Officer.
- 11.6 The procedure for convening the Appeal Hearing and the procedure at the Appeal Hearing will follow that set out above in relation to the Disciplinary Hearing.
- 11.7 The Appeals Committee shall be advised by an independent adviser who shall not usually be the same adviser who advised the Investigating and Disciplinary Committee.

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- 11.8 The Appeals Committee in its absolute discretion shall decide the extent to which (if any) it will take into account any additional information which has become available in relation to the allegations or other issues under investigation since the Disciplinary Hearing.
- 11.9 The Appeals Committee may decide to uphold/dismiss the original decision of the Investigating and Disciplinary Committee or impose a different sanction within the range of penalties as set out in paragraphs 10.4 and 10.5.
- 11.10 Where practicable, the decision of the Appeals Committee will be delivered orally after an adjournment with full reasons for the decision being given by letter within five working days of the Appeal Hearing. However, in order to ensure that the Appeal Committee shall be afforded sufficient time to fully consider their decision, their decision may be deferred and issued to the officer under investigation in writing within five working days of the Appeal Hearing, or as soon thereafter as is reasonably practicable.
- 11.11 The letter will outline the decision and the action, if any, to be taken.
- 11.12 The decision reached will be final and there is no further right of appeal.

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

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

Who can be Decision Makers?

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

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

Principles of Decision Making

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

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

13.3 Functions fall into the following categories:

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

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SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

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

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

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

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

Column 1	Column 2	Column 3	Column 4	Column 5
Function (including): ¹	Provision of Act or Statutory Instrument	Delegated to	Sub-Delegation	Conditions and / or Limitations on Delegation and Sub-Delegation
A Functions relating to town and country planning and development control				
A1 Power to determine applications for planning permission.	Sections 70(1)(a) and (b) and 72 of the Town and Country Planning Act 1990 (c 8).	Planning, Taxi Licensing and Rights of Way Committee	Subject to column 5 Delegated to the Head of Property, Planning and Public Protection and / or the Lead Professional – Development Management (together called “Relevant Planning Officer”) with the ability to further sub-delegate.	In the following circumstances the responsibility will lie with the Planning, Taxi Licensing and Rights of Way Committee and not the Relevant Planning Officer.
A2 Power to determine applications to develop land without compliance with conditions previously attached.	Section 73 of the Town and Country Planning Act 1990.	Planning, Taxi Licensing and Rights of Way Committee	Subject to column 5 Delegated to the Relevant Planning Officer with the ability to further sub-delegate .	A. Where the Relevant Planning Officer considers that the planning function should be dealt with by the Planning, Taxi Licensing and Rights of Way Committee and not by a Relevant Planning Officer.
A3 Power to grant planning permission for development already carried out.	Section 73A of the Town and Country Planning Act 1990.	Planning, Taxi Licensing and Rights of Way Committee	Subject to column 5 Delegated to Relevant Planning Officer with the ability to further sub-delegate	
A4 Power to decline to determine application for planning permission.	Section 70A of the Town and Country Planning Act 1990.	Planning, Taxi Licensing and Rights of Way Committee	Subject to column 5 Delegated to Relevant Planning Officer with the ability to further sub-delegate	B. Where the planning application in question constitutes a material departure from the Development Plan and the view of the Relevant
A5 Duties relating to the making of	Sections 69, 76 and 92 of the Town and Country	Planning, Taxi Licensing and Rights of Way Committee	Subject to column 5 Delegated to Relevant	

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

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

	determinations of planning applications.	Planning Act 1990 and Articles 8, 10 to 13, 15 to 22 and 25 and 26 of the Town and Country Planning (General Development Procedure) Order 1995 (SI 1995/419) and directions made there under.		Planning Officer with the ability to further sub-delegate	Planning Officer is that the planning application should be approved; C. Where the planning application is made by or on behalf of the County Council or relates to or affects Council land or premises (whether or not actually occupied by the Council) ;
A6	Power to determine applications for planning permission made by a local authority, alone or jointly with another person.	Section 316 of the Town and Country Planning Act 1990 and the Town Country Planning General Regulations 1992 (SI 1992/1492).	Planning, Taxi Licensing and Rights of Way Committee	Subject to column 5 Delegated to Relevant Planning Officer	With the exception of the following which are delegated to the Relevant Planning Officer:
A7	Power to make determinations, give approvals and agree certain other matters relating to the exercise of permitted development rights.	Parts 6, 7, 11, 17, 19, 20, 21 to 24, 30 and 31 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 (SI 1995/418).	Planning, Taxi Licensing and Rights of Way Committee	Subject to column 5 Delegated to Relevant Planning Officer with the ability to further sub-delegate	<ul style="list-style-type: none"> Any application other than those designated as a major application in accordance with the definition set out in the Town and Country Planning (Development Management Procedure) (Wales) Order 2012
A8	Power to enter into planning obligation, regulating development or use of land.	Section 106 of the Town and Country Planning Act 1990.	Planning, Taxi Licensing and Rights of Way Committee	Subject to column 5 Delegated to Relevant Planning Officer with the ability to further sub-delegate PROVIDED ALWAYS that when exercising this power the Relevant Planning Officer (and the Planning, Rights of Way and Taxi Licensing Committee in the event of that committee exercising that power) shall stipulate the time limit within which such	<ul style="list-style-type: none"> Discharge of conditions applications; Non-material amendment application; Application and notifications relating to Trees Prior notifications as specified in Part 6, 7, 11 & 31 of the Town and Country Planning (General Permitted

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

			agreement shall be concluded. In the event that it is not concluded within such time limit, the Relevant Planning Officer (or as the case may be the Planning, Rights of Way and Taxi Licensing Committee) shall refuse any related Planning Application, unless satisfied that the delay is unavoidable and that there is sufficient evidence for him / her / the committee to conclude that the matter will be concluded within a further reasonable time period, whereupon a fresh time limit shall be imposed.	Development) Order 1995 (as amended); <ul style="list-style-type: none"> • Hedgerow notifications; • Applications for pre-application advice • Land which forms part of the highway verge <p>D. Where the planning application is submitted by or on behalf of any Member or any member of staff employed in Development Management, the Chief Executive, Directors, Heads of Service, or officers who are in regular contact with Development Management.</p> <p>E. Where a Councillor registers a request in accordance with the Planning Call-In Procedure set out in the Planning Protocol in Section 19 that a planning application be referred to the Planning, Taxi Licensing and Rights of Way Committee for decision and not determined by the</p>
A9	Power to issue a certificate of existing or proposed lawful use or development.	Sections 191(4) and 192(2) of the Town and Country Planning Act 1990.	Planning, Taxi Licensing and Rights of Way Committee	Subject to column 5 Delegated to Relevant Planning Officer with the ability to further sub-delegate
A10	Power to serve a completion notice.	Section 94(2) of the Town and Country Planning Act 1990.	Planning, Taxi Licensing and Rights of Way Committee	Subject to column 5 Delegated to Relevant Planning Officer with the ability to further sub-delegate
A11	Power to grant consent for the display of advertisements.	Section 220 of the Town and Country Planning Act 1990 and the Town and Country Planning (Control of Advertisements) Regulations 1992.	Planning, Taxi Licensing and Rights of Way Committee	Subject to column 5 Delegated to Relevant Planning Officer with the ability to further sub-delegate
A12	Power to authorise entry onto land.	Section 196A of the Town and Country Planning Act 1990.	Planning, Taxi Licensing and Rights of Way Committee	Subject to column 5 Delegated to Relevant Planning Officer with the ability to further sub-delegate
A13	Power to require the	Section 102 of the Town	Planning, Taxi Licensing and	No delegation

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	discontinuance of a use of land.	and Country Planning Act 1990.	Rights of Way Committee		Relevant Planning Officer;
A14	Power to serve a planning contravention notice, breach of condition notice or stop notice, enforcement warning notice and temporary stop notice.	Sections 171C, 171E, 173ZA, 187A and 183(1) of the Town and Country Planning Act 1990.	Planning, Taxi Licensing and Rights of Way Committee	Subject to column 5 Delegated to Relevant Planning Officer with the ability to further sub-delegate PROVIDED ALWAYS that the Relevant Planning Officer before and during the exercise of this power shall have appropriate discussions with the Local Representative for the electoral division affected so that the Councillor may be fully appraised and have a proper opportunity of making his / her views known.	(See conditions at the top of the column)
A15	Power to issue an enforcement notice.	Section 172 of the Town and Country Planning Act 1990.	Planning, Taxi Licensing and Rights of Way Committee	Subject to column 5 Delegated to Relevant Planning Officer with the ability to further sub-delegate PROVIDED ALWAYS that the Relevant Planning Officer before and during the exercise of this power shall have appropriate discussions with the Councillor for the electoral division affected so that the Local Representative may be fully appraised and have a proper opportunity of making his / her views known.	(See conditions at the top of the column)

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<p>A16 Power to apply for an injunction restraining a breach of planning control.</p>	<p>Section 187B of the Town and Country Planning Act 1990.</p>	<p>Planning, Taxi Licensing and Rights of Way Committee</p>	<p>Subject to column 5 Delegated to Relevant Planning Officer with the ability to further sub-delegate.</p> <p>PROVIDED ALWAYS that the Relevant Planning Officer before and during the exercise of this power shall have appropriate discussions with the Local Representative for the electoral division affected so that the Councillor may be fully appraised and have a proper opportunity of making his / her views known.</p>	<p>(See conditions at the top of the column)</p>
<p>A17 Power to determine applications for hazardous substances consent, and related powers.</p>	<p>Sections 9(1) and 10 of the Planning (Hazardous Substances) Act 1990 (c 10).</p>	<p>Planning, Taxi Licensing and Rights of Way Committee</p>	<p>Subject to column 5 Delegated to Relevant Planning Officer with the ability to further sub-delegate</p>	<p>(See conditions at the top of the column)</p>
<p>A18 Duty to determine conditions to which old mining permissions, relevant planning permissions relating to dormant sites or active Phase I or II sites, or mineral permissions relating to mining sites, as the case may be, are to be subject.</p>	<p>Paragraph 2(6)(a) of Schedule 2 to the Planning and Compensation Act 1991, paragraph 9(6) of Schedule 13 to the Environment Act 1995 (c 25) and paragraph 6(5) of Schedule 14 to that Act.</p>	<p>Planning, Taxi Licensing and Rights of Way Committee</p>	<p>Subject to column 5 Delegated to Relevant Planning Officer with the ability to further sub-delegate</p> <p>PROVIDED ALWAYS that the Relevant Planning Officer before and during the exercise of this power shall have appropriate discussions with the Councillor for the electoral division affected so that the Local Representative</p>	<p>(See conditions at the top of the column)</p>

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

			may be fully appraised and have a proper opportunity of making his / her views known.	
A19 Power to require proper maintenance of land.	Section 215(1) of the Town and Country Planning Act 1990.	Planning, Taxi Licensing and Rights of Way Committee	Subject to column 5 Delegated to Relevant Planning Officer with the ability to further sub-delegate	(See conditions at the top of the column)
A20 Power to determine applications for listed building consent, and related powers.	Sections 16(1) and (2), 17 and 33(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (c 9).	Planning, Taxi Licensing and Rights of Way Committee	Subject to column 5 Delegated to Relevant Planning Officer with the ability to further sub-delegate.	(See conditions at the top of the column)
A21 Power to determine applications for conservation area consent.	Section 16(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, as applied by section 74(3) of that Act).	Planning, Taxi Licensing and Rights of Way Committee	Subject to column 5 Delegated to Relevant Planning Officer with the ability to further sub-delegate	(See conditions at the top of the column)
A22 Duties relating to applications for listed building consent and conservation area consent.	Section 13(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and regulations 3 to 13 of the Planning (Listed Buildings and Conservation Areas) Regulations 1990.	Planning, Taxi Licensing and Rights of Way Committee	Subject to column 5 Delegated to Relevant Planning Officer with the ability to further sub-delegate	(See conditions at the top of the column)
A23 Power to serve a building preservation notice, and related powers.	Sections 3(1) and 4(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.	Planning, Taxi Licensing and Rights of Way Committee	Subject to column 5 Delegated to Relevant Planning Officer with the ability to further sub-delegate	
A24 Power to issue a listed building enforcement notice.	Section 38 of the Planning (Listed Buildings and Conservation Areas) Act 1990.	Planning, Taxi Licensing and Rights of Way Committee	Subject to column 5 Delegated to Relevant Planning Officer with the ability to further sub-delegate.	
			PROVIDED ALWAYS that	

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			the Relevant Planning Officer before and during the exercise of this power shall have appropriate discussions with the Councillor for the electoral division affected so that the Local Representative may be fully appraised and have a proper opportunity of making his / her views known.	(See conditions at the top of the column)
A25 Powers to acquire a listed building in need of repair and to serve a repairs notice.	Sections 47 and 48 of the Planning (Listed Buildings and Conservation Areas) Act 1990.	Planning, Taxi Licensing and Rights of Way Committee	No delegation	
A26 Power to apply for an injunction in relation to a listed building.	Section 44A of the Planning (Listed Buildings and Conservation Areas) Act 1990.	Planning, Taxi Licensing and Rights of Way Committee	Subject to column 5 Delegated to Relevant Planning Officer with the ability to further sub-delegate. PROVIDED ALWAYS that the Relevant Planning Officer before and during the exercise of this power shall have appropriate discussions with the Councillor for the electoral division affected so that the Local Representative may be fully appraised and have a proper opportunity of making his / her views known.	(See conditions at the top of the column) (See conditions at the top of the column)
A27 Power to execute urgent works.	Section 54 of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990.	Planning, Taxi Licensing and Rights of Way Committee	Subject to column 5 Delegated to Relevant Planning Officer with the ability to further sub-delegate.	

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A28 Power related to mineral working.	Schedule 9 of the Town and Country Planning Act 1990.	Planning, Taxi Licensing and Rights of Way Committee	No delegation	(See conditions at the top of the column) (See conditions at the top of the column) (See conditions at the top of the column) (See conditions at the top of the column) (See conditions at the top of the column)
A29 Power related to footpaths and bridleways.	Section 257 of the Town and Country Planning Act 1990.	Planning, Taxi Licensing and Rights of Way Committee	The Head of Housing and Community Development with the ability to further sub-delegate subject to consultation with Development Management.	
A30 Power as to certification of appropriate alternative development.	Section 17 of the Land Compensation Act 1961 (c 33).	Planning, Taxi Licensing and Rights of Way Committee	Subject to column 5 Delegated to Relevant Planning Officer with the ability to further sub-delegate	
A31 Duties in relation to purchase notices.	Sections 137-144 of the Town and Country Planning Act 1990.	Planning, Taxi Licensing and Rights of Way Committee	No delegation	
A32 Powers related to blight notices.	Sections 149-171 of the Town and Country Planning Act 1990.	Planning, Taxi Licensing and Rights of Way Committee	No delegation	

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

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

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

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

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

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

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

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

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

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

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<p>B3 Power to license hackney carriages and private hire vehicles.</p>	<p>(a) as to hackney carriages, the Town Police Clauses Act 1847 (10 & 11 Vict c 89), as extended by section 171 of the Public Health Act 1875 (38 & 39 Vict c 55), and section 15 of the Transport Act 1985 (c 67); and sections 47, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976 (c 57);</p> <p>(b) as to private hire vehicles, sections 48, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976.</p>	<p>Planning, Taxi Licensing and Rights of Way Committee</p>	<p>(i) Power to issue hackney carriage and private hire vehicle licences delegated to the relevant Head of Service with the ability to further sub-delegate.</p> <p>(ii) In respect of unfit vehicles, power is delegated to the relevant Head of Service with the ability to further sub-delegate to suspend the use of the vehicle.</p> <p>(iii) Issues relating to the suitability of a vehicle are to be considered by a Sub-Committee.</p> <p>(iv) Issues relating to the use of a vehicle contrary to the Intended Use Policy for Hackney Carriages are to be considered by a Sub-Committee.</p>	
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SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

<p>B4 Power to license drivers of hackney carriages and private hire vehicles.</p>	<p>Sections 51, 53, 54, 59, 61 and 79 of the Local Government (Miscellaneous Provisions) Act 1976.</p>	<p>Planning, Taxi Licensing and Rights of Way Committee</p>	<p>(i) Power to license driver delegated to the relevant Head of Service with the ability to further sub-delegate.</p> <p>(ii) Where in the officers opinion the applicant does not meet the "Suitability Criteria" and the DVLA medical fitness criteria the matter will be referred to the sub-committee</p> <p>(iii) In respect of licensed drivers who in the officers opinion no longer meet the 'Suitability criteria, and the DVLA medical fitness criteria, power is delegated to the relevant Head of Service with the ability to further sub-delegate to suspend the licence.</p> <p>(iv) Following suspension under (iii) above, for those</p>	
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SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

			(v) licensed drivers who in the officers opinion no longer meet the 'Suitability' criteria and the DVLA medical fitness criteria, power is delegated to the sub-committee to revoke the licence. Where the licence holder has been disqualified from driving the licence can be revoked by the relevant Head of Service with the ability to further sub-delegate	
B5 Power to license operators of private hire vehicles.	Sections 55 to 58, 62 and 79 of the Local Government (Miscellaneous Provisions) Act 1976.	Planning, Taxi Licensing and Rights of Way Committee	(i) Power to license operator delegated to the relevant Head of Service with the ability to further sub-delegate. (ii) Where in the officers opinion the applicant does not meet the "Suitability Criteria" in general and in particular to the	

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

			<p>(iii) Council's Policy on Treatment of Convictions, Cautions and Charges the matter will be referred to the sub-committee In respect of licensed operators who in the officers opinion no longer meet the 'Suitability' criteria, power is delegated to the relevant Head of Service with the ability to further sub-delegate to suspend the licence.</p> <p>(iv) Following suspension under (iii) above, for those licensed operators who in the officers opinion no longer meet the 'Suitability' criteria, power is delegated to the sub-committee to revoke the licence</p>	
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SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

B12	Power to issue entertainments licences.	Section 12 of the Children and Young Persons Act 1933 (c 12)	Planning, Taxi Licensing and Rights of Way Committee	Delegated to the relevant Head of Service with the ability to further sub-delegate.	
B13	Power to license sex shops and sex cinemas.	The Local Government (Miscellaneous Provisions) Act 1982, section 2 and Schedule 3.	Planning, Taxi Licensing and Rights of Way Committee	Uncontested applications delegated to the relevant Head of Service with the ability to further sub-delegate. Contested applications will be considered by a Sub-Committee.	
B14	Power to license performances of hypnotism.	The Hypnotism Act 1952 (c 46).	Planning, Taxi Licensing and Rights of Way Committee	Delegated to the relevant Head of Service with the ability to further sub-delegate.	
B15	Power to license premises for acupuncture, tattooing, ear-piercing and electrolysis.	Sections 13 to 17 of the Local Government (Miscellaneous Provisions) Act 1982.	Planning, Taxi Licensing and Rights of Way Committee	Delegated to the relevant Head of Service with the ability to further sub-delegate.	
B16	Power to license pleasure boats and pleasure vessels.	Section 94 of the Public Health Acts Amendment Act 1907 (c 53).	Planning, Taxi Licensing and Rights of Way Committee	Delegated to the relevant Head of Service with the ability to further sub-delegate.	
B17	Power to license market and street trading.	Part III of, and Schedule 4 to, the Local Government (Miscellaneous Provisions) Act 1982.	Planning, Taxi Licensing and Rights of Way Committee	Delegated to the relevant Head of Service with the ability to further sub-delegate.	

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

B19 Power to license dealers in game and the killing and selling of game.	Sections 5, 6, 17, 18 and 21 to 23 of the Game Act 1831 (c 32); sections 2 to 16 of the Game Licences Act 1860 (c 90), section 4 of the Customs and Inland Revenue Act 1883 (c 10), section 27 of the Local Government Act 1894 (c 73), and section 213 of the Local Government Act 1972 (c 70).	Planning, Taxi Licensing and Rights of Way Committee	Delegated to the relevant Head of Service with the ability to further sub-delegate.	
B20 Power of register and license premises for the preparation of food.	Section 19 of the Food Safety Act 1990 (c 16).	Planning, Taxi Licensing and Rights of Way Committee	Delegated to the relevant Head of Service with the ability to further sub-delegate.	
B21 Power to license scrap yards.	Scrap Metal Dealers Act 2013.	Planning, Taxi Licensing and Rights of Way Committee	Sub-delegation to the relevant Head of Service with the ability to further sub-delegate unless the applicant has relevant convictions under the Scrap Metal Dealers Act 2013 (Prescribed Offences and Relevant Enforcement Action) Regulations 2013 when such applications are to be determined by a Sub-Committee.	
B22 Power to issue, amend or replace safety certificates (whether general or special) for sports grounds.	The Safety of Sports Grounds Act 1975 (c 52).	Planning, Taxi Licensing and Rights of Way Committee	Delegated to the relevant Head of Service with the ability to further sub-delegate.	

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

B23	Power to issue, cancel, amend or replace safety certificates for regulated stands at sports grounds.	Part III of the Fire Safety and Safety of Places of Sport Act 1987 (c 27).	Planning, Taxi Licensing and Rights of Way Committee	Delegated to the relevant Head of Service with the ability to further sub-delegate.
B25	Power to license premises for the breeding of dogs.	The Animal Welfare (Breeding of Dogs) (Wales) Regulations 2014.	Planning, Taxi Licensing and Rights of Way Committee	Delegated to the relevant Head of Service with the ability to further sub-delegate.
B26	Power to license pet shops and other establishments where animals are bred or kept for the purposes of carrying on a business.	Section 1 of the Pet Animals Act 1951 (c 35); section 1 of the Animal Boarding Establishments Act 1963 (c 43); the Riding Establishments Acts 1964 and 1970 (1964 c 70 and 1970 c 70); section 1 of the Breeding of Dogs Act 1973 (c 60), and sections 1 and 8 of the Breeding and Sale of Dogs (Welfare) Act 1999.	Planning, Taxi Licensing and Rights of Way Committee	Delegated to the relevant Head of Service with the ability to further sub-delegate.
B27	Power to register animal trainers and exhibitors.	Section 1 of the Performing Animals (Regulation) Act 1925 (c 38).	Planning, Taxi Licensing and Rights of Way Committee	Delegated to the relevant Head of Service with the ability to further sub-delegate.
B28	Power to license zoos.	Section 1 of the Zoo Licensing Act 1981 (c 37)	Planning, Taxi Licensing and Rights of Way Committee	Delegated to the relevant Head of Service with the ability to further sub-delegate.
B29	Power to license dangerous wild animals.	Section 1 of the Dangerous Wild Animals Act 1976 (c 38).	Planning, Taxi Licensing and Rights of Way Committee	Delegated to the relevant Head of Service with the ability to further sub-delegate.

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B30	Power to enforce regulations in relation to animal by-products	Regulation 49 of the Animal By-products (Wales) Regulations 2006 (SI 1292 (W 127))	Planning, Taxi Licensing and Rights of Way Committee	Delegated to the relevant Head of Service with the ability to further sub-delegate.
B31	Power to license the employment of children.	Part II of the Children and Young Persons Act 1933 (c 12), byelaws made under that Part, and Part II of the Children and Young Persons Act 1963 (c 37).	Planning, Taxi Licensing and Rights of Way Committee	No delegation
B32	Power to approve premises for the solemnisation of marriages and the registration of civil partnerships.	Section 46A of the Marriage Act 1949 (c 76), section 6A of the Civil Partnership Act 2004 (c 33) and the Marriages and Civil Partnerships (Approved Premises) Regulations 2005 (SI 2005/3168).	Planning, Taxi Licensing and Rights of Way Committee	Delegated to the Head of Legal and Democratic Services with the ability to further sub-delegate.
B33	Power to register common land or town or village greens, except where the power is exercisable solely for the purpose of giving effect to--	Regulation 6 of the Commons Registration (New Land) Regulations 1969 (SI 1969/1843).	Planning, Taxi Licensing and Rights of Way Committee	No delegation
(a)	an exchange of lands effected by an order under section 19(3) or paragraph 6(4) of Schedule 3 to, the Acquisition of Land Act 1981 (c 67); or			
(b)	an order under section 7 of the Commons Act 2006.	The Commons Deregulation and Exchange Orders (Interim Arrangements) (Wales)		

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	Regulations 2012			
B34 Power to register variation of rights of common.	Regulation 29 of the Commons Registration (General) Regulations 1966 (SI 1966/1471).	Planning, Taxi Licensing and Rights of Way Committee	No delegation	
B35 Power to issue a permit to conduct charitable collections.	Section 68 of the Charities Act 1992.	Planning, Taxi Licensing and Rights of Way Committee	Delegated to the relevant Head of Service with the ability to further sub-delegate.	
B36 Power to grant consent for the operation of a loudspeaker.	Schedule 2 to the Noise and Statutory Nuisance Act 1993 (c 40).	Planning, Taxi Licensing and Rights of Way Committee	Delegated to the relevant Head of Service with the ability to further sub-delegate.	
B37 Power to grant a street works licence.	Section 50 of the New Roads and Street Works Act 1991 (c 22).	Planning, Taxi Licensing and Rights of Way Committee	Delegated to the relevant Head of Service with the ability to further sub-delegate.	
B38 Duty to register the movement of pigs.	Regulations 21(3) and (4) of the Pigs (Records Identification and Movement) (Wales) Order 2004 (SI 2004/996 (W 104)).	Planning, Taxi Licensing and Rights of Way Committee	Delegated to the relevant Head of Service with the ability to further sub-delegate.	
B39 Power to enforce regulations in relation to the movement of pigs.	Regulation 27(1) of the Pigs (Records, Identification and Movement (Wales) Order 2004/996 (W 104).	Planning, Taxi Licensing and Rights of Way Committee	Delegated to the relevant Head of Service with the ability to further sub-delegate.	
B40 Power to issue a licence to move cattle from a market.	Article 5(2) of the Cattle Identification Regulations 1998 (SI 1998/871).	Planning, Taxi Licensing and Rights of Way Committee	Delegated to the relevant Head of Service with the ability to further sub-delegate.	
B41 Power to sanction use of parts of buildings for storage of celluloid.	Section 1 of the Celluloid and Cinematograph Film Act 1922 (c 35).	Planning, Taxi Licensing and Rights of Way Committee	Delegated to the relevant Head of Service with the ability to further sub-delegate.	

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B42 Duty to enforce and execute Regulations (EC) No 852/2004 and 853/2004 in relation to food business operators as further specified in regulation 5 of the Food (Hygiene) (Wales) Regulations 2006.	Regulation 5 of the Food (Hygiene) (Wales) Regulations 2006.	Planning, Taxi Licensing and Rights of Way Committee	Delegated to the relevant Head of Service with the ability to further sub-delegate.	
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Column 1	Column 2	Column 3	Column 4	Column 5
C Functions relating to health and safety at work	Provision of Act or Statutory Instrument	Delegated to	Sub-Delegation	Conditions and / or Limitations on Delegation and Sub-Delegation
C1 Functions under any of the "relevant statutory provisions" within the meaning of Part I (health, safety and welfare in connection with work, and control of dangerous substances) of the Health and Safety at Work etc Act 1974, to the extent that those functions are discharged otherwise than in the authority's capacity as an employer.	Part I of the Health and Safety at Work etc Act 1974 (c 37).	Planning, Taxi Licensing and Rights of Way Committee	Delegated to the relevant Head of Service with the ability to further sub-delegate.	

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

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

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

D10	Powers in respect of holding of elections.	Section 39(4) of the Representation of the People Act 1983.	Full Council	No delegation	
D12	Power to fill vacancies in the event of insufficient nominations.	Section 21 of the Representation of the People Act 1985.	Full Council	No delegation	
D15	Power to make temporary appointments to community councils.	Section 91 of the Local Government Act 1972.	Full Council	No delegation	
D17	Power to submit proposals to the Secretary of State for an order under section 10 (pilot schemes for local elections in England and Wales) of the Representation of the People Act 2000.	Section 10 of the Representation of the People Act 2000 (c 2).	Full Council	No delegation	

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Column 1	Column 2	Column 3	Column 4	Column 5	
D	Functions relating to elections	Provision of Act or Statutory Instrument	Delegated to	Sub-Delegation	Conditions and / or Limitations on Delegation and Sub-Delegation
D2	Power to assign officers in relation to requisitions of the registration officer.	Section 52(4) of the Representation of the People Act 1983.	Head of Paid Service	No delegation	
D13	Duty to declare vacancy in office in certain cases.	Section 86 of the Local Government Act 1972.	Head of Paid Service	No delegation	
D14	Duty to give public notice of a casual vacancy.	Section 87 of the Local Government Act 1972.	Head of Paid Service	No delegation	

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

D16	Power to determine fees and conditions for supply of copies of, or extracts from, elections documents.	Rule 48(3) of the Local Elections (Principal Areas) Rules 1986 (SI 1986/2214) and rule 48(3) of the Local Elections (Parishes and Communities) Rules 1986 (SI 1986/2215).	Head of Paid Service	No delegation	
D11	Power to pay expenses properly incurred by electoral registration officers.	Section 54 of the Representation of the People Act 1983.	Section 151 Officer	No delegation	

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

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

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

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

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

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

Column 1	Column 2	Column 3	Column 4	Column 5
I Miscellaneous functions	Provision of Act or Statutory Instrument	Delegated to	Sub-Delegation	Conditions and / or Limitations on Delegation and Sub-Delegation
I5 Power to make standing orders.	Section 106 of, and paragraph 42 of Schedule 12 to, the Local Government Act 1972.	Full Council	No delegation	
I6A Appointment and dismissal of Chief Executive, Head of Paid Service, Strategic Directors.	Section 112 of the Local Government Act 1972 and sections 7 and 8 of the Local Government and Housing Act 1989.	Full Council	No delegation	The exercise of functions relating to the recruitment, appointment and dismissal of, and taking disciplinary action against staff must be undertaken in accordance with Section 11 (Officers).
I7 Power to make standing orders as to contracts.	Section 135 of the Local Government Act 1972.	Full Council	No delegation	
I8 Power to consider reports from the Public Services Ombudsman for Wales.	Section 19 of the Public Services Ombudsman (Wales) Act 2005 (c 10).	Full Council	No delegation	
I9 Power to make an order identifying a place as a designated public place for the purposes of police powers in relation to alcohol consumption.	Section 13(2) of the Criminal Justice and Police Act 2001 (c 16).	Full Council	No delegation	

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

I10	Powers in respect of registration of motor salvage operators.	Part 1 of the Vehicles (Crime) Act 2001 (c 3).	Full Council	No delegation	
I11	Power to appoint officers for particular purposes (appointment of "proper officers").	Section 270(3) of the Local Government Act 1972 (c 42).	Full Council	No delegation	
I12	Duty to designate an officer as the head of the authority's paid service, and to provide staff, etc.	Section 4(1) of the Local Government and Housing Act 1989 (c 42).	Full Council	No delegation	
I13	Duty to designate an officer as the monitoring officer and to provide staff, etc.	Section 5(1) of the Local Government and Housing Act 1989.	Full Council	No delegation	
I14	Duty to determine affordable borrowing limit.	Section 3 of the Local Government Act 2003 (c 22).	Full Council	No delegation	
I15	Approval of annual investment strategy in accordance with guidance.	Section 15 of the Local Government Act 2003.	Full Council	No delegation	
I17	Power to make or revoke an order designating a locality as an alcohol disorder zone.	Section 16 of the Violent Crime Reduction Act 2006 (c 38).]	Full Council	No delegation	
I19	Duty to make arrangements for holding meetings of a principal council or its executive	Section 47(1) of the Local Government and Elections (Wales) Act 2021	Full Council	No delegation	

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

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

⁵ Regulation 9(3) of the The Accounts and Audit (Wales) Regulations 2005

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

Column 1	Column 2	Column 3	Column 4	Column 5
I Miscellaneous functions	Provision of Act or Statutory Instrument	Delegated to	Sub-Delegation	Conditions and / or Limitations on Delegation and Sub-Delegation
Internal Audit I20A (i) To consider and approve the annual audit opinion on internal control and the level of assurance given to the corporate governance arrangements (ii) Approve the annual audit plan, ensuring there is sufficient and appropriate coverage, with a strong emphasis on risk management and resources are available to implement the plan. (iii) Receive and review internal audit reports and ensure officers respond promptly to the findings. Where necessary recommendations to other committees and portfolio holders will be made, to ensure action plans are implemented	County Council meeting 16 th May, 2013	Governance and Audit Committee	No delegation	

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

Column 1	Column 2	Column 3	Column 4	Column 5
I Miscellaneous functions	Provision of Act or Statutory Instrument	Delegated to	Sub-Delegation	Conditions and / or Limitations on Delegation and Sub-Delegation
External Audit I21A (i) Consider and approve the annual letter, regulatory plan and specific reports as agreed. (ii) Where necessary ensure action is taken by officers to address those issues raised, and if necessary recommendations to other committees and portfolio holders will be made to address findings and deliver clear conclusions (iii) Comment on the scope and depth of the external audit work, to ensure it gives value for money	County Council meeting 16 th May, 2013	Governance and Audit Committee	No delegation	

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

Column 1	Column 2	Column 3	Column 4	Column 5
I Miscellaneous functions	Provision of Act or Statutory Instrument	Delegated to	Sub-Delegation	Conditions and / or Limitations on Delegation and Sub-Delegation
Other I22A (i) Assess and approve the annual statement of accounts, external audit opinion and management representation in relation to annual audit findings (ii) Promote effective relationships between external and internal audit, inspection agencies and other relevant bodies to ensure the value of audit and inspection is enhanced and actively promoted (iii) regularly monitor treasury management reports	County Council meeting 16 th May, 2013	Governance and Audit Committee	No delegation	
I23A Duty to: (a) review and scrutinise the authority's financial affairs, (b) make reports and recommendations in relation to the authority's financial affairs, (c) review and assess the risk management, internal control,	Local Government Measure 2011 (Section 81) as amended by the Local Government and Elections (Wales) Act 2021 (Section 115)	Governance and Audit Committee	No delegation	

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

<p>performance assessment and corporate governance arrangements of the authority,</p> <p>(d) make reports and recommendations to the authority on the adequacy and effectiveness of those arrangements,</p> <p>(da) review and assess the authority's ability to handle complaints effectively</p> <p>(db) make reports and recommendations in relation to the authority's ability to handle complaints effectively</p> <p>(e) oversee the authority's internal and external audit arrangements, and</p> <p>(f) review the financial statements prepared by the authority</p>				
<p>123B Duty to review the Council's draft performance self assessment report and may make recommendations for changes to the conclusions or to anything included in the draft.</p>	<p>Local Government and Elections (Wales) Act 2021 (Section 91)</p>	<p>Governance and Audit Committee</p>	<p>No delegation</p>	
<p>123C Duty to review the</p>	<p>Local Government and</p>	<p>Governance and Audit</p>	<p>No delegation</p>	

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SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

Council's draft response of the panel performance assessment and may make recommendations for changes to the statements made.	<u>Elections (Wales) Act 2021 (Section 93)</u>	<u>Committee</u>		
<u>I23D</u> Duty to consider the report of the Auditor General following a special inspection.	<u>Local Government and Elections (Wales) Act 2021 (Section 95)</u>	<u>Governance and Audit Committee</u>	<u>No delegation</u>	
<u>I23E</u> Duty to review the Council's draft response to the report of the Auditor General and may make recommendations for changes to the statement made.	<u>Local Government and Elections (Wales) Act 2021 (Section 96)</u>	<u>Governance and Audit Committee</u>	<u>No delegation</u>	

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

Column 1	Column 2	Column 3	Column 4	Column 5
I Miscellaneous functions	Provision of Act or Statutory Instrument	Delegated to	Sub-Delegation	Conditions and / or Limitations on Delegation and Sub-Delegation
16D For the purposes of the JNC Conditions of Service for Chief	County Council meeting 16 th May, 2013	Employment and Appeals Committee	Delegated to the Investigating and Disciplinary Committee	

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

<p>Officers and for the Local Authorities (Standing Orders)(Wales) Regulations 2006, to discharge all relevant functions associated with the disciplinary and grievance processes and procedures in respect of all the Council's Chief and Deputy Chief Officers other than the Head of Paid Service, Monitoring Officer and Chief Financial Officer, Head of Democratic Services (as these 4 statutory officers are dealt with in Section 11 (Officers)</p>				
<p>I6E Hearing and determining appeals by officers in respect of, dismissals arising out of disciplinary, capability or redundancy issues; and grievances.</p>	<p>County Council meeting 16th May, 2013</p>	<p>Employment and Appeals Committee</p>	<p>Delegated to the appropriate Sub-Committee</p>	

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

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

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

Column 1	Column 2	Column 3	Column 4	Column 5	
J	Functions Relating to Highways	Provision of Act or Statutory Instrument	Delegated to	Sub-Delegation	Conditions and / or Limitations on Delegation and Sub-Delegation
J7	Power to license works in relation to buildings	County Council meeting 15 th July, 2015	Full Council	Delegated to the relevant Head of Service with the	

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

	etc. which obstruct the metalled highway.			ability to further sub-delegate.	
J8	Power to restrict the placing of rails, beams etc. over metalled highways.	County Council meeting 15 th July, 2015	Full Council	Delegated to the relevant Head of Service with the ability to further sub-delegate.	
J9	Duty to assert and protect the rights of the public to use and enjoyment of metalled highways.	County Council meeting 15 th July, 2015	Full Council	Delegated to the relevant Head of Service with the ability to further sub-delegate.	
Column 1	Column 2	Column 3	Column 4	Column 5	
K. Regulation 3 Matters	Provision of Act or Statutory Instrument	Delegated to	Sub-Delegation	Conditions and / or Limitations on Delegation and Sub-Delegation	
3(5)	The functions of making any scheme authorised or required by regulations under (schemes for basic, attendance and special responsibility allowances for local authority members), or of amending, revoking or replacing any such scheme is not to be the responsibility of an executive of the authority.	section 18 of the Local Government and Housing Act 1989	Full Council	No delegation - Section 101 of the Local Government Act 1972 (Discharge by Committee, Sub-Committee, Officer or other Local Authority etc) shall not apply to this function.	
3(6)	(a)the amount of any allowance payable under:		Full Council	No delegation - Section 101 of the Local Government Act 1972 (Discharge by Committee, Sub-Committee, Officer or other Local Authority etc) shall not apply to this function.	

