

# Public Document Pack

## County Council

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Meeting Venue  
**By Teams**

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Meeting date  
**Thursday, 3 March 2022**

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Meeting time  
**12.00 pm or later on the conclusion of  
the previous Council meeting**

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



County Hall  
Llandrindod Wells  
Powys  
LD1 5LG

25/02/2022

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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.

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### AGENDA

<b>1.</b>	<b>APOLOGIES</b>
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To receive apologies for absence.

<b>2.</b>	<b>MINUTES</b>
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To authorise the Chair to sign the minutes of the last meeting held on 9 December 2021 as a correct record.  
(Pages 9 - 44)

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

<b>4.</b>	<b>CHAIR'S ANNOUNCEMENTS</b>
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To receive any announcements from the Chair of Council.

<b>5.</b>	<b>LEADER'S ANNOUNCEMENTS</b>
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To receive any announcements from the Leader.

<b>6.</b>	<b>CHIEF EXECUTIVE'S BRIEFING</b>
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To receive a briefing from the Chief Executive.

<b>7.</b>	<b>COUNCIL TAX RESOLUTION FOR 2022/23</b>
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To approve the Council Tax resolution and set the Council Tax for 2022/23.  
(To Follow)

<b>8.</b>	<b>APPROVING A DELIVERY AGREEMENT FOR THE POWYS REPLACEMENT LOCAL DEVELOPMENT PLAN AND AGREEING ITS SUBMISSION TO WELSH GOVERNMENT</b>
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To consider a report by the Head of Property, Planning and Public Protection.  
(Pages 45 - 104)

<b>9.</b>	<b>PAY POLICY STATEMENT 2022/23</b>
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To consider the pay policy statement for 2022/23.  
(Pages 105 - 128)

<b>10.</b>	<b>CONSTITUTION</b>
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To consider the report of the Head of Legal and Democratic Services.  
(Pages 129 - 334)

<b>11.</b>	<b>PETITIONS SCHEME</b>
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To consider a report by the Head of Legal and Democratic Services.  
(To Follow)

<b>12.</b>	<b>APPOINTMENT OF INDEPENDENT (LAY) MEMBERS ON THE GOVERNANCE AND AUDIT COMMITTEE</b>
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To consider the report of the Head of Legal and Democratic Services.  
(Pages 335 - 336)

<b>13.</b>	<b>APPOINTMENTS TO THE STANDARDS COMMITTEE</b>
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To consider a report by the Head of Legal and Democratic Services.  
(To Follow)

<b>14.</b>	<b>APPOINTMENTS TO COMMITTEES</b>
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County Councillor Graham Breeze appointed to the Employment and Appeals Committee in place of County Councillor Phil Pritchard by the Independent group.

County Councillor Michael J Jones appointed to the Economy Residents and Communities Scrutiny Committee in place of County Councillor Phil Pritchard by the Independent group.

County Councillor Edwin Roderick appointed to the Health and Care Scrutiny Committee in place of County Councillor Phil Pritchard by the Independent group.

County Councillor David Evans appointed to the Licensing Committee in place of County Councillor Phil Pritchard by the Independent group.

<b>15.</b>	<b>NOTICE OF MOTION - RESPONSIBLE AFFORESTATION - A NON-EXPLOITATIVE AND SUSTAINABLE APPROACH</b>
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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.

Council calls on the Welsh Government to

- Ensure that multinational companies who purchase farms to plant trees for the purpose of creating 'carbon credits' which are sold to polluting companies to meet their carbon offset targets are not subsidised by Welsh taxpayers.
- 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 Cllr Elwyn Vaughan  
Seconded by Cllr Bryn Davies

**S151 Officer comments on cost implications**

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 - FUEL POVERTY**

This Council notes that its own Well-being Assessment of 2017 records that approximately 9,500 households in Powys (17%) are in fuel poverty.

This Council notes research by the Resolution Foundation think-tank which reveals the number of UK households suffering from 'fuel stress' – those spending at least 10% of their family budgets on energy bills – is set to treble to 6.3m when the new energy price cap comes in on 1 April 2022.

This Council agrees with the well-respected '*Money Saving Expert*' Martin Lewis that '*it is not an exaggeration to say there are people in the country who will be choosing between heating and eating come April.*'

This Council notes and welcomes the Welsh Government's Winter Fuel Support Scheme which provided eligible households with a one-off £200 payment towards paying winter fuel bills.

This Council calls on the UK Government and our local Members of Parliament to end the dither and delay on tackling the cost-of-living crisis facing Powys families and take immediate and substantive action to support households who are struggling with the recent sharp increases in household energy costs and the increases to come in the weeks and months ahead.

This Council resolves to call on the UK Government to take immediate action to support families in Powys by at least: removing VAT on energy bills for at least one year; increasing the Warm Home Discount from £140 to £400 per year and expanding the number of eligible households to 9.3 million; and introducing a year-long increase to corporation tax for North Sea oil and gas producers in order to secure a £1.2 billion windfall from their increased price rise profits to help mitigate household energy bills.

Proposer: Cllr Matthew Dorrance

Seconder: Cllr Sandra Davies

**S151 Officer Comments on Resource Requirement**

The motion proposed requests council to write to the national government to ask for some nationwide changes that improve household fuel poverty. There does not seem to be anything further required from this motion, therefore there is minimal financial impact, although there may need to be officer time to help prepare the letter, which is likely to be feasible if it is planned into their diary.

<b>17.</b>	<b>NOTICE OF MOTION - ARMED FORCES ACT 2021</b>
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This Council:

- Stands firmly behind our UK Armed Forces and fully supports the aims of the Armed Forces Covenant.
- Welcomes the new Armed Forces Act but sees the legislation as a missed opportunity to improve the lives of veterans in Powys.
- Notes with disappointment that the Act, which makes Powys County Council and local public bodies legally bound to have “due regard” to the Covenant when providing support to Forces communities, exempts central government from any such duty, creating a two-tier Covenant for veterans.
- Notes with further disappointment that Conservative MPs voted down Labour-led proposals, backed by the Royal British Legion and ex-Service chiefs, to enshrine the Covenant fully into law and improve Armed Forces accommodation, employment support and pensions and to end the scandal of visa fees for Commonwealth and Gurkha personnel.
- Resolves to continue campaigning with Forces charities to get the UK Government to strengthen the Covenant and improve vital services to veterans.

Proposer: Cllr Matthew Dorrance

Seconder: Cllr David Meredith

<b>S151 Officer Comments on Resource Requirement:</b>
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The motion requests an action to call on government to do more and share the responsibility, which could be done by writing and expressing views about national governments' commitment to support this – which is financially minimal in terms of ongoing cost, although there may need to be officer time to help prepare the letter, which is likely to be feasible if it is planned into their diary

There are wider implications of this covenant and act, and we may already undertake or may have to provide additional support from education, housing and social care committing to specific improvements / changes that support the veterans - the full nature of what we already provide and what may be required in future has not been investigated at this stage.

<b>18.</b>	<b>NOTICE OF MOTION - SCHOOL TRANSFORMATION</b>
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Council notes

- 1 The focus of Estyn on concerns about the performance of the authority in delivering for Powys Secondary Schools in its 2019 report
- 2 The consultation and briefing sessions that were undertaken prior to Feb 2020 to establish the current schools transformation programme
- 3 The presentation by the Headteacher from Dolgellau as part of the transformation consultation conference on the benefits of cluster schools in rural areas
- 4 The major changes to the way schools have worked during the Covid pandemic

5 The recent comments at a Members' Briefing on Schools Transformation by a Powys Secondary Head of an all-through school reflecting that whilst an all through school was working he wished he could have extended the benefits by including all primary schools in the cluster

6 That the Council is about to embark on developing a new Local Development Plan as the current one has failed to bring forward the number of properties in urban areas that it was expected to

Council Believes

1 Successful transformation programmes are ones that take stock of their direction if there are major societal or business changes which may change the model of proposed service delivery

2 That the Covid pandemic represents such a fundamental change whose impact is only now starting to become clear in the Powys housing market with a resultant demographic impact.

3 That the close working developed within school clusters over the past 24 months means that large parts of the basis for change that underpins the current transformation programme, particularly in relation to delivery of the new curriculum, may have been superseded by changes to ways of working on the ground

4 That the cluster school model as outlined at the transformation conference, which received cross party support as the basis for change, has not been properly tested as a way forward in any of the current transformation proposals, leaving the Council vulnerable to Judicial Review in respect of the Welsh Government's Rural Schools policy within the Schools Organisation Code

5 That in the absence of this information Cabinet may have made decisions which with additional briefings they would wish to reconsider.

Council therefore requests Cabinet to

1 Implement a 1 year delay to the implementation of all current closure proposals that have been approved by Cabinet over the past 18 months.

2 To request the transformation team to undertake a comprehensive review of the assumptions underpinning the programme in respect of changes made to ways of working within clusters during the Covid Pandemic

3 To request the transformation team to undertake a comprehensive review of the cluster school model that was proposed at the transformation conference, which will assist in the development of secondary and post-19 provision, but which has not been considered in any of the subsequent proposals.

4 That both reports are published before the end of the summer academic term and are made available for discussion by full council and scrutiny before existing decisions are either reconfirmed or abandoned during the autumn term 2022 for implementation at the end of the academic year.

Cost implications

The proposers of the motion believe that whilst the relatively modest savings identified by the closures of several schools will be deferred by one academic year, these savings will be more than offset by the Council foregoing the expenses involved in preparing for and defending either of the proposed Judicial Reviews, even if they are rejected at an early stage in the process

Proposer: Cllr James Gibson-Watt

Secunder: Cllr Jake Berriman

**S151 Officer Comments on Resource Requirements**

Although you are suggesting delaying the existing closures there is a wider impact on the whole transformation agenda, so all the schemes will slip a year then on. Thus far we have not had a judicial review and incurred no cost, so these legal costs could not be used to offset additional resource needs

Set out below are some of the main consequences:

- Temporary staff on fixed term contracts would be asked to leave as not needed – could be a saving but this is potentially negated by redundancy costs that some will be eligible for. We may then struggle to recruit to fill vacancies when the programme gets back on track.
- We have a number of staff on permanent contracts who are funded from capital there may not be new activities for them to undertake and possibly more redundancy. Currently we have approval from Welsh Government until 2025/26 to fund staff from capital, and this means we would lose a year of this funding source when we get back on track, and need an alternative budget source as this becomes a cost pressure.
- Savings expected from closures would be deferred a year - £400k net of additional outlay say for transport, and includes the £288k in this years FRM that will be approved as part of budget setting
- For every year that we defer the Transformation agenda we increase the backlog maintenance by over £4m per annum which is a full cost to the council, this figure is before the rising inflation – these costs are just to keep the buildings safe and at the moment we do not have enough capital to deliver the basic R & M activities – some school may need to close for safety reasons. Any future capital costs will then rise by at least 8.5% making the Band B programme unaffordable within the original plans

Other factors to consider include:

- Welsh Government (WG) and access to Band C funding which follows on from Band B (WG fund 65% of the programme we have to pick up 35%). WG are likely to be disappointed that we are putting the transformation programme on hold and deferring completing Band B schemes – so access to Band C funding will be delayed until we can evidence that we have a true commitment
- There may be further Estyn intervention because we have put the transformation strategy on hold and this was a fundamental part of our longer term action plan
- Staff retention and morale in schools that are in poor condition and need to close – negative impact and may affect pupil take up etc e.g. a safer more modern school. Pupil attainment / curriculum outcomes becomes more challenging in poor quality buildings
- Further disruption and uncertainty for pupils Parents and staff at schools already confirmed for closure and for the receiving schools.

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**MINUTES OF A MEETING OF THE COUNTY COUNCIL HELD BY TEAMS ON  
THURSDAY, 9 DECEMBER 2021**

**PRESENT**

County Councillor R G Thomas (Chair)

County Councillors MC Alexander, B Baynham, J Berriman, G Breeze, J Charlton, L V Corfield, K W Curry, A W 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, S M Hayes, H Hulme, A Jenner, E A Jones, D R Jones, E Jones, G Jones, J R Jones, M J Jones, D Jones-Poston, F H Jump, K Laurie-Parry, H Lewis, P E Lewis, I McIntosh, DW Meredith, JG Morris, R Powell, WD Powell, D R Price, G Pugh, J 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, M Weale, J Wilkinson, A Williams, G I S Williams, D H Williams, J Williams, J M Williams, R Williams and S L Williams

Apologies for absence were received from County Councillors M Barnes, B Davies, E M Jones, MC Mackenzie, S McNicholas, C Mills, G Morgan, P C Pritchard and T J Van-Rees

<b>1.</b>	<b>APOLOGIES</b>
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Apologies for absence were received from County Councillors M Barnes, B Davies, E M Jones, MC Mackenzie, S McNicholas, C Mills, G Morgan, P C Pritchard and T J Van-Rees.

<b>2.</b>	<b>MINUTES</b>
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The Chair was authorised to sign the minutes of the meetings held on 23<sup>rd</sup> September 2021 as correct records.

<b>3.</b>	<b>DECLARATIONS OF INTEREST</b>
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County Councillors D Evans, R Harris, MJ Jones, G Jones, R Williams, M Weale, E Vaughan, D Thomas, P Lewis, B Baynham, G Williams, E Jones, L George, E Roderick, J Wilkinson, A Williams, D Price, R Powell, D Davies, G Thomas, A Davies, D Rowlands, A Jones, K Laurie-Parry, W Powell, G Pugh, E Durrant and EM Jones declared an interest in item 14 Notice of Motion on support for the agricultural sector.

County Councillor D Evans declared an interest in item 8 Budget Virements.

<b>4.</b>	<b>CHAIR'S ANNOUNCEMENTS</b>
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The Chair advised that he had represented the Council at a service on Remembrance Sunday and at the Winter Fair. He had hosted a thank-you event for staff on 6 December and had presented Silver Kite awards to Sian Healey, Raiff Devlin & Howard Owen.

<b>5. LEADER'S ANNOUNCEMENTS</b>
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The Leader referred to the event hosted with jointly with Ceredigion County Council at the Centre for Alternative Technology in Machynlleth to mark COP26. Julie James MS the Minister for Climate Change had written to thank the Councils. She noted that £16 million had been received from the Levelling Up Fund for the restoration of the Montgomery Canal and that further funding had been received for schemes in Brecon and Llandrindod Wells. Six projects had received funding from the Community Renewal Fund.

<b>6. CHIEF EXECUTIVE'S BRIEFING</b>
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The Chief Executive reported that the number of Covid cases in the county remained high and that Social Care remained in business continuity. The Council would continue to support the Health Board with their vaccination programme.

She thanked everyone who had supported the education service and helped it make sufficient progress in addressing the Estyn recommendations with the result that the authority had been removed from the category of local authorities causing significant concern.

She reported that the Youth Justice Service had just been inspected with the report expected in March and that Community Mental Health Services would be inspected in the following week. Finally, she reported the appointment of Georgina Bevan as Head of Education.

<b>7. ESTYN MONITORING REPORT</b>
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Council noted the findings of the Estyn Monitoring Visit that had removed the Council's education services from the category of local authorities causing significant concern. The inspectors had judged that the service had made sufficient progress in relation to the recommendations following the most recent core inspection.

The Portfolio Holder thanked Cabinet colleagues, the Learning and Skills Scrutiny Committee, the Improvement and Assurance Board, the Director of Education, officers and headteachers who had worked to secure the improvements required by Estyn and turn the service around whilst coping with the demands of the pandemic.

County Councillor Gibson-Watt noted that this had been the third time Council services had required intervention by inspectorates and he expressed the hope that this would not happen again.

The Chair of the Learning and Skills Scrutiny Committee noted that there had been significant improvements in the quality of reports coming to Scrutiny. He

paid tribute to ALN services in particular and to the Schools who had adapted and embraced new ways of working. He noted that there was still a lot of work to do but, overall, this was a very positive change of direction for the service.

<b>8.</b>	<b>BUDGET VIREMENTS</b>
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Council considered a report setting out budget pressures on Children's Services and proposing a virement of funds into the service budget to ensure that the organisation worked within the financial regulations and discharged its statutory duties under the Social Services Wellbeing Act.

County Councillor Amanda Jenner, the Chair of the Health and Care Scrutiny Committee, advised that the Committee had raised a number of concerns and had received a confidential briefing on the very high costs associated with a small number of very complex cases. The Committee had been shocked at the very high costs and concerned that they were all being borne by the County Council with no contribution from Powys Teaching Health Board. The Committee was concerned that physical and mental health problems were not been treated with parity. The Health Board had been invited to attend the Committee to discuss collaborative working and hear about the mental health support they provide to children in Powys.

Members asked if there would be any analysis of the comparative figures on the cost of expenditure which had been provided. The Head of Service advised that the figures were not comparable. The Portfolio Holder suggested that the Scrutiny Committees may wish to look in more detail at the figures.

The Head of Service agreed that there were not enough places available in the county and noted that a new children's home would be opening in the south of the county and that planning permission had been received for another home in the north.

The Head of Service confirmed that an action plan had been put in place to address the recommendations of the SWAP report on Children's Services. The Director of Social Services advised that the service did not accept one of the recommendations in relation to budgeting for agency staff and wouldn't be taking it forward.

The Portfolio Holder confirmed that she had met Welsh Government Ministers who had been very supportive and the Health Board to discuss the issue. The Joint Partnership Board, which was a meeting of Council and Powys Teaching Health Board members and officers, had met to discuss this the previous week. The Head of Finance advised that every funding stream available, including the Welsh Government Hardship Fund, would be explored before there was any draw on reserves. The Head of Children's Services advised that the service was doing everything it could to keep costs down.

The recommendation in the report was moved by County Councillor Rachel Powell and seconded by County Councillor Myfanwy Alexander and it was

**RESOLVED**

1. That the virements of £187k and £350k set out in 4.3 and 4.4 of the report are approved.
2. 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 Council's Budget Management Reserve, providing that evidence is produced to establish that the pressures have been mitigated wherever possible.

County Councillor Laurie-Parry abstained.

<b>9. DIRECTOR OF SOCIAL SERVICES ANNUAL REPORT</b>
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Council considered the Director of Social Services annual report for the period April 2020 to March 2021. In introducing the report, the Portfolio Holder for Adult Social Care and Welsh Language noted that despite being seriously understaffed and in the face of the pandemic, the service maintained a high level of service because of the efforts of staff who she thanked. She noted that currently 3,000 people were waiting for services when normally there were 300.

The Chief Executive presented the report on behalf of the Director who had been called away on urgent business. She noted that the service had been operating under the business continuity plan since 20<sup>th</sup> March 2020 concentrating on delivering critical services to residents. She thanked the Director, the Heads of Service, staff, the voluntary sector and the Portfolio Holders for their work. The contribution of teachers who had operated school hubs providing a place of safety for children during the lockdown was also acknowledged.

In response to a Member's question about children being educated at home rather than in school, Council was advised that there was no statutory duty on local authorities and that children who were not in school could be at risk. To help address this two home education outreach officers had been appointed by the Council. The service had spent a good deal of time during the pandemic ensuring the welfare of children who were out of school.

Council unanimously

**RESOLVED to note the report.**

<b>10. ARRANGEMENTS FOR THE DEVELOPMENT, SUBMISSION, AND CONSIDERATION OF ALTERNATIVE BUDGET PROPOSALS</b>
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Council considered the arrangements and the timetable for the development, submission, and consideration of alternative budget proposals. The Head of Finance confirmed that information would be shared with Group Leaders to keep them abreast of changes in proposed funding projections and the financial pressures that were being identified. This would 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 and would ensure that advice to opposition groups is consistent with the advice being offered to Cabinet as they develop their budget proposal.

It was moved by County Councillor H Lewis and seconded by County Councillor JM Williams and

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

County Councillor K Laurie-Parry abstained.

Council adjourned at 12.46 and reconvened at 1.30 pm.

**PRESENT**

County Councillor R G Thomas (Chair)

County Councillors MC Alexander, B Baynham, J Berriman, G Breeze, J Charlton, L V Corfield, K W Curry, A W 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, S M Hayes, H Hulme, A Jenner, E A Jones, D R Jones, E Jones, G Jones, J R Jones, M J Jones, D Jones-Poston, F H Jump, K Laurie-Parry, H Lewis, P E Lewis, I McIntosh, DW Meredith, JG Morris, R Powell, WD Powell, D R Price, G Pugh, J 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, M Weale, J Wilkinson, A Williams, G I S Williams, D H Williams, J Williams, J M Williams, R Williams and S L Williams

<b>11. AMENDMENTS TO THE CONSTITUTION</b>
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Council considered amendments to the Constitution recommended by the Democratic Services Committee.

**Section 2 – Purpose, Definition, Interpretation and Amendment to the Constitution**

It was proposed by County Councillor JM Williams and seconded by County Councillor Beverley Baynham and unanimously

**RESOLVED**

- 1. That the amendments to Section 2 of the Constitution is approved as set out in the draft Section 2 attached to the report.**
- 2. That the Monitoring Officer is authorised to make such other changes to the Constitution as may be required to reflect the changes set out in Recommendation 1 above.**

**Section 4 – Full Council**

It was proposed by County Councillor J Wilkinson and seconded by County Councillor A Davies and unanimously

**RESOLVED**

- 3. That the amendments to Section 4 of the Constitution are approved as set out in the draft Section 4 attached to the report.**
- 4. 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 3 above.**

**Section 7 – Scrutiny Committees**

It was proposed by County Councillor E Vaughan and seconded by County Councillor B Baynham and

**RESOLVED**

- 5. That the amendments to Section 7 of the Constitution are approved as set out in the draft Section 7 attached to the report.**
- 6. 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 5 above.**

County Councillor K Laurie-Parry abstained.

**Section 8 – The Standards Committee**

It was proposed by County Councillor E Vaughan and seconded by County Councillor J Berriman and unanimously

**RESOLVED**

- 7. That the amendments to Section 8 of the Constitution are approved as set out in the draft Section 8 attached to the report.**
- 8. 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 7 above.**

**Section 9 – Regulatory Committees**

It was proposed by County Councillor R Williams and seconded by County Councillor E Vaughan and unanimously

**RESOLVED**

- 9. That the amendment to Section 9 of the Constitution is approved as set out in the draft Section 9 attached to the report.**
- 10. 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 9 above.**

### **Section 11 – Officers**

It was proposed by County Councillor R Williams and seconded by County Councillor E Vaughan and

#### **RESOLVED**

- 11. That the amendments to Section 11 of the Constitution are approved as set out in the draft Section 11 attached to the report.**
- 12. 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 11 above.**

County Councillor K Laurie-Parry abstained.

### **Section 13 – Responsibility for Functions**

It was proposed by County Councillor R Williams and seconded by County Councillor E Vaughan and unanimously

#### **RESOLVED**

- 13. That the amendment to Section 13 of the Constitution is approved as set out in the draft Section 13 attached to the report.**
- 14. 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 13 above.**

### **Section 15 – Budget Procedure Rules**

It was proposed by County Councillor E Vaughan and seconded by County Councillor JM Williams and

#### **RESOLVED**

- 15. That the amendments to Section 15 of the Constitution are approved as set out in the draft Section 15 attached to the report.**
- 16. 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 15 above.**

County Councillor K Laurie-Parry abstained.

### **Section 16 - Financial Procedure Rules**

It was proposed by County Councillor E Vaughan and seconded by County Councillor JM Williams and

#### **RESOLVED**

**17. That the amendments to Section 16 of the Constitution are approved as set out in the draft Section 16 attached to the report.**

**18. 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 17 above.**

County Councillor K Laurie-Parry abstained.

### **Section 18 – Code of Conduct for Members**

It was proposed by County Councillor E Vaughan and seconded by County Councillor R Williams and unanimously

#### **RESOLVED**

**19. That the amendment to Section 18 of the Constitution is approved as set out in the draft Section 18 attached to the report.**

**20. 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 19 above.**

County Councillor J Jones left the meeting at 14.12.

<b>12.</b>	<b>AMENDMENTS TO THE INTER AUTHORITY AGREEMENT OF THE WALES PENSION PARTNERSHIP</b>
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Council was asked to Council to approve amendments to the Inter Authority Agreement of the Wales Pension Partnership to reflect developments in respect of Local Government Pension Scheme pooling arrangements.

It was moved by County Councillor R Williams and seconded by County Councillor A Davies and unanimously

**RESOLVED to approve the amendments to the Inter Authority Agreement as outlined in Appendix 1 of the report.**

<b>13.</b>	<b>APPOINTMENTS TO OUTSIDE BODIES AND COMMITTEES</b>
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Council noted 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 MacIntosh.

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

County Councillor John Morris noted that four of the Council's appointees to the Brecon Beacons National Park Authority came from outside of the Park and he asked that the group leaders discuss this and that it be debated at Council.

<b>14.</b>	<b>NOTICE OF MOTION - RESPONSIBLE AFFORESTATION - A NON-EXPLOITATIVE AND SUSTAINABLE APPROACH</b>
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The Chair advised that the proposer and seconder of the motion had agreed to confer consideration of it so that a dispensation could be sought from the Standards Committee for members who may have an interest.

<b>15.</b>	<b>NOTICE OF MOTION - A STEP CHANGE IN ACTION ON THE CLIMATE AND ADOPTING THE ONE PLANET STANDARD</b>
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County Councillor Les Skilton left the meeting at 14.29.

Council debated the following motion proposed by County Councillor Jackie Charlton and seconded by County Councillor Jake Berriman.

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.

Councillor Charlton explained that the motion was to improve and strengthen the resolution passed by Council on the climate emergency. The Leader argued that the Council was moving as quickly as financial and staffing resources allowed. It was pointed out that a Climate Change Strategy had been launched at the Winter Fair and would be going out for public consultation.

The motion was put to the vote and was lost by 21 votes to 29 with one abstention.

<b>16. NOTICE OF MOTION - WHITE RIBBON: CULTURE AND PRACTICE</b>
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County Councillor J Williams left at 14.44.

County Councillor D Evans left at 14.46.

County Councillor L George left at 14.50.

Council debated the following motion proposed by County Councillor P Roberts and seconded by County Councillor J Charlton.

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<sup>iv</sup>; 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.

County Councillor M Alexander proposed an amendment seconded by County Councillor A Jenner, to:

1. Encourage all male Councillors can the take White Ribbon pledge, and all councillors to undertake Ask and Act training as soon as is practicable. Stage Three Champions training will be available in the New Year, providing a deeper understanding of this vital area for councillors in their role as community leaders. Request the Democratic Services Committee to consider making Ask and Act training mandatory.
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 variety of events; 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.
5. The Council examine the Tool Kit due to be published by the Fawcett Society early in the New Year to determine its utility in our journey to become an employer of choice for all.

The amendment was accepted by the proposer and the seconder of the original motion and put to the vote. By 53 votes to 0 it was unanimously

**RESOLVED**

1. Encourage all male Councillors can the take White Ribbon pledge, and all councillors to undertake Ask and Act training as soon as is practicable. Stage Three Champions training will be available in the New Year, providing a deeper understanding of this vital area for councillors in their role as community leaders. Request the Democratic Services Committee to consider making Ask and Act training mandatory.
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 variety of events; 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.
5. The Council examine the Tool Kit due to be published by the Fawcett Society early in the New Year to determine its utility in our journey to become an employer of choice for all.

<b>17. QUESTIONS IN ACCORDANCE WITH THE CONSTITUTION</b>
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**17.1. 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 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.

In response to Councillor Powell's supplementary question, the Portfolio Holder advised that a programme of work would be published as soon as possible.

### **17.2. 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?**

### **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 an infestation of rates, 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.

There was no supplementary question.

**17.3. 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 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](mailto: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.

In response to Councillor Ratcliffe's supplementary question, the Portfolio Holder confirmed that he was happy to meet him and the headteachers.

<b>18. NOTICE OF MOTION - SUPPORT FOR THE AGRICULTURAL SECTOR</b>
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County Councillors D Evans, R Harris, MJ Jones, G Jones, R Williams, M Weale, E Vaughan, D Thomas, P Lewis, B Baynham, G Williams, E Jones, L George, E Roderick, J Wilkinson, A Williams, D Price, R Powell, D Davies, G Thomas, A Davies, D Rowlands, A Jones, K Laurie-Parry, W Powell, G Pugh, E Durrant and EM Jones declared an interest in this item.

The Monitoring Officer advised Council that the Standards Committee had granted a dispensation for members with a personal interest to speak but not to vote on this item.

The Chair left the meeting at 15.31 having declared an interest and the Vice Chair chaired the rest of the meeting.

County Councillor D Rowlands left the meeting at 15.32.

Council debated the motion proposed by County Councillor E Vaughan and seconded by County Councillor B Davies:

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.

By 26 votes to 0 it was unanimously

**RESOLVED** that 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.

**County Councillor R G Thomas (Chair)**

**COFNODION CYFARFOD O'R CYNGOR SIR A GYNHALIWDYD DROS TEAMS AR DDYDD IAU, 9 RHAGFYR 2021**

**YN BRESENNOL**

Y Cynghorydd Sir R G Thomas (Cadeirydd)

Y Cynghorwyr Sir MC Alexander, B Baynham, J Berriman, G Breeze, J Charlton, L V Corfield, K W Curry, A W 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, S M Hayes, H Hulme, A Jenner, E A Jones, D R Jones, E Jones, G Jones, J R Jones, M J Jones, D Jones-Poston, F H Jump, K Laurie-Parry, H Lewis, P E Lewis, I McIntosh, DW Meredith, JG Morris, R Powell, WD Powell, D R Price, G Pugh, J 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, M Weale, J Wilkinson, A Williams, G I S Williams, D H Williams, J Williams, J M Williams, R Williams ac S L Williams

**1. YMDDIHEURIADAU**

Derbyniwyd ymddiheuriadau gan y Cynghorwyr Sir M Barnes, B Davies, E M Jones, MC Mackenzie, S McNicholas, C Mills, G Morgan, P C Pritchard a T J Van-Rees.

**2. COFNODION**

Awdurdodwyd y Cadeirydd i lofnodi cofnodion y cyfarfodydd a gynhaliwyd ar 23<sup>ain</sup> Medi 2021 fel rhai cywir.

**3. DATGANIADAU O DDIDDORDEB**

Datganwyd diddordeb gan y Cynghorwyr Sir D Evans, R Harris, MJ Jones, G Jones, R Williams, M Weale, E Vaughan, D Thomas, P Lewis, B Baynham, G Williams, E Jones, L George, E Roderick, J Wilkinson, A Williams, D Price, R Powell, D Davies, G Thomas, A Davies, D Rowlands, A Jones, K Laurie-Parry, W Powell, G Pugh, E Durrant ac EM Jones yn eitem 14 Rhybudd o Gynnig ar gefnogaeth i'r sector amaethyddol.

Datganwyd diddordeb gan y Cynghorydd Sir D Evans yn eitem 8 Trosglwyddiadau yn y Gyllideb.

**4. CYHOEDDIADAU'R CADEIRYDD**

Cyhoeddodd y Cadeirydd iddo gynrychioli'r Cyngor mewn gwasanaeth ar Sul y Cofio ac yn y Ffair Aeaf. Roedd wedi croesawu staff i ddigwyddiad ar 6ed Rhagfyr i ddiolch iddynt, a chyflwynodd tlysau Barcud Arian i Sian Healey, Raiff Devlin a Howard Owen.

**5. CYHOEDDIADAU'R ARWEINYDD**

Cyfeiriodd yr Arweinydd at y digwyddiad a gynhaliwyd ar y cyd â Chyngor Sir Ceredigion yn y Ganolfan Technoleg Amgen ger Machynlleth i gofnodi COP26. Roedd Julie James AS y Gweinidog dros Newid Hinsawdd wedi ysgrifennu i ddiolch i'r cynghorau. Nododd y derbyniwyd £16 miliwn trwy'r Gronfa Codi'r Gwastad er mwyn adfer Camlas Sir Drefaldwyn, ac y derbyniwyd cyllid pellach ar gyfer cynlluniau yn Aberhonddu a Llandrindod. Roedd chwe phrosiect wedi derbyn cyllid drwy'r Gronfa Adfywio Cymunedol.

## **6. NODYN BRIFFIO'R PRIF WEITHREDWR**

Cyhoeddodd y Prif Weithredwr fod nifer yr achosion Covid yn y sir dal yn uchel, a bod Gofal Cymdeithasol dal mewn statws parhad busnes. Byddai'r Cyngor yn parhau i gefnogi'r Bwrdd Iechyd gyda'r rhaglen brechu.

Diolchodd i bawb oedd wedi cefnogi'r gwasanaeth addysg ac a oedd wedi ei helpu i wneud cynnydd digonol mewn perthynas ag ymdrin ag argymhellion Estyn, a'r canlyniad oedd nad oedd yr awdurdod bellach yn y categori ar gyfer awdurdodau lleol sy'n peri pryder sylweddol.

Nododd fod y Gwasanaeth Cyfiawnder Ieuenctid newydd fod yn destun arolwg, a disgwylir yr adroddiad ym mis Mawrth, ac y byddai'r Gwasanaethau Iechyd Meddwl Cymunedol yn destun arolwg yn ystod yr wythnos wedyn. Yn olaf, cyhoeddodd penodiad Georgina Bevan fel Pennaeth Addysg.

## **7. ADRODDIAD MONITRO ESTYN**

Nododd y Cyngor ganlyniadau Ymweliad Monitro Estyn oedd yn golygu fod gwasanaethau addysg y Cyngor wedi cael eu tynnu o'r categori ar gyfer awdurdodau lleol sy'n peri pryder sylweddol. Barn yr arolygwyr oedd bod y gwasanaeth wedi gwneud digon o gynnydd mewn perthynas â'r argymhellion yn sgil yr arolwg craidd mwyaf diweddar.

Diolchodd Deiliad y Portffolio i gydweithwyr ar y Cabinet, y Pwyllgor Craffu ar Ddysgu a Sgiliau, y Bwrdd Gwelliant a Sicrwydd, y Cyfarwyddwr Addysg, swyddogion a phenaethiaid oedd wedi gweithio i sicrhau'r gwelliannau yn unol â gofynion Estyn a newid cyfeiriad y gwasanaeth, gan ymdopi â gofynion y pandemig ar yr un pryd.

Nododd y Cynghorydd Sir Gibson-Watt taw hwn oedd y trydydd tro y bu angen ymyrraeth gan arolygiaethau ar wasanaethau'r Cyngor a mynegodd gobaith na fyddai hyn yn digwydd eto.

Nododd Cadeirydd y Pwyllgor Craffu ar Ddysgu a Sgiliau y bu gwelliannau sylweddol yn ansawdd yr adroddiadau oedd yn dod gerbron y pwyllgor Craffu. Talodd teyrnged i'r gwasanaethau ADY yn benodol, ac i'r Ysgolion oedd wedi addasu ac wedi derbyn ffyrdd newydd o weithio. Nododd bod llawer o waith i'w wneud eto, ond ar y cyfan, roedd hyn yn newid cadarnhaol iawn o safbwynt newid cyfeiriad i'r gwasanaeth.

<b>8.</b>	<b>TROSGLWYDDIADAU YN Y GYLLIDEB</b>
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Bu'r Cyngor yn ystyried adroddiad oedd yn olrhain pwysau cyllidebol ar y Gwasanaethau Plant ac a oedd yn cynnig trosglwyddo cronfeydd i gyllideb y gwasanaeth i sicrhau fod y sefydliad yn gweithio'n unol â'r rheoliadau ariannol a'i fod yn diwallu ei ddyletswyddau statudol yn unol â'r Ddeddf Gwasanaethau Cymdeithasol a Llesiant.

Nododd y Cynghorydd Sir Amanda Jenner, Cadeirydd y Pwyllgor Craffu ar Iechyd a Gofal, bod y Pwyllgor wedi codi nifer o bryderon ac wedi cael sesiwn briffio cyfrinachol ar y costau uchel iawn oedd yn gysylltiedig â nifer fach o achosion hynod gymhleth. Roedd y costau uchel iawn wedi synnu'r Pwyllgor ac roeddynt yn bryderus taw'r Cyngor Sir oedd yn talu'r holl gostau heb unrhyw gyfraniad gan Fwrdd Iechyd Addysgu Powys. Roedd y Pwyllgor yn bryderus nad oedd problemau corfforol a rhai iechyd meddwl yn derbyn triniaeth gydradd. Roedd y Bwrdd Iechyd wedi derbyn gwahoddiad i fynychu cyfarfodydd y Pwyllgor i drafod cydweithio ac i glywed am y cymorth ym maes iechyd meddwl a ddarperir i blant ym Mhowys.

Gofynnodd Aelodau a fyddai'r ffigurau cymharol yn cael eu dadansoddi ar gost y gwariant a ddarparwyd. Cyngor Pennaeth y Gwasanaeth oedd nad oedd y ffigurau'n gymharol. Awgrymodd Deiliad y Portffolio hwyrach y byddai'r Pwyllgorau Craffu am edrych yn fanylach ar y ffigurau.

Cytunodd Pennaeth y Gwasanaeth nad oedd digon o lefydd ar gael yn y sir, a nododd y byddai cartref newydd i blant yn agor yn ne'r sir ac y derbyniwyd caniatâd cynllunio ar gyfer cartref arall yn y gogledd.

Cadarnhaodd Pennaeth y Gwasanaeth y lluniwyd cynllun gweithredu i fynd i'r afael ag argymhellion adroddiad SWAP ar y Gwasanaethau Plant. Cyngor Cyfarwyddwr y Gwasanaethau Cymdeithasol oedd nad oedd y gwasanaeth yn derbyn un o'r argymhellion mewn perthynas â chyllidebu ar gyfer staff asiantaeth, ac na fyddai'n rhoi hyn ar waith.

Cadarnhaodd Deiliad y Portffolio iddi gwrdd â Gweinidogion Llywodraeth Cymru a oedd wedi bod yn gefnogol iawn, a'r Bwrdd Iechyd I drafod y mater. Roedd y Bwrdd Cydbartneriaeth, sy'n gyfuniad o aelodau a swyddogion y Cyngor a Bwrdd Iechyd Addysgu Powys, wedi cwrdd i drafod hyn yr wythnos flaenorol. Cyngor y Pennaeth Cyllid oedd y byddai pob ffrwd cyllid, gan gynnwys Cronfa Caledi Llywodraeth Cymru, yn cael ei ystyried cyn troi at gronfeydd wrth gefn. Nododd Pennaeth y Gwasanaethau Plant bod y gwasanaeth yn gwneud popeth o fewn ei allu i gadw costau i lawr.

Cynigiwyd yr argymhelliad yn yr adroddiad gan y Cynghorydd Sir Rachel Powell ac fe'i heiliwyd gan y Cynghorydd Sir Myfanwy Alexander a

## **PHENDERFYNWYD**

- 1. Cymeradwyo'r trosglwyddiadau o £187mil a £350mil a amlinellir yn 4.3 a 4.4 yr adroddiad.**

- 2. Ar ddiwedd y flwyddyn ariannol hon, y byddai unrhyw bwysau oedd yn weddill fel yr amlinellwyd ym mharagraffau 3.2, 3.10 a 3.11 hyd at uchafswm o £1.854 miliwn yn cael eu hawdurdodi, a'u trosglwyddo o Gronfeydd Rheoli Cyllideb y Cyngor, mor bell a bod tystiolaeth ar gael i gadarnhau y lliniarwyd y pwysau lle bynnag bo'n bosib.**

Roedd y Cyngorydd Sir Laurie-Parry wedi atal pleidlais.

<b>9.</b>	<b>ADRODDIAD BLYNYDDOL CYFARWYDDWR Y GWASANAETHAU CYMDEITHASOL</b>
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Bu'r Cyngor yn ystyried adroddiad blynyddol Cyfarwyddwr y Gwasanaethau Cymdeithasol am y cyfnod Ebrill 2020 hyd at fis Mawrth 2021. Wrth gyflwyno'r adroddiad, nododd Deiliad y Portffolio ar gyfer Gofal Cymdeithasol i Oedolion a'r Gymraeg, er gwaethaf diffyg difrifol o ran aelodau staff ac yng ngwyneb y pandemig, roedd y gwasanaeth wedi llwyddo i gynnal lefel wasanaeth uchel oherwydd ymdrechion staff y gwasanaeth, a diolchodd iddynt. Nododd bod 3,000 o bobl yn aros am wasanaethau ar hyn o bryd; y ffigur arferol fyddai 300.