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

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

Column 1	Column 2	Column 3	Column 4	Column 5
K. Regulation 3 Matters	Provision of Act or Statutory Instrument	Delegated to	Sub-Delegation	Conditions and / or Limitations on Delegation and Sub-Delegation
(d) whether a charge		Full Council	Delegation to the appropriate	

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

<p>should be made for any approval, consent, licence, permit or registration the issue of which is not the responsibility of an executive of the authority; and</p> <p>e) where a charge is made for any such approval, consent, licence, permit or registration, the amount of the charge.</p>			<p>Committee on an individual basis.</p>	
<p>3(8) The function of making arrangements for the discharge of functions by a committee or officer under (2 or more local authorities discharging functions jointly)</p>	<p>section 101(5) of the Local Government Act 1972</p> <p>Section 20 of the Local Government Act 2000.</p>	<p>Full Council</p>	<p>No delegation possible pursuant to Regulation 3(8).</p>	
<p>3(9) The functions of making appointments under (appointment of committees)</p>	<p>section 102 of the Local Government Act 1972</p>	<p>Full Council</p>	<p>No delegation possible pursuant to Regulation 3(9)</p>	

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

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

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

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

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

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

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

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

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

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

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

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

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

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

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

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

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

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

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

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

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

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

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

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

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

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

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

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

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

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

Column 1	Column 2	Column 3	Column 4	Column 5
	Provision of Act or Statutory Instrument	Delegated to	Sub-Delegation	Conditions and / or Limitations on Delegation and Sub-Delegation
(c) the determination of an amount required for determining an amount for the item mentioned in paragraph (a) or (b) above.		Cabinet	The Executive Leader may delegate the function to the appropriate Portfolio Holder.	
2B(1) The making of Temporary Traffic Regulation Orders relating to all highways other than those specified in 2B(2) below.	Road Traffic Regulation Act 1984	Cabinet	The Head of Highways, Transportation and Recycling and the Service Manager or persons authorised to act on their behalf.	Subject to: (i) The period of the temporary traffic regulation order not exceeding 18 months. (ii) Any extensions to the time limit for a Traffic Regulation Order require the consent of the relevant Welsh Government Minister.
2B(2) The making of Temporary Traffic Regulation Orders relating to cycle tracks, footpaths, bridleways, restricted byways and byways open to all traffic.	Road Traffic Regulation Act 1984 – Section 14	Cabinet	The Leisure and Recreation Services Manager or persons authorised to act on their behalf.	Such temporary orders can be given by the Authority for up to 6 months and extensions require the consent of the relevant Welsh Government Minister.

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

Column 1	Column 2 Provision of Act or Statutory Instrument	Column 3 Delegated to	Column 4 Sub-Delegation	Column 5 Conditions and / or Limitations on Delegation and Sub-Delegation
4. Provision, operation and maintenance of on-street and off-street car parking, including charging.		Cabinet	The Executive Leader may delegate the function to the appropriate Portfolio Holder.	
5. All matters relating to Municipal Services, namely : (a) street cleaning and litter; (b) verge maintenance; (c) markets (livestock, produce and street), other than regulatory aspects; (d) land drainage; (e) allotments; (f) other minor miscellaneous municipal services		Cabinet	Delegated to the relevant Head of Service with the ability to further sub-delegate.	
6. Miscellaneous functions relating to Local Grants				
(i) the determination of Built Heritage Grants funded from the town specific allocations of Local Regeneration Fund and Basic Credit Approval in accordance		Cabinet		

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

with policy and budget set by the Executive.				
(ii) administering Built Heritage Grants for Montgomeryshire to the Montgomeryshire Area (Shire) Committee.		Cabinet		

Column 1	Column 2	Column 3	Column 4	Column 5
	Provision of Act or Statutory Instrument	Delegated to	Sub-Delegation	Conditions and / or Limitations on Delegation and Sub-Delegation
23 Licensing functions in accordance with Part 2 of the Licensing Act 2003 except section 6.	Part 2 of the Licensing Act 2003 except section 6.	Licensing Act 2003 Committee	(i) Where the application is contested, the application will be determined by a 3 Member Sub-Committee under the Licensing Act 2003 (ii) Where the application is uncontested the application will be determined by the relevant Head of Service with the ability to further sub-delegate (iii) Where there is an application to review an existing licence the application will be determined by a 3 Member Sub-Committee under the Licensing Act 2003	
24 Functions in respect of gambling under the following provisions of the Gambling Act 2005:	Gambling Act 2005 (c.19)	Licensing Act 2003 Committee		

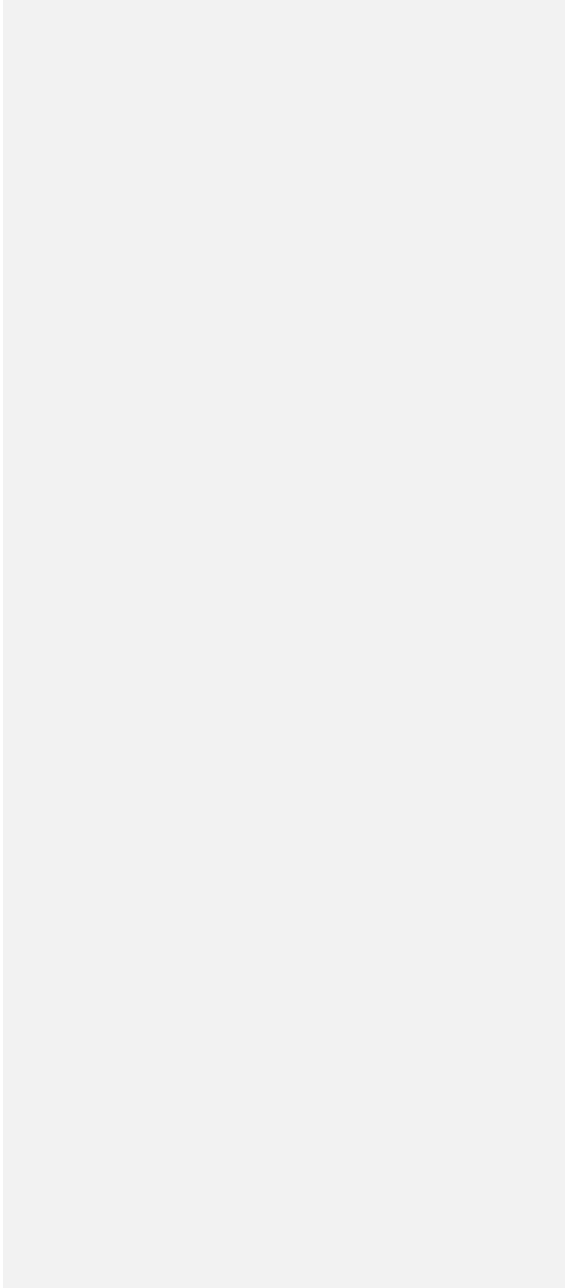
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(a) section 29--licensing authority information;	Gambling Act 2005 – Section 29	Licensing Act 2003 Committee	Delegated to the relevant Head of Service with the ability to further sub-delegate.	
(b) section 30--other exchange of information;	Gambling Act 2005 – Section 30	Licensing Act 2003 Committee	Delegated to the relevant Head of Service with the ability to further sub-delegate.	
(c) section 166--resolution not to issue casino licences;	Gambling Act 2005 – Section 166	Licensing Act 2003 Committee	No delegation	
(d) section 212 and regulations made under that section--fees;	Gambling Act 2005 – Section 212	Licensing Act 2003 Committee	No delegation	
(e) section 284--removal of exemption;	Gambling Act 2005 – Section 284	Licensing Act 2003 Committee	The Licensing Committee has authority to appoint 3 Member Sub-Committees to hear and determine applications under the Licensing Act 2003 (. . .)	
(f) section 304--authorised persons;	Gambling Act 2005 – Section 304	Licensing Act 2003 Committee	Delegated to the relevant Head of Service with the ability to further sub-delegate.	
(g) section 346--prosecutions by licensing authority;	Gambling Act 2005 – Section 346	Licensing Act 2003 Committee	Delegated to the relevant Head of Service with the ability to further sub-delegate.	
(h) section 349--three-year licensing policy and other relevant policies;	Gambling Act 2005 – Section 349	Licensing Act 2003 Committee	No delegation	
(i) section 350--exchange of information;	Gambling Act 2005 – Section 350	Licensing Act 2003 Committee	Delegated to the relevant Head of Service with the ability to further sub-delegate.	

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

(j) Part 5 of Schedule 11--registration with local authority.	Gambling Act 2005 – Part 5 of Schedule 11	Licensing Act 2003 Committee	Delegated to the relevant Head of Service with the ability to further sub-delegate.	
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SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

Column 1	Column 2	Column 3	Column 4	Column 5
	Provision of Act or Statutory Instrument	Delegated to	Sub-Delegation	Conditions and / or Limitations on Delegation and Sub-Delegation
18 Any of the following functions in respect of highways:				
(b) the functions contained in the following provisions of Part III of the Highways Act 1980 (creation of highways):	Part III of the Highways Act 1980 (c.66)	Planning, Taxi Licensing and Rights of Way Committee	No delegation	
(i) section 25-- creation of footpath, bridleway or restricted byway by agreement;	Part III of the Highways Act 1980 (creation of highways) – Section 25	Planning, Taxi Licensing and Rights of Way Committee	The Head of Housing and Community Development with the ability to further sub-delegate.	<p><u>Conditions for Sub-Delegation (failing which matter must be referred to the Planning, Taxi Licensing and Rights of Way Committee):</u></p> <p>(a) consent of local member(s); (b) consent of community council; (c) consent of landowner;</p>

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

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

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

Column 1	Column 2	Column 3	Column 4	Column 5
	Provision of Act or Statutory Instrument	Delegated to	Sub-Delegation	Conditions and / or Limitations on Delegation and Sub-Delegation
(iii) section 118-- stopping up of footpaths, bridleways and restricted byways;	Part VIII of the Highways Act 1980 (stopping up and diversion of highways etc) – Section 118	Planning, Taxi Licensing and Rights of Way Committee	The Head of Housing and Community Development with the ability to further sub-delegate.	<p><u>Conditions for Sub-Delegation (failing which matter must be referred to the Planning, Taxi Licensing and Rights of Way Committee):</u></p> <ul style="list-style-type: none"> (a) consent of local member(s); (b) consent of community council; (c) consent of landowner;
(iv) section 118ZA-- application for a public path extinguishment order;	Section 57 of, and Part 1 of Schedule 6 to, the Countryside and Rights of way Act 2000 (c.37)	Planning, Taxi Licensing and Rights of Way Committee	The Head of Housing and Community Development with the ability to further sub-delegate.	<p><u>Conditions for Sub-Delegation (failing which matter must be referred to the Planning, Taxi Licensing and Rights of Way Committee):</u></p> <ul style="list-style-type: none"> (a) consent of local member(s); (b) consent of community council; (c) consent of landowner;

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

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

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

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

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

Column 1	Column 2	Column 3	Column 4	Column 5
	Provision of Act or Statutory Instrument	Delegated to	Sub-Delegation	Conditions and / or Limitations on Delegation and Sub-Delegation
(ix) section 119ZA-- application for a public path diversion order;	Section 57 of, and Part 1 of Schedule 6 to, the Countryside and Rights of way Act 2000 (c.37)	Planning, Taxi Licensing and Rights of Way Committee	The Head of Housing and Community Development with the ability to further sub-delegate.	<p><u>Conditions for Sub-Delegation (failing which matter must be referred to the Planning, Taxi Licensing and Rights of Way Committee):</u></p> <ul style="list-style-type: none"> (a) consent of local member(s); (b) consent of community council; (c) consent of landowner;
(x) section 119A-- diversion of footpaths, bridleways and restricted byways crossing railways;	Section 47 of, and Schedule 2 to, the Transport and Works Act 1992 (c.42)	Planning, Taxi Licensing and Rights of Way Committee	The Head of Housing and Community Development with the ability to further sub-delegate.	<p><u>Conditions for Sub-Delegation (failing which matter must be referred to the Planning, Taxi Licensing and Rights of Way Committee):</u></p> <ul style="list-style-type: none"> (a) consent of local member(s); (b) consent of community council; (c) consent of landowner;

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

Column 1	Column 2	Column 3	Column 4	Column 5
	Provision of Act or Statutory Instrument	Delegated to	Sub-Delegation	Conditions and / or Limitations on Delegation and Sub-Delegation
(xi) section 119B-- diversion of certain highways for purposes of crime prevention etc;	Section 57 of, and Part 1 of Schedule 6 to, the Countryside and Rights of way Act 2000 (c.37)	Planning, Taxi Licensing and Rights of Way Committee	The Head of Housing and Community Development with the ability to further sub-delegate.	<p><u>Conditions for Sub-Delegation (failing which matter must be referred to the Planning, Taxi Licensing and Rights of Way Committee):</u></p> <p>(a) consent of local member(s); (b) consent of community council; (c) consent of landowner;</p>
(xii) section 119C-- application by proprietor of school for special diversion order;	Section 57 of, and Part 1 of Schedule 6 to, the Countryside and Rights of way Act 2000 (c.37)	Planning, Taxi Licensing and Rights of Way Committee	The Head of Housing and Community Development with the ability to further sub-delegate.	<p><u>Conditions for Sub-Delegation (failing which matter must be referred to the Planning, Taxi Licensing and Rights of Way Committee):</u></p> <p>(a) consent of local member(s); (b) consent of community council; (c) consent of landowner;</p>

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

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

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

Column 1	Column 2	Column 3	Column 4	Column 5
	Provision of Act or Statutory Instrument	Delegated to	Sub-Delegation	Conditions and / or Limitations on Delegation and Sub-Delegation
(e) exercising functions under section 34 of the Wildlife and Countryside Act 1981 (limestone pavement orders); and	Section 34 of the Wildlife and Countryside Act 1981 (limestone pavement orders) (c.69) as amended by paragraph 83 of Schedule 11 to the Natural Environment and Rural Communities Act 2006 (c.16); by Section 27AA of the 1981 Act Section 34 has effect as if references to Natural England were references to the Countryside Council for Wales.	Planning, Taxi Licensing and Rights of Way Committee	No delegation	
(f) exercising functions under section 53 of the Wildlife and Countryside Act 1981 (duty to keep definitive map and statement under continuous review).	Section 53 of the Wildlife and Countryside Act 1981 (duty to keep definitive map and statement under continuous review) as amended by the Countryside and Rights of Way Act 2000 (c.37) (Section 51 and Part 1 of Schedule 5) and the Natural Environment and Rural Communities Act 2006 (c.16) (Section 70)	Planning, Taxi Licensing and Rights of Way Committee	No delegation	
Miscellaneous Functions:				
Cycle Track Conversion Orders	Cycle Tracks Act 1984 Cycle Tracks Regulations 1984	Cabinet	Planning, Taxi Licensing and Rights of Way Committee.	
Powers relating to trees	Sections 197 to 214D of the Town and Country	Planning, Taxi Licensing and Rights of Way Committee	Subject to column 5 Delegated to the Relevant	(See conditions set out on pages 5- 7 above)

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

	Planning Act 1990 & Town and Country Planning (Trees) Regulations 1999 (as amended).		Planning Officer with the ability to further sub-delegate	
Powers relating to the protection of important hedgerows.	The Hedgerows Regulations 1997 (S.I. 1999/1892)	Planning, Taxi Licensing and Rights of Way Committee	Subject to column 5 Delegated to the Relevant Planning Officer with the ability to further sub-delegate	(See conditions set out on pages 5- 7 above)
Powers to issue Screening and Scoping Opinions.	Sections 5, 7, 9, 10, 13 & 15 of the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2016.	Planning, Taxi Licensing and Rights of Way Committee	Subject to column 5 Delegated to the Relevant Planning Officer with the ability to further sub-delegate	((See conditions set out on pages 5- 7 above)
Power to determine applications for non-material amendments.	Sections 96A of the Town and Country Planning Act 1990.	Planning, Taxi Licensing and Rights of Way Committee	Subject to column 5 Delegated to the Relevant Planning Officer with the ability to further sub-delegate	(See conditions set out on pages 5- 7 above)
Power to respond to consultation from other Local Planning Authorities on development proposals	Regulation 14 of the Town and Country (General Development Management Procedure) Order (Wales 2012 (S.I. 2012/808 (W.110))).	Planning, Taxi Licensing and Rights of Way Committee	Subject to column 5 Delegated to the Relevant Planning Officer in consultation with the Chair of the Planning, Taxi Licensing and Rights of Way Committee	(See conditions set out on pages 5- 7 above)
Powers to modify or discharge planning obligations regulating development or use of land.	Section 106A and 106B of the Town and Country Planning Act 1990	Planning, Taxi Licensing and Rights of Way Committee	Subject to column 5 Delegated to the Relevant Planning Officer with the ability to further sub-delegate	(See conditions set out on pages 5- 7 above)
Powers to determine applications for pre-application advice.	Section 61Z1 of the Town and Country Planning Act 1990	Planning, Taxi Licensing and Rights of Way Committee	Subject to column 5 Delegated to the Relevant Planning Officer with the ability to further sub-delegate	(See conditions set out on pages 5- 7 above)
Powers to issue a notice that application is not valid.	Section 62ZA of the Town and Country Planning Act 1990.	Planning, Taxi Licensing and Rights of Way Committee	Subject to column 5 Delegated to the Relevant Planning Officer with the ability to further sub-delegate	(See conditions set out on pages 5- 7 above)
Powers to provide pre-	Part 2 of The	Planning, Taxi Licensing and	Subject to column 5	(See conditions set out on

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

application services	Developments of National Significance (Wales) Regulations 2016	Rights of Way Committee	Delegated to the Relevant Planning Officer	pages 5- 7 above)
Powers to submit a local impact report	Section 62I of the Town and Country Planning Act 1990	Planning, Taxi Licensing and Rights of Way Committee	Subject to column 5 Delegated to the Relevant Planning Officer in consultation with the Chair of the Planning, Taxi Licensing and Rights of Way Committee	(See conditions set out on pages 5- 7 above)
Power to determine discharge of condition applications	Section 71ZA of the Town and Country Planning Act 1990 and Part 23 of the Town and Country Planning (General Development Procedure) Order (Wales) 2012.	Planning, Taxi Licensing and Rights of Way Committee	Subject to column 5 Delegated to the Relevant Planning Officer with the ability to further sub-delegate	(See conditions set out on pages 5- 7 above)
Powers to object to the grant of an application for an operator's licence	Section 12 of the Goods Vehicles (Licensing of Operators) Act 1995	Planning, Taxi Licensing and Rights of Way Committee	Subject to column 5 Delegated to the Relevant Planning Officer with the ability to further sub-delegate	(See conditions set out on pages 5- 7 above)

Column 1	Column 2	Column 3	Column 4	Column 5
J	Provision of Act or Statutory Instrument	Delegated to	Sub-Delegation	Conditions and / or Limitations on Delegation and Sub-Delegation
Miscellaneous functions relating to Highways				
Within a framework agreed by the Executive, and within an annual budget to be allocated by the Executive, and subject to an individual project limit of £50,000 :		Cabinet		
1. All decisions in relation to highway maintenance within the		Cabinet		

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

overall plans determined by the Executive relating to :				
(a) Local Improvement Programmes;				
(b) The general Highway Maintenance Programme;				
(c) Non-structural Bridge Maintenance.				
2A. The making of Permanent Traffic Regulation Orders		Cabinet		
3. Promoting and developing local road safety initiatives.		Cabinet		

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SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

Schedule 3 – Functions Not to be the Sole Responsibility of Cabinet.⁶

Column 1	Column 2	Column 3	Column 4	Column 5
Plans, schemes and strategies	Provision of Act or Statutory Instrument	Delegated to	Sub-Delegation	Conditions and / or Limitations on Delegation and Sub-Delegation
Children and Young People's Plan (part of the One Powys Plan)	Regulations made under section 26 of the Children Act 2004.	Full Council	<p>Cabinet is hereby instructed to prepare draft plan, scheme or strategy (or amendment thereof) for Full Council to approve.</p> <p>N.B. Pursuant to Regulation 5(8), this function cannot be delegated to a committee, sub-committee, an officer, or another local authority.</p>	<p>N.B. Amendments, modifications, variations or revocations to the plan, scheme or strategy can be made by the Cabinet only if either:</p> <p>(i) they are required by the National Assembly for Wales or a Minister of the Crown; or</p> <p>(ii) Full Council has delegated such power to the Cabinet at the time when arrangements for the approval of the plan, scheme or strategy were made.⁷</p>

⁶ Schedule 3 – Local Authorities (Executive Arrangements) (Functions and Responsibilities) (Wales) Regulations 2007 (as amended).

⁷ Regulation 5(4) of the Local Authorities (Executive Arrangements)(Functions and Responsibilities)(Wales)Regulations 2007

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

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

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

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

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

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

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

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

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

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

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

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

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

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

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

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

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

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

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

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

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

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

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

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

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

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

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

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

DELEGATION TO OFFICERS

Management Structure – Section 11

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

Specific Delegation to Officers

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

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

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

13.7.1 in accordance with any legal requirement;

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

13.7.3 in accordance with this Constitution including:

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

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

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

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

- 13.7.3.4 the Code of Conduct for Employees in Section 20, and
- 13.7.3.5 the Protocol on Member and Officer Relations in Section 21.

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

- 13.8.1 Any Chief or Deputy Chief Officer may further sub-delegate in writing any of the functions referred to above to another officer. The Chief or Deputy Chief Officer may authorise further sub-delegation in writing on such terms as he or she sees fit. It is the duty of each Chief Officer and Deputy Chief Officer to keep and maintain a Scheme of Delegation (in a format to be approved by the Monitoring Officer) in respect of the functions for which they are responsible, and to provide the Monitoring Officer with copies of the Scheme of Delegation as and when amended.
- 13.8.2 In the absence of an authorised officer, , any officer designated in writing to deputise for that officer in his / her absence may exercise those functions of the absent officer.

General Delegations – Employment

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

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

General Delegations – Property

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

General Delegations – Legal and Procedural

- 13.16 The Head of Legal and Democratic Services is authorised:-
- 13.16.1 to serve statutory notices;
 - 13.16.2 to institute, defend or settle legal proceedings (either in the name of the Council or an individual officer of the Council), at common law or under any enactment, statutory instrument, order or bye-law conferring functions upon the Council or in respect of functions undertaken by them and to lodge an appeal against any decision affecting the Council. For the avoidance of doubt, this authority shall extend to the taking of all procedural steps, including the service of notices, statutory or otherwise, counter-notices and notices to quit and to compromise and settle disputes involving the Council which are not yet the subject of legal or other formal proceedings;

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

13.16.3 to authorise officers of the Council to prosecute or defend or appear in any legal proceedings by virtue of the provisions of Section 223 of the Local Government Act 1972.

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

DELEGATION TO CABINET PORTFOLIO HOLDERS.

SPECIFIC RESPONSIBILITY FOR CABINET FUNCTIONS (PORTFOLIOS)

General Provisions

13.18 As indicated in Schedule 1 of Rule 13.3 above certain functions cannot be undertaken by the Cabinet or can only be undertaken to a limited extent or in specified circumstances.

13.19 Subject to this, any relevant provisions in other legislation, and any contrary provisions in this Constitution, all other functions of the Local Authority are to be the responsibility of the Cabinet and the Leader is responsible for the delegation of those functions to other Cabinet members.

13.20 The Leader has determined that the individual Cabinet Members (including the Leader) are to have responsibility for specific functions (portfolios) allotted to them as amended from time to time and published on the Council's website.

13.21 The Leader has authorised the individual Cabinet Members allocated the portfolios amended from time to time and published on the Council's website to take decisions personally (or may sub-delegate in accordance with Rule 5.13) in respect of such portfolios subject to any provision in legislation or this Constitution requiring functions to be undertaken by the Council or any of its committees and subject to the powers, duties and responsibilities of officers in the exercise of functions pursuant to their Statutory and Proper Officer posts and the general and specific delegation of functions to officers above. It is to be expected that as many decisions as possible are taken by Cabinet Members with only strategic and important decisions to be made at Cabinet meetings.

Decision-Making by Cabinet Members.

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

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

- 13.22.1 Any legal or statutory restrictions;
- 13.22.2 Any specific provisions or limitations in this Constitution including:
- 13.22.2.1 powers delegated to officers;
 - 13.22.2.2 the Financial Procedure Rules;
 - 13.22.2.3 the Contracts Procedure Rules;
 - 13.22.2.4 the Policy and Budget Framework set by the Council (subject to the regulations relating to the taking of urgent decisions);
 - 13.22.2.5 the Access to Information Rules;
- 13.22.3 The Members' Code of Conduct. The advice of the Monitoring Officer should always be sought in cases of doubt;
- 13.22.4 The requirement to consult with the local member(s) if the issue being considered is of a local nature;
- 13.22.5 The requirement to consider whether referral to one or more scrutiny committees where the issue, in the view of the Leader and the Joint Chairs Steering Group, is one which warrants a pre-decision review by such a committee or committees;
- 13.22.6 Advice given by the Chief Executive, Monitoring Officer, Section 151 Officer, Strategic Director, Director or Head of Service ;
- 13.22.7 The requirement to consult with another Cabinet Member(s) where the issue involves two or more portfolio areas and / or those Cabinet Members share responsibility;
- 13.22.8 The requirement always to consider whether in all the circumstances the decision should be one for the Cabinet as a whole to take.
- 13.23 An individual member of the Cabinet in taking any decision within his/her portfolio shall:
- 13.23.1 ensure that wherever possible and appropriate the subject matter is included within the forward work programme approved by the Cabinet;
 - 13.23.2 comply fully with the Access to Information Rules with respect to the preparation of written reports, recording and implementing decisions.
- 13.24 Nothing in this Scheme of Delegation prevents the Cabinet from exercising functions which under this Scheme would otherwise be exercised by an individual Member of the Cabinet.

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

Decision Notices.

13.25 A Decision Notice cannot be made unless an individual Cabinet Member has received a report in accordance with Rules 14.34 and 14.35 and where ever practicable the Decision Notice should be published within 2 working days of the decision being taken. Decision Notices will be circulated to all Members of the County Council in accordance with the Council's current practice and will be published on the Council's Internet Site save where they contain confidential or exempt information.

Call-in

13.26 Decisions taken by an individual Cabinet Member are subject to the same provisions relating to call in as apply to ordinary Cabinet decisions as set out Section 7 (Scrutiny Committees).

Cabinet Committees.

13.27 The Leader has not established any Cabinet Committees.

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SECTION 15 – BUDGET PROCEDURE RULES

The Framework for Executive Decisions on Implementing the Budget.

15.1 Full Council will be responsible for the adoption of its Budget and Policy Framework as set out in Section 4. Once a Budget is in place, it will be the responsibility of the Cabinet to implement it.

Process for Developing the Budget Framework

15.2.1 The Cabinet, following detailed reports from respective Chief Officers, (following appropriate consultation with stakeholders) will present to Council, proposed plans, policies and the associated annual budgets. Detailed reports may take the form of sections within the overall budget proposal. This will be done in accordance with the indicative timetable set out in Rule 15.3 below ~~allowing adequate time for Council to deal with the matter and, if needed, refer the matter back to the Cabinet for further consideration. The timing of the meeting of the Council to set the annual budget shall also take into account the deadline for setting Council Tax, issuing tax demands and the prospect of adopting the procedure set out in Rules 15.2.4 and 15.2.5 below.~~ There will be a separate Council meeting to set Council Tax.

~~15.2.2 The Council will consider the proposals of the Cabinet and may adopt them, amend them, refer them back to the Cabinet for further consideration, or substitute its own proposals in their place. In considering the matter, the Council shall have before it the Cabinet's proposals and any related report from a Scrutiny Committee.~~

~~15.2.3~~ Alternative budgets may be presented to the Council for consideration in accordance with the indicative timetable set out in Rule 15.3 below. ~~but the intention to propose an alternative budget must be notified to the Monitoring Officer and the Section 151 Officer (r) at least 10 working days before the date of the Council. Any alternative budget must be submitted to the Section 151 Officer in accordance with the indicative timetable set out in Rule 15.3 below and at least 5 working days before the Council budget setting meeting to ensure it is within the overall proposed funding package (including a proposed level of Council Tax) and complies must comply with relevant legislation.~~

15.2.4 The Council's decision will be publicised and a copy shall be given to the Leader. The notice of decision shall be dated and shall state either that the decision shall be effective immediately (if the Council accepts the Cabinet's proposals without amendment) or (if the Cabinet's proposals are not accepted without amendment), that the Council's decision will become effective on the expiry of 5 working days after the publication of the notice of decision, unless the Leader objects to it in that period.

15.2.5 If the Leader objects to the decision of the Council, s/he shall give written notice to the Chief Executive to that effect, prior to the date upon which the decision is to be effective. The written notification must state the reasons for the objection. Where such notification is received, the Chief Executive shall convene a further meeting of the Council to reconsider its decision and the decision shall not be effective pending that meeting.

15.2.6 The Council meeting must take place within 5 working days of the receipt of the Leader's written objection. At that Council meeting, the decision of

SECTION 15 – BUDGET PROCEDURE RULES

the Council shall be reconsidered in the light of the objection, which shall be available in writing for the Council.

~~15.2.7 The Council shall, at that meeting, make its final decision on the matter on the basis of a simple majority. The decision shall be made public in accordance with Section 4 and shall be implemented immediately.~~

Process for Developing the Budget (including Alternative Budgets)

~~15.3.1 The following process shall apply to the development of the Budget:~~

~~15.3.1.1 The Cabinet will publicise a timetable for making proposals to the Council for the adoption of the Budget, and its arrangements for consultation after publication of the initial proposals.~~

~~15.3.1.2 At the end of the consultation period, the Cabinet will draw up firm proposals having regard to the responses to the consultation. If a Scrutiny Committee wishes to respond to the Cabinet in that consultation process then it may do so.~~

15.3 The Section 151 Officer will by 31st July each year publish a timetable for the publication of the draft budget, alternative budgets and the scrutiny of both.~~minimum on the basis that the start of the timetable will be earlier when Welsh Government settlement announcements allow.~~

~~15.3.2 Once the Cabinet has approved the firm proposals, it will refer them at the earliest opportunity to the Full Council.~~

Virement

15.4 Steps taken by the Cabinet, a committee of the Cabinet, individual Members of the Cabinet or officers or joint arrangements discharging Executive Functions to implement Council policy, shall not exceed those budgets allocated to each budget head. In the event that virement across budget heads or budgets becomes necessary or desirable, it shall be carried out in accordance with the Financial Procedure Rules in Section 16 of this Constitution.

Decisions Outside the Budget or Policy Framework

15.5.1 Subject to the provisions of Rule 15.6 (Virement) the Cabinet, committees of the Cabinet, individual Members of the Cabinet or any Officers or joint arrangements discharging Executive Functions may only take decisions which are in line with the Budget and Policy Framework as set out in Section 4. If any of these bodies or persons wishes to make a decision which is contrary to the Policy Framework, or contrary to or not wholly in accordance with the Budget approved by Full Council, then that decision may only be taken by the Council, subject to Rule 15.6 below.

15.5.2 If the Cabinet, committees of the Cabinet, individual Members of the Cabinet or any Officers or joint arrangements discharging Executive Functions want to make a decision outside of Budget and / or the Policy Framework, they shall take advice from the Monitoring Officer and/or the Section 151 Officer as to whether the decision they want to make would be contrary to the Policy Framework, or contrary to or not wholly in

SECTION 15 – BUDGET PROCEDURE RULES

accordance with the Budget.

- 15.5.3 If the advice of either of those officers is that the decision would not be in line with the existing Budget and/or Policy Framework, then the decision must be referred by that body or person to the Full Council for decision, unless the decision is a matter of urgency, in which case the provisions in Rule 15.6 (urgent decisions outside the Budget and Policy Framework) shall apply.

Urgent Decisions Outside the Budget or Policy Framework

- 15.6.1 The Cabinet, a committee of the Cabinet, an individual Member of the Cabinet or officers or joint arrangements discharging Executive Functions may take a decision which is contrary to the Council's Policy Framework or contrary to or not wholly in accordance with the budget approved by Full Council if the decision is a matter of urgency. However, the decision may only be taken:

15.6.1.1 if it is not practical to convene a quorate meeting of the Full Council; and

15.6.1.2 if the Chair(s) of the relevant Scrutiny Committee(s) agree that the decision is a matter of urgency.

- 15.6.2 The reasons why it is not practical to convene a quorate meeting of Full Council and the Chair(s) of the relevant Scrutiny Committee(s) consent to the decision being taken as a matter of urgency must be noted on the record of the decision. In the absence of the Chair(s) of the relevant Scrutiny Committee(s), the consent of the Chair of the Council or the Vice Chair will be sufficient.

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

In-Year Changes to Budget and / or Policy Framework

- 15.7 The responsibility for agreeing the Budget and Policy Framework lies with the Council and decisions by the Cabinet, a committee of the Cabinet, an individual Member of the Cabinet or officers or joint arrangements discharging Executive Functions must be in line with it. No changes to any policy or strategy which make up the Policy Framework may be made by those bodies or individuals except those changes:

15.7.1 which will result in the closure or discontinuance of a service or part of service to meet a budgetary constraint;

15.7.2 necessary to ensure compliance with the law, ministerial direction or government guidance;

15.7.3 in relation to the Policy Framework in respect of a policy which would normally be agreed annually by the Council following consultation, but where the existing policy document is silent on the matter under consideration;

15.7.4 which relate to policy in relation to schools, where the majority of school governing bodies agree with the proposed change; or

SECTION 15 – BUDGET PROCEDURE RULES

15.7.5 for which provision is made within the relevant budget or policy.

Call-In of Decisions Outside the Budget or Policy Framework

15.8 Where a Scrutiny Committee is of the opinion that an Executive Decision is, or if made would be, contrary to the Policy Framework, or contrary to or not wholly in accordance with the Council's Budget, it may utilise the Call-In Procedure set out in Rules 7.36 and 7.37

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SECTION 16 – FINANCIAL PROCEDURE RULES

Introduction

16.1 This document contains 2 Parts:

~~16.170.1~~ 16.1.1 Financial Regulations which provide the framework for managing the authority's financial affairs.

~~16.170.2~~ 16.1.2 Financial Procedures which provide more detailed guidance on various aspects of process.

16.2 Further advice on this section can be obtained from the Section 151 Officer (Section 151 Officer).

16.3 Authority is delegated to the Deputy Head of Finance ~~cial Services~~ to act as Deputy Section 151 Officer on behalf of the Section 151 Officer in all respects in the absence of the Section 151 Officer or if requested by the Section 151 Officer to do so.

~~16.171~~ 16.4 Section 151 of the Local Government Act 1972 requires that:

'Every local authority shall make arrangements for the proper administration of their financial affairs.'

The Financial Procedure Rules give effect to this requirement and control the way the Council manages its finances and safeguards its assets.

~~16.172~~ 16.5 Good, sound financial management is a key part of the Council's corporate governance framework. Good financial management secures value for money, controls spending, ensures probity of transactions and demonstrates to the wider public that there is effective use of public money.

16.6 Financial Regulations provide the overall framework for managing the authority's financial affairs. They apply to every member and officer of the authority and anyone acting on its behalf.

16.7 Financial Procedures should not be seen in isolation as they are part of the overall framework of the Council.

~~16.173~~ 16.8 Financial Procedures must also strike a balance between oversight of financial resources and allowing the day to day running of the Council in a business-like fashion.

~~PART 1 –~~ Financial Regulations ~~(“the~~ The Regulations”)

Status of Financial Regulations

~~16.174~~ 16.9 The Regulations identify the financial responsibilities of the Full Council, Cabinet and scrutiny members, the ~~Head of Paid Service~~ Chief Executive, the Chief Legal Officer (the Monitoring Officer), the Section 151 Officer (the Section 151 Officer) and ~~other Strategic Directors /~~ Directors / Heads of Service.

~~16.175~~ 16.10 Heads of Service should maintain a written record where decision making has been delegated to members of staff, including seconded staff.

~~16.176~~ 16.11 Where decisions have been delegated or devolved to other responsible officers or individuals, such as school governors, references to the Heads of Service in the Regulations should be read as referring to them.

~~16.177~~ 16.12 All members and staff have a general responsibility for taking appropriate action to provide for the security of the assets under their control, and for ensuring that the use of these resources is legal, in accordance with Council policies, is properly authorised, provides value for money and achieves best value.

~~16.178~~ 16.13 The Section 151 Officer is responsible for maintaining a continuous review of the Financial Regulations. The Section 151 Officer will submit any additions or changes necessary to the Full Council for approval. The Section 151 Officer is also responsible for reporting, where appropriate, breaches of the Financial Procedure Rules to the Council and/or to the Cabinet members. The breach of Financial Regulations is grounds for disciplinary action in its own right.

~~16.179~~ 16.14 Heads of Service are responsible for ensuring that all relevant staff in their Service areas are aware of the existence and content of the authority’s Financial Regulations and other internal regulatory documents and that they comply with them. They must also ensure that all staff know where they can view an up to date copy of Financial Regulations.

~~16.180~~ 16.15 The Section 151 Officer is responsible for issuing advice and guidance to underpin the Financial Procedure Rules that Members, officers and others acting on behalf of the authority are required to follow. The Section 151 Officer may delegate this requirement to the Deputy Section 151 Officer if required.

16.16 These Financial Regulations apply to schools except where Regulations issued by the Welsh Assembly Government take precedence ~~– and apply to the Powys Pension Fund except where separate legislation exists, e.g. Local Government Investment Regulations.~~

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~~16.184~~ 16.17 Nothing in these Financial Regulations shall prevent expenditure required to meet immediate needs caused by a sudden emergency to which Section 138 of the Local Government Act 1972 applies, provided that such expenditure shall be reported as soon as possible to the Cabinet and, if appropriate, to the Council.

A: Financial Management

Introduction

~~16.182~~ 16.18 Financial management covers all financial responsibilities in relation to the running of the authority, including the policy framework and budget. The responsibilities of the Council, its Committees, the Cabinet and specified officers are set out in Sections 11 and 13.

Governance and Audit Committee

~~16.183~~ 16.19 The Council has established a Governance and Audit Committee. The Governance and Audit Committee will have the function set out in Section 13. It may also take on other Council functions as required by Welsh Government.

Strategic Directors / Directors / Heads of Service

~~16.184~~ 16.20 ~~Strategic Directors /~~ Directors / Heads of Service are responsible for:

~~16.184.1~~ 16.20.1 ensuring that Cabinet Members are advised of the financial implications of all proposals and that the financial implications have been agreed by the Section 151 Officer

~~16.184.2~~ 16.20.2 signing contracts on behalf of the authority in accordance with Section 17 – Contract Procedure Rules.

~~16.184.3~~ 16.20.3 ensuring that delegated decisions are within policy and budget.

~~16.185~~ 16.21 It is the responsibility of Strategic Directors / Directors / Heads of Service to consult with the Section 151 Officer and seek approval on any matter liable to affect the authority's finances materially, before any commitments are incurred.

Other financial accountabilities

Treatment of year-end balances

~~16.186~~ 16.22 All year-end balances are viewed as corporate rather than departmental. However, if appropriate, and on the advice of the Section 151 Officer, the Cabinet may agree the carry forward of departmental underspends of up to, and including, £500,000 and Full Council may agree to carry forward departmental underspends of £500,001 and above provided always that there is an overall underspend on the Council's reserve budget.

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~~16.187~~ 16.23 All requests to carry forward underspends in accordance with Rule ~~16.221~~ ~~16.22~~ will need to be supported by a business case set out in a framework established by the Section 151 Officer in consultation with the Chief Executive and ~~Strategic~~ Directors. The decision to carry forward any underspend will take account of the need to support the Council's reserves compared with the service requirements to access any carry forward. In reaching any decision the Cabinet or Council will be supported by advice from the Section 151 Officer. Any decision to carry forward will be part of the report outlining the Council's annual financial performance as part of the closedown of accounts.

Maintenance of reserves

~~16.188~~ 16.24 It is the responsibility of the Section 151 Officer to advise the Cabinet and the Full Council on prudent levels of reserves for the authority. If the Cabinet and Full Council do not follow the advice of the Section 151 Officer the reasons must be clearly indicated and recorded.

Accounting policies

~~16.189~~ 16.25 The Section 151 Officer is responsible for determining accounting policies and ensuring that they are applied consistently.

Accounting records and returns

~~16.190~~ 16.26 The Section 151 Officer is responsible for determining the accounting procedures and records for the authority.