Cyflwynwyd yr adroddiad ar ran y Cyfarwyddwr gan y Prif Weithredwr; roedd y Cyfarwyddwr wedi cael ei alw i ffwrdd ar fusnes brys. Nododd fod y gwasanaeth wedi bod yn gweithredu dan y cynllun parhad busnes ers 20fed Mawrth 2020 gan ganolbwyntio ar gyflenwi gwasanaethau critigol i drigolion. Diolchodd i'r Cyfarwyddwr, Penaethiaid Gwasanaeth, staff y sector gwirfoddol a Deiliaid Portffolios am eu gwaith. Cydnabuwyd hefyd cyfraniad athrawon oedd wedi rhedeg hybiau ysgol i ddarparu lle diogel i blant yn ystod y cyfnodau clo.

Wrth ateb cwestiwn gan Aelod ynghylch addysgu plant adre yn hytrach nag yn yr ysgol, y cyngor a roddwyd i'r Cyngor oedd nad oedd unrhyw ddyletswydd statudol ar awdurdodau lleol ac y gall fod risg i blant oedd yn absennol o'r ysgol. I helpu mynd i'r afael â hyn, roedd y Cyngor wedi penodi dau swyddog estyn allan addysg. Roedd y gwasanaeth wedi treulio amser sylweddol yn ystod y pandemig yn cadarnhau lles plant nad oeddynt yn mynd i'r ysgol.

**PENDERFYNODD y Cyngor yn unfrydol i nodi'r adroddiad.**

<b>10.</b>	<b>TREFNIADAU I DDATBLYGU, CYFLWYNO AC YSTYRIED CYNIGION AMGEN I'R GYLLIDEB</b>
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Bu'r Cyngor yn ystyried y trefniadau a'r amserlen i ddatblygu, cyflwyno ac ystyried cynigion amgen i'r gyllideb. Cadarnhaodd y Pennaeth Cyllid y byddai gwybodaeth yn cael ei rhannu gydag Arweinyddion Grŵp i'w hysbysu am newidiadau mewn amcanestyniadau cyllido arfaethedig a'r pwysau ariannol oedd yn cael eu hadnabod. Byddai hyn hefyd yn rhoi cyfle i gynnig cyngor mwy cyffredinol ar holl agweddau ar y gyllideb gan gynnwys lefel y cronfeydd wrth gefn a chyfrifiadau o ran Treth y Cyngor a byddai'n sicrhau fod y cyngor i

grwpiau gwrthbleidiau'n gyson â'r cyngor a gynigir i'r Cabinet wrth iddynt ddatblygu eu cynnig ar gyfer y gyllideb.

Cynigiodd y Cyngorydd Sir H Lewis ac eiliodd y Cyngorydd Sir JM Williams a

**PHENDERFYNWYD cymeradwyo'r broses a'r amserlen a nodir yn yr adroddiad hwn i ddatblygu, cyflwyno ac ystyried cynigion amgen i'r gyllideb.**

Roedd y Cyngorydd Sir K Laurie-Parry wedi atal pleidlais.

Torrodd y Cyngor am 12.46 ac ail-gychwynnodd y cyfarfod am 1.30 pm.

## YN BRESENNOL

Y Cyngorydd Sir R G Thomas (Cadeirydd)

Y Cyngorwyr Sir MC Alexander, B Baynham, J Berriman, G Breeze, J Charlton, L V Corfield, K W Curry, A W 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, S M Hayes, H Hulme, A Jenner, E A Jones, D R Jones, E Jones, G Jones, J R Jones, M J Jones, D Jones-Poston, F H Jump, K Laurie-Parry, H Lewis, P E Lewis, I McIntosh, DW Meredith, JG Morris, R Powell, WD Powell, D R Price, G Pugh, J 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, M Weale, J Wilkinson, A Williams, G I S Williams, D H Williams, J Williams, J M Williams, R Williams ac S L Williams

## 11. DIWYGIADAU I'R CYFANSODDIAD

Bu'r Cyngor yn ystyried diwygiadau i'r Cyfansoddiad a argymhellwyd gan y Pwyllgor Gwasanaethau Democrataidd.

### **Adran 2 – Diben, Diffiniad, Dehongliad a Diwygiad i'r Cyfansoddiad**

Cynigiodd y Cyngorydd Sir JM Williams ac eiliodd y Cyngorydd Beverley Baynham a gyda phleidlais unfrydol

#### **PENDERFYNWYD**

- 1. Cymeradwyo'r diwygiadau i Adran 2 y Cyfansoddiad fel yr amlinellir yn yr Adran 2 drafft sydd ynghlwm wrth yr adroddiad.**
- 2. Yr awdurdodir y Swyddog Monitro i wneud unrhyw newidiadau eraill i'r Cyfansoddiad sydd eu hangen efallai er mwyn adlewyrchu'r newidiadau a amlinellir yn Argymhelliad 1 uchod.**

### **Adran 4 – Y Cyngor Llawn**

Cynigiodd y Cyngorydd Sir J Wilkinson ac eiliodd y Cyngorydd Sir A Davies a gyda phleidlais unfrydol

**PENDERFYNWYD**

3. Cymeradwyo'r diwygiadau i Adran 4 y Cyfansoddiad fel yr amlinellir yn yr Adran 4 drafft sydd ynghlwm wrth yr adroddiad.
4. Yr awdurdodir y Swyddog Monitro i wneud unrhyw newidiadau eraill i'r Cyfansoddiad sydd eu hangen efallai er mwyn adlewyrchu'r newid a amlinellir yn Argymhelliad 3 uchod.

**Adran 7 – Pwyllgorau Craffu**

Cynigiodd y Cynghorydd Sir E Vaughan ac eiliodd y Cynghorydd Sir B Baynham a

**PHENDERFYNWYD**

5. Cymeradwyo'r diwygiadau i Adran 7 y Cyfansoddiad fel yr amlinellir yn yr Adran 7 drafft sydd ynghlwm wrth yr adroddiad.
6. Yr awdurdodir y Swyddog Monitro i wneud unrhyw newidiadau eraill i'r Cyfansoddiad sydd eu hangen efallai er mwyn adlewyrchu'r newid a amlinellir yn Argymhelliad 5 uchod.

Roedd y Cynghorydd Sir K Laurie-Parry wedi atal pleidlais.

**Adran 8 – Y Pwyllgor Safonau**

Cynigiodd y Cynghorydd Sir E Vaughan ac eiliodd y Cynghorydd Sir J Berriman a gyda phleidlais unfrydol

**PENDERFYNWYD**

7. Cymeradwyo'r diwygiadau i Adran 8 y Cyfansoddiad fel yr amlinellir yn yr Adran 8 drafft sydd ynghlwm wrth yr adroddiad.
8. Yr awdurdodir y Swyddog Monitro i wneud unrhyw newidiadau eraill i'r Cyfansoddiad sydd eu hangen efallai er mwyn adlewyrchu'r newid a amlinellir yn Argymhelliad 7 uchod.

**Adran 9 – Pwyllgorau Rheoleiddiol**

Cynigiodd y Cynghorydd Sir R Williams ac eiliodd y Cynghorydd Sir E Vaughan a gyda phleidlais unfrydol

**PENDERFYNWYD**



9. Cymeradwyo'r diwygiad i Adran 9 y Cyfansoddiad fel yr amlinellir yn Adran 9 drafft sydd ynghlwm wrth yr adroddiad.
10. Yr awdurdodir y Swyddog Monitro i wneud unrhyw newidiadau eraill i'r Cyfansoddiad sydd eu hangen efallai i adlewyrchu'r newid a amlinellir yn Argymhelliad 9 uchod.

#### **Adran 11 – Swyddogion**

Cynigiodd y Cyngorydd Sir R Williams ac eiliodd y Cyngorydd Sir E Vaughan a

#### **PHENDERFYNWYD**

11. Cymeradwyo'r diwygiadau i Adran 11 y Cyfansoddiad fel yr amlinellir yn Adran 11 drafft sydd ynghlwm wrth yr adroddiad.
12. Yr awdurdodir y Swyddog Monitro i wneud unrhyw newidiadau eraill i'r Cyfansoddiad sydd eu hangen efallai i adlewyrchu'r newid a amlinellir yn Argymhelliad 11 uchod.

Roedd y Cyngorydd Sir K Laurie-Parry wedi atal pleidlais.

#### **Adran 13 – Cyfrifoldeb am Swyddogaethau**

Cynigiodd y Cyngorydd Sir R Williams ac eiliodd y Cyngorydd Sir E Vaughan a gyda phleidlais unfrydol

#### **PENDERFYNWYD**

13. Cymeradwyo'r diwygiad i Adran 13 y Cyfansoddiad fel yr amlinellir yn Adran 13 drafft sydd ynghlwm wrth yr adroddiad.
14. Yr awdurdodir y Swyddog Monitro i wneud unrhyw newidiadau eraill i'r Cyfansoddiad sydd eu hangen efallai i adlewyrchu'r newid a amlinellir yn Argymhelliad 13 uchod.

#### **Adran 15 – Rheolau mewn perthynas â Gweithdrefnau'r Gyllideb**

Cynigiodd y Cyngorydd Sir E Vaughan ac eiliodd y Cyngorydd Sir JM Williams a

#### **PHENDERFYNWYD**

15. Cymeradwyo'r diwygiadau i Adran 15 y Cyfansoddiad fel yr amlinellir yn Adran 15 drafft sydd ynghlwm wrth yr adroddiad.
16. Yr awdurdodir y Swyddog Monitro i wneud unrhyw newidiadau eraill i'r Cyfansoddiad sydd eu hangen efallai i adlewyrchu'r newidiadau a amlinellir yn Argymhelliad 15 uchod.

Roedd y Cynghorydd Sir K Laurie-Parry wedi atal pleidlais.

### **Adran 16 – Rheolau mewn perthynas â Gweithdrefnau Ariannol**

Cynigiodd y Cynghorydd Sir E Vaughan ac eiliodd y Cynghorydd Sir JM Williams a

#### **PHENDERFYNWYD**

**17. Cymeradwyo'r diwygiadau i Adran 16 y Cyfansoddiad fel yr amlinellir yn yr Adran 16 drafft sydd ynghlwm wrth yr adroddiad.**

**18. Yr awdurdodir y Swyddog Monitro i wneud unrhyw newidiadau eraill i'r Cyfansoddiad sydd eu hangen efallai i adlewyrchu'r newid a amlinellir yn Argymhelliad 17 uchod.**

Roedd y Cynghorydd Sir K Laurie-Parry wedi atal pleidlais.

### **Adran 18 – Cod Ymddygiad Aelodau**

Cynigiodd y Cynghorydd Sir E Vaughan ac eiliodd y Cynghorydd Sir R Williams a gyda phleidlais unfrydol

#### **PENDERFYNWYD**

**19. Cymeradwyo'r diwygiad i Adran 18 y Cyfansoddiad fel yr amlinellir yn yr Adran 18 drafft sydd ynghlwm wrth yr adroddiad.**

**20. Yr awdurdodir y Swyddog Monitro i wneud unrhyw newidiadau eraill i'r Cyfansoddiad sydd eu hangen efallai i adlewyrchu'r newid a amlinellir yn Argymhelliad 19 uchod.**

Gadawodd y Cynghorydd Sir J Jones y cyfarfod am 14.12.

<b>12.</b>	<b>DIWYGIADAU I'R CYTUNDEB RHWNG AWDURDODAU PARTNERIAETH PENSIWN CYMRU</b>
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Gofynnwyd i'r Cyngor gymeradwyo diwygiadau i'r Cytundeb Rhwng Awdurdodau ar gyfer Partneriaeth Pensiwn Cymru i adlewyrchu'r datblygiadau mewn perthynas â threfniadau cyfuno Cynllun Pensiwn Llywodraeth Leol.

Cynigiodd y Cynghorydd Sir R Williams ac eiliodd y Cynghorydd Sir A Davies a gyda phleidlais unfrydol

**PENDERFYNWYD cymeradwyo'r diwygiadau i'r Cytundeb Rhwng Awdurdodau fel yr amlinellir yn Atodiad 1 yr adroddiad.**

<b>13. PENODIADAU I GYRFF A PHWYLLGORAU ALLANOL</b>
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Nododd y Cyngor y penodiadau canlynol a wnaethpwyd gan grwpiau gwleidyddol ac a gymeradwywyd gan y Swyddog Monitro:

Penodiad y Cynghorydd Gwilym Williams i Awdurdod Parc Cenedlaethol Bannau Brycheiniog yn lle'r Cynghorydd Jon Williams.

Penodiad y Cynghorydd Karl Lewis i Awdurdod Parc Cenedlaethol Bannau Brycheiniog yn lle'r Cynghorydd Iain MacIntosh.

Penodiad y Cynghorydd Ange Williams i'r Pwyllgor Cyflogaeth ac Apeliadau yn lle'r Cynghorydd Jon Williams.

Nododd y Cynghorydd Sir John Morris fod pedwar o benodiadau'r Cyngor i Awdurdod Parc Cenedlaethol Bannau Brycheiniog yn dod o du allan i ardal y Parc, a gofynnodd i arweinyddion grŵp drafod hyn, ac awgrymodd y dylid trafod y mater yn y Cyngor.

<b>14. RHYBUDD O GYNNIG – COEDWIGO CYFRIFOL – DULL O WEITHIO CYNALIADWY AC NAD YW’N YMELWA</b>
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Nododd y Cadeirydd fod cynigydd ac eilydd y cynnig hwn wedi cytuno cyflwyno ystyriaeth o'r cynnig er mwyn gallu ceisio gollyngiad gan y Pwyllgor Safonau ar gyfer aelodau sydd â diddordeb efallai.

<b>15. RHYBUDD O GYNNIG – NEWID SYLWEDDOL O RAN GWEITHREDU YNGHYLCH YR HINSAWDD A MABWYSIADU'R SAFON UN BLANED</b>
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Gadawodd y Cynghorydd Sir Les Skilton y cyfarfod am 14.29.

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

Mae'r Cyngor hwn yn nodi fod:

Gan y Cyngor gyfle i wneud newid sylweddol wrth fynd i'r afael â'r argyfwng sy'n ein hwynebu; bu cynnydd yn arafach nag a ragwelodd trigolion a rhanddeiliaid, a'r broses monitro ac adborth yn llai tryloyw nag y bydden nhw wedi dymuno.

Mae angen cynyddu cyflymder a gonestrwydd er mwyn mynd i'r afael â'r argyfwng yn yr hinsawdd ac ecolegol. Bydd uchelgais ac arweiniad gan y Cyngor yn allweddol i ennyn ein cymuned a rhanddeiliaid lleol i ymrwmo er mwyn cyrraedd y targed a osodwyd ym mis Medi o gyrraedd Net Sero erbyn 2030.

Yn sgil cynhadledd ryngwladol COP26 a gynhaliwyd yng Nglasgow, doedd dim amheuaeth am ddifrifoldeb a brys y sefyllfa i gymunedau yn y wlad hon a thramor. Mae angen newid diwylliannol sylweddol o ran ein hymateb fel sefydliad cyfan lle gallwn ddweud beth sy'n digwydd, a gweithredu'n unol â'n haddewidion, gan ysbrydoli eraill i weithredu hefyd.

Mae Cyngor Abertawe yn cynnal peilot ar gyfer menter newydd - sef Safon Un Blaned, a lansiwyd ar gyfer COP26; ei nod yw cefnogi sefydliadau fel ein cyngor i addasu gweithgareddau er mwyn iddynt gyfateb i'n dyheadau amgylcheddol. Gyda chefnogaeth Comisiynydd Cenedlaethau'r Dyfodol, Sophie Howe, gall y Safon Un Blaned helpu Cyngor Powys i fod yn effeithlon o safbwynt adnoddau, datblygu llwybrau'r economi cylchol trwy gyflogi gweithwyr, cadwyni cyflenwi, cwsmeriaid ac unrhyw un eraill sy'n cael ei effeithio gan ein gweithgareddau. Mae'r Safon Un Blaned yn cefnogi gwelliant parhaus, trwy Gynllun Cylch Daionus Syml > Gwneud > Gwirio > Gweithredu sy'n cael eu gosod yn erbyn ein nodau, cerrig milltir a'n hamserlenni ein hunain. Yn ei hanfod, methodoleg adrodd integredig yw i helpu sefydliad mesur, bod yn atebol am a gwella effaith amgylcheddol ei weithgareddau. Bydda'r Safon Un Blaned yn defnyddio pum ffordd o weithio:

**Hirdymor** – Sicrhau cydbwysedd rhwng anghenion tymor byr a bodloni anghenion hirdymor.

**Atal** – gweithredu i atal problemau rhag digwydd neu waethygu, trwy ddefnyddio egwyddor ragofalus.

**Integreiddio** – ystyried sut mae holl weithredoedd Powys yn effeithio ar ei gilydd, ar nodau cymdeithasol ac ecolegol, ac ar fuddion a gweithredoedd rhanddeiliaid.

**Cydweithio** - gydag unrhyw unigolyn arall (neu adrannau gwahanol) fyddai'n gallu helpu Powys i fodloni ei amcanion a'i nodau cymdeithasol ac ecolegol.

**Cynnwys** – cynnwys amrediad eang o bobl wrth wireddu ei nodau cymdeithasol ac ecolegol, gan sicrhau fod y bobl hynny o ac yn adlewyrchu amrywiaeth Powys.

Bydd deall a mabwysiadu gofynion Safon Un Blaned yn helpu Deiliad y Portffolio ar gyfer yr amgylchedd a'r argyfwng ecolegol, ac aelodau eraill y Cabinet i siapio cyfeiriad strategol, a'r uwch dîm rheoli i wireddu newid, tra ar yr un pryd, helpu staff i newid y diwylliant corfforaethol. Bydd ein partneriaid a'n cwsmeriaid yn gwerthfawrogi'n well ein huchelgais ac yn dewis ymuno â ni ar y daith hon.

Mae'r Cyngor yn galw ar gyfer:

Atgyfnerthu ei ddatganiad o argyfwng yn yr hinsawdd ym Medi 2020, ei benderfyniad ymwrthod yn 2018 a'i ddiddordeb yn y Cynllun Gweithredu i Adfer Natur Leol sy'n bwysig o safbwynt adrodd ar Adran 6 y Ddyletswydd o ran Bioamrywiaeth a Chydnerthedd Ecosystemau.

**Mae'r Cyngor hwn yn penderfynu:**

- Galw ar aelod y cabinet dros Newid yn yr Hinsawdd am newid sylweddol clir a gweladwy mewn perthynas â gweithgaredd angenrheidiol i wireddu

ymrwymiad Powys i fodloni ei darged net sero erbyn 2030, cyhoeddi'r asesiad gwaelodlin a gytunwyd a Chynllun Gweithredu i leihau carbon ar gyfer aelodau, rhanddeiliaid a thrigolion er mwyn ei asesu ar frys.

- Bod yr ail Gyngor trwy Gymru i gynnal peilot o gynllun Safon Un Blaned cyn penderfyniad, ar ôl mis Mai 2022, i benderfynu a ddylid ei fabwysiadu'n ffurfiol fel ffordd newydd o weithio.
- Gofyn i Gadeirydd Cronfa Pensiwn Powys i alw ar Gronfa Pensiwn Cymru i ddefnyddio ei grym, gan gynnwys ei dylanwad fel un o gronfeydd pensiwn mwyaf y DU, i annog ymwrthod fel y cytunwyd yng nghyngor 2018.

Eglurodd y Cyngorydd Charlton taw diben y cynnig oedd gwella ac atgyfnerthu'r cynnig a gytunwyd gan y Cyngor ar argyfwng yr hinsawdd. Dadl yr Arweinydd oedd bod y Cyngor yn symud mor gyflym â phosib yn unol â'r adnoddau ariannol a staffio oedd ar gael. Nodwyd y cafodd Strategaeth Newid yn yr Hinsawdd ei lansio yn y Ffair Aef, ac y byddai'n destun ymgynghoriad cyhoeddus.

Cynhaliwyd pleidlais ar y cynnig, a chollwyd y cynnig gyda 21 o blaid a 29 yn erbyn, gydag un yn atal pleidlais.

## **16. RHYBUDD O GYNNIG – RHUBAN GWYN: DIWYLLIANT AC ARFERION**

Gadawodd y Cyngorydd Sir J Williams am 14.44.

Gadawodd y Cyngorydd Sir D Evans am 14.46.

Gadawodd y Cyngorydd Sir L George am 14.50.

Bu'r Cyngor yn trafod y cynnig canlynol a gynigiwyd gan y Cyngorydd Sir P Roberts ac a eiliwyd gan y Cyngorydd Sir J Charlton.

Mae'r Cyfarfod hwn o'r Cyngor yn nodi:-

- Fod AS Canolbarth a Gorllewin Cymru Joyce Watson wedi hyrwyddo achos y Rhuban Gwyn fel rhan o fenter drawsbleidiol, yn gynnar yng nghyfnod y Pedwerydd Cynulliad / Senedd. Roedd y Cyngorydd William Powell wedi cynrychioli Democratiaid Rhyddfrydol Cymru mewn noswyliau a digwyddiadau eraill ar ran Joyce Watson ac roedd wedi cwrdd â nifer o oroeswyr gwahanol. Hyd heddiw mae arweinyddiaeth barhaus Joyce mewn perthynas â'r mater hwn dal yn rhan bwysig o fusnes y Senedd;
- Mae Heddlu Dyfed-Powys wedi codi proffil cam-drin domestig, rheolaeth orfodaethol a thrais yn erbyn menywod. Mae Prif Gwnstabl HDP sydd newydd ei benodi, Richard Lewis, sydd ar hyn o bryd yn Brif Gwnstabl Heddlu Cleveland, wedi adnabod cam-drin domestig a materion cysylltiedig fel blaenoriaeth uchel;
- Dengys ffigurau'r SYC y bydd bron un o bob tair menyw 16-59 oed yn dioddef o gam-drin domestig rhywbryd yn ystod eu bywydau, bod dwy fenyw bob wythnos yng Nghymru a Lloegr yn cael eu lladd gan bartner cyfredol neu flaenorol, bod dros hanner miliwn o fenywod yn destun trais rhywiol neu

ymsodiad rhywiol bob blwyddyn, a bod pŵl YouGov yn dangos fod traean o ferched wedi dioddef o aflonyddu rhywiol mewn ysgolion;

- Mae'r pandemig byd-eang wedi arwain at fwy o fenywod a merched sy'n agored i gam-drin domestig, ac yn ôl adroddiad newyddion gan y BBC fis Gorffennaf diwethaf, yn ystod tri mis cyntaf y cyfnod clo cenedlaethol cyntaf, bu cynnydd o 80% mewn galwadau at Linell Gymorth Cam-drin Domestig Cenedlaethol;
- Yn ôl adroddiad diweddar Cymdeithas Fawcett "Tackling sexual harassment in the workplace" - sy'n adrodd ar gamau gweithredu cyflogwyr i atal ac ymateb i aflonyddu rhywiol yn y gweithle, mae dros 40% o fenywod wedi dioddef o aflonyddu yn y gweithle, ac mae 45% wedi dioddef o aflonyddu ar-lein rhywiol ei natur, gyda'r cyfraddau uchaf ymhlith y sawl sydd â nodwedd warchoddedig.
- A bod, yn ôl arolwg ar droseddau a data arall gan y llywodraeth, mae nifer anghymesur o ddioddefwyr yn dod o'r grwpiau hynny sydd eisoes yn dioddef o anghydraddoldeb a heriau ychwanegol yn ein cymdeithas, gan gynnwys unigolion hil gymysg, rhai sydd ag anabledd, neu sy'n drawsrywiol;
- Wrth inni fyfyrion ar ddiwedd twrnaint UEFA Euro 2020 a ohiriwyd, dengys ymchwil blaenorol gan Brifysgol Lancaster y bu cynnydd mewn achosion o gam-drin domestig a gofnodir pan fyddai unrhyw un o'r gwledydd cartref yn chwarae mewn twrnaint mawr, ac mae'r effaith yn benodol mawr ar ddyddiau pan fydd y timau hynny'n colli; a
- Goblygiadau hynod bryderus achos Sarah Everard a'r datgeliadau yn sgil hynny am ymddygiad gwreig-gasaol ymhlith aelodau eraill o'r heddlu.

Mae'r Cyfarfod hwn o'r Cyngor hefyd yn nodi:-

- Rhuban Gwyn yw'r brif elusen yn y DU gyda chenhadaeth i roi terfyn ar **drais gwrywaidd yn erbyn menywod** ac yn rhan o fudiad byd-eang Rhuban Gwyn a ddeilliodd o ymgyrch a gychwynwyd gan ddynion o Ganada yn 2004;
- Bob blwyddyn ar 25ain Tachwedd mae Diwrnod Rhuban Gwyn yn cofnodi'r Diwrnod Rhyngwladol i Ddileu Trais yn Erbyn Menywod, trwy annog dynion a bechgyn i addo peidio byth â chymryd rhan mewn, cydoddef neu gadw'n dawel am drais yn erbyn menywod trwy wisgo rhuban gwyn ar y diwrnod ac am wythnos neu ddwy wedyn; ac
- Mae Rhuban Gwyn sy'n gweithio ar draws y 3 gweinyddiaeth ddatganoledig, yn rhedeg system o Genhadon gwrywaidd, Hyrwyddwyr benywaidd ac Eiriolwyr ifainc, yn ogystal â chynhyrchu deunyddiau penodol i gefnogi ysgolion cynradd ac uwchradd, gyda'r nod o annog dynion/bechgyn i ymrwymo i'r addewid a helpu dileu trais gan ddynion yn erbyn menywod.

Mae'r Cyfarfod hwn yn credu nad yw cydoddef trais gan ddynion yn erbyn menywod byth yn iawn, ac y dylai Cyngor Sir Powys wneud popeth o fewn ei allu i sicrhau fod menywod yn ddiogel. Mae gan yr Awdurdod bolisi cadarn ar ddiogelu menywod yn y gweithle ac yn y cymunedau a gefnogir gan y cyngor. Mae hyfforddiant yn orfodol ar gyfer staff a chynghorwyr. Fel rhan o'r cynnig hwn, gofynnwn y dylai'r cyngor hwyluso ac annog cynghorwyr, staff ac ysgolion i gymryd rhan yn Ymgyrch y Rhuban Gwyn.

Felly mae'r Cyfarfod hwn o'r Cyngor yn penderfynu:-

1. Arfer diwylliant er mwyn i bob Cynghorydd gwrywaidd ymrwymo i addewid y Rhuban Gwyn, i beidio byth cymryd rhan mewn, cydoddef neu aros yn dawel am drais yn erbyn menywod;
2. Cynnal mor fuan ag sy'n ymarferol bosib, y camau angenrheidiol i dderbyn achrediad Rhuban Gwyn, ac ymuno â'r nifer fawr o gyrff sector cyhoeddus eraill, gan gynnwys 4 Cyngor o Gymru a Heddlu Dyfed Powys a Gwasanaeth Tân Canolbarth a Gorllewin Cymru, sydd wedi gwneud hyn eisoes<sup>iv</sup>; ac
3. Fel rhan o hyn, annog Arweinyddion pob grŵp gwleidyddol i ddod ynghyd i enwebu Cynghorydd gwrywaidd, a'r Prif Weithredwr i enwebu aelod o staff fel Cenhadon; cofnodi Diwrnod Rhuban Gwyn ar 25ain Tachwedd bob blwyddyn trwy gynnal digwyddiad codi arian; ac annog staff y cyngor ac ysgolion cynradd ac uwchradd lleol i gymryd rhan yn yr ymgyrch.
4. Cynnal adolygiad o brotocolau a gweithdrefnau i gadarnhau a yw'r Cyngor yn diwallu ei gyfrifoldeb fel cyflogwr dibynadwy yng ngolau argymhellion Adroddiad Fawcett a datblygu unrhyw addasiadau fel mater o frys.

Cynigiodd y Cynghorydd Sir M Alexander welliant a eiliwyd gan y Cynghorydd Sir A Jenner, i:

1. Annog pob Cynghorydd gwrywaidd i ymrwymo i addewid y Rhuban Gwyn, gyda phob cynghorydd i ddilyn hyfforddiant Gofyn a Gweithredu mor fuan ag sy'n ymarferol. Bydd hyfforddiant Cam 3 i Hyrwyddwyr ar gael yn y Flwyddyn Newydd, sy'n cynnig dealltwriaeth fwy trwyadl o'r maes hollbwysig hwn i gynghorwyr yn eu rôl fel arweinyddion yn y gymuned. Gofyn i'r Pwyllgor Gwasanaethau Democrataidd ystyried gwneud yr hyfforddiant Gofyn a Gweithredu'n orfodol.
2. Mor fuan ag sy'n ymarferol bosib, cyflawni'r camau angenrheidiol i dderbyn achrediad Rhuban Gwyn, , ac ymuno â'r nifer fawr o gyrff sector cyhoeddus eraill, gan gynnwys 4 Cyngor o Gymru a Heddlu Dyfed Powys a Gwasanaeth Tân Canolbarth a Gorllewin Cymru, sydd wedi gwneud hyn eisoes; ac
3. Fel rhan o hyn, annog Arweinyddion pob grŵp gwleidyddol i ddod ynghyd i enwebu Cynghorydd gwrywaidd, a'r Prif Weithredwr i enwebu aelod o staff fel Cenhadon; cofnodi Diwrnod Rhuban Gwyn ar 25ain Tachwedd bob blwyddyn trwy gynnal digwyddiad codi arian; ac annog staff y cyngor ac ysgolion cynradd ac uwchradd lleol i gymryd rhan yn yr ymgyrch.
4. Cynnal adolygiad o brotocolau a gweithdrefnau i gadarnhau a yw'r Cyngor yn diwallu ei gyfrifoldeb fel cyflogwr dibynadwy yng ngolau argymhellion Adroddiad Fawcett a datblygu unrhyw addasiadau fel mater o frys.

5. Y dylai'r Cyngor archwilio'r Pecyn Cymorth sydd i fod i gael ei gyhoeddi gan Gymdeithas Fawcett yn gynnar yn y flwyddyn newydd i gadarnhau ei ddefnyddioldeb o safbwynt ein taith i ddod yn gyflogwr o ddewis i bawb.

Derbyniwyd y gwelliant gan gynigydd ac eilydd y cynnig gwreiddiol, a rhoddwyd y gwelliant gerbron y cyfarfod. Gyda 53 o blaid a neb yn erbyn

#### **PENDERFYNWYD**

1. **Annog pob Cynghorydd gwrywaidd i ymrwymo i addewid y Rhuban Gwyn, gyda phob cynghorydd i ddilyn hyfforddiant Gofyn a Gweithredu mor fuan ag sy'n ymarferol. Bydd hyfforddiant Cam 3 i Hyrwyddwyr ar gael yn y Flwyddyn Newydd, sy'n cynnig dealltwriaeth fwy trwyadl o'r maes hollbwysig hwn i gynghorwyr yn eu rôl fel arweinyddion yn y gymuned. Gofyn i'r Pwyllgor Gwasanaethau Democrataidd ystyried gwneud yr hyfforddiant Gofyn a Gweithredu'n orfodol.**
2. **Mor fuan ag sy'n ymarferol bosib, cyflawni'r camau angenrheidiol i dderbyn achrediad Rhuban Gwyn, ac ymuno â'r nifer fawr o gyrff sector cyhoeddus eraill, gan gynnwys 4 Cyngor o Gymru a Heddlu Dyfed Powys a Gwasanaeth Tân Canolbarth a Gorllewin Cymru, sydd wedi gwneud hyn eisoes; ac**
3. **Fel rhan o hyn, annog Arweinyddion pob grŵp gwleidyddol i ddod ynghyd i enwebu Cynghorydd gwrywaidd, a'r Prif Weithredwr i enwebu aelod o staff fel Cenhadon; cofnodi Diwrnod Rhuban Gwyn ar 25ain Tachwedd bob blwyddyn trwy gynnal digwyddiad codi arian; ac annog staff y cyngor ac ysgolion cynradd ac uwchradd lleol i gymryd rhan yn yr ymgyrch.**
4. **Cynnal adolygiad o brotocolau a gweithdrefnau i gadarnhau a yw'r Cyngor yn diwallu ei gyfrifoldeb fel cyflogwr dibynadwy yng ngolau argymhellion Adroddiad Fawcett a datblygu unrhyw addasiadau fel mater o frys.**
5. **Y dylai'r Cyngor archwilio'r Pecyn Cymorth sydd i fod i gael ei gyhoeddi gan Gymdeithas Fawcett yn gynnar yn y flwyddyn newydd i gadarnhau ei ddefnyddioldeb o safbwynt ein taith i ddod yn gyflogwr o ddewis i bawb.**



**17.1. Cwestiwn i Ddeiliad y Portffolio Addysg ac Eiddo gan y Cynghorydd Sir William Powell**

**Nodaf eich ymateb i gwestiwn y Cynghorydd Gareth Ratcliffe *ar unrhyw bryd* tua dechrau'r hydref ynghylch Ysgol Uwchradd Gwernyfed, lle dywedwyd eich bod yn hapus fod y tîm bellach yn gallu ailgychwyn y gwaith ar brosiect Ysgol Uwchradd Gwernyfed.**

**A wnewch chi roi diweddariad ac amserlenni arfaethedig imi a'r cymunedau lleol? Wrth inni symud ymlaen, rwyf yn sicr y byddwch yn cytuno gyda mi fod eglurdeb a thryloywder yn hanfodol i sicrhau na chollir cyfleoedd i symud y prosiect hwn yn ei flaen, cyn dechrau'r cyfnod cyn etholiadau mis Mai 2022.**

**Ymateb**

Gallaf adrodd na wnaethpwyd unrhyw gynnydd arall eto ar brosiect adeiladu ysgol Gwernyfed, ond ar hyn o bryd mae'r Tîm Trawsnewid yn ystyried y camau nesaf er mwyn cynnwys y cynllun yn rhaglen waith y flwyddyn nesaf. Ceir diweddariadau pellach pan fydd gwybodaeth bellach ar gael.

Wrth ymateb i gwestiwn atodol y Cynghorydd Powell, nododd Deiliad y Portffolio y byddai rhaglen waith yn cael ei chyhoeddi cyn gynted â phosib.

**17.2. Cwestiwn i Ddeiliad y Portffolio Tai, Cynllunio ac Adfywio Economaidd gan y Cynghorydd Sir William Powell**

**Yn dilyn y ddadl ddiweddar ar reoli cnofilod yng nghyfarfod Llawn y Cyngor ar gais Grŵp Llafur Cymru a digwyddiadau wedi hynny y cefais f'hysbysu amdanynt yn lleol, a fyddwch gystal â chadarnhau:**

- Pa drefniadau sydd gan Gyngor Sir Powys i fynd i'r afael â'r niwsans a'r goblygiadau o ran iechyd cyhoeddus, a achosir gan gnofilod mewn eiddo rhent sy'n perthyn i'r Cyngor, yn benodol y rhai a ddyluniwyd ar gyfer ac sy'n cael eu meddiannu gan bobl fregus, yr henoed neu bobl agored i niwed, a'r sawl sydd ag anghenion dysgu ychwanegol neu broblemau gyda phryder?**
- Ydy adroddiadau am bla cnofilod a wneir gan breswylwyr yn destun triniaeth fel mater o frys a thrwy weithio effeithiol ar draws mwy nag un portffolio, gan y sawl sy'n gyfrifol am Ddiogelu'r Cyhoedd a Thai?**
- Yn amodol ar reoliadau priodol o ran Covid-19, a fydd Deiliaid Portffolio yn sicrhau eu bod ar gael i gwrdd â thrigolion yn ardal De Powys, lle mae'r problemau hyn yn cael effaith niweidiol ar ansawdd eu bywydau?**

**Ymateb**

Diolch am eich cwestiwn.

Deddf Atal Difrod gan Blâu 1947 yw'r fframwaith cyfreithiol sy'n llywio ymateb y Gwasanaeth Tai, sy'n ymwneud â'ch ymholiad.

Yn ôl Deddf 1949 mae gofyn i'r Cyngor: "gymryd unrhyw gamau angenrheidiol i sicrhau, mor bell ag sy'n ymarferol bosib, y cedwir yr ardal yn rhydd rhag llygod

mawr a llygod". Felly, gall y Cyngor orfodi yn erbyn perchennog neu feddiannwr tir lle mae pla o lygod mawr, llygod a plâu eraill. Fel meddiannwr tir ac eiddo ei hun, mae ganddo rwymedigaeth i gymryd camau tebyg sy'n berthnasol i bawb sy'n berchen ar neu sy'n meddiannu eiddo.

Mae gofyn i berchnogion a meddiannwyr tir ysgrifennu at y Cyngor i'w hysbysu os oes nifer sylweddol o lygod mawr, llygod neu blâu eraill yn bresennol ar eu tir. Y perchennog tir neu'r tiffeddiannwr sy'n gyfrifol am reoli unrhyw blâu ac unrhyw gostau sy'n gysylltiedig â hynny ar dir sy'n eiddo iddynt neu sy'n cael ei feddiannu ganddynt. Os bydd eiddo'n wag, cyfrifoldeb y perchennog tir neu'r tiffeddiannwr yw i gael gwared â'r plâu o'r safle. Os bydd perchennog neu feddiannwr tir yn gwrthod gwneud trefniadau i ddileu pla, yn ei rôl o safbwynt diogelu'r amgylchedd, bydd y Cyngor yn caniatáu 7 diwrnod o rybudd cyn dileu unrhyw blâu o unrhyw dir (boed yn dir wedi'i feddiannu ai peidio). Gall y Cyngor hawlio unrhyw gostau a dalwyd, os oes angen, trwy Ddyfarniad Llys Sirol.

Mewn eiddo sy'n berchen i'r Cyngor, os bydd llygod mawr neu gnofilod wedi mynd mewn i'r eiddo hyn oherwydd diffygion, megis tyllau yn strwythur yr adeilad, mae gan y Cyngor ddyletswydd, trwy Ddeddf Diogelu'r Amgylchedd 1990, i gywiro unrhyw ddiffygion sydd wedi caniatáu i'r fermin gael mynediad at yr eiddo.

Mewn perthynas â'ch cwestiynau, gweler isod...

- Pa drefniadau sydd gan Gyngor Sir Powys i fynd i'r afael â'r niwsans a'r goblygiadau o ran iechyd cyhoeddus a achosir gan gnofilod mewn llety rhent sy'n eiddo i'r Cyngor, yn benodol y rhai a ddyluniwyd ar gyfer ac sy'n cael eu meddiannu gan unigolion bregus, yr henoed neu unigolion agored i niwed, a'r sawl sydd ag anghenion dysgu ychwanegol neu broblemau gyda phryder?

Bydd y Gwasanaethau Tai'n edrych ar reoli cnofilod lle bydd fermin wedi cael mynediad i eiddo neu ardal gyffredin mewn llety i bobl hŷn neu bobl agored i niwed, neu eiddo lle cadarnhawyd fod problemau cynnal a chadw sydd wedi achosi iddynt gael mynediad. Lle bo angen, gwneir gwaith atgyweirio i atal cnofilod rhag cael mynediad at yr eiddo eto.

- Ydy adroddiadau am bla cnofiloed a wneir gan breswylwyr yn destun triniaeth fel mater o frys a thrwy weithio effeithiol ar draws mwy nag un portffolio, gan y sawl sy'n gyfrifol am Ddiogelu'r Cyhoedd a Thai?

Mae'r Gwasanaethau Tai'n delio gyda phla cnofilod yn brydlon, trwy gydweithio gyda'r timau Diogelu'r Cyhoedd ac Iechyd yr Amgylchedd i gael cyngor proffesiynol o ran sut i ddelio gyda'r pla'n effeithiol ac unrhyw waith cynnal a chadw neu atgyweirio sydd ei angen i atal y broblem rhag digwydd eto."

- Yn amodol ar reoliadau priodol o ran Covid-19, a fydd Deiliaid Portffolio yn sicrhau eu bod ar gael i gwrdd â thrigolion yn ardal De Powys, lle mae'r problemau hyn yn cael effaith niweidiol ar ansawdd eu bywydau? Rwyf wastad yn hapus i gwrdd ag aelodau'r cyhoedd i drafod unrhyw fater sy'n gysylltiedig â chyfrifoldebau fy mhortffolio.

Doedd dim cwestiwn atodol.

### 17.3. Cwestiwn i Ddeiliad y Portffolio Addysg ac Eiddo gan y Cynghorydd Sir Gareth Ratcliffe

A wnaiff deliad y portffolio roi manylion y costau ar gyfer clwstwr cynradd Gwernyfed (fesul ysgol) ar gostau cynnal a chadw cyffredinol fesul blwyddyn ers agor yr ysgolion newydd? Mae nifer o ysgolion yn wynebu'r un problemau/namau dylunio, sy'n effeithio ar gyllidebau'r 3 ysgol. Roedd y broses ysgolion wedi addo ysgolion addas i'w pwrpas, ond mae'r un problemau'n amlygu adeiladau a dyluniadau gwael ar draws y dalgylch. A wnaiff y Cyngor hefyd drefnu cyfarfod gyda phenaethiaid a chadeiryddion i drafod y problemau parhaus hyn ac adnabod lle mae angen i Bowys roi cefnogaeth o safbwynt yr effaith ariannol. Un enghraifft yw adeiladau newydd yr ysgol a gymeradwywyd fel rhai diogel (yn achos caeadau rholer y gegin; bellach cadarnhawyd nad ydynt yn wrthdan, felly nid ydynt yn addas i'w pwrpas). Os ydy Cyngor Sir Powys o ddifrif ynghylch ei raglen ysgolion, mae asesiad o'r dalgylch hon yn hanfodol i sicrhau ei llwyddiant.

#### Ymateb

Ynghlwm mae trafodion 'property plus' clwstwr ysgolion cynradd Gwernyfed. Mae Swyddogion Eiddo ar gael i gwrdd â Phenathiaid a/neu Gadeiryddion Llywodraethwyr ar y safleoedd i drafod unrhyw broblemau parhaus o safbwynt cynnal a chadw/dyluniad. Os hoffech dderbyn y cynnig hwn, a fyddwch gystal â chysylltu â Neil Clutton, Prif Reolwr Eiddo ([neil.clutton@powys.gov.uk](mailto:neil.clutton@powys.gov.uk)). Mewn perthynas â chaeadau rholer y ffreutur, mae'r tîm Eiddo Strategol wedi fy hysbysu nad oes gofyn i'r agoriad gweini fod yn wrthdan, oherwydd nid yw'n rhan o'r adran dân.

Wrth ymateb i gwestiwn atodol y Cynghorydd Ratcliffe, cadarnhaodd Deiliad y Portffolio ei fod yn hapus i gwrdd ag ef a'r penaethiaid.

## 18. RHYBUDD O GYNNIG – CEFNOGAETH I'R SECTOR AMAETHYDDOL

Roedd y Cynghorwyr Sir D Evans, R Harris, MJ Jones, G Jones, R Williams, M Weale, E Vaughan, D Thomas, P Lewis, B Baynham, G Williams, E Jones, L George, E Roderick, J Wilkinson, A Williams, D Price, R Powell, D Davies, G Thomas, A Davies, D Rowlands, A Jones, K Laurie-Parry, W Powell, G Pugh, E Durrant ac EM Jones wedi datgan diddordeb yn yr eitem hon.

Nododd y Swyddog Monitro fod y Pwyllgor Safonau wedi dyfarnu trwydded i aelodau gyda diddordeb personol siarad, ond nid pleidleisio ar yr eitem hon.

Gadawodd y Cadeirydd y cyfarfod am 15.31 ar ôl datgan diddordeb, a'r Is-gadeirydd fu'n cadeirio gweddill y cyfarfod.

Gadawodd y Cynghorydd Sir D Rowlands y cyfarfod am 15.32.

Bu'r Cyngor yn trafod y cynnig a gynigiwyd gan y Cynghorydd Sir E Vaughan ac a eiliwyd gan y Cynghorydd Sir B Davies:

Mae'r sector amaethyddol yn hynod bwysig i economi a chymunedau Powys, fel y nodir ar y map hwn. Gyda 9.5 miliwn o ddefaid yng Nghymru, mae un o'r prif

gynhyrchion naturiol, gwllân, wedi cael ei werthu am brisiau isel iawn dros flynyddoedd diweddar.

Mae canolfannau graddio gwllân yn Y Drenewydd ac yn Aberhonddu, ac mae'r sector defaid yn hynod bwysig i Bowys. Hefyd mae gwllân yn gynnyrch naturiol, sy'n gyfeillgar i'r amgylchedd, ac yn ddeunydd gwrthdan.

Wrth ystyried hyn, mae'r Cyngor yn cynnig y dylai'r awdurdod, fel rhan o fargen Twf Canolbarth Cymru, ystyried cyfleoedd i ychwanegu gwerth at ein cynnyrch amaethyddol, ac yn benodol i weithio gyda'r undebau ffermio a'r Bwrdd Marchnata Gwllân gyda'r bwriad o hwyluso sefydlu sefydliad cyfatebol i WRONZ, sef Sefydliad Ymchwil Gwllân Seland Newydd yma yng Nghanolbarth Cymru, a thrwy hynny, bod yn gatalydd ar gyfer syniadau a chynnyrch arloesol a sgil-gynnyrch masnachol sy'n defnyddio gwllân.

Gyda 26 pleidlais o blaid, a neb yn erbyn,

**PENDERFYNWYD yn unfrydol fod y Cyngor yn cynnig y dylai'r awdurdod, fel rhan o fargen Twf Canolbarth Cymru, ystyried cyfleoedd i ychwanegu gwerth at ein cynnyrch amaethyddol, ac yn benodol i weithio gyda'r undebau ffermio a'r Bwrdd Marchnata Gwllân gyda'r bwriad o hwyluso sefydlu sefydliad cyfatebol i WRONZ, sef Sefydliad Ymchwil Gwllân Seland Newydd yma yng Nghanolbarth Cymru, a thrwy hynny, bod yn gatalydd ar gyfer syniadau a chynnyrch arloesol a sgil-gynnyrch masnachol sy'n defnyddio gwllân.**

**Y Cyngorydd Sir R G Thomas (Cadeirydd)**

**CYNGOR SIR POWYS COUNTY COUNCIL.****POWYS COUNTY COUNCIL****3<sup>rd</sup> March 2022****REPORT AUTHOR: Head of Property, Planning and Public Protection****REPORT TITLE: Approving a Delivery Agreement for the Powys Replacement Local Development Plan and agreeing its submission to Welsh Government**

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**REPORT FOR: Decision**

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**1. Purpose**

1.1 The Council is asked to consider and agree:

- i) the Powys Replacement Local Development Plan (RLDP) Delivery Agreement as revised following public consultation; and
- ii) the submission of the RLDP Delivery Agreement to Welsh Government.

1.2 The Delivery Agreement (DA) (Appendix 1) is a project plan which contains two main parts consisting of the Timetable for the replacement plan preparation and the Community Involvement Scheme.

1.3 The current adopted Powys Local Development Plan (LDP) (2011-26) has an end date of 31<sup>st</sup> March 2026. The DA timetable for the Powys RLDP spans three and half years (with an additional three-month contingency allowance) and is drawn up to ensure that the current LDP is superseded by the RLDP on or before its expiry date.

**2. Background**

2.1 The Council has recently undertaken a statutory review of the current LDP and, following a consultation stage, the revised LDP Review Report (February 2022) has now been approved by Powys County Council Cabinet for publication and submission to the Welsh Government.

2.2 The Review Report concluded that the LDP should be subject to a full revision which will result in a replacement LDP. The reasons for this include the results of the Annual Monitoring Report 2021 which assessed the performance of the current LDP and identified strategic issues that needed to be addressed. Equally, the national context has changed since 2018 including the need to plan for the post-Covid 19 pandemic recovery, and to take account of the adopted National Development Plan – *Future Wales – The National Plan 2040* – which came into force in February 2021.

2.3 Another significant factor in determining a full revision is that the current adopted LDP will expire on 31<sup>st</sup> March 2026 after which it will cease to be a development plan.

2.4 The first step in producing a Replacement Local Development Plan is the production of the DA setting out a Timetable and a Community Involvement Scheme for the Plan's preparation.

2.5 A DA Consultation Draft was subject to public consultation between 6<sup>th</sup> January 2022 and 1<sup>st</sup> February 2022. The consultation received the following number of comments:

<b>Document</b>	<b>No. of Comments Received</b>
Delivery Agreement	19

2.6 The LDP Working Group and the Cabinet have considered the comments and the Council responses to these. On 22<sup>nd</sup> February 2022, the Cabinet resolved to:

- i) Recommend the revised Powys RLDP Delivery Agreement to Full Council for approval.

2.7 The Powys RLDP DA is attached in Appendix 1.

2.8 The approval of Full Council to the DA is required under Regulation 9 of the Town and Country Planning (Local Development Plan) (Wales) Regulations 2005 (as amended) (known as the LDP Regulations) before the DA can be submitted to the Welsh Government for agreement

### **3. Advice**

3.1 The Powys LDP was adopted in April 2018 and sets out the Council's policies for the development and use of land in Powys (except for the area within the Brecon Beacons National Park) up to 2026.

3.2 A review of the development plan must be undertaken at least every four years. The review process has determined that the LDP is ready for a full revision.

3.3 A full revision means that a RLDP will be prepared. A replacement plan is essential to provide the continuity of development plan coverage across the Powys Local Planning Authority area. Approval of the DA, and subsequent adherence to the timetable, is necessary to ensure a replacement plan is adopted prior to the existing LDP end date of 31<sup>st</sup> March 2026.

3.4 The Council proposes that a RLDP would be prepared for the period 2022-2037, a 15-year Plan period. Whilst the DA explains how evidence gathering and stakeholder involvement in the RLDP process is due to start in 2022, the policies and proposals in the RLDP only take effect from adoption, scheduled for 2026.

3.5 In keeping with the requirement across Wales, the Mid Wales spatial planning region, which comprises Powys and Ceredigion, will be developing a regional-level Strategic Development Plan (SDP). However, this is prepared under a separate process to the RLDP, albeit the process does broadly mirror that of an LDP in terms of the statutory stages. When Mid Wales has an adopted SDP, Local Development Plans will be able to be replaced by “LDP Lites”. The SDP focuses only on issues, topics, or places of regional scale/significance with the LDP Lite being a shorter, focussed plan dealing with land allocations and local policies.

3.6 Full Council’s approval of the DA is a requirement of the LDP Regulations. The DA must then be agreed by the Welsh Government before it is published and deposited for public inspection marking the start of the replacement plan preparation schedule.

3.7 The Council intends to submit the DA to the Welsh Government by 1<sup>st</sup> June 2022 enabling the Council’s RLDP preparation to start from 1<sup>st</sup> July 2022 in line with the proposed timetable.

3.8 It is recommended that the Council approve the DA as proposed by the Cabinet resolution.

#### **4. Resource Implications**

4.1 The DA sets out an overview (*see paras 2.8-2.13 Appendix 1*) of resource requirements for the RLDP, including staffing and finance. It also includes a risk assessment.

4.2 Funding as shown below was requested as part of the 2022-23 budget setting process, within the Finance resource model. The budget including the Finance resource model was considered by Full Council on 24<sup>th</sup> February 2022.

<b>2022-23</b>	<b>2023-24</b>	<b>2024-25</b>	<b>2025-26</b>	<b>Total</b>
360,030	222,640	293,310	295,030	1,171,010

4.3 Once the DA is agreed and the RLDP process commences, it will be of significant public and service user interest and requires news release and social media activity to publicise the decision. Engagement exercises held during Plan preparation are also expected to need the input of the Communications department.

4.4 The work will require significant communication and translation support to deliver the replacement LDP, to promote the process, consultation opportunities and provide bilingual material throughout the different stages of the process.

4.5 The preparation of the RLDP is a cross-cutting process that will impact across the Council in many portfolio and service areas. This includes the need to align to other corporate plans such as the Well-being Plan, the Local

Housing Strategy and Regional Transport and Economic Frameworks. It will be important that other Council Officers remain engaged with the preparation process and engage as stakeholders for evidence gathering and policy making in topics such as the Economy and Employment, Tourism, Housing, Regeneration, the Environment and Climate Change, Habitat Protection, Renewable Energy and Green Infrastructure/Open Space. Sharing research on population change and arising household needs will also be essential. There is a new requirement for an Infrastructure Plan to support the RLDP that will require cross-departmental working.

4.6 Due to the requirement to “deposit” RLDP documents at physical location(s), namely the Council’s principal office (i.e. County Hall, Llandrindod) there is a need to retain public access to this building and ensure that a Customer Service Advisor is available to signpost users to the library/document section. This need for a physical building will also be important at the Examination stage when the Council is obliged to provide access to hard-copy papers at an Examination Library. The Community Involvement Scheme also names 12 main libraries across Powys where it is intended to make consultation documents available for inspection.

4.7 The Head of Finance (Section 151 Officer) notes the content of the report and that the funding to support the development of the RLDP is included in the Revenue Budget over the next 4 years.

## **5. Legal implications**

5.1 The RLDP DA is a statutory requirement prepared in line with the Planning and Compulsory Purchase Act 2004 and The Town and Country Planning (Local Development Plan) (Wales) Regulations 2005 (as amended).

5.2 It is important that the RLDP DA is approved so that preparation commences this year (summer 2022) in time to enable the RLDP to be adopted by Spring 2026 or sooner, prior to the adopted LDP reaching its end date.

5.3 The Principal Solicitor (Shire) recognises the importance of the delivery agreement for the proposed replacement LDP and as such recommends that it is supported.

5.4 The Head of Legal and Democratic Services (Monitoring Officer) has commented as follows: “ I note the legal comment and have nothing to add to the report”.

## **6. Data Protection**

6.1 The service will continue to engage with the Information Compliance team to ensure that information continues to be processed and managed appropriately going forward.



## **7. Comment from local member(s)**

Not applicable.

## **8. Impact Assessment**

8.1 An assessment is not required at this stage.

8.2 Preparation of the RLDP's policies and proposals will be informed by statutory assessment processes (Integrated Assessment and Habitat Regulation Assessment) as set out in the DA. This ensures the plan is prepared having regard to its impact on sustainability, the environment, equalities, health, Welsh language etc.

8.3 The LDP will be subject to an Examination In Public by a Planning Inspector who will test the plan for 'soundness'. The soundness tests include tests on sustainability and consistency with other relevant strategies.

## **9. Recommendation**

9.1 It is recommended that Powys County Council:

i) Approves the Powys RLDP Delivery Agreement (Appendix 1) and agrees to its submission to the Welsh Government.

Contact Officer: Peter Morris, Professional Lead - Planning

Tel:

Email: [ldp@powys.gov.uk](mailto:ldp@powys.gov.uk)

Head of Service: Gwilym Davies

Corporate Director: Nigel Brinn

### **Appendices:**

**Appendix 1:** Powys RLDP (2022-2037) Delivery Agreement

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**POWYS REPLACEMENT LOCAL  
DEVELOPMENT PLAN  
2022-2037**

**Delivery Agreement**



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## Part 1: Introduction

1.1 This Delivery Agreement (DA) has been produced by Powys County Council for the Replacement Local Development Plan (RLDP) which is intended to be operative by April 2026 when the current Local Development Plan (LDP) ends (on 31<sup>st</sup> March 2026). In common with the LDP, the RLDP will cover the whole of Powys excluding the area in the Brecon Beacons National Park where the Brecon Beacons National Park Authority (BBNPA) hold jurisdiction as the Local Planning Authority.

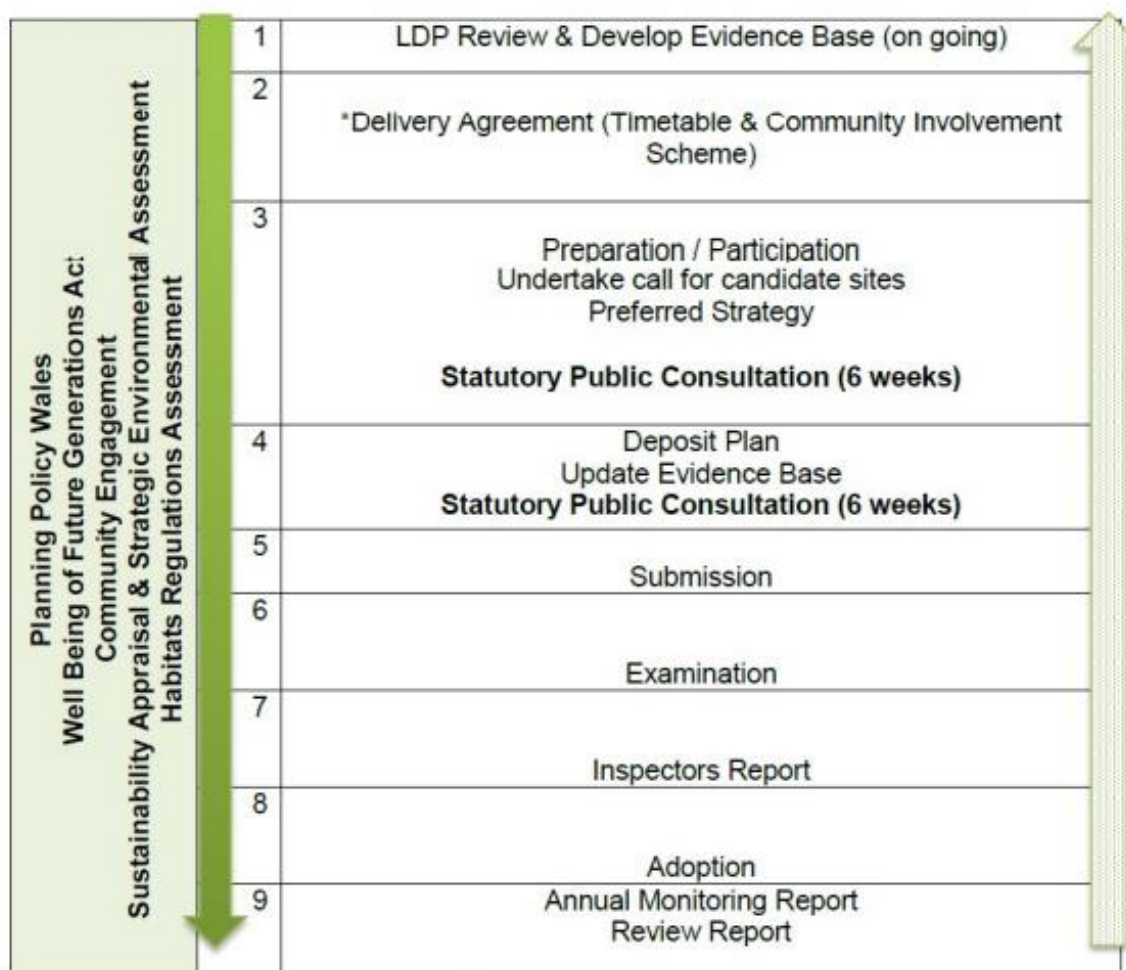
1.2 The two main parts of the DA are:

- 1) a Timetable of the key stages of Plan preparation; and
- 2) a Community Involvement Scheme (CIS) which details how and when the community will be able to get involved in the Plan preparation process.

1.3 The DA also sets out how and when the Council will assess and appraise the Plan throughout its production and looks at how the Council intends to review existing Supplementary Planning Guidance (SPG) and prepare new SPG for the RLDP.

1.4 The preparation of the RLDP must integrate with a number of over-arching themes and assessment processes, including National planning policy and Well-being Plans, as shown in Figure 1.

**Figure 1. LDP Process, Development Plans Manual (Edition 3)**



## Current Position and the Review of the Powys LDP (2011-2026)

1.5 The current statutory development plan for the Council is the adopted Powys LDP (2011-2026). It will remain in force whilst the RLDP is being prepared. The adopted LDP was reviewed in 2022 and the review established that the LDP should be subject to a full revision. A full revision as opposed to a simpler short form procedure (in situations where revisions are not of sufficient significance) means a replacement plan is required.

1.6 Although it is a new LDP, the replacement plan builds on the work of the current LDP and where, for example, issues, objectives, underlying evidence, policies or proposals, remain relevant and up to date they may, upon thorough re-assessment, be carried forward into the RLDP.

## Involvement and Approval Procedures for the Draft DA

1.7 Prior to the public consultation, the Council involved a number of the Specific Consultation Bodies (See CIS and Appendix 1) as defined by the Town and Country Planning (Local Development Plan) (Wales) Regulations 2005 as amended by The Town and Country Planning (Local Development Plan) (Wales) (Amendment) Regulations 2015 (“ the LDP Regulations”). These include all Town and Community Councils in and adjoining the Powys Local Planning Authority (LPA) area (including those in the BBNPA area of Powys). Involvement was also sought from the adjoining LPAs.

1.8 An early draft was sent to Powys County Council Officers for comments, including colleagues in Development Management, Highways, Environmental Health, Legal, Communications and Corporate Well-Being. The draft was provided to the Welsh Government and to the Planning and Environment Decisions Wales (PEDW) (formerly the Planning Inspectorate).

1.9 At their meeting on 13<sup>th</sup> December 2021, the Local Development Plan Working Group approved the Draft DA for public consultation purposes. At the public consultation stage, all the Consultation Bodies, together with the wider community, had the opportunity to comment (Stage 1 in the Timetable).

1.10 The Council undertook Public Consultation between 6<sup>th</sup> January 2022 and 1<sup>st</sup> February 2022. The results of the consultation are included in Appendix 4.

## Agreeing the DA

1.11 Once the draft DA has been consulted upon and the Council has considered any comments received and made changes to the Timetable and CIS where necessary, the final DA must be approved by resolution of Powys County Council and submitted to and agreed by the Welsh Government to enable the formal start of the RLDP process. The revised DA was considered by both the Council’s LDP Working Group and Cabinet in February 2022 and then approved by resolution of the Full Council in a meeting held March 2022. (this sentence tbc).

1.12 Conformity with the approved DA is one of the tests of Soundness that the Inspector will assess at the Examination stage.

## The Tests of Soundness

1.13 The Powys LPA cannot submit the RLDP to Welsh Government for examination unless it considers the plan is ready for examination. This means that ‘unsound’ plans should not be submitted for examination. The Powys LPA will need to demonstrate that the plan meets the three tests of soundness set out in the Development Plans Manual:

- Test 1: Does the plan fit? (Is it clear that the LDP is consistent with other plans? This includes consistency with the Delivery Agreement.)
- Test 2: Is the plan appropriate? (Is the plan appropriate for the area in the light of the evidence?)
- Test 3: Will the plan deliver? (Is it likely to be effective?)

## Plan Assessment/Appraisal

1.14 For the RLDP the Council must give consideration to establishing the baseline Sustainability Appraisal (SA) for the new plan (SA includes the requirements of Strategic Environment Assessment/SEA) and reconsider the validity of the adopted SA framework. This means the SA framework for the current LDP will be updated for the RLDP.

1.15 The required stages in the SEA process which must be incorporated are:

- setting the context and objectives, establishing the baseline and deciding the scope
- developing and refining alternatives and assessing effects
- preparing the environmental report
- consulting on the draft plan or programme and the environmental report
- monitoring the significant effects of implementing the plan or programme on the environment

1.16 National guidance now indicates that an Integrated Sustainability Appraisal (ISA) may be appropriate which includes consideration of the Well-being of Future Generations Act, Health Impacts, Welsh Language and Equalities Impacts (including the Socio-economic Duty of the Equalities Act 2010). The Scoping Report for SA/ISA will be consulted upon at Stage 2 (see Timetable).

1.17 When the SA/ISA Assessment Framework has been scoped out and established it will be used in the appraisal of proposed RLDP policies and proposals. Reports will be issued to accompany the main RLDP stages and document the iterative assessment and plan preparation process that has been undertaken up to that point. The SA/ISA will also form an integral part of Candidate Site Assessment.

1.18 A Habitats Regulations Assessment (HRA) will remain separate. HRA informs preparation of the RLDP’s strategy, policies and land allocations by identifying their potential to impact on nationally designated environmental habitats i.e., Special Areas of Conservation, Special Protection Areas and Ramsar sites. Where a land-use plan would have the potential to significantly affect a site, a detailed Appropriate Assessment is required to assess the impacts and to consider the suitability of options and mitigation measures.

## Supplementary Planning Guidance (SPG)

1.19 The RLDP will contain sufficient policies to provide the basis for determining planning applications. However, SPG has an important supporting role in providing more detailed or site-specific guidance on the way in which RLDP policies will be applied. While SPG does not form part of a Development Plan it should be derived from and be consistent with the relevant LDP. The SPG should also be clearly cross referenced to the policies and proposals it supplements. The Council follows an agreed protocol when preparing SPG and for the current LDP, has adopted SPG for the following topics:

Affordable Housing; Biodiversity and Geodiversity; Renewable Energy; Landscape; Planning Obligations; Conservation Areas; Residential Design; Archaeology; Historic Environment; Newtown and Llanllwchaiarn Place Plan.

1.20 The need to review existing SPG and prepare new SPG will be considered as part of the RLDP preparation process. The Pre-Deposit stage (Stages 2 and 3) will be a key time at which any new SPG needed will be identified. Relevant stakeholders will be consulted during the production of SPG in accordance with an agreed Protocol.

1.21 Where SPG will assist the understanding of the RLDP it will be prepared and consulted on as an intrinsic part of the process of engagement within the DA framework. For each SPG a report of consultation and engagement will be produced and made available with the approved guidance.



## Part 2: The Timetable

2.1 The summarised timetable below shows the main stages of RLDP preparation and the key dates. The timetable is detailed more fully in Appendix 2.

**Table 1. The Powys RLDP Summary Timetable**

**a) Definitive Stages – Definitive periods when consultations will happen**

Stage No.	Stage Name	Stage is Completed between:	Key Consultation Periods
1	Delivery Agreement	November 2021 to June 2022	Public consultation on the Draft DA: January to February 2022  Approval by Committee Processes: March 2022  Submit to Welsh Government: 1st June 2022
2	Pre-Deposit Participation	July 2022 to December 2023 (Stage 2 and 3 combined)	Replacement Plan Preparation Commences: 1st July 2022  Public Call for Candidate Sites: held for at least six weeks from Autumn 2022
3	Pre-Deposit Consultation	July 2022 to December 2023 (Stage 2 and 3 combined)	Public consultation on the Pre-Deposit Plan (the Preferred Strategy): May to June 2023
			From the consultation to the end of December 2023 the Council will be preparing the Deposit Plan.
4	The Deposit Plan	January 2024 to December 2024	Public consultation on the Deposit Plan: February to March 2024
			From the consultation to the end of December 2024 the Council will be preparing for the Submission of the Plan to Welsh Government.

**Table 1 (continued): The Powys RLDP Summary Timetable**

**b) Indicative Stages – these time periods are indicative only and are confirmed later in the process**

Stage No.	Stage Name	Stage is Completed between:	Key Consultation Periods
5	Submission	Target Date: January 2025	Not applicable
6	Examination	11-month process from Submission	Post-deposit changes will be consulted upon in accordance with the Inspector’s Programme
7	Inspector’s Report	December 2025	Not applicable
8	Adoption	February 2026 (Adoption within 8 weeks of receiving Report)	Not applicable
9	Monitoring and Review	Ongoing post- adoption	Annual Monitoring Reports due October each year and the Plan Review no later than 4 years from adoption date

This is a summary timetable, the full timetable in Appendix 2 includes all the timetabling of the associated Sustainability Appraisal (SA) or Integrated Sustainability Assessment (ISA) Report - incorporating Strategic Environmental Assessment – and the timetabling of future Annual Monitoring Reports (AMR).

### The Pre-Deposit Stages and Frontloading

2.2 Powys County Council is committed to ensuring a high quality of stakeholder and community involvement in plan-making. The Community Involvement Scheme set out in Part 3 explains the opportunities for early and continued community involvement which should help in addressing contentious issues, assist in resolving conflicts and allow parties to identify common ground and meet shared goals.

2.3 Planning Policy Wales (Edition 11, 2021) and guidance in the Development Plans Manual (March 2020) is clear that the Council in preparing a RLDP must include significant “front-loading”. This means obtaining detailed evidence upfront and early in the plan making process to inform the delivery of the preferred strategy and subsequent plan stages.

Frontloading will provide a preferred strategy of sufficient detail to allow a meaningful consultation stage (Stage 3) which will then influence the content of the Deposit Plan.

**To achieve this task, it means several important issues will need to be evidenced, considered and provisionally decided upon upfront and in advance of the Pre-deposit/Preferred Strategy consultation in Stage 3 - due in May/June 2023.**

2.4 For the RLDP, the preferred strategy is expected to identify:

- the key places and scale of change;
- sites key to the delivery of the plan;
- infrastructure requirements; and
- demonstrate implementation and delivery.

2.5 It is therefore even more vital than in previous Plans that stakeholders engage with the Council early in the Plan making process and engage during the early part of Stage 2 (i.e. July 2022 to April 2023) in evidence work and stakeholder engagement exercises and in the candidate sites process with an appropriate depth of evidence to influence the content of the preferred strategy . **The Council considers this to be especially relevant either to those proposing new development sites or arguing for existing undeveloped sites to be retained in the RLDP.** Any barriers to development will need to be explored upfront if sites are to have a realistic prospect of being included in the adopted RLDP. Key sites and growth areas will need to be identified by the Council for inclusion at the preferred strategy stage whilst other potential sites will continue to be evaluated over the course of Stage 3/Stage 4. The test for an allocation in the Plan remains – Sites must be evidenced as being suitable, available and deliverable within the Plan period.

2.6 At Stage 3, the Council will produce evidence papers/publish relevant studies to support the preferred strategy and explain and justify the approach taken. It is important that the plan and evidence is informed by the views of stakeholders. At these early stages, as well as later in the Plan making process, the Council welcomes participation from all those with an interest in shaping the future for the sustainable development of Powys. The Community Involvement Scheme provides a consistent framework allowing us to reach the right participants.

### Factors Considered within the Timetable

2.7 The Timetable is fundamentally driven by the need to have a Replacement Local Development Plan in place by April 2026 to ensure that there is no policy vacuum when the current LDP expires. Nevertheless, it must be realistic and in drawing up the Timetable the Council have followed the advice of the Development Plans Manual and have accounted for:

- Member Decision Making
- Timings between Statutory Stages
- Staff Resources and Budgets
- the Procedural Guidance issued by PEDW.

### Staff Resources and Budgets

2.8 The Council's Planning Policy team will lead in the production and management of the RLDP process, including the preparation of any consultation documents.

2.9 The Council's Communications and Engagement Officer/Communications Team will be asked to assist at the participation and consultation stages and the expertise of various Council officers will be sought as relevant at preparation stages (e.g. from highways, environmental protection, legal, ecology, sustainable drainage, business analytics and research etc).

2.10 Table 2 shows the Planning Policy officer time which will be dedicated to the production of the LDP.

**Table 2. Planning Policy Staffing and the RLDP**

<b>Title of Officer</b>	<b>Number of Staff</b>	<b>% of Time Allocated To LDP Work</b>
Professional Lead – Planning	1	20
Principal Officer - Planning Policy	1	100
Senior Officer – Planning Policy	2.4	100
Planner	1	100

2.11 The Council will commission expert consultants to work on a variety of topic matters and evidence gathering tasks during the RLDP’s preparation and additional funding is subject to approval by Powys County Council as part of its annual budget setting.

2.12 It will also be necessary to call upon staff resources from other internal departments to assist in undertaking various evidence base updates/assessments. This is likely to include officer support from: Housing, Development Management, Highways/Infrastructure, Education, Democratic Services and Legal Services.

2.13 The DA has been prepared on the basis of a Powys RLDP only. Work is, however, on-going on a regional basis and collaboration with Ceredigion County Council and the BBNPA as neighbouring authorities will continue to be fundamental to the preparation of the RLDP, particularly with regard to a joint evidence base, where appropriate.

## **Risk Management**

2.14 Having considered the resource input to the RLDP process, the Council considers that the proposed timetable is both realistic and achievable. Notwithstanding this, the Council has identified certain risk areas that could result in some departure from the proposed timetable (see Appendix 3). The Council will continue to monitor the timetable during the preparation process and any significant deviation will be reported and managed in consultation with the Welsh Government and relevant stakeholders.

### Part 3: The Community Involvement Scheme

3.1 One of the key outcomes for the LDP system is for the Plan to:

**Be based on and underpinned by early, effective and meaningful community involvement in order to understand and consider a wide range of views, with the aim of building a broad consensus on the spatial strategy, policies and proposals. (Development Plans Manual, Edition 3).**

3.2 To set the framework for this, this part of the DA details the Community Involvement Scheme (CIS) explaining who, how and when stakeholders and the community can become involved in the production of the RLDP. The Council is committed to complying with the CIS which is also a test of Soundness (see para 1.13).

3.3 The CIS sets out the detail of the Council's RLDP involvement scheme arranged for each stage of the Timetable explaining who will be involved, how they will be involved, when they will be involved, how views will be taken into account and how feedback will be given. The CIS is an opportunity to work Collaboratively and Involve People, two of the ways of working which are identified in the Well-Being of Future Generations Act which applies to public bodies.

3.4 **The following Community Involvement Scheme sets out what the Council intends to do as minimum in the preparation of the Powys Replacement Local Development Plan (RLDP). Where time and resources allow, the Council will endeavour to provide additional opportunities for engagement.**

- Community Involvement at Stage 1 Delivery Agreement (DA), Regulations 5-10 (A Definitive Stage):

WHY? Summary of key steps	WHEN? Broad Timescale	WHO? Who will be involved	HOW? Methods of Engagement	HEARING BACK Reporting mechanisms	SA / SEA / ISA
<p><b>The DA is a project management tool which will result in an agreed timetable and community involvement scheme for the RLDP (2022-20237).</b></p> <p><b>The DA is drafted with the input of targeted stakeholders and then issued for Public Consultation.</b></p> <p><b>Submission of Final DA to Welsh Government following Council approval.</b></p> <p><b>DA Agreed by Welsh Government – meaning the formal start of the RLDP in line with Timetable.</b></p>	<p>Drafting: November to December 2021</p> <p>At least three weeks (non-statutory) Public Consultation January to February 2022</p> <p>Council to approve the DA in March 2022</p> <p>DA to be submitted to Welsh Government (WG)</p> <p>WG to respond within four weeks</p> <p>RLDP preparation to formally commence July 2022</p>	<p>Drafting:</p> <ul style="list-style-type: none"> <li>Targeted stakeholders</li> <li>PCC internal departments</li> <li>Councillors</li> <li>LDP Working Group</li> </ul> <p>Public Consultation:</p> <ul style="list-style-type: none"> <li>All stakeholders</li> </ul> <p>Planning and Environment Decision Wales are kept informed</p> <p>County Councillors</p> <p>Welsh Government</p>	<p>Drafting:</p> <ul style="list-style-type: none"> <li>Emailing</li> <li>Report/presentation to LDP Working Group</li> </ul> <p>Public Consultation: advertised via:</p> <ul style="list-style-type: none"> <li>Emailing</li> <li>Website</li> <li>Press and social media</li> </ul> <p>The Consultation Documents and Representation forms will be made available via:</p> <ul style="list-style-type: none"> <li>Website</li> <li>At the 12 Libraries</li> </ul> <p>The Final DA will be made available on the website and at County Hall, Llandrindod Wells.</p>	<p>Council meeting Agendas and Minutes will record the political process.</p> <p>Any comments will be considered, the DA amended if required and comments/changes recorded in the Final DA.</p>	<p>Internal work on updating/re-evaluating the SA/SEA framework and baseline used for LDP (2011-26)</p> <p>The Council will consider adopting a holistic single Integrated Sustainability Appraisal (ISA) covering sustainability, environmental, health, well-being, equalities, and Welsh language</p>

- Community Involvement at Stage 2 Pre-Deposit Participation, Regulation 14 (A Definitive Stage)

<b>WHY?</b> Summary of key steps	<b>WHEN?</b> Broad Timescale	<b>WHO?</b> Who will be involved	<b>HOW?</b> Methods of Engagement	<b>HEARING BACK</b> Reporting mechanisms	<b>SA / SEA / ISA</b>
<p><b>To understand the context and issues to be addressed in the RLDP and to generate a vision and objectives.</b></p> <p><b>Review and update existing evidence base.</b></p> <p><b>Call for Candidate Sites.</b></p> <p><b>Engage with consultees to develop consensus on vision, issues and objectives.</b></p> <p><b>Obtain Council approval on Draft Preferred Strategy to go out to public consultation.</b></p> <p><b>Prepare a statutory consultation on the SA/ SEA Baseline Scoping Report.</b></p>	<p>From July 2022</p> <p>The Call for Sites will be open for at least six weeks from Autumn 2022</p> <p>This stage will include a five-week statutory consultation on the SA/ SEA Baseline Scoping Report</p>	<p>Targeted stakeholder engagement to generate alternative strategies and options for the RLDP</p> <p>Call for Candidate Sites will be a public stage for all stakeholders</p> <p>Environmental Consultation Bodies consulted on the SA/SEA (ISA) Baseline Scoping</p> <p>LDP Working Group</p> <p>Council to approve document for public consultation</p>	<p>Targeted stakeholder engagement via:</p> <ul style="list-style-type: none"> <li>Emailing</li> <li>Virtual Events</li> <li>Potentially one to one meetings</li> </ul> <p>The Call for Candidate Sites will be publicised using:</p> <ul style="list-style-type: none"> <li>Website</li> <li>Emailing</li> <li>Press/social media</li> </ul> <p>The Council will publish Guidance to Applicants and a Candidate Sites Assessment Methodology to explain the anticipated site analysis and selection process.</p>	<p>Background Evidence Papers will be published on the website as they become available</p> <p>The Council will produce a Register of Candidate Sites</p> <p>Council meeting Agendas and Minutes will record the political process</p>	<p>Statutory consultation on the Scoping Report</p> <p>Scoping means to set the context, establish the baseline and decide on the SA scope and objectives</p> <p>Habitat Regulations Assessment (HRA) will remain separate from other assessment</p>

- Community Involvement at Stage 3 Pre-Deposit Public Consultation, Regulation 15 of the RLDP (A Definitive Stage)

WHY? Summary of key steps	WHEN? Broad Timescale	WHO? Who will be involved	HOW? Methods of Engagement	HEARING BACK Reporting mechanisms	SA / SEA / ISA
<p><b>To consult widely providing opportunity for comment on:</b></p> <ul style="list-style-type: none"> <li><b>The LPA's preferred strategy, options and proposals together with alternatives.</b></li> </ul> <p><b>Publication of the candidate sites register.</b></p> <p><b>Publication of supporting documents (evidence).</b></p>	<p>To be completed by December 2023</p> <p>Six-week Statutory Public Consultation on the Preferred Strategy May to June 2023</p>	<p>Public consultation with all stakeholders</p>	<p>Public Consultation: advertised via:</p> <ul style="list-style-type: none"> <li>Emailing</li> <li>Website</li> <li>Press and social media</li> </ul> <p>The Consultation Documents and Representation forms will be made available</p> <ul style="list-style-type: none"> <li>on the website</li> <li>at County Hall, Llandrindod Wells and at the 12 Libraries</li> </ul> <p>The Consultation will provide the means of entering Representations electronically on an interactive web-based system</p> <p>The Council will provide notice and statement of pre-deposit matters at this stage in compliance with the Regulations</p>	<p>Representations and Council responses to them will be reported to the LDP Working Group.</p> <p>Representations and Council responses, together with any changes to the Pre-Deposit Plan arising from the representations, will be made publicly available as part of the Consultation Report (Stage 4)</p> <p>Council meeting Agendas and Minutes will record the political process</p>	<p>The Council will follow best practice and consult on SA/SEA (ISA) of proposals and alternatives alongside Preferred Strategy</p>



			During the Consultation period the Council will organise and publicise Virtual Events for consultation purposes		
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Following the Pre-Deposit Public Consultation closing, the Council has allocated a six-month period to end of 2023 in which to prepare the Deposit Plan (see Timetable).

- Community Involvement at Stage 4 Deposit of Proposals, Regulation 17 (A Definitive Stage)

WHY? Summary of key steps	WHEN? Broad Timescale	WHO? Who will be involved	HOW? Methods of Engagement	HEARING BACK Reporting mechanisms	SA / SEA / ISA
<b>Obtain Council approval on Draft Deposit Plan to go out to public consultation.</b>  <b>To consult widely providing opportunity to comment on:</b> <ul style="list-style-type: none"> <li>The Deposit LDP</li> <li>The SEA/SA (ISA) report</li> </ul> <b>Publication of supporting</b>	To be completed by December 2024  Six-week Statutory Public Consultation on the Deposit Plan (to include consultation on the Environmental Report). February to March 2024	Council to approve document for public consultation  Public consultation with all stakeholders	Public Consultation: advertised via: <ul style="list-style-type: none"> <li>Emailing</li> <li>Website</li> <li>Press and social media</li> </ul> The Consultation documents and Representation forms will be made available <ul style="list-style-type: none"> <li>on the website</li> <li>at County Hall, Llandrindod Wells and at the 12 Libraries</li> </ul> The Consultation will provide the means of entering Representations electronically	Council meeting Agendas and Minutes will record the political process  The Council will record all duly made representations and make a copy of them available for inspection at County Hall, Llandrindod Wells  The website will give details on the representations received.  Updating of Candidate Sites Register to include	SA / SEA (ISA) documents consulted on alongside the Deposit LDP for the same period

<p><b>documents (evidence).</b></p> <p><b>The Initial Consultation Report is published.</b></p>			<p>on an interactive web-based system.</p> <p>The Council will provide notice and statement of the Deposit matters at this stage in compliance with the Regulations.</p> <p>Council will consider the need for consultation events</p>	<p>New/Alternative site representations</p> <p>Representations and Council responses will be added to the Consultation Report (the updated report is made available at the Stage 5)</p>	
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Following the Deposit Plan Public Consultation closing, the Council has allocated a nine-month period to end of 2024 (very early 2025) in which to prepare the Submission (see Timetable). This will include ongoing reporting to the LDP Working Group.