The Annual Statement of Accounts

~~16.191~~ 16.27 The Section 151 Officer is responsible for ensuring that the annual statement of accounts is prepared in accordance with the Code of Practice on Local Authority Accounting in the United Kingdom (CIPFA/LASAAC) (Chartered Institute of Public Finance and Accountancy / Local Authority (Scotland) Accounts Advisory Committee). The Council is responsible for approving the annual statement of accounts. It may do this by delegating this function to the Governance and Audit Committee.

16.28 The Section 151 Officer shall operate within the statutory timetable that includes any certification requirements prior to approval of the annual statement of accounts.

B: Financial Planning

Introduction

~~16.192~~ 16.29 The Full Council is responsible for agreeing the authority's policy framework and budget, which will be proposed by the Cabinet and, where appropriate, the relevant Scrutiny Committees. In terms of financial planning, the key elements are:

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~~16.192.1~~ 16.29.1 The Council's overall strategic vision and the funding needed to deliver it ~~the Powys One-Plan~~

~~16.192.2~~ 16.29.2 the short and medium term revenue budget

~~16.192.3~~ 16.29.3 the capital and treasury ~~management strategy~~ management strategy

~~16.192.4~~ 16.29.4 the Medium Term Financial ~~Strategy~~ Plan.

Policy framework

~~16.193~~ 16.30 Full Council is responsible for approving the policy framework and budget.

~~16.194~~ 16.31 Full Council is also responsible for approving procedures based on the advice of the Section 151 Officer for agreeing variations to approved budgets (in accordance with the Scheme of Virement set out in Rules ~~16.87-16.88~~ to ~~16.99-16.101~~), plans and strategies forming the policy framework and for determining the circumstances in which a decision will be deemed to be contrary to the budget or policy framework.

~~16.195~~ 16.32 The Cabinet is responsible for taking in-year decisions on resources and priorities ~~in order to~~ to deliver the budget policy framework within the financial limits set by the Council.

Preparation of the Corporate Improvement Plan ~~(within the One Powys Plan)~~

~~16.196~~ 16.33 The ~~Strategic Director Resources~~ Chief Executive is responsible for proposing the Council's overarching strategic plan ~~(the One-Powys Plan)~~ to the Cabinet for consideration before its submission to the Full Council for approval.

Budgeting

Budget format

~~16.197~~ 16.34 The format of the budget is a matter delegated to the Section 151 Officer who will use guidance and best practice to ensure sufficient detail is included. The budget will include allocations to services and projects, proposed Council Tax levels and contingency funds. It will also detail any adjustments being made to meet the statutory requirement to set a balanced budget.

Budget preparation

~~16.198~~ 16.35 The Section 151 Officer is responsible for ensuring that a revenue budget is prepared on an annual basis and a medium term financial strategy for both revenue and capital on (at least) a rolling three-yearly basis for consideration by the Cabinet, before submission to Full Council. Full Council may amend the budget or ask the Cabinet to reconsider the budget before

SECTION 16 – FINANCIAL PROCEDURE RULES

approving it. When considering the budget Full Council must ~~take into account~~ consider the advice of the Section 151 Officer.

~~16.199~~ 16.36 It is the responsibility of ~~Strategic Directors / Director /~~ Heads of Service to ensure that budget estimates reflecting agreed service plans are submitted to the Cabinet and that these estimates are prepared in line with guidance issued by the Cabinet.

Budget monitoring and control

~~16.200~~ 16.37 The Section 151 Officer is responsible for providing appropriate financial information to enable budgets to be monitored effectively. He or she must monitor overall expenditure against budget allocations and independently report to the Cabinet on the overall position on a regular basis.

~~16.201~~ 16.38 It is the responsibility of ~~Strategic Directors / Director /~~ Heads of Service to control income and expenditure within their service and to monitor performance against approved budget and relevant business plans taking account of financial information provided by the Section 151 Officer. They should report to the Cabinet on significant variances within their own service. They must ~~consult~~ engage with the Section 151 Officer and finance officers before reporting to the Cabinet. They should also take any action necessary to avoid exceeding their budget allocation and alert the Section 151 Officer to any problems and indicate to the Section 151 Officer any corrective action to stay within the overall budget e.g. in meeting targets for income or expenditure over-runs.

Resource allocation

~~16.202~~ 16.39 The Section 151 Officer is responsible for developing and maintaining a resource allocation process that ensures due consideration of the Full Council's policy framework.

Preparation of the capital programme

~~16.203~~ 16.40 The Section 151 Officer is responsible for ensuring that (as a minimum) a 3 year rolling capital strategy is prepared on an annual basis for consideration by the Cabinet before submission to the Full Council. The strategy must also include the funding to deliver the projects put forward for consideration. The impact on the Council's revenue position must be included.

Guidelines

~~16.204~~ 16.41 Guidelines on budget preparation are issued by the Cabinet following agreement with the Section 151 Officer. The guidelines will take account of:

- ~~16.204.1~~ 16.41.1 legal requirements
- ~~16.204.2~~ 16.41.2 medium-term planning prospects
- ~~16.204.3~~ 16.41.3 the Powys ~~Change Plan~~ strategic vision
- ~~16.204.4~~ 16.41.4 available resources

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~~16.204.5~~ 16.41.5 spending pressures and cost reduction plans

~~16.204.6~~ 16.41.6 ~~best value~~ value for money and other relevant government guidelines

~~16.204.7~~ 16.41.7 other internal policy documents

~~16.204.8~~ 16.41.8 cross-cutting issues (where relevant).

C: Risk Management and Control of Resources

Introduction

~~16.205~~ 16.42 ~~16.42~~ It is essential that robust, integrated systems are developed and maintained for identifying and evaluating all significant operational risks to the authority. This should include the proactive participation of all those associated with planning and delivering services.

Risk Management

~~16.206~~ 16.43 ~~16.43~~ The Cabinet is responsible for approving the authority's risk management policy statement and strategy and for reviewing the effectiveness of risk management. The Cabinet is responsible for ensuring that proper insurance exists where appropriate.

~~16.207~~ 16.44 ~~16.44~~ The Section 151 Officer is responsible for preparing the authority's risk management policy statement, for promoting it throughout the authority and for advising the Cabinet on proper insurance cover where appropriate. The Section 151 Officer will have access to sufficient resources to carry out this function.

Internal Control

~~16.208~~ 16.45 ~~16.45~~ Internal control refers to the systems of control devised by management to help ensure the authority's objectives are achieved in a manner that promotes economical, efficient and effective use of resources and that the authority's assets and interests are safeguarded.

~~16.209~~ 16.46 ~~16.46~~ The Section 151 Officer is responsible for advising on effective systems of internal control. These arrangements need to ensure compliance with all applicable statutes and regulations, and other relevant statements of best practice. He or she should ensure that public funds are properly safeguarded and used economically, efficiently, and in accordance with the statutory and other authorities that govern their use.

~~16.210~~ 16.47 ~~16.47~~ It is the responsibility of ~~Strategic Directors / Director~~ Directors / Heads of Service to establish sound arrangements for business planning, appraising, authorising and controlling their operations in order to achieve continuous improvement, economy, efficiency and effectiveness and for achieving their financial performance targets. Internal

SECTION 16 – FINANCIAL PROCEDURE RULES

Audit will evaluate and report on how effectively these arrangements are operating.

Audit Requirements

~~16.211~~ 16.48 ~~16.48~~ The Section 151 Officer is responsible for providing an adequate and effective Internal Audit function. The Section 151 Officer will have access to sufficient resources to provide the function.

~~16.212~~ 16.49 ~~16.49~~ The Accounts and Audit (Wales) Regulations 2014 require every local authority to maintain an adequate and effective internal audit in accordance with audit practice which are defined in CIPFA's "Code of Practice for Internal Audit in Local Government in the UK".

~~16.213~~ 16.50 ~~16.50~~ ~~The Wales Audit Office~~ Audit Wales is ~~are~~ responsible for appointing external auditors to each local authority. The basic duties of the external auditor are governed by the Public Audit (Wales) Act 2004.

~~16.214~~ 16.51 ~~16.51~~ The authority may, from time to time, be subject to audit, inspection or investigation by external bodies such as HM Revenues and Customs, Welsh Government and the European Union who have statutory rights of access.

Preventing Fraud and Corruption

~~16.215~~ 16.52 ~~16.52~~ The Section 151 Officer is responsible for the development and maintenance of an anti-fraud, money laundering and anti-corruption policy and the publicity of this policy. The Section 151 Officer will have access to sufficient resources to carry out this function.

Assets

~~16.216~~ 16.53 ~~16.53~~ ~~Strategic Directors / Director~~ Directors / Heads of Service should ensure that records and assets are properly maintained and securely held. They should also ensure that contingency plans for the security of assets and continuity of service in the event of disaster or system failure are in place.

Treasury Management

~~16.217~~ 16.54 ~~16.54~~ The authority has adopted CIPFA's Code of Practice for Treasury Management in the Public Services.

~~16.218~~ 16.55 ~~16.55~~ The Cabinet is responsible for approving the treasury management policy statement setting out the matters detailed in CIPFA's Code of Practice for Treasury Management in the Public Services. The Section 151 Officer has delegated responsibility for implementing and monitoring the statement.

~~16.219~~ 16.56 ~~16.56~~ All money in the hands of the authority is controlled by the Section 151 Officer. This will include grant funding and any bids for such resources must have the agreement of the Section 151 Officer who will require information on any on-going financial commitment that will have to be met by the revenue budget.

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~~16.220~~ 16.57 ~~16.57~~—The Section 151 Officer is responsible for reporting to the Cabinet a proposed treasury management strategy for the coming financial year at or before the start of each financial year.

~~16.221~~ 16.58 ~~16.58~~—All Cabinet decisions on borrowing, investment or financing shall be delegated to the Section 151 Officer, who is required to act in accordance with CIPFA's Code of Practice for Treasury Management in the Public Services and the Welsh Government Guidance on Local Government Investments 2010. The Section 151 Officer will have access to sufficient resources to carry out this function.

16.59 ~~16.59~~—The Section 151 Officer is responsible for reporting to Cabinet an annual report on the activities of the treasury management operation and the exercise of their delegated treasury management powers.

D: Systems and Procedures

Introduction

~~16.222~~ 16.60 ~~16.60~~—Sound systems and procedures are essential to an effective framework of accountability and control.

General

~~16.223~~ 16.61 ~~16.61~~—The Section 151 Officer is responsible for the operation of the authority's accounting systems, the form of accounts and the supporting financial records. Any changes made by ~~Strategic Directors / Director~~Directors / Heads of Service which impact on the existing financial systems or the establishment of new systems must be approved by the Section 151 Officer. However, ~~Strategic Directors / Director~~Directors / Heads of Service are responsible for the proper operation of financial processes in their own departments.

~~16.224~~ 16.62 ~~16.62~~—Any changes to agreed procedures by ~~Strategic Directors / Director~~Directors / Heads of Service to meet their own specific service needs must be agreed with the Section 151 Officer.

~~16.225~~ 16.63 ~~16.63~~—~~Strategic Directors / Director~~Directors / Heads of Service should ensure that their staff receive relevant financial training that has been approved by the Section 151 Officer.

~~16.226~~ 16.64 ~~16.64~~—~~Strategic Directors / Director~~Directors / Heads of Service must ensure that, where appropriate, computer and other systems are registered in accordance with data protection legislation and the Council's own data protection policies. ~~Strategic Directors / Director~~Directors / Heads of Service must ensure that staff are aware of their responsibilities under freedom of information and data protection legislation and seek the advice of the Information Management Unit when in doubt.

Income and expenditure

~~16.227~~ 16.65 ~~16.65~~—It is the responsibility of ~~Strategic Directors / Director~~Directors / Heads of Service to ensure that a proper scheme of

SECTION 16 – FINANCIAL PROCEDURE RULES

delegation has been established within their area and is operating effectively. The scheme of delegation should identify staff authorised to act on the ~~Strategic Directors / Director~~Directors / Heads of Service's behalf, or on behalf of the Cabinet, in respect of payments, income collection and placing orders, together with the limits of their authority. The Cabinet is responsible for approving procedures for writing off debts as part of the overall control framework of accountability and control (See Rule 16.381). These procedures are contained within Rules ~~16.377 16.377~~ to ~~16.397 16.397~~.

Payments to employees and members

~~16.228~~ 16.66 ~~16.66~~ The Head of Workforce and Organisational Development~~Business Services~~ is responsible for all payments of salaries and wages to all staff, including payments for overtime, and for payment of allowances to members.

Taxation

~~16.229~~ 16.67 ~~16.67~~ The Section 151 Officer is responsible for advising ~~Strategic Directors / Director~~Directors / Heads of Service, in the light of guidance issued by appropriate bodies and relevant legislation as it applies, on all taxation issues that affect the authority.

~~16.230~~ 16.68 ~~16.68~~ The Section 151 Officer is responsible for maintaining the authority's tax records, making all tax payments, receiving tax credits and submitting tax returns by their due date as appropriate.

Trading accounts/business units

~~16.231~~ 16.69 ~~16.69~~ It is the responsibility of the Section 151 Officer to advise on the establishment and operation of trading accounts and business units and to approve the accounting arrangements.

~~16.232~~ 16.70 ~~16.70~~ It is the responsibility of ~~Strategic Directors / Director~~Directors / Heads of Service to monitor the performance, financial and otherwise, of trading units and to take remedial action to ensure that financial objectives are met.

E: External Arrangements

Introduction

~~16.233~~ 16.71 ~~16.71~~ The local authority provides a distinctive leadership role for the community and brings together the contributions of the various stakeholders. It must also act to achieve the promotion or improvement of the economic, social or environmental well-being of its area.

Partnerships

~~16.234~~ 16.72 ~~16.72~~ The Cabinet is responsible for approving delegations in respect of Cabinet functions, including frameworks for partnerships. The Cabinet is the focus for forming partnerships with other local public, private, voluntary and community sector organisations to address local needs.

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~~16.235~~ 16.73 ~~16.73~~–The Cabinet can delegate functions – including those relating to partnerships – to officers. These are set out in the scheme of delegation in Rule 5.9. Where functions are delegated, the Cabinet remains accountable for them to the Full Council.

~~16.236~~ 16.74 ~~16.74~~–The Section 151 Officer will promote and seek to maintain the same high standards of conduct ~~with regard to~~about financial administration in partnerships that apply throughout the authority.

~~16.237~~ 16.75 ~~16.75~~–The Section 151 Officer, in conjunction with the Monitoring Officer, must ensure that the accounting arrangements to be adopted relating to partnerships and joint ventures are satisfactory. They must also consider the overall corporate governance arrangements and legal issues when arranging contracts with external bodies. They must ensure that the risks have been fully appraised before agreements are entered into with external bodies.

~~16.238~~ 16.76 ~~16.76~~ ~~Strategic Directors / Director~~Directors / Heads of Service are responsible for ensuring that appropriate approvals are obtained before any negotiations are concluded in relation to work with external bodies. The Section 151 Officer shall maintain a list of all officers able to commit the Council to work for external bodies.

External funding

~~16.239~~ 16.77 ~~16.77~~–The Section 151 Officer, in conjunction with ~~Strategic Directors /~~Directors / Heads of Service, is responsible for ensuring that all funding notified by external bodies is received and properly recorded in the authority's accounts.

~~PART 2~~ – Financial Procedures

A: Financial Management

Financial Management Standards

~~16.240~~ 16.78 ~~16.78~~ All staff and members have a duty to abide by the highest standards of probity in dealing with financial issues and the use of the public's money. This is facilitated by ensuring everyone is clear about the standards to which they are working and the controls that are in place to ensure that these standards are met.

Key controls

~~16.241~~ 16.79 ~~16.79~~ The key controls and control objectives for financial management standards are:

~~16.241.1~~ 16.79.1 ~~16.79.1~~ — their promotion throughout the authority

~~16.241.2~~ 16.79.2 ~~16.79.2~~ — a monitoring system to review compliance with financial standards.

Responsibilities of the Section 151 Officer

~~16.242~~ 16.80 ~~16.80~~ To ensure the proper administration of the financial affairs of the authority.

~~16.243~~ 16.81 ~~16.81~~ To set the financial management standards and to monitor compliance with them.

~~16.244~~ 16.82 ~~16.82~~ To ensure proper professional practices are adhered to and to act as head of profession in relation to the standards, performance and development of finance staff throughout the authority.

~~16.245~~ 16.83 ~~16.83~~ To advise on the key strategic controls necessary to secure sound financial management.

~~16.246~~ 16.84 ~~16.84~~ To ensure that financial information is available to enable accurate and timely monitoring and reporting of comparisons of national and local financial performance indicators. The Section 151 Officer will be provided with sufficient resources to carry out this activity.

Responsibilities of ~~Strategic Directors~~ / Directors / Heads of Service

~~16.247~~ 16.85 ~~16.85~~ — To promote the financial management standards set by the Section 151 Officer in their departments and to monitor adherence to the standards and practices, liaising as necessary with the Section 151 Officer.

~~16.248~~ 16.86 ~~16.86~~ — To promote sound financial practices in relation to the standards, performance and development of staff in their departments.

SECTION 16 – FINANCIAL PROCEDURE RULES

Managing expenditure

Scheme of virement

Why is this important?

~~16.249~~ ~~16.87~~~~16.87~~—The scheme of virement (that is, switching resources between approved estimates or heads of expenditure) is intended to enable the Cabinet, ~~Strategic Directors /~~ Directors / Heads of Service and their staff to manage budgets with flexibility within the overall policy framework determined by the Full Council, and therefore to optimise the use of resources. Any income or expenditure at variance from the approved budget and without virement authorisation shall be regarded as over or under spending for which the Head of Service of the service is responsible.

~~16.250~~ ~~16.88~~~~16.88~~—Where expenditure or income not in the approved budget is introduced it will be covered by the ~~same virement~~ rules except when the Authority receives an allocation of funding from another public body or other external source for a specified purpose, cabinet will be informed, and that sum shall be incorporated into the revenue budget or capital programme as appropriate.

~~16.251~~ ~~16.89~~~~16.89.1~~The scheme of virement applies to the revenue budget and the capital programme.

~~16.252~~ ~~16.90~~~~16.89.2~~For the avoidance of doubt, the re-profiling of capital budgets between financial years (provided always that the overall project budget remains the same) is not a Virement to which Rules ~~16.91~~ ~~16.92~~ to ~~16.99~~~~16.100~~ below apply. Such re-profiling of budgets will be subject of approval of the Section 151 Officer and will be reported to Cabinet within the budget monitoring reports.

Key controls

~~16.253~~ ~~16.91~~~~16.90~~—Key controls for the scheme of virement are:

~~16.253.1~~ ~~16.91.1~~~~16.90.1~~—it is administered by the Section 151 Officer within guidelines set by Full Council. Any variation from this scheme requires the approval of the Full Council

~~16.253.2~~ ~~16.91.2~~~~16.90.2~~—the overall budget is proposed by the Cabinet and approved by Full Council. ~~Strategic Directors / Director~~ Directors / Heads of Service and budget managers are therefore authorised to incur expenditure in accordance with the estimates that make up the budget. The rules below cover virement. For the purposes of this scheme, a budget heading ~~is considered to be~~ is a line in the approved Budget Book.

~~16.253.3~~ ~~16.91.3~~Where a virement funds capital expenditure from revenue or reserves then the capital

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virement form constitutes authorisation for the corresponding entries in the revenue budget

~~16.253.4~~ ~~16.91.4~~~~16.90.3~~ —the overall budget must stay in balance and virement does not create additional overall budget liability. ~~Strategic Directors~~ Heads of Service are expected to exercise their discretion in managing their budgets responsibly and prudently. For example, they should aim to avoid supporting recurring expenditure from one-off sources of savings or additional income, or creating future commitments, including full-year effects of decisions made part way through a year, for which they have not identified future resources. Heads of Service must plan to fund such commitments from within their own budgets.

Virement Responsibilities of the Section 151 Officer

~~16.254~~ ~~16.92~~~~16.91~~—To prepare jointly with the Head of Service a report to the Cabinet and/or Council where virements are required in accordance with Rule 16.93 below.

Virement Responsibilities of ~~Strategic Directors~~ / ~~Director~~Directors / Heads of Service.

16.93A Head of Service may exercise virement on budgets under their control for amounts in aggregate:

<u>Value</u>	<u>Notification and Approval</u>
<u>Up to and including £25,000</u>	<u>A Head of Service may exerciseapprove virements on budget headings under their control for amounts in aggregate up to £25,000 during the year, following notification to the Section 151 Officer</u> Notification to the Section 151 Officer
<u>£25,001 - £100,000</u>	<u>Notification to the Section 151 Officer and approval from the appropriate Cabinet Member/ Portfolio Holder</u>
<u>£100,001 - £500,000</u>	<u>Require the approval of the Cabinet, set out in an appropriate report which contains the approval of the Section 151 Officer. The report must also specify the proposed expenditure and the source of funding, and must explain the implications in the current and future financial year</u>
<u>Greater than £500,000</u>	<u>Require the approval of the Full Council, set out in an appropriate report which contains the approval of the Section 151 Officer. The report must also specify the proposed expenditure and the source of funding, and must explain the implications in the current and future financial year</u> Require approval of the Full Council

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~~16.92~~ A Head of Service may exercise virement on budgets under their control for amounts in aggregate up to £25,000 on any one budget head during the year, following notification to the Section 151 Officer.

~~16.93~~ A Head of Service may exercise virement on budgets under their control for amounts between £25,001 and £100,000 on any one budget head during the year, following notification to the Section 151 Officer and in consultation approval ~~from~~with the appropriate Cabinet member.

~~16.94~~ Amounts between £100,001 and £500,000 require the approval of the Cabinet, set out in an appropriate following a report which contains the approval of the Section 151 Officer. The report must also specify the proposed expenditure and the source of funding, and must explain the implications in the current and future financial year. Amounts greater than £500,001 require the approval of the Full Council.

~~16.94~~16.95—Where it is proposed to vire between budgets of different Service service areas, such virements of up to £100,000 can be approved by agreement of the relevant Heads of Service and Section 151 Officer; such virements of between £100,001 to £300,000/500,000 will require approval of Cabinet; such virements over £350,001 will require approval from Full Council. the following virement limits shall apply

<u>Value</u>	<u>Notification and Approval</u>
<u>Up to and including £100,000</u>	<u>Notification to the Section 151 Officer and approval from the appropriate Heads of Service</u>
<u>£100,001 - £500,000</u>	<u>Require the approval of the Cabinet, set out in an appropriate report which contains the approval of the relevant Heads of Service. The report must also specify the proposed expenditure and the source of funding, and must explain the implications in the current and future financial year</u>
<u>Greater than £500,000</u>	<u>Require approval of the Full Council set out in an appropriate report which contains the approval of the relevant Heads of Service. The report must also specify the proposed expenditure and the source of funding, and must explain the implications in the current and future financial year</u>

~~16.255~~ 16.95~~16.96~~—Virements that are likely to impact on the level of service activity of another Head of Service should be implemented only after agreement with the relevant Head of Service and Portfolio Holder(s).

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~~16.256~~ ~~16.96~~~~16.97~~—No virement relating to a specific financial year should be made after the production of the year end outturn report (likely to contain the virement request) or 31 March in that year, whichever is the latter.

~~16.257~~ ~~16.97~~~~16.98~~—A school's governing body may authorise transferring budget provision above £10,000 or 1.5% of the delegated school budget, whichever is greater, between ~~heads of expenditure~~budget headings within the delegated school budget following notification to the relevant Head of ~~Schools and Inclusion~~Service Education and the Head of Finance.

~~16.258~~ ~~16.98~~~~16.99~~—Where an approved budget is a lump-sum budget (for example major improvements in schools) or contingency intended for allocation during the year, its allocation will not be treated as a virement, provided that:

~~16.258.1~~ ~~16.98.1~~~~16.99.1~~—the amount is used in accordance with the purposes for which it has been established

~~16.258.2~~ ~~16.98.2~~~~16.99.2~~—the Cabinet has approved the basis and the terms, including financial limits, on which it will be allocated. Individual allocations ~~in excess of~~more than the financial limits should be reported to the Cabinet.

~~16.99~~~~16.100~~—The Cabinet shall be notified where the Authority receives an allocation of funding from another public body or other external source for a specified purpose, and that sum shall be incorporated into the revenue budget or capital programme as appropriate. For Capital projects, an amount of Council funding equal to the grant funding will be removed from the scheme, unless specified in the grant terms.

Treatment of year-end balances

Why is this important?

~~16.259~~ ~~16.100~~~~16.101~~—Rules ~~16.101~~~~16.102~~ to ~~16.103~~~~16.104~~ below cover arrangements for the transfer of resources between accounting years, i.e. a carry-forward. For the purposes of this scheme, a budget heading is a line in the Budget Book.

Key controls

~~16.260~~ ~~16.101~~~~16.102~~—Net underspends on service budgets may only be carried forward with the approval of the Section 151 Officer, and subject to the following conditions:

~~16.260.1~~ ~~16.101.1~~~~16.102.1~~—the amount carried forward cannot exceed 5% of the annual service net expenditure; and

~~16.260.2~~ ~~16.101.2~~~~16.102.2~~—the carrying forward of underspends will only be considered if the overall position of the Council at year end is an underspend, and in

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determining ~~whether or not~~whether this is the case the Section 151 Officer will ~~take into account~~consider the Council's overall financial balances including the General Reserve.

~~16.260.3~~ 16.101.3~~16.102.3~~—Specific exceptions to Rules ~~16.101.1~~16.102.1 and ~~16.102.2~~16.101.2 above, may be agreed by the Cabinet from time to time e.g. the Winter Maintenance Reserve.

~~16.261~~ 16.102~~16.103~~—Internal trading unit surpluses may be retained by the Service area in which the trading unit resides provided that the overall position of the Council at year end is an underspend, and in determining ~~whether or not~~whether this is the case the Section 151 Officer will ~~take into account~~consider the Council's overall financial balances including the General Reserve.

~~16.262~~ 16.103~~16.104~~—Delegated Schools'~~schools'~~ balances shall be available for carry-forward to support the expenditure of the school concerned. Where an unplanned deficit occurs, the governing body shall prepare a detailed financial recovery plan for consideration by the Cabinet, following evaluation by the Chief Education Officer~~Head of Schools and Inclusion~~ and the Section 151 Officer. Schools will normally be expected to agree a plan to recover the deficit within a defined period. The Scheme for the Financing of Schools is the framework covering school funding. Within this overall approach it is appropriate that unless a surplus above the policy guideline has a clear and demonstrable link to the School Improvement Plan, clawback arrangement of surplus amounts (as covered by School Funding (Wales) Regulations 2010) should be triggered.

Responsibilities of the Section 151 Officer

~~16.263~~ 16.104~~16.105~~—To administer the scheme of carry-forward in accordance with Rules 16.101 ~~16.102~~ to ~~16.104~~16.103 above.

~~16.264~~ 16.105~~16.106~~—To report any carried forward position to the Cabinet.

Responsibilities of ~~Strategic Directors / Director~~Directors / Heads of Service

~~16.106~~16.107—The underlying position is that overspending is not ~~generally~~ permitted. However, where an overspend is approved and of a recurrent nature, it is the Head of Services responsibility to include this pressure in their budget setting plans to ensure it is considered as part of the overall budget setting process.

~~16.265~~ ~~these will be carried forward to the following year in total on-budgets under the control of the Strategic Directors / Director / Heads of Service, and will constitute the first call on service estimates in that following year. The Section 151 Officer will advise the Cabinet on appropriate action and report the extent of overspendings to be carried forward to the Cabinet and to the Full Council.~~

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Maintenance of reserves

Why is this important?

~~16.266~~ 16.107~~16.108~~——Corporate Reserves are maintained as a matter of prudence. They enable the authority to provide for unexpected events and thereby protect it from overspending, should such events occur. Reserves for specific purposes may also be maintained, such as the purchase or renewal of capital items.

Key controls

~~16.267~~ 16.108~~16.109~~——To maintain reserves in accordance with the Code of Practice on Local Authority Accounting in the United Kingdom (CIPFA/LASAAC) and agreed accounting policies.

~~16.268~~ 16.109~~16.110~~——For each reserve and provision established, the purpose, usage and basis of transactions should be clearly identified. All reserves will be corporate.

~~16.269~~ 16.110~~16.111~~——~~Authorisation and~~Authorisation of expenditure from ~~reserves~~reserves is led by the Section 151 Officer in consultation with Directors.~~by the appropriate Strategic Directors / Director / Heads of Service in consultation with the Section 151 Officer.~~

Responsibilities of the Section 151 Officer

~~16.270~~ 16.111~~16.112~~——To advise the Cabinet and/or the Full Council on prudent levels of reserves and provisions for the authority, so they can make the appropriate decision on use of the reserves.

~~Responsibilities of Strategic Directors / Directors~~ / Heads of Service

~~16.271~~ 16.112~~16.113~~——To ensure that resources are used only for the purposes for which they were intended.

Accounting policies

Why is this important?

~~16.272~~ 16.113~~16.114~~——The Section 151 Officer is responsible for the preparation of the authority's statement of accounts, in accordance with proper practices as set out in the format required by the Code of Practice on Local Authority Accounting in the United Kingdom (CIPFA/LASAAC), for each financial year ending 31 March.

Key controls

~~16.273~~ 16.114~~16.115~~——The key controls for accounting policies are:

~~16.273.1~~ 16.114.1~~16.115.1~~——systems of internal control are in place that ensure that financial transactions are lawful

~~16.273.2~~ 16.114.2~~16.115.2~~——suitable accounting policies are selected and applied consistently

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~~16.273.3~~ 16.114.3~~16.115.3~~—proper accounting records are maintained

~~16.273.4~~ 16.114.4~~16.115.4~~—financial statements are prepared which present fairly the financial position of the authority and its expenditure and income.

Responsibilities of the Section 151 Officer

~~16.274~~ 16.115~~16.116~~—To select suitable accounting policies and to ensure that they are applied consistently. The accounting policies are set out in the statement of accounts.

~~16.275~~ 16.116~~16.117~~—To provide financial information to individuals and external organisations upon request, subject to any statutory constraints and to comply with statutory requirements to publicise the availability of the statement of accounts and the rights of inspection.

Responsibilities of ~~Strategic Directors / Directors~~ / Heads of Service

~~16.276~~ 16.117~~16.118~~—To adhere to the accounting policies and guidelines approved by the Section 151 Officer and to consult with the Section 151 Officer before divulging financial information to third parties.

Accounting Records and Returns

Why is this important?

~~16.277~~ 16.118~~16.119~~—Maintaining proper accounting records is one of the ways in which the authority discharges its responsibility for stewardship of public resources. The authority has a statutory responsibility to prepare its annual accounts to present fairly its operations during the year. These are subject to external audit. This audit provides assurance that the accounts are prepared properly, that proper accounting practices have been followed and that arrangements have been made for securing economy, efficiency and effectiveness in the use of the authority's resources.

Key controls

~~16.278~~ 16.119~~16.120~~—The key controls for accounting records and returns are:

~~16.278.1~~ 16.119.1~~16.120.1~~—all Cabinet members and officers operate within the required accounting standards and timetables

~~16.278.2~~ 16.119.2~~16.120.2~~—all the authority's transactions, material commitments and contracts and other essential accounting information are recorded completely, accurately and on a timely basis

~~16.278.3~~ 16.119.3~~16.120.3~~—procedures are in place to enable accounting records to be reconstituted in the event of systems failure

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~~16.278.4~~ 16.119.4~~16.120.4~~—reconciliation procedures are carried out to ensure transactions are correctly recorded

~~16.278.5~~ 16.119.5~~16.120.5~~—prime documents are retained in accordance with legislative and other requirements

~~16.278.6~~ 16.119.6~~16.120.6~~—procedures are documented.

Responsibilities of the Section 151 Officer

~~16.279~~ 16.120~~16.121~~—To determine the accounting procedures, systems and records for the authority and to ensure that staff are aware of them.

~~16.280~~ 16.121~~16.122~~—To arrange for the compilation of all accounts and accounting records under their direction on a timely basis.

~~16.281~~ 16.122~~16.123~~—To comply with the following principles when allocating accounting duties:

~~16.281.1~~ 16.122.1~~16.123.1~~—separating the duties of providing information about sums due to or from the authority and calculating, checking and recording these sums from the duty of collecting or disbursing them

~~16.281.2~~ 16.122.2~~16.123.2~~—employees with the duty of examining or checking the accounts of cash transactions must not themselves be engaged in these transactions.

~~16.282~~ 16.123~~16.124~~—To make proper arrangements for the audit of the authority's accounts in accordance with the relevant Accounts and Audit Regulations ~~2014~~.

~~16.283~~ 16.124~~16.125~~—To ensure that all claims for funds including grants are made by the due date in a timely manner.

~~16.125~~~~16.126~~—The Section 151 Officer must sign and date the statement of accounts and certify that it presents a true and fair view of the year to which it relates and of the income and expenditure and have the accounts approved by the Governance and Audit Committee within the statutory deadlines.

~~16.284~~ 16.126~~The~~To prepared and audited accounts must be and published~~the audited accounts of the authority for~~ each financial year, in accordance with the statutory timetable and ~~with the requirement for Council to approve the statement of accounts in accordance with relevant legislation no later than 310 July~~ September each year. ~~The Section 151 Officer must no later than 310 May~~ June immediately following the end of the year, sign and date the statement of accounts, and certify that it presents a true and fair view of the year to which it relates and of the income and expenditure for that year.

~~16.285~~ 16.127~~16.127~~—To administer the authority's arrangements for under- and overspendings to be carried forward to the following financial year.

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~~16.286~~ 16.128~~16.128~~ — To ensure the proper retention of financial documents in accordance with the requirements set out in the authority's document retention schedule (see Rule 16.413~~16.413~~).

Responsibilities of ~~Strategic Directors / Director /~~ Heads of Service

~~16.287~~ 16.129~~16.129~~ — To consult and obtain the approval of the Section 151 Officer before making any changes to accounting records and procedures.

~~16.288~~ 16.130~~16.130~~ — To comply with the principles outlined in Rule 16.119~~16.120~~ when allocating accounting duties.

~~16.289~~ 16.131~~16.131~~ — To maintain adequate records to provide an audit trail leading from the source of income/expenditure through to the accounting statements.

~~16.290~~ 16.132~~16.132~~ — To supply information required to enable the statement of accounts to be completed in accordance with guidelines issued by the Section 151 Officer.

~~16.291~~ 16.133~~16.133~~ — To ensure that all claims for funds including grants are made by the due date.

The Annual Statement of Accounts

Why is this important?

~~16.292~~ 16.134~~16.134~~ — The authority has a statutory responsibility to prepare its own accounts to fairly present its operations during the year. The ~~Full Council~~ Governance and Audit Committee ~~is~~ responsible for approving the statutory annual statement of accounts, ~~this responsibility can be delegated to the Governance and Audit Committee in accordance with Section 13.~~

Key controls

~~16.293~~ 16.135~~16.135~~ — The key controls for the annual statement of accounts are:

~~16.293.1~~ 16.135.1~~16.135.1~~ — the authority is required to make arrangements for the proper administration of its financial affairs and to secure that one of its officers has the responsibility for the administration of these affairs. In this authority, that officer is the Section 151 Officer.

~~16.293.2~~ 16.135.2~~16.135.2~~ — the authority's statement of accounts must be prepared in accordance with proper practices as set out in the Code of Practice on Local Authority Accounting in the United Kingdom (CIPFA/LASAAC).

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Responsibilities of the Section 151 Officer

~~16.294~~ 16.136~~16.136~~ — To select suitable accounting policies and to apply them consistently.

~~16.295~~ 16.137~~16.137~~ — To make judgements and estimates that are reasonable and prudent.

~~16.296~~ 16.138~~16.138~~ — To comply with the ~~the~~ Code of Practice on Local Authority Accounting in the United Kingdom (CIPFA/LASAAC). ~~SORP (Statement of Recommended Practice).~~

~~16.297~~ 16.139~~16.139~~ — To sign and date the statement of accounts, stating that it presents fairly the financial position of the authority at the accounting date and its income and expenditure for the year ended 31 March.

~~16.298~~ 16.140~~16.140~~ — To draw up the timetable for final accounts preparation and to advise staff and external auditors accordingly.

Responsibilities of Strategic Directors / ~~Director~~Directors / Heads of Service

~~16.299~~ 16.141~~16.141~~ — To comply with accounting guidance provided by the Section 151 Officer and to supply the Section 151 Officer with information when required and in the form required.

B: Financial Planning

Performance Plans

Why is this important?

~~16.300~~ 16.142~~16.142~~ — Each local authority has a statutory responsibility to publish various performance plans, including Improvement Plans, ~~crime reduction strategies, and community care plans.~~ The purpose of performance plans ~~is~~ are to explain overall priorities and objectives, current performance, and proposals for further improvement. The authority is required to publish annually the Corporate Improvement Plan ~~One Powys Plan~~, which summarises its performance and position in relation to continuous service improvement. ~~It is a key~~ The One Powys Plan is a key element in the authority's programme of engaging with the public. External audit is required to report on whether the authority has complied with statutory requirements in respect of the preparation and publication of the ~~One Powys~~ Corporate Improvement Plan.

Key controls

~~16.301~~ 16.143~~16.143~~ — The key controls for performance plans are:

~~16.301.1~~ 16.143.1~~16.143.1~~ — to ensure that all relevant plans are produced and that they are consistent

~~16.301.2~~ 16.143.2~~16.143.2~~ — to produce plans in accordance with statutory requirements

~~16.301.3~~ 16.143.3~~16.143.3~~ — to meet the timetables set

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~~16.301.4~~ 16.143.4~~16.143.4~~—to ensure that all performance information is accurate, complete and up to date

~~16.301.5~~ 16.143.5~~16.143.5~~—to provide improvement targets which are meaningful, realistic and challenging

~~16.301.6~~ 16.143.6~~16.143.6~~—to ensure all plans are consistent with the Performance Management Framework.

Responsibilities of the Section 151 Officer

~~16.302~~ 16.144~~16.144~~—To advise and supply the financial information that needs to be included in performance plans in accordance with statutory requirements and agreed timetables.

~~16.303~~ 16.145~~16.145~~—To contribute to the development of corporate and service targets and objectives and financial performance information.

~~16.304~~ 16.146~~16.146~~—To ensure that systems are in place to measure activity and collect accurate information for use as performance indicators.

Responsibilities of the ~~Strategic Director – Resources~~Directors

~~16.305~~ 16.147~~16.147~~—To ensure that performance information is monitored sufficiently frequently to allow corrective action to be taken if targets are not likely to be met.

~~16.306~~ 16.148~~16.148~~—To provide an external challenge to service plans.

~~16.307~~ 16.149~~16.149~~—To review performance management systems to ensure they are sufficiently robust.

Responsibilities of ~~Strategic Directors / Director /~~ Heads of Service

~~16.308~~ 16.150~~16.150~~—To contribute to the development of performance plans in line with statutory requirements.

~~16.309~~ 16.151~~16.151~~—To contribute to the development of corporate and service targets and objectives and performance information.

~~16.310~~ 16.152~~16.152~~—To comply with the Performance Management Framework.

~~16.311~~ 16.153~~16.153~~—To ensure that robust systems exist to gather performance indicators.

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Budgeting

Format of the budget

Why is this important?

~~16.312~~ 16.154~~16.154~~ — The format of the budget determines the level of detail to which financial control and management will be exercised. The format shapes how the rules around virement operate, the operation of cash limits and sets the level at which funds may be reallocated within budgets.