- Community Involvement at Stage 5 Submission of LDP, associated and other required documents to the Welsh Government and Planning and Environment Decisions Wales for Independent Examination, Regulation 22 (An Indicative Stage)

WHY? Summary of key steps	WHEN? Broad Timescale	WHO? Who will be involved	HOW? Methods of Engagement	HEARING BACK Reporting mechanisms	SA / SEA / ISA
<p><b>The Council submits its LDP to Welsh Government and to Planning and Environment Decisions Wales (PEDW) for Independent Examination.</b></p> <p><b>The documents to be submitted include:</b></p> <ul style="list-style-type: none"> <li>• Deposit Plan</li> <li>• SA/SEA (ISA), HRA</li> <li>• Community Involvement scheme / DA</li> <li>• Consultation report</li> <li>• Review Report</li> <li>• Candidate sites register</li> <li>• Copy of the duly made representations received at deposit</li> <li>• Supporting documents / evidence base</li> </ul> <p><b>All stakeholders to be notified that the LDP has been submitted.</b></p>	<p>January 2025</p>	<p>All stakeholders (including representors) to be notified</p>	<ul style="list-style-type: none"> <li>• Website</li> <li>• Emailing</li> </ul> <p>Copies will be sent to the Welsh Government and PEDW for Independent Examination as prescribed by the Regulations</p> <p>The Council will publish a statement on its website that the LDP has been submitted for examination and will make available for inspection during normal office hours at County Hall, Llandrindod Wells</p> <p>The RLDP and all the submission documents will be published online.</p>	<p>The Council will publish correspondence from the Inspector.</p> <p>The Programme Officer will set up an Examination Website</p>	<p>The SA / SEA (ISA) report is submitted showing how the appraisal processes have informed the Plan's content.</p>

- Community Involvement at Stage 6 Examination, Regulation 23 (An Indicative Stage)

<b>WHY?</b> Summary of key steps	<b>WHEN?</b> Broad Timescale	<b>WHO?</b> Who will be involved	<b>HOW?</b> Methods of Engagement	<b>HEARING BACK</b> Reporting mechanisms	<b>SA / SEA / ISA</b>
<p><b>Notification of Independent Examination.</b></p> <p><b>To advise where and when the first Hearing will take place and who has been appointed to carry out the Examination (i.e., the name of the Inspector).</b></p> <p><b>Publish details of Hearing Sessions and notify all interested parties specifying dates and location.</b></p> <p><b>Seek common ground with objectors to focus hearing sessions.</b></p> <p><b>Prepare Matters Arising Changes (MACs) as appropriate.</b></p> <p><b>Consult on Matters Arising Changes.</b></p>	<p>Notification received at least six weeks before the start of the first Hearing of the Independent Examination</p> <p>Estimated Hearings Commencement March to April 2025</p>	<p>All interested parties (including representors) as relevant to specific hearing sessions</p> <p>Matters Arising Changes: All stakeholders</p>	<p>Public Examination as managed by the Inspector and the Programme Officer</p> <p>Examination is open to any member of the public to attend</p> <p>Examination Library is made available for inspection at venue (venue tbc)</p> <p>Round table discussions/ hearings/ formal hearings as prescribed by the Inspector and published via:</p> <ul style="list-style-type: none"> <li>The Examination website</li> </ul> <p>All Hearing Agendas, Statements and Actions to be published on website.</p> <p>Any Matters Arising Changes will undergo Public Consultation: advertised via:</p> <ul style="list-style-type: none"> <li>Emailing</li> <li>Website</li> <li>Press and social media</li> </ul>	<p>The Council's Programme Officer will manage the Examination website which will inform all parties of the Examination's progress</p> <p>The Council will consult with stakeholders and the public on any proposed post-deposit changes (Matters Arising Changes) in accordance with instructions from the Inspector</p>	<p>SA/SEA (ISA) related duly made representations can appear at examination</p> <p>Any changes made post-deposit (Matters Arising Changes) during examination, or those required by the Inspector) will be subject to assessment and made available for consultation</p>

			<p>The Consultation Documents and Representation forms be made available</p> <ul style="list-style-type: none"><li>• on the website</li><li>• at County Hall, Llandrindod Wells and at the 12 Libraries</li></ul>	<p>Decisions follow later in the Inspector's Report</p>	
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- Community Involvement at Stage 7 Publication of the Inspector’s Report, Regulation 24 (An Indicative Stage)

WHY? Summary of key steps	WHEN? Broad Timescale	WHO? Who will be involved	HOW? Methods of Engagement	HEARING BACK Reporting mechanisms	SA / SEA / ISA
<p><b>Council receives Inspectors Report detailing the outcome of the Independent Examination.</b></p> <p><b>Inspector’s Report is published following receipt (within prescribed 8-week period).</b></p> <p><b>Where the Inspector recommends changes to the RLDP, these changes are binding on the Council and the RLDP must be updated to take account of the recommendations.</b></p> <p><b>Inform interested parties of receipt and publication of Inspector’s Report.</b></p>	<p>Receipt of Report expected by December 2025</p> <p>This must be published by the Council on or before LDP adoption</p>	<p>All stakeholders (including representatives) to be notified.</p>	<p>Publish Inspector’s Report on the website and make report available for inspection at County Hall, Llandrindod Wells.</p>	<p>The Inspectors report will include the recommendations of the Inspector and the reasons for them.</p>	

- Community Involvement at Stage 8 Adoption, Regulation 25 (An Indicative Stage)

WHY? Summary of key steps	WHEN? Broad Timescale	WHO? Who will be involved	HOW? Methods of Engagement	HEARING BACK Reporting mechanisms	SA / SEA / ISA
<p><b>To follow procedures to formally adopt the RLDP (2022-2037) and to widely publicise its adoption.</b></p>	<p>To adopt within 8 weeks of the receipt of the Inspector’s Report</p> <p>The Council aims to adopt the RLDP in February 2026 as the new Plan is required by 1<sup>st</sup> April 2026 latest to ensure that it replaces the expiring LDP (2011-2026) without a policy gap</p> <p>The Post Adoption Statement (under the SEA Directive) is required within 3 months of adoption</p>	<p>Council will make the decision on adopting the Plan</p> <p>All stakeholders to be notified</p>	<p>Publicised via the following channels:</p> <ul style="list-style-type: none"> <li>• Emailing</li> <li>• Website</li> <li>• Press and social media</li> </ul> <p>The adopted Plan will be made available as soon as practicable for inspection at County Hall, Llandrindod Wells, together with an adoption statement, and the sustainability appraisal report.</p>	<p>Council meeting Agendas and Minutes will record the political process</p> <p>The completed RLDP will be published on the website</p>	<p>Following Adoption, publish complete appraisals and assessments and proposals for monitoring the plan against their objectives.</p> <p>Information made available to Consultation Bodies and to the public</p>

## Where to See Documents

3.5 Whilst LDP documents will always be made available on the Council's website, the Council will, in accordance with the LDP Regulations, make all relevant documents available for public inspection at its principal office:

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

Documents will be available during normal office hours.

In addition, during the consultation phases the Council will place a copy of the consultation documents at local libraries for public inspection. The 12 public library venues proposed for this purpose are: Brecon, Builth Wells, Llandrindod Wells, Llanfyllin, Llanidloes, Llanwrtyd Wells, Machynlleth, Newtown, Presteigne, Rhayader, Welshpool and Ystradgynlais.

## Joining the Mailing List

3.6 If you wish your name to be on the database/ mailing list managed by Planning Policy for RLDP purposes, please email: [ldp@powys.gov.uk](mailto:ldp@powys.gov.uk).



3.7 The nature of the CIS helps to ensure that the ten national principles for public engagement (Table 3) are woven into the Development Plan process.

**Table 3. Public Engagement Principles for Wales**

No.	National Principle
1.	Engagement is effectively designed to make a difference
2.	Encourage and enable everyone affected to be involved, if they so choose
3.	Engagement is planned and delivered in a timely and appropriate way
4.	Work with relevant partner organisations
5.	The information provided will be jargon free, appropriate and understandable
6.	Make it easier for people to take part
7.	Enable people to take part effectively
8.	Engagement is given the right resources and support to be effective
9.	People are told the impact of their contribution
10.	Learn and share lessons to improve the process of engagement

3.8 The Council’s Corporate Consultation and Engagement Framework (2018) seeks to ensure that the Council works to best practice and recognises that, as a minimum, the Gunning principles, (paraphrased below), are adhered to:

1. Don’t consult if you have already made up your mind.
2. Give consultees sufficient information in order for them to give your proposals ‘intelligent consideration’.
3. Allow enough time for the exercise.
4. Ensure that ‘conscientious consideration’ is given to the consultation responses.

3.9 In developing the DA and during subsequent Plan participation stages the Planning Policy team will be guided by advice from the Council’s Communications and Engagement Officer.

### **Working Towards a More Sustainable Wales – The National Well-Being Goals and Ways of Working**

3.10 In line with the Well-being of Future Generations Act 2015 (WBFGA) the Council will implement the ‘Five Ways of Working’. This ensures that the Council is working in a manner which meets the Sustainable Development principle. The Five Ways of Working are:

- **Long term** - Taking account of how what we do now may affect communities and services in the future.
- **Prevention** - Acting to prevent problems occurring or getting worse.
- **Integration** - Considering how the well-being objectives contribute to each of the well-being goals, affect other objectives, or those of other public bodies.
- **Collaboration** - Working with others to meet the well-being objectives.
- **Involvement** - Involving people in achieving the well-being goals and ensuring that those people reflect the diversity of local communities.

3.11 The CIS is drawn up to reflect how the Council will be drawing up the RLDP working through Collaboration and Involvement.

3.12 Through the WBFGA the Council is contributing to the national well-being objective of sustainable development and working, alongside other public bodies in Wales, to a common purpose to achieve the seven national well-being goals of a Wales which is Prosperous, Resilient, Healthier, More Equal, has Cohesive Communities, a Vibrant Culture and Thriving Welsh Language and is Globally Responsible. The Council's Development Plan work across Powys will need to demonstrate how it contributes to the seven goals.

### **The Local Well-Being Plan**

3.13 Sustainable development is about improving the way that we can achieve our economic, social, environmental, and cultural wellbeing with each of the four aspects being as important as the other. To achieve improved well-being in Powys, the Council shares four objectives with its partners in the Powys Public Service Board as set out in the Powys Well-being Plan ("Towards 2040"):

- People in Powys will experience a stable and thriving economy.
- People in Powys will enjoy a sustainable and productive environment.
- People in Powys will be healthy, socially motivated and responsible.
- People in Powys will be connected by strong communities and a vibrant culture.

3.14 The Council's Development Plan work will be co-ordinated to contribute to these four key local objectives which have been identified as being central to promoting well-being in Powys.

### **Who Will Be Involved?**

3.15 The LDP Regulations set out certain categories of consultee and determine when these bodies must be involved. It is usual practice for the Council to engage wider than the minimum requirements. The categories include Specific, General and Government departments and the Council have added Other Consultation Bodies (see para 3.18 onwards) as detailed in Appendix 1. In the CIS tables at section 3.4 above please note the Council has grouped these altogether where we commit to engaging "all stakeholders". These include, at the local level, Town and Community Councils as Specific Consultees together with adjoining Local Planning Authorities.

### **The LDP Database**

3.16 The Council will manage a LDP database for informing and consultation/ mailing purposes with all the consultation bodies, other individuals and organisations and local companies. The Council expects to contact most mailing recipients by email communication as has become the usual practice.

3.17 The Council will manage the LDP database in conformity with the General Data Protection Regulations (GDPR). For the RLDP, existing contacts (from the current LDP 2011-2026 database) will be required to give their consent in writing if they wish to be added to the RLDP database. If you wish for your details to be added to the RLDP database, please email [ldp@powys.gov.uk](mailto:ldp@powys.gov.uk).

## **The Consultation Bodies**

3.18 The LDP Regulations groups consultees into the categories of Specific Consultation Bodies, General Consultation Bodies and Government Departments.

3.19 Specific and General Consultation Bodies (as defined in the LDP Regulations) are required to be involved at various Plan stages. Government Departments must also be consulted where aspects of the Plan, appear to affect their interests. Powys County Council has identified these groups and listed them in Appendix 1.

3.20 The Strategic Environmental Assessment (SEA) / ISA process obliges consultation with environmental consultation bodies. These are also listed in Appendix 1.

3.21 The Council may also involve at its discretion “such other persons as appear to the Authority to have an interest in matters relating to development in the area”. These have been identified and grouped as ‘Other Consultation Bodies’ and are listed in Appendix 1. These consultees comprise a number of agencies and organisations that the Council consider hold a relevant interest in the Powys LDP area, many of whom have been actively involved or interested in previous development plan work, and who have been invited to get involved or who have requested to be involved in the LDP. Although not listed, the mailing database holds a large number of other names (eg local firms, landowners, individuals) who requested to be included in LDP preparation.

3.22 Anyone wishing to ensure they are included in RLDP consultation may request inclusion in the mailing list and database by contacting [ldp@powys.gov.uk](mailto:ldp@powys.gov.uk) or registering via the website (to be launched in April 2022).

## **Using Existing Networks and Groups**

3.23 The Council will be able to use existing LPA groups (e.g. LDP Housing Stakeholder group, Planning and Agent Forum) to communicate to people how to become involved in the Plan process and also keep other relevant groups across the Council updated and informed, such as the Powys Public Service Board who meet for the purpose of the Local Well-being Plan and stakeholders involved in Area Statement work (a higher tier plan led by Natural Resources Wales).

## **LDP Stakeholders**

3.24 Stakeholders are those whose interests are directly affected by the LDP. Anyone with an interest in the future place-making and sustainable development of Powys may therefore be considered a stakeholder. Stakeholder involvement often takes place through representative bodies.

3.25 Stakeholders are all those included in the consultation bodies section above. These names are managed through the LDP consultation database/ mailing list (in compliance with GDPR).

3.26 It is recognised that at times in the development plan process it is more effective to engage a targeted range of stakeholders. To keep participation meaningful and manageable, stakeholder engagement events will be targeted to the most relevant bodies/representors dependant on the topic concerned. This approach has worked successfully for the current LDP and has been used, for example, in the preparation of SPG.

## What We Expect of our Stakeholders

3.27 In order to ensure any comments and representations on the RLDP are considered, they must be submitted within the prescribed timescales. The Delivery Agreement sets out the timetable of relevant stages and provides a guideline of when we will seek your involvement. This will ensure that individual views are considered and taken into account throughout the preparation process.

3.28 Stakeholders should raise legitimate issues that can be addressed by the RLDP and the planning system.

3.29 It may be necessary for bodies to vary their meeting cycles to enable timely responses. Please note that at statutory stages the Council do not have the flexibility to change the period of consultation from that prescribed in the Regulations/detailed in the CIS.

3.30 Consultation bodies should highlight any gaps in the evidence base or information provided and seek to fill the gaps in consultation with the Council to enable robust decision making.

3.31 Sites for consideration for inclusion in the replacement Plan should be brought to the attention of the Council at the Candidate Sites submission stage. Sites should be well-evidenced to demonstrate they can be delivered within the Plan period (2022-2037, effective from 2026) with supporting documentation in line with the guidance which will be issued in the Candidate Sites Assessment Methodology/Candidate Sites Application Pack.

3.32 Please notify the Planning Policy Section ([ldp@powys.gov.uk](mailto:ldp@powys.gov.uk)) should your contact details change during the RLDP preparation period in order for us to keep you fully informed of progress. With regard to Candidate Sites it is noted that land ownership changes may also occur during the process (as may the appointed Land Agent or Planning Consultant) and it is imperative that these are communicated to the Council in order to ensure progress is not delayed.

## What Stakeholders Can Expect of The Council

3.33 The Council wishes to ensure that the replacement plan process includes meaningful, open and constructive community involvement from the outset and it will do all it can to adhere to the published DA and make sure all information is published and available on time.

3.34 The Council will use a range of methods to publicise the progress of the RLDP to ensure that stakeholders and the community are regularly updated. Stakeholders will be notified when feedback is available and, in cases where individual responses are not being forwarded direct, the reporting mechanism to view feedback.

3.35 The Council plans to introduce a new interactive web-based consultation system from April 2022 which will be available for the RLDP engagement stages.

3.36 The Council will do all it can to comply with the commitments set out in this DA but in the event of further disruption due to the Covid 19 pandemic or other factors outside our control, there may be a need to be flexible and adapt to the circumstances at the time.

## Our Approach to Building Consensus

3.37 The Council will seek to build consensus through the various engagement and consultation methods set out within the CIS. Consensus building can only be achieved if the community and other interested parties are kept fully informed and effectively engaged throughout the preparation of the replacement LDP, which will be of particular importance in the early stages of plan preparation.

3.38 Nevertheless, it is recognised that there will be occasions where consensus cannot be achieved and a difference in opinion between certain parties occurs. A clear audit trail of decisions will be maintained in order to ensure that there is transparency in the decision making process, and, to provide assurances to those that disagree that the decisions have been made in an informed and balanced way. However, decisions made will not be revisited via subsequent consultation opportunities, so participants are requested to focus their input on the matter being considered at that stage.

## Hard to Reach (Seldom Heard) and those with Protected Characteristics

3.39 The DA for the current LDP (2011-2026), explained how the Council identified a number of harder to reach (or seldom heard) groups in Powys and how these communities would be reached through umbrella organisations and services to try to engage members of the community who would not usually participate in development plan preparation, including those groups traditionally under-represented.

3.40 For the replacement plan the Council will continue to use the established contact bodies, such as the existing Powys Association of Voluntary Organisations (PAVO) network. The Childrens and Young Persons Partnership (CYPP), any specialist officers in Powys County Council (e.g. Housing officers for Refugees, liaison officer for Gypsy and Traveller Community, those dealing with Older Persons Accommodation etc).

3.41 The Planning Policy team will seek to work with the Community and Engagement Officer at consultation stages to research who the seldom-heard audiences are and to target those applicable by communicating through organisations such as PAVO, Town and Community Councils and Powys People's First self-advocacy groups. Relevant groups may also have been identified within the definition of General Consultation Bodies (see Appendix 1). The seldom-heard groups in Powys include:

- Gypsy and Traveller community
- Elderly (Over 80s)
- Unpaid Carers
- Refugees and asylum seekers
- Gurkha community
- Disability groups, e.g Learning Disability Forum, Physical Disability and Sensory Loss Forum
- Eastern European community

Groups with Protected Characteristics will be involved in line with the Council's emerging corporate Public Participation Strategy (target publication date: Summer 2022). The strategy will cover the Council's work in creating awareness, generating interest, engaging and interacting, and the different levels of involvement, the protected characteristics covered

by the Equality Act 2010 and seldom-heard voices, reporting back to participants and the Council's measures of success.

3.42 The Council will continue to use the valuable PAVO network in Powys to engage the third sector. On their website, PAVO explain:

“PAVO is the County Voluntary Council for Powys supporting the third sector in Powys (third sector is a term for the range of organisations including voluntary and community organisations, registered charities and associations, self-help groups and community groups, social enterprises, mutuals and co-operatives.)”

3.43 The Council is aware that different hard to reach groups will have different barriers to accessing and engaging in the LDP process. The advent of the digital age has increased accessibility to documents and offered great scope for people to comment on-line. Equally, the Council is aware that digital communication will not suit all parties. Engagement should be adapted, for example posters and easy-to-read versions of documents may be suitable for school children, older people or those living in remote locations may not have ready access to the internet.

### **Children and Young People**

3.44 The Council's Consultation and Engagement Framework (2018) acknowledges that in recent years, government at all levels has recognised that we need to seek the views of children and young people when planning services which affect them. It cautions that care needs to be taken when engaging with this section of the community. Appropriate methods and levels of consultation must be used so as to avoid ineffective consultation and/or subjecting young people to consultation fatigue.

3.45 Most secondary schools, and the majority of primary schools, in Powys have their own School Council and there is also an all-county Youth Forum, which is accessed to establish the views of children and young people. The Powys Safeguarding group is also accessed in this way. The local Young Farmers' Clubs also have youth forums which Powys County Council is able to access. The Planning Policy Team will involve the Communications and Engagement Officer in reaching these groups which are contactable through the Children and Young Persons Partnership.

### **Roles in the Process**

#### **Role of Town and Community Councils**

3.46 The Town and Community Councils of Powys have an important role to play in the preparation of the RLDP. Town and Community Councils in areas in or adjoining the Powys Local Planning Authority fall within the category of the Specific Consultation Bodies.

3.47 Place-making has become increasingly prominent as a central theme of development plan preparation and the Council recognises that local community involvement, is ideally structured through the Town and Community Council network and is an essential component of successful place making.

3.48 The Council will continue to involve One Voice Wales (a principal organisation who represent and support many Town and Community Councils). Consideration will also be given to using Planning Aid Wales to help facilitate community engagement.

## **Role of County Councillors and Council Officers**

3.49 The respective roles and responsibilities of professional officers and elected County Councillors (Members) within the Plan preparation process are distinct. Professional Officers (such as planners, highway engineers, etc) are employed by the Council to provide impartial research, analysis and technical advice to Councillors on all relevant development plan issues within their area of expertise. Professional Officers provide a robust foundation for decision making but will not, unless specifically given delegated powers, take decisions on behalf of the Council. County Councillors, as democratically elected representatives, are charged with taking decisions on behalf of the electorate to whom they are accountable.

3.50 The Council will continue to use a Local Development Plan Working Group comprising relevant Council Officers and elected County Councillors to oversee all aspects of the replacement plan process, from the initial consultation draft of this Delivery Agreement right up to the Plan's adoption and review. However, formal decisions will need to be taken by the Council's Cabinet and by Powys County Council at key stages.

3.51 Involvement with all County Councillors will be held at important stages of the process including: discussion on the vision, aims and objectives for the plan; to consider the preferred strategy; and to discuss site and settlement specific issues. Councillors will also have an important role to play in acting as local "champions", engaging the community and facilitating the Plan preparation process. County Councillor involvement will be guided by the advice of the Standards Committee and the Members Code of Conduct so as not to prejudice the Councillors in their decision-making role.

3.52 It is useful to note that the Planning, Taxi Licensing and Rights of Way Committee is not involved in the decision making on LDP matters.

## **Consideration of Joint Working**

3.53 The Delivery Agreement (DA) should clearly articulate from the outset how an LPA can demonstrate maximising collaborative working (test of Soundness).

3.54 Working collaboratively involves consideration of working at the regional level. The Planning system across Wales is becoming a three-tier development plan system incorporating national, regional (strategic) and local level development plans. Since February 2021 Wales has had a national development plan called Future Wales: The National Plan 2040. It influences all levels of the planning system in Wales and will help to shape Strategic and Local Development Plans prepared by Councils and National Park Authorities. The framework provided by Future Wales sets the direction for development in Wales for 20 years with a strategy for addressing key national priorities through the planning system, including sustaining and developing a vibrant economy, achieving decarbonisation and climate-resilience, developing strong ecosystems and improving the health and well-being of our communities.

3.55 Powys is part of the Mid Wales Region. At the present time, a Delivery Agreement for the Strategic Development Plan (SDP) (A regional development plan) for Mid Wales is not expected until at least 2023. This means that at the local level the Council's work on the RLDP is on a different trajectory to that of the emerging SDP for Mid Wales. Work on the RLDP must continue to avoid the risk of a policy vacuum when the current LDP ends. However, the Council recognises there may be useful opportunities to explore and undertake

joint working especially with regard to evidence gathering that will serve both Strategic and Local level development plans.

3.56 LDPs must be in conformity with the higher tier development plans above them. This is one of the tests of Soundness which will be tested at Examination.

3.57 During the period of the current LDP, the Council have successfully undertaken joint work on evidence including that relating to Gypsy and Traveller Needs, Local Housing Market Assessment and Regional Employment Sites. The Review Report goes into further detail on how the opportunities for joint working have been explored.

### **Welsh Language and Bilingual Engagement**

3.58 The RLDP will be prepared bilingually in line with the requirements of the Welsh Language Standards. Bilingual engagement will be carried out in the following ways:

- We welcome correspondence in both Welsh and English. Where correspondence is received in Welsh and a reply is necessary, this will be sent in Welsh;
- All consultation letters, comments forms, public notices (including site notices) and newsletters will be bilingual;
- Any pages on the Local Development Plan website and social media posts published on twitter will be bilingual;
- The RLDP once adopted will be available in both Welsh and English Format.



## Appendix 1. List of Consultation Bodies

### Specific Consultation Bodies

- Welsh Government
- Natural Resources Wales (NRW)
- Secretary of State for Wales
- Cadw
- Communication Providers
- Local Health Board – Powys Teaching Health Board
- Electricity and Gas Undertakers
- Sewerage and Water undertakers
- Network Rail

Relevant authorities (meaning Local Planning Authority, Town or Community Council) “*any part of whose area is in or adjoins the area*” of the Powys LPA:

LPAs adjoining the Powys LPA area:

- Brecon Beacons National Park
- Carmarthenshire
- Ceredigion
- Denbighshire
- Gwynedd.
- Herefordshire (England)
- Neath Port Talbot
- Shropshire (England)
- Snowdonia National Park
- Wrexham

LPA’s adjoining the County of Powys:

- Blaenau Gwent
- Caerphilly
- Merthyr Tydfil
- Monmouthshire
- Rhondda Cynon Taf

- All Town and Community Councils in and adjoining the LPA area

### UK Government Departments

- i. Department for Transport
- ii. Department for Business, Energy and Industrial Strategy
- iii. Home Office
- iv. Ministry of Defence

### General Consultation Bodies

These are defined in the LDP regulations as:

- I. Voluntary bodies, some or all of whose activities benefit any part of Powys.
- II. Bodies which represent the interests of different racial, ethnic or national groups in Powys.
- III. Bodies which represent the interests of different religious groups in Powys.

- IV. Bodies which represent the interests of disabled persons in Powys.
- V. Bodies which represent the interest of persons carrying on Business in Powys
- VI. Bodies which represent the interest of Welsh Culture in Powys.

**The Council have identified the following groups in this category (please note the list is non-exhaustive):**

Adult Learning Wales  
Ancient Monuments Society  
Accessibility Powys  
Age Cymru Powys  
Assemblies of God  
Associating Evangelical Churches in Wales  
Baptist Union of Wales  
Brecknock Access Group  
Brecon and District Mind  
British Retail Consortium  
Buddhist Council for Wales  
Calan Domestic Violence Services  
Catholic Church of England and Wales  
Central Wales Economic Forum  
Chambers Wales South East, South West and Mid  
Church of England  
Clwyd-Powys Archaeological Trust  
Coed Cymru  
Community Action Machynlleth & District  
Community churches  
Country Land and Business Association  
Confederation of British Industry Wales  
Congregational Federation  
Council for British Archaeology  
Credu – connecting carers  
Cytûn Churches Together in Wales  
Dementia Matters in Powys  
Disabled Persons Transport Advisory Committee  
Disability Powys  
Disability Wales  
Evangelical Alliance Wales  
Farmers' Union of Wales  
Federation for Master Builders Cymru  
Federation of Small Businesses  
Federation of Women's Institutes in Wales, Montgomery, Radnor and Brecknock  
Federation of Young Farmers Clubs in Wales, Montgomery, Radnor and Brecknock  
Fellowship of Independent Evangelical Churches  
Free Church Council for Wales  
Gardens Trust  
Georgian Group  
Gypsy and Travellers Wales  
Gypsy Council  
Hindu Cultural Association  
Home Builders Federation  
Inter-Faith Council for Wales  
Methodist Church in Wales  
Mencap Cymru  
Menter a Busnes

Menter Iaith Maldwyn  
Merched y Wawr  
Mid and North Powys Mind  
Mid Wales Manufacturing Group  
Mid Wales Tourism Cymru  
Mudiad Meithrin  
Muslim Council of Wales  
Open Newtown  
Pagan Federation Mid and West Wales  
Plymouth Brethren Christian Church  
Ponthafren Association  
Powys Association for Voluntary Organisations  
Powys Citizens Advice  
Powys People First  
Presbyterian Church of Wales  
Rapid Relief Team  
Relief in Need  
Representative Body of the Church in Wales  
Royal Commission on Ancient & Historical Monuments of Wales  
Salvation Army  
Sense Cymru  
Seventh-day Adventist Church in Wales  
Siawns Teg  
Sikh Council for Wales  
Society of Friends  
Society for the Protection of Ancient Buildings  
Tai Pawb  
Theatres Trust  
Twentieth Century Society  
Union of Welsh Independents  
United Reformed Church  
Urdd Gobaith Cymru  
Victorian Society  
Visit Wales  
Wales Council for Voluntary Action  
Wales Tourism Alliance  
Welsh Construction Federation Alliance  
Welsh Historic Gardens Trust  
Ystradgynlais Mind

### **Environmental Consultation Bodies (SEA Regulations)**

- Natural Resources Wales
- Cadw: Welsh Historic Monuments
- Natural England
- Environment Agency England
- English Heritage
- Other Government Departments (as considered relevant)

## Other Consultation Bodies

**The Council have identified the following groups in this category (please note the list is non-exhaustive):**

Airport Operators  
Barcud Housing Association  
Brecon Beacons Park Society  
British Aggregates Association  
British Geological Survey  
British Horse Society  
Bus Service Operators  
Byways and Bridleways Trust  
Caersws Concerned Residents Group  
Calan Domestic Violence Services  
Calon Cymru Network  
Cambrian Mountains Society  
Campaign for Real Ale  
Campaign for the Protection of Rural Wales (CPRW) Montgomery branch  
Campaign for the Protection of Rural Wales (CPRW) Brecknock and Radnorshire branch  
Campaign Protection of Rural England (CPRE) Shropshire  
Campaign Protection of Rural England (CPRE) Herefordshire  
Canal & River Trust  
Carbon Trust Wales  
Central Wales Regionally Important Geodiversity Sites (RIGS) Group  
Centre for Ecology and Hydrology  
Children's Commissioner for Wales  
Civic Trust Cymru  
Civic Societies  
Civil Aviation Authority  
Clwyd Alyn Housing Association  
Clwydian Range and Dee Valley AONB  
Coal Authority  
Coed Cadw, Woodland Trust in Wales  
Community Housing Cymru Group  
Community Land Advisory Service Cymru  
Community Land Trusts  
Crown Estate Office  
Cymdeithas Eryri / Snowdonia Society  
Cymdeithas yr Iaith / Welsh Language Society  
Design Commission for Wales  
Development Bank of Wales  
Centre for Alternative Technology  
Dolafon Trust  
Dyfi Housing Cooperative  
Dyfed Powys Police  
Eco Dyfi Valley Partnership  
Elan Valley Trust  
English Heritage  
Energy Savings Trust Wales  
Equality and Human Rights Commission in Wales  
Fields in Trust Wales  
First Choice Housing Association  
Friends of the Earth Cymru  
Future Generations Commissioner for Wales  
General Aviation Awareness Council

Glandŵr Cymru Canal & River Trust in Wales,  
Growing Mid Wales Partnership  
Grwp Cynefin Housing Association  
Health and Safety Executive  
Heulwen Trust  
Inland Waterways Association  
Linc Cymru Housing Association  
Llanigon Community Green Space  
Logistics UK (formerly Freight Transport Association)  
Melin Homes  
Members of Parliament for Montgomeryshire, Brecon and Radnorshire  
Mid and West Wales Fire and Rescue Service  
Mid Wales Transport Consortium TraCC  
Mineral Products Association  
Montgomery Canal Partnership  
Montgomery Community Care Project  
Montgomery Waterway Restoration Trust  
Montgomeryshire Wildlife Trust  
National Trust  
NATS air traffic control services  
Newydd Housing Association  
Offa's Dyke Association  
One Voice Wales  
Open Newtown  
Open Spaces Society  
Office for Nuclear Regulation  
Older Persons Commissioner for Wales  
Planning Aid Wales  
POBL Housing Association  
Post Office Property Holdings  
Powys Local Access Forum  
Powys Nature Partnership  
Powys Ramblers  
Princes Regeneration Trust  
Public Health Wales  
Quarry Products Association Wales  
Radnorshire Society  
Radnorshire Wildlife Trust  
Ramblers Cymru  
Rail Freight Group  
Rhayader 2000  
River Wye Preservation Trust  
Robert Owen Community Banking  
RSPB Cymru  
Professional Bodies  
Senedd Members for Montgomeryshire, Brecon and Radnorshire, and the Mid Wales region  
Shelter Cymru (added)  
Shrewsbury – Aberystwyth Rail Passengers Association (SARPA)  
Shropshire Hills AONB Partnership  
Shropshire Union Canal Society  
South East Wales Regionally Important Geodiversity Sites (RIGS) Group  
Sustrans Cymru  
Swansea Canal Society  
Sports Wales  
Transport for Wales

Traveller Law Reform Coalition  
Wales Cooperative Centre  
Wales Environment Link  
Wales & West Housing Association  
Welsh Ambulance Services  
Welsh Environmental Services Association  
Welsh Kite Trust  
Welsh Language Commissioner  
Welsh Local Government Association  
Wildlife Trust of South and West Wales  
Wye and Usk Foundation

## **Appendix 2. The Detailed Timetable**

The timetable for the RLDP contains definitive stages (1-4) over which the Council has a degree of control, and indicative stages (5-8) which are dependent upon external factors. Stage 9 refers to the follow up stages of Monitoring and Review. This timetable is critical to ensure that a replacement plan has been examined, found sound and is operative immediately on or before expiration of the current LDP at the end of March 2026 . This will avoid a policy vacuum.

The timetable includes key dates for the preparation and publication of the associated Sustainability Appraisal Report (this is anticipated to be undertaken on an Integrated Appraisal basis).

Presuming a RLDP is adopted in February 2026, the first Annual Monitoring Report (AMR) for the replacement plan will be due on 31<sup>st</sup> October 2027. In the interim the Annual Monitoring of the current adopted LDP will continue with the results being used to help shape the emerging content of the RLDP.

## THE POWYS RLDP TIMETABLE

The Regulations refer to: The Town and Country Planning (Local Development Plan) (Wales) Regulations 2005 as amended by The Town and Country Planning (Local Development Plan) (Wales) (Amendment) Regulations 2015

### Definitive Stages

**Table 4. Stages 1-3, Delivery Agreement, Evidence Gathering and Stakeholder Involvement, Pre-Deposit Participation and Consultation.**

Stage	Details	Purpose	Dates	Resulting Documents
1	<b>The Delivery Agreement</b> (Regulations 5-10)	To agree an appropriate Timetable and Community Involvement Scheme for RLDP preparation. Sustainability Appraisal (SA/ISA) – Consider tasks	November 2021 to March 2022 to include:  At least 3 weeks non-statutory Public Consultation January-February 2022  Council approval process March 2022  Submit to Welsh Government 1 June 2022	An Approved Delivery Agreement
2	<b>Evidence Gathering and Stakeholder Involvement</b>	To gather information and evidence to understand the context for and issues to be addressed in the RLDP.  To make a Call for Candidate Sites and prepare a Candidate Sites Register.  To generate a vision and objectives for the Replacement Local Development Plan	Plan preparation formal commencement: 1 July 2022  Stage 2 and 3 are conducted between July 2022 and December 2023 and include:  At least 6 weeks Call for Sites from Autumn 2022	Background Evidence Papers  Minutes/Notes/Action Points from Stakeholder Engagement Exercises  Candidate Sites Assessment Methodology and Candidate Sites Application Pack



Stage	Details	Purpose	Dates	Resulting Documents
		SA/ISA: Scoping stage: Set the context, establish the baseline and decide on the SA/SEA scope and objectives	A 5-week Statutory consultation with Environmental Bodies on the Integrated (includes SA/SEA) Baseline Scoping Report	The SA/ISA Scoping Report
<b>Within Stage 2</b>	<b>Pre-Deposit Participation</b> (Regulation 14)	To develop and assess strategic options, test alternatives and agree a preferred strategy for the RLDP, drawing on all the evidence gathered in Stage 2	Ongoing: July 2022 to April 2023	Internally a Draft Preferred Strategy will be prepared (initially for Council approval processes)
<b>3</b>	<b>Pre-Deposit Consultation</b> (Regulations 15 and 16)  <b>Consult on the Initial SA Report</b>	To consult widely on the preferred strategy, strategic options and their associated assessments.  SA/ISA: Appraisal of alternatives stage: Develop and refine reasonable alternatives and assess effects, Prepare the Initial SA Report	6-week Statutory Public Consultation May-June 2023	Preferred Strategy setting out the vision, objectives, preferred strategy and key policies.  The Candidate Sites Register  Supporting documents  Publish SA/ISA of proposals and alternatives in the Initial SA Report

The Town and Country Planning (Local Development Plan) (Wales) Regulations 5-10,14, 15 and 16 (2004) and Regulation 2 (5,10) and 16a (2015).

During Stage 3, following the consultation, the Council has allocated six months to the end of 2023 in which to prepare the Deposit Version of the Plan. Duly made representations at the Pre-Deposit stage will be carefully considered with details of the consultation arrangements, the issues raised and how they have been addressed summarised and recorded in an Initial Consultation Report (Regulation 16A). The SA/ISA Framework will be used to assess and mitigate the effects of the Deposit plan with the results of the assessment(s) recorded as part of the SA Report (the “Environmental Report”). The SA report will record the results of assessing any revised or new options resulting from public consultation or other changes plus representations from Stage 3 (the statutory environmental consultation bodies will be notified and given the opportunity to comment).

**Table 5. Stage 4, Deposit RLDP**

Stage	Details	Purpose	Dates	Resulting Documents
4	<p><b>Publish and Consult on Deposit LDP and supporting documents, make available for inspection.</b> (Regulation 17)</p> <p><b>Consult on SA Report</b></p>	<p>To allow for formal representations to be made on the Council’s proposals.</p> <p>SA/ISA: Assessment of the Deposit Plan and preparation of SA Report</p>	<p>This stage is conducted between January 2024 and December 2024 and includes:</p> <p>6-week Statutory Public Consultation February - March 2024</p>	<p>Deposit Plan and supporting documents</p> <p>Initial Consultation Report</p> <p>The Updated Candidate Sites Register will include new and alternative sites</p> <p>Publish SA/ISA of proposals in The SA Report</p>

The Town and Country Planning (Local Development Plan) (Wales) Regulations 17, 18 and 19 (2004).

Following Stage 4 consultation, the Council has allocated nine months to the end of 2024 to:

- record and analyse the deposit representations (Regulations 18) and to make them available for inspection (Regulation 19),
- draft Council responses and consider changes (Focused Changes are to be the exception),
- continue with the preparation of updates/additional evidence,
- finalise the consultation report including ongoing results of SA/ISA
- and to prepare all submission documents.