Key controls

~~16.313~~ 16.155~~16.155~~ — The key controls for the budget format are:

~~16.313.1~~ 16.155.1~~16.155.1~~ — the format complies with all legal requirements

~~16.313.2~~ 16.155.2~~16.155.2~~ — the format reflects the accountabilities of service delivery.

~~16.313.3~~ 16.155.3~~16.155.3~~ — the format complies, as far as possible, with CIPFA's Service Reporting Code of Practice for Local Authorities.

Responsibilities of ~~Strategic Directors~~ / ~~Director~~Directors / Heads of Service

~~16.314~~ 16.156~~16.156~~ — To comply with accounting guidance provided by the Section 151 Officer.

Revenue budget preparation, monitoring and control

Why is this important?

~~16.315~~ 16.157~~16.157~~ — Budget management ensures that once the budget has been approved by the Full Council, resources allocated are used for their intended purposes and are properly accounted for. Budgetary management is a continuous process, enabling the authority to review and adjust its budget targets during the financial year. It also provides the mechanism that calls to account managers responsible for defined elements of the budget.

~~16.316~~ 16.158~~16.158~~ — By continuously identifying and explaining variances against budgetary targets, the authority can identify changes in trends and resource requirements at the earliest opportunity. The authority itself operates within an annual cash limit, approved when setting the overall budget. To ensure that the authority in total does not overspend, each service is required to manage its own expenditure within the cash-limited budget allocated to it.

~~16.317~~ 16.159~~16.159~~ — For the purposes of budgetary control by managers, a budget will normally be the planned income and expenditure for a service area or cost centre. However, budgetary control may take place at a more detailed level if this is required by the ~~Strategic Directors~~ / ~~Director~~Directors / Heads of Service's scheme of delegation.

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Key controls

~~16.318~~ 16.160~~16.160~~—The key controls for managing and controlling the revenue budget are:

~~16.318.1~~ 16.160.1~~16.160.1~~—budget managers should be accountable only for income and expenditure for which they have responsibility.

~~16.318.2~~ 16.160.2~~16.160.2~~—there is a nominated budget manager for each cost centre heading

~~16.318.3~~ 16.160.3~~16.160.3~~—budget managers are accountable for their budgets and the level of service to be delivered and understand their financial responsibilities

~~16.318.4~~ 16.160.4~~16.160.4~~—budget managers follow an approved certification process for all expenditure, including internal recharges

~~16.318.5~~ 16.160.5~~16.160.5~~—income and expenditure are properly recorded and accounted for

~~16.318.6~~ 16.160.6~~16.160.6~~—performance levels/levels of service are monitored in conjunction with the budget and necessary action is taken to align service outputs and budget.

Responsibilities of the Section 151 Officer

~~16.319~~ 16.161~~16.161~~—To establish an appropriate framework of budgetary management and control that ensures that:

~~16.319.1~~ 16.161.1~~16.161.1~~—budget management is exercised within annual cash limits unless the Full Council agrees otherwise

~~16.319.2~~ 16.161.2~~16.161.2~~—each ~~Strategic Directors / Director~~Directors / Heads of Service has available timely information on receipts and payments on each budget which is sufficiently detailed to enable managers to fulfil their budgetary responsibilities

~~16.319.3~~ 16.161.3~~16.161.3~~—expenditure is committed only against an approved budget head

~~16.319.4~~ 16.161.4~~16.161.4~~—all officers responsible for committing expenditure comply with relevant guidance, and the Financial Regulations

~~16.319.5~~ 16.161.5~~16.161.5~~—each cost centre has a single named manager, determined by the relevant ~~Strategic Directors / Director~~ / Heads of Service. As a general principle, budget responsibility should be aligned as closely as possible to the decision-making processes that commits expenditure

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~~16.319.6~~ 16.161.6~~16.161.6~~—significant variances from approved budgets are investigated and reported by budget managers regularly to their line managers or the Cabinet, as appropriate.

~~16.320~~ 16.162~~16.162~~—To administer the authority's scheme of virement.

~~16.321~~ 16.163~~16.163~~—To submit reports to the Cabinet and to the Full Council, in consultation with the relevant ~~Strategic Directors / Director~~Directors / Heads of Service, where an ~~Strategic Directors / Director / Heads of Service~~ areis unable to balance expenditure and resources within existing approved budgets under their control.

~~16.322~~ 16.164~~16.164~~—To prepare and submit reports on the authority's projected income and expenditure compared with the budget on a regular basis.

Responsibilities of ~~Strategic Directors / Director / Heads of Service~~

~~16.323~~ 16.165~~16.165~~—To maintain budgetary control within their departments, in adherence to the principles in 2.19, and to ensure that all income and expenditure are properly accounted for, regardless of the budget provision.

~~16.324~~ 16.166~~16.166~~—To ensure that an accountable budget manager is identified for each item of income and expenditure under the control of the ~~Strategic Directors / Director / Heads of Service~~ (grouped together in a series of cost centres). As a general principle, budget responsibility should be aligned as closely as possible to the decision-making that commits expenditure.

~~16.325~~ 16.167~~16.167~~—To ensure that spending remains within the service's overall cash limit, and that individual budget heads are not overspent, by monitoring the budget and taking appropriate corrective action where significant variations from the approved budget are forecast.

~~16.326~~ 16.168~~16.168~~—To ensure that a monitoring process is in place to review performance levels/levels of service in conjunction with the budget and is operating effectively.

~~16.327~~ 16.169~~16.169~~—To prepare and submit to the Cabinet reports on the service's projected expenditure compared with its budget, in consultation with the Section 151 Officer.

~~16.328~~ 16.170~~16.170~~—To ensure prior approval by the Full Council or Cabinet (as appropriate) for new proposals, of whatever amount, that:

~~16.328.1~~ 16.170.1~~16.170.1~~—create financial commitments in future years

~~16.328.2~~ 16.170.2~~16.170.2~~—change existing policies, initiate new policies or cease existing policies

~~16.328.3~~ 16.170.3~~16.170.3~~—materially extend or reduce the authority's services.

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~~16.329~~ ~~16.171~~~~16.171~~——To ensure compliance with the scheme of virement.

~~16.330~~ ~~16.172~~~~16.172~~——To agree with the relevant Head of Service where it appears that a budget proposal, including a virement proposal, may impact materially on another service area or Head of Service's level of service activity.

Budgets and medium-term planning

Why is this important?

~~16.331~~ ~~16.173~~~~16.173~~——The authority is a complex organisation responsible for delivering a wide variety of services. It needs to plan effectively and to develop systems to enable scarce resources to be allocated in accordance with carefully weighted priorities. The budget is the financial expression of the authority's plans and policies.

~~16.332~~ ~~16.174~~~~16.174~~——The revenue budget and capital programme must be constructed so as to ensure that resource allocation properly reflects the service plans and priorities of the Full Council. Budgets (spending plans) are needed so that the authority can plan, authorise, monitor and control the way money is allocated and spent. It is illegal for an authority to budget for a deficit.

~~16.333~~ ~~16.175~~~~16.175~~——Medium-term planning (or as a minimum three year planning system) involves a planning cycle in which managers develop their own plans. As each year passes, another future year will be added to the medium-term plan. This ensures that the authority is always preparing for events in advance.

Key controls

~~16.334~~ ~~16.176~~~~16.176~~——The key controls for budgets and medium-term planning are:

~~16.334.1~~ ~~16.176.1~~~~16.176.1~~——specific budget approval for all expenditure

~~16.334.2~~ ~~16.176.2~~~~16.176.2~~——budget managers are consulted in the preparation of the budgets for which they will be held responsible and accept accountability within delegations set by the Cabinet for their budgets and the level of service to be delivered

~~16.334.3~~ ~~16.176.3~~~~16.176.3~~——a monitoring process is in place to ~~review regularly~~regularly review the effectiveness and operation of budget preparation and to ensure that any corrective action is taken.

Responsibilities of the Section 151 Officer

~~16.335~~ ~~16.177~~~~16.177~~——To prepare and submit reports on budget prospects for the Cabinet, including resource constraints set by the Government. Reports should take account of medium-term prospects, where appropriate.

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~~16.336~~ 16.178~~16.178~~ — To determine the detailed form of revenue and capital estimates and the methods for their preparation, consistent with the budget approved by the Full Council, and after consultation with the Cabinet and ~~Strategic Directors / Directors~~ / Heads of Service.

~~16.337~~ 16.179~~16.179~~ — To prepare and submit reports to the Cabinet on the aggregate spending plans of departments and on the resources available to fund them, identifying, where appropriate, the implications for the level of council tax to be levied.

~~16.338~~ 16.180~~16.180~~ — To advise on the medium-term implications of spending decisions.

~~16.339~~ 16.181~~16.181~~ — To encourage the best use of resources and value for money by working ~~with Strategic Directors / Director~~ / with Heads of Service to identify opportunities to improve economy, efficiency and effectiveness, and by encouraging good practice in conducting financial appraisals of development or savings options, and in developing financial aspects of service planning.

~~16.340~~ 16.182~~16.182~~ — To advise the Full Council on Cabinet proposals in accordance with their responsibilities under section 151 of the Local Government Act 1972.

Responsibilities of ~~Strategic Directors / Director~~ / Heads of Service

~~16.341~~ 16.183~~16.183~~ — To prepare estimates of income and expenditure, in consultation with the Section 151 Officer, to be submitted to the Cabinet.

~~16.342~~ 16.184~~16.184~~ — To prepare budgets that are consistent with any relevant cash limits, with the authority's annual budget cycle and with guidelines issued by the Cabinet. The format should be prescribed by the Section 151 Officer in accordance with the Full Council's general directions.

~~16.343~~ 16.185~~16.185~~ — To integrate financial and budget plans into service planning, so that budget plans can be supported by financial and non-financial performance measures.

~~16.344~~ 16.186~~16.186~~ — In consultation with the Section 151 Officer and in accordance with the laid-down guidance and timetable, to prepare detailed draft revenue and capital budgets for consideration by the appropriate committee.

~~16.345~~ 16.187~~16.187~~ — When drawing up draft budget requirements, to have regard to:

~~16.345.1~~ 16.187.1~~16.187.1~~ — spending patterns, cost reductions and pressures revealed through the budget monitoring process

~~16.345.2~~ 16.187.2~~16.187.2~~ — legal requirements

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~~16.345.3~~ 16.187.3~~16.187.3~~—policy requirements as defined by the Full Council in the approved policy framework

~~16.345.4~~ 16.187.4~~16.187.4~~—initiatives already under way

~~16.345.5~~ 16.187.5~~16.187.5~~—specific external funding

~~16.345.6~~ 16.187.6~~16.187.6~~—revenue implications of capital schemes

~~16.345.7~~ 16.187.7~~16.187.7~~—income from fees and charges.

Resource allocation

Why is this important?

~~16.346~~ 16.188~~16.188~~—A mismatch often exists between available resources and required resources. A common scenario is that available resources are not adequate to fulfil need. It is therefore imperative that needs are carefully prioritised and that resources are fairly allocated, in order to fulfil all legal responsibilities. Resources may include staff, finance, equipment, goods and materials.

Key controls

~~16.347~~ 16.189~~16.189~~—The key controls for resource allocation are:

~~16.347.1~~ 16.189.1~~16.189.1~~—resources are acquired in accordance with the law and using an approved authorisation process

~~16.347.2~~ 16.189.2~~16.189.2~~—resources are used only for the purpose intended, to achieve the approved policies and objectives, and are properly accounted for

~~16.347.3~~ 16.189.3~~16.189.3~~—resources are securely held for use when required

~~16.347.4~~ 16.189.4~~16.189.4~~—resources are used with the minimum level of waste, inefficiency or loss for other reasons.

Responsibilities of the Section 151 Officer

~~16.348~~ 16.190~~16.190~~—To advise on methods available for funding, such as grants from central government and borrowing requirements.

~~16.349~~ 16.191~~16.191~~—To assist in the allocation of resources to budget managers.

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Responsibilities of Strategic Directors / ~~Director~~Directors / Heads of Service

~~16.350~~ 16.192~~16.192~~ — To work within budget limits and to utilise resources allocated, and further allocate resources, in the most efficient, effective and economic way.

~~16.351~~ 16.193~~16.193~~ — To identify opportunities to minimise or eliminate resource requirements or consumption without having a detrimental effect on service delivery.

Capital programmes

Why is this important?

~~16.352~~ 16.194~~16.194~~ — Capital expenditure involves acquiring or enhancing fixed assets with a long-term value to the authority, such as land, buildings, and major items of plant, equipment or vehicles. Capital assets shape the way services are delivered in the long term and create financial commitments for the future in the form of financing costs and revenue running costs.

~~16.353~~ 16.195~~16.195~~ — The Government places strict controls on the financing capacity of the authority. This means that capital expenditure should form part of an investment strategy and should be carefully prioritised in order to maximise the benefit of scarce resources.

Key controls

~~16.354~~ 16.196~~16.196~~ — The key controls for capital programmes are:

~~16.354.1~~ 16.196.1~~16.196.1~~ — the capital programme will be submitted for specific approval by the Full Council as part of the capital and treasury management strategy together with its impact on the revenue budget. ~~for the programme of capital expenditure~~

~~16.354.2~~ 16.196.2 — ~~expenditure on capital schemes is subject to the approval of the Section 151 Officer~~

~~16.354.3~~ 16.196.2~~16.196.3~~ — requests for schemes to be included in the capital programme can be made at any point during the year in time. All schemes must be approved through the relevant stages of the Capital Governance Framework which uses the HM Treasury's 5-case business model to ensure new schemes are tested in terms of prudence, sustainability and affordability, allowing both strategic and technical direction to be provided. ~~a scheme and estimate, including project plan, progress targets and associated revenue expenditure is prepared for each capital project, excluding minor works of improvement of less than £100,000, for approval by the Cabinet~~

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~~16.354.4~~ 16.196.3~~16.196.4~~—The limits outlined in the Scheme of Virement section above will dictate the level of approval required for a scheme to be included in the capital programme. ~~schedules for individual schemes within the overall budget approved by the Full Council must be submitted to the Cabinet for approval (for example, minor works), or under other arrangements approved by the Full Council~~

~~16.354.5~~ 16.196.4~~16.196.5~~—the development and implementation of asset management plans

~~16.354.6~~ 16.196.5~~16.196.6~~—accountability for each proposal is accepted by a named manager

~~16.354.7~~ 16.196.6~~16.196.7~~—monitoring of progress in conjunction with expenditure and comparison with approved budget. Where a scheme is complete any unutilised funding will be removed from the capital programme.-

Responsibilities of the Section 151 Officer

~~16.355~~ 16.197~~16.197~~—To prepare capital estimates jointly with ~~Strategic Directors / Director~~Directors / Heads of Service and to report them to the Cabinet for approval. The Cabinet will make recommendations on the capital estimates and on any associated financing requirements to the Full Council. Cabinet member approval is required where an ~~Strategic Directors / Director~~Directors / Heads of Service proposes to bid ~~for~~for, or exercise prudential borrowing approval not anticipated in the capital programme. This is because the extra borrowing will create future revenue commitments to financing costs.

~~16.356~~ 16.198~~16.198~~—To prepare and submit reports to the Cabinet on the projected income, expenditure and resources compared with the approved estimates.

~~16.357~~ 16.199~~16.199~~—To issue guidance concerning capital schemes and controls, for example, on project appraisal techniques. The definition of 'capital' will be determined by the Section 151 Officer, having regard to government regulations and accounting requirements.

Responsibilities of ~~Strategic Directors / Director /~~ Heads of Service

~~16.200~~16.200 To comply with guidance concerning capital schemes and controls issued by the Section 151 Officer.

~~16.358~~ 16.201~~16.201~~—To ensure that all capital proposals have undergone a project appraisal and where appropriate a post completion audit undertaken, in accordance with guidance issued by the Section 151 Officer.

~~16.359~~ 16.202~~16.202~~—To prepare regular reports reviewing the capital programme provisions for their services. They should also prepare a quarterly return of estimated final costs of schemes in the approved capital programme for submission to the Section 151 Officer.

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- ~~16.360~~ 16.203~~16.203~~ — To ensure that adequate records are maintained for all capital contracts.
- ~~16.361~~ 16.204~~16.204~~ — To proceed with projects only when there is adequate provision in the capital programme and with the agreement of the Section 151 Officer, where required.
- ~~16.362~~ 16.205~~16.205~~ — To prepare and submit reports, jointly with the Section 151 Officer, to the Cabinet, of any variation in contract costs greater than the approved limits.
- ~~16.363~~ 16.206~~16.206~~ — To prepare and submit reports, jointly with the Section 151 Officer, to the Cabinet, on completion of all contracts where the final expenditure exceeds the approved contract sum by more than the specified amount.
- ~~16.364~~ 16.207~~16.207~~ — To ensure that credit arrangements, such as leasing agreements, are not entered into without the prior approval of the Section 151 Officer and, if applicable, approval of the scheme through the capital programme.
- ~~16.365~~ 16.208~~16.208~~ — To consult with the Section 151 Officer and to seek Cabinet approval where the ~~Strategic Directors / Director~~Directors / Heads of Service proposes to bid for capital grants issued by government departments to support expenditure that has not been included in the current year's capital programme.

C: Risk Management and Control of Resources

Risk Management

Why is this important?

- ~~16.366~~ 16.209~~16.209~~ — All organisations, whether private or public sector, face risks to people, property and continued operations. Risk is the chance or possibility of loss, damage, injury or failure to achieve objectives caused by an unwanted or uncertain action or event. Risk management is the planned and systematic approach to the identification, evaluation and control of risk. Its objective is to support the delivery of the Council's strategic goals by ensuring the continued financial, operational and reputational well-being of the organisation. In essence it is, therefore, an integral part of good business practice.
- ~~16.367~~ 16.210~~16.210~~ — Risk management is concerned with defining the position on risk appetite i.e. the amount of risk the Council is willing to accept, evaluating the measures an organisation already has in place to manage identified risks and then recommending the action the organisation needs to take to control these risks effectively.
- ~~16.368~~ 16.211~~16.211~~ — It is the overall responsibility of the Cabinet to approve the Council's risk management strategy, and to promote a culture of risk management awareness throughout the authority.

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Key controls

~~16.369~~ 16.212~~16.212~~—The key controls for risk management are:

~~16.369.1~~ 16.212.1~~16.212.1~~—managers know that they are responsible for managing relevant risks and are provided with a framework to allow risk management to be embedded as part of business operations

~~16.369.2~~ 16.212.2~~16.212.2~~—robust integrated systems are developed and maintained for identifying, evaluating and managing all significant strategic and operational risks to the Council. This should include the proactive participation of all those associated with planning and delivering services.

~~16.369.3~~ 16.212.3~~16.212.3~~—a reporting and monitoring process is in place to ~~review regularly~~regularly review the effectiveness of risk reduction strategies and the operation of these controls. The risk management process should be conducted on a continuing basis

~~16.369.4~~ 16.212.4~~16.212.4~~—the authority has identified business continuity plans for implementation in the event of disaster that results in significant loss or damage to its resources, in accordance with the Civil Contingencies Act 2004.

Responsibilities of the Section 151 Officer

~~16.370~~ 16.215~~16.213~~—To prepare and promote the authority's risk management policy statement and strategy.

~~16.371~~ 16.216~~16.214~~—To collate and report collective risk registers to ~~Strategic~~ Directors, ~~Directors~~, Heads of Service and the Cabinet/Governance and Audit Committee.

Responsibilities of ~~Strategic Directors~~ / ~~Director~~Directors / Heads of Service

~~16.372~~ 16.217~~16.215~~—To take responsibility for risk management, having regard to advice from the Section 151 Officer and other specialist officers (e.g. crime prevention, fire prevention, health and safety).

~~16.373~~ 16.218~~16.216~~—To ensure that there are regular reviews of risk within their departments, including the assessment of fraud risk.

~~16.374~~ 16.219~~16.217~~—To notify the Section 151 Officer promptly of all new risks, and any mitigating measures that have been implemented to reduce risk.

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Insurance

Why is this important?

~~16.375~~ 16.210~~16.218~~—The Council will (where appropriate) make insurance provisions as a way of managing risk by protecting both financial and operational assets against loss, damage or injury from unwanted events.

Key Controls

~~16.376~~ 16.211~~16.219~~—The key controls for insurance are:

~~16.376.1~~ 16.211.1~~16.219.1~~—acceptable levels of risk are determined and insured against where appropriate;

~~16.376.2~~ 16.211.2~~16.219.2~~—provision is made for losses that might result from the risks that remain;

~~16.376.3~~ 16.211.3~~16.219.3~~—procedures are in place to investigate claims within required timescales.

Responsibilities of Section 151 Officer

~~16.377~~ 16.212~~16.220~~—To effect corporate insurance cover, through external insurance and the Council's internal Insurance Fund, and to negotiate all claims in consultation with other officers, where necessary.

~~16.378~~ 16.213~~16.221~~—To operate an internal insurance account(s) for some risks not covered by external insurance policies to charge the various Council Service budgets with the cost of contributions to this account.

~~16.379~~ 16.214~~16.222~~—To include all appropriate employees of the authority in a suitable fidelity guarantee insurance.

~~16.380~~ 16.215~~16.223~~—Offer insurance cover to schools in accordance with Fair Funding arrangements.

Responsibilities of ~~Strategic Directors / Director /~~ Heads of Service

~~16.381~~ 16.216~~16.224~~—Advise the Section 151 Officer of all new risks, properties, vehicles or potential liabilities for which insurance may be required; and of any changes affecting existing risks or insurance cover required.

~~16.382~~ 16.217~~16.225~~—Notify the Section 151 Officer immediately of any loss, liability or damage that may lead to a claim against the authority, together with any information or explanation required by the Section 151 Officer or the authority's insurers.

~~16.383~~ 16.218~~16.226~~—Ensure that employees, or anyone covered by the authority's insurances act in such a way so that the Council's interests are protected. This includes being clear that an individual officer cannot admit liability or offer compensation that may prejudice the assessment of liability in respect of any insurance claim.

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~~16.384~~ 16.219~~16.227~~—In the event of a claim the relevant department must take all reasonable actions to mitigate or avoid a claim being made against the Council’s insurance policy.

~~16.385~~ 16.220~~16.228~~—Consult the Section 151 Officer and the Solicitor to the Council on the terms of any indemnity that the authority is requested to give.

Internal controls

Why is this important?

~~16.386~~ 16.221~~16.229~~—The authority is complex and beyond the direct control of any one individual. It therefore requires internal controls to manage and monitor progress towards achieving strategic objectives.

~~16.387~~ 16.222~~16.230~~—The authority has statutory obligations, and, therefore, requires internal controls to identify, meet and monitor compliance with these obligations.

~~16.388~~ 16.223~~16.231~~—The authority faces a wide range of financial, administrative and commercial risks, both from internal and external factors, which threaten the achievement of its objectives. Internal controls are necessary to manage these risks.

~~16.389~~ 16.224~~16.232~~—The system of internal controls is established in order to provide measurable achievement of:

~~16.389.1~~ 16.224.1~~16.232.1~~—efficient and effective operations (including achieving value for money).

~~16.389.2~~ 16.224.2~~16.232.2~~—reliable financial and performance reporting information.

~~16.389.3~~ 16.224.3~~16.232.3~~—compliance with laws, regulations and other relevant statements of good practice.

~~16.389.4~~ 16.224.4~~16.232.4~~—management of risk.

Key controls

~~16.390~~ 16.225~~16.233~~—The key controls and control objectives for internal control systems are:

~~16.390.1~~ 16.225.1~~16.233.1~~—the provision of an Annual Governance Statement in accordance with the Accounts and Audit (Wales) Regulations 2014. As part of this statement, the Chief Executive and the Leader of the Council are required to comment on the effectiveness of the entire internal control environment within the Council as this is a key indicator of good governance. This will require the advice of the Section 151 Officer who will be consulted before the statement is agreed.

~~16.390.2~~ 16.225.2~~16.233.2~~—managerial control systems, including defining policies, setting objectives and

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plans, monitoring financial and other performance and taking appropriate anticipatory and remedial action. The key objective of these systems is to promote ownership of the control environment by defining roles and responsibilities.

~~16.390.3~~ 16.225.3~~16.233.3~~—financial and operational control systems and procedures, which include physical safeguards for assets, segregation of duties, authorisation and approval procedures and information systems.

~~16.390.4~~ 16.225.4~~16.233.4~~—an effective internal audit function that is properly resourced. It should operate in accordance with the principles contained in the Public Sector Internal Audit Standards in the United Kingdom and the CIPFA Local Government Application Note 2013 with any other statutory obligations and regulations.

Responsibilities of the Section 151 Officer

~~16.391~~ 16.226~~16.234~~—To assist the authority to put in place an appropriate control environment and effective internal controls which provide reasonable assurance of effective and efficient operations, financial stewardship, probity and compliance with laws and regulations.

Responsibilities of ~~Strategic Directors / Director / Heads of Service~~

~~16.392~~ 16.227~~16.235~~—Establish sound arrangements for planning, appraising, authorising and controlling their operations in order to achieve continuous improvement, value for money, effective use of resources and achieving their financial performance targets.

~~16.393~~ 16.228~~16.236~~—Manage processes to check that established controls are being adhered to and to evaluate their effectiveness, in order to be confident in the proper use of resources, achievement of objectives and management of risks.

~~16.394~~ 16.229~~16.237~~—Removing controls that are unnecessary or not cost or risk effective – for example, because of duplication.

~~16.395~~ 16.230~~16.238~~—Ensure staff have a clear understanding of the consequences of lack of control.

Audit requirements

Internal audit

Why is this important?

~~16.396~~ 16.231~~16.239~~—The requirement for an internal audit function for local authorities is implied by section 151 of the Local Government Act 1972, which requires that authorities “make arrangements for the proper administration of their financial affairs”. The Accounts and Audit (Wales) Regulations 2014 require the local authority to maintain an adequate and effective system of internal audit of their accounting records and control systems and review its effectiveness on an annual basis.

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~~16.397~~ 16.232~~16.240~~—Accordingly, internal audit is an independent and objective appraisal function established by the authority for reviewing the system of internal control. It examines, evaluates and reports on the adequacy of internal control as a contribution to the proper, economic, efficient and effective use of resources.

Key controls

~~16.398~~ 16.233~~16.241~~—The key controls for internal audit are that:

~~16.398.1~~ 16.233.1~~16.241.1~~—it is independent in its planning and operation.

~~16.398.2~~ 16.233.2~~16.241.2~~—the Head of Internal Audit has direct access to the ~~Head of Paid Service~~Chief Executive, all levels of management and directly to elected members.

~~16.398.3~~ 16.233.3~~16.241.3~~—the internal auditors comply with the requirements contained within the Public Sector Internal Audit Standards, in the UK 2013 as interpreted by CIPFA's Local Government Application Note 2013.

Responsibilities of the Section 151 Officer

~~16.399~~ 16.234~~16.242~~—To ensure that internal auditors have the authority to:

~~16.399.1~~ 16.234.1~~16.242.1~~—access authority premises at reasonable times.

~~16.399.2~~ 16.234.2~~16.242.2~~—access all assets, records, documents, correspondence and control systems.

~~16.399.3~~ 16.234.3~~16.242.3~~—receive any information and explanation considered necessary concerning any matter under consideration.

~~16.399.4~~ 16.234.4~~16.242.4~~—require any employee of the authority to account for cash, stores or any other authority asset under their control.

~~16.399.5~~ 16.234.5~~16.242.5~~—as far as possible, access records belonging to third parties, such as contractors, when required.

~~16.399.6~~ 16.234.6~~16.242.6~~—directly access the ~~Head of Paid Service~~Chief Executive, the Cabinet and the Governance and Audit Committee.

~~16.400~~ 16.235~~16.243~~—To report annual audit plans prepared by the Head of Internal Audit to Governance and Audit Committee, which are aligned to business objectives and take account of the characteristics and relative risks of the activities involved.

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16.401 ~~16.236~~~~16.244~~ — To ensure that effective measures are in place to investigate promptly any fraud or irregularity.

Responsibilities of ~~Strategic Directors / Director /~~ Heads of Service

16.402 ~~16.237~~~~16.245~~ — To ensure that internal auditors are given access at all reasonable times to premises, personnel, documents and assets that the auditors consider necessary for the purposes of their work.

16.403 ~~16.238~~~~16.246~~ — To ensure that auditors are provided with any information and explanations that they seek in the course of their work.

16.404 ~~16.239~~~~16.247~~ — To consider and respond promptly in developing action plans to rectify weakness identified in audit reports. The action plans will be provided to the Head of Internal Audit.

16.405 ~~16.240~~~~16.248~~ — To ensure that any agreed actions arising from audit recommendations are carried out in a timely and efficient fashion.

16.406 ~~16.241~~~~16.249~~ — To notify the Section 151 Officer immediately of any suspected fraud, theft, irregularity, improper use or misappropriation of the authority's property or resources. Pending investigation and reporting, the ~~Strategic Directors / Director /~~ Heads of Service should take all necessary steps to prevent further loss and to secure records and documentation against removal or alteration.

16.407 ~~16.242~~~~16.250~~ — To ensure that new systems for maintaining financial records, or records of assets, or changes to such systems, are discussed with the Head of Internal Audit prior to implementation.

External audit

Why is this important?

16.408 ~~16.243~~~~16.251~~ — The Public Audit (Wales) Act 2004 requires the Auditor General for Wales to appoint an external auditor to each local government body in Wales. The external auditor has rights of access to all documents and information necessary for the purposes of the audit.

16.409 ~~16.244~~~~16.252~~ — The general duties of the external auditor are specified in Section 17 of Chapter 1 to Part 2 of the Public Audit (Wales) Act 2004.

16.410 ~~16.245~~~~16.253~~ — The authority's accounts are scrutinised by external auditors, who must be satisfied that the statement of accounts:

16.410.1 ~~16.245.1~~~~16.253.1~~ — presents fairly the financial position of the authority and its income and expenditure for the year in question; and

16.410.2 ~~16.245.2~~~~16.253.2~~ — complies with the legislative and other applicable requirements.

16.411 ~~16.246~~~~16.254~~ — The Council may from time to time, be subject to audit, inspection or investigation by external bodies such as HM Revenues and Customs, who have statutory rights of access.

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Key controls

~~16.412~~ 16.247~~16.255~~—Section 16 of the 2004 Act permits the Auditor General for Wales to prepare a code of audit practice, prescribing the way in which external auditors should carry out their functions. The Auditor General's Code of Audit and Inspection Practice, issued in May 2005, sets out the general principles governing the work of auditors as well as specific requirements in relation to:

~~16.412.1~~ 16.247.1~~16.255.1~~—audit of financial statements; and

~~16.412.2~~ 16.247.2~~16.255.2~~—evaluation of arrangements for securing economy, efficiency.

Responsibilities of the Section 151 Officer

~~16.413~~ 16.248~~16.256~~—To ensure that external auditors are given access at all reasonable times to premises, personnel, documents and assets that the external auditors consider necessary for the purposes of their work.

~~16.414~~ 16.249~~16.257~~—To ensure there is effective liaison between external and internal audit.

~~16.415~~ 16.250~~16.258~~—To work with the external auditor and advise the Full Council, Cabinet and ~~Strategic Directors / Director/~~ Heads of Service on their responsibilities in relation to external audit.

~~16.416~~ 16.251~~16.259~~—To report to Governance and Audit Committee and/or Cabinet where appropriate, the findings of any inspections by bodies such as HM Revenues and Customs and to take relevant action to implement recommendations either arising from national judgements or local inspections.

Responsibilities of ~~Strategic Directors / Directors~~ / Heads of Service

~~16.417~~ 16.252~~16.260~~—To ensure that external auditors are given access at all reasonable times to premises, personnel, documents and assets which the external auditors consider necessary for the purposes of their work.

~~16.418~~ 16.253~~16.261~~—To ensure that all records and systems are up to date and available for inspection.

Preventing fraud and corruption

Why is it this important?

~~16.419~~ 16.254~~16.262~~—The authority will not tolerate fraud and corruption in the administration of its responsibilities, whether from inside or outside the authority.

~~16.420~~ 16.255~~16.263~~—The authority's expectation of propriety and accountability is that members and staff at all levels will lead by example in ensuring adherence to legal requirements, rules, procedures, practices and expected standards of conduct.

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~~16.421~~ 16.256~~16.264~~—The authority also expects that individuals and organisations (e.g. suppliers, contractors, service providers) with whom it comes into contact will act towards the authority with integrity and without thought or actions involving fraud and corruption.

Key controls

~~16.422~~ 16.257~~16.265~~—The key controls regarding the prevention of financial irregularities are that:

~~16.422.1~~ 16.257.1~~16.265.1~~—the authority has an effective anti-fraud, money laundering and anti-corruption policy and maintains a culture that will not tolerate fraud or corruption.

~~16.422.2~~ 16.257.2~~16.265.2~~—all members and staff act with integrity and lead by example.

~~16.422.3~~ 16.257.3~~16.265.3~~—senior managers are required to deal swiftly and firmly with those who defraud or attempt to defraud the authority or who are corrupt.

~~16.422.4~~ 16.257.4~~16.265.4~~—high standards of conduct are promoted amongst members by the standards committee.

~~16.422.5~~ 16.257.5~~16.265.5~~—the maintenance of a register of interests in which any hospitality or gifts accepted must be recorded.

~~16.422.6~~ 16.257.6~~16.265.6~~—whistle blowing procedures are in place and operate effectively.

~~16.422.7~~ 16.257.7~~16.265.7~~—legislation including the Public Interest Disclosure Act 1998 is adhered to.

Responsibilities of the Section 151 Officer

~~16.423~~ 16.258~~16.266~~—To develop and maintain an anti-fraud, money laundering and anti-corruption policy.

~~16.424~~ 16.259~~16.267~~—The Income and Awards Manager~~Head~~Manager / Head of Internal Audit will take whatever steps are considered necessary, on behalf of the Section 151 Officer, to investigate and report upon the potential cases of fraud and corruption.

~~16.425~~ 16.260~~16.268~~—To ensure that all irregularities are reported to the Governance and Audit Committee.

Responsibilities of ~~Strategic Directors~~ / ~~Director~~Directors / Heads of Service

~~16.426~~ 16.261~~16.269~~—To ensure that all suspected irregularities are reported to the Section 151 Officer.

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~~16.427~~ 16.262~~16.270~~ Chief Officers are responsible for taking any appropriate action to prevent further loss and to secure records and documentation against removal or alteration.

~~16.428~~ 16.263~~16.271~~ To instigate the authority's disciplinary procedures where the outcome of an audit investigation indicates improper behaviour.

~~16.429~~ 16.264~~16.272~~ To ensure that all members of staff declare potential conflicts of interest in their work activities on a continual basis. These interests should be formally recorded by the department and actions should be taken to avoid situations where interests may be compromised.

~~16.430~~ 16.265~~16.273~~ To make staff aware of the Council's policy on accepting gifts and to maintain a register recording gifts offered and accepted.

Assets

Security (Including Inventories and Stocks and Stores)

Why is this important?

~~16.431~~ 16.266~~16.274~~ The authority holds assets in the form of property, vehicles, equipment, furniture and other items worth many millions of pounds. It is important that assets are safeguarded and used efficiently in service delivery, and that there are arrangements for the security of both assets and information required for service operations.

~~16.432~~ 16.267~~16.275~~ An up-to-date asset register of items identified by the service as key to their service delivery or items of a value greater than £10,000, is a prerequisite for proper fixed asset accounting and sound asset management. The function of the asset registers is to provide the authority with information about fixed assets so that they are:

~~16.432.1~~ 16.267.1~~16.275.1~~ safeguarded

~~16.432.2~~ 16.267.2~~16.275.2~~ used efficiently and effectively

~~16.432.3~~ 16.267.3~~16.275.3~~ adequately maintained

~~16.432.4~~ 16.267.4~~16.275.4~~ properly insured

Key controls

~~16.433~~ 16.268~~16.276~~ The key controls for the security of resources such as land, buildings, fixed plant machinery, equipment, software and information are:

~~16.433.1~~ 16.268.1~~16.276.1~~ resources are used only for the purposes of the authority and are properly accounted for

~~16.433.2~~ 16.268.2~~16.276.2~~ resources are available for use when required

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~~16.433.3~~ 16.268.3~~16.276.3~~—resources no longer required are disposed of in accordance with the law and the regulations of the authority so as to maximise benefits

~~16.433.4~~ 16.268.4~~16.276.4~~—an asset register is maintained by the ~~Lead Professional (Finance)~~Deputy Head of Finance of key or valuable assets (as defined in Rule ~~16.276~~16.275) as they are acquired by the authority and this record is updated as changes occur with respect to the location and condition of the asset. The assets recorded on the asset register will be determined by each Service, based upon Rule ~~16.279~~16.276.

~~16.433.5~~ 16.268.5~~16.276.5~~—all staff are aware of their responsibilities with regard to safeguarding the authority's assets and information, including the requirements of the Data Protection Act and software copyright legislation

~~16.433.6~~ 16.268.6~~16.276.6~~—all staff are aware of their responsibilities with regard to safeguarding the security of the authority's computer systems, including maintaining restricted access to the information held on them and compliance with the authority's computer and internet security policies.

Responsibilities of the ~~Professional Lead (Finance)~~Deputy Head of Finance

~~16.434~~ 16.269~~16.277~~—To maintain the asset register in accordance with good practice for all assets with a replacement value in excess of £10,000, or that are deemed essential to service provision, and all land and property, irrespective of value should be recorded. The Section 151 Officer will be responsible for ensuring that Services maintain appropriate inventory registers. This register is to be maintained by each Service area and should be available upon request.

~~16.435~~ 16.270~~16.278~~—To receive the information required for accounting, costing and financial records from each ~~Strategic Directors / Director /~~ Heads of Service.

~~16.436~~ 16.271~~16.279~~—To ensure that assets are valued in accordance with the Code of Practice on Local Authority Accounting in the United Kingdom (CIPFA/LASAAC).

Responsibilities of ~~Strategic Directors / Director /~~ Heads of Service

~~16.437~~ 16.272~~16.280~~—To ensure that all land and properties irrespective of value are entered on the corporate database (~~Asset Terrier~~) by using the Corporate Property Section for all land and property related transactions, as laid out in the Corporate Asset Policy (CAP).

~~16.438~~ 16.273~~16.281~~—To ensure that lessees and other prospective occupiers of council land are not allowed to take possession or enter the land

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until a lease or agreement, has been drawn up by the Corporate Property Section and signed by Legal Services, as laid out in the Corporate Asset Policy (CAP).

~~16.439~~ 16.274~~16.282~~——To ensure the proper security of all buildings and other assets under their control.

~~16.440~~ 16.275~~16.283~~——To ensure that where land or buildings are surplus to requirements, the Service follows the Corporate Asset Policy (CAP) to ensure the Council's assets are either disposed of in an effective manner or used for an alternative purpose as covered by the Policy.

~~16.441~~ 16.276~~16.284~~——To arrange for title deeds to be passed to the Solicitor to the Council who is responsible for custody of all title deeds.

~~16.442~~ 16.277~~16.285~~——To ensure that no authority asset is subject to personal use by an employee without proper authority.

~~16.443~~ 16.278~~16.286~~——To ensure the safe custody of vehicles, equipment, furniture, stock, stores and other property belonging to the authority.

~~16.444~~ 16.279~~16.287~~——All plant and machinery and moveable assets currently owned or used by the authority with a replacement value in excess of £5,000 should be recorded by each Service in an inventory register. Any use of property by a department or establishment other than for direct service delivery can only be agreed by the Corporate Property Section, as laid out in the Corporate Asset Policy (CAP).