**Indicative Stages**

**Table 6. Stages 5-9, Submission, Examination, Inspectors Report, Adoption and Annual Monitoring Report**

Stage	Details	Purpose	Dates	Resulting Documents
5	<p><b>Submission of LDP to Welsh Government and the Planning Inspectorate* for Independent Examination</b> (Regulation 22)</p> <p><b>Make available relevant documentation</b></p> <p><b>Council will follow published guidance on preparation/procedures for submission and examination).</b></p>	<p>Provision of RLDP, the Council’s opinion on representations made in stage 4 and other supporting documents (including updated Consultation Report) to the Welsh Government prior to formal examination.</p>	January 2025	Publicise the submission and make documentation available
6	<p><b>Independent Examination conducted by PEDW</b> (Regulation 23)</p>	<p>To provide an impartial planning view on the soundness of the LDP</p> <p>At the Examination Stage SA/ISA continues to ensure any changes made to the deposit plan (Focussed Changes, Matters Arising Changes during examination, or those required by the Inspector) are sustainable.</p>	<p>PEDW indicate that the Examination process takes place within 11 months of submission</p>	<p>During the Examination Stage any Proposed Post Deposit Changes (Matters Arising Changes) will be made available for consultation (including the SA/ISA assessment associated with them).</p>
7	<p><b>Inspector’s Report</b> (Regulation 24)</p>	<p>Receipt of the Inspector’s findings from the Independent Examination.</p>	December 2025	<p>The Council will be provided with and will publish the Inspector’s Report on or before Plan adoption</p>
8	<p><b>Adoption</b> (Regulation 25)</p>	<p>To make operative the LDP as the statutory Development Plan for the Local Planning Authority’s area</p>	<p>Within 8 weeks of receiving Report (Stage 7) February 2026</p>	<p>The Replacement Local Development Plan (2022-2037)</p>

Stage	Details	Purpose	Dates	Resulting Documents
		(LDP and Adoption Statement sent to Welsh Government).		An Adoption Statement
		LDP made available for inspection, adoption statement is produced and published		The SA/ISA Report The Consultation Report
		SA/ISA: Finalise SA Report and /Environmental Statement		Within 6 weeks of adoption: A Post Adoption Statement on the SA framework
<b>9</b>	<b>Annual Monitoring and Review</b> (Regulation 37 and 41(1))	Production of an Annual Monitoring Report (AMR) Inclusive of Monitoring under Regulation 17 of the SEA Regulations of 'significant environmental effects' and submit to Welsh Government.  Commence Development Plan review at least every 4 years	Submission of first AMR based on the monitoring framework in the RLDP: On/before 31 October, in year following adoption	AMR for the RLDP due in 2027 (provided adopted RLDP covers the first full financial year 1 April to 31 March) and annually thereafter.  1 <sup>st</sup> Statutory Review within 4 years of adoption date, by April 2030.

The Town and Country Planning (Local Development Plan) (Wales) Regulations 22, 23, 24, 25 37, (2004) and Regulation 2 (17, 19) 41 (1) (2015)

## Appendix 3. Risk Assessment

While every effort will be made to avoid deviations from the proposed timetable, the Council has identified a number of risks which are set out below, together with the Council's approach to managing them.

**Table 7. Risks to the RLDP Preparation Process**

<b>Risk</b>	<b>Potential Impact</b>	<b>Probability</b>	<b>Mitigation Measures</b>
<p><b>Timetable proves too ambitious due to greater than anticipated workload or delayed evidence/evidence emerging at times unsynchronised to the DA.</b></p> <p><b>Timing of Critical Evidence (outside scope of LPA) may not accord to DA Timetable - E.g. Census 2021 results, River Quality (SAC) Evidence</b></p>	Programme Slippage	Medium-High	<p>Consider additional resources.</p> <p>Plan Evidence Needs and Undertake/ Commission Evidence Gathering well in Advance</p> <p>Prepare the Plan to be adaptable and responsive/flexible to change where possible</p>
<b>Additional requirements arising from new legislation or guidance, or new evidence, other Plans and Strategies and assessment processes</b>	Additional work required, potential uncertainty and programme slippage	Medium-High	Monitor emerging legislation / guidance and respond early to changes where this is possible
<b>COVID 19 pandemic disruptions</b>	Continued uncertainty – implications on compliance with the CIS, impact on staffing/staff availability for both internal and external stakeholders	High	<p>Adapt CIS engagement exercises</p> <p>Work with Deposit venues to ensure as much accessibility as possible within limitations set by Covid rules</p>
<b>Commissioning Delays or Dealing with Incomplete evidence – e.g., addressing significant unknowns such as site related infrastructure costs</b>	Programme Slippage	Medium	<p>Project Management and careful selection of consultants</p> <p>Work with Developers to reach solutions/improve depth of evidence</p>

<b>Risk</b>	<b>Potential Impact</b>	<b>Probability</b>	<b>Mitigation Measures</b>
			Draw up and agree Statements of Common Ground to facilitate process
<b>Sufficiency of Resources (Financial &amp; Staff), e.g. To deal with Workload at Peak Periods, Costs and Availability of Expert Consultants, risk of Staff changes/recruitment delays</b>	Programme Slippage	Medium	Budget planning in advance  Ensure LDP maintains highest priority Allocate sufficient funds in the RLDP budget in addition to a contingency budget to address unforeseen costs
<b>IT Projects Overrun (e.g. Consultation Database, Constraints Mapping)</b>	Programme Slippage, Increased Workload	Low	Project Management
<b>Delays caused by Welsh translation and/or the printing process</b>	Programme Slippage	Low	Consider additional resources  Work closely with relevant departments
<b>County Council Elections and political powershift – May 2022</b>	Programme Slippage	Low	Realistic timetable  Involvement of all political groups
<b>Consultation Bodies unable to comment as quickly as expected</b>	Insufficient Information to Inform the Plan	Medium	Close liaison to ensure early warning of any problems
<b>Consultation Bodies fail to comment</b>	Programme Slippage		Ensure views of consultation bodies are sought and considered early in process and follow up engagement thereafter  Foster good relationships and make connections
<b>Lack of consensus throughout the organisation and/ or lack of support from officers/other departments in production of the evidence base</b>	Programme slippage	Low/Medium	Ensure close liaison with, and early involvement of key Members and Officers

<b>Risk</b>	<b>Potential Impact</b>	<b>Probability</b>	<b>Mitigation Measures</b>
<b>Involvement in preparation of Strategic Development Plan (SDP)</b>	Programme slippage. Resource implications, extent of input to the SDP currently unknown.	Low-Medium	Ensure sufficient resources are available and corporate support of SDP process and timetable from outset aligned to RLDP preparation.
<b>Early Review of RLDP or RLDP halted before adoption due to requirement to align with a Strategic Development Plan</b>	Programme slippage	Low	Ensure involvement in progress of regional work. Continued liaison with Welsh Government.
<b>Direction from Welsh Government Cabinet Secretary to prepare a Joint Plan.</b>	Work on individual RLDP would be abortive.	Low	Ensure close liaison with Welsh Government. Continue to involve Mid Wales partner LPAs in joint/collaborative working initiatives
<b>PEDW unable to meet timescale for examination and reporting</b>	Examination and/or report is delayed  Key milestones in programme are not met		Early liaison with PEDW Establish Service Level to ensure agreed timetable is met
<b>Programme Slippage results in a Failure to adopt LDP by 1 April 2026</b>	Powys LPA is left without the decision-making framework of an adopted LDP	Low	Adherence to the DA, allow for only minimum slippage (3 months)  Project Management and forward planning  Ensure LDP maintains highest priority at corporate level

## Appendix 4. Summary of Consultation Stage – Comments Received and Council Responses together with the resulting changes

**Table 8. Representations and Council Responses on the Delivery Agreement Consultation Draft (Consultation undertaken 6<sup>th</sup> January – 1<sup>st</sup> February 2022)**

No.	Representor	Summary of Comments	Council Response
1.	Individual	<p>Improved bus services to New Radnor on a half-hourly schedule to and from the local towns would encourage people to leave their car at home.</p> <p>Evening buses from larger towns (eg Hereford) would provide more choice to travel home without the car from trips to cinema, theatre or getting back from the train station.</p> <p>A shuttle service would probably suit mini-buses.</p>	<p>The Council notes the comments on public transport improvements. This will be a matter closely considered for the RLDP process as planning policy at all levels (national, regional and local) implements a sustainable transport hierarchy to maximise accessibility by walking, cycling and public transport. No changes are proposed to the Delivery Agreement.</p>
2.	New Radnor Community Council	<p>Please remember that many small Community Councils do not meet in August and time any consultations accordingly.</p> <p>Please can plenty of time be allowed for the consultation periods to allow Community Councils to review the (often lengthy) documentations thoroughly.</p>	<p>The Council notes the comments. The RLDP Timetable complies with the government recommended 3.5 years preparation schedule and ensures that there is no gap in development plan coverage. The Council appreciates that Town and Community Councils need adequate time to view the documents and comment and has aimed to provide this. The proposed Timetable includes stages strictly governed by regulations which may not be altered. Please note that the two significant public consultation stages, Stages 3 and 4, under the control of the Council, are detailed in the DA and are not scheduled for August. No changes are proposed to the Delivery Agreement.</p>
3.	Newtown and Llanllwchaiarn Town Council (Economy and	In agreement with the delivery timetable and consultation timetable for the RLDP	The Council notes the comments.



	Environment Committee)		
4.	Presteigne and Norton Town Council	<p>Consultation periods covering August are problematic for many Town and Community Councils as they often do not meet in August.</p> <p>Can sufficient time be given for each section of consultation - with Community Councils on a monthly meeting cycle it is helpful if an adequate amount of time is allocated for responses.</p>	<p>The Council notes the comments. The RLDP Timetable complies with the government recommended 3.5 years preparation schedule and ensures that there is no gap in development plan coverage. The Council appreciates that Town and Community Councils need adequate time to view the documents and comment and has aimed to provide this. The proposed Timetable includes stages strictly governed by regulations which may not be altered. Please note that the two significant public consultation stages, Stages 3 and 4, under the control of the Council, are detailed in the DA and are not scheduled for August. No changes are proposed to the Delivery Agreement.</p>
5.	Adjoining Parish Council	<p>Any applications which have an impact on the local road network in Shropshire must involve cross border consultation. There are a number of Chicken Production Operations that have been given permission bordering this parish and consideration must be given to the additional road use on rural, poorly maintained roads.</p>	<p>The Council notes the comments. The Council will involve local councils in the RLDP process as Specific Consultation Bodies. This will include stakeholder involvement on proposed land allocations when the Plan reaches that stage. As regards individual planning applications, your comments and concerns will be passed on as a reminder to the Development Management section who deal with the publicity and statutory notifications when planning applications are received. No changes are proposed to the Delivery Agreement.</p>
6.	Cadw, Historic Environment Branch, Welsh Government	<p>No comments but a reminder that Cadw should be consulted as part of the SEA process and that it is important to consult with Clwyd-Powys Archaeological Trust (CPAT) who are funded to provide</p>	<p>The Council notes the comments. The DA lists Cadw as both a Specific and Environmental Consultee. CPAT will also be consulted throughout the plan</p>

		advice during the LDP process, in relation to the archaeological issues.	preparation as a General Consultee. No changes are proposed to the Delivery Agreement.
7.	United Utilities	Express wish to work in partnership, to pro-actively identify needs and share information between LPA and UU. Provides contacts for developers to access free pre-application advice on waste and water. Highlights the need to protect strategic water infrastructure assets and for early engagement on proposed allocations at RLDP stage to ascertain constraints and implications. Request for continued consultation as the Plan moves forward.	The Council recognises the relevance of the matters raised for the Replacement LDP in terms of infrastructure planning, the site selection process and for site promoters. The Council will continue to consult with United Utilities as part of the Replacement LDP process. The DA confirms that sewerage and water undertakers are Specific Consultation Bodies who will be closely involved throughout the Plan preparation process. No changes are proposed to the Delivery Agreement.
8.	Network Rail	Policies relating to the protection and enhancement of railway infrastructure are relevant and development schemes may necessitate developer contributions. Reminding LPA of statutory duty to consult regarding development impacts upon level crossings and developers to fund any required improvements. Request to please consult Network Rail on any future policy, pre-application or planning applications should they be submitted for sites adjoining the railway or within close proximity to the railway as development may impact upon operation of the railway, eg use of the nearby station and/or railway crossings and Network Rail would make specific comments as required.	The comments are noted. Network Rail are being included in the RLDP process as a Specific Consultation Body and will be engaged throughout the process. The comments regarding infrastructure, developer contributions and potential impacts upon railway, railway stations and level crossings are noted and can be explored further during the preparation stages of the RLDP. No changes are proposed to the Delivery Agreement.  As regards individual planning applications or pre-application, your comments will also be passed on as a reminder to the Development Management section who deal with the publicity and statutory notifications when planning applications are received.
9.	The Coal Authority	General summary info on the Coal Authority records (mining features and surface coal resources)	This information is noted, thank you. The Council will continue to involve the

		relating to Powys and LPA responsibilities for minerals planning and safeguarding. However, no specific comments to make in respect of the consultation document.	Planning Team at The Coal Authority throughout the RLDP process. No changes are proposed to the Delivery Agreement.
10.	Glandŵr Cymru, the Canal & River Trust in Wales	Request for Glandŵr Cymru, the Canal & River Trust in Wales, to be added as an ‘other consultee’ in Appendix 1 of the Delivery Agreement.  Looking forward to working with the Council going forward in terms of ensuring that the replacement Local Plan includes a robust framework for development which may impact on the Montgomery Canal and ensure there is a robust mechanism to protect the former line of the canal, pending its full restoration.	The comments are noted. Please be advised that the Council is reviewing the list of Consultation Bodies in Appendix 1 of the DA to produce a more detailed section. This will be possible as the new RLDP database develops. These details will be made available in the final Delivery Agreement.  The list will include Glandŵr Cymru, the Canal & River Trust in Wales.
11.	Individual	Request for LDP current Policy E5 (Bronllys Health Park) to be retained in its entirety in the Powys RLDP – see also Review Report Consultation and Feedback. Request to be informed when public / stakeholder open discussion meetings are being undertaken.	The comments are noted and will be taken into consideration when the relevant section(s) of the LDP are being reviewed as part of the RLDP work and in consultation with relevant Stakeholders. Please see the Timetable and Community Involvement Scheme in the DA which includes a window on the Sites Nomination stage (proposed from autumn 2022). As a stakeholder receiving LDP mailings and updates you will be advised on the discussion meetings as requested and we particularly note your interest in this topic area. No changes are proposed to the Delivery Agreement.
12.	Powys Local Access Forum	Appendix 1 page 32 – the Local Access Forum is a statutory body, we should be specifically mentioned as a stakeholder/consultee.  Specific reference should be made to consulting groups representing the users of local	The comments are noted. Please be advised that the Council is reviewing the list of Consultation Bodies in Appendix 1 of the DA to produce a more detailed section. This will be possible as the new RLDP database develops. These details will

		rights of way, e.g. The Ramblers, British Horse Society, etc	<p>be made available in the final Delivery Agreement.</p> <p>The list will include the Powys Local Access Forum, and other groups representing the users of local rights of way .</p>
13.	Powys Ramblers	<p>As a nationally recognised voice for walkers who use rights of way can the Powys branch be named as a consultative body for the Council's LDP. We would be happy to be involved from an early stage.</p>	<p>The comments are noted. Please be advised that the Council is reviewing the list of Consultation Bodies in Appendix 1 of the DA to produce a more detailed section. This will be possible as the new RLDP database develops. These details will be made available in the final Delivery Agreement.</p> <p>The list will include the Powys Ramblers.</p>
14.	Individual	<p>Request for LDP current Policy E5 (Bronllys Health Park) to be retained in its entirety in the Powys RLDP -- see also Review Report Consultation and Feedback:</p> <p>Policy E5 – Bronllys Health Park: Proposals to develop the site of Bronllys Hospital as a Health &amp; Wellbeing Park will be supported.</p>	<p>The comments are noted and will be taken into consideration when the relevant section(s) of the LDP are being reviewed as part of the RLDP work and in conjunction with relevant stakeholders. Please see the Timetable and Community Involvement Scheme in the DA which includes a window on the Sites Nomination stage (proposed from autumn 2022). No changes are proposed to the Delivery Agreement.</p>
15.	Caersws CRG (Concerned Residents Group)	<p>Having had the experience in February 2020 of being too late to contest a planning application, we are exceedingly aware of the pitfalls of the LDP process.</p> <p>Public Awareness – concerns raised about the presentation of information and request for more clear, concise format without so many links. Better publicity on the available information.</p> <p>Stages - Can PCC make it clear to local residents and their representative Community Councils exactly what they are signing up for and how this will</p>	<p>The comments are noted. Please be advised that this is the very early stage of a Replacement Plan process and the new Plan is not expected to come into force until 2026.</p> <p>The most pertinent stage for your comments appears to be in respect of proposed Land Allocations in the RLDP – you should carefully consider the content of the Preferred Strategy including the Spatial and Growth Strategy and also the following Deposit Stage and look for sites in your area.</p>

		<p>affect not only themselves but future residents and generations?</p> <p>What provisions are being made for the views of newly elected councillors with potentially better and more up to date local information, to be heard and acted upon?</p> <p>Suggests more thorough scrutiny of candidate sites in the early stages, or provision made at a later stage should these sites appear to become unsuitable for whatever reason plus taking account of other developments approved within the local area.</p> <p>Village plans which are currently being created by local Community Councils should be taken into the decision making. Also more lines of communication should be opened between PCC and local residents via their Community Councils. But again the information given to Community Councils should be clear and concise to enable them to do this.</p>	<p>You should also look at the Candidate Sites Register when available.</p> <p>Town and Community Councils are Specific Consultees and will be involved throughout the process. Para 3.15 has had wording added to help explain this more clearly. The Council intends to involve TCCs at the Candidate Sites Stage (as it did for the current LDP) and also in Settlement Assessment work looking at the role and function of each Town/Village. County Councillors are encouraged to be heavily involved through stakeholder meetings and workshops and through the political process of LDP Working Group and Cabinet/Full Council meetings.</p> <p>We agree with your comments that local place-making, eg though Village Plans, is an important aspect to inform the content of a Local Development Plan and we acknowledge how important it is to work with a Local Community in building consensus wherever possible.</p>
16.	Dolafon Trust (PBCC)	<p>I support the inclusion of the CIS and wish to be involved as a member of the Plymouth Brethren Christian Church, this is not currently included listed. We would like to be included as part of the consultation.</p> <p>I'm surprised that neither the active Powys charity Rapid Relief Team or the PBCC are included as part of the consultation (Hard to reach, etc)</p>	<p>The comments are noted. Please be advised that the Council is reviewing the list of Consultation Bodies in Appendix 1 of the DA to produce a more detailed section. This will be possible as the new RLDP database develops. The Council is also refining the Hard-to-Reach Groups. These details will be made available in the final Delivery Agreement.</p> <p>The list will include the Plymouth Brethren Christian Church as a General Consultation Body (Bodies</p>

			<p>which represent the interests of different religious groups in Powys). Thank you also for identifying the Rapid Relief Team for our records.</p> <p>Please note we also involve PAVO who in turn have a consultation system to reach voluntary organisations.</p>
17.	Individual	<p>The Representor comments that the DDA gives a good overview of problems and time constraints and highlights that Sustainability and Wellbeing of Future Generations should be a first consideration. Any mistaken policies must be rectified at once not left till next review. Supplementary Planning Advice must be reviewed with these in mind.</p> <p>Points out that Town and Community Councils and their umbrella body, One Voice Wales, are noted as important but are not in the list of stakeholders and consultees.</p> <p>Support of the Gunning principles (3.8) which should be adhered to. Questions the failure to mention the part Community and Town councils (3.15) should play.</p> <p>Appendix 1: The list of Stakeholders. Powys is proud of involving hard to get at groups but where are the Community and Town Councils listed? They are the first tier of democratic government, elected not volunteers. They have the right to among the first to be consulted and their umbrella Group One Voice Wales can have an input as well.</p>	<p>Comments noted. Please note that Town and Community Councils in Powys (and adjoining) are noted in the Specific Consultation Bodies section (Appendix 1) and will be involved in Plan preparation. Extra text has now been added to para 3.15 to try to address your concerns about clarity.</p> <p>The section on pg 30 covers the role of Town and Community Councils and the CIS explains how they will be involved throughout as Specific Consultees. The Council intends to involve TCCs at the Candidate Sites Stage (as it did for the current LDP) and also in Settlement Assessment work looking at the role and function of each Town/Village. The Council will aim to involve TCCs as early as possible at consultation stages within the confines of complying with the strict Timetable being agreed by the Welsh Government.</p> <p>As noted by the representor, One Voice Wales is referred to in the DA but not listed individually as a Stakeholder. Please be advised that the Council is reviewing the list of Consultation Bodies in Appendix 1 of the DA to produce a more detailed section. This will be possible as the new RLDP database develops. The Council is also refining the Hard-to-</p>

			Reach Groups. These details will be made available in the final Delivery Agreement.
18.	Clwyd Alyn Housing Ltd	<p>Clwyd Alyn Housing Limited (CAHL) is a key deliverer of Affordable and other socialist need housing within the County. The challenges in delivery housing through Wales and County is not underestimated by CAHL.</p> <p>As a partner of the Council it supports the principle of early LDP review as a means of reviewing how and where housing is to be provided to meet the needs of the County and the aspirations of Welsh Government in delivering sustainable places, housing and meeting the needs of the counties population.</p> <p>CAHL supports the aspiration of a challenging timescale. However it has concerns that the timetable set out is overly optimistic having regard to the requirements to secure evidence bases reflecting matters such as post covid recovery, the recent suspension of TAN 15 and advice on SFCA and the NRW position of Phosphates.</p>	<p>Housing will once again be a key topic for the RLDP and the Council looks forward to working with relevant stakeholders.</p> <p>The comments are noted. Please be advised that the Timetable complies with the government recommended 3.5 years LDP preparation schedule and ensures that there is no gap in development plan coverage. It also contains stages that are strictly governed by Regulations with consultation periods and requirements which may not be altered.</p> <p>The Council recognises there will be a good deal of work in evidence gathering and also acknowledges the fact that there are a number of detailed strategic matters to address which, as yet, have significant unknowns. Nevertheless, the RLDP builds on the current LDP, learning from recommendations in the Annual Monitoring Report(s) and Review Report, which provides a solid starting point. No changes are proposed to the Delivery Agreement.</p>
19.	Natural Resources Wales	<p>Note the proposed timetable for plan preparation which leaves just one month of margin before the expiry of the current LDP. Welcome the inclusion of the Risk Assessment, which highlights possible risks that would cause delays in the process and additional work.</p> <p>NRW can provide support and have advice to offer the Council during the various stages of the RLDP preparation and adoption, and may be able to provide additional engagement in addition</p>	<p>The offer of support from NRW is noted and appreciated. The LPA will continue to closely engage with NRW as the RLDP progresses. No changes are proposed to the Delivery Agreement in this respect.</p>

		<p>to our statutory duties in the plan process. Emphasise commitment to engage with the Council during the RLDP preparation process and work in partnership to help shape and delivery policy designed to protect and enhance biodiversity and ecosystem resilience thereby underpinning cultural, social and economic well-being of Powys into the future.</p>	
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**CYNGOR SIR POWYS COUNTY COUNCIL****County Council****03 March 2022****REPORT AUTHOR: Chief Executive****SUBJECT: Pay Policy Statement 2022/23**

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**REPORT FOR: Information**

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**1. Background and Purpose**

All English and Welsh Local Authorities are required under local government legislation to produce and publish a Pay Policy Statement each financial year.

This Pay Policy Statement sets out the Council's approach to pay policy in accordance with the requirements of Section 38 of the Localism Act 2011. It takes account of the Revised Guidance relating to Pay Policy statements issued by the Welsh Government on 25th February 2014, on Pay Accountability in Local Government in Wales.

The purpose of the statement is to provide transparency with regard to the Council's approach to setting the pay of its employees (excluding those working in local authority schools) by identifying the methods by which salaries of all employees are determined. This requires English and Welsh Local Authorities to produce and publish a Pay Policy Statement for each financial year detailing:

- The Council's policies towards all aspects and elements of the remuneration of Chief Officers;
- The approach to the publication of, and access to, information relating to all aspects of the remuneration of Chief Officers;
- The Council's policy on the remuneration of its lowest paid employees (including the definition adopted and reasons for it);
- The relationship between the remuneration of its Chief Officers and other employees.

## **2. Legislative Framework**

In determining the pay and remuneration of all of its employees, the Council will comply with all relevant employment legislation. The Council will aim to ensure there is no pay discrimination within its pay structures by complying with Equal Pay requirements and that all pay differentials can be objectively justified through the use of equality proofed Job Evaluation mechanisms which directly relate salaries to the requirements, demands and responsibilities of the role.

## **3. Proposal**

The attached Pay Policy Statement sets out the Council's arrangements for the pay and remuneration of its employees for financial year 2022-23.

It is proposed that the Council approves the Pay Policy Statement to ensure compliance with Section 38 (1) of the Localism Act 2011.

## **4. Statutory Officers**

The Head of Finance (Section 151 Officer) comments that:

*“The attached statement ensures we comply with the relevant legislative requirements.”*

The views of the Head of Legal and Democratic Services (Monitoring Officer) are:

*“The Council is required by the Localism Act 2011 to have a Pay Policy Statement.”*

## Members' Interests

<b>Recommendation:</b>	<b>Reason for Recommendation:</b>
To approve the attached pay policy statement.	<p>Ensure compliance with section 38 (1) of the Localism Act 2011.</p> <p>To respond to the legal requirements under the Standing Orders (Wales) Amendment Regulations 2014, the Local Government (Wales) Act 2015 and related advice from Welsh Government</p>

<b>Relevant Policy (ies):</b>			
<b>Within Policy:</b>	Y	<b>Within Budget:</b>	Y

<b>Relevant Local Member(s):</b>	<p>Cllr Aled Wyn Davies Cllr Beverley Baynham</p>
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<b>Person(s) To Implement Decision:</b>	Graham Evans – Professional Lead, Employment Services
<b>Date By When Decision To Be Implemented:</b>	1 <sup>st</sup> April 2022

<b>Contact Officer Name:</b>	<b>Tel:</b>	<b>Email:</b>
Graham Evans – Professional Lead, Employment Services	01597 826609	graham.evans@powys.gov.uk

## Background Papers used to prepare Report:

- **Localism Act 2011 Sections 38 to 43**
- **Pay Accountability in Local Government in Wales: Welsh Government 2017 (Guidance under Section 40 of the Localism Act 2011)**
- **Transparency of Senior Remuneration in the Devolved Welsh Public Sector: Welsh Government December 2015**
- **Government Spending Review 2020**
- **The Local Government Elections (Wales) Act 2021**
- **Local Government (Wales) Measure 2011**

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## **POWYS COUNTY COUNCIL**

**Pay Policy Statement 2022/23**

# **POWYS COUNTY COUNCIL**

## **Pay Policy Statement 2022/23**

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# POWYS COUNTY COUNCIL

## Pay Policy Statement 2022/23

### 1. Introduction and Purpose

- 1.1 This Pay Policy statement sets out the Council's approach to pay policy in accordance with the requirements of Section 38 (1) of the Localism Act 2011. The Act requires English and Welsh local authorities to produce and publish a pay policy statement each financial year, detailing:
- The authority's policies towards all aspects and elements of the remuneration of chief officers
  - Their approach to the publication of and access to information relating to all aspects of the remuneration of chief officers
  - The authority's policies towards the remuneration of its lowest paid employees (including the definition adopted and reasons for it)
  - The relationship between the remuneration of its chief officers and other employees.
- 1.2 Local authorities are large complex organisations with multi-million-pound budgets. They have a very wide range of functions and provide and/or commission a wide range of essential services. The general approach to remuneration levels may therefore differ from one group of employees to another to reflect specific circumstances at a local, Welsh or UK national level. It will also need to be flexible when required to address a variety of changing circumstances whether foreseeable or not.
- 1.3 The Council will continue to develop a Pay Policy and Strategy in this context and will seek to align rewards systems with business objectives. Once approved by the full Council, as required by the legislation prior to 31 March 2022, this pay policy statement will come into effect from 1 April 2022 and will be subject to review on a minimum of an annual basis in accordance with the relevant legislation prevailing at that time.

### 2. Legislative Framework

- 2.1 In determining the pay and remuneration of all of its employees, the Council will comply with all relevant employment legislation. This includes:
- Equality Act 2010
  - Part Time Employment (Prevention of Less Favourable Treatment) Regulations 2000
  - The Agency Workers Regulations 2010
  - Transfer of Undertakings (Protection of Earnings) Regulations.
- 2.2 With regard to the Equal Pay requirements contained within the Equality Act, the Council will ensure there is no pay discrimination within its pay structures and that all pay differentials can be objectively justified through the use of equality

proofed Job Evaluation mechanisms which directly relate salaries to the requirements, demands and responsibilities of the role.

### **3. Scope of the Pay Policy**

- 3.1** The Localism Act 2011 requires authorities to develop and make public their pay policy on all aspects of Chief Officer Remuneration (including on ceasing to hold office), and that pertaining to the 'lowest paid' in the authority, explaining their policy on the relationship between remuneration for Chief Officers and other groups.
- 3.2** Nothing within the provisions of the Localism Act 2011 detracts from the Council's autonomy in making decisions on pay that are appropriate to local circumstances and which deliver value for money for local tax payers.
- 3.3** In the interests of transparency and accountability, the Council has taken a broader approach and has produced a policy covering all employee groups with the exception of School teachers (the pay for this group is directly under local authority control).

### **4. Development of Pay and Reward Strategy**

- 4.1** The primary aim of a reward strategy is to attract, retain and motivate suitably skilled staff so that the organisation can perform at its best. The biggest challenge for the council in the current circumstances is to maximise productivity and efficiency within current resources. The pay policy then is a matter of striking a sometimes difficult balance between setting remuneration levels at appropriate levels to facilitate a sufficient supply of appropriately skilled individuals to fill the authority's very wide range of posts, and ensuring that the burden on the taxpayer does not become greater than can be fully and objectively justified.
- 4.2** In this context it does need to be recognised that at the more senior grades in particular, remuneration levels need to enable the attraction of a suitably wide pool of talent (which will ideally include people from the private as well as public sector and from outside as well as within Wales), and the retention of suitably skilled and qualified individuals once in post. It must be recognised that the council will often be seeking to recruit in competition with other good public and private sector employers.
- 4.3** In addition the council is a major employer in the area. As such we must have regard to our role in improving the economic well-being of the people of the County. The availability of good quality employment on reasonable terms and conditions and fair rates of pay has a beneficial impact on the quality of life in the community as well as on the local economy.
- 4.4** In designing, developing and reviewing Pay and Reward strategy the council will seek to balance these factors appropriately to maximise outcomes for the



organisation and the community it serves, while managing pay costs appropriately and maintaining sufficient flexibility to meet future needs.

## **5. Specific Local Factors Affecting Pay Policy**

### **5.1 Local Labour Market Factors**

Data from the 2011 Census and other statistics relating to Powys population trends and labour market information indicates a low birth rate and a large outward migration of young people coupled with a large inward migration of older people. Powys is seen as an attractive place to retire and there are limited opportunities for higher education and employment opportunities for young people. Currently the Council employs very few young people under the age of 21 and opportunities for school leavers and graduates have been limited, mainly due to the economic climate and the constraints on budgets. The Council's workforce reflects the community which is steadily getting older. The Council has reacted to this trend by introducing employment and training opportunities for young people, through increasing the number of apprentices and career graded roles. In this way the Council aims to have sufficient skills to sustain services in the future.

### **5.2 Current Recruitment and Retention Issues**

Traditionally Powys County Council has difficulties attracting large numbers of candidates for 'hard to fill' posts in a number of areas across the Council. Examples are in the areas of Social Care, in particular, Social Workers and Children's Residential Care Workers. This difficulty also exists with Chief Officer roles and in other professionally qualified areas such as Planning, Engineering, Legal, Human Resources, Health and Safety and Finance. The Council also has an ageing population in comparison to other Local Authorities in Wales and this, combined with the rural nature of the county and large geographic area, means that the Council can experience difficulties with recruitment and retention. As such the Council has introduced an Apprenticeship initiative including career graded pay rates.

## **6. Pay Structure – National Joint Council / Single Status Staff**

### **6.1 Current Position**

The Council applies the National Joint Council (NJC) negotiated pay spine as the basis for its main grading structure. This determines the salaries for the majority of the workforce.

On 24<sup>th</sup> August 2020, agreement was reached between the National Employers and the NJC Trade Union Side on rates of pay applicable from 1 April 2020.

The NJC pay agreements, effective from 1 April 2021 and 1 April 2022, have yet to be agreed with discussion between Trade Unions and the Employers side on-going. Once agreed, the Council are contractually obliged to implement.

## 6.2 Job Evaluation

The Council's systematic approach to determining the value and worth of posts that are currently subject to the NJC nationally agreed pay spine was implemented from the 1<sup>st</sup> April 2013. This revised pay and grading structure was subject to an equal pay audit. Payment protection paid to staff suffering a detriment was agreed for a 12-month period and ended on the on 31<sup>st</sup> March 2014. All qualifying posts continue to be job evaluated to ensure that the integrity of the single status is maintained, ensuring that staff are remunerated fairly whilst also protecting the Council from any future Equal Pay claims.

## 6.3 Terms and Conditions

In conjunction with the job evaluation process a review of associated terms and conditions has been undertaken which has consolidated the range of nationally and locally negotiated terms which have been agreed through previous collective bargaining. The objective is to apply a single status approach across the authority which is fair for all staff and which also complies with the equality impact assessment.

## 6.4 National Living Wage / National Minimum Wage Compliance

Through contractually adopting the NJC pay rates with a minimum of £9.50 per hour (currently based on 2020 pay rates) and applying Single Status to all employees regardless of age, the Council continues to ensure the lowest paid staff are paid at least the Statutory National Living Wage rate and above the National Minimum Wage rates, which are as follows:

Year	National Living Wage (Age 23+)	21-22 Year Old Rate	18-20 Year Old Rate	16-17 Year Old Rate	Apprentice Rate
1 <sup>st</sup> April 2021	£8.91	£8.36	£6.56	£4.62	£4.30
1 <sup>st</sup> April 2022	£9.50	£9.18	£6.83	£4.81	£4.81

## 6.5 Living Wage Foundation / Real Living Wage for Wales

Through the 2019/20 Pay Policy, Council agreed that any pay rates falling below the non-statutory Living Wage Foundation (LWF) rate should '*increase in-line with the Living Wage Foundation Rate in future years*'. This agreement continued in 2020/21 and 2021/22.

As the National Pay Bodies are yet to agree the pay rates from 1<sup>st</sup> April 2021 or 1<sup>st</sup> April 2022, Council employees receiving less than increased 2022 LWF rate of

£9.90 per hour will have their rates uplifted accordingly, effective from 1<sup>st</sup> April 2022. This is a 40 pence per hour increase from the 2021 LWF rate of £9.50 per hour, and will impact on Grades 1 to 3 of the NJC Pay Spine as follows:

NEW Scale Point (SCP)	Grade	FTE Salary	Hourly Rate
1	<b>Grade 1</b>	<b>18,329</b> <b>(LWF) 19,100</b>	<b>9.5004</b> <b>9.9000</b>
1	<b>Grade 2</b>	<b>18,329</b> <b>(LWF) 19,100</b>	<b>9.5004</b> <b>9.9000</b>
2		<b>18,329</b> <b>(LWF) 19,100</b>	<b>9.5004</b> <b>9.9000</b>
3	<b>Grade 3</b>	<b>18,562</b> <b>(LWF) 19,100</b>	<b>9.6211</b> <b>9.9000</b>
4		<b>18,933</b> <b>(LWF) 19,100</b>	<b>9.8133</b> <b>9.9000</b>

## 6.6 Acting Up/Honoraria

On occasions when employees undertake additional responsibilities for a limited period of time, the Head of Service will have the discretion to award an honorarium or acting up payment. This will be applied in line with the Guidance attached at Appendix B.

## 6.7 Pay and Performance

The Council introduced a new appraisal process in October 2018, which has been further enhanced, and expects high levels of performance from all its' employees. Individual performance is managed and supported by line managers, with the relationship between line manager and staff member being key to ensuring we have engaged and motivated staff, who are enabled in their work and can utilise their ideas to improve services. This is vital to ensure all employees and services contribute to meeting the priorities set out in the Councils Vision 2025. There are no bonus related pay incentives in place.

## 6.8 Pensions

All Council employees (with the exception of Teachers) are entitled to join the local government pension scheme (LGPS). If employees are eligible, they will automatically become a member of the scheme (to join they must have a contract for at least 3 months and be under the age of 75). Employees can decide to opt out of the scheme. The benefits and contributions payable as part of the scheme are set out in the LGPS regulations.

## **7. Accountability and Decision Making**

- 7.1 In accordance with statutory requirements and the Constitution of the Council policies relating to the recruitment, pay, terms and conditions, and severance arrangements of all employees of the Council is the responsibility of the Council.

## **8. Chief Officer Remuneration**

### **8.1 Definition of Chief Officer:**

For the purposes of this statement, 'chief officers' are as defined within S43 of the Localism Act. The posts falling within the statutory definition are set out below

- Chief Executive
- Executive Director People & Organisational Development (Director of Social Services)
- Executive Director Economy & Environment
- Director of Education
- Head of Commissioning & Partnerships (Social Services)
- Head of Legal and Democratic Services (Monitoring Officer)
- Head of Transformation and Communications
- Head of Childrens Services
- Head of Finance (Section 151 Officer)
- Head of Highways, Transport and Recycling
- Head of Workforce and Organisational Development
- Head of Adult Services
- Head of Housing and Community Development
- Head of Property, Planning and Public Protection
- Head of Economy & Digital Services
- Head of Education

The above posts are governed by JNC for Chief Executives and JNC for Chief Officers terms and conditions of employment.

The 2021-22 nationally agreed pay award applied a 1.5% uplift to salaries from 1<sup>st</sup> April 2021 (agreed in February 2022). The JNC pay agreement, effective from 1 April 2022, has yet to be agreed with discussion between Trade Unions and the Employers side yet to commence. Once agreed, the Council are contractually obliged to implement.

The Council also has a category of employees employed on Senior Manager (SM) grades. These grades fall between the top of the NJC pay spine and the bottom of the Head of Service range. These posts are governed by NJC terms and conditions of employment, with national pay awards applied accordingly.

The grades ranges for all the above posts are agreed locally and are attached at Appendix C.

The Council has a number of posts within the Schools Service and Youth Service that are employed under Soulbury or Youth & Community terms and conditions.

The Soulbury grades are attached at Appendix D, with Youth & Community attached at Appendix E. The last pay award agreed for both bodies was 2.75% effective from 1<sup>st</sup> September 2020. The pay award effective from 1<sup>st</sup> September 2021 or 2022 are yet to be agreed at national level.

## **8.2 Recruitment of Chief Officers**

The Council's policy and procedures with regard to the recruitment of Chief Officers is set out within Section 11 of the Council Constitution. When recruiting to all posts the Council will take full and proper account of its Equal Opportunities, Recruitment and Redeployment policies. The determination of the remuneration to be offered to any newly appointed Chief Officer will be in accordance with the pay structure and relevant policies in place at the time of recruitment.

## **8.3 Policy on the Payment of Chief Officers on ceasing to hold office or to be employed by the Council**

Should a Chief Officer be in a redundancy situation and no alternative employment can be found they will, like all other employees, be entitled to compensation in line with the Council's Redundancy Compensation Scheme.

The Councils approach to statutory and discretionary payments on termination of employment of chief officers (and all other employees), prior to reaching normal retirement age, is set out within its Early Retirement and Redundancy Policy, in accordance with Regulations 5 and 6 of the Local Government (Early Termination of Employment) (Discretionary Compensation) Regulations 2006. This is in respect of a redundancy payment being based on actual weekly earnings (Regulation 5) and when an enhanced redundancy payment of up to 30 weeks would be granted (Regulation 6). Regulations 12 and 13 of the Local Government Pension Scheme (Benefits, Membership and Contribution) Regulations 2007 do not apply as the Authority does not increase the total membership of active members (Regulation 12) or award additional pension (Regulation 13).

Decisions relating to any other payments falling outside the provisions or the relevant periods of contractual notice will be taken by those officers and members authorised to do so by the Council Constitution.

## **9. Independent Remuneration Panel**

- 9.1 In accordance with Section 143A of the Local Government (Wales) Measure 2011 the Independent Remuneration Panel for Wales ("the IRP") has powers to make recommendations in relation to any policy in an authority's pay policy statement which relates to the salary of the Chief Executive
- 9.2 If the Council proposes to change the salary value of the Chief Executive (except one which is commensurate to a change affecting the authority's other staff more generally) then the Council is obliged to

consult the IRP about the proposed change. The Council is then required to have regard to the IRP's recommendations on the proposal.

- 9.3 The Council is required to identify in this pay policy statement whether any such referral has been made to the IRP, and if so, the nature of the referral, the IRP's decision and the Council's response. An authority which chooses not to follow the advice of the Panel may become subject to a Ministerial direction to reconsider their position.
- 9.4 The Council has not made a referral to the IRP relating to the salary payable to the Chief Executive.

## **10. Re-employment of Staff**

- 10.1 The Council has a Re-employment of Former Employees Policy which came into effect from 1 September 2014, and reviewed and updated in November 2018.
- 10.2 The purpose of the policy is to set out the Council's approach to the re-employment of certain categories of ex-employees.

### **10.3 Redundancy / Efficiency Cases**

The Council will not engage such former employees on a contract of employment, or through an employment agency, nor engage them in a "contract for services", for a period of 12 months from the date of termination of their employment. After this period, restrictions on their re-employment are removed.

- 10.4 Engagement in a "contract for services" means appointing a genuinely self-employed individual such as a consultant where the relationship between the parties is not that of employer and employee.

### **Exceptions – Redundancy and Efficiency**

- 10.5 Where there is a compelling case for re-employment or re-engagement inside the 12-month period, driven by the needs of the Council (for example, because of the skills and experience of a particular individual) or the circumstances of the former employee, approval must be sought from the Head of Workforce and Organisational Development.
- 10.6 The recruiting manager must submit a case in writing stating why an exception to the general policy should be made. No offer of employment, or contract for services, may be offered, nor arrangement with an employment agency be made until the Head of Workforce and Organisational Development has given express written permission to do so.
- 10.7 The following factors may make it likely that a request for re-employment or a contract for services will be agreed, although not guaranteed:
- The new employment is for a short period (temporary), or casual, or for very few hours a week, and/or is on a lower job grade than the original job;

- The new employment is in a markedly different capacity (job role or service area) to the original job;
- The employee has scarce skills which the Service has demonstrated (through a detailed business case) it cannot secure easily elsewhere.

10.8 There is no right of appeal against the decision of the Head of Workforce and Organisational Development.

10.9 **Misconduct/ Lack of Capability Cases:**

The Council will not re-employ such ex-employees, nor engage their services through an employment agency nor under a contract for services, and there is no qualifying period, subject to the following exceptions outlined below.

**Exceptions – Misconduct or Lack of Capability Cases**

10.10 The Council recognises that there may be a case for re-employment in some circumstances, although it is highly unlikely.

10.11 The Council will not normally re-employ an employee who was dismissed on the grounds of gross misconduct. However, there may be very exceptional circumstances (such as a significant period of time since the dismissal) when re-employment may be considered. The final decision rests with the Head of Workforce and Organisational Development who will take account of the reasons for dismissal and the potential and/or likelihood for future misconduct.

10.12 The Council may re-employ an ex-employee who was dismissed on the grounds of lack of capability, or on grounds of misconduct short of gross misconduct. Re-employment will be subject to an assessment by the respective Head of Service and the Head of Workforce and Organisational Development of the applicant's suitability for the new role in the light of the previous case.

## **11. Remuneration at the Lowest Grades**

11.1 The lowest paid employees employed under a contract of employment with the Council, are remunerated on full time equivalent salaries in accordance with the minimum NJC spinal column point currently in use within the Council's grading structure. From 1<sup>st</sup> April 2022 this is spinal column point 1, currently £18,329 FTE per annum (£9.50 per hour) until the 2021 and 2022 pay awards are agreed. This hourly rate will however increase in-line with the Living Wage Foundation Rate (see paragraph 6.5), resulting in the lowest paid employees being paid at least £9.90 per hour (£19,100 FTE per annum).

11.2 The Council does run an apprenticeship scheme where individuals are engaged under a fixed term contract for a period of up to three years. During this time their rates of pay comply with the nationally applied rates for an apprentice and therefore they do not fall into the category of lowest grade or lowest paid in the council.

- 11.3 The relationship between the rate of pay for the lowest paid and chief officers is determined by the processes used for determining pay and grading structures as set out earlier in this policy statement

## 12. Pay Relativities within the Authority

- 12.1 The statutory guidance under the Localism Act recommends the use of pay multiples as a means of measuring the relationship between pay rates across the workforce and that of senior managers, as included within the Hutton 'Review of Fair Pay in the Public Sector' (2010). The Hutton Report was asked by Government to explore the case for a fixed limit on dispersion of pay through a requirement that no public sector manager can earn more than 20 times the lowest paid person in the Organisation. The report concluded that the relationship to median earnings was a more relevant measure and the Government's Code of Recommended Practice on Data Transparency recommends the publication of the ratio between highest paid salary and the median average salary of the whole of the Authority's workforce.
- 12.2 The multiples of pay for Powys County Council are as follows:
1. The multiple between the lowest paid full time equivalent employee (£19,100) and the chief executive (£146,994) is 1:7.70 (based on current confirmed rates for 2022/23)
  2. The multiple between the lowest paid employee (£19,100) and mean average chief officer including the Chief Executive (£93,974) is 1:4.92 (*mean average Chief Officer includes Chief Executive*)
  3. The multiple between the lowest paid employee (£19,100) and mean average chief officer excluding the Chief Executive (£90,186) is 1:4.72 (*mean average Chief Officer excludes Chief Executive*)
  4. The multiple between the median (average) full time equivalent earnings (£23,484) (excluding schools) and the chief executive (£146,994) is 1:6.26
  5. The multiple between the median (average) full time equivalent earnings (£23,484) (excluding schools) and mean average chief officer including the Chief Executive (£93,974) is 1:4.00
  6. The multiple between the median (average) full time equivalent earnings (£23,484) (excluding schools) and mean average chief officer excluding the Chief Executive (£90,186) is 1:3.84



### **13. Publication**

- 13.1 Upon approval by the full Council, this statement will be published on the Council's website before 31 March 2022.
- 13.2 The Council's Annual Statement of Accounts will also include additional information as required by the Accounts and Audit (Wales) Regulations 2005 (as amended) and in respect of posts where remuneration is £60,000 or more per annum.

### **14. Partnership with Trade Unions**

- 14.1 The Council will endeavour to maintain the constructive partnership approach that it has developed with the recognised Trade Unions and will continue to work closely with them on pay related matters. Collective bargaining will be followed as appropriate for any proposed changes to pay and /or allowances.

### **15. Reviewing the Policy**

- 15.1 This Policy outlines the current position in respect of pay and reward within the Council and it will be reviewed over the next year to ensure that it meets the principles of fairness, equality, accountability and value for money for the citizens of Powys. The Policy will be reviewed annually and reported to Council.

## APPENDIX A

**Pay Scales for NJC Employees – applicable from 1 April 2022\***  
 (\*2020 rates shown, 2021 or 2022 National Pay Awards not yet confirmed)  
 The Council adopts the Living Wage Foundation (LWF) rate of £9.90 per hour

NEW Scale Point (SCP)	Grade	FTE Salary	Hourly Rate
1	Grade 1	18,329	9.5004
		(LWF) 19,100	9.9000
1	Grade 2	18,329	9.5004
		(LWF) 19,100	9.9000
2		18,329	9.5004
		(LWF) 19,100	9.9000
3	Grade 3	18,562	9.6211
		(LWF) 19,100	9.9000
4		18,933	9.8133
		(LWF) 19,100	9.9000
5	Grade 4	19,312	10.0099
6		19,698	10.2101
7	Grade 5	20,092	10.4141
8		20,493	10.6223
9		20,903	10.8348
11	Grade 6	21,748	11.2726
12		22,183	11.4979
13		22,627	11.7280
14		23,080	11.9628
15	Grade 7	23,541	12.2020
16		24,012	12.4459
17		24,491	12.6946
18		24,982	12.9486
19		25,481	13.2075
19	Grade 8	25,481	13.2075
20		25,991	13.4716
21		26,511	13.7411
22		27,041	14.0159
23	Grade 9	27,741	14.3791
24		28,672	14.8617
25		29,577	15.3303
27	Grade 10	31,346	16.2474
28		32,234	16.7076
29		32,910	17.0580
30	Grade 11	33,782	17.5102
31		34,728	18.0007
32		35,745	18.5274
33	Grade 12	36,922	19.1377
34		37,890	19.6394
35		38,890	20.1576
37	Grade 13	40,876	21.1871
38		41,881	21.7080
39		42,821	22.1953
41	Grade 14	44,863	23.2535
42		45,859	23.7701
43		46,845	24.2809

## **APPENDIX B**

### **Acting Up / Honoraria and Relief Arrangements**

#### **Cover for Managers /Supervisors**

Acting up allowances will be paid in the event of a temporary and unforeseen absence of a manager or supervisor where an employee is required to cover the duties of the post for more than one calendar month. Cover provided for absences less than this will not be paid.

Where an absence is likely to be lengthy, e.g Maternity Leave, managers must consider making an appointment to the temporary vacancy through advertisement to a wider field of potential applicants.

Once cover extends beyond one month then employees will be paid the difference between their own rate and the job evaluated rate for the job being covered, backdated to the beginning of the period of cover. A minimum of one spinal column point higher will be paid. A percentage of the difference in rate may be made to reflect a lesser range of responsibilities being covered. Percentage acting up allowances may be paid to more than one member of a team if responsibilities are being shared. Where full duties are shared the acting allowances should be equal to the full difference in salary.

#### **Honoraria**

On occasion when employees undertake additional responsibilities for a limited period of time the Head of Service will have the discretion to award an honorarium. This will not be a full job evaluated rate given the time limits on the responsibilities however the job evaluation scheme can be used to help establish a reasonable honoraria rate. If the additional duties are outside the usual knowledge and skill requirements it maybe necessary to use market information (in accordance with the market supplement policy) to establish a payment level. Honoraria should cease after 12 months. If the additional duties continue then an evaluated rate must be established, if necessary with a market premium, in accordance with the market Supplement Policy.

#### **Relief / Casual Arrangements**

Where there is a business requirement for a relief duty officer e.g as part of a duty roster a single fixed job evaluated rate for the relief role should be established and paid as a change of rate for the period during which the employee covers the duty requirements.

Casual workers are entitled to the evaluated rate for the job unless they are not required to cover the full duties of the job. If this is the case then a casual worker job evaluated rate must be established. The casual worker is entitled to any allowances arising from non-standard working in the same circumstances as an established employee.

## APPENDIX C

### Chief Officer & Senior Manager Pay Scales

National Pay Rates applicable from 1 April 2022\*

(\* 2021 rates shown, 2022 National Pay Award not yet confirmed)

(\*\*Senior Manager rates have yet to be agreed for 2021 or 2022)

<b>Senior Manager 2 **</b>	<b>SM2</b>	<b>003</b>	<b>£52,369</b>
		<b>004</b>	<b>£54,358</b>
		<b>005</b>	<b>£54,957</b>
		<b>006</b>	<b>£56,351</b>
<b>Senior Manager 1 **</b>	<b>SM1</b>	<b>009</b>	<b>£59,737</b>
		<b>010</b>	<b>£61,328</b>
		<b>011</b>	<b>£62,923</b>
		<b>012</b>	<b>£64,517</b>
<b>Heads of Service 3</b>	<b>HS3</b>	<b>013</b>	<b>£65,435</b>
		<b>014</b>	<b>£67,038</b>
		<b>015</b>	<b>£68,627</b>
		<b>016</b>	<b>£70,227</b>
<b>Heads of Service 2</b>	<b>HS2</b>	<b>017</b>	<b>£71,117</b>
		<b>018</b>	<b>£73,490</b>
		<b>019</b>	<b>£75,857</b>
		<b>020</b>	<b>£78,230</b>
<b>Heads of Service 1</b>	<b>HS1</b>	<b>021</b>	<b>£80,598</b>
		<b>022</b>	<b>£82,970</b>
		<b>023</b>	<b>£85,342</b>
		<b>024</b>	<b>£87,711</b>
<b>Director 2</b>	<b>D2</b>	<b>025</b>	<b>£89,169</b>
		<b>026</b>	<b>£91,619</b>
		<b>027</b>	<b>£94,068</b>
		<b>028</b>	<b>£96,518</b>
<b>Director 1</b>	<b>D1</b>	<b>029</b>	<b>£101,149</b>
		<b>030</b>	<b>£103,598</b>
		<b>031</b>	<b>£106,048</b>
		<b>032</b>	<b>£108,496</b>
<b>Strategic Director</b>	<b>SD1</b>	<b>033</b>	<b>£108,851</b>
		<b>034</b>	<b>£111,303</b>
		<b>035</b>	<b>£111,521</b>
		<b>036</b>	<b>£113,922</b>
<b>Chief Executive</b>	<b>CE1</b>	<b>037</b>	<b>£137,701</b>
		<b>038</b>	<b>£140,798</b>
		<b>039</b>	<b>£143,896</b>
		<b>040</b>	<b>£146,994</b>

The Chief Executive is also the Returning Officer and payment for these duties for each electoral division or community ward is made as follows:

Contested Election	£110
Uncontested Election	£ 55

Returning Officer fees for national elections and referenda are paid by central government.

## APPENDIX D

### Soulbury Pay Agreement (2021 or 2022 yet to be agreed) National Pay Rates applicable from 1 September 2020 Educational Improvement Professionals (EIPs)

Spinal point	Rates effective from 1-Sep-20
001	36,419
002	37,723
003	38,955
004	40,203
005	41,443
006	42,684
007	43,988
008	45,243
009	46,705
010	48,009
011	49,295
012	50,541
013	51,951
014	53,209
015	54,598
016	55,854
017	57,114
018	58,350
019	59,625
020	60,283
021	61,549
022	62,653
023	63,867
024	64,956
025	66,121
026	67,257
027	68,419
028	69,597
029	70,777
030	71,956
031	73,124
032	74,311
033	75,498
034	76,714
035	77,927
036	79,174
037	80,402
038	81,642
039	82,866
040	84,089
041	85,318
042	86,546
043	87,773
044	89,006
045	90,236
046	91,468
047	92,705
048	93,930
049	95,160
050	96,392

# Educational Psychologists

## SCALE A

SCP	01-Sep-20
1	38,197
2	40,136
3	42,075
4	44,012
5	45,951
6	47,889
7	49,714
8	51,538
9	53,247
10	54,959
11	56,554

## SCALE B

SCP	01-Sep-20
1	47,889
2	49,714
3	51,538
4	53,247
5	54,959
6	56,554
7	57,209
8	58,433
9	59,646
10	60,880
11	62,090
12	63,323
13	64,577
14	65,790
15	67,061
16	68,318
17	69,585
18	70,850

## Young People's / Community Service Managers Spine

SCP	01-Sep-20
1	37,772
2	39,008
3	40,243
4	41,505
5	42,786
6	44,036
7	45,314
8	46,767
9	47,568
10	48,806
11	50,036
12	51,269
13	52,493
14	53,729
15	54,966
16	56,207
17	57,455
18	58,695
19	59,927
20	61,186
21	62,469
22	63,782
23	65,120
24	66,486

## APPENDIX E

**JNC for Youth & Community Workers  
National Pay Rates applicable from 1 September 2020\*  
(\*2021 or 2022 national pay award yet to be agreed)**

### Support Worker Range

SCP	01/09/2020
1 - 4	obsolete
5	19,308
6	19,631
7	19,992
8	20,589
9	21,439
10	22,104
11	23,178
12	24,228
13	25,313
14	26,437
15	27,202
16	28,001
17	28,787

### Professional Range

SCP	01/09/2020
13	25,313
14	26,437
15	27,202
16	28,001
17	28,787
18	29,579
19	30,364
20	31,152
21	32,036
22	33,039
23	34,015
24	34,997
25	35,985
26	36,973
27	37,961
28	38,961
29	39,953
30	40,947
31	41,617
32	42,718



## CYNGOR SIR POWYS COUNTY COUNCIL.

**Council**  
3<sup>rd</sup> March , 2022

**REPORT AUTHOR:** Head of Legal and Democratic Services

**SUBJECT:** Constitution

**REPORT FOR:** Decision

## 1. Purpose of Report

- 1.1 Council is asked to consider possible revisions to the Constitution recommended to Council by the Democratic Services Committee ("DSC") at it meeting on 21<sup>st</sup> February 2022. The proposed changes are required in response to Local Government and Elections (Wales) Act 2021 .

## 2. Possible Revisions to the Constitution

### 2.1 Section 2 – Purpose, Definition, Interpretation and Amendment to the Constitution

The following amendments are proposed to this section of the Constitution:

- Addition of a definition for "Petition Scheme" to Rule 2.2.2 (see page 4 of Section 2). The Council in accordance with the Local Government and Elections (Wales) Act 2021 is required to establish a petition scheme by May 2022. There are consequential amendments to Sections 3 and 4 of the Constitution arising from this requirement ( see below) .
- Addition of a definition for Corporate Joint Committees to Rule 2.2.2 ( see page 2 of Section 2). following the establishment of the Mid Wales Corporate Joint Committee in January 2022. References to this committee have been included in Sections 6, 13 and 23 of the Constitution as well.
- Addition of the term Leader to Rule 2.2.2 (see page 3 of Section 2).so that any references to Leader in the Constitution means that it could be a Leader or Leaders where the role subject to a is job-share.

<b>Proposed Recommendation to the County Council:</b>	<b>Reason for Recommendation:</b>
<p>1. That the amendments to Section 2 of the Constitution is approved as set out in the draft Section 2 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 changes 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>

## 2.2 Section 3 – Getting Information and Getting Involved.

The following amendments are proposed to this section of the Constitution:

- Addition of Rule 3.17 (see page 3 of Section 3) setting out the requirement under the Local Government and Elections (Wales) Act 2021 that the Council established a public participation strategy by May 2022 to encourage local people to participate in the making of decisions by the Council. A draft Public Participation scheme will be brought to DSC after the May elections for approval before going out to public consultation. We are still awaiting guidance from Welsh Government on Participation Schemes The result of the public participation will be brought back to DSC for consideration with a view to recommending a Participation Scheme to Full Council.
- Addition of the ability by the public to raise a matter with the Council by submitting a petition in accordance with the Local Government and Elections (Wales) Act 2021 (Rule 3.18.3) (see page 3 of Section 3). A separate Report is being brought to Council with the details of the Petition Scheme

<b>Proposed Recommendation to the County Council:</b>	<b>Reason for Recommendation:</b>
<b>3. That the amendments to Section 3 of the Constitution are approved as set out in the draft Section 3 attached to the report.</b> <b>4. 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 3 above.</b>	<b>To review and amend the Constitution so that it aligns with the current requirements of the Council.</b>

## 2.3 Section 4 – Full Council.

The following amendments are proposed to this section of the Constitution:

- Addition of Rule 4.6.15 (see page 3 of Section 4) which is an additional responsibility of the Council to approve, review and amend the Council's petition scheme. The requirement for the Council to have a petition scheme is in accordance with the Local Government and Elections (Wales) Act 2021.
- Addition of Rule 4.6.16 (see page 3 of Section 4) which is an additional responsibility of the Council to approve, review and amend the Council's public participation scheme. The requirement for the Council to have a petition scheme is in accordance with the Local Government and Elections (Wales) Act 2021.

<b>Proposed Recommendation to the County Council:</b>	<b>Reason for Recommendation:</b>
<b>5. That the amendments to Section 4 of the Constitution are approved as set out in the draft Section 4 attached to the report.</b> <b>6. That the Monitoring Officer is</b>	<b>To review and amend the Constitution so that it aligns with the current requirements of the Council.</b>

<p><b>authorised to make such other changes to the Constitution as may be required to reflect the change set out in Recommendation 5 above.</b></p>	
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**2.4 Section 5 – The Cabinet.**

The following amendments are proposed to this section of the Constitution:

- Addition of Rules 5.2.3 and 5.2.7 (see page 1 of Section 5) to include the mandatory requirement arising from the Local Government and Elections (Wales) Act 2021 (Section 58 of the Act) that provisions be included in the Constitution for the Leader and Executive Members to be allowed to job share. However, this does not mean that it must be implemented and whether the provision is used will be for a future Leader and Cabinet to decide.
- Amendment of Rule 5.2.7 (see page 1 of Section 5) which cross references the numbers on the Cabinet to Rule 5.2.3 to 5.2.5 (job-sharing).
- Addition of Rules 5.9.1 to 5.9.4 (see page 2 of Section 5) arising from the Local Government and Elections (Wales) Act 2021 (Section 57 of the Act) that the Cabinet may consider appointing Assistants to the Executive. This is not a mandatory requirement and Council has a discretion whether or not to add this facility to the Constitution. The recommendation from DSC is that Constitution should be amended to allow the appointment of Assistants in the future. The addition of this provision to the Constitution merely provides the ability for a future Cabinet to implement this if it so wishes. If Council recommends the addition of Rules 5.9.1. to 5.9.4 to the Constitution, further minor consequential amendments will be required to Sections 7 and 9 ( see below). .
- Addition of Rule 5.19.2(see page 5 of Section 5) which amends the rules for the Quorum of a Cabinet where posts are subject to a job-share.
- Addition of Rule 5.20.4 (see page 5 of Section 5) in respect of voting at meetings of a Cabinet where posts are subject to a job-share.

<b>Proposed Recommendation to the County Council:</b>	<b>Reason for Recommendation:</b>
<p><b>7. That the amendments to Section 5 of the Constitution are approved as set out in the draft Section 5 attached to the report.</b></p> <p><b>8. 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 7 above.</b></p>	<p><b>To review and amend the Constitution so that it aligns with the current requirements of the Council.</b></p>

**2.5 Section 6 – The Leader.**

The following amendments are proposed to this section of the Constitution:

- Addition of Rule 6.13 (see page 2 of Section 6) to comply with Regulation 7 of the Mid Wales Corporate Joint Committee Regulations 2021 which stipulates that

the Leader is the Council's representative on the Mid Wales Corporate Joint Committee..

<b>Proposed Recommendation to the County Council:</b>	<b>Reason for Recommendation:</b>
<p><b>9. That the amendments to Section 6 of the Constitution are approved as set out in the draft Section 6 attached to the report.</b></p> <p><b>10. 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 9 above.</b></p>	<p><b>To review and amend the Constitution so that it aligns with the current requirements of the Council.</b></p>

## **2.6 Section 7 – Scrutiny Committees.**

The following amendments will only be required if Council decides that the Constitution is amended to introduce the ability of Cabinet to appoint Assistants to the Executive.

- Amendment to Rule 7.11(see page 5 of Section 7) so that Assistants to the Executive as well as Cabinet Members cannot be members of a scrutiny committee in accordance with the Local Government and Elections (Wales) Act 2021.

<b>Proposed Recommendation to the County Council:</b>	<b>Reason for Recommendation:</b>
<p><b>11. That the amendments to Section 7 of the Constitution are approved as set out in the draft Section 7 attached to the report.</b></p> <p><b>12. 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 11 above.</b></p>	<p><b>To review and amend the Constitution so that it aligns with the current requirements of the Council.</b></p>

## **2.7 Section 9 – Regulatory Committees.**

The following amendments will only be required if Council decides that the Constitution is amended to introduce the ability of Cabinet to appoint Assistants to the Executive.

- Amendment to Rule 9.4.4 and 9.4.8 (see page 4 of Section 9) in accordance with the Local Government and Elections (Wales) Act 2021 to the effect that the Leader and Assistants to the Executive cannot be members of the Governance and Audit Committee.

<b>Proposed Recommendation to the County Council:</b>	<b>Reason for Recommendation:</b>
<p><b>13. That the amendment to Section 9 of the Constitution is approved as set out in the draft Section 9 attached to the report.</b></p> <p><b>14. 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 13 above.</b></p>	<p><b>To review and amend the Constitution so that it aligns with the current requirements of the Council.</b></p>

## **2.8 Section 13 – Responsibility for Functions.**

The following amendments are proposed to this section of the Constitution:

- Addition of Rule 13.1.8 ((see page 1 of Section 13) to include a Corporate Joint Committee as a decision maker following the establishment of the Mid Wales Corporate Joint Committee.

<b>Proposed Recommendation to the County Council:</b>	<b>Reason for Recommendation:</b>
<p><b>15. That the amendments to Section 13 of the Constitution are approved as set out in the draft Section 13 attached to the report.</b></p> <p><b>16. 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 15 above.</b></p>	<p><b>To review and amend the Constitution so that it aligns with the current requirements of the Council.</b></p>

## **2.9 Section 20 – Code of Conduct for Employees.**

The following amendments are proposed to this section of the Constitution:

- Amending Rules 20.18 and 20.19 (see page 3 of Section 20) to refer staff to guidance which will be located under the HR policies on the Council's intranet in respect of declaring conflicts of interest and declarations of a gift or hospitality. This has arisen from recommendations made by a SWAP report on the disclosures of interests by officers which has required amendments to the Constitution to strengthen and clarify the process for recording disclosures of interest and gifts and hospitality. The forms at the end of this document will be replaced by updated forms placed on the Council's intranet site together with the guidance to officers.

<b>Proposed Recommendation to the County Council:</b>	<b>Reason for Recommendation:</b>
<p><b>17. That the amendments to Section</b></p>	<p><b>To review and amend the Constitution</b></p>

<p><b>20 of the Constitution are approved as set out in the draft Section 20 attached to the report.</b></p> <p><b>18. 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 17 above.</b></p>	<p><b>so that it aligns with the current requirements of the Council.</b></p>
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## **2.10 Section 23 – Member Role Descriptions.**

The document has been reviewed following revised model role descriptions being received from the Welsh Local Government Association (WLGA). In addition the skills matrix which was included under each section has been removed and the document will need to be read in conjunction with the WLGA's "A Development Framework for Councillors in Wales 2021 (copy attached as an Appendix) which is the updated skills matrix from the WLGA.

Relevant role descriptions and sections of the development framework will be circulated to Members when they undertake roles within the Council and will be used to assist in identifying any individual training needs.

The role description of the Leader has in addition been further amended to include the role of the Council's representative on the Mid Wales Corporate Joint Committee.

<b>Proposed Recommendation to the County Council:</b>	<b>Reason for Recommendation:</b>
<p><b>19. That the amendment to Section 23 of the Constitution is approved as set out in the draft Section 23 attached to the report.</b></p> <p><b>20. 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 19 above.</b></p>	<p><b>To review and amend the Constitution so that it aligns with the current requirements of the Council.</b></p>

## **2.11 Constitution Guide.**

This is a new requirement of the Local Government and Elections (Wales) Act 2021 (Section 45), that the Council published a guide to its constitution. A model document has been prepared by Browne Jacobson solicitors commissioned by the WLGA on behalf of all authorities in Wales. The draft document (attached) has been amended to be relevant to Powys. The Guide does not form part of the Constitution.

The Guide is awaiting a Welsh translation and there is also a link which cannot be included as yet as it is subject to forthcoming Welsh Government Guidance which is currently subject to consultation.

<b>Proposed Recommendation to the County Council:</b>	<b>Reason for Recommendation:</b>
<p><b>21. That the draft Guide to the Constitution is approved as set out in the draft document attached to the report.</b></p> <p><b>22. 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 21 above.</b></p>	<p><b>To review and amend the Constitution so that it aligns with the current requirements of the Council.</b></p>

## **2.12 For Information – Amendment to Rule 4.53.3 pursuant to Rule 2.7**

Rule 2.7 allows the Monitoring Officer to make changes to the Constitution which are of a minor nature or which are required to remove any inconsistency, ambiguity or a typographical correction provided that such changes are reported to the Democratic Services Committee and the next Full Council meeting for information.

Pursuant to Rule 2.7, I have made the following amendment to Rule 4.54:

4.53 When a motion is under debate, no other motion may be moved except the following procedural motions:

4.53.3 a closure motion under Rule 4.54.5

The amendment was brought to the attention of DSC at its meeting on 21<sup>st</sup> February 2022.

I have made this amendment as the reference to Rule 4.54.5 in Rule 4.53.3 is a typographical error which brings Rule 4.53.3 into contradiction with Rule 4.42.9 and in any event does not make sense.

Rule 4.42.9 refers to all forms of closure motions under Rule 4.54 as being an allowable motion without notice but as Council we see from the above, the original Rule 4.53.3 suggested that only closure motions under Rule 4.54.5 could only be made without motion. Unfortunately Rule 4.54.5 is not actually a closure motion but sets out the process by a closure motions proposed under Rules 4.54-1 to 2.54.4 should be dealt with.

<b>Proposed Recommendation to the County Council:</b>	<b>Reason for Recommendation:</b>
<p><b>23. That Council notes the amendment to Rule 4.53.3 made by the Monitoring Officer under Rule 2.7</b></p>	<p><b>To fulfil the requirement of Rule 2.7 to notify DSC and Council of such amendments3.</b></p>

## **3. Resource Implications**

3.1 The Head of Finance (Section 151 Officer) notes the content of the report. The amendments to the Constitution will not of themselves have any financial

consequences. Job sharing will not have a financial impact as the allowance will be split between the job shares. The appointment of assistants could have financial consequences in the future, but at this point the addition of this provision to the Constitution merely provides the ability for a future Cabinet to implement this if it so wishes. If this is implemented in the future the financial consequences will need to be considered at that time and budget identified to support it.

#### 4. Legal implications

4.1 Legal: the recommendations can be accepted from a legal point of view

4.2 The Head of Legal and Democratic Services (Monitoring Officer) has commented as follows: " I note the legal comment and have nothing to add to the report".

<b>Relevant Policy (ies):</b>	Constitution		
<b>Within Policy:</b>	<b>Y</b>	<b>Within Budget:</b>	<b>Y</b>

<b>Relevant Local Member(s):</b>	N/A
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<b>Person(s) To Implement Decision:</b>	<b>Head of Legal &amp; Democratic Services</b>
<b>Date By When Decision To Be Implemented:</b>	

Contact Officer:	Clive Pinney. Head of Legal & Democratic Services.
Tel:	01597-826746
Email:	clive.pinney@powys.gov.uk



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

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### 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. <sup>1</sup>
“Budget”	the overall revenue and capital budget approved by Full Council (Section 4);
“Chief Executive”	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;
“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. <sup>2</sup>
“Co-Opted Member”	A person chosen by the Council to serve on one of its Member Bodies consisting of the following:

<sup>1</sup> Local Government Act 1972, Schedule 12

<sup>2</sup> 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>
“Corporate Joint Committee”	<u>corporate bodies, established via regulation, comprising specified principal councils in Wales, for the purpose of enabling strategic planning and delivery at a regional scale.</u>
“Councillor”	a person elected to the Council to represent an area (called an electoral division) within the county of Powys;
Council Term	The Council term will be 5 years or for such other period specified by Welsh Government from time to time.
“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 <sup>3</sup> 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</p>

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

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

	organisations and individuals are also Executive Functions.
“Exempt Information”	Information which a Council is able to withhold from being disclosed to the public as it falls within one of 10 categories of information described in regulations. <sup>4</sup>
“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.
“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.
<u>“Leader”</u>	<u>The Leader of Council elected by the Council in accordance with Rule 4.40 or one or more Councillors elected by Council as Leader on a job-share basis.</u>
“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; <sup>5</sup>
“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 Chief Executive 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

<sup>4</sup> 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.

<sup>5</sup> 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"> <li>• Governance and Audit Committee;</li> <li>• Cabinet;</li> <li>• Democratic Services Committee;</li> <li>• Employment and Appeals Committee;</li> <li>• Learning and Skills Scrutiny Committee;</li> <li>• Health and Care Scrutiny Committee;</li> <li>• Economy, Residents and Communities Scrutiny Committee;</li> <li>• Full Council;</li> <li>• Licensing Act 2003 Committee;</li> <li>• Pensions and Investments Committee;</li> <li>• Planning, Taxi Licensing and Rights of Way Committee;</li> <li>• Standards Committee (or its Community Sub-Committee)</li> </ul> <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; <sup>6</sup>
“Petition Scheme”	<p><u>a scheme prepared and published pursuant to section 42 of the Local Government and Elections (Wales) Act 2021 (and reviewed from time to time) for the purpose of setting out:</u></p> <ul style="list-style-type: none"> <li>• <u>how a petition may be submitted to the Council;</u></li> <li>• <u>how and when the Council will acknowledge receipt of a petition;</u></li> <li>• <u>the steps the Council will take in response to a petition received by it;</u></li> <li>• <u>the circumstances (in any) in which the Council may take no further action in response to a petition; and</u></li> <li>• <u>how any by when the Council will make available its response to a petition to the person who submitted the petition and to the public.</u></li> </ul>

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

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

“Planning Application”	any of the applications set out in the Planning Protocol set out in Section 19.
“Policy Framework”	The framework set out in Rule 4.2;
“Public Interest”	Means the test set out in Section 14.
“Relevant Authority”	(a) a county council; or (b) a county borough council; or (c) a national park authority established under section 63 of the Environment Act 1995 (as amended); or (d) a fire and rescue authority constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004(2) or a scheme to which section 4 of that Act applies
“Returning Officer”	Means the officer appointed by Full Council pursuant to section 35 of the Representation of the People Act 1983 to be the officer responsible for the administration of elections of councillors of the county, and elections of councillors of communities within the County.
“Scrutiny Committees”	<ul style="list-style-type: none"> <li>• Learning and Skills Scrutiny Committee;</li> <li>• Health and Care Scrutiny Committee;</li> <li>• Economy, Residents and Communities Scrutiny Committee;</li> <li>• Public Service Board Scrutiny Committee.</li> </ul>
“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

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

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interpret the relevant procedure rules and for the purposes of the meeting the Chair's ruling is final.

2.3.3 In all other situations, the Monitoring Officer will determine the interpretation and application of the Constitution.

2.3.4 Unless the context requires otherwise, the singular shall include the plural and vice versa, and words expressed in any gender shall include any other gender.

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

### **Duty to Monitor and Review the Constitution**

2.4.1 The Monitoring Officer will monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect.

2.4.2 The Monitoring Officer will make arrangements for any proposed changes to the Constitution to be considered by the Democratic Services Committee which will in turn make recommendations to the Full Council as to any amendments that may be necessary.

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**

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

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

### **Minor Changes**

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

2.7.1 a minor variation; or

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

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

### **Legislative Change**

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.

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

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### 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.



## **SECTION 3 – GETTING INFORMATION AND GETTING INVOLVED**

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### **Information Available to Members of the Public**

#### ***When Meetings of the Member Bodies Will Take Place***

- 3.1 A programme of meetings is available by contacting the Council directly or via the website.

#### ***Forward Work Programme***

- 3.2 The Cabinet and Scrutiny Committees will publish Forward Work Programmes, which set out the decisions that will be taken by the Cabinet and what issues the Scrutiny Committees will be considering and when these matters will be discussed.

#### ***Information Available Prior to a Meeting***

- 3.3 3 clear days before a meeting, the agenda and any non-confidential report to be discussed shall be available for inspection at the offices of the Council and on the website. If an item is added to the agenda later, the revised agenda will be open to inspection from the time when the item is added to the agenda and any non-confidential report will be made available to the public as soon as it is available and sent to Councillors.
- 3.4 Confidential reports and all background papers to such report will **NOT** be available for public inspection or placed on the website.
- 3.5 Information which is confidential or exempt (as defined in Section 14) will not be disclosed to members of the public.

#### ***Information Available at a Meeting***

- 3.6 The Council will make available to the public present at a meeting a reasonable number of copies of the agenda and of the non-confidential reports for the meeting.

#### ***Information Available After a Meeting***

- 3.7 For a period of six years the agenda, non-confidential reports and the minutes of the meeting shall be available for inspection and / or on the website. The non-confidential background papers will not be published on the website but shall remain open for inspection for a period of four years.

#### ***Council's Accounts***

- 3.8 Members of the public may inspect the Council's accounts and make views known to the external auditor (sections 29 and 30 Public Audit (Wales) Act 2004). Under the Accounts and Audit (Wales) Regulations 2005, the accounts will be available for public inspection for twenty (20) working days before the date appointed by the auditor.

#### ***Information Available to Councillors (subject to Rule 3.11)***

- 3.9A In accordance with Rules 14.37 to 14.44, a Councillor may request from the appropriate Head of Service only (and not individual officers) information or document relating to Council business which:

## **SECTION 3 – GETTING INFORMATION AND GETTING INVOLVED**

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- 3.9.1 is available to a member of the public;
  - 3.9.2 is confidential and to be considered at any meeting;
  - 3.9.3 s/he needs to know in order to fulfil his or her role as a Councillor (otherwise known as “need to know”). Any Councillor asserting a “need to know” in relation to documents not otherwise available under these rules shall make written application to the Monitoring Officer; <sup>1</sup>.
  - 3.9.4 is in the possession or control of the Council, its committees, the Cabinet and individual Cabinet Members;
  - 3.9.5 is available to any person under the Freedom of Information Act 2000 and the Environmental Information Regulations 2005;
  - 3.9.6 under Section 228 of the Local Government Act 1972 they have the right to inspect the accounts of the Council and accounts of any proper officer of the Council<sup>2</sup>.
- 3.9B Where information requested under Rule 3.9A is not provided by the Head of Service within 10 working days, the Councillor may escalate the request to the appropriate Director / Strategic Director who will ensure that a response is received within 5 working days of the date of the escalation.

### **Information Given in Confidence.**

- 3.10.1 A Member will not make public information which is confidential or exempt or should reasonably be regarded as such (as defined in Section 14) without the consent of a person authorised to give such consent or unless required by law to do so;
- 3.10.2 A Member must not prevent any person from gaining information to which that person is entitled by law <sup>3</sup> but prior to providing that information the Member must first check the alleged lawful entitlement with the Monitoring Officer.

### **Information Not Available to Members of the Council**

- 3.11 A Member may not see any information or document where to do so would be in breach of any legislative provision such as the Data Protection Act 1998, any person’s rights in respect of confidentiality, or commercial interests, any provision of this Constitution or any Council or Government policy, rule or procedure.
- 3.12 No Member is entitled to see any information relating to a matter in which he or she has a prejudicial interest.

### **Members of Scrutiny Committees.**

- 3.13 A Member of a Scrutiny Committee may also see any document within the remit of the Committee which contains material relating to:
  - 3.13.1 any business transacted by or at a meeting of the Cabinet;
  - 3.13.2 any decision taken by an individual Member of the Cabinet.
  - 3.13.3 any document which is in the possession or control of the Cabinet, its

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<sup>1</sup> See Paragraph 5(a) of Part 2 of The Local Authorities (Model Code of Conduct) (Wales) Order 2008.

<sup>2</sup> Local Government Act 1972 – Regulation 228(3)

<sup>3</sup> See Paragraph 5(b) of Part 2 of The Local Authorities (Model Code of Conduct) (Wales) Order 2008

## **SECTION 3 – GETTING INFORMATION AND GETTING INVOLVED**

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committees and / or individual Cabinet Members, and which contains material relating to 3.13.1 and 3.13.2 above.

3.14 A Member of a Scrutiny Committee is not entitled to:

3.14.1 any document in draft form;

3.14.2 any part of a document which contains confidential or exempt information unless that information is relevant to an action or decision they are reviewing or scrutinising or intending to scrutinise and is included in the Scrutiny Committee's Forward Work Programme;

3.14.3 any part of a document if to do so would be in breach of any legislative provision such as the Data Protection Act 1998, any person's rights in respect of confidentiality, or commercial interests, any provision of this Constitution or any Council or Government policy, rule or procedure.

### **Information Available to Officers**

3.15 The Monitoring Officer, the Section 151 Officer and the Chief Executive may see any papers or records held by any part of the Council or its Officers. Subject to Rule 3.16 below other Officers may see any information held by the Council provided:

3.15.1 they need to see the information to do their job; and

3.15.2 the information is processed lawfully in accordance with the Data Protection Act 1998.

### **Information Not Available to Officers**

3.16 Officers will not be allowed to see information contained in confidential reports relating to the staffing of their service area. Instead officers should make the appropriate enquiry of their Head of Service.

### **Getting Involved**

3.17 The Council must encourage local people to participate in the making of decisions by the Council. See the Council's public participation strategy for more information.

### **Members of the Public**

3.178 Members of the public can get involved in the following ways:

#### ***Voting for Councillors***

3.178.1 If they are 18 years and over and registered as a local elector with the Council.

#### ***Suggesting Items of Business for Meetings***

3.178.2A member of the public can seek to get a matter included in an agenda by asking the Chair of any Member Body to add an item to the agenda

3.18.3 A member of the public can seek to raise a matter with the Council by submitting a petition in accordance with the Council's Petition Scheme.

#### ***Views of the Public***

## **SECTION 3 – GETTING INFORMATION AND GETTING INVOLVED**

3.178.34 The public may bring to the attention of the relevant Scrutiny Committee their views on any matter under consideration by that Scrutiny Committee. The Scrutiny Committee must take into account any views brought to their attention under these arrangements pursuant to Section 62 of The Measure.<sup>4</sup>

### ***When are Meetings Open to the Public?***

3.178.45 Meetings will be open to the public wherever possible but members of the public will only be allowed to speak at meetings of the Planning, Taxi Licensing and Rights of Way Committee in accordance with the rules set out in Sections 19 and 24. The public must be excluded from meetings whenever it is likely that confidential information will be disclosed. The public may be excluded from meetings where it is likely that exempt information will be disclosed. (See Section 14 for definitions of exempt information and public interest.)

### ***Making Comments***

3.178.56 A member of the public may comment about Council services by:  
3.178.5.6.1 contacting the Officer responsible for delivering the service or their manager;  
3.178.56.2 contacting the Member of the Cabinet responsible for the service;  
3.178.56.3 contacting their local Councillor.