~~16.445~~ 16.280~~16.288~~——To ensure that key work assets, (not including property or land) are identified in the inventory register, their location recorded and that they are appropriately marked and insured.

~~16.446~~ 16.281To ensure cash holdings on premises are kept to a minimum (see also Rule 16.391~~83~~)

~~16.447~~ 16.282To ensure that keys to safes and similar receptacles are kept safe at all times; loss of any such keys must be reported to the Section 151 Officer as soon as possible.

~~16.448~~ 16.283To record all disposal or part exchange of assets. The sale or disposal of all goods belonging to the Authority should follow correct procedure and be recorded. This procedure is covered in the Corporate Asset Policy (CAP) or where covered by external guidance for specific Service items, for example, libraries or museum collections.

~~16.449~~ 16.274To arrange for the valuation of assets for accounting purposes to meet requirements specified by the Section 151 Officer.

~~16.450~~ 16.285To ensure that all employees are aware that they have a personal responsibility with regard to the protection and confidentiality of information, whether held in manual or computerised records. Information may be sensitive or privileged, or may possess some intrinsic value, and its disclosure or loss could result in a cost to the authority in some way.

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~~16.451~~ 16.286To maintain inventories and record an adequate description of fittings, equipment, plant and machinery above £5,000 in value.

~~16.452~~ 16.287To carry out an annual check of all items on the Service inventory in order to verify location, review, condition and to take action in relation to surpluses or deficiencies, annotating the inventory accordingly. Attractive and portable items such as computers, cameras and video recorders should be identified with security markings as belonging to the authority.

~~16.453~~ 16.288To make sure that property is only used in the course of the authority's business, unless the ~~Strategic Directors /~~ Directors / Heads of Service concerned has given written permission in advance otherwise.

~~16.454~~ 16.289To make arrangements for the care and custody of stocks and stores in the department.

~~16.455~~ 16.290To ensure stocks are maintained at reasonable levels and are subject to a regular independent physical check and stock records accurately reflect stock transactions. All discrepancies should be investigated and pursued to a satisfactory conclusion.

~~16.456~~ 16.291To investigate and remove from the authority's records (~~ie~~ i.e. write off) discrepancies as necessary, or to obtain Cabinet approval if they are in excess of the predetermined limit in Rule ~~16.300~~73.

~~16.457~~ 16.292To authorise or write off disposal of redundant stocks and equipment. Procedures for disposal of such stocks and equipment should be by competitive quotations or auction, unless, following consultation with the Section 151 Officer, the Cabinet decides otherwise in a particular case. Specialist equipment may be disposed of by the service if agreed by the Head of Service and the sale adequately recorded and best value achieved. Sales via online auction sites (e.g. eBay) must be handled by the Corporate Property team on behalf of the service, as well as all internal disposals, via the Corporate Asset Policy (CAP).

~~16.458~~ 16.293~~16.301~~——To seek the Section 151 Officer's approval to the write-off of redundant stocks and equipment in excess of £1,000 and the Cabinet's approval to the write-off of redundant stocks and equipment in excess of £5,000.

~~16.459~~ 16.294~~16.302~~——To ensure that computer equipment and software are protected from loss and damage through theft, vandalism, etc.

~~16.460~~ 16.295~~16.303~~——To comply with the copyright, designs and patents legislation and, in particular, to ensure that:

~~16.460.1~~ 19.295.1~~16.303.1~~——only software legally acquired and installed by the authority is used on its computers

~~16.460.2~~ 16.295.2~~16.303.2~~——staff are aware of legislative provisions

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~~16.295.3~~~~16.303.3~~—in developing systems, due regard is given to the issue of intellectual property rights.

Intellectual property

Why is this important?

~~16.461~~ ~~16.296~~~~16.304~~—Intellectual property is a generic term that includes inventions and writing. If these are created by the employee during the course of employment, then, as a general rule, they belong to the employer, not the employee. Various acts of Parliament cover different types of intellectual property.

~~16.462~~ ~~16.297~~~~16.305~~—Certain activities undertaken within the authority may give rise to items that may be patentable, for example, software development. These items are collectively known as intellectual property.

~~16.463~~ ~~16.298~~~~16.306~~—Partnerships, joint ventures and contractors may create valuable intellectual property or may make use of or build upon the Council's pre-existing intellectual property. The Council's interests in its pre-existing intellectual property must be protected and ownership of new intellectual property must be predetermined by contract and where appropriate protected.

Key controls

~~16.464~~ ~~16.299~~~~16.307~~—~~In the event that~~ If the authority decides to become involved in the commercial exploitation of inventions, the matter should proceed in accordance with the authority's approved intellectual property procedures.

~~16.465~~ ~~16.300~~~~16.308~~—The Council may make use of intellectual property (such as software and copyright materials) owned by others and must ensure that it does not breach the owners' rights in the intellectual property.

~~16.466~~ ~~16.301~~~~19.309~~—Staff members must be aware of intellectual property issues, including the consequences of breach of copyright or other intellectual property rights by the Council and the need to protect the Council's intellectual property through appropriate contractual arrangements.

Responsibilities of the Section 151 Officer

~~16.467~~ ~~16.302~~~~16.310~~—To develop and disseminate good practice through the authority's intellectual property procedures.

Responsibilities of ~~Strategic Directors / Director~~ / Heads of Service

~~16.468~~ ~~16.303~~~~16.311~~—To ensure that controls are in place to ensure that staff do not carry out private work in council time and that staff are aware of an employer's rights with regard to intellectual property.

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Asset disposal

Why is this important?

~~16.469~~ 16.304~~16.312~~ — It would be uneconomic and inefficient for the cost of assets to outweigh their benefits. Obsolete, non-repairable or unnecessary resources should be disposed of in accordance with the law and the regulations of the authority. Capital receipts are corporate and will be allocated to services subject to the Corporate Asset Policy (CAP).

Key controls

~~16.470~~ 16.305~~16.313~~ — Assets for disposal are identified and are disposed of at the most appropriate time, and only when it is in the best interests of the authority, in accordance with the Corporate Asset Policy (CAP).

~~16.471~~ 16.306~~16.314~~ — Procedures protect staff involved in the disposal from accusations of personal gain.

Responsibilities of the ~~Professional Lead (Finance)~~ Deputy Head of Finance

~~16.472~~ 16.307~~16.315~~ — To ensure appropriate accounting entries are made to remove the value of disposed assets from the authority's records and to include the sale proceeds if appropriate.

Responsibilities of ~~Strategic Directors / Directors~~ Directors / Heads of Service

~~16.473~~ 16.308~~16.316~~ — To seek advice from Corporate Property on the disposal of surplus or obsolete materials, stores or equipment and to follow the proper procedures as laid out in the Corporate Asset Policy (CAP).

~~16.474~~ 16.309~~16.317~~ — To ensure that income received for the disposal of non-property asset is properly banked and coded.

~~16.475~~ 16.310~~16.318~~ — When property becomes surplus to operational requirements, ~~Strategic Directors / Directors~~ Directors / Heads of Service need to consider the Corporate Asset Policy (CAP) and consider the following:

~~16.475.1~~ 16.310.1~~16.318.1~~ — Does the item belong to the Council or is it leased or loaned?

~~16.475.2~~ 16.310.2~~16.318.2~~ — How was the asset financed? In particular was the asset financed from a school's delegated budget, a trust fund, a grant or from capital. Many grants require a "clawback" if grant funded assets are disposed of within a given period.

~~16.475.3~~ 16.310.3~~16.318.3~~ — If the asset to be disposed of is capital in nature, the receipt is likely to constitute a capital receipt if it exceeds the de minimus level, currently £10,000. Advice can be sought from the Section 151 Officer on the correct accounting treatment of capital receipts.

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~~16.475.4~~ 16.310.4~~16.318.4~~—Where appropriate, seek professional advice on the likely value of the asset to be disposed of.

~~16.475.5~~ 16.310.5~~16.318.5~~—If the property was purchased from a school's delegated budget, approval for disposal rests with the school's governing body. In all other circumstances, approval rests with the relevant ~~Strategic Directors /~~ Directors / Heads of Service, subject to the specific procedures relating to the disposal of land and buildings.

~~16.475.6~~ 16.310.6~~16.318.6~~—Any Service wishing to make a property surplus will need to follow the Corporate Asset Policy (CAP).

~~16.475.7~~ 16.310.7~~16.318.7~~—Disposal of property to third parties may well be subject to VAT. Advice on this should be sought from the Section 151 Officer.

~~16.475.8~~ 16.310.8~~16.318.8~~—Following consideration of tenders, ensure payment is made before release to third parties.

~~16.475.9~~ 16.310.9~~16.318.9~~—Following the disposal of property, ensure Service asset (non-property) registers are adjusted accordingly.

Treasury Management

Why is this important?

~~16.476~~ 16.311~~16.319~~—Local authorities deal with significant levels of cash and must operate within codes of practice. These aim to provide assurances that the authority's money is properly managed in a way that balances risk with return, but with the overriding consideration being given to the security of the authority's capital sum.

Key controls

~~16.477~~ 16.312~~16.320~~—That the authority's borrowings and investments comply with the CIPFA Code of Practice on Treasury Management and with the authority's treasury management policy statement.

Responsibilities of Section 151 Officer – treasury management and banking

~~16.478~~ 16.313~~16.321~~—To arrange the borrowing and investments of the authority in such a manner as to comply with the CIPFA Code of Practice on Treasury Management and the authority's treasury management policy statement and strategy.

~~16.479~~ 16.314~~16.322~~—To report twice a year on treasury management activities and compliance with prudential indicators to the Cabinet. ~~This activity may be delegated to the Governance and Audit Committee.~~

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~~16.480~~ 16.315~~16.323~~ — To operate bank accounts as are considered necessary, including weekly or monthly reconciliations. Opening or closing any bank account shall require the approval of the Section 151 Officer. Bank accounts shall be in the name of Powys County Council and not in any officer's name or designation.

~~16.481~~ 16.316~~16.324~~ — Council cheques shall bear the ~~facsimile~~ signature of the Section 151 Officer or other authorised signatory ~~and cheques in excess of either £9,975 or £19,950 shall bear the facsimile signature of the Deputy Section 151 Officer and the Finance Manager respectively.~~

16.317~~16.325~~ — Issuing purchase cards to budget holders in lieu of cheque or BACS (Bank Automated Clearing System) payments.

~~16.482~~ 16.318~~16.326~~ — Act as authorised signatory for Project Bank Accounts, which are contractor bank accounts set up for large capital projects

Responsibilities of ~~Strategic Directors / Director / Heads of Service~~ – treasury management and banking

~~16.483~~ 16.319~~16.327~~6 — To follow the instructions on banking issued by the Section 151 Officer.

Responsibilities of Head of Schools and Inclusion, Governors, and Headteachers – treasury management and banking (Bank accounts operated under the local management of schools' scheme)

~~16.484~~ 16.320~~16.327~~8 — All banking arrangements are to be decided by the Governing Body, who may open and operate such bank accounts from the approved list of Institutions included in the annual Treasury Management Policy Statement as are considered necessary, subject to the prior approval of the Head of School and Inclusion and the Section 151 Officer.

~~16.485~~ 16.321~~16.328~~9 — All cheques shall be ordered by the Headteacher. He or she shall make proper arrangements for their safe custody, including a proper division of duties in the ordering, custody and issue of cheques and the reconciliation of bank accounts.

~~16.486~~ 16.322~~16.329~~30 — All cheques shall be signed by at least two school officers who have been authorised by the school's Governing Body.

~~16.487~~ 16.323~~16.330~~1 — A cheque must not be signed by an officer who has either authorised the order(s) or certified the payment.

~~16.488~~ 16.324~~16.332~~1 — Cheques shall only be signed after having been completed (i.e. i.e., no pre-signed cheques), and any officer signing cheques should ensure that the regulations for Payment of Accounts (see section 4.38 below) have been satisfied.

~~16.489~~ 16.325~~16.332~~3 — No arrangements shall be made to make payments by Direct Debit, Standing Order or other automatic means without formal approval of the Section 151 Officer.

~~16.490~~ 16.326~~16.333~~4 — Use of a debit card as a method of payment on the schools account in lieu of a cheque is permitted. Cards will be held in the

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name of the headteacher and business manager and will have an appropriate monthly limit. An appropriate invoice will be required for such payments. Cards should be locked in the school safe when not in use.

~~16.491~~ 16.327~~16.334~~~~5~~ — Cheques must be issued in strict numerical order and counterfoils fully completed.

~~16.492~~ 16.328~~16.335~~~~6~~ — All cancelled cheques should be marked as such and be retained.

~~16.493~~ 16.329~~16.336~~~~7~~ — The balance shown on the bank account must be reconciled with the school account every month. This reconciliation should be certified by a person not involved with the reconciliation or payment process.

~~16.494~~ 16.330~~16.337~~~~8~~ — The Head of School and Inclusion, the Section 151 Officer, or their representatives, may at any time demand an accounting of money expended from or paid into any school bank account. The Head of School and Inclusion or the Section 151 Officer may instruct the closure of any school bank account.

~~16.495~~ 16.331~~16.338~~~~9~~ — Surplus amounts may be invested in investment accounts held with approved Institutions (see 3.105 above) but should have minimal risk, or they may be invested via the Section 151 Officer. In no circumstances should any investment be made via a third party, e.g. a Broker.

Responsibilities of Section 151 Officer – investments and borrowing

~~16.496~~ 16.332~~16.339~~~~40~~ — To ensure that all investments of money are made in the name of the authority or in the name of nominees approved by the Full Council.

~~16.497~~ 16.333~~16.340~~~~1~~ — To ensure that all securities that are the property of the authority or its nominees and the title deeds of all property in the authority's ownership are held in the custody of the Chief Legal Officer.

~~16.498~~ 16.334~~16.341~~~~2~~ — To effect all borrowings in the name of the authority.

~~16.499~~ 16.335~~16.342~~~~3~~ — To act as the authority's registrar of stocks, bonds and mortgages and to maintain records of all borrowing of money by the authority.

Responsibilities of ~~Strategic~~ Directors / ~~Director~~ / Heads of Service – investments and borrowing

~~16.500~~ 16.336~~16.343~~~~4~~ — To ensure that loans are not made to third parties and that interests are not acquired in companies, joint ventures or other enterprises without the approval of the Full Council, following consultation with the Section 151 Officer.

Responsibilities of ~~Strategic~~ Directors / ~~Director~~ / Heads of Service – trust funds and funds held for third parties

~~16.501~~ 16.337~~16.344~~~~5~~ — To arrange for all trust funds to be held, wherever possible, in the name of the authority. All officers acting as trustees by

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virtue of their official position shall deposit securities, etc relating to the trust with the Section 151 Officer, unless the deed otherwise provides.

~~16.502~~ 16.338~~16.3456~~ — To ensure that trust funds are operated within any relevant legislation and the specific requirements for each trust.

~~16.503~~ 16.339~~16.3467~~ — All officers of the Council shall inform their ~~Strategic Directors / Director /~~ Heads of Service of any involvement in any voluntary fund (as defined above) and state the position that they hold with regard to that fund.

~~16.504~~ 16.340~~16.3478~~ — The ~~Strategic Directors / Director /~~ Heads of Service shall record the name of the officer, the account details, the name of the fund and the purpose for which it has been set up. They shall satisfy themselves that:

~~16.504.1~~ 16.340.1~~16.3478.1~~ — proper accounts of the fund's activities (separate from those of the Council) are kept,

~~16.504.2~~ 16.340.2~~16.3478.2~~ — and that an independent audit is carried out at annual intervals by a competent Auditor appointed by, and reporting to, the fund's controlling body or Cabinet of Governors, and to other interested parties (e.g. parents, clients, etc).

~~16.505~~ 16.341~~16.3489~~ — The officer concerned shall supply a copy of the audited accounts and balance sheet for each financial year to their ~~Strategic Directors / Director /~~ Heads of Service and to Managing Cabinet, Governing Body, etc, where relevant. Such accounts shall also be made available to all interested parties (e.g. parents).

~~16.506~~ 16.342~~16.34950~~ — Bank accounts shall be in the name of the establishment (e.g. school, home, etc) and not in any officer's name or designation.

~~16.507~~ 16.3501 — ~~At least two signatories should be required for the signing of cheques, and cheques shall not be pre-signed.~~

~~16.508~~ 16.343~~16.3512~~ — Money due to the Council shall not be paid into any voluntary fund, permanently or temporarily.

~~16.509~~ 16.344~~16.3523~~ — The officer shall keep all money, goods, or property of the voluntary fund, separate from those of the Council.

~~16.510~~ 16.345~~16.3534~~ — The financial control of the fund and the physical security of assets shall reflect the standards required of official funds.

~~16.511~~ 16.346~~16.3545~~ — The ~~Strategic Directors / Director /~~ Heads of Service, Section 151 Officer, or their representatives may examine the accounts and records of the fund (where held by an officer), and ask for such records, explanations and information as they may require.

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~~16.512~~ ~~16.347~~~~16.3556~~ — In the event of any loss in respect of voluntary funds the Council accepts no responsibility whatsoever, and no officer has any authority to bind the Council to accept such liability.

Responsibilities of the Section 151 Officer – imprest accounts (petty cash and cash floats)

~~16.513~~ ~~16.348~~~~16.3567~~ — To provide employees of the authority with cash or bank imprest accounts to meet minor expenditure on behalf of the authority and to prescribe rules for operating these accounts. Minor items of expenditure should not exceed the prescribed amount.

~~16.514~~ ~~16.349~~~~16.3578~~ — To determine the petty cash limit and to maintain a record of all transactions and petty cash advances made, and periodically to review the arrangements for the safe custody and control of these advances.

~~16.515~~ ~~16.350~~~~16.3589~~ — To reimburse imprest holders as often as necessary to restore the imprests, but normally not more than monthly.

Responsibilities of ~~Strategic Directors / Director / Heads of Service~~ – imprest accounts

~~16.516~~ ~~16.351~~~~16.35960~~ — To ensure that employees operating an imprest account:

~~16.516.1~~ ~~16.351.1~~~~16.35960.1~~ obtain and retain vouchers to support each payment from the imprest account. Where appropriate, an official receipted VAT invoice must be obtained

~~16.516.2~~ ~~16.351.2~~~~16.35960.2~~ make adequate arrangements for the safe custody of the account

~~16.516.3~~ ~~16.351.3~~~~16.35960.3~~ produce upon demand by the Section 151 Officer cash and all vouchers to the total value of the imprest amount

~~16.516.4~~ ~~16.351.4~~~~16.35960.4~~ record transactions promptly

~~16.516.5~~ ~~16.351.5~~~~16.35960.5~~ reconcile and balance the account at least monthly; reconciliation sheets to be signed and retained by the imprest holder

~~16.516.6~~ ~~16.351.6~~~~16.35960.6~~ provide the Section 151 Officer with a certificate of the value of the account held at 31 March each year

~~16.516.7~~ ~~16.351.7~~~~16.35960.7~~ ensure that the imprest account is never used to cash personal cheques or to make personal loans and that the only payments into the account are the reimbursement of the imprest account and change relating to purchases where an advance has been made

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~~16.516.8~~ 16.351.8~~16.35960.8~~ on leaving the authority's employment or otherwise ceasing to be entitled to hold an imprest advance, an employee shall account to the Section 151 Officer for the amount advanced to them.

D: Financial Systems and Procedures

General

Why is this important?

~~16.517~~ 16.352~~16.3601~~—Departments must keep information that is accurate and supported by systems and procedures that are sound and well administered. They should ensure that transactions are properly processed and errors detected promptly.

~~16.518~~ 16.353~~16.3612~~—The Section 151 Officer has a professional responsibility to ensure that the authority's financial systems are sound and should therefore be notified of any new developments or changes. Many of the following key controls are equally relevant to internal income.

Key controls

~~16.519~~ 16.354~~16.3623~~—The key controls for systems and procedures are:

~~16.519.1~~ 16.354.1~~16.3623.1~~—basic data exists to enable the authority's objectives, targets, budgets and plans to be formulated

~~16.519.2~~ 16.354.2~~16.3623.2~~—performance is communicated to the appropriate managers on an accurate, complete and timely basis

~~16.519.3~~ 16.354.3~~16.3623.3~~—early warning is provided of deviations from target, plans and budgets that require management attention

~~16.519.4~~ 16.354.4~~16.3623.4~~—operating systems and procedures are secure.

Responsibilities of the Section 151 Officer

~~16.520~~ 16.355~~16.3634~~—To make arrangements for the proper administration of the authority's financial affairs, including to:

~~16.520.1~~ 16.355.1~~16.3634.1~~—issue advice, guidance and procedures for officers and others acting on the authority's behalf

~~16.520.2~~ 16.355.2~~16.3634.2~~—determine the accounting systems, form of accounts and supporting financial records

~~16.520.3~~ 16.355.3~~16.3634.3~~—establish arrangements for audit of the authority's financial affairs

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~~16.520.4~~ 16.355.4~~16.3634.4~~ approve any new financial systems to be introduced

~~16.520.5~~ 16.355.5~~16.3634.5~~ approve any changes to be made to existing financial systems.

Responsibilities of ~~Strategic Directors / Director /~~ Heads of Service

~~16.521~~ 16.356~~16.3654~~ — To ensure that accounting records are properly maintained and held securely.

~~16.522~~ 16.357~~16.3656~~ — To ensure that vouchers and documents with financial implications are not destroyed, except in accordance with arrangements approved by the Section 151 Officer.

~~16.523~~ 16.358~~16.3667~~ — To ensure that a complete management trail, allowing financial transactions to be traced from the accounting records to the original document, and vice versa, is maintained.

~~16.524~~ 16.359~~16.3678~~ — To incorporate appropriate controls to ensure that, where relevant:

~~16.524.1~~ 16.359.1~~16.367.1~~ — all input is genuine, complete, accurate, timely and not previously processed

~~16.524.2~~ 16.359.2~~16.367.2~~ — all processing is carried out in an accurate, complete and timely manner

~~16.524.3~~ 16.359.3~~16.367.3~~ — output from the system is complete, accurate and timely.

~~16.525~~ 16.360~~16.3698~~ — To ensure that the organisational structure provides an appropriate segregation of duties to provide adequate internal controls and to minimise the risk of fraud or other malpractice. ~~If required~~required, the Head of Internal Audit will provide advice on this issue if requested to do so by ~~Strategic Director/Directors~~Heads of Service.

~~16.526~~ 16.361~~16.36970~~ — To ensure there is a documented and tested disaster recovery plan to allow information system processing to resume quickly in the event of an interruption.

~~16.527~~ 16.362~~16.3701~~ — To ensure that all systems are properly documented and relevant staff trained in operations.

~~16.528~~ 16.363~~16.3712~~ — To obtain the approval of the Section 151 Officer before changing any existing system or introducing new systems which provide financial data.

~~16.529~~ 16.364~~16.3723~~ — To establish a scheme of delegation identifying officers authorised to act upon the ~~Strategic Directors / Director /~~ Heads of Service's behalf in respect of payments, income collection and placing orders, including variations, and showing the limits of their authority.

~~16.530~~ 16.365~~16.3734~~ — To supply lists of authorised officers, with specimen signatures and delegated limits, to the Section 151 Officer, together with any subsequent variations.

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~~16.531~~ 16.366~~16.374~~5 — To ensure that effective contingency arrangements, including back-up procedures, exist for computer systems. Wherever possible, back-up information should be securely retained in a fireproof location, preferably off site or at an alternative location within the building.

~~16.532~~ 16.367~~16.375~~6 — To ensure that, where appropriate, computer systems are registered in accordance with data protection legislation and that staff are aware of their responsibilities under the legislation.

~~16.533~~ 16.368~~16.376~~7 — To ensure that relevant standards and guidelines for computer systems issued by ~~the Strategic Directors / Director / Heads of Service~~, in consultation with the ~~Strategic Director~~Section 151 Officer - Resources or his/her nominated officer with oversight of ICT systems, are observed.

Income and expenditure

Income

Why is this important?

~~16.534~~ 16.369~~16.377~~8 — Effective income collection systems are necessary to ensure that all income due is identified, collected, receipted and banked properly. Wherever possible income should be obtained in advance of supplying goods or services as this improves the authority's cashflow ~~and also~~and avoids the time and cost of administering debts.

Key controls

~~16.535~~ 16.370~~16.378~~9 — The key controls for income are:

~~16.535.1~~ 16.370.1~~16.3789.1~~ — all income due to the authority is identified and charged correctly, in accordance with an approved charging policy, which is regularly reviewed

~~16.535.2~~ 16.370.2~~16.3789.2~~ — all income is collected from the correct person, at the right time, using the correct procedures and the appropriate stationery

~~16.535.3~~ 16.370.3~~16.3789.3~~ — all money received by an employee on behalf of the authority is paid without delay to the Section 151 Officer or representative or, as they direct, to the authority's bank or National Giro account, and properly recorded by the issue of a receipt or controlled ticket or by direct entry in a receipting system. All methods of receipting must be approved by the Section 151 Officer. ~~All transfers of monies between staff of the Full Council should be recorded.~~ The responsibility for cash collection should be separated from that:

~~16.535.3.1~~ 16.370.4~~16.3789.3.1~~ — for identifying the amount due

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~~16.535.3.2~~ 16.370.5~~16.3789.3.2~~ for reconciling the amount due to the amount received

~~16.535.4~~ 16.370.6~~16.3789.4~~ effective action is taken to pursue non-payment within defined timescales

~~16.535.5~~ 16.370.7~~16.3789.5~~ formal approval for debt write-off is obtained

~~16.535.6~~ 16.370.8~~16.3789.6~~ appropriate write-off action is taken within timescales defined

~~16.535.7~~ 16.370.9~~16.3789.7~~ appropriate accounting adjustments are made following write-off action

~~16.535.8~~ 16.370.10~~16.3789.8~~ all appropriate income documents are retained and stored for the defined period in accordance with the document retention schedule

~~16.535.9~~ 16.370.11~~16.3789.9~~ money collected and deposited is reconciled to the bank account by a person who is not involved in the collection or banking process.

Responsibilities of the Section 151 Officer

~~16.536~~ 16.371~~16.37980~~ To agree arrangements for the collection of all income due to the authority and to approve the procedures, systems and documentation for its collection.

~~16.537~~ 16.372~~16.3801~~ To agree the form of all receipt forms, books or tickets and similar items and to satisfy themselves regarding the arrangements for their control.

~~16.538~~ 16.373~~16.3812~~ To agree the write-off policy for ~~of~~ bad debts and levels of delegation to the Recovery department. Delegation levels are set at up to £125,000 approval of write off and statute barred debts in each case by the Section 151 Officer ~~and statute barred debts in each case~~. Debts at a level between £25,001 and £100,000 must have approval of the portfolio holder and to refer larger sums, over £100,001 to be approved by ~~the~~ Cabinet.

~~16.539~~ 16.374~~16.3832~~ To approve all debts to be written off in agreement ~~consultation~~ with the relevant ~~Strategic Directors / Director /~~ Heads of Service and to keep a record of all sums written off up to the approved limit and to adhere to the requirements of the Accounts and Audit (Wales) Regulations 2014.

~~16.540~~ 16.375~~16.3834~~ To obtain the approval of the Cabinet in consultation with the relevant ~~Strategic Directors / Director /~~ Heads of Service for writing off debts in excess of ~~the approved limit~~ £100,000.

~~16.541~~ 16.376~~16.3845~~ To ensure that appropriate accounting adjustments are made following write-off action.

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Responsibilities of ~~Strategic~~ Directors / ~~Director~~ / Heads of Service

~~16.542~~ 16.377~~16.3856~~ — To establish a charging policy for the supply of goods or services, including the appropriate charging of VAT, and to review it regularly, in line with corporate policies.

~~16.543~~ 16.378~~16.3867~~ — To separate the responsibility for identifying amounts due and the responsibility for collection, as far as is practicable.

~~16.544~~ 16.379~~16.3878~~ — To establish and initiate appropriate recovery procedures, including legal action where necessary, for debts that are not paid promptly.

~~16.545~~ 16.380~~16.3889~~ — To issue official receipts or to maintain other documentation for income collection.

~~16.546~~ 16.381~~16.38990~~ — To ensure that at least two employees are present when post is opened so that money received by post is properly identified and recorded.

~~16.547~~ 16.382~~16.3901~~ — To hold securely receipts, tickets and other records of income for the appropriate period.

~~16.548~~ 16.383~~16.3912~~ — To lock away all income to safeguard against loss or theft, and to ensure the security of cash handling. Cash and cheques held in a locked safe or strongroom must not exceed ~~£25,000~~£50,000 during business hours and £10,000 outside of business hours. Other money in the premises out of business hours, and not in a locked safe must not exceed £250. The money held within a safe must never exceed the value recommended by the Euro grade rating of the safe as follows:

Euro Grade	Maximum Value of Money to be held
Grade 0	£6,000
Grade 1	£10,000 *
Grade 2	£ 10 <u>7,0</u> 500 *
Grade 3	£ 10 <u>3</u> 5,000 *

* The holding of money in excess of £6,000 should be notified to the Risk and Insurance Unit and Treasury management so that risk control and banking arrangements can be reviewed.

~~16.549~~ 16.384~~16.392~~ — To ensure that income is paid fully and promptly into the appropriate authority bank account in the form in which it is received. Appropriate details should be recorded on to paying-in slips to provide an audit trail. Money collected and deposited must be reconciled to the bank account on a regular basis.

~~16.550~~ 16.385~~16.393~~ — To ensure income is not used to cash personal cheques or other payments.

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~~16.551~~ ~~16.386~~~~16.394~~ — To supply the Section 151 Officer with details relating to work done, goods supplied, services rendered or other amounts due, to enable the Section 151 Officer to ~~record correctly~~correctly record the sums due to the authority. To do this, ~~Strategic Directors / Director /~~ Heads of Service should use established performance management systems to monitor recovery of income and inform the Section 151 Officer of any matters of concern. ~~Strategic Directors / Directors~~ / Heads of Service have a responsibility to assist the Section 151 Officer in collecting debts that they have originated, by providing any further information requested by the debtor, and in pursuing the matter on the authority's behalf.

~~16.552~~ ~~16.387~~~~16.395~~ — To keep a record of every transfer of money between employees of the authority. The receiving officer must sign for the transfer and the transferor must retain a copy.

~~16.553~~ ~~16.388~~~~16.396~~ — To recommend to the Section 151 Officer, Heads of Service, pPortfolio Holder and Cabinet, as appropriate, all debts to be written off. Once raised, no bona fide debt may be cancelled, except by full payment or by its formal writing off. A credit note to replace a debt can only be issued to correct a factual inaccuracy or administrative error in the calculation and/or billing of the original debt.

~~16.554~~ ~~16.389~~~~16.397~~ — To notify the Section 151 Officer of outstanding income relating to the previous financial year as soon as possible after 31 March in line with the timetable determined by the Section 151 Officer and not later than 30 April.

Ordering and paying for work, goods and services

Why is this important?

~~16.555~~ ~~16.390~~~~16.398~~ — Public money should be spent with demonstrable probity and in accordance with the authority's policies. Authorities have a statutory duty to achieve best value in part through economy and efficiency. The authority's procedures should help to ensure that services obtain value for money from their purchasing arrangements and that articles purchased are fit for purpose and within budget. These procedures should be read in conjunction with the authority's Contract Standing Orders, Procurement Strategy and Purchasing Guide.

General

~~16.556~~ ~~16.391~~~~16.399~~ — Every officer and member of the authority has a responsibility to declare any links or personal interests that they may have with purchasers, suppliers and/or contractors if they are engaged in contractual or purchasing decisions on behalf of the authority, in accordance with appropriate codes of conduct (refer to Part 5 of the Constitution).

~~16.557~~ ~~16.392~~~~16.400~~ — Official orders must be in a form approved by the Section 151 Officer. Official orders or contracts must be issued in advance for all work, goods or services to be supplied to the authority, except for supplies of utilities, periodic payments such as rent or rates, petty cash purchases or other exceptions specified by the Section 151 Officer.

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~~16.558~~ 16.393~~16.401~~—Each order must conform to Contract Standing Orders. Standard terms and conditions must not be varied without the prior approval of the Section 151 Officer.

~~16.559~~ 16.394~~16.402~~—Apart from petty cash, schools' own bank accounts and other payments from advance accounts, the normal method of payment from the authority shall be by BACS, cheque or other instrument or approved method, drawn on the authority's bank account by the Section 151 Officer. The use of direct debit shall require the prior agreement of the Section 151 Officer.

~~16.560~~ 16.395~~16.403~~—Official orders must not be raised for any personal or private purchases, nor must personal or private use be made of authority contracts.

Key controls

~~16.561~~ 16.396~~16.404~~—The key controls for ordering and paying for work, goods and services are:

~~16.561.1~~ 16.396.1~~16.404.1~~—all goods and services are ordered before the purchase is concluded and invoice received, only by approved persons and are correctly recorded

~~16.561.2~~ 16.396.2~~16.404.2~~—All goods and services should be ordered using electronic ordering systems whenever possible

~~16.561.3~~ 16.396.3~~16.404.3~~—all goods and services shall be ordered in accordance with Contract Standing Orders unless they are purchased from sources within the authority

~~16.561.4~~ 16.396.4~~16.404.4~~—goods and services received are checked to ensure they are in accordance with the order. Goods should not be certified as received by the person who authorised the order

~~16.561.5~~ 16.396.5~~16.404.5~~—payments are not made unless goods have been received by the authority to the correct price, quantity and quality standards unless terms of business of supplier require otherwise

~~16.561.6~~ 16.396.6~~16.404.6~~—all payments are made to the correct supplier, for the correct amount (including discounts) and are properly recorded, regardless of the payment method

~~16.561.7~~ 16.396.7~~16.404.7~~—all appropriate evidence of the transaction and payment documents are retained and stored for the defined period, in accordance with the document retention schedule

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~~16.561.8~~ 16.396.8~~16.404.8~~—all expenditure, including VAT, is accurately recorded against the correct expenditure code and any exceptions are corrected

~~16.561.9~~ 16.396.9~~16.404.9~~—In addition, e-business/e-commerce and electronic purchasing (including ordering via the internet, purchasing cards and electronic purchase ordering systems) requires that processes are in place to maintain the security and integrity of data for transacting business. Such processes can only be used with the written prior approval of the Section 151 Officer.

Responsibilities of the Section 151 Officer

~~16.562~~ 16.397~~16.405~~—To ensure that all the authority's financial systems and procedures are sound and properly administered.

~~16.563~~ 16.398~~16.406~~—To approve any changes to existing financial systems and to approve any new systems before they are introduced.

~~16.564~~ 16.399~~16.407~~—To approve the form of official orders and associated terms and conditions.

~~16.565~~ 16.400~~16.408~~—To make payments from the authority's funds on the ~~Strategic Directors' / Director~~Directors' / Heads of Service's authorisation that the expenditure has been duly incurred in accordance with Financial Regulations.

~~16.566~~ 16.401~~16.409~~—To make payments, where provision exists within the estimates, where the payment is specifically required by statute or is made under a court order.

~~16.567~~ 16.402~~16.410~~—To make payments to contractors on the certificate of the appropriate ~~Strategic Directors' / Director~~Directors / Heads of Service, which must include details of the value of work, retention money (where appropriate), amounts previously certified and amounts now certified.

~~16.568~~ 16.403~~16.411~~—To provide advice and encouragement on making payments by the most economical means.

~~16.569~~ 16.404~~16.412~~—To ensure that a budgetary control system is established that enables commitments incurred by placing orders to be shown against the appropriate budget allocation so that they can be ~~taken into account~~considered in budget monitoring reports.

~~16.570~~ 16.405~~16.413~~—To ensure that all appropriate payment records are retained and stored for the defined period, in accordance with the document retention schedule. The following records should be kept for a minimum of 12 years:

Official orders	Cheque counterfoils/stubs
Signed delivery notes	Paying in stubs & analysis records
Paid invoices	Receipts

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Remittance advices	Bank statements
Bank reconciliation statements	Time sheets & payslips

~~16.571~~ ~~16.406~~~~16.414~~—Insurance records are to be kept indefinitely. Grant files are to be retained in accordance with the retention rules for the grant scheme to which they relate.

Responsibilities of ~~Strategic Directors / Director /~~ Heads of Service

~~16.572~~ ~~16.407~~~~16.415~~—To ensure that unique pre-numbered official orders are used for all goods, services, and works other than the exceptions specified in Rule ~~16.400~~~~16.400~~.

~~16.573~~ ~~16.408~~~~16.416~~—To ensure that orders are created in advance of the purchase and are only used for goods, services, and works provided to the department. Individuals must not use official orders to obtain goods or services for their private use.

~~16.574~~ ~~16.409~~~~16.417~~—To ensure corporate contracts are used where appropriate in accordance with the Council's Contract Standing Orders.

~~16.575~~ ~~16.410~~~~16.418~~—To ensure that only those staff authorised by the ~~Strategic Directors / Director /~~ Heads of Service sign orders and to maintain an up-to-date list of such authorised staff, including specimen signatures identifying in each case the limits of their authority. The authoriser of the order should be satisfied that the goods and services ordered are appropriate and needed, that there is adequate budgetary provision and that quotations or tenders have been obtained if necessary and in accordance with the Council's Contract Standing Orders. Best value principles shall underpin the authority's approach to procurement through the application of the Council's Procurement Strategy. Value for money should always be achieved.

~~16.576~~ ~~16.411~~~~16.419~~—To ensure that goods and services are checked on receipt to verify that they are in accordance with the order. This check shall be carried out by a different officer from the person who authorised the order. Appropriate entries should then be made in inventories or stores records.

~~16.577~~ ~~16.412~~~~16.420~~—To ensure that payment is not made unless a proper VAT invoice has been received, checked, coded and certified for payment, confirming:

~~16.577.1~~ ~~16.412.1~~~~16.420.1~~—receipt of goods or services

~~16.577.2~~ ~~16.412.2~~~~16.420.2~~—that the invoice has not previously been paid

~~16.577.3~~ ~~16.412.3~~~~16.420.3~~—that expenditure has been properly incurred and is within budget provision

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~~16.577.4~~ 16.412.4~~16.420.4~~—that prices and arithmetic are correct and accord with quotations, tenders, contracts, the purchase order or catalogue prices

~~16.577.5~~ 16.412.5~~16.420.5~~—correct accounting treatment of tax (VAT, Construction Industry Tax, Income Tax)

~~16.577.6~~ 16.412.6~~16.420.6~~—that the invoice is correctly coded

~~16.577.7~~ 16.412.7~~16.420.7~~—that discounts have been taken where available

~~16.577.8~~ 16.412.8~~16.420.8~~—that appropriate entries will be made in accounting records.

~~16.578~~ 16.413~~16.421~~—To ensure that two authorised members of staff are involved in the ordering, receiving and payment process. If possible, a different officer from the person who signed the order, and in every case, a different officer from the person checking a written invoice, should authorise the invoice.

~~16.579~~ 16.414~~16.422~~—To ensure that the department maintains and reviews periodically a list of staff approved to authorise invoices. Names of authorising officers together with specimen signatures and details of the limits of their authority shall be forwarded to the Section 151 Officer.

~~16.580~~ 16.415~~16.423~~—To ensure that payments are not made on a photocopied or faxed invoice, statement or other document other than the formal invoice. Any instances of these being rendered should be reported to the Head of Internal Audit. Invoices received electronically (e.g. via email) may be printed off and processed.