### ***Making Complaints***

3.178.67 A member of the public may complain about Council services or the conduct of an officer by:

3.178.67.1 using the Council's complaints procedure<sup>5</sup>;  
3.178.67.2 following completion of the Council's complaints procedure, by contacting the Public Services Ombudsman for Wales at 1 Ffordd Yr Hen Gae, Pencoed, CF35 5LJ. Telephone: 0845 601 0987 or via the website [www.ombudsman-wales.org.uk](http://www.ombudsman-wales.org.uk).

### ***Complaints Against a Member***

3.178.78 A complaint against a Member should be referred to the Public Services Ombudsman for Wales at 1 Ffordd Yr Hen Gae, Pencoed, CF35 5LJ. Telephone: 0845 601 0987 or via the website [www.ombudsman-wales.org.uk](http://www.ombudsman-wales.org.uk).

### ***Getting Involved – Members***

3.189 Members can get involved by:

### ***Suggesting Items of Business for the Agenda***

3.189.1 As a Member of the Council, you have the same rights as members of the public. In addition to these rights you also have the following rights:

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<sup>4</sup> Section 62 of the Local Government (Wales) Measure 2011

<sup>5</sup> <http://www.powys.gov.uk/en/customer-services/make-a-complaint/>

## **SECTION 3 – GETTING INFORMATION AND GETTING INVOLVED**

3.189.1.1 Member bodies in Column A can request that Member bodies in Column B consider or reconsider an issue.

<b>Column A</b>	<b>Column B</b>
Democratic Services Committee	Council
Scrutiny Committees	Cabinet (Section 7) Council (Section 7)

3.189.1.2 Councillors can submit a Notice of Motion to Council (Section 4) and also ask questions (Section 4).

### ***Participating in Meetings***

3.189.2 Members of the Council are entitled to attend any formal meeting of the Council, its committees or sub-committees or the Cabinet.

3.189.2.1 Members of the Council may attend and speak at any meetings where they are a Member of that Member Body. Where they are not a Member of that Member Body, their attendance and right to speak is at the discretion of the Chair of the Member Body.

3.189.2.2 Members of the Cabinet are entitled to exercise any Executive Function provided the Executive Function has been delegated to them by the Leader of the Council.

### ***Comments and Complaints***

3.189.3 Members may comment, subject to restrictions in the Code of Conduct for Members (Section 18), on any aspect of Council business by:

3.189.3.1 talking to Officers;

3.189.3.2 talking to the Leader or a Member of the Cabinet;

3.189.3.3 talking to the Chair of a Scrutiny Committee.

3.189.4 If a Member wishes to complain about an:

#### ***Officer***

3.189.4.1 The procedure set out in the Protocol on Member/Officer Relations may be used (Section 21).

#### ***Member***

3.189.4.2 The procedures set out in Sections 28 (Local Resolution Protocol) and / or 18 (Members' Code of Conduct) may be followed.

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## SECTION 4 – FULL COUNCIL

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### Introduction

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

### The Policy Framework

4.2 The Policy Framework means the following plans and strategies:

Plan, Scheme and Strategy	Reference
• Children and Young People's Plan;	• <b>Regulations made under Section 26 of the Children Act 2004 (c.31)</b>
• Best Value Performance Plan;	• <b>Section 6(1) of the Local Government Act 1999 9c.27)</b>
• Community Strategy;	• <b>Section 4 of the Local Government Act 2000 (c.22)</b>
• Crime and Disorder Reduction Strategy;	• <b>Sections 5 and 6 of the Crime and Disorder Act 1998 9c.37)</b>
• Health and Well-Being Strategy;	• <b>Section 24 of the National Health Service Reform and Health Care professions Act 2002 9c.17)</b>
• Local Transport Plan;	• <b>Section 108 of the Transport Act 2000 (c.38)</b>
• Plans and alterations which together comprise the Development Plan;	• <b>Section 10A of the Town and Country Planning Act 1990 (c.8)</b>
• Welsh Language Scheme;	• <b>Section 5 of the Welsh Language Act 1993 (c.38)</b>
• Youth Justice Plan;	• <b>Section 40 of the Crime and Disorder Act 1998 (c.37)</b>
• Powers to approve a Young People's Partnership Strategic Plan and a Children and Young Peoples Framework Partnership	• <b>Section 123, 124 and 125 of the Learning and Skills Act 2000 (c.21)</b>
• Housing Strategy;	• <b>Section 87 of the Local Government Act 2003 (c.26)</b>
• Rights of Way Improvement Plan;	• <b>Section 60 of the Countryside and Rights of Way Act 2000 (c.37)</b>
• Pay Policy	• <b>Section 38(1) of the Localism Act 2011</b>

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• Single Integrated Plan

• **Part 2 – Local Government (Wales) Measure 2009<sup>1</sup>**

### **The Single Integrated Plan (The One Powys Plan)**

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

### **The Budget**

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

### **Housing Land Transfer**

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

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

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

### **Functions of the Full Council**

4.6 Only the Full Council will exercise the following functions:

4.6.1 adopting and changing the Constitution;

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

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

4.6.4 appointing and removing the Leader;

4.6.5 making appointments to the committees of the Council

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

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



## SECTION 4 – FULL COUNCIL

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- remove to Council which is put on the agenda pursuant to Rule 4.38.1.
- 4.6.7 agreeing and/or amending the terms of reference for Committees, deciding on their composition and making appointments to them (in accordance with the Local Government and Housing Act 1989) unless the appointments have been delegated by the Council;
- 4.6.8 changing the name of the area or conferring the title of freedom of the County;
- 4.6.9 making or confirming the appointment of the Chief Executive and other Chief Officers<sup>2</sup>;
- 4.6.10 making, amending, revoking re-enacting or adopting bylaws and promoting or opposing the making of local legislation or Private Bills;
- 4.6.11 all Local Choice Functions set out in Section 13 of this Constitution which the Council decides should be undertaken by itself rather than the Cabinet; and
- 4.6.12 all matters which by law must be reserved to the Council. For example, appointing the Chair of the Democratic Services Committee and the pay policy statement;
- 4.6.13 appointing representatives to outside bodies unless the appointment has been delegated by the Council.
- 4.6.14 to determine the level, and any change in the level, of the remuneration to be paid to a Chief Officer.
- 4.6.15 approve, review and amend the Council's Petition Scheme
- 4.6.16 approve, review and amend the public participation strategy

### Membership

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

### Chairing the Council

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

- 4.9 The County Council will at every Annual Meeting elect from amongst its Councillors:
- 4.9.1 The Chair of the County Council;
- 4.9.2 The Vice-Chair of the County Council;
- 4.9.3 The Assistant Vice-Chair of the County Council.
- and the Councillors so elected will hold office until the following Annual Meeting; they resign; are dismissed by a vote of Full Council upon a Motion on Notice; cease to be a member of the Council; or are unable to act as a member of the Council due to he/she being suspended or disqualified from being a Councillor under Part 3 of Local Government Act 2000.
- 4.10 The post of Chair, Vice Chair and Assistant Vice Chair will be nominated by Councillors in Montgomeryshire, Radnorshire and Brecknockshire in rotation.
- 4.11 In the event of a vacancy occurring between Annual Meetings the County

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<sup>2</sup> Defined in Section 2.2.2

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Council will appoint a new Chair, Vice-Chair or Assistant Vice-Chair (as the case may be) at an ordinary meeting following the occurrence of the vacancy.

### **Role and Function of the Chair**

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

#### ***Ceremonial Role***

4.12.1 The Chair of the Council:

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

#### ***Responsibilities of the Chair***

4.12.2 The Chair of the Council will:

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

#### ***Political Neutrality***

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

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

### **Council Meetings**

4.13 There are three types of Council meeting:

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

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### Rules of Procedure and Debate

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

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

### Council Procedure Rules - Annual Meeting of the Council

#### Timing and Business

4.15 In a year when there is an ordinary election of Councillors, the annual meeting will take place within 21 days of the retirement of the outgoing Councillors. In any other year, the annual meeting will take place in March, April or May. Every Annual Meeting will:

- 4.15.1 elect a person to preside if the Chair of the Council is not present. A member of the Cabinet cannot preside over a meeting of Council<sup>3</sup>;
- 4.15.2 elect the Chair of the Council (subject to 4.10 above);
- 4.15.3 elect the Vice Chair of the Council (subject to 4.10 above);
- 4.15.4 elect the Assistant Vice-Chair of the Council (subject to 4.10 above);
- 4.15.5 receive declarations of interest
- 4.15.6 receive apologies for absence
- 4.15.7 decide on any amendments to the Constitution<sup>4</sup> recommended by the Democratic Services Committee
- 4.15.8 receive any announcements from the Chair, Leader and/or the Chief Executive;
- 4.15.9 elect the Leader of the Council, except where the Leader was appointed for a period of four years or the term of the Council at the initial annual meeting of the Council;
- 4.15.10 be informed by the Leader of the number of Councillors to be appointed to the Cabinet;
- 4.15.11 decide on the allocation of seats on political balanced committees to political groups in accordance with the requirements of the Local Government and Housing Act 1989

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<sup>3</sup> Schedule 12, Local Government Act 1972 (as amended)

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

## SECTION 4 – FULL COUNCIL

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- 4.15.12 receive from political groups nominations of Councillors to serve on each of the politically balanced committees in accordance with the seats allocated to the respective political groups and to make appointments accordingly
- 4.15.13 appoint the Scrutiny Committees , Democratic Services Committee, Planning, Taxi-Licensing and Rights of Way Committee, Licensing Act 2003 Committee, Employment and Appeals Committee, Pensions and Investment Committee a Standards Committee and such other committees and sub-committees as the Council considers appropriate to deal with matters which are neither reserved to the Council nor are Executive Functions (as set out in Section 13 of this Constitution);
- 4.15.14 allocate the Chairs of Scrutiny Committees to the relevant political groups and to note the appointments to those Chairs made by the political groups
- 4.15.15 appoint the Chair of the Democratic Services Committee<sup>5</sup>
- 4.15.16 elect or appoint Members where vacancies occur in respect of:
- Independent Member of Standards Committee; and
  - Lay Member of the Governance and Audit Committee; and
  - Co-Opted Members of the Scrutiny Committee;
- 4.15.17 receive from the Leader any changes to the scheme of delegations (as set out in Section 13 of this Constitution);
- 4.15.18 to approve a Schedule of Members' Remuneration for the next ensuing financial year
- 4.15.19 consider any business set out in the notice convening the meeting.
- 4.15.20 other business, not specified in the summons as the Chair considers urgent, subject to the nature of the urgency being specified in the minutes PROVIDED ALWAYS that in allowing such urgent business the Chair shall have regard to the fact that the Annual Meeting of the Council is normally a civic / ceremonial occasion;
- 4.15.21 receive from political groups nominations of Councillors to serve on the Brecon Beacons National Park Authority and to make appointments accordingly
- 4.15.22 appoint 3 Councillors to the Welsh Local Government Association.
- 4.15.23 appoint 1 Councillor to the Welsh Local Government Association Co-Ordinating Committee
- 4.15.24 approve the Council's Pay Policy. Full Council has granted a dispensation for an officer nominated by the Section 151 Officer to be present during the course of the debate to answer any matters raised by members in the debate. Dispensation is also given for an officer to be present during the course of the debate to run the congress system.
- 4.16 The order of business, with the exception of Rule 4.15.1 may be altered by the Chair or decision of Council
- 4.17 Additional agenda items for the Annual Meeting next following the ordinary election of Councillors:
- 4.17.1 Receive a report from the Returning Officer as to the Councillors elected;
- 4.17.2 Elect the Leader \*\*;

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<sup>5</sup> Regulation 14(1) of Local Government Measure (Wales) 2011

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- 4.17.3 Appoint Councillors to the Standards Committee \*\*;
- 4.17.4 Make appointments of Councillors in accordance with the political balance requirements to:
- Police and Crime Panel \*\*;
  - Mid and West Wales Fire and Rescue Authority \*\*;

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

### Ordinary Meetings

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

- 4.18.1 elect a person to preside if the Chair, Vice Chair and Assistant Vice-Chair are not present. A member of the Cabinet cannot preside at a meeting of the Council<sup>6</sup>;
- 4.18.2 receive any declarations of interest from Councillors;
- 4.18.3 receive apologies for absence;
- 4.18.4 approve as a correct record the minutes of the last meeting;
- 4.18.5 receive any announcements from the Chair, Leader or Chief Executive
- 4.18.6 decide on any amendments to the Constitution recommended by the Democratic Services Committee<sup>7</sup>
- 4.18.7 where required to elect, appoint, or note the appointment, or remove Members to / from the following positions:
- 4.18.7.1 Chair, Vice-Chair, Assistant Vice-Chair of Council;
  - 4.18.7.2 Leader;
  - 4.18.7.3 Independent Member of Standards Committee;
  - 4.18.7.4 Appoint Lay Member of the Governance and Audit Committee and Co-Opted Members of the Scrutiny Committee;
  - 4.18.7.5 Chair of a Scrutiny Committee (excluding Chair of Audit) or Democratic Services Committee.
- 4.18.8 (if required due to the formation of a new political group or due to a Councillor joining a political group):
- 4.18.8.1 decide on the allocation of seats on politically balanced committees to political groups in accordance with the requirements

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<sup>6</sup> Schedule 12, Local Government Act 1972 (as amended)

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

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- of the Local Government and Housing Act 1989; and
- 4.18.8.2 receive from political groups nominations of Councillors to serve on each of the politically balanced committees in accordance with the seats allocated to the respective political groups and make appointments accordingly; and
- 4.18.8.3 allocate the Chairs of scrutiny committees to the relevant political groups and to note the appointments to those Chairs made by the political groups in accordance with the Local Government (Wales) Measure 2011;
- 4.18.9 (if required due to vacancy) note appointment of chair(s) of scrutiny committee(s) by the political group(s) in accordance with the Local Government (Wales) Measure 2011
- 4.18.10 to receive the report of the Monitoring Officer setting out appointments to fill vacancies on committees and outside bodies s/he has made in accordance with the authority delegated to him / her to make such appointments which accords with the wishes of a political group to whom the committee seat or position on the outside body has been allocated
- 4.18.11 receive written statements from the Leader and / or members of the Cabinet (which statements shall be taken as read) and any questions and answers on any of the statements;
- 4.18.12 receive reports from the Cabinet, Leader, Cabinet member, and any questions, answers and observations on any of those reports;
- 4.18.13 receive reports from any of the Council's Committees introduced by the relevant Committee Chair, and any questions, answers and observations on any of those reports;
- 4.18.14 receive reports from any of the Council's statutory officers, or Chief Officers and any questions, answers and observations on any of those reports
- 4.18.15 receive any other report that the Chief Executive considers is required to be placed before the Council and any questions, answers and observations on any of those reports
- 4.18.16 receive reports about and receive questions and answers on the business of joint arrangements and external organisations;
- 4.18.17 consider any other business specified in the summons to the meeting, including consideration of proposals from the Cabinet in relation to the Council's Budget and Policy Framework;
- 4.18.18 receive any petitions
- 4.18.19 deal with any outstanding business from the last Council meeting
- 4.18.20 receive and consider recommendations from the Cabinet and the Council's committees
- 4.18.21 consider motions of which appropriate notice has been given;
- 4.18.22 receive questions submitted in accordance with Rule 4.30 (Questions on Notice), and answers in response to those questions.
- 4.18.23 consider and debate any major issue which is relevant to the Council and its functions, for example a "state of the county" debate
- 4.18.24 to receive the report of the Monitoring Officer setting out any changes by the Leader in the scheme of delegation and executive functions
- 4.18.25 consider any business set out in the notice convening the meeting
- 4.18.26 other business, not specified in the summons as the Chair considers urgent,

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- subject to the nature of the urgency being specified in the minutes
- 4.18.27 to exclude the public for the consideration of any item in accordance with the Access to Information Procedure Rules in Section 14.
- 4.18.28 To consider annual reports received from the Standards Committee within three months of receipt.
- 4.18.29 The order of business, with the exception of Rule 4.18.1 may be altered by the Chair or decision of Council
- 4.18.30 No meetings of the Council, or its committees (other than Committees, Sub-Committees or Panels dealing with planning, licensing and employment matters), shall be held in the month of August, unless circumstances so require.

### Extraordinary Meetings

#### Calling Extraordinary Meetings

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

#### Business

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

### Time, Place and Duration of Meetings

#### Time and Place of Meetings

- ♣ ▲ ■<sup>8</sup>4.21 The time and place of meetings will be determined by the Chief Executive in consultation with the Chair and notified in the summons. ♣ ▲ ■<sup>9</sup>

#### Duration of Meetings

- ♣ ▲ ■<sup>10</sup>4.22 At ordinary meetings, when 8 hours have elapsed after the commencement of the meeting, the Chair shall adjourn immediately after the

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<sup>9</sup> See Rule 4.14

<sup>10</sup> See Rule 4.14

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

### Notice, Summons and Agenda of Meetings

- ♣ ▲ ■<sup>11</sup>4.23.1 The Chief Executive will give notice to the public (Notice) of the time and place by publishing it on the Council's website at least 3 clear days before a meeting. The Chief Executive will send a summons signed by him/her to every Councillor by post and / or by leaving it at their usual place of residence and / or by electronic means including a link to the Members' website.
- 4.23.2 Where the meeting or part of the meeting is open to the public and is held through remote means only the Notice, will give details of the time of the meeting and how to access it;
- 4.23.3 Where the meeting or part of the meeting is open to the public and is held partly through remote means or is not held through remote means, the Notice will give details of the time and place of the meeting and how to access it;
- 4.23.4 Where the meeting is not open to the public and is held partly through remote means or is not held through remote means, the Notice will give details of the time and place of the meeting and the fact that it is not open to the public;
- 4.23.5 Where the meeting is not open to the public and is held through remote means only, the Notice will give details of the time of the meeting, and the fact that it is being held through remote means only and is not open to the public.<sup>12</sup>
- 4.23.6 The agenda and connected reports (which are not exempt pursuant to Section 14) for all Council meetings will be published on the Council's website and where an item is added to an agenda which has been published on the website, the item (or the revised agenda), and any report for the meeting relating to the item, must be published on the website from the time the item is added to the agenda.<sup>13</sup>

### Chair of Meeting

- 4.24.1 Whenever present the Chair of Council will chair meetings of the Council. In his / her absence the Vice-Chair of Council, or in his / her absence the Assistant Vice-Chair of Council or in his/her absence the Councillor elected to preside over the meeting in accordance with Rule 4.18.1, will take the chair. The person presiding at the meeting may exercise any power or duty of the Chair. A member of the Cabinet cannot preside at a meeting of the Council
- ▲ ■<sup>14</sup>4.24.2 At the first meeting of Committees or Sub-Committees (save the Standards Committee) in each municipal year the Committee / Sub-Committee will elect a Chair and Vice-Chair for the forthcoming 12 month period save

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<sup>11</sup> See Rule 4.14

<sup>12</sup> Regulation 4 – Local Authorities (Executive Arrangements) (Decisions, Documents and Meetings) (Wales) Regulations 2001 as amended

<sup>13</sup> Regulation 5 - Local Authorities (Executive Arrangements) (Decisions, Documents and Meetings) (Wales) Regulations 2001 as amended

<sup>14</sup> See Rule 4.14



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where the Chair of Committee has been appointed by Council by the Full Council in accordance with Rules 4.15.14, 4.15.15 or Rule 4.18.7.5.

- ▲ ■<sup>15</sup>4.23.3 Whenever present the Chair of a Committee / Sub-Committee elected in accordance with Rule 4.24.2 above will chair meetings. In his / her absence the Vice-Chair of the Committee / Sub-Committee will take the chair. In the absence of the Chair and Vice-Chair the Committee / Sub-Committee will elect a Councillor to preside over the meeting. The person presiding at the meeting may exercise any power or duty of the Chair.

### Conduct of Meeting

- ♣ ▲ ■<sup>16</sup>4.25 The Chair shall conduct the meeting to secure a proper, full and effective debate of business items where a decision is required and a committee or sub-committee has not previously considered the matter. The steps the Chair may take include:

- ♣ ▲ ■<sup>17</sup>4.25.1 calling for more time to allow the speaker to properly explain the matter;
- ♣ ▲ ■<sup>18</sup>4.25.2 permitting a Member to speak more than once;
- ♣ ▲ ■<sup>19</sup>4.25.3 allowing employees of the Council to advise the meeting as appropriate, having regard to the provisions of Rules 4.94 and 4.95 below;
- ♣ ▲ ■<sup>20</sup>4.25.4 allowing a full discussion of reports and matters for decision;

### Quorum

- ♣ ▲ ■<sup>21</sup> <sup>22</sup>4.26 The quorum of a meeting will be one quarter of the whole number of Members. During any meeting if the Chair counts the number of Members present and declares there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the Chair. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting.

### Remote Attendance

- ♣ ▲ ■<sup>23</sup>4.27.1 Pursuant to Section 47 of the Local Government and Elections (Wales) Act 2021, Members may attend meetings by remote means..

- 4.27.2<sup>24</sup> For the purposes of Rule 4.27.1 above ““remote means” has the following meaning namely a meeting held by means of any equipment or other facility which enables persons who are not in the same place to

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<sup>15</sup> See Rule 4.14

<sup>16</sup> See Rule 4.14

<sup>17</sup> See Rule 4.14

<sup>18</sup> See Rule 4.14

<sup>19</sup> See Rule 4.14

<sup>20</sup> See Rule 4.14

<sup>21</sup> See Rule 4.14

<sup>22</sup> For the quorum of the Planning, Taxi Licensing and Rights of Way Committee acting as a Planning Authority see Rule 19.92

<sup>23</sup> See Rule 4.14

<sup>24</sup> Regulation 2 – Local Authorities (Executive Arrangements) (Decisions, Documents and Meetings) (Wales) Regulations 2001 as amended

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Speak to and be heard by each other (whether or not the equipment or facility enables those persons to see or be seen by each other)

### Questions by Councillors

#### On Minutes, Reports or Statements of the Cabinet or Committees

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

#### Questions from Members

4.29A Subject to Rule 4.30, a Councillor may ask on Notice at Full Council:

4.29.1 the Chair;

4.29.2 a member of the Cabinet;

4.29.3 the chair of any committee or sub-committee;

4.29.4 nominated Councillors of the Fire and Rescue Authority or the Brecon Beacons National Park Authority or the Police and Crime Panel

a question on any matter in relation to which the Council has powers or duties or which affects the Council other than operational matters which must be addressed as set out in Rule 4.29C

4.29B In addition to questions put under Rule 4.29A above a Councillor may ask the Leader or a Portfolio Holder a written question on any matter in relation to which the Council has powers or duties or which affects the Council other than operational matters which must be addressed as set out in Rule 4.29C at any time which must be responded to within 10 working days. All such questions and responses will be published on the council's website.

4.29C In addition to questions put under Rules 4.29A and 4.29B above a Councillor may ask the relevant Head of Service a written question on any operational matter at any time which must be responded to within 10 working days. All such questions and responses will be published on the council's website.

#### Notice of Questions

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

4.30.1 written notice of the question has been received by the Monitoring Officer not later than 5.00 p.m. 10 Clear Days before the date of the Council meeting at which it is to be considered; or

4.30.2 the question relates to urgent matters, they have the consent of the Chair and the Councillor to whom the question is to be put and the content of the question is received by the Monitoring Officer by 5 p.m. on the day prior to the meeting.

#### Maximum Number of Questions

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

### Order of Questions

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

### Rejection of Questions

- 4.33 Questions under Rule 4.29 may be rejected if, in the opinion of the Monitoring Officer and the Chair they:
- 4.33.1 are not about a matter for which the Council has a responsibility and which affects the administrative area of the Council;
  - 4.33.2 are defamatory, frivolous or offensive;
  - 4.33.3 are substantially the same as a question which has been put at a meeting of the Council in the past six months and there has been no material change in the answer which would be given;
  - 4.33.4 concern an item of business which is the subject of a report to the meeting;
  - 4.33.5 disclose confidential or exempt information where there is no demonstrable need to know;
  - 4.33.6 are based on opinion where the factual basis for the opinion is not detailed in the question
  - 4.33.7 relate to personal and confidential information of an employee (or former employee) in the view of the Monitoring Officer and / or the Section 151 Officer.

### Withdrawal of Questions

- 4.34.1 A question of which notice has been given can only be withdrawn with the consent of the person asking the question;
- 4.34.2 If the Monitoring Officer considers that a response to a submitted question could be provided by a senior officer prior to the relevant Council meeting, then the Monitoring Officer may contact the Councillor concerned to ascertain whether the Councillor agrees that the question could be withdrawn.
- 4.34.3 A question which has been withdrawn under Rule 4.34.1 may only be reinstated provided that Rule 4.30 has been adhered to.

### Responses

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

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### Supplementary Question

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

### Motions on Notice

#### Notice

4.37.1 Except for motions which can be moved without notice under Rule 4.42 and in cases of urgency under Rule 4.43, written notice of every motion, must be received by the Monitoring Officer and be accompanied by a costed analysis of the financial and resource implications that motion, would have on the Council, should it be approved and should be received no later than 5 p.m. 21 days before the date of the Council meeting at which it is to be considered in accordance with the timetable set out in Rule 4.49.2.1 below.

4.37.2 Each motion must have one Member to propose and another Member to second the motion and the proposer and seconder must either sign the motion or otherwise confirm by email or in writing to the Monitoring Officer that they are proposing or seconding the motion.

#### Motion Set Out in Agenda

4.38.1 Motions for which notice has been given will be listed on the agenda in the order determined by the Chair.

4.38.2 If an issue arises at a meeting of a committee as to the appointment, promotion, dismissal, salary, superannuation or Conditions of Service, or as to the conduct of any person employed by the Council, such matter shall not be the subject of discussion until the Council has decided on the exercise of the power of exclusion of the public under the terms of the Access to Information Rules set out in Section 14.

#### Scope

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

4.39.1 are not about a matter for which the Council has a responsibility and which affects the wellbeing of the administrative area of the Council;

4.39.2 are defamatory, frivolous or offensive;

4.39.3 are substantially the same as a motion which has been put at a meeting of the Full Council in the past six months;

4.39.4 concern an item of business which is the subject of a report to the meeting;

4.39.5 disclose confidential or exempt information where there is no demonstrable need to know;

4.39.6 are based upon a legally inaccurate premise;

4.39.7 relate to personal and confidential information of an employee (or former employee) in the view of the Monitoring Officer and / or the Section 151

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Officer;

- 4.39.8 would amount to an attempt to “Call-In” a decision of Cabinet or a delegated decision made by a Portfolio Holder which would not be allowed due to application of the Call-In rules set out in Section 7.
- 4.39.9 are not accompanied by a costed analysis of the financial and resource implications that motion, would have on the Council, should it be approved

### **Appointment and Removal of the Leader**

4.40.1 The following process will be followed for the appointment of the Leader:

- 4.40.1.1 The Chair will ask for written nominations;
- 4.40.1.2 The Chair will declare the number of nominations for each candidate and where a candidate has been nominated by more than 1 Councillor they will be deemed to have had their nomination seconded. For candidates with a single nomination, the Chair will ask for a seconder from the floor of Council;
- 4.40.1.3 Those nominated will be asked whether they accept or refuse the nomination;
- 4.40.1.4 In the event of there being a single candidate, there will be a secret ballot and the Chair will have a casting vote.
- 4.40.1.5 In the event of there being more than 1 candidate, all candidates will be asked to leave the Chamber and each candidate will be invited, in alphabetical / surname order to separately make a presentation of up to 5 minutes to Council.
- 4.40.1.6 After all presentations have been made there will be a vote by secret ballot. Where no candidate receives a majority on the first vote, the candidate with the least number of votes will be eliminated and a further vote will be taken. This procedure will be repeated until a candidate receives a majority. If the bottom 2 candidates have the same number of votes, a vote will be taken to decide the candidate to be eliminated from future votes. In the event of an equal number of votes being cast at this stage, the Chair will have a casting vote as to the candidate to be eliminated.
- 4.40.1.7 For the avoidance of doubt in the event of the last 2 candidates having the same number of votes, the Chair will have a casting vote as to which candidate is appointed as Leader.
- 4.40.2 The Leader may be removed by a Notice on Motion which has a simple majority of those Councillors voting and present in the room at the time the question was put.
- 4.40.3 A motion to remove the Leader cannot be moved more than once in any rolling 6 month period.

### **Two Motions per Councillor**

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

### **Motions without Notice**

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4.42 The following motions may be moved without notice:

- ♣ ▲ ■<sup>25</sup>4.42.1 to appoint a Chair of the meeting at which the motion is moved;
- ♣ ▲ ■<sup>26</sup>4.42.2 in relation to the accuracy of the minutes;
- ♣ ▲ ■<sup>27</sup>4.42.3 to change the order of business in the agenda;
- ♣ ▲ ■<sup>28</sup>4.42.4 to refer something to an appropriate committee, body or individual for consideration or reconsideration;
- ♣ ▲ ■<sup>29</sup>4.42.5 to appoint a committee or Member to perform a function or duty arising from an item on the summons for the meeting;
- ♣ ▲ ■<sup>30</sup>4.42.6 to receive reports and / or adopt and / or amend recommendations of the Cabinet, committees or Officers and any resolutions following from them;
- ♣ ▲ ■<sup>31</sup>4.42.7 to withdraw a motion;
- ♣ ▲ ■<sup>32</sup>4.42.8 to amend a motion;
- ♣ ▲ ■<sup>33</sup>4.42.9 a closure motion under Rule 4.54
- 4.42.10 to suspend a particular Council Procedure Rule (provided that at least one half of the whole number of Members are present)<sup>34</sup>;
- ♣ ▲ ■<sup>35</sup>4.42.11 to exclude the public and press in accordance with the Access to Information Procedure Rules;
- ♣ ▲ ■<sup>36</sup>4.42.12 to not hear further a Member named under Rule 4.86 or to exclude them from the meeting under Rule 4.87; and
- 4.42.13 to give the consent of the Council where its consent is required by this Constitution.
- ♣ ▲ ■<sup>37</sup>4.42.14 urgent motions, provided the requirements of Rule 4.43 is satisfied.

### Urgent Motions

- 4.43.1 An urgent motion complying with Rule 4.37.2 may be presented, with the permission of the Chair, provided it has been received by the Monitoring Officer by 5.00 p.m. on the day prior to the Council meeting
- 4.43.2 Subject to Rule 4.43.3 below, the Chair has general authority to agree to take an urgent motion which is not on the agenda, and the discretion is entirely that of the Chair who alone needs to be satisfied as to the need for urgency;
- 4.43.3 The general authority referred to above is qualified in that an urgent motion should not be taken unless:
  - 4.43.3.1 the matter dealt with in the motion has arisen between the deadline for the submission of motions and the date of the meeting; and
  - 4.43.3.2 the motion requires an urgent decision in the public interest which

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<sup>25</sup> See Rule 4.14

<sup>26</sup> See Rule 4.14

<sup>27</sup> See Rule 4.14

<sup>28</sup> See Rule 4.14

<sup>29</sup> See Rule 4.14

<sup>30</sup> See Rule 4.14

<sup>31</sup> See Rule 4.14

<sup>32</sup> See Rule 4.14

<sup>33</sup> See Rule 4.14

<sup>34</sup> See Rule 2.10

<sup>35</sup> See Rule 4.14

<sup>36</sup> See Rule 4.14

<sup>37</sup> See Rule 4.14

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cannot be dealt with by other means (including referring the motion for consideration and decision to the Cabinet or a committee), or left to be decided at a subsequent meeting.

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

### Rules of Debate

#### No Speeches until Motion Seconded

♣ ▲ ■<sup>38</sup>4.44 No speeches may be made after the mover has moved a proposal and explained the purpose of it until the motion has been seconded. The proposer of the motion shall have the right to make the first speech in relation to the motion which s/he has moved by notice.

#### Right to Require Motion in Writing

♣ ▲ ■<sup>39</sup>4.45 Unless notice of the motion has already been given, the Chair may require it to be written down and handed to him before it is discussed.

#### Secunder's Speech

♣ ▲ ■<sup>40</sup>4.46 When seconding a motion or amendment, a Member may reserve their speech until later in the debate.

#### Content and Length of Other Speeches

4.47.1 Non aligned Members and a nominated principal speaker from each Political Group will be able to speak on each motion with all Members having a right to speak to raise additional or different issues in the debate.

▲ ■<sup>41</sup>4.47.2 Speeches in accordance with 4.47.1 above must be directed to the motions under discussion or to a personal explanation, point of order or right of reply. The proposer of a motion may speak for no more than 10 minutes; otherwise no speech may exceed 5 minutes without the consent of the Chair.

#### When a Member may Speak Again

♣ ▲ ■<sup>42</sup>4.48 A Member who has spoken on a motion may not speak again whilst it is the subject of debate, except:

- ▲ ■<sup>43</sup>4.48.1 to speak once on an amendment moved by another Member;
- ▲ ■<sup>44</sup>4.48.2 to move a further amendment if the motion has been amended since he last spoke;
- ▲ ■<sup>45</sup>4.48.3 if his first speech was on an amendment moved by another Member,

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<sup>38</sup> See Rule 4.14

<sup>39</sup> See Rule 4.14

<sup>40</sup> See Rule 4.14

<sup>41</sup> See Rule 4.14

<sup>42</sup> See Rule 4.14

<sup>43</sup> See Rule 4.14

<sup>44</sup> See Rule 4.14

<sup>45</sup> See Rule 4.14

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- to speak on the main issue (whether or not the amendment on which he spoke was carried);
- ▲ ■<sup>46</sup>4.48.4 in exercise of a right of reply;
- ▲ ■<sup>47</sup>4.48.5 on a point of order; and
- ▲ ■<sup>48</sup>4.48.6 by way of personal explanation.

### Amendments to Motions

- ♣ ▲ ■<sup>49</sup>4.49.1 Subject to Rules 4.49.2 to 4.49.9 below an amendment to a motion must be relevant to the motion and will either be:
  - ♣ ▲ ■<sup>50</sup>4.49.1.1 to refer the matter to an appropriate committee, body or individual for consideration or reconsideration;
  - ♣ ▲ ■<sup>51</sup>4.49.1.2 to leave out words;
  - ♣ ▲ ■<sup>52</sup>4.49.1.3 to leave out words and insert or add others; or
  - ♣ ▲ ■<sup>53</sup>4.49.1.4 to insert or add words or additional recommendations;
  - ♣ ▲ ■<sup>54</sup>4.49.1.5 to substitute another proposition which is committed to writing and received by the Head of Legal and Democratic Services and / or the Head of Democratic Services no later than 5 p.m. on the day prior to the meeting.

as long as the effect of Rules 4.49.1.2 to 4.49.1.4 is not to negate or would otherwise change the material substance of the original motion.

- ♣ ▲ ■4.49.2.1 Subject to Rule 4.49.2.2 below, amendments to motions in accordance with Rule 4.49.1.2 to 4.49.1.4 (adding, removing or substituting words), will only be allowed if committed to writing and received by the Head of Legal and Democratic Services and / or the Head of Democratic Services in accordance with the timetable set out below

Motions and Amendments to Motions	These are calendar days
Last day for Receipt of Motions with confirmation from S151 Officer that a costed analysis of the financial and resource implications of the Motion has been received and agreed in accordance with Rule 4.39.9	-21 days before the day of Council
Chair to Agree Motion is compliant with the Constitution	-18 days before the day of Council
Members advised of Motions approved by the	-18 days before the day of Council

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<sup>46</sup> See Rule 4.14  
<sup>47</sup> See Rule 4.14  
<sup>48</sup> See Rule 4.14  
<sup>49</sup> See Rule 4.14  
<sup>50</sup> See Rule 4.14  
<sup>51</sup> See Rule 4.14  
<sup>52</sup> See Rule 4.14  
<sup>53</sup> See Rule 4.14  
<sup>54</sup> See Rule 4.14



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Chair on a Confidential basis	
Time for proposed amendments and financial consequences of Amendments to be discussed with S151 Officer	-17 to -3 days before the day of Council
Last date for Receipt of Amendment approved by Section 151 Officer	-2 days before the day of Council
Chair to Agree Amendment	- 1 day before the day of Council
Council	

- 4.49.2.2 Rule 4.49.2.1 above does not apply to amendments to Budget proposals and no amendment to a Budget Proposal (including an alternative budget proposal) will be allowed after the date for publication by the Section 151 Officer of the Cabinet Budget and any alternative Budgets for the Council Budget Setting Meeting as set out in the timetable published by the Section 151 Officer in accordance with Rule 15.3, except for amendments which arise during the course of the debate and do not negate or change the material substance of the original proposal in accordance with Rule 4.49.4
- ♣ ▲ ■<sup>55</sup>4.49.3 Any amendments received in accordance with these rules will be automatically circulated to all Members as soon as reasonably practicable.
- ♣ ▲ ■<sup>56</sup>4.49.4 The Chair will have a general discretion to allow any amendments which do not have the effect of negating or would otherwise change the material substance of the original motion, in circumstances where the Chair in his / her absolute discretion considers the amendment has arisen out of the debate.
- ▲ ■<sup>57</sup>4.49.5 Each amendment will be proposed, seconded, committed to writing and handed to the Chair;
- ♣ ▲ ■<sup>58</sup>4.49.6 Only one amendment may be moved and discussed at any one time and strictly in the order of receipt. No further amendment may be moved until the amendment under discussion has been decided.
- ♣ ▲ ■<sup>59</sup>4.49.7 If an amendment is not carried, other amendments to the original motion may be moved.
- ♣ ▲ ■<sup>58</sup>4.49.8 If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved.
- ♣ ▲ ■<sup>59</sup>4.49.9 After an amendment has been carried, the Chair will read out the amended motion before accepting any further amendments, or if there are none, put it to the vote.

<sup>55</sup> See Rule 4.14

<sup>56</sup> See Rule 4.14

<sup>57</sup> See Rule 4.14

<sup>58</sup> See Rule 4.14

<sup>59</sup> See Rule 4.14

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### Alteration of Motion

- ♣ ▲ ■<sup>60</sup>4.50.1 A Member may alter a motion which he has moved without notice with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion.
- ♣ ▲ ■<sup>61</sup>4.50.2 Only alterations which could be made as an amendment pursuant to Rule 4.49 may be made.

### Withdrawal of Motion

- ♣ ▲ ■<sup>62</sup>4.51 A Member may withdraw a motion which he has moved with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion. No Member may speak on the motion after the mover has asked permission to withdraw it unless permission is refused.

### Right of Reply

- ♣ ▲ ■<sup>63</sup>4.52.1 If an amendment is moved, the mover of the original motion has the right of reply at the close of the debate on the amendment, but may not otherwise speak on it.
- ♣ ▲ ■<sup>64</sup>4.52.2 The mover of the amendment has no right of reply to the debate on his amendment.
- ♣ ▲ ■<sup>65</sup>4.52.3 A Member exercising a right of reply will not introduce any new matter and after the reply, a vote shall be taken without further discussion. Members may not speak after the owner of a motion has exercised a right of reply, except to seek clarification of a particular matter before the owner of the motion concludes his or her speech. A Member may not speak after a proposition has been voted on except on a point of order relating to it.

### Procedural Motions which may be Moved During Debate

- ♣ ▲ ■<sup>66</sup>4.53 When a motion is under debate, no other motion may be moved except the following procedural motions:
- ♣ ▲ ■<sup>67</sup>4.53.1 to withdraw a motion;
- ♣ ▲ ■<sup>68</sup>4.53.2 to amend a motion;
- ♣ ▲ ■<sup>69</sup>4.53.3 a closure motion under Rule 4.54.5
- ♣ ▲ ■<sup>70</sup>4.53.4 to exclude the public and press in accordance with the Access to Information Procedure Rules; and
- ♣ ▲ ■<sup>71</sup>4.53.5 to not hear further a Member named under Rule 4.86 or to exclude them

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<sup>60</sup> See Rule 4.14

<sup>61</sup> See Rule 4.14

<sup>62</sup> See Rule 4.14

<sup>63</sup> See Rule 4.14

<sup>64</sup> See Rule 4.14

<sup>65</sup> See Rule 4.14

<sup>66</sup> See Rule 4.14

<sup>67</sup> See Rule 4.14

<sup>68</sup> See Rule 4.14

<sup>69</sup> See Rule 4.14

<sup>70</sup> See Rule 4.14

<sup>71</sup> See Rule 4.14

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- ♣ ▲ ■<sup>72</sup>4.53.6 from the meeting under Rule 4.87.  
to suspend a particular council procedure rule (provided that at least one half of the whole number of Members are present).