~~16.581~~ 16.416~~16.424~~—To ensure payments are processed promptly and paid by the due date except where there is a genuine matter of dispute.

~~16.582~~ 16.417~~16.425~~—To encourage suppliers of goods and services to receive payment by the most economical means for the authority. It is essential, however, that payments made by direct debit have the prior approval of the Section 151 Officer.

~~16.583~~ 16.418~~16.426~~—To ensure that the department obtains best value from purchases by taking appropriate steps to obtain competitive prices for goods and services of the appropriate quality, regarding the best practice guidelines issued by the Section 151 Officer, which are in line with best value principles and contained in the Contract Standing Orders, Procurement Strategy and Purchasing Guide.

~~16.584~~ 16.419~~16.427~~—To utilise the central purchasing procedures established by the Professional Lead (Procurement) in putting purchases, where appropriate, out to competitive quotation or tender. These will comply with the code of practice on tenders and contracts and will cover:

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~~16.584.1~~ 16.419.1~~16.427.1~~—authorised officers and the extent of their authority

~~16.584.2~~ 16.419.2~~16.427.2~~—advertisement for tenders

~~16.584.3~~ 16.419.3~~16.427.3~~—procedure for creating, maintaining and revising a standard list of contractors

~~16.584.4~~ 16.419.4~~16.427.4~~—selection of tenderers

~~16.584.5~~ 16.419.5~~16.427.5~~—compliance with UK and EC legislation and regulations

~~16.584.6~~ 16.419.6~~16.427.6~~—procedures for the submission, receipt, opening and recording of tenders

~~16.584.7~~ 16.419.7~~16.427.7~~—the circumstances where financial or technical evaluation is necessary

~~16.584.8~~ 16.419.8~~16.427.8~~—procedures for negotiation

~~16.584.9~~ 16.419.9~~16.427.9~~—acceptance of tenders

~~16.584.10~~ 16.419.10~~16.427.10~~—the form of contract documentation

~~16.584.11~~ 16.419.11~~16.427.11~~—cancellation clauses in the event of corruption or bribery

~~16.584.12~~ 16.419.12~~16.427.12~~—contract records.

~~16.585~~ 16.420~~16.428~~—To ensure that employees are aware of the national code of conduct for local government employees (summarised in the procedures and conditions of employment manual).

~~16.586~~ 16.421~~16.429~~—To ensure that loans, leasing or rental arrangements are not entered into without prior agreement from the Section 151 Officer. This is because of the potential impact on the authority's borrowing powers, to protect the authority against entering into unapproved credit arrangements and to ensure that value for money is being obtained.

~~16.587~~ 16.422~~16.430~~—To notify the Section 151 Officer of outstanding expenditure relating to the previous financial year as soon as possible after 31 March in line with the timetable determined by the Section 151 Officer and, in any case, not later than 30 April.

~~16.588~~ 16.423~~16.431~~—Regarding contracts for construction and alterations to buildings and for civil engineering works, to document and agree with the Section 151 Officer the systems and procedures to be adopted in relation to financial aspects, including certification of interim and final payments, checking, recording and authorising payments, VAT, the system for monitoring and controlling capital schemes and the procedures for validation of subcontractors' tax status.

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~~16.589~~ ~~16.424~~~~16.432~~ — To notify the Section 151 Officer immediately of any expenditure to be incurred ~~as a result of~~because of statute/court order where there is no budgetary provision.

Payments to employees and members

Why is this important?

~~16.590~~ ~~16.425~~~~16.433~~ — Staff costs are the largest item of expenditure for most local authority services. It is therefore important that payments are accurate, timely, made only where they are due for services to the authority and that payments accord with individuals' conditions of employment. It is also important that all payments are accurately and completely recorded and accounted for and that members' allowances are authorised in accordance with the scheme adopted by the Full Council.

Key controls

~~16.591~~ ~~16.426~~~~16.434~~ — The key controls for payments to employees and members are:

~~16.591.1~~ ~~16.426.1~~~~16.434.1~~ — proper authorisation procedures are in place and that there is adherence to corporate timetables in relation to:

~~16.591.1.1~~ ~~16.426.1.1~~~~16.434.1.1~~ — starters

~~16.591.1.2~~ ~~16.426.1.2~~~~16.434.1.2~~ — leavers

~~16.591.1.3~~ ~~16.426.1.3~~~~16.434.1.3~~ — variations

~~16.591.1.4~~ ~~16.426.1.4~~~~16.434.1.4~~ — enhancements

and that, where appropriate, payments are made ~~on the basis of~~based on timesheets or claims

~~16.591.2~~ ~~16.426.2~~~~16.434.2~~ — frequent reconciliation of payroll expenditure against approved budget and bank account

~~16.591.3~~ ~~16.426.3~~~~16.434.3~~ — all appropriate payroll documents are retained and stored for the defined period in accordance with the document retention schedule

~~16.591.4~~ ~~16.426.4~~~~16.434.4~~ — that HM Revenues and Customs regulations are complied with.

Responsibilities of the Head of ~~Business Services~~Workforce and Organisational Development

~~16.592~~ ~~16.427~~~~16.435~~ — To arrange and control secure and reliable payment of salaries, wages, allowances and expenses, compensation or other emoluments to existing and former employees, on the due date.

~~16.593~~ ~~16.428~~~~16.436~~ — To record and make arrangements for the accurate and timely payment of tax, superannuation and other deductions.

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~~16.594~~ 16.429~~16.437~~ — To make arrangements for payment of all travel and subsistence claims.

~~16.595~~ 16.430~~16.438~~ — To make arrangements for paying members travel or other allowances upon receiving the prescribed form, duly completed and authorised.

~~16.596~~ 16.431~~16.439~~ — To provide advice and encouragement to secure payment of salaries and wages by the most economical means.

~~16.597~~ 16.432~~16.440~~ — To ensure that there are adequate arrangements for administering superannuation matters on a day-to-day basis.

Responsibilities of ~~Strategic Directors / Directors~~ / Heads of Service

~~16.598~~ 16.433~~16.441~~ — To ensure appointments are made in accordance with the regulations of the authority and approved establishments, grades and scale of pay and that adequate budget provision is available.

~~16.599~~ 16.434~~16.442~~ — To notify the Section 151 Officer of all appointments, terminations or variations which may affect the pay or pension of an employee or former employee, in the form and to the timescale required by the Section 151 Officer. The Chief Legal Officer is responsible for notifying changes in the elected membership.

~~16.600~~ 16.435~~16.443~~ — To ensure that adequate and effective systems and procedures are operated, so that:

~~16.600.1~~ 16.435.1~~16.443.1~~ — payments are only authorised to bona fide employees

~~16.600.2~~ 16.435.2~~16.443.2~~ — payments are only made where there is a valid entitlement

~~16.600.3~~ 16.435.3~~16.443.3~~ — conditions and contracts of employment are correctly applied

~~16.600.4~~ 16.435.4~~16.443.4~~ — employees' names listed on the payroll are checked at regular intervals to verify accuracy and completeness.

~~16.601~~ 16.436~~16.444~~ — To send an up-to-date list of the names of officers authorised to sign records to the relevant Head of ~~Human Resources~~Service, together with specimen signatures. The payroll provider should have signatures of personnel officers and officers authorised to sign timesheets and claims.

~~16.602~~ 16.437~~16.445~~ — To ensure that payroll transactions are processed only through the payroll system. ~~Strategic Directors / Directors~~ / Heads of Service should ~~give careful consideration to~~consider the employment status of individuals employed on a self-employed consultant or subcontract basis. The Inland Revenue applies a tight definition for employee status, as part of IR35 guidance and in cases of doubt, advice should be sought from the Head of Human Resources. Adherence to the policy on IR35 and completing the

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necessary questionnaire to establish the status of the consultant must be completed.

~~16.603~~ 16.438~~16.446~~ — To certify travel and subsistence claims and other allowances. Certification is taken to mean that journeys were authorised and expenses properly and necessarily incurred, and that allowances are properly payable by the authority, ensuring that cost-effective use of travel arrangements is achieved. Due consideration should be given to tax implications and that the Head of Service~~Human Resources~~ is informed where appropriate.

~~16.604~~ 16.439~~16.447~~ — To ensure that the Head of ~~Human Resources~~Service is notified of the details of any employee benefits in kind, to enable full and complete reporting within the income tax self-assessment system.

~~16.605~~ 16.440~~16.448~~ — To ensure that all loan documents are signed before payment is made.

~~16.606~~ 16.441~~16.449~~ — To ensure that no member of staff leaves the employ of the ~~Full~~ Council without all relevant loans and debts being identified and arrangements made for their repayment.

~~16.607~~ 16.442~~16.450~~ — To ensure that all appropriate payroll documents are retained and stored for the defined period in accordance with the document retention schedule.

Responsibilities of Members

~~16.608~~ 16.443~~16.451~~ — To submit claims for Members' travel and subsistence allowances ~~on a monthly basis~~monthly and claims should be made up to the end of the calendar month only. Claims should be made monthly and will not be paid if more than two months old.

Consultants and External Support

Why is this important?

~~16.609~~ 16.444~~16.452~~ — As new models of working change the operation of Councils, there is a need for a flexible approach to sourcing expertise without employing staff on either fixed term or permanent contracts. As a result, external support is increasingly used to carry out work which would have formerly have been carried by Council employees. It is therefore necessary to control the work and terms and conditions of such people (or companies) to ensure that value for money is obtained and that the Council's services are not compromised.

Key controls

16.610 16.445 To provide transparency and value for money when using consultants the following will apply:

16.610.1 16.445.1 any expenditure above £10,001 will require a delegated decision by the relevant Portfolio Holder and Strategic ~~Director~~Directors.

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~~16.610.2~~ 16.445.2 the report of the Portfolio holder in accordance with Rule ~~16.446~~54.1 and will contain an assessment by the Section 151 Officer whether the use of the proposed consultant (or consultants) represents value for money.

~~16.610.3~~ 16.445.3 any expenditure below £10,000 is delegated to the relevant Strategic ~~Director~~Directors who will operate within the Contract Procedure Rules in Section 17 covering the required number of quotes for any such work or seek an exemption if appropriate.

~~16.610.4~~ 16.445.4 rules ~~16.453~~45.1 to ~~16.453~~45.3 above do not apply to:

~~16.610.4.1~~ 16.445.4.1 situations where an interim staffing position is being covered (this is a management function to ensure service continuity).

~~16.610.4.2~~ 16.445.4.2 maintenance and support contracts to which the UK and the Contract Procedure Rules apply.

Responsibilities of ~~Strategic Directors / Director~~ / Heads of Service

~~16.611~~ 16.446 When engaging consultants, ~~Strategic Directors / Directors~~ / Heads of Service must consider the following:

~~16.611.1~~ 16.446.1 each ~~Strategic Directors / Director~~ / Head of Service is to ensure that all individuals who are appointed as "consultants" are either self-employed or the employees of another organisation and that they are not legally employees of the Council. In cases of doubt advice should be sought from the Professional Lead for HR Services.

~~16.611.2~~ 16.446.2 all creditor payments made to self-employed consultants shall be covered by a certificate in a form approved by the Section 151 Officer, certified by the relevant line manager to the effect that the individual is not an employee of the Council.

~~16.611.3~~ 16.446.3 existing contracts which may be in place with other directorates.

~~16.611.4~~ 16.446.4~~16.454.4~~ — where consultants (including amongst others: architects, engineers, quantity surveyors, solicitors, accountants, and barristers) are engaged to carry out professional services for the Council, the relevant ~~Strategic Directors / Directors~~ / Heads of Service shall be responsible for ensuring that a formal agreement or detailed letter of appointment, is sent to the consultant, setting out the terms on which they are engaged.

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~~16.611.5~~ 16.446.5~~16.454.5~~—where an existing contract framework is in place for the public sector it may be appropriate to engage external support by this method.

~~16.611.6~~ 16.446.7~~16.454.6~~—amongst other things this formal agreement or letter of appointment shall specify:

~~16.611.6.1~~ 16.446.7.1~~16.454.6.1~~—the precise scope of the commission, including time schedules.

~~16.611.6.2~~ 16.446.7.2~~16.454.6.2~~—cost limits and controls.

~~16.611.6.3~~ 16.446.7.3~~16.454.6.3~~—lines and levels of reporting, responsibility and authority.

~~16.611.6.4~~ 16.446.7.4~~16.454.6.4~~—insurance cover (which must be verified by Council officers);

~~16.611.6.5~~ 16.446.7.5~~16.454.6.5~~—the level of fees to be paid for which services.

~~16.611.6.6~~ 16.446.7.6~~16.454.6.6~~—the criteria for completion of work and payment thereof.

~~16.611.7~~ 16.446.8~~16.454.7~~—it shall be included as a condition of engagement for the services of all consultants that they shall:

~~16.611.7.1~~ 16.446.8.1~~16.454.7.1~~—comply with the Council's Standing Orders and Financial Regulations as though they were an officer of the Council.

~~16.611.7.2~~ 16.446.8.2~~16.454.7.2~~—allow the relevant ~~Strategic~~ Directors / ~~Director~~ / Heads of Service, Section 151 Officer, or their representatives, full rights of access ~~at all times~~ always to all records (whether manual or on computer), cash, stores, land, premises and property of the Council.

~~16.611.7.3~~ 16.446.8.3~~16.454.7.3~~—produce for the relevant ~~Strategic~~ Directors / ~~Director~~ / Heads of Service, Section 151 Officer, or their representatives' records, cash, stores or any other Council property under their control;

~~16.611.7.4~~ 16.446.8.4~~16.454.7.4~~—provide the relevant ~~Strategic~~ Directors / ~~Director~~ / Heads of Service, Section 151 Officer, or their representatives any information and explanations considered necessary by them to satisfy the correctness of any matter under examination.

~~16.612~~ 16.447~~16.455~~—~~Strategic~~ Directors / ~~Director~~ / Heads of Service wishing to engage consultants or other specialisms available within the authority must allow the internal unit the opportunity to bid for the work. If the internal unit is not given the opportunity to bid, this will be a matter for report to the Cabinet.

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Taxation

Why is this important?

~~16.613~~ 16.448~~16.456~~—Like all organisations, the authority is responsible for ensuring its tax affairs are in order. Tax issues are often very complex and the penalties for incorrectly accounting for tax are severe. It is therefore very important for all officers to be aware of their role.

Key controls

~~16.614~~ 16.449~~16.457~~—The key controls for taxation are:

~~16.614.1~~ 16.449.1~~16.457.1~~—budget managers are provided with relevant information and kept up to date on tax issues

~~16.614.2~~ 16.449.2~~16.457.2~~—budget managers are instructed on required record keeping

~~16.614.3~~ 16.449.3~~16.457.3~~—all taxable transactions are identified, properly carried out and accounted for within stipulated timescales

~~16.614.4~~ 16.449.4~~16.457.4~~—records are maintained in accordance with instructions

~~16.614.5~~ 16.449.5~~16.457.5~~—returns are made to the appropriate authorities within the stipulated timescale

~~16.614.6~~ 16.449.6~~16.457.6~~—changes in legislation are monitored and systems subsequently updated.

Responsibilities of the Section 151 Officer

~~16.615~~ 16.450~~16.458~~—To complete all Inland Revenue returns regarding PAYE and other taxes due or recoverable.

~~16.616~~ 16.451~~16.459~~—To complete a monthly return of VAT inputs and outputs to HM Revenues and Customs.

~~16.617~~ 16.452~~16.460~~—To provide details to the Inland Revenue regarding the construction industry tax deduction scheme.

~~16.618~~ 16.453~~16.461~~—To maintain up-to-date guidance for authority employees on taxation issues in the accounting manual and the tax manual.

~~16.619~~ 16.454~~16.462~~—To ensure that all payments including member and staff expenses follow relevant HMRC guidance.

Responsibilities of ~~Strategic Directors / Director / Heads of Service~~

~~16.620~~ 16.455~~16.463~~—To ensure that the correct VAT liability is attached to all income due and that all VAT recoverable on purchases complies with HM Revenues and Customs.

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~~16.621~~ 16.456~~16.464~~ — To ensure that, where construction and maintenance works are undertaken, the contractor fulfills the necessary construction industry tax deduction requirements.

~~16.622~~ 16.457~~16.465~~ — To ensure that all persons employed by the authority are added to the authority's payroll and tax deducted from any payments, except where the individuals are bona fide self-employed or are employed by a recognised staff agency.

~~16.623~~ 16.458~~16.466~~ — To follow the guidance on taxation issued by the Section 151 Officer in the authority's accounting manual and VAT manual.

~~16.624~~ 16.459~~16.467~~ — Schools must submit their claim for VAT to the Section 151 Officer within 5 working days of the end of the month in a form approved by the Section 151 Officer.

~~16.625~~ 16.460~~16.468~~ — All payments relating to building works must be paid via the central Creditors Section. It is the responsibility of the ~~Strategic Directors / Director~~ Directors / Heads of Service to obtain authenticated VAT receipts.

~~16.626~~ 16.461~~16.469~~ — Schools operating their own bank accounts should send the invoice together with a cheque made payable to Powys Full Council for the total amount to the central Creditors Section with a copy of the invoice being kept on the school's file (marked "copy").

Trading accounts and business units

Why is this important?

~~16.627~~ 16.462~~16.470~~ — Trading accounts and business units have become more important as local authorities have developed a more commercial culture. Under best value, authorities are required to keep trading accounts for services provided on a basis other than straightforward recharge of cost. They are also required to disclose the results of significant trading operations ~~Powys Change Plan~~ to the Council's Management Team and Cabinet.

Responsibilities of the Section 151 Officer

~~16.628~~ 16.463~~16.471~~ — To advise on the establishment and operation of trading accounts and business units and to act as an arbiter in the event of a dispute between internal service providers and users.

Responsibilities of ~~Strategic Directors / Director~~ / Heads of Service

~~16.629~~ 16.464~~16.472~~ — To consult with the Section 151 Officer where a business unit wishes to enter into a contract with a third party where the contract expiry date exceeds the remaining life of their main contract with the authority. In general, such contracts should not be entered into unless they can be terminated within the main contract period without penalty.

~~16.630~~ 16.465~~16.473~~ — To observe all statutory requirements in relation to business units, including the maintenance of a separate revenue account to which all relevant income is credited and all relevant expenditure,

SECTION 16 – FINANCIAL PROCEDURE RULES

including overhead costs, is charged, and to produce an annual report in support of the final accounts.

~~16.631~~ 16.466~~16.474~~ ——— To ensure that appropriate accounting principles are applied in relation to trading accounts.

~~16.632~~ 16.467~~16.475~~ ——— To ensure that each business unit prepares an annual business plan, which includes the financial objective.

~~16.633~~ 16.468~~16.476~~ ——— To monitor performance and to take corrective action where appropriate.

E: External Arrangements

Partnerships

Why is this important?

~~16.634~~ ~~16.469~~~~16.477~~ — Partnerships will play a key role in delivering the ~~One Powys Plan~~Corporate Improvement Plan, and in helping to promote and improve the well-being of the area. Local authorities are working in partnership with others – public agencies, private companies, community groups and voluntary organisations. The Council continues to deliver some services, but also provides a distinctive leadership role for the community bringing together the contributions of the various stakeholders. They therefore need to deliver a shared vision of services based on user wishes.

~~16.635~~ ~~16.470~~~~16.478~~ — The Council will mobilise investment, bid for funds, champion the needs of their areas and harness the energies of local people and community organisations. The Council will be measured by what they achieve in partnership with others.

General

~~16.636~~ ~~16.471~~~~16.479~~ — Partnerships can exist in varying forms:

~~16.636.1~~ ~~16.471.1~~~~16.479.1~~ — Statutory Partnerships

~~16.636.2~~ ~~16.471.2~~~~16.479.2~~ — Formal Partnerships

~~16.636.3~~ ~~16.471.3~~~~16.479.3~~ — Joint Commissioning

~~16.637~~ ~~16.472~~~~16.480~~ — The main reasons for entering into a partnership are:

~~16.637.1~~ ~~16.472.1~~~~16.480.1~~ — the desire to find new ways to share risk

~~16.637.2~~ ~~16.472.2~~~~16.480.2~~ — the ability to access new resources

~~16.637.3~~ ~~16.472.3~~~~16.480.3~~ — to provide new and better ways of delivering services

~~16.637.4~~ ~~16.472.4~~~~16.480.4~~ — to forge new relationships and strategic alliances.

~~16.638~~ ~~16.473~~~~16.481~~ — A partner is defined as either:

~~16.638.1~~ ~~16.473.1~~~~16.481.1~~ — an organisation (private or public) undertaking, part funding or participating as a beneficiary in a programme or project; or

~~16.638.2~~ ~~16.473.2~~~~16.481.2~~ — a body whose nature or status give it a right or obligation to support the programme or project.

~~16.639~~ ~~16.474~~~~16.482~~ — Partners participate in projects by:

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~~16.639.1~~ 16.474.1~~16.482.1~~ acting as a programme/project deliverer or sponsor, solely or in concert with others

~~16.639.2~~ 16.474.2~~16.482.2~~ acting as a programme/project funder or part funder

~~16.639.3~~ 16.474.3~~16.482.3~~ being the beneficiary group of the activity undertaken in a programme/project.

~~16.640~~ 16.475~~16.483~~ Partners have common responsibilities:

~~16.640.1~~ 16.475.1~~16.483.1~~ to be willing to take on a role in the broader programme appropriate to the skills and resources of the partner organisation

~~16.640.2~~ 16.475.2~~16.483.2~~ to act in good faith at all times and in the best interests of the partnership's aims and objectives

~~16.640.3~~ 16.475.3~~16.483.3~~ be open about any conflict of interests that might arise

~~16.640.4~~ 16.475.4~~16.483.4~~ to encourage joint working and promote the sharing of information, resources and skills between public, private and community sectors

~~16.640.5~~ 16.475.5~~16.483.5~~ to hold confidentially any information received as a result of partnership activities or duties that is of a confidential or commercially sensitive nature

~~16.640.6~~ 16.475.6~~16.483.6~~ to act wherever possible as ambassadors for the project.

Key controls

~~16.641~~ 16.476~~16.484~~ The key controls for authority partners are:

~~16.641.1~~ 16.476.1~~16.484.1~~ if appropriate, to be aware of their responsibilities under the authority's Financial Regulations and the code of practice on tenders and contracts

~~16.641.2~~ 16.476.2~~16.484.2~~ to ensure that risk management processes are in place to identify and assess all known risks

~~16.641.3~~ 16.476.3~~16.484.3~~ to ensure that project appraisal processes are in place to assess the viability of the project in terms of resources, staffing and expertise

~~16.641.4~~ 16.476.4~~16.484.4~~ to agree and accept formally the roles and responsibilities of each of the partners involved in the project before the project commences

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~~16.641.5~~ 16.476.5~~16.484.5~~—to communicate regularly with other partners throughout the project so that problems can be identified and shared to achieve their successful resolution.

Responsibilities of the Council

~~16.642~~ 16.477~~16.485~~—The Council provides the leadership role for the community and the strategic direction forming partnerships with other local, public, private, voluntary and community sector organisations.

~~16.643~~ 16.478~~16.486~~—The Council can delegate its functions relating to partnerships to officers.

Responsibilities of the Section 151 Officer

~~16.644~~ 16.479~~16.487~~—To advise on effective controls and to ensure that accounting arrangements are adopted relating to partnerships so that resources are not wasted.

~~16.645~~ 16.480~~16.488~~—To advise on the key elements of funding a programme or project. They include:

~~16.645.1~~ 16.480.1~~16.488.1~~—how services should be costed

~~16.645.2~~ 16.480.2~~16.488.2~~—a scheme appraisal for financial viability in both the current and future years

~~16.645.3~~ 16.480.3~~16.488.3~~—risk appraisal and best practice on how risks can be shared

~~16.645.4~~ 16.480.4~~16.488.4~~—resourcing, including taxation issues

~~16.645.5~~ 16.480.5~~16.488.5~~—audit, security and control requirements

~~16.645.6~~ 16.480.6~~16.488.6~~—carry-forward arrangements.

~~16.646~~ 16.481~~16.489~~—To ensure that the accounting arrangements are satisfactory.

Responsibilities of ~~Strategic~~ Directors / ~~Director~~ / Heads of Service

~~16.647~~ 16.482~~16.490~~—To ensure adequate governance arrangements are in place for each partnership.

~~16.648~~ 16.483~~16.491~~—To develop and maintain a register of partnerships developed, and to maintain a register of all contracts entered into with external bodies in accordance with procedures specified by the Section 151 Officer.

~~16.649~~ 16.484~~16.492~~—To ensure compliance with all partnership governance arrangements that have been agreed.

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~~16.650~~ 16.485~~16.493~~ — Ensure all services are appropriately costed, and contract lengths agreed do not exceed the duration of the Partnership without agreement of the Cabinet.

~~16.651~~ 16.486~~16.494~~ — Ensure that the Council does not subsidise third parties without approval of Cabinet.

~~16.652~~ 16.487~~16.495~~ — Ensure services have appropriate expertise to undertake partnership commitments.

~~16.653~~ 16.488~~16.496~~ — To ensure that, before entering into agreements with external bodies, a risk management appraisal has been prepared for the Section 151 Officer, and VAT and other taxation implications have been considered.

~~16.654~~ 16.489~~16.497~~ — To ensure that such agreements and arrangements do not impact adversely upon the services provided by the authority, including internal trading units.

~~16.655~~ 16.490~~16.498~~ — To ensure that all agreements and arrangements are properly documented and approved by the Cabinet.

~~16.656~~ 16.491~~16.499~~ — To provide appropriate information to the Section 151 Officer to enable a note to be entered into the authority's statement of accounts concerning material items.

~~16.657~~ 16.492~~16.500~~ — Ensure each Partnership has a clear operational timescale with a clear exit strategy. If exit is not appropriate, a clear continuation strategy.

External funding

Why is this important?

~~16.658~~ 16.493~~16.501~~ — External funding is potentially a very important source of income, but funding conditions need to be carefully considered to ensure that they are compatible with the aims and objectives of the authority. Local authorities are increasingly encouraged to provide seamless service delivery through working closely with other agencies and private service providers. Funds from external agencies provide additional resources to enable the authority to deliver services to the local community. However, in some instances, although the scope for external funding has increased, such funding is linked to tight specifications and may not be flexible enough to link to the authority's overall plan.

Key controls

~~16.659~~ 16.494~~16.502~~ — The key controls for external funding are:

~~16.659.1~~ 16.494.1~~16.502.1~~ — to ensure that key conditions of funding and any statutory requirements are complied with and that the responsibilities of the accountable body are clearly understood

SECTION 16 – FINANCIAL PROCEDURE RULES

~~16.659.2~~ 16.494.2~~16.502.2~~—to ensure that funds are acquired only to meet the priorities approved in the policy framework by the Full Council

~~16.659.3~~ 16.494.3~~16.502.3~~—to ensure that any match-funding requirements are given due consideration prior to entering into long-term agreements and that future revenue budgets reflect these requirements.

Responsibilities of the Section 151 Officer

~~16.660~~ 16.495~~16.503~~—To ensure that all funding notified by external bodies is received and properly recorded in the authority's accounts.

~~16.661~~ 16.496~~16.504~~—To ensure that audit requirements are met.

Responsibilities of ~~Strategic~~ Directors /~~Director~~ /Heads of Service

~~16.662~~ 16.497~~16.505~~—To ensure that the match-funding requirements are considered prior to entering into the agreements and that future revenue budgets reflect these requirements.

~~16.663~~ 16.498~~16.506~~—To ensure that all claims for funds are made by the due date.

~~16.664~~ 16.499~~16.507~~—To ensure that the project progresses in accordance with the agreed project and that all expenditure is properly incurred and recorded.

~~16.665~~ 16.500~~16.508~~—To notify the Section 151 Officer of all external funding applications and approvals.

Work ~~For~~ for Third Parties

Why is this important?

~~16.666~~ 16.501~~16.509~~—Current legislation enables the authority to provide a range of services to other public bodies. Such work may enable a unit to maintain economies of scale and existing expertise. Arrangements should be in place to ensure that any risks associated with this work is minimised and that such work is intra vires and in compliance with Contract standing Orders.

Key controls

~~16.667~~ 16.502~~16.510~~—The key controls for working with third parties are:

~~16.667.1~~ 16.502.1~~16.510.1~~—to ensure that a robust business case exists with proposals that are financially sound.

~~16.667.2~~ 16.502.2~~16.510.2~~—to ensure that contracts are drawn up using guidance provided by the Solicitor to the Council and that the formal approvals process is adhered to.

SECTION 16 – FINANCIAL PROCEDURE RULES

~~16.667.3~~ 16.502.3~~16.510.3~~—to issue guidance with regard to the financial aspects of third party contracts and the maintenance of the contract register.

Responsibilities of Section 151 Officer

~~16.668~~ 16.503To make insurance provisions to cover services requiring professional indemnity.

Responsibilities of ~~Strategic Directors / Directors~~ / Heads of Service

~~16.669~~ 16.504To ensure that the approval of the Cabinet is obtained before any negotiations are concluded to work for third parties.

~~16.670~~ 16.505To maintain a register of all contracts entered into with third parties.

~~16.671~~ 16.506To inform the insurance section of all third party work arrangements that require professional indemnity.

~~16.672~~ 16.507To ensure that the authority is not put at risk from any bad debts.

~~16.673~~ 16.508To ensure that no contract is subsidised by the authority.

~~16.674~~ 16.509To ensure that, wherever possible, payment is received in advance of the delivery of the service.

~~16.675~~ 16.510To ensure that the department/unit has the appropriate expertise and capacity to undertake the contract.

~~16.676~~ 16.511To ensure that such contracts do not impact adversely upon the services provided for the authority.

~~16.677~~ 16.512To ensure that all contracts are properly documented.

~~16.678~~ 16.513To provide appropriate information to the Section 151 Officer to enable a note to be entered into the statement of accounts.

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SECTION 18 – CODE OF CONDUCT FOR MEMBERS

The section below sets out the text of the Model Code of Conduct prescribed by the Local Authorities (Model Code of Conduct) (Wales) Order 2008, as amended by the following statutory instruments:

- Co-operative and Community Benefit Societies and Credit Unions Act 2010 (Consequential Amendments) Regulations 2014 – (No. 2014/1815) (“the 2014 Regulations”) – effective from 1 August 2014.
- Local Authorities (Model Code of Conduct) (Wales) (Amendment) Order 2008 (No. 2016/84) – effective from 1 April 2016.

18.1

Local Government Act 2000

Model Code of Conduct for Members and Co-opted Members with voting rights
--

Adopted by Powys County Council (amended) at a meeting held on 20th April, 2016.

THE MODEL CODE OF CONDUCT

PART 1 INTERPRETATION

1.—(1) In this code —

"co-opted member" ("*aelod cyfetholedig*"), in relation to a relevant authority, means a person who is not a member of the authority but who —

- (a) is a member of any committee or sub-committee of the authority, or
- (b) is a member of, and represents the authority on, any joint committee or joint sub-committee of the authority, and who is entitled to vote on any question which falls to be decided at any meeting of that committee or subcommittee;

"meeting" ("*cyfarfod*") means any meeting —

- (a) of the relevant authority,
- (b) of any executive or board of the relevant authority,
- (c) of any committee, sub-committee, joint committee or joint sub-committee of the relevant authority or of any such committee, sub-committee, joint committee or joint sub-committee of any executive or board of the authority, or
- (d) where members or officers of the relevant authority are present other than a meeting of a political group constituted in accordance with regulation 8 of the Local Government (Committees and Political Groups) Regulations 1990,

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and includes circumstances in which a member of an executive or board or an officer acting alone exercises a function of an authority;

"member" ("*aelod*") includes, unless the context requires otherwise, a co-opted member;

"registered society" means a society, other than a society registered as a credit union, which is —

(a) a registered society within the meaning given by section 1(1) of the Co-operative and Community Benefit Societies Act 2014; or

(b) a society registered or deemed to be registered under the Industrial and Provident Societies Act (Northern Ireland) 1969;

"register of members' interests" ("*cofrestr o fuddiannau'r aelodau*") means the register established and maintained under section 81 of the Local Government Act 2000;

"relevant authority" ("*awdurdod perthnasol*") means—

(a) a county council,

(b) a county borough council,

(c) a community council,

(d) a fire and rescue authority constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 or a scheme to which section 4 of that Act applies,

(e) a National Park authority established under section 63 of the Environment Act 1995;

"you" ("*chi*") means you as a member or co-opted member of a relevant authority; and

"your authority" ("*eich awdurdod*") means the relevant authority of which you are a member or co-opted member.

(2) In relation to a community council—

(a) "proper officer" ("*swyddog priodol*") means an officer of that council within the meaning of section 270(3) of the Local Government Act 1972; and

(b) "standards committee" ("*pwyllgor safonau*") means the standards committee of the county or county borough council which has functions in relation to the community council for which it is responsible under section 56(1) and (2) of the Local Government Act 2000.

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PART 2 GENERAL PROVISIONS

2.—(1) Save where paragraph 3(a) applies, you must observe this code of conduct —

(a) whenever you conduct the business, or are present at a meeting, of your authority;

(b) whenever you act, claim to act or give the impression you are acting in the role of member to which you were elected or appointed;

(c) whenever you act, claim to act or give the impression you are acting as a representative of your authority; or

(d) at all times and in any capacity, in respect of conduct identified in paragraphs 6(1)(a) and 7.

(e) leaders of political groups must take reasonable steps to promote and maintain high standards of conduct by members of the group.

(2) You should read this code together with the general principles prescribed under section 49(2) of the Local Government Act 2000 in relation to Wales.

3. Where you are elected, appointed or nominated by your authority to serve —

(a) on another relevant authority, or any other body, which includes a Local Health Board you must, when acting for that other authority or body, comply with the code of conduct of that other authority or body; or

(b) on any other body which does not have a code relating to the conduct of its members, you must, when acting for that other body, comply with this code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

4. You must —

(a) carry out your duties and responsibilities with due regard to the principle that there should be equality of opportunity for all people, regardless of their gender, race, disability, sexual orientation, age or religion;

(b) show respect and consideration for others;

(c) not use bullying behaviour or harass any person; and

(d) not do anything which compromises, or which is likely to compromise, the impartiality of those who work for, or on behalf of, your authority.

(e) undertake mandatory training as agreed by Full Council from time to time.

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- (f) in relation to Planning Matters, act in accordance with Rules 19.76 to 19.81 (Role of Decision Maker) and Rules 19.92 to 19.122 (Decision Making by the Planning Committee) of the Planning Protocol.

5. You must not —

- (a) disclose confidential information or information which should reasonably be regarded as being of a confidential nature, without the express consent of a person authorised to give such consent, or unless required by law to do so;
- (b) prevent any person from gaining access to information to which that person is entitled by law.

6.—(1) You must —

- (a) not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute;
- (b) report, whether through your authority's confidential reporting procedure or direct to the proper authority, any conduct by another member or anyone who works for, or on behalf of, your authority which you reasonably believe involves or is likely to involve criminal behaviour (which for the purposes of this paragraph does not include offences or behaviour capable of punishment by way of a fixed penalty);
- (c) report to your authority's monitoring officer any conduct by another member which you reasonably believe breaches this code of conduct;
- (d) not make vexatious, malicious or frivolous complaints against other members or anyone who works for, or on behalf of, your authority.

(2) You must comply with any request of your authority's monitoring officer, or the Public Services Ombudsman for Wales, in connection with an investigation conducted in accordance with their respective statutory powers.

7. You must not —

- (a) in your official capacity or otherwise, use or attempt to use your position improperly to confer on or secure for yourself, or any other person, an advantage or create or avoid for yourself, or any other person, a disadvantage;
- (b) use, or authorise others to use, the resources of your authority —
- (i) imprudently;
 - (ii) in breach of your authority's requirements;
 - (iii) unlawfully;

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- (iv) other than in a manner which is calculated to facilitate, or to be conducive to, the discharge of the functions of the authority or of the office to which you have been elected or appointed;
- (v) improperly for political purposes; or
- (vi) improperly for private purposes.

8. You must —

(a) when participating in meetings or reaching decisions regarding the business of your authority, do so on the basis of the merits of the circumstances involved and in the public interest having regard to any relevant advice provided by your authority's officers, in particular by —

- (i) the authority's head of paid service;
- (ii) the authority's chief finance officer;
- (iii) the authority's monitoring officer;
- (iv) the authority's chief legal officer (who should be consulted when there is any doubt as to the authority's power to act, as to whether the action proposed lies within the policy framework agreed by the authority or where the legal consequences of action or failure to act by the authority might have important repercussions);

(b) give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by your authority.

9. You must —

(a) observe the law and your authority's rules governing the claiming of expenses and allowances in connection with your duties as a member;

(b) avoid accepting from anyone gifts, hospitality (other than official hospitality, such as a civic reception or a working lunch duly authorised by your authority), material benefits or services for yourself or any person which might place you, or reasonably appear to place you, under an improper obligation.

PART 3 INTERESTS

Personal Interests

10.—(1) You must in all matters consider whether you have a personal interest, and whether this code of conduct requires you to disclose that interest.

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(2) You must regard yourself as having a personal interest in any business of your authority if —

(a) it relates to, or is likely to affect —

(i) any employment or business carried on by you;

(ii) any person who employs or has appointed you, any firm in which you are a partner or any company for which you are a remunerated director;

(iii) any person, other than your authority, who has made a payment to you in respect of your election or any expenses incurred by you in carrying out your duties as a member;

(iv) any corporate body which has a place of business or land in your authority's area, and in which you have a beneficial interest in a class of securities of that body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital of that body;

(v) any contract for goods, services or works made between your authority and you or a firm in which you are a partner, a company of which you are a remunerated director, or a body of the description specified in sub-paragraph (iv) above;

(vi) any land in which you have a beneficial interest and which is in the area of your authority;

(vii) any land where the landlord is your authority and the tenant is a firm in which you are a partner, a company of which you are a remunerated director, or a body of the description specified in subparagraph (iv) above;

(viii) any body to which you have been elected, appointed or nominated by your authority;

(ix) any —

(aa) public authority or body exercising functions of a public nature;

(bb) company, registered society, charity, or body directed to charitable purposes;

(cc) body whose principal purposes include the influence of public opinion or policy;

(dd) trade union or professional association; or

(ee) private club, society or association operating within your authority's area,

in which you have membership or hold a position of general control or management;

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(x) any land in your authority's area in which you have a licence (alone or jointly with others) to occupy for 28 days or longer;

[Note: subparagraph (b) is omitted.]

(c) a decision upon it might reasonably be regarded as affecting —

(i) your well-being or financial position, or that of a person with whom you live, or any person with whom you have a close personal association;

(ii) any employment or business carried on by persons as described in 10(2)(c)(i);

(iii) any person who employs or has appointed such persons described in 10(2)(c)(i), any firm in which they are a partner, or any company of which they are directors;

(iv) any corporate body in which persons as described in 10(2)(c)(i) have a beneficial interest in a class of securities exceeding the nominal value of £5,000; or

(v) any body listed in paragraphs 10(2)(a)(ix)(aa) to (ee) in which persons described in 10(2)(c)(i) hold a position of general control or management,

to a greater extent than the majority of—

(aa) in the case of an authority with electoral divisions or wards, other council tax payers, rate payers or inhabitants of the electoral division or ward, as the case may be, affected by the decision; or

(bb) in all other cases, other council tax payers, ratepayers or inhabitants of the authority's area.

Disclosure of Personal Interests

11.—(1) Where you have a personal interest in any business of your authority and you attend a meeting at which that business is considered, you must disclose orally to that meeting the existence and nature of that interest before or at the commencement of that consideration, or when the interest becomes apparent.

(2) Where you have a personal interest in any business of your authority and you make —

(a) written representations (whether by letter, facsimile or some other form of electronic communication) to a member or officer of your authority regarding that business, you should include details of that interest in the written communication; or

(b) oral representations (whether in person or some form of electronic communication) to a member or officer of your authority you should disclose the

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interest at the commencement of such representations, or when it becomes apparent to you that you have such an interest, and confirm the representation and interest in writing within 14 days of the representation.

(3) Subject to paragraph 14(1)(b) below, where you have a personal interest in any business of your authority and you have made a decision in exercising a function of an executive or board, you must in relation to that business ensure that any written statement of that decision records the existence and nature of your interest.

(4) You must, in respect of a personal interest not previously disclosed, before or immediately after the close of a meeting where the disclosure is made pursuant to sub-paragraph 11(1), give written notification to your authority in accordance with any requirements identified by your authority's monitoring officer, or in relation to a community council, your authority's proper officer from time to time but, as a minimum containing —

(a) details of the personal interest;

(b) details of the business to which the personal interest relates; and

(c) your signature.

(5) Where you have agreement from your monitoring officer that the information relating to your personal interest is sensitive information, pursuant to paragraph 16(1), your obligations under this paragraph 11 to disclose such information, whether orally or in writing, are to be replaced with an obligation to disclose the existence of a personal interest and to confirm that your monitoring officer has agreed that the nature of such personal interest is sensitive information.

(6) For the purposes of sub-paragraph (4), a personal interest will only be deemed to have been previously disclosed if written notification has been provided in accordance with this code since the last date on which you were elected, appointed or nominated as a member of your authority.

(7) For the purposes of sub-paragraph (3), where no written notice is provided in accordance with that paragraph you will be deemed as not to have declared a personal interest in accordance with this code.

Prejudicial Interests

12.—(1) Subject to sub-paragraph (2) below, where you have a personal interest in any business of your authority you also have a prejudicial interest in that business if the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest.

(2) Subject to sub-paragraph (3), you will not be regarded as having a prejudicial interest in any business where that business—

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(a) relates to —

- (i) another relevant authority of which you are also a member;
- (ii) another public authority or body exercising functions of a public nature in which you hold a position of general control or management;
- (iii) a body to which you have been elected, appointed or nominated by your authority;
- (iv) your role as a school governor (where not appointed or nominated by your authority) unless it relates particularly to the school of which you are a governor;
- (v) your role as a member of a Local Health Board where you have not been appointed or nominated by your authority;

(b) relates to —

- (i) the housing functions of your authority where you hold a tenancy or lease with your authority, provided that you do not have arrears of rent with your authority of more than two months, and provided that those functions do not relate particularly to your tenancy or lease;
- (ii) the functions of your authority in respect of school meals, transport and travelling expenses, where you are a guardian, parent, grandparent or have parental responsibility (as defined in section 3 of the Children Act 1989) of a child in full time education, unless it relates particularly to the school which that child attends;
- (iii) the functions of your authority in respect of statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of such pay from your authority;
- (iv) the functions of your authority in respect of an allowance or payment made in accordance with the provisions of Part 8 of the Local Government (Wales) Measure 2011, or an allowance or pension provided under section 18 of the Local Government and Housing Act 1989;

(c) your role as a community councillor in relation to a grant, loan or other form of financial assistance made by your community council to community or voluntary organisations up to a maximum of £500.

(3) The exemptions in subparagraph (2)(a) do not apply where the business relates to the determination of any approval, consent, licence, permission or registration.

Overview and Scrutiny Committees

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13. You also have a prejudicial interest in any business before an overview and scrutiny committee of your authority (or of a sub-committee of such a committee) where—

(a) that business relates to a decision made (whether implemented or not) or action taken by your authority's executive, board or another of your authority's committees, sub-committees, joint committees or joint subcommittees; and

(b) at the time the decision was made or action was taken, you were a member of the executive, board, committee, sub-committee, joint-committee or joint sub-committee mentioned in sub-paragraph (a) and you were present when that decision was made or action was taken.

Participation in Relation to Disclosed Interests

14.—(1) Subject to sub-paragraphs (2), (2A), (3) and (4), where you have a prejudicial interest in any business of your authority you must, unless you have obtained a dispensation from your authority's standards committee —

(a) withdraw from the room, chamber or place where a meeting considering the business is being held—

(i) where sub-paragraph (2) applies, immediately after the period for making representations, answering questions or giving evidence relating to the business has ended and in any event before further consideration of the business begins, whether or not the public are allowed to remain in attendance for such consideration; or

(ii) in any other case, whenever it becomes apparent that that business is being considered at that meeting;

(b) not exercise executive or board functions in relation to that business;

(c) not seek to influence a decision about that business;

(d) not make any written representations (whether by letter, facsimile or some other form of electronic communication) in relation to that business; and

(e) not make any oral representations (whether in person or some form of electronic communication) in respect of that business or immediately cease to make such oral representations when the prejudicial interest becomes apparent.

(2) Where you have a prejudicial interest in any business of your authority you may attend a meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.

(2A) Where you have a prejudicial interest in any business of your authority you may submit written representations to a meeting relating to that business, provided that the

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public are allowed to attend the meeting for the purpose of making representations, answering questions or giving evidence relating to the business, whether under statutory right or otherwise.

(2B) When submitting written representations under sub-paragraph (2A) you must comply with any procedure that your authority may adopt for the submission of such representations.

(3) Sub-paragraph (1) does not prevent you attending and participating in a meeting if —

(a) you are required to attend a meeting of an overview or scrutiny committee, by such committee exercising its statutory powers; or

(b) you have the benefit of a dispensation provided that you —

(i) state at the meeting that you are relying on the dispensation; and

(ii) before or immediately after the close of the meeting give written notification to your authority containing —

(aa) details of the prejudicial interest;

(bb) details of the business to which the prejudicial interest relates;

(cc) details of, and the date on which, the dispensation was granted; and

(dd) your signature.

(4) Where you have a prejudicial interest and are making written or oral representations to your authority in reliance upon a dispensation, you must provide details of the dispensation within any such written or oral representation and, in the latter case, provide written notification to your authority within 14 days of making the representation.

PART 4 THE REGISTER OF MEMBERS' INTERESTS

Registration of Personal Interests

15.—(1) Subject to sub-paragraph (4), you must, within 28 days of—

(a) your authority's code of conduct being adopted or the mandatory provisions of this model code being applied to your authority; or

(b) your election or appointment to office (if that is later),

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register your personal interests, where they fall within a category mentioned in paragraph 10(2)(a), in your authority's register of members' interests by providing written notification to your authority's monitoring officer.

(2) Subject to sub-paragraph (4), you must, within 28 days of becoming aware of any new personal interest falling within a category mentioned in paragraph 10(2)(a), register that new personal interest in your authority's register of members' interests by providing written notification to your authority's monitoring officer.

(3) Subject to sub-paragraph (4), you must, within 28 days of becoming aware of any change to a registered personal interest falling within a category mentioned in paragraph 10(2)(a), register that change in your authority's register of members' interests by providing written notification to your authority's monitoring officer, or in the case of a community council to your authority's proper officer.

(4) Sub-paragraphs (1), (2) and (3) do not apply to sensitive information determined in accordance with paragraph 16(1).

(5) Sub-paragraphs (1) and (2) do not apply if you are a member of a relevant authority which is a community council when you act in your capacity as a member of such an authority.

(6) You must, when disclosing a personal interest in accordance with paragraph 11 for the first time, register that personal interest in your authority's register of members' interests by providing written notification to your authority's monitoring officer, or in the case of a community council to your authority's proper officer.

Sensitive information

16.—(1) Where you consider that the information relating to any of your personal interests is sensitive information, and your authority's monitoring officer agrees, you need not include that information when registering that interest, or, as the case may be, a change to the interest under paragraph 15.

(2) You must, within 28 days of becoming aware of any change of circumstances which means that information excluded under sub-paragraph (1) is no longer sensitive information, notify your authority's monitoring officer, or in relation to a community council, your authority's proper officer asking that the information be included in your authority's register of members' interests.

(3) In this code, "sensitive information" ("*gwybodaeth sensitif*") means information whose availability for inspection by the public creates, or is likely to create, a serious risk that you or a person who lives with you may be subjected to violence or intimidation.

Registration of Gifts and Hospitality

17. You must, within 28 days of receiving any gift, hospitality, material benefit or advantage above a value specified in a resolution of your authority, provide written

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notification to your authority's monitoring officer, or in relation to a community council, to your authority's proper officer of the existence and nature of that gift, hospitality, material benefit or advantage.

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Conduct of Members – The Principles¹

SELFLESSNESS

18.2.1 Members must act solely in the public interest. They must never use their position as Members to improperly confer advantage on themselves or to improperly confer advantage or disadvantage on others.

HONESTY

18.2.2 Members must declare any private interests relevant to their public duties and take steps to resolve any conflict in a way that protects the public interest.

INTEGRITY AND PROPRIETY

18.2.3 Members must not put themselves in a position where their integrity is called into question by any financial or other obligation to individuals or organisations that might seek to influence them in the performance of their duties. Members must on all occasions avoid the appearance of such behaviour.

DUTY TO UPHOLD THE LAW

18.2.4 Members must act to uphold the law and act on all occasions in accordance with the trust that the public has placed in them.

STEWARDSHIP

18.2.5 In discharging their duties and responsibilities Members must ensure that their authority's resources are used both lawfully and prudently.

OBJECTIVITY IN DECISION-MAKING

18.2.6 In carrying out their responsibilities including making appointments, awarding contracts, or recommending individuals for rewards and benefits, Members must make decisions on merit. Whilst Members must have regard to the professional advice of officers and may properly take account of the views of others, including their political groups, it is their responsibility to decide what view to take and, if appropriate, how to vote on any issue.

EQUALITY AND RESPECT

18.2.7 Members must carry out their duties and responsibilities with due regard to the need to promote equality of opportunity for all people, regardless of their gender, race, disability, sexual orientation, age or religion, and show respect and consideration for others.

OPENNESS

18.2.8 Members must be as open as possible about all their actions and those of their authority. They must seek to ensure that disclosure of information is restricted only in accordance with the law.

¹ The Conduct of Members (Principles) (Wales) Order 2001 – S.I. 2276

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ACCOUNTABILITY

18.2.9 Members are accountable to the electorate and the public generally for their actions and for the way they carry out their responsibilities as a Member. They must be prepared to submit themselves to such scrutiny as is appropriate to their responsibilities.

LEADERSHIP

18.2.10 Members must promote and support these principles by leadership and example so as to promote public confidence in their role and in the authority. They must respect the impartiality and integrity of the authority's statutory officers and its other employees.

Protocol - Standard of Conduct Expected by Members

18.3 This protocol sets out the standards of conduct expected from Members within Powys County Council in dealing with each other. It should be read in conjunction with the Members Code of Conduct ²and the Member-Officer Protocol³. It adds to these documents and does not detract from them.

Members are expected:

PUBLIC BEHAVIOUR

- 18.3.1.1 to show respect to each other;
- 18.3.1.2 not to make personal abusive comments about each other;
- 18.3.1.3 not to publish anything insulting about each other;
- 18.3.1.4 not to make malicious allegations against each other;
- 18.3.1.5 not to publish or spread any false information about each other;
- 18.3.1.6 to show respect to diversity and equality;

BEHAVIOUR IN MEETINGS

- 18.3.2.1 to behave with dignity;
- 18.3.2.2 to show respect to the Chair and obey his/her decisions;
- 18.3.2.3 not to use indecent language nor make racial remarks or remarks which prejudice any section of society;

CONFIDENTIALITY

- 18.3.3.1 to keep the confidentiality of exempt papers and any other documents which are not public;
- 18.3.3.2 not to release confidential information to the press or the public;
- 18.3.3.3 not to use confidential information for purposes other than intended;

LOCAL MEMBERS

- 18.3.4.1 to work with Members of adjoining electoral divisions for the benefit of the locality;
- 18.3.4.2 if dealing with any matter relating to another electoral division:
 - to explain to anyone seeking assistance that he/she is not the local Member;

² See Section 18.1 above.

³ See Section 21.

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- to inform the local Member, unless it would lead to a breach of confidentiality.

Procedure for Dealing with Allegations made against Councillors and referred to the Standards Committee

INTRODUCTION

18.4.1 This document sets out the procedure that the Council's Standards Committee will follow where it is required to make decisions about the conduct of Councillors following investigations by the Public Services Ombudsman for Wales or the Council's Monitoring Officer under Part III of the Local Government Act 2000 and related regulations. If there is any conflict between this document and any statutory requirements then those statutory requirements will prevail.

INTERPRETATION

18.4.2 In this procedure:

18.4.2.1 the "Act" means the Local Government Act 2000;

18.4.2.2 the "Council" means Powys County Council;

18.4.2.3 the "Code of Conduct" means the code of conduct for members ⁴adopted by the Council or the community councils within the Council's area in 2008 in accordance with section 51 of the Act, including any revisions;

18.4.2.4 the "Complainant" means any person who made any allegation which gave rise to the investigation;

18.4.2.5 the "Investigating Officer" means the person who conducted an investigation into any alleged breach of the Code of Conduct and produced the investigation report, being either the Ombudsman (or a person acting on his or her behalf) or the Monitoring Officer;

18.4.2.6 an "investigation report" means a report on the outcome of an investigation into any alleged breach of the Code of Conduct produced either by the Ombudsman under s71(2) of the Act or by the Monitoring Officer under the Regulations;

18.4.2.7 the "Member" means any person who is the subject of an investigation into any alleged breach of the Code of Conduct;

18.4.2.8 the "Monitoring Officer" means the officer for the time being appointed by the Council under section 5 of the Local Government and Housing Act 1989;

18.4.2.9 the "Ombudsman" means the Public Services Ombudsman for Wales;

18.4.2.10 the "Regulations" means the Local Government Investigations (Functions of Monitoring Officers and Standards Committees) (Wales) Regulations 2001 as amended;

18.4.2.11 the "Standards Officer" means the officer for the time being appointed by the Council to support the work of the Standards Committee.

SUMMARY OF THE PROCEDURE

18.4.3.1 Under section 69 of the Act, the Ombudsman may investigate any alleged breach of the Code of Conduct by Members or Co-Opted Members (or

⁴ See Section 18.1

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- former Members or co-opted Members) of the Council or a community council in the Council's area.
- 18.4.3.2 Under section 70(4) of the Act, where the Ombudsman ceases such an investigation before it is completed, he/she may refer the matters which are the subject of the investigation to the Monitoring Officer. The Monitoring Officer will then investigate matters in accordance with the Regulations before reporting and, if appropriate, making recommendations to the Standards Committee.
- 18.4.3.3 Alternatively, under section 71(2) of the Act, where the Ombudsman decides after investigating that it is appropriate, he/she will produce a report on the outcome of the investigation and send it to the Monitoring Officer. The Monitoring Officer will then consider the report of the Ombudsman in accordance with the Regulations, before, if appropriate, present the report and make recommendations to the Standards Committee.
- 18.4.3.4 The Standards Committee will then make an initial determination either:
- (a) that there is no evidence of any failure to comply with the Code of Conduct; or
 - (b) that the Member should be given the opportunity to make representations, either orally or in writing.
- 18.4.3.5 Where the Member is given an opportunity to make representations, the Standards Committee will convene a hearing to consider any response made by the Member and it must determine under regulation 9(1) of the Regulations either that:
- (a) there is no evidence of any failure to comply with the Code of Conduct and that therefore no action needs to be taken;
 - (b) the Member has failed to comply with the Code of Conduct but that no action needs to be taken in respect of that failure;
 - (c) the Member has failed to comply with the Code of Conduct and should be censured; or
 - (d) the Member has failed to comply with the Code of Conduct and should be suspended or partially suspended from being a member or co-opted Member of his/her authority for a period not exceeding six months

and take any such action accordingly.

INVESTIGATIONS BY THE MONITORING OFFICER (REFERRALS UNDER SECTION 70(4) OF THE ACT)

- 18.4.4.1 Where the Ombudsman ceases his/her investigation before it is completed and refers the matters which are the subject of the investigation to the Monitoring Officer under section 70(4) of the Act, the Monitoring Officer must:
- (a) conduct an investigation; and
 - (b) report, and if appropriate, make recommendations to the Council's Standards Committee.

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- 18.4.4.2 The Monitoring Officer will investigate in accordance with the Regulations and may follow such procedures as he or she considers appropriate in the circumstances of the case.
- 18.4.4.3 After concluding an investigation, the Monitoring Officer must:
- (a) produce a report on the findings of his or her investigation and, if appropriate, may make recommendations to the Standards Committee;
 - (b) send a copy of the report to the Member; and
 - (c) take reasonable steps to send a copy of the report to the Complainant.
- 18.4.4.4 The Standards Committee will consider the Monitoring Officer's report and any recommendations in accordance with the procedure set out below.

INVESTIGATIONS BY THE OMBUDSMAN (REFERRALS UNDER SECTION 71(2) OF THE ACT)

- 18.4.5.1 Where the Ombudsman completes his or her investigation and sends a report to the Monitoring Officer and the Council's Standards Committee under section 71(2) of the Act, the Monitoring Officer must consider the Ombudsman's report and, if appropriate, make recommendations to the Council's Standards Committee.
- 18.4.5.2 The Standards Committee will consider the Ombudsman's report together with any recommendations made by the Monitoring Officer in accordance with the procedure set out below.

THE FIRST MEETING OF THE STANDARDS COMMITTEE - INITIAL DETERMINATION

- 18.4.6.1 After the Monitoring Officer has:
- (a) produced an investigation report in accordance with rule 18.4.4.3(a); or
 - (b) considered the Ombudsman's investigation report in accordance with rule 18.4.5.1

he/she will arrange for a meeting of the Standards Committee to be convened as soon as possible and for a copy of the investigation report, together with the Monitoring Officer's recommendations (if any), to be sent to each of the members of the Standards Committee.

- 18.4.6.2 Notice of the time and place of the meeting will be given in accordance with Part VA of the Local Government Act 1972 as amended by the Standards Committees (Wales) Regulations 2001. The agenda will name the Councillor against whom the allegation of misconduct have been made. The first substantive item on the agenda will be to determine whether the members of the public and Members should be excluded in accordance with Rule 4.81.
- 18.4.6.3 If the investigation report is produced by the Ombudsman, the Monitoring Officer will advise the Standards Committee. If the investigation report is

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- produced by the Monitoring Officer, the Standards Officer or some other suitably qualified person will advise the Standards Committee.
- 18.4.6.4 The business of the Standards Committee meeting will be limited to considering the investigation report and the Monitoring Officer's recommendations (if any) and to making an initial determination either:
- (a) that there is no evidence of any failure to comply with the Code of Conduct; or
 - (b) that the Member should be given the opportunity to make representations,
- either orally or in writing in respect of the findings of the investigation and any allegation that he or she has failed, or may have failed, to comply with the Code of Conduct.
- 18.4.6.5 The decision of the Committee under Rule 18.4.6.4 will be published and the name of the Councillor against whom the allegation of misconduct has been made will be made public even if the Committee decides that there is no failure to comply with the Members' Code of Conduct.

AFTER THE FIRST MEETING OF THE STANDARDS COMMITTEE

- 18.4.7.1 Where the Standards Committee decides that there is no evidence of any failure to comply with the Code of Conduct, the Standards Officer will accordingly notify the Member, the Complainant and the Ombudsman.
- 18.4.7.2 Where the Standards Committee decides that the Member should be given the opportunity to make representations, the Standards Officer will notify the Member of the Committee's decision and the procedure which the Committee proposes to adopt to receive and consider any representations that he or she may wish to make.

PREPARING FOR THE HEARING TO CONSIDER THE MEMBER'S REPRESENTATIONS

- 18.4.8.1 The Standards Officer, in consultation with the Chair of the Standards Committee, will write to the Member to propose a date for a hearing to consider any representations that the Member may wish to make and the Member will respond in writing within 7 days indicating whether he / she wishes to attend the hearing and his / her ability to attend the hearing. In the event that the Member is unable to attend a hearing on the date(s) proposed, the Member will be able to propose alternative dates for consideration by the Chair of the Standards Committee, who will decide the reasonableness or otherwise of the proposed alternative date and arrange the date for the hearing to take place at which meeting the Committee will decide whether or not to proceed in the event that the Member fails to attend the hearing.
- 18.4.8.2 The letter from the Standards Officer in accordance with 18.4.8.1 will also ask the member to respond in writing within 14 days of that letter to confirm whether he / she:
- (a) wants to make representations, whether orally or in writing and if

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- so, to include any written representations in his or her response;
 - (b) disagrees with any of the findings of fact in the investigation report, and if so, which matters he or she disagrees with and the reasons for any disagreements in addition to the disputed facts set out in the investigation report;
 - (dc) wants to appear before the Committee in person or be represented at the hearing by a solicitor, barrister or any other person, in accordance with his/her right under the Regulations;
 - (d) wants to give evidence to the Standards Committee, either orally or in writing;
 - (e) wants to call relevant witnesses to give evidence to the Standards Committee and confirm their identity and either provide a statement of their evidence or the substance of the evidence to be given orally to the Standards Committee;
 - (f) wants any part of the meeting to be held in private and the reasons why the meeting should not be in public;
 - (g) wants any part of the investigation report or other relevant documents to be withheld from the public and the reasons why the document should not be made public

- 18.4.8.3 The Standards Officer will notify the Investigating Officer of the proposed hearing date and ask whether he or she will be attending the hearing.
- 18.4.8.4 The Standards Officer will send a copy of the Member's response under rule 18.4.8.1 to the Investigating Officer and will ask him/her to confirm in writing within seven days whether he/she:
 - (a) has any comments on the Member's response;
 - (b) wants to be represented at the hearing;
 - (c) wants to call relevant witnesses to give evidence to the Standards Committee;
 - (d) wants any part of the meeting to be held in private; and
 - (e) wants any part of the investigation report or other relevant documents to be withheld from the public.

- 18.4.8.5 The Standards Officer will write to the members of the Committee, the Member and the Investigating Officer at least two weeks before the hearing to:
 - (a) confirm the date, time and place for the hearing;
 - (b) summarise the allegation;
 - (c) outline the main facts of the case that are agreed;
 - (d) outline the main facts which are not agreed;
 - (e) note whether the Member or the Investigating Officer will attend or be represented at the hearing;
 - (f) list those witnesses, if any, who will be asked to give evidence;
 - (g) enclose the investigation report, any relevant documents, the Member's response and any further response from the Investigating Officer; and
 - (h) outline the proposed procedure for the meeting.

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POWERS OF THE STANDARDS COMMITTEE

- 18.4.9.1 The Standards Committee may, in accordance with the requirements of natural justice, conduct the meeting in the manner it considers most suitable to the clarification of the issues before it and generally to the just handling of the proceedings. The Committee must to whatever extent it considers to be appropriate, seek to avoid formality and inflexibility in its proceedings. The Standards Committee will decide factual evidence on the balance of probabilities.
- 18.4.9.2 The Member or the Investigating Officer, whether or not they are legally qualified, may be represented or accompanied by another person but if in any particular case the Standards Committee is satisfied that there is a good reason, it may refuse to permit a particular person to assist or represent a party at the hearing.
- 18.4.9.3 The Standards Committee may take legal advice from a Council officer appointed for this purpose at any time during the meeting or while they are considering the outcome. The substance of any legal advice given to the Committee will be shared with the Member and the Investigating Officer if they are present.
- 18.4.9.4 Where appropriate, and in accordance with the Regulations, the Standards Committee has power to censure the Member, or suspend or partially suspend the Member for a period not exceeding six months.

PROCEDURE AT THE HEARING

- 18.4.10.1 The hearing will be held in public unless the Standards Committee is persuaded that there is a good reason to exclude the public.
- 18.4.10.2 The procedure at the meeting shall be as set out below, subject to the Chair making such changes as he or she thinks fit in order to ensure a fair and efficient hearing.

Introduction

- 18.4.10.3 The Chair of the Standards Committee will introduce those persons present and will explain the manner and order of proceedings

First Stage - Preliminary Procedural Issues

- 18.4.10.4 The Standards Committee will then resolve any issues or disagreements about how the hearing should continue, which have not been resolved during the prehearing process.

Second Stage - Making Findings of Fact

- 18.4.10.5 The Standards Committee will then consider whether or not there are any significant disagreements about the facts contained in the investigation report.

- 1 If there is a disagreement as to the facts:
 - (a) the Investigating Officer, if present, will be invited to make any necessary representations to support the relevant findings of fact in the investigation report;
 - (b) the Investigating Officer may call any necessary supporting

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- witnesses to give evidence, with the Standards Committee's permission and the Committee shall give the Member an opportunity to challenge any evidence put forward by any witness called by the Investigating Officer;
- (c) the Member will then be invited to make representations to support his or her version of the facts;
 - (d) the Member may call any necessary witnesses to give evidence, with the Standards Committee's permission and the Committee shall give the Investigating Officer an opportunity to challenge any evidence put forward by any witness called by the Member.
- 2 At any time, the Standards Committee may question any of the people involved or any of the witnesses.
- 3 If the Member disagrees with any relevant fact in the investigation report, without having given prior notice of the disagreement, he or she must give good reasons for not mentioning it before the hearing. If the Investigating Officer is not present, the Standards Committee will consider whether or not it would be in the public interest to continue in his or her absence. After considering the Member's explanation for not raising the issue at an earlier stage, the Committee may then:
- (a) continue with the hearing, relying on the information in the investigation report;
 - (b) allow the Member to make representations about the issue, and invite the Investigating Officer to respond and call any witnesses, as necessary; or
 - (c) postpone the hearing to arrange for appropriate witnesses to be present, or for the Investigating Officer to be present if he or she is not already.
- 4 At the conclusion of the representations as to matters of fact, the Standards Committee will retire to deliberate in private on the representations, after which the Chair of the Standards Committee will announce their findings of fact.

Third Stage - Deciding whether the Member has failed to comply with the Code

18.4.10.6

- 1 The Standards Committee will then consider whether, based on the facts it has found, the Member has failed to comply with the Code.
- 2 The Standards Committee will invite the Investigating Officer to make representations as to whether or not, based on the facts the Committee has found, the Member has failed to comply with the Code of Conduct.
- 3 The Standards Committee will invite the Member to respond to the representations of the Investigating Officer and to make representations as to whether or not, based on the facts the Committee has found, he or she has failed to comply with the Code of Conduct.

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- 4 The Standards Committee may, at any time, question anyone involved on any point they raise in their representations.
- 5 The Member will be invited to make any final relevant points.
- 6 The Standards Committee will retire to deliberate in private on the representations and decide whether or not the Member has failed to comply with the Code of Conduct, after which the Chair of the Standards Committee will announce their findings.

Fourth Stage - Action to be Taken

18.4.10.7

- 1 If the Standards Committee decides that the Member has not failed to comply with the Code of Conduct, it will formally record that there is no evidence of any failure by the Member to comply with the Code of Conduct and that therefore no action needs to be taken.
- 2 If the Standards Committee decides that the Member has failed to comply with the Code of Conduct it will invite the Member and the Investigating Officer to make representations as to:
 - (a) whether or not the Committee should apply a sanction; and
 - (b) what form any sanction should take.
- 3 The Standards Committee will retire to deliberate in private on the representations and decide either that:
 - (a) no action needs to be taken in respect of the failure to comply with the Code of Conduct;
 - (b) the Member should be censured; or
 - (c) the Member should be suspended or partially suspended from being a member or Co-Opted Member of his or her authority for a period not exceeding six months (or, if shorter, for the remainder of that person's term of office);

after which the Chair of the Standards Committee will announce their decision in public.
- 4 After making a decision the Standards Committee will instruct the Standards Officer to confirm the decision and the reasons for the decision in writing and to send a copy of the written decision (including details of the Member's right of appeal) to the Member, the Complainant and the Ombudsman as soon as reasonably practicable.
- 5 The decision of the Standards Committee will be deemed to have been received by the Member on the second day after the date the letter was sent by first class post, provided that the Standards Officer has proof of postage.

FAILURE TO MAKE REPRESENTATIONS / ATTEND THE HEARING

- 18.4.11.1 If the Member fails to make representations, the Standards Committee may:

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- (a) unless it is satisfied that there is sufficient reason for such failure, consider the investigation report and make a determination in the Member's absence; or
- (b) give the Member a further opportunity to make representations.

18.4.11.2 If a party fails to be present or represented at a hearing, the Standards Committee may, if it is satisfied that the party was duly notified of the hearing and that there is no good reason for such absence:

- (a) adjourn the hearing; or
- (b) hear and decide the matter in the party's absence;
- (c) and in either case the Standards Officer will inform the Member of the outcome of the hearing by email or telephone and will thereafter arrange for the outcome to be notified to the press.

ILLNESS OR INCAPACITY

18.4.12 If the Standards Committee is satisfied, based upon the medical evidence supplied, that any party is unable, through physical or mental sickness or impairment, to attend the hearing and that the party's inability is likely to continue for a long time, the Standards Committee may make such arrangements as may appear best suited, in all the circumstances of the case, for disposing fairly of the matter, which may include adjourning the hearing to a suitable date or proceeding with the hearing in the absence of the party if appropriate to do so in the opinion of the Standards Committee.

SUSPENSION

18.4.13 A period of suspension or partial suspension will commence on the day after:

- 18.4.13.1 the expiry of the time allowed to lodge a notice of appeal to the Adjudication Panel for Wales under the Regulations (i.e. 21 days after receiving notification of the Standards Committee's determination in accordance with Rule 18.4.10.7.5); or
- 18.4.13.2 receipt of notification of the conclusion of any appeal in accordance with the Regulations; or
- 18.4.13.3 a further determination by the Standards Committee made after receiving a recommendation from the Adjudication Panel for Wales under the Regulations,

whichever occurs last.

REFERRAL TO THE ADJUDICATION PANEL FOR WALES

18.4.14.1 Where the Standards Committee determines that the Member has failed to comply with the Code of Conduct, the Member may seek permission to appeal against the determination from the President of the

SECTION 18 – CODE OF CONDUCT FOR MEMBERS

- Adjudication Panel for Wales (APW) within 21 days of receiving notification of the Standard Committee's determination.
- 18.4.14.2 The APW may endorse the decision of the Standards Committee, refer a matter back to the Standards Committee recommending it impose a different penalty, or overturn the decision.
- 18.4.14.3 If:
- (a) the Standards Committee determines that the Member failed to comply with the Code of Conduct; and
 - (b) the Member appeals to an APW drawn from the Adjudication Panel for Wales; and
 - (c) the APW refers the matter back to the Standards Committee with a recommendation that a different penalty be imposed,
- the Standards Committee shall meet as soon as reasonably practicable to consider the recommendation of the APW and will determine whether or not it should uphold its original determination or accept the recommendation.
- (d) After making its determination the Standards Committee will instruct the Standards Officer to confirm the decision and the reasons for the decision in writing and to send a copy of the written decision to the Member, the Complainant, the Ombudsman and the president of the APW as soon as reasonably practicable.

PUBLICATION OF THE STANDARDS COMMITTEE'S REPORT

- 18.4.15.1 The Standards Committee will produce a report on the outcome of the investigation and send a copy to the Ombudsman, the Monitoring Officer, the Member and take reasonable steps to send a copy to the Complainant within 14 days after either:
- (a) the expiry of the time allowed to lodge a notice of appeal under the Regulations, or
 - (b) receipt of notification of the conclusion of any appeal in accordance with the Regulations, or
 - (c) a further determination by the Standards Committee made after receiving a recommendation from an Adjudication Panel for Wales under the Regulations,
- whichever occurs last.
- 18.4.15.2 Upon receipt of the report of the Standards Committee, the Monitoring Officer shall:
- (a) publish the report on the Council's website for a minimum period of 21 days and make copies available for inspection by the public without charge during office hours at one or more of the Council's offices, where any person shall be entitled to take copies of, or extracts from, the report when made so available;

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- (b) supply a copy of the report to any person on request if he or she pays such charge as the Council may reasonably require, and
- (c) not later than seven days after the report is received from the Standards Committee, give public notice, by advertisement in newspapers circulating in the area and such other ways as appear to him or her to be appropriate, that copies of the report will be available as provided by paragraphs (a) and (b) above, and shall specify the date (being a date not more than seven days after public notice is first given) from which the period of 21 days will begin.

COSTS

- 18.4.16 The Standards Committee has no power to make an award of any costs or expenses arising from any of its proceedings.

Exclusion of Public and Members from Standard Committee Hearings

- 18.4.17.1 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).
- 18.4.17.2 For the purpose of this Rule 18.4, where members of the public have been excluded pursuant to Rule 18.4.17.1, Members are also excluded (save for the Member appearing before the Standards Committee).

18.5 Protocol Concerning Gifts and Hospitality to Members

- 18.5.1 The acceptance of gifts and hospitality by Councillors is not merely an administrative issue. It reflects directly upon the perception of Councillors and of the authority as acting in the public interest or as acting for the personal advantage of friends and for what personal benefit Councillors can get out of their position.
- 18.5.2 The law on the acceptance of gifts and hospitality is set out in the authority's Code of Conduct for Members and in the Prevention of Corruption Acts. These requirements are then supplemented by this Protocol which has been adopted by this authority, to provide a clear set of rules for the protection of both Councillors and the authority. Acceptance of a gift or hospitality in breach of the Code, or failure to declare receipt of such a gift or hospitality, can lead to disqualification from holding any public office for a period of up to five years. Corrupt acceptance of a gift or hospitality can lead to a heavy fine or up to 7 years' imprisonment.
- 18.5.3 This Protocol sets out:
- (a) the principles which you should apply whenever you have to decide whether it would be proper to accept any gift or hospitality;
 - (b) a procedure for obtaining consent to accept a gift or hospitality, when you consider that it would be proper to accept it;
 - (c) a procedure for declaring any gift or hospitality which you receive and for accounting for any gift to the authority.

This Code does not apply to the acceptance of any facilities or hospitality which may be provided to you by this authority.

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18.5.4 **General Principles.**

18.5.4.1 You should never accept any gift or hospitality in any of the Precluded Situations described in paragraph 6(c) of this Protocol

18.5.4.2 In deciding whether in situations, other than Precluded situations, it is proper to accept any gift or hospitality, you should apply the following principles. Even if the gift or hospitality comes within one of the general consents set out below, you should not accept it if to do so would be in breach of one or more of these principles:

(a) Never accept a gift or hospitality as an inducement or reward for anything you do as a Councillor

As a Councillor, you must act in the public interest and must not be swayed in the discharge of your duties by the offer, prospect of an offer, or the non-offer of any inducement or reward for discharging those duties in a particular manner.

The Public Bodies (Corrupt Offences) Act 1889 provides that if you accept any gift, loan, fee, reward or advantage whatsoever as an inducement to or reward for doing or forbearing to do anything in respect of any matter or transaction in which the authority is concerned, you commit a criminal offence carrying a maximum term of imprisonment of 7 years.

Further, the authority's Code of Conduct for Members provides that you must act in the public interest, serving the authority and the whole community, rather than acting in the interests of any particular individual or section of the community, and that it is a breach of the Code improperly to confer any advantage or disadvantage on any person, including yourself.

(b) You should only accept a gift or hospitality if there is a commensurate benefit to the authority.

The only proper reason for accepting any gift or hospitality is that there is a commensurate benefit for the authority which would not have been available but for the acceptance of that gift or hospitality.

Acceptance of hospitality can confer an advantage on the authority, such as an opportunity to progress the business of the authority expeditiously through a working lunch, or to canvass the interests of the authority and its area at a meeting. Acceptance of a gift is much less likely to confer such an advantage. But unless the benefit to the authority is clear, and is commensurate with the value of the gift or hospitality, the presumption must be that the gift or hospitality is purely for your personal benefit.

As set out above, the authority's code provides that you must not improperly confer any advantage on anyone, including yourself. Acceptance as a Councillor of a gift or hospitality for your own benefit

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or advantage, rather than for the benefit to the authority, would be a breach of the Code.

(c) Never accept a gift or hospitality if acceptance might be open to misinterpretation

The appearance of impropriety can be just as damaging to the authority and to you as a Councillor as actual impropriety. The authority's ability to govern rests upon its reputation for acting fairly and in the public interest. You must therefore consider whether the acceptance of the gift or hospitality is capable of being interpreted as a sign that you or the authority favours any particular person, company or section of the community or as placing you under any improper obligation to any person or organisation. If there is any possibility that it might be so interpreted, you must either refuse the gift or hospitality or take appropriate steps to ensure that such a misunderstanding cannot arise.

Certain occasions are particularly sensitive, and require the avoidance of any opportunity for such misunderstanding. These include:

- (i) occasions when the authority is going through a competitive procurement process, in respect of any indication of favour for a particular tenderer.
- (ii) determinations of planning applications or planning policy, in respect of any person or organisation which stands to gain or lose from the determination,
- (iii) funding decisions, when the authority is determining a grant application by any person or organisation.

(d) Never accept a gift or hospitality which puts you under an improper obligation.

Recognise that some commercial organisations and private individuals see the provision of gifts and hospitality as a means of buying influence. If you accept a gift or hospitality improperly, it is possible that they may seek to use this fact to persuade you to determine an issue in their favour. Equally, if others note that you have been prepared to accept a gift or hospitality improperly, they may feel that they will no longer be able to secure impartial consideration from the authority.

(e) Never solicit a gift or hospitality

You must never solicit or invite an offer of a gift or hospitality in connection with your position as a Councillor unless the acceptance of that gift or hospitality would be permitted under this Code. You should also take care to avoid giving any indication that you might be open to such any improper offer.

18.5.5 Consent Regimes

18.5.5.1 General consent provisions

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For clarity, the authority has agreed that in situations other than the Precluded Situations you may accept gifts and hospitality in the following circumstances provided that to do so would not be in breach of any one or more of the general principles contained in paragraph 2 above:

- (i) civic hospitality provided by another public authority
- (ii) modest refreshment in connection with any meeting in the ordinary course of your work, such as tea, coffee, soft drinks and biscuits
- (iii) tickets for sporting, cultural and entertainment events which are sponsored by the authority
- (iv) small gifts of low intrinsic value below £25, branded with the name of the company or organisation making the gift, such as pens, pencils, mouse pads, calendars and diaries. However, you should take care not to display any such branded items when this might be taken as an indication of favour to a particular supplier or contractor, for example in the course of a procurement exercise
- (v) a modest alcoholic or soft drink on the occasion of an accidental social meeting, such as a pint of beer from an employee of a contractor or party with whom you have done business on behalf of the authority if you meet accidentally in a public house, cafe or bar. In such cases, you should make reasonable efforts to return the offer where this is practicable
- (vi) a modest working lunch not exceeding £10 a head in the course of a meeting in the offices of a party with whom the authority has an existing business connection where this is required in order to facilitate the conduct of that business. Councillors should not make such arrangements themselves, but request officers to settle the detailed arrangements, and officers are under instruction, when arranging any such meeting, to make it clear to the other party that such a lunch must not exceed a value of £10 a head
- (vii) modest souvenir gifts with a value below £25 from another public authority given on the occasion of a visit by or to the authority
- (viii) Hospitality received in the course of an external visit or meeting which has been duly authorised by the authority. Councillors should not make such arrangements themselves, but request officers to settle the detailed arrangements, and officers are under instruction to make it clear that any such hospitality for Councillors and officers is to be no more than commensurate with the nature of the visit
- (ix) other unsolicited gifts, where it is impracticable to return them to the person or organisation making the gift, provided that the Councillor deals with the gift strictly in accordance with the following procedure: The Councillor must, as soon as practicable after the receipt of the gift, pass it to the Secretary to the Chairman of the Council together with a written statement identifying the information set out in Paragraphs 3.2 below. The Secretary will then write to the person or organisation making the gift thanking them on your behalf for the gift and informing them that you have donated the gift to the Chairman's Charity Fund, on whose behalf it will be raffled or other wise disposed of in due course, the proceeds being devoted to a charitable cause chosen by the Chairman.

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18.5.5.2 Special consent provisions

If you wish to accept any gift or hospitality, in a situation, other than the Precluded Situations, which is in accordance with the General Principles set out in Paragraph 2, but is not within any of the general consents set out in Paragraph 3.1, you may only do so if you have previously obtained specific consent in accordance with the following procedure:

You must make an application in writing to the Monitoring Officer, setting out:

- (i) the nature and your estimate of the market value of the gift or hospitality
- (ii) who the invitation or offer has been made by or on behalf of
- (iii) the connection which you have with the person or organisation making the offer or invitation, such as any work which you have undertaken for the authority in which they have been involved
- (iv) any work, permission, concession or facility which you are aware that the person or organisation making the offer or invitation may seek from the authority
- (v) any special circumstances which lead you to believe that acceptance of the gift or hospitality will not be improper

You must not accept the gift or hospitality until you have received the appropriate consent.

The Monitoring Officer will enter details of any approval in a register which will be available for public inspection on the occasion of the public inspection of the authority's accounts for the relevant year. But note that this does not relieve you of the obligation to register the receipt of gifts and hospitality in accordance with Paragraph 4, below.

18.5.6 Reporting

18.5.6.1 Where you accept any gift or hospitality which you estimate to have a market value or cost of provision of £25 or greater, (or where you accept a working lunch of the type described in paragraph 3.1 (vi) above where the cost or value exceeds £10) you must, as soon as possible after receipt of the gift or hospitality, make a declaration in writing to the Monitoring Officer officer, setting out the information set out in Paragraphs 2(b) above. A form for this purpose is attached to this Code, but you can send the same information by any convenient means. The Monitoring Officer will retain a copy of any such declaration in a register which will be available for public inspection until the approval of the authority's accounts for the year in question.

18.5.6.2 Even if the value of the gift or hospitality is less than £25, (or less than £10 in respect of a working lunch of the type described in paragraph 3.1 (vi)) if you are concerned that its acceptance might be misinterpreted, you may make a voluntary declaration in the same manner to ensure that there is nothing secret or underhand about the gift or hospitality.

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18.5.7 **Gifts to the authority**

18.5.7.1 Gifts to the authority may take the form of the provision of land, goods or services, either to keep or to test with a view to future acquisition, an offer to carry out works or sponsorship of a function which is organised or supported by the authority. You should not solicit any such gift on behalf of the authority except where the authority has formally identified the opportunity for participation by an external party and how that participation is to be secured, for example in relation to sponsorship of public musical and theatrical performances and developers' contributions under Section 106 Agreements. If you receive such an offer on behalf of the authority, you must first consider whether it is appropriate for the authority to accept the offer (in terms of whether the acceptance of the gift might be seen as putting the authority under any improper obligation, whether there is a real benefit to the authority which would outweigh any dis-benefits). If you do not have delegated authority to accept the gift, you should report the offer directly to the Monitoring Officer who has such delegated authority, together with your recommendation. The Monitoring Officer will then write back to the person or organisation making the offer, to record the acceptance or non-acceptance of the gift, record the gift for audit purposes and ensure that the gift is properly applied for the benefit of the authority. If you have any concerns about the motives of the person or organisation making the offer, or whether it would be proper for the authority to accept the gift, you should consult the Monitoring Officer directly.

18.5.8 **Definitions**

18.5.8.1 "Gift or hospitality" includes any:

- (i) the free gift of any goods or services
- (ii) the opportunity to acquire any goods or services at a discount or on terms which are more advantageous than those which are available to the general public
- (iii) the opportunity to obtain any goods or services which are not available to the general public
- (iv) the offer of food, drink, accommodation or entertainment, or the opportunity to attend any cultural, sporting or entertainment event.

18.5.8.2 References to the "value" or "cost" of any gift or hospitality are references to the higher of:

- (i) your estimate of the cost to the person or organisation of providing the gift or consideration
- (ii) the open market price which a member of the public would have to pay for the gift or hospitality, if it were made available commercially to the public, less the cash sum of any contribution which you would be required to make toward that price to the person or organisation providing or offering the gift or hospitality.

18.5.8.3 References to "Precluded Situations" are references to situations where a member MUST NEVER accept any gift or hospitality and are:-

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- (i) situations covered by the Planning Protocol, the relevant extracts of which are for ease of reference reproduced in Annex A to this Protocol;
- (ii) situations where the gift or hospitality would be provided by an individual who is an applicant for any order, licence, permission or consent to be made or granted by the Council or any objector to, or supporter of the grant of such order, licence, permission or consent or any other individual who may be affected by the grant or refusal of such order, licence, permission or consent; and
- (iii) situations where the gift or hospitality would be provided by an individual who is in negotiation with the Council or has submitted a tender or offer to the Authority in relation to any proposed contract or transaction for the acquisition or disposal of any estate or interest in land or for the supply of goods or services to or from the Authority.

For the purposes of this definition:-

- “individual” includes any public or statutory body, a company, a partnership, an unincorporated association and any other organisation or legal entity or legal person known to and recognised by the law of England and Wales;
- “Planning Protocol” means the **Code of Conduct Dealing With Planning Matters/Applications In Respect Of The Planning Service** adopted by the County Council on 24th April 2008

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To: Monitoring Officer.

Declaration of Receipt of Gifts or Hospitality

Name	
Address	
What was the gift or hospitality?	
What is your best estimate of its market value or cost?	
Who provided it?	
When and where did you receive it?	
Does it come within one of the general consents set out in the Code of Conduct? If so, which?	
Did you get the consent of any officer before accepting it? If so, who?	
Were there any special circumstances justifying acceptance of this gift or hospitality?	
Do you have any contact with the person or organisation providing the gift or hospitality?	
Signed	Date

SECTION 18 – CODE OF CONDUCT FOR MEMBERS

GIFTS AND HOSPITALITY.

A Councillor who is a “Decision Maker” must:

- not accept any gifts or hospitality from anyone connected with a planning application or matter;
- register any offers of gifts or hospitality refused in a register kept for that purpose maintained by the Monitoring Officer.

All other Councillors must comply with the Protocol Concerning Gifts and Hospitality to Members as set out in Part 5 – Section 3 of the Constitution.

Definition.

“**Decision Maker**” means, in relation to a specific planning application, a Member who is neither a “Member with an Interest” nor a “Local Member” and who is involved in the determination of that planning application as a Member of the Planning Committee.

CYNGOR SIR POWYS COUNTY COUNCIL.

**County Council
9th December 2021**

REPORT AUTHOR: Head of Finance

**REPORT TITLE: Amendments to the Inter Authority Agreement of the
Wales Pension Partnership**

REPORT FOR: Decision

1. Purpose

- 1.1 To seek approval from Council to amend the Inter Authority Agreement (IAA) of the Wales Pension Partnership (WPP) to reflect developments in respect of Local Government Pension Scheme (LGPS) pooling arrangements.

2. Background

- 2.1 In March 2017, the Strategic Director of Resources and Solicitor to the Council presented a paper to Council setting out the position in Wales in respect of addressing MHCLG recommendations for LGPS pooling. In addition, the report also sought Council approval to implement the IAA and establish a joint committee, known formally as the Joint Governance Committee (JGC), the decision-making body of the WPP.
- 2.2 The WPP is now fully operational and is governed by the JGC, which comprises of an elected member of each of the eight funds in Wales, normally the Chair of the Pensions Committee. This governance arrangement is set out within the IAA, which was initially approved by the Council in March 2017.
- 2.3 The WPP has now established eight sub-funds with a collective £9.4 billion invested, with a further £5.2 billion passive investments held under a pooled arrangement.
- 2.4 Due to the changes referred to within paragraph 3.2 below, all material changes to the IAA need final consideration and approval to be carried out by Council, as Administering Authority to the Powys Pension Fund.

3. Advice

- 3.1 The JGC approved the changes referred to within paragraph 3.2 of this report at their meeting in December 2020. The WPP now requires each of its eight constituent authorities to seek their own Council's approval to

proceed, ensuring the WPP can ensure progress against its key objectives.

3.2 The following amendments focus on the matters for Council consideration and approval, following the support and approval already received by the JGC.

1. Allocator appointment for the Private Market Alternatives sub-funds

- a. Following the receipt of professional advice, it has been agreed that a specialist “Allocator(s)” with extensive experience and knowledge of Private Market Alternatives be appointed. The JGC approved this request and it was agreed that all future appointment/terminations of the Allocator role will fall under the remit of the JGC;

2. Scheme Member Representative to be co-opted to JGC

- a. The JGC has collectively agreed for some time, that provision for a Scheme Member representative should be included within the IAA, allowing their appointment to the JGC in a non-voting capacity.
- b. Following legal advice, it was suggested that a Scheme Member representative be able to join the JGC as a co-opted, non-voting member.
- c. The IAA as currently drafted does not make provision for the inclusion of a Scheme Member representative, which this revised version seeks to remedy.

3. Minor revised changes to the IAA

- a. With the above changes requiring Council approval, the WPP decided to undertake a full review of the IAA. As a result, several minor changes have been made to align the IAA to the work carried out by the WPP.
- b. The revised changes include minor amendments to the terms of reference in relation to the role of the Officer Working Group (OWG) and the establishment of sub-groups. In addition, the review, creation and evaluation of WPP policies is more clearly defined within the role of the OWG.

3.3 All amendments are included in Appendix 1 – Amendments to the Agreement section of the attached document.

4. Resource Implications

4.1.1 There are limited financial implications to the Fund associated with this decision. There will be a moderately increased cost of appointing an “Allocator” which will be apportioned amongst all eight constituent authorities within the WPP and managed within existing budget provision. It is worth noting that all costs associated with the Powys Pension Fund and the WPP fall to the Fund and are not charged directly to the Council’s revenue account.

4.1.2 The Head of Finance (Section 151 Officer) supports the recommendation.

5. Legal implications

5.1 The Head of Legal and Democratic Services (Monitoring Officer) has commented as follows: “ The recommendation can be accepted from a legal point of view and the amendments are being approved by 7 other Local Authorities with pension funds”.

6. Comment from local member(s)

6.1 Not Applicable

7. Integrated Impact Assessment

7.1 Not Applicable

8. Recommendation

The Council is asked to approve the amendments to the Inter Authority Agreement as outlined in Appendix 1.

Contact Officer: Chris Hurst
Tel: 01597 827640
Email: chris.hurst@powys.gov.uk

Head of Service: Jane Thomas

Corporate Director:

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Amendment to the Inter-Authority Agreement between

Carmarthenshire County Council	(1)
City & County of Swansea Council	(2)
City of Cardiff Council	(3)
Flintshire County Council	(4)
Gwynedd Council	(5)
Powys County Council	(6)
Rhondda Cynon Taff County Borough Council	(7)
Torfaen County Borough Council	(8)

Made on

2021

By

- (1) **CARMARTHENSHIRE COUNTY COUNCIL** of County Hall, Carmarthen, Carmarthenshire, SA31 1JP
- (2) **CITY & COUNTY OF SWANSEA COUNCIL** of The Guildhall, Swansea, SA1 4PE
- (3) **THE COUNTY COUNCIL OF THE CITY AND COUNTY OF CARDIFF** of County Hall, Atlantic Wharf, Cardiff, CF10 4UW
- (4) **FLINTSHIRE COUNTY COUNCIL** of County Hall, Mold, Flintshire, CH7 6NA.
- (5) **GWYNEDD COUNCIL** of Shirehall Street, Caernarfon, Gwynedd LL55 1SH
- (6) **POWYS COUNTY COUNCIL** of County Hall, Llandrindod Wells, Powys, LD1 5LG
- (7) **RHONDDA CYNON TAFF COUNTY BOROUGH COUNCIL** of The Pavilions, Clydach Vale, Tonypany, CF40 2XX
- (8) **TORFAEN COUNTY BOROUGH COUNCIL** of Civic Centre Pontypool Torfaen NP46YB

(together referred to as the “**Constituent Authorities**” and individually as a “**Constituent Authority**”)

1 BACKGROUND

- 1.1 The Constituent Authorities are all councils responsible for the administration of local government within their areas as set out in the Local Government Act 1972. The Department for Communities and Local Government in its letter dated 23 November 2016 confirmed that the Constituent Authorities have been granted permission for each Constituent Authority to continue to collaborate with every other Constituent Authority to form a pool of assets in respect of each of their respective funds under the LGPS.
- 1.2 The Constituent Authorities entered into the Agreement to create a formal joint committee pursuant to section 101 and section 102 of the Local Government Act 1972 by Deed dated 26 June 2017. The Agreement in clause 34 allows for amendment of its terms provided that the amendment is made in writing and is signed on behalf of all the Constituent Authorities by duly authorised representatives.
- 1.3 This Amendment is made under clause 34 in order to amend the Agreement to:
 - (a) allow the participation of a co-opted member in the Joint Governance Committee; and
 - (b) allow for a number of changes which support the development and effectiveness of the pooling collaboration.

AGREED TERMS

2 INTERPRETATION

- 2.1 In this Amendment terms shall have the same meaning as set out in the Agreement where:
 - (a) **Agreement** means the deed titled Inter-Authority Agreement made between the Constituent Authorities on 26 June 2017.
 - (b) **Amendment** means this document amending the terms of the Agreement.

3 COMMENCEMENT

This Amendment shall take effect on [] 2021. For the avoidance of doubt, this Amendment is only effective when each Constituent Authority has signed it in accordance with clause 34 of the Agreement.

4 AMENDMENT OF THE AGREEMENT

The Agreement is amended as set out in Schedule 1 to this Amendment.

5 SEVERANCE

5.1 If any provision or part-provision of the Agreement or this Amendment is or becomes invalid, illegal or unenforceable, it shall be modified to the minimum extent necessary to make it valid, legal and enforceable. If such modification is not possible, the relevant provision or part-provision shall be deemed deleted. Any modification to or deletion of a provision or part-provision under this clause shall not affect the validity and enforceability of the rest of this Agreement.

5.2 If one Constituent Authority gives notice to the other Constituent Authorities of the possibility that any provision or part-provision of this Agreement is invalid, illegal or unenforceable, the Constituent Authorities shall negotiate in good faith to amend such provision so that, as amended, it is legal, valid and enforceable, and, to the greatest extent possible, achieves the intended result of the original provision.

6 COUNTERPARTS

This Amendment may be executed in any number of counterparts by the Constituent Authorities, all of which taken together, shall constitute one and the same agreement, and any Constituent Authority (including any duly authorised representative of a Constituent Authority) may execute this Amendment by executing a counterpart.

Schedule 1

Amendments to the Agreement

The following amendments are made to the Agreement:

1 CLAUSE 1 INTERPRETATION

1.1 In clause 1, the following definition is inserted at the start of the list of definitions:

Allocator means the, one or more, allocator for [private market] asset classes who will facilitate the preferred investment structure and select sub-managers, underlying funds and/or direct investments for the purposes of the Pooling Collaboration appointed by the Joint Governance Committee.

1.2 In clause 1, following the definition of “Constituent Authorities”, the following definitions are inserted:

Contact List means the document circulated periodically by the Host Authority setting out relevant contact details for each of the Constituent Authorities.

Co-opted Member means a person, nominated by a Constituent Authority or the Pension Board of a Constituent Authority, and appointed as a Co-opted Member of the Joint Governance Committee by the Members; who is not an elected member of a Constituent Authority but is a Pension Member Representative of a Constituent Authority.

1.3 In clause 1 (and throughout the document thereafter, but including the contents pages), the definition “Host Council” is changed to “**Host Authority**” but retains its meaning throughout the document, being:

Host Authority means the Constituent Authority appointed in accordance with clause 7 and whose duties are described within that clause.

1.4 In clause 1, the definition of Member is delete and replaced by the following definition:

Member means each of the elected members of the Constituent Authorities nominated to be Members of the Joint Governance Committee in accordance with clause 3.3(a).

1.5 In clause 1, following the definition of “Pension Board”, the following definition is inserted:

Pension Member Representative means a person appointed to a Pension Board as a member representative further to regulation 107(2)(b) of the Local Government Pension Scheme Regulations 2013.

2 CLAUSE 3

2.1 Clause 3.3 is delete and replaced by the following:

3.3 The membership of the Joint Governance Committee shall be:

(a) one elected member nominated by each of the Constituent Authorities, provided that the nominated person is an elected member of that Constituent Authority and a member of that Constituent Authority’s pensions committee (or equivalent body) for the purposes of the Local Government Pension Scheme Regulations 2013; and

(b) one Co-opted Member appointed by decision of the Members (or a sub-group of the Members where such a sub-group is formed to consider the candidates), and which Co-opted Member shall be selected from a pool of candidates nominated by each of the Constituent Authorities or their Pension Boards.

2.2 Clause 3.4 is delete and replaced by the following:

- 3.4 For the purposes of clause 3.3, each Constituent Authority may appoint a named deputy for each Member, which deputy must be an elected member of the same Constituent Authority and the same Constituent Authority's pension committee (or equivalent body) for the purposes of the Local Government Pension Scheme Regulations 2013 as the Member for whom they are acting as deputy; and

3.4 A In the case of the Co-opted Member, a deputy shall be appointed by decision of the Members (or a sub-group of the Members where such a sub-group is formed to consider the candidates), and which deputy for the Co-opted Member shall be selected from a pool of candidates nominated by each of the Constituent Authorities or their Pension Boards.

- 2.3 A new clause 3.8 as follows is inserted:

- 3.8 The Co-opted Member shall be invited to and is expected, where possible, to attend all training provided to Members under clause 3.7.

3 CLAUSE 31

- 3.1 Clause 31.1 is amended by deleting the words "Schedule 1" and replacing them with "the Contact List".

4 SCHEDULE 1

- 4.1 In Schedule 1, the content of the schedule is held delete and replaced by the following:

As of [date], the Host Authority maintains a list of the relevant contact details for each of the Constituent Authorities. This will be issued periodically by the Host Authority to the Constituent Authorities and is also available on request.

5 SCHEDULE 2

- 5.1 In Schedule 2, new items are added to the numbered list as follows:

12. Nomination of a Co-opted Member to the Joint Governance Committee (except where that role is carried out by a Pension Board, in which case it is reserved to that Pension Board) .

13. Approval of changes to the terms of reference of the Joint Governance Committee as set out in Schedule 4.

6 SCHEDULE 4

- 6.1 In Schedule 4 Joint Governance Committee – Terms of Reference the bullet points are replaced with numbering.

- 6.2 In Schedule 4, item 8 is held delete and replaced by the following:

8. From time to time reviewing policies in respect of environmental, social and governance matters and where appropriate make recommendations to the Constituent Authorities as to any changes deemed necessary.

- 6.3 In Schedule 4, item 13 is held delete and replaced by the following:

13. Monitoring the implementation and effectiveness of the policies described in Schedule 5 and initiating reviews of these where required.

- 6.4 In Schedule 4, item 19 is held delete and replaced by the following:

19. Agreeing criteria for the evaluation of bids or tenders for any procurement of the Operator (including for the avoidance of doubt, a replacement Operator) to be put forward for the approval of the Constituent Authorities.

6.5 In Schedule 4, new items are inserted as follows:

20. Any reference in this schedule to the Joint Governance Committee taking any action including agreeing, approving or making recommendations, shall be determined subject to the voting provisions set out in Schedule 6.
21. Approval of an appointment of an Allocator following a recommendation by the OWG, reviewing the performance of an Allocator(s), and reporting on the performance of the Allocator(s) to the Constituent Authorities.
22. Approval of the termination of the appointment of an Allocator following a recommendation by the OWG.

7 SCHEDULE 5

7.1 In Schedule 5, the existing wording is held delete and replaced by the following:

The Joint Governance Committee, with the support of the OWG, will formulate, review and revise on an ongoing basis policies and procedures as deemed appropriate to support robust and effective governance arrangements for the Pooling Collaboration, including the following (which for the avoidance of doubt, is non-exhaustive):

- (a) Responsible Investment Policy
- (b) Climate Risk Policy
- (c) Voting Policy
- (d) Training Policy & Plans
- (e) Communication Policy
- (f) Governance Decision Matrix
- (g) Risk Policy and Risk Register
- (h) Conflict of Interest and Procedure Policy
- (i) Rebalancing and Alteration Policy
- (j) Responsibilities Matrix
- (k) Complaints Policy
- (l) Whistleblowing Policy
- (m) Breaches and Errors Policy
- (n) Business Continuity Plan

8 SCHEDULE 6

8.1 Paragraph 1 of Schedule 6 is held delete and replaced by the following:

1 MEMBERSHIP

1.1. The membership of the Joint Governance Committee shall consist of one Member per Constituent Authority and one Co-opted Member.

1.2 No substitutes other than deputies shall be allowed.

8.2 A new section 1A, ROLE OF THE CO-OPTED MEMBER, is inserted following section 1 of schedule 6 as follows:

1A ROLE OF THE CO-OPTED MEMBER

1A.1 The primary role of the Co-opted Member is to provide scheme member representation on the Joint Governance Committee.

1A.2 The Co-opted Member is entitled to attend all meetings of the Joint Governance Committee, including exempt items, to be provided with copies of all papers, and to speak on any item during meetings of the Joint Governance Committee.

1A.3 The Co-opted Member may ask the Chair to include any matter on the agenda which they consider should be discussed by the Joint Governance Committee.

8.3 Clause 2.3 is amended in the first line by insertion of the words 'executive summaries of following 'agendas',

8.4 Clause 2.4 is held delete and replaced by the following:

2.4 The Joint Governance Committee may decide to allow remote participation in meetings via video-conference or any similar medium having regard to any applicable guidance issued from time to time by the Welsh Government. Any Member or Co-opted Member attending by video-conference shall be held to be in attendance at the meeting for the purposes of this Schedule.

8.5 Paragraph 2.5 of Schedule 6 is held delete and replaced by the following:

2.5 A meeting of the Joint Governance Committee may be called by a proper officer of the Host Authority on the request of the Chair. Members and the Co-opted Member must declare any conflict of interest in respect of any business being conducted at the meeting which would likely to be regarded to prejudice the exercise of a person's function as a participant in the meeting.

8.6 Paragraph 2.6 of Schedule 6 is held delete and replaced by the following:

2.6 The Chair is responsible for the running of meetings. The Chair shall invite Members and the Co-opted Member expressing a desire to speak in turn. All discussion and debate shall be held through the Chair and the Chair may draw a discussion to a vote at any time where they consider that every Member and the Co-opted Member has been given a fair opportunity to speak.

8.7 Sub-paragraph 2.9(a) of Schedule 6 is held delete and replaced by the following:

Where any item to be discussed forms exempt information, the Chair shall move that the public and press are excluded from the meeting for the duration of the discussion and voting on that item. The Co-opted Member is entitled to remain in the meeting and shall not be excluded. Motions to exclude the press and public do not require to be seconded and shall be determined by simple majority vote of the Members present.

8.8 Paragraph 6.2 of Schedule 6 is held delete and replaced by the following:

6.2 A Member or the Co-opted Member may raise a point of order at any time. The Chair will hear them immediately. A point of order may only relate to an alleged breach of the provisions of this Schedule, or the law or other competent authority. The Member or Co-opted Member must indicate the provision or law or regulation and the way in which he/she considers it has been broken. The ruling of the Chair on the matter will be final. The Chair may take advice on the point of order from the appropriate officer.

8.9 Section 7 of Schedule 6 is held delete and replaced by the following:

7 VOTING

7.1 The Chair shall seek consensus wherever possible however where a vote is required the provisions of this section shall apply.

- 7.2 Each Member present will have one vote and voting will be by means of a show of hands or such other method as the Chair may decide is appropriate in the circumstances, including a roll call. The Co-opted Member may not vote. In the event of a tied vote, the Chair shall have a second or casting vote.
 - 7.3 All decisions will be determined by simple majority of Members present.
 - 7.4 In the event that a vote is taken, the voting positions and any abstentions of Members will be recorded in the minutes.
- 8.10 Paragraph 8.1 of Schedule 6 is held delete and replaced by the following:
- 8.1 The Joint Governance Committee shall form such sub-committees and working groups as it considers expedient to performing its function. The Joint Governance Committee shall at the time of forming sub-committees or working groups set out the remit of the sub-committees or working groups, what the sub-committees or working groups are required to deliver and the timescale for that delivery.. The Co-opted Member may be a member of any sub-committee or working group.

Paragraph 8.4 of Schedule 6 is held delete and replaced by the following:

- 8.4 Working groups may invite any person who is not a Member or Co-opted Member to join the group in order to assist in carrying out its function.

9 SCHEDULE 8

- 9.1 In Schedule 8, letters a-o are replaced with numbers 1-17.
- 9.2 In Schedule 8, the following items are inserted after item 14 (with semi-colons and full stops updated accordingly):
 - 15. establishing sub-groups and/or working groups of the OWG if the OWG consider such sub-group or working group would assist the effectiveness of the OWG to progress a particular project or workstream;
 - 16. reviewing, formulating or evaluating governance arrangements and policies for the Pooling Collaboration (including for the avoidance of doubt the policies and procedures described in Schedule 5);
 - 18. managing the procurement process for the procurement of an Allocator, or the replacement of an Allocator, including determining the criteria for the evaluation of bids or tenders;
 - 19. monitoring and reviewing the performance of the Allocator(s) in meeting relevant objectives, service levels and key performance targets.

IN WITNESS whereof the parties have executed this Agreement on the date and year first above written.

THE COMMON SEAL of)
 Carmarthenshire County Council)
 was affixed hereto in the)
 presence of:-)
 Authorised Officer

THE COMMON SEAL of)
Council of the City and County of Swansea)
was affixed hereto in the)
presence of:-)
Authorised Officer

THE COMMON SEAL of)
County Council of the City and County of Cardiff)
was affixed hereto in the)
presence of:-)
Authorised Officer

THE COMMON SEAL of)
Flintshire County Council)
was affixed hereto in the)
presence of:-)
Chair / Legal Services Manager / Chief Officer Governance

THE COMMON SEAL of)
Gwynedd County Council)
was affixed hereto in the)
presence of:-)
Authorised Officer

THE COMMON SEAL of)
Powys County Council)
was affixed hereto in the)
presence of:-)

Authorised Officer

THE COMMON SEAL of)
Rhondda Cynon Taf County Borough Council)
was affixed hereto in the)
presence of:-)

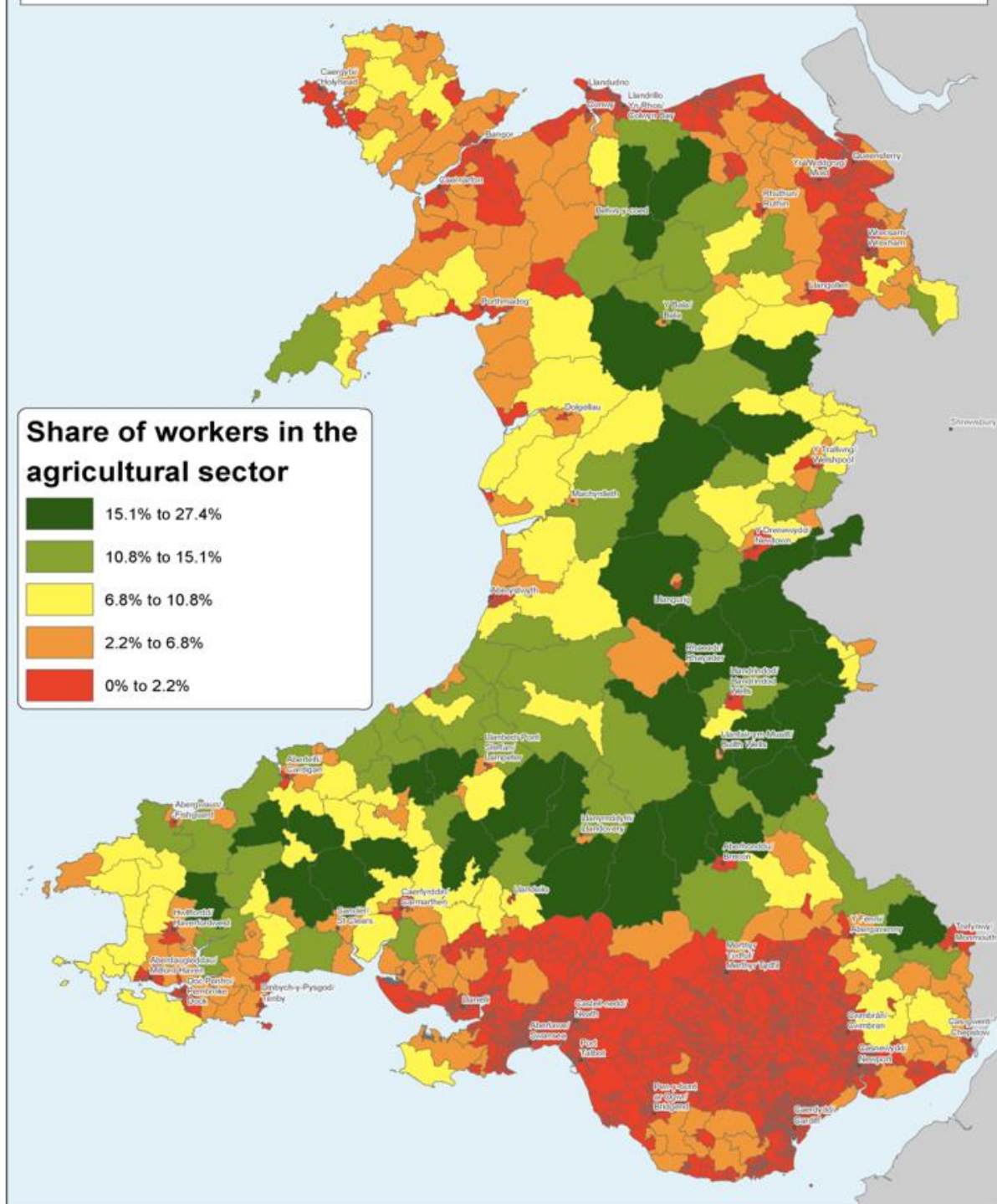
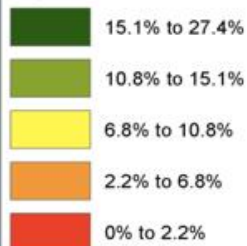
Authorised Officer

THE COMMON SEAL of)
Torfaen County Borough Council)
was affixed hereto in the)
presence of:-)

Authorised Officer

Share of workers whose main work is in the agriculture sector, 2011

Share of workers in the agricultural sector



Source: Census of Employment, 2011
 Workers includes those in employment or self employment.
 Each worker is allocated a single main industrial sector even if they have more than one job.

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Llywodraeth Cymru
 Welsh Government

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18.1

CYNGOR SIR POWYS COUNTY COUNCIL

County Council
9 December 2021

REPORT AUTHOR: Portfolio Holder for Education and Property

SUBJECT: Question from County Councillor William Powell

I note your response to Cllr Gareth Ratcliffe's *question at any time* in the early autumn on Gwernyfed High School, where you stated that you were pleased that the team were now able to re-commence the work on the Gwernyfed High School project.

Can you please provide the local communities and me with an update and anticipated time lines? As we move forward, I'm sure that you will agree with me that clarity and transparency are vital to ensure that opportunities are not missed to progress this project, prior to the onset of purdah ahead of the elections in May 2022.

Response

I can report that no further progress has yet been made on the Gwernyfed school build project, but the Transformation Team are currently considering next steps in order to build it into next year's work programme. Further updates will be provided when further information is available.

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18.2

CYNGOR SIR POWYS COUNTY COUNCIL

County Council
9 December 2021

REPORT AUTHOR: Portfolio Holder for Housing, Planning and Economic Regeneration

SUBJECT: Question from County Councillor William Powell

Following the recent debate on rodent management at Full Council initiated by the Welsh Labour Group and subsequent incidents reported to me locally, could you please clarify:

- **What arrangements are in place by Powys County Council to address the nuisance and public health implications caused by rodents in Council owned rental accommodation, specifically those designed for and occupied by frail elderly or vulnerable persons and those with additional learning needs or anxiety issues?**
- **Are reports of rodent infestation made by residents dealt with as matters of urgency and with effective cross portfolio working, from those responsible for Public Protection and Housing?**
- **Subject to appropriate Covid-19 precautions, will the Portfolio holder(s) make themselves available to meet residents in the South Powys area, whose quality of life is being adversely affected by these issues?**

Response

Thank you for your enquiry.

The legal framework relating to your query, which informs the way Housing Services responds, is laid down in the Prevention of Damage by Pests Act 1947.

The 1949 Act requires the Council to: “take such steps as may be necessary to secure so far as practicable that their district is kept free from rats and mice”. The Council may therefore enforce against the owner or the occupier of land where there is an infestation of rats, mice and other pests. As a land and property owner itself, it is under obligation to take similar action to which applies to all property owners or occupiers.

Landowners and occupiers are required to inform the Council in writing if substantial numbers of rats, mice and other pests are present on their land. A landowner or occupier is responsible for the control of all pests and any costs incurred doing so on land they own or occupy. Where a property is unoccupied, it is the responsibility of

the land or property owner to rid the site of pests. If a landowner or occupier refuses to make arrangements to remedy an infestation, the Council in its environmental protection role will allow seven days-notice before terminating pests from any land (occupied or not). Any expenses incurred can be recoverable, if necessary, by means of a County Court judgement.

In Council owned property, if rats or rodents have entered such properties through defects, for example holes in the building structure, then the Council is under a duty, provided in the Environmental Protection Act 1990, to put right the defects which have allowed the vermin to gain access to the property.

With regard to your questions, please see below...

- What arrangements are in place by Powys County Council to address the nuisance and public health implications caused by rodents in Council owned rental accommodation, specifically those designed for and occupied by frail elderly or vulnerable persons and those with additional learning needs or anxiety issues?

Housing Services will look at rodent management where vermin have entered a property or communal area in older or vulnerable persons accommodation, or properties where it has been established that entry is due to a maintenance or repair breakdown. Where necessary, repairs will be undertaken to prevent any further or repeat access.

- Are reports of rodent infestation made by residents dealt with as matters of urgency and with effective cross portfolio working, from those responsible for Public Protection and Housing?

Housing Services deals with rodent infestation promptly, liaising with Public Protection and Environmental Health teams for professional advice in how to effectively deal with the infestation and any repair maintenance work needed to prevent a reoccurrence of the problem.”

- Subject to appropriate Covid-19 precautions, will the Portfolio holder(s) make themselves available to meet residents in the South Powys area, whose quality of life is being adversely affected by these issues?

I am always happy to meet with members of the public to discuss matter related to any of my portfolio responsibilities.

18.3

CYNGOR SIR POWYS COUNTY COUNCIL

County Council
9 December 2021

REPORT AUTHOR: Portfolio Holder for Education and Property

SUBJECT: Question from County Councillor Gareth Ratcliffe

Can the portfolio holder please provide the costs to the Gwernyfed primary cluster (per school) on general maintenance by year since the new schools opened? Several schools are facing the same design issues/ faults, impacting the budgets of these schools. The school process promised fit for purpose schools, yet the same problems highlight poor construction and design across the catchment. Can the council also arrange a meeting with heads and chairs to discuss ongoing issues and identify where Powys needs to support the financial impact. An example is the school new buildings were originally signed off as safe (in the case of the kitchens' roller shutters which have now been classified as not fire-proof, therefore not fit for purpose). If Powys county council is serious about its school's programme, then an assessment of this catchment is paramount to ensure its success is delivered.

Response

Attached are the property plus transactions for the Gwernyfed primary school cluster. Property Officers are available to meet Head Teachers and/or Chairs of Governors on site to discuss any ongoing maintenance/design issues. If you wish to take up this offer please contact Neil Clutton, Principal Property Manager (neil.clutton@powys.gov.uk). With regards to the canteen roller shutters, the Strategic Property team have informed me that the roller hatch does not need to be fire rated as it does not form part of the fire compartment.

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Job Name	Amount(Sum of Transaction)	Posting Date	Transaction Description
Archdeacon Griffiths C In W	-£28.87	23/04/2018	Mobile Handyman Rota
Archdeacon Griffiths C In W	£74.29	23/04/2018	Property Plus. No Heating.
Archdeacon Griffiths C In W	-£167.15	23/04/2018	Supply School With Temp Storage
Archdeacon Griffiths C In W	£52.67	31/08/2018	Mobile Handyman Rota
Archdeacon Griffiths C In W	£32.77	31/08/2018	Property Plus. No Heating.
Archdeacon Griffiths C In W	£26.33	31/08/2018	Property Plus. Pest Control
Archdeacon Griffiths C In W	£147.48	31/08/2018	Supply School With Temp Storage
Archdeacon Griffiths C In W	£26.33	31/08/2018	Wasps Nest Outside Kitchen
Llangorse C In W School	-£119.87	23/04/2018	Assist On Asbestos Survey
Llangorse C In W School	-£167.15	23/04/2018	No Lights Working In Year 5 Classroom
Llangorse C In W School	-£171.25	23/04/2018	Property Plus.
Llangorse C In W School	-£164.16	23/04/2018	Remove Items From Site
Llangorse C In W School	-£104.47	23/04/2018	Water Leaks Coming From Mobile
Llangorse C In W School	£180.25	31/08/2018	No Lights Working In Year 5 Classroom
Llangorse C In W School	£181.31	31/08/2018	Property Plus.
Llangorse C In W School	£276.51	31/08/2018	Recycling To Be Removed From Site
Llangorse C In W School	£144.84	31/08/2018	Remove Items From Site
Llangorse C In W School	£315.15	31/08/2018	Water Leaks Coming From Mobile
Mynydd Du	-£55.72	23/04/2018	Ee180 - Jr End Of School
Mynydd Du	-£32.36	23/04/2018	Mobile Handyman Rota
Mynydd Du	£211.53	31/08/2018	Attend To No Heating
Mynydd Du	£49.16	31/08/2018	Ee180 - Jr End Of School
Mynydd Du	£52.67	31/08/2018	Mobile Handyman Rota
Mynydd Du	£0.00	31/08/2018	No Heating
Mynydd Du	£120.87	31/08/2018	Post-Box To Be Collected
Mynydd Du	£237.45	12/04/2019	Drain Down And Do Meter Reading
Mynydd Du	£2.61	23/04/2019	Post-Box To Be Collected
Cradoc Cp School	-£7,017.00	31/08/2018	Property Plus Premium 18-19
Mynydd Du	-£7,572.00	31/08/2018	Property Plus Premium 18-19
Mynydd Du	£7,572.00	15/02/2019	Property Plus Premium 18-19
Archdeacon Griffiths C In W	-£52.66	03/09/2018	Howps 17/18 Work
Llangorse C In W School	-£276.51	03/09/2018	Howps 17/18 Work
Mynydd Du	-£211.53	03/09/2018	Howps 17/18 Work
	-£6,436.48		

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