### Closure Motions

- ♣ ▲ ■<sup>73</sup>4.54.1 to proceed to the next business;  
♣ ▲ ■<sup>74</sup>4.54.2 to ask that the question be now put;  
♣ ▲ ■<sup>75</sup>4.54.3 to adjourn a debate; or  
♣ ▲ ■<sup>76</sup>4.54.4 to adjourn a meeting.  
♣ ▲ ■<sup>77</sup>4.54.5 subject to Rule 4.54.8 below, if a motion to proceed to next business under Rule 4.54.1 is seconded and only if the Chair thinks the item has been sufficiently discussed, he will give the mover of the original motion a right of reply and then put the procedural motion to the vote.  
♣ ▲ ■<sup>78</sup>4.54.6 subject to Rule 4.54.8 below, if a motion that the question be now put under Rule 4.54.2 is seconded and only if the Chair thinks the item has been sufficiently discussed, he will put the procedural motion to the vote. If it is passed he will give the mover of the original motion a right of reply before putting his motion to the vote.  
♣ ▲ ■<sup>79</sup>4.54.7 subject to Rule 4.54.8 below, if a motion to adjourn the debate or to adjourn the meeting under Rules 4.54.3 and 4.54.4 is seconded and only if the Chair thinks the item has been sufficiently discussed and cannot reasonably be so discussed on that occasion, he will put the procedural motion to the vote without giving the mover of the original motion the right of reply.  
♣ ▲ ■<sup>80</sup>4.54.8 in the event that a closure motion under Rule 4.54.1 to 4.54.4 is moved and seconded, the following procedure will apply in the order set out below:

- 4.54.8.1 the closure motion will be voted upon without further debate;  
4.54.8.2 if an amendment has been moved and seconded before a closure motion has been passed by Full Council, that amendment must be discussed immediately but will be subject to the following restrictions:
- The debate on the amendment cannot exceed a maximum of 30 minutes in total, save for the exercising of the Chair's discretion.
  - the proposer will have a maximum of 5 minutes to speak on the amendment;
  - the relevant Portfolio Holder(s) will have a maximum of 5 minutes to speak on the amendment;
  - the seconder and all other speakers will have a maximum of

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<sup>72</sup> See Rule 4.14

<sup>73</sup> See Rule 4.14

<sup>74</sup> See Rule 4.14

<sup>75</sup> See Rule 4.14

<sup>76</sup> See Rule 4.14

<sup>77</sup> See Rule 4.14

<sup>78</sup> See Rule 4.14

<sup>79</sup> See Rule 4.14

<sup>80</sup> See Rule 4.14

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3 minutes to speak on the amendment;

4.54.8.3 Full Council will vote on the proposed amendment debated under Rule 4.54.8.2 above.

4.54.8.4 a single new amendment to the substantive motion (as amended if appropriate) will be allowed if properly seconded, but will be subject to the following restrictions:

- the first new amendment proposed and seconded will be considered and no further proposed amendments will be considered;
- The debate on the new amendment cannot exceed a maximum of 30 minutes in total, save for the exercising of the Chair's discretion.
- the proposer will have a maximum of 5 minutes to speak on the new amendment;
- the relevant Portfolio Holder will have a maximum of 5 minutes to speak on the new amendment;
- the seconder and all other speakers will have a maximum of 3 minutes to speak on the new amendment;

4.54.8.5 the new amendment proposed in accordance with Rule 5.54.8.4 will be voted upon.

4.54.8.6 the substantive motion (as amended under Rule 4.54.8.2 or Rule 4.54.8.4) will be voted upon.

### Point of Order

♣ ▲ ■<sup>81</sup>4.55 A point of order is a request from a Member to the Chair to rule on an alleged irregularity in the procedure of the meeting. A Member may raise a point of order at any time by indicating to the Chair by standing that they wish to raise a point of order and waiting for the Chair to call them to speak at a convenient point at the discretion of the Chair. A point of order may only relate to an alleged breach of these Council Rules of Procedure or the law. The Member must indicate the rule or law and the way in which s/he considers it has been broken. The ruling of the Chair on the matter will be final.

### Personal Explanation

♣ ▲ ■<sup>82</sup>4.56 A Member may make a personal explanation at any time. A personal explanation may only relate to one of the following:

♣ ▲ ■<sup>83</sup>4.56.1 some material part of an earlier speech by the Member in the present debate which may appear to have been misunderstood;

♣ ▲ ■<sup>84</sup>4.56.2 to reply to an allegation of misconduct made against the Member

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<sup>81</sup> See Rule 4.14

<sup>82</sup> See Rule 4.14

<sup>83</sup> See Rule 4.14

<sup>84</sup> See Rule 4.14

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- giving the explanation; or
- ♣ ▲ ■<sup>85</sup>4.56.3 to make an apology to the Council.
  - ♣ ▲ ■<sup>86</sup>4.57 The ruling of the Chair on the admissibility of a personal explanation will be final.
  - ♣ ▲ ■<sup>87</sup>4.58 Points of personal explanation will only be recorded in the minutes if the Monitoring Officer considered that such an inclusion would provide greater clarity to the minutes.

### Declarations of Interest

- ♣ ▲ ■<sup>88</sup>4.59 A Member may at any time declare a personal interest under the Members' Code of Conduct and when a Member makes a declaration s/he shall be heard immediately and shall be allowed to make the declaration without interruption.

### Previous Decisions and Motions

#### Motion to Rescind a Previous Decision

- ▲ ■<sup>89</sup>4.60.1 A motion or amendment to rescind a decision made at a meeting within the past six months cannot be moved unless the notice of motion is signed by at least 10 Members.
- ▲ ■<sup>90</sup>4.60.2 Rule 4.37.2 does not apply to a motion under Rule 4.60.1.
- ▲ ■<sup>91</sup>4.60.3 For the sake of clarity rule 4.60.1 does not apply to decisions taken by the Cabinet.

#### Motion Similar to One Previously Rejected

- ▲ ■<sup>92</sup>4.61.1 A motion or amendment in similar terms to one that has been rejected at a meeting in the past six months cannot be moved unless the notice of motion or amendment is signed by at least 10 Members. Once the motion or amendment is dealt with, no one can propose a similar motion or amendment for six months.
- ▲ ■<sup>93</sup>4.61.2 Rule 4.37.2 does not apply to a motion under Rule 4.61.1.

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<sup>85</sup> See Rule 4.14

<sup>86</sup> See Rule 4.14

<sup>87</sup> See Rule 4.14

<sup>88</sup> See Rule 4.14

<sup>89</sup> See Rule 4.14

<sup>90</sup> See Rule 4.14

<sup>91</sup> See Rule 4.14

<sup>92</sup> See Rule 4.14

<sup>93</sup> See Rule 4.14

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### Voting

#### Majority

♣ ▲ ■<sup>94</sup>4.62 Unless this Constitution provides otherwise, any matter will be decided by a simple majority of those Members voting and present in the room at the time the question was put.

#### Chair's Casting Vote

♣ ▲ ■<sup>95</sup>4.63 If there are equal numbers of votes for and against, the Chair will have a second or casting vote. There will be no restriction on how the Chair chooses to exercise a casting vote.

#### Method of Voting

♣ ▲ ■<sup>96</sup>4.64 Unless a recorded vote is demanded under Rule 4.66 the Chair will take the vote by show of hands, or by use of the Council's electronic voting system if any, or if there is no dissent, by the affirmation of the meeting.

#### Ballots

4.65.1 In respect of Full Council the vote will take place by ballot if 10 Councillors present at the meeting demand it. The Chair will announce the numerical result of the ballot immediately the result is known.

♣ ▲ ■<sup>97</sup>4.65.2 In respect of committees the vote will take place by ballot if a majority of the Members present at the meeting demand it. The Chair will announce the numerical result of the ballot immediately the result is known.

#### Recorded Vote

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

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

♣ ▲ ■<sup>98</sup>4.66.3 In respect of committees and the Cabinet if a majority of Members present at the meeting demand it, the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes. A demand for a recorded vote together with a demand for a ballot will be voted upon by the committee.

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<sup>94</sup> See Rule 4.14

<sup>95</sup> See Rule 4.14

<sup>96</sup> See Rule 4.14

<sup>97</sup> See Rule 4.14

<sup>98</sup> See Rule 4.14

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### Right to Require Individual Vote to be Recorded

♣ ▲ ■<sup>99</sup>4.67 Where any Member requests it immediately after the vote is taken, their vote will be so recorded in the minutes to show whether they voted for or against the motion or abstained from voting.

### Voting on Appointments

#### Voting on appointments to external bodies and organisations

♣ ▲ ■<sup>100</sup>4.68.1 If there is one position (in an external body or organisation) to be filled by a nominee or representative of the Council and more than one person is nominated for that position then the position will be filled by the person with the greatest number of votes. If there are equal numbers of votes for and against, the Chair will have a second or casting vote. There will be no restriction on how the Chair chooses to exercise a casting vote.

♣ ▲ ■<sup>101</sup>4.68.2 If there are two or more positions (in an external body or organisation) to be filled by nominees or representatives of the Council and the number of nominations exceeds the number of such positions, each Councillor of the Council will be able to exercise one vote for each such position (but may vote only once for each nominee) and the persons to whom more votes have been given than other persons up to the number of positions to be filled, shall be appointed. If there are equal numbers of votes for and against, the Chair will have a second or casting vote. There will be no restriction on how the Chair chooses to exercise a casting vote.

#### Voting on employee appointments

♣ ▲ ■<sup>102</sup>4.69 In the event of there being more than two candidates for an appointment and no candidate receives the required majority on the first vote, the candidate with the least number of votes will be eliminated and a further vote will be taken. This procedure will be repeated until a candidate receives the required majority. If more than one candidate has the same number of votes and that is the lowest number of votes cast, a vote will be taken to decide the candidate to be eliminated from future votes. In the event of an equal number of votes being cast at this stage, the Chair will have a casting vote.

#### Voting on Internal Councillor Appointments

♣ ▲ ■<sup>103</sup>4.70 This Rule applies to the appointment of Councillors to positions within the Local Authority or to joint committees with other authorities including:

4.70.1 the Chair / Vice-Chair / Assistant Vice-Chair of Council;

4.70.2 Leader;

♣ ▲ ■<sup>104</sup>4.70.3 the Chair or Vice-Chair of a Committee or Sub-Committee;

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<sup>99</sup> See Rule 4.14

<sup>100</sup> See Rule 4.14

<sup>101</sup> See Rule 4.14

<sup>102</sup> See Rule 4.14

<sup>103</sup> See Rule 4.14

<sup>104</sup> See Rule 4.14

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- ♣ ▲ ■<sup>105</sup>4.70.4 Member of a Committee or Sub-Committee or Panel;
- ♣ ▲ ■<sup>106</sup>4.70.5 Member of any other internal Council board, panel or group with or without officers;
- ♣ ▲ ■<sup>107</sup>4.70.6 Member of any joint committee, board, panel or group involving the Council and one or more local authorities, and / or other public bodies.
- ♣ ▲ ■<sup>108</sup>4.71 If there are more than two Councillors nominated for any position to be filled and there is not a clear majority of votes in favour of one person, then the name of the person with the least number of votes will be taken off the list and a new vote taken. The process will continue until there is a majority of votes for one person. Voting under this paragraph will normally be conducted by ballot paper.
- ♣ ▲ ■<sup>109</sup>4.72 Where there is a tie with two or more candidates receiving the least number of votes they both be eliminated from the voting where the addition of all the votes cast for the tied candidates would not equal or exceed the candidate with the next number of lowest votes. If the total number of votes cast for the candidates who tied would equal or exceed the next candidate, then only one of those candidates be eliminated and that decision be determined by ballot between the two.
- ♣ ▲ ■<sup>110</sup>4.73 Where there is a tie, at the end of the voting process between two candidates the Chairman shall either use his / her second or casting vote, or require the appointment to be determined by the drawing of lots.
- ♣ ▲ ■<sup>111</sup>4.74 This procedure may be varied by agreement of the meeting.

### Minutes

#### Signing the Minutes

- ♣ ▲ ■<sup>112</sup>4.75 The Chair will sign the minutes of the proceedings at the next suitable meeting. The Chair will move that the minutes of the previous meeting be signed as a correct record. The only part of the minutes that can be discussed is their accuracy.

#### No Requirement to Sign Minutes of Previous Meeting at Extraordinary Meeting

- ♣ ▲ ■<sup>113</sup>4.76 Where in relation to any meeting, the next meeting for the purpose of signing the minutes is an extraordinary meeting<sup>114</sup>, then the next following

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<sup>105</sup> See Rule 4.14

<sup>106</sup> See Rule 4.14

<sup>107</sup> See Rule 4.14

<sup>108</sup> See Rule 4.14

<sup>109</sup> See Rule 4.14

<sup>110</sup> See Rule 4.14

<sup>111</sup> See Rule 4.14

<sup>112</sup> See Rule 4.14

<sup>113</sup> See Rule 4.14

<sup>114</sup> a meeting called under paragraph 3 of Schedule 12 to the Local Government Act 1972



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meeting will be treated as a suitable meeting for the purposes of signing of minutes<sup>115</sup>.

### Form of Minutes

♣ ▲ ■<sup>116</sup>4.77 Save as provided below the form of the minutes will be a matter for the Chief Executive:

♣ ▲ ■<sup>117</sup>4.77.1 Minutes will contain all motions and amendments in the exact form and order the Chair put them.

♣ ▲ ■<sup>118</sup>4.77.2 Replies given to questions of which notice has been given under Rule 4.30 will be recorded in the minutes.

### Record of Attendance

♣ ▲ ■<sup>119</sup>4.78 All Members present during the whole or part of a meeting must sign their names on the attendance sheets before the conclusion of every meeting to assist with the record of attendance.

♣ ▲ ■<sup>120</sup>4.79 Members permanently leaving a meeting shall advise the Chair or the clerk of their departure so that this can be formally recorded in the minutes, including the time of departure and the committee clerk shall so record in the minutes of that meeting.

♣ ▲ ■<sup>121</sup>4.80 Before Members leave a meeting room before the conclusion of business the Chair shall advise that Member of the above requirement.

### Exclusion of Public

♣ ▲ ■<sup>122</sup>4.81.1 Members of the public and press may only be excluded either in accordance with the Access to Information Procedure Rules in Section 14 of this Constitution or Rules 4.89 and 4.90 (Disturbance by the Public).

♣ ▲ ■<sup>123</sup>4.81.2 Where members of the public have been excluded pursuant to Rule 4.81.1, Members may nevertheless remain in the meeting (with the exception of confidential meetings of the Standards Committee) unless they have a personal and prejudicial interest.

### Members' Conduct

#### Declarations of Interest

♣ ▲ ■<sup>124</sup>4.82 Members must in all matters consider whether they have a personal interest (within the meaning within the Members' Code of Conduct) in a

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<sup>115</sup> paragraph 41(1) and (2) of Schedule 12 to the Local Government Act 1972

<sup>116</sup> See Rule 4.14

<sup>117</sup> See Rule 4.14

<sup>118</sup> See Rule 4.14

<sup>119</sup> See Rule 4.14

<sup>120</sup> See Rule 4.14

<sup>121</sup> See Rule 4.14

<sup>122</sup> See Rule 4.14

<sup>123</sup> See Rule 4.14

<sup>124</sup> See Rule 4.14

## SECTION 4 – FULL COUNCIL

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matter to be discussed at a meeting, and whether that Code of Conduct requires them to disclose that interest and if they conclude that it does, must disclose the existence and nature of the interest at the commencement of the discussion or when the interest becomes apparent and decide whether they should withdraw from consideration of the matter as required by the Code.

- ♣ ▲ ■<sup>125</sup>4.83A Member who is under the Members' Code of Conduct required to disclose the existence and nature of such an interest must complete the requisite form provided for that purpose at meetings.

### Speaking at Meetings

- ♣ ▲ ■<sup>126</sup>4.84 When a Member speaks at a meeting he/she must address the meeting through the Chair. If more than one Member signifies their intention to speak, the Chair will ask one to speak. Other Members must remain silent whilst a Member is speaking unless they wish to make a point of order or a point of personal explanation.

### Chair Standing

- ♣ ▲ ■<sup>127</sup>4.85 When the Chair stands during a debate, or otherwise indicates that the meeting must be silent, any Member speaking at the time must stop and all Members must be seated.

### Member not to be Heard Further

- ♣ ▲ ■<sup>128</sup>4.86 If a Member persistently disregards the ruling of the Chair by behaving improperly or offensively or deliberately obstructs business, the Chair may move that the Member be not heard further. If seconded, the motion will be voted on without discussion. If the motion is passed the named Member may not discuss or debate any further business whilst it is transacted at the meeting.

### Member to Leave the Meeting

- ♣ ▲ ■<sup>129</sup>4.87 If the Member continues to behave improperly after a motion under Rule 4.86 is carried, the Chair may move that either the Member leaves the meeting or that the meeting is adjourned for a specified period. If seconded, the motion will be voted on without discussion. If the motion is passed the named Member must leave the room forthwith.

### General Disturbance

- ♣ ▲ ■<sup>130</sup>4.88 If there is a general disturbance making orderly business impossible, the Chair may adjourn the meeting for as long as he thinks necessary.

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<sup>125</sup> See Rule 4.14

<sup>126</sup> See Rule 4.14

<sup>127</sup> See Rule 4.14

<sup>128</sup> See Rule 4.14

<sup>129</sup> See Rule 4.14

<sup>130</sup> See Rule 4.14

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### **Disturbance by Public**

#### **Removal of Member of the Public**

♣ ▲ ■<sup>131</sup>4.89 If a member of the public interrupts proceedings, the Chair will warn the person concerned. If they continue to interrupt, the Chair will order their removal from the meeting room.

#### **Clearance of Part of Meeting Room**

♣ ▲ ■<sup>132</sup>4.90 If there is a general disturbance in any part of the meeting room open to the public, the Chair may call for that part to be cleared.

#### **Filming, Audio Recording and Use of Social Media During Meetings**

♣ ▲ ■<sup>133</sup>4.91 Filming, audio recording and use of social media is permitted during meetings except (a) where children and / or vulnerable adults are participating in the debate by way of a presentation, or (b) where meetings or parts of meetings which are held in confidential session pursuant to Section 14, or (c) where a meeting is being webcast.

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

##### **Suspension**

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

##### **Amendment**

♣ ▲ ■<sup>134</sup>4.93 Any motion to add to, vary or revoke these Council Rules of Procedure will, stand adjourned without discussion and be automatically referred to the Democratic Services Committee which will make a recommendation to Council PROVIDED ALWAYS that this Rule will not apply to any recommendations or report by the Democratic Services Committee concerning the variation, revocation or amendment of these Council Rules of Procedure.

##### **Officer Advice**

♣ ▲ ■<sup>135</sup>4.94 Any report placed for decision before Council should contain all necessary advice to enable Councillors to take a decision. Reports will be circulated in advance of the meeting and if a Councillor requires clarification on an issue related to the report, this should be sought prior to the meeting.

♣ ▲ ■<sup>136</sup>4.95 Further officer advice will only be available at the meeting of Council

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<sup>131</sup> See Rule 4.14

<sup>132</sup> See Rule 4.14

<sup>133</sup> See Rule 4.14

<sup>134</sup> See Rule 4.14

<sup>135</sup> See Rule 4.14

<sup>136</sup> See Rule 4.14

## SECTION 4 – FULL COUNCIL

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with the consent of the Chair, in consultation with the Chief Executive. If there is a need for further detailed legal or financial advice to be provided, the meeting should be adjourned.

### **Attendance of Cabinet Members at Council Meetings**

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

### **Petitions**

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

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

### **All Council Seminars / Member Development Sessions**

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

## SECTION 5 – THE CABINET

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### Introduction

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

### Form and Composition of the Cabinet

5.2 Subject to Rules 5.2.3 to 5.2.5 below, the Cabinet will consist of:

5.2.1 the Leader of the Council (the “Leader”); and

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

### Job Sharing – Executive Leader and Executive Member<sup>1</sup>

5.2.3 The election of the Leader may include the election of two or more Councillors to share that office.

5.2.4 Any appointment to the Cabinet including the Leader may include the election of two or more Councillors to share office.

5.2.5 Where two or more Members have been elected or appointed to share the same office on the Cabinet the maximum number of members of the Cabinet, including the Leader[s], will be:

(a) 12, where at least two of the members have been elected or appointed to share office; or

(b) 13, where at least three of the members have been elected or appointed to share office.

5.2.6 The members of the Cabinet who share the same office will have one vote between them in respect of any matter on which they have a right to vote because they are a member of the Cabinet.

5.2.7 Where any meeting is attended by more than one of the members who share the same office and those members are attending in their capacity as a member of the Cabinet, they together count only as one person for the purpose of determining whether the meeting is quorate.

### Election

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

### Term of Office

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

### Role of the Leader

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<sup>1</sup> Section 58 – Local Government and Elections (Wales) Act 2021

## SECTION 5 – THE CABINET

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

### **Other Cabinet Members**

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

5.6.1 s/he resigns from that office; or

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

5.6.3 s/he ceases to be a Councillor; or

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

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

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

### **Assistants to the Executive.<sup>2</sup>**

5.9.1 Other Councillors may, from time to time, be designated by the Leader[s] as Assistants to the Executive. Such Councillors will not be:

5.9.1.1 a Member of the Cabinet

5.9.1.2 The Chairman and Vice-Chairman of the Council

5.9.2 Assistants to the Cabinet will not participate in Executive Decision making, but may work closely with an Cabinet Member. They will not be a Member of a Scrutiny Committee and / or Governance and Audit Committee relating to the specific responsibilities of the Cabinet Member they are assisting or any other areas to which they are assigned.

5.9.3 An Assistant to the Executive may support the Cabinet Member through the delegation of tasks as agreed for their area of responsibility, including attending / chairing meetings; speaking / opening events; reading and commenting on papers; meeting Officers; agreeing press releases / comments and carrying out interview; representative the Council on appropriate groups. An Executive Support Member will not, however, have delegated powers and will not be entitled to vote at Cabinet Meetings or Cabinet Committee Meetings nor deputise for the Cabinet Member when the Cabinet Member is called to appear at a Scrutiny Committee or the Governance and Audit Committee

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<sup>2</sup> Section 57 – Local Government and Elections (Wales) Act 2021

## SECTION 5 – THE CABINET

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5.9.4 Assistants to the Executive will be are entitled to attend, and speak at, any meeting of the Cabinet or a committee of the Cabinet.

### **Delegation of Functions**

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

- 5.910.1 the Cabinet as a whole;
- 5.9:102a committee of the Cabinet (comprising Cabinet Members only);
- 5.910.3 an individual Cabinet Member;
- 5.910.4a joint committee;
- 5.910.5 another local authority or the executive of another local authority;
- 5.910.6a delegated Officer.

### **Responsibility for Functions When There is No Cabinet**

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

### **Rules of Procedure and Debate**

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

### **Cabinet Procedure Rules**

#### ***Delegation by the Leader***

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

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

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### ***Sub-Delegation of Executive Functions***

- 5.134.1 Where the Cabinet is responsible for an Executive Function, they may delegate further to joint arrangements, or an Officer.
- 5.134.2 Where a committee of the Cabinet or an individual Member of the Cabinet is responsible for an Executive Function, they may delegate further to an Officer.
- 5.134.3 Unless otherwise stated in the delegation, where Executive Functions have been delegated, that fact does not prevent the discharge of delegated functions by the person or body who made the delegation.

### ***The Council's Scheme of Delegation and Executive Functions***

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

### ***Conflicts of Interest***

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

### ***Cabinet Meetings***

- 5.167.1 The frequency and timing of meetings of the Cabinet will be determined by the Leader. The Cabinet will meet at the Council's main offices or another location to be agreed by the Leader.
- 5.167.2 Those listed below may ask the Monitoring Officer to call Cabinet meetings in addition to those agreed by the Leader:



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- 5.167.2.1 the Chief Executive;
- 5.167.2.2 the Section 151 Officer
- 5.167.2.3 the Monitoring Officer
- 5.167.2.4 any three members of the Cabinet.

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

### ***Public or Private Meetings of the Cabinet?***

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

### ***Quorum***

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

5.19.2 Where any meeting is attended by more than one of the members who share the same office and those members are attending in their capacity as a member of the Cabinet, they together count only as one person for the purpose of determining whether the meeting is quorate.

### ***How are Decisions to be Taken by the Cabinet***

5.1920.1 All decisions taken by the following need to follow the Access to Information Procedure Rules set out in Section 14:

- 5.1920.1.1 Cabinet;
- 5.1920.1.2 Cabinet Committee;
- 5.1920.1.3 Individual Members of the Cabinet

5.1920.2 All decisions taken by the Executive, a Committee of the Executive, or an Individual Member of the Executive shall comply with the Budget and Framework Procedure Rules (so far as appropriate) as set out in Section 15.

5.1920.3 All decisions taken by the Executive and / or a Committee of the Executive will be taken by a majority vote of those present at the meeting with the person Chairing the meeting having a second or casting vote.

5.20.4 The members of the Cabinet who share the same office will have one vote between them in respect of any matter on which they have a right to vote because they are a member of the Cabinet.

### ***How are Cabinet Meetings Conducted?***

#### ***Who Chairs?***

## SECTION 5 – THE CABINET

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

### Who May Attend?

5.212.1 These details are set out in the Access to Information Procedure Rules in Section 14 of this Constitution. See also Rule 3.18.2 in relation to Member participation in meetings.

5.212.2 Subject to Rule 5.256.3 below a Member may attend any meeting of the Cabinet or Cabinet Committee (whether or not they are a member of the Cabinet or a Cabinet committee)

5.212.3 The right to attend will not apply in the following cases:

5.212.3.1 where the Member is required to declare an interest and withdraw from the meeting under the Code of Conduct;

5.212.3.2 where the Cabinet or a Committee of the Cabinet (as the case may be) is exercising functions of a quasi-judicial nature and have asked the members of the public and the parties to withdraw whilst they deliberate before reaching a decision;

5.212.3.3 where the Monitoring Officer or his/her representative advises that as a matter of law non-members of the Cabinet or Cabinet committee (as the case may be) should withdraw.

### What Business?

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

5.223.1 elect a person to chair if the Leader or a Deputy Leader is not present;

5.223.2 receive apologies for absence

5.223.3 approval of the minutes of the last meeting;

5.223.4 declarations of interest, if any;

5.223.5 matters referred to the Cabinet by a Scrutiny Committee for reconsideration by the Cabinet in accordance with the provisions contained in the Overview and Scrutiny Procedure Rules or the Budget and Policy Framework Procedure Rules set out in Sections 7 and 15 of this Constitution;

5.223.6 consideration of reports from a Scrutiny Committee or other committees;

5.223.7 consideration of reports from Cabinet Committees;

5.223.8 reports from Cabinet Members

5.223.9 reports from Officers of the Authority.

5.223.10 make recommendations to the Council or a scrutiny or other committee

5.223.11 consider such other business specified in the summons to the meeting;

5.223.12 consider other business, not specified in the summons as the Leader considers urgent, subject to the nature of the urgency being specified in the minutes

5.223.13 exclude the public for the consideration of any item in accordance with the Access to Information Procedure Rules

5.223.14 consider the Cabinet Forward Work Programme and to ensure that the

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programme has been populated for at least 8 months and is regularly updated. In the event that urgent items are considered by Cabinet which have not been included on the Cabinet Forward Work Programme, the relevant Chair (or Vice-Chair) of a Scrutiny Committee must be informed of those urgent items before those matters are discussed at Cabinet.

### Consultation

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

### Who can put Items on the Cabinet Agenda?

5.245. The Leader will decide upon the schedule for meetings of the Cabinet. S/he may put any matter on the agenda of any Cabinet meeting whether or not authority has been delegated to the Cabinet, a committee of it or any Member or Officer in respect of that matter.

5.245. Any Member of the Cabinet may require the Monitoring Officer to make sure that an item is placed on the agenda of the next available meeting of the Cabinet for consideration.

5.245. The Chief Executive, the Monitoring Officer and/or the Chief Financial Officer may include an item for consideration on the agenda of a Cabinet meeting and may require that such a meeting be convened.

5.245. The Leader will make sure that an item is placed on the agenda of the next available meeting of the Cabinet and / or Cabinet Committee where a Scrutiny Committee or the Full Council have resolved that an item be considered by the Cabinet and / or Cabinet Committee.

5.245. Any member of the Council may ask the Leader to put an item on the agenda of a Cabinet and / or Cabinet Committee meeting for consideration, and if the Leader agrees the item will be considered at the next available meeting of the Cabinet and / or Cabinet Committee. The notice of the meeting will give the name of the Councillor who asked for the item to be considered. This individual will be invited to attend the meeting, whether or not it is a public meeting, and, at the discretion of the Leader or person presiding, be permitted to speak.

### Speaking at Meetings

5.256.1 Subject to Rules 5.25.3 and 5.26 below only Cabinet Members, employees or persons asked to or with a duty to advise Cabinet or other persons asked by the Cabinet to do so may speak at an Cabinet meeting

5.256.2 With the permission of the person chairing, a Member may speak at a Cabinet meeting on matters affecting his / her ward. Members wishing to speak should wherever possible notify the Chair in advance of the meeting. Members speaking under this Rule will be allowed a maximum of 5 minutes, subject to the discretion of the person chairing the meeting to extend the time.

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5.256.3 The right to speak pursuant to rule 5.25.2 will not apply where the Member is required to declare an interest and withdraw from the meeting under the Code of Conduct;

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

### **Rights of Chairs of Scrutiny Committees to Speak at Meetings.**

5.267 The Chairs (or in their absence Vice-Chairs) of the Scrutiny Committees may speak for no longer than 5 minutes at a meeting of the Cabinet only to present a scrutiny report to the Cabinet for consideration, and to respond to questions from Cabinet Members on the scrutiny report. Cabinet agendas should clearly state which items have been subject to scrutiny by the relevant Scrutiny committee prior to consideration by the Cabinet. Minutes of Cabinet meetings should clearly state why recommendations from the relevant Scrutiny Committee have been accepted or rejected.

This right may not be exercised where the Scrutiny Chair / Vice-Chair is required to declare an interest and withdraw from the meeting under the Members' Code of Conduct;

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

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

5.278.1 The provisions in Council Procedure Rules in Rules 4.89 to 4.90 in relation to disturbance by the public apply to meetings of the Cabinet.

5.278.2 The provisions in Council Procedure Rules in Rule 4.91 relating to filming, audio recording and use of social media apply to meetings of the Cabinet.

### **Format of Reports for Cabinet Decisions**

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

### **Call-In of Decisions**

5.2930 A decision of the Cabinet, a Committee of the Cabinet, or an Individual Member of the Cabinet is subject to the Call-In provisions set out in the scrutiny procedure rules in Section 7 of this Constitution.

## **SECTION 6 – THE LEADER**

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### **Election**

- 6.1 The Leader will be elected by Full Council in accordance with Rule 4.40 and will have authority to delegate the functions of the Leader to one or more deputies selected from the Cabinet.
- 6.2 The Leader will usually be elected. However, where the post of Leader becomes vacant between Council elections the Leader will be elected at the next meeting of the Full Council.

### **Term of Office**

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

### **Resignation, Dismissal, Disqualification and Suspension**

- 6.4 The Leader may resign the position of Leader by writing to the Chair of Council.
- 6.5 The Leader can be dismissed where the Council passes a resolution removing him/her from office in accordance with the Rule 4.40.
- 6.6 The Leader shall cease to be Leader if s/he is suspended or disqualified as a Councillor, or, for other such reasons, cannot fulfil the role of Leader.
- 6.7 The Leader will cease to be Leader upon death or upon being incapacitated which will, or is likely to, prevent him / her from undertaking the role of Leader for a period of six months or more (“Incapacitation”).

### **Functions and Delegated Authority**

#### **Membership of the Cabinet**

- 6.8 The Leader appoints and dismisses the Members of the Cabinet subject only to there being a minimum of two, and a maximum of nine.

#### **Role of the Leader**

- 6.9 The Leader will chair meetings of the Cabinet and determine the portfolios of Members of the Cabinet.

#### **The Executive Scheme of Delegations**

- 6.10 The Leader will delegate Executive Functions in accordance with Rule 5.9. (NB: No Member of the Cabinet may have a Deputy, other than the Leader).

#### **Meetings of the Cabinet**

- 6.11 Subject to the requirement to publish notice of each meeting three clear days before it takes place, the Leader can call meetings of the Cabinet at such times and places as s/he chooses (NB: the Chief Executive, the Section 151 Officer, the Monitoring Officer and three members of the Cabinet acting collectively can also call meetings of the Cabinet).

## SECTION 6 – THE LEADER

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### Chairing Cabinet Meetings

6.12 The Leader shall chair Cabinet meetings. In the Leader's absence a Deputy Leader will chair the Cabinet, and in the absence of the Leader and Deputy Leader(s) the Cabinet will appoint a Member of the Cabinet to Chair the meeting.

### 6.13 Acting as the Council member of the Mid Wales Corporate Joint Committee<sup>1</sup>

The Leader shall be the Council member of the Mid Wales Corporate Joint Committee. Where the Leader is unable to discharge his / her functions in respect of the Mid Wales Corporate Joint Committee, the Council shall appoint another member of the Cabinet to discharge those functions on behalf of the Council.

### Appointments of Representatives on Outside Bodies

6.134 The Leader has authority to appoint representatives of the Council on outside bodies where those outside bodies relate to Executive Functions of the Council.

### Deputy Leader(s)

6.145 The Leader should / must appoint one or more Cabinet Members to act as Deputy Leader. The Deputy Leader(s) may exercise the functions of the Leader in the event of the resignation, death or Incapacitation<sup>2</sup> of the Leader. In the event of resignation, death or Incapacitation of the Leader for a period of more than 6 months, the Deputy Leader(s) may exercise the functions of the Leader until a Council meeting is held to elect a new Leader,(such Council meeting to be held as soon as reasonably practicable).

6.156 In the event that the Leader appoints more than one Deputy Leader those Deputy Leaders must decide which of them is to exercise the functions of the Leader in the event of the resignation, death or Incapacitation of the Leader, and the decision must be notified to the Monitoring Officer in writing within 24 hours of the date of the resignation, death or Incapacitation of the Leader. Such written notification to the Monitoring Officer must be signed by a majority of the Deputy Leaders or by both Deputy Leaders in the event that only 2 Deputy Leaders are appointed.

6.167 In the event that a Deputy Leader resigns his / her post as Deputy Leader. Such resignation does not mean that the Member resigns as a Cabinet Member.

6.178 In the event of the death or Incapacitation of the Leader in circumstances where the Leader has not appointed a Deputy Leader, the Cabinet will appoint one of its members to act as Chair of Cabinet meetings until such time as a Council meeting takes place to elect a new Leader.

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<sup>1</sup> Regulation 7 of the Mid Wales Corporate Joint Committee Regulations 2021

<sup>2</sup> "Incapacitation" is defined in Rule 6.7

## SECTION 7 – SCRUTINY COMMITTEES

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

## SECTION 7 – SCRUTINY COMMITTEES

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



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

## SECTION 7 – SCRUTINY COMMITTEES

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### 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

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- 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 and Assistants to the Executive) 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 Two parent governor representatives (covering so far as practicable the primary / special schools and secondary / all-through schools )

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- 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.<sup>1</sup>
- 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 <sup>2</sup>.

### **Role of the Chair of Scrutiny Committees**

- 7.14.1 The chairs of the Scrutiny Committees will liaise with the Cabinet and the 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**

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

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- 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.

### **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 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**

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- 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..

### **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

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- 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 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,

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conduct public surveys, hold public meetings, commission research and do all other things that they reasonably consider necessary to inform their deliberations. They may ask witnesses to attend to address them on any matter under consideration and may pay any advisers, assessors and witnesses a reasonable fee and expenses for doing so.

### **Reports from Scrutiny Committees**

- 7.25.1 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;



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- 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 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

## **SECTION 7 – SCRUTINY COMMITTEES**

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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.

### **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.<sup>3</sup>

### **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**

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<sup>3</sup> Section 78(1) of the Local Government (Wales) Measure 2011.

## SECTION 7 – SCRUTINY COMMITTEES

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- 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 Chair or if they fail to agree, the decision will be made by Monitoring Officer.

### 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”<sup>4</sup>) 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

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<sup>4</sup> See Appendix 1 to this Section.

## SECTION 7 – SCRUTINY COMMITTEES

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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 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”<sup>5</sup> 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

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<sup>5</sup> See Appendix 2 to this Section.

## SECTION 7 – SCRUTINY COMMITTEES

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- 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 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

## SECTION 7 – SCRUTINY COMMITTEES

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- 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 prejudice the Council's or other public interests; and
  - 7.36.1.2 Subject to Rule 7.36.3 below the 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 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

## SECTION 7 – SCRUTINY COMMITTEES

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- Committee.  
The Portfolio Holder for Finance will be required to attend all meetings, but will not have any voting rights.
- 7.37.2 Chair : 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.**

## SECTION 7 – SCRUTINY COMMITTEES

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- 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.
- 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](#)



## **SECTION 9 – REGULATORY AND OTHER COMMITTEES**

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- 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.<sup>1</sup>
- 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 Members<sup>1</sup>, 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

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<sup>1</sup> See Rule 11, of the Local Government (Wales) Measure 2011.

## SECTION 9 – REGULATORY AND OTHER COMMITTEES

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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><b>Governance and Audit Committee</b> Membership: 14 Councillors plus 1 Independent / Lay Member</p>	<ul style="list-style-type: none"> <li>• To approve authority's statement of accounts, income and expenditure and balance sheet or record of receipts and payments (as the case may be).</li> <li>• Ensure the risk management strategy guides the programme of internal and external work, to address the controls and risk related issues identified</li> <li>• 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</li> <li>• To consider and approve the annual audit opinion on internal control and the level of assurance given to the corporate governance arrangements</li> <li>• 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.</li> </ul> <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"><li>• regularly monitor treasury management reports</li></ul> <p><b>Local Government Measure 2011 (Section 81) as amended by the Local Government and Elections (Wales) Act 2021 (Section 115)</b></p> <ul style="list-style-type: none"><li>• review and scrutinise the authority's financial affairs</li><li>• make reports and recommendations in relation to the authority's financial affairs</li><li>• review and assess the risk management, internal control, performance assessment and corporate governance arrangements of the authority</li><li>• make reports and recommendations to the authority on the adequacy and effectiveness of those arrangements</li><li>• review and assess the authority's ability to handle complaints effectively</li><li>• make reports and recommendations in relation to the authority's ability to handle complaints effectively</li><li>• oversee the authority's internal and external audit arrangements, and</li><li>• review the financial statements prepared by the authority</li></ul> <p><b>Local Government and Elections (Wales) Act 2021 (Section 91)</b></p> <ul style="list-style-type: none"><li>• 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</li><li>• Duty to review the Council's draft response of the panel performance assessment and may make recommendations for changes to the statements made</li><li>• Duty to consider the report of the Auditor General following a special inspection</li><li>• 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</li></ul>
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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,

## SECTION 9 – REGULATORY AND OTHER COMMITTEES

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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).<sup>2</sup>

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 or an Assistant to the Executive) 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 or an Assistant to the Executive 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

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## **SECTION 9 – REGULATORY AND OTHER COMMITTEES**

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### **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.

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<sup>i</sup> 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 13 – RESPONSIBILITY FOR FUNCTIONS

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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 a Corporate Joint Committee
- 13.1.~~8~~9 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:

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## **SECTION 20 – CODE OF CONDUCT FOR EMPLOYEES**

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### **Policy Document**

- 20.1 The public is entitled to expect the highest standards of conduct from all Powys County Council employees, including school based staff (those funded by the School's Delegated Budget), in performing their duties. You are here to serve the Council in providing advice, implement its policies and deliver services to the local community. In performing your duties, you must act with integrity, honesty, impartiality and objectivity.
- 20.2 The purpose of this Code is to assist you in carrying out your job by making clear the standards of behaviour the Council requires you to meet. It incorporates the existing laws, regulations and conditions of service you should be aware of in your work for the Council.
- 20.3 This Code aims to ensure that confidence in your integrity as an employee is maintained at all times.
- 20.4 This Code forms part of your contract of employment and must be followed – a breach of the Code could lead to disciplinary action being taken against you, which may include dismissal.
- 20.5 A climate of mutual confidence, trust, respect and support between Members, managers and staff is critical to achieving the Council's objectives and for the fulfilment of all employees. You are expected to show commitment to the Council and to further its objectives as much as you can. If there are allegations that you have brought the Council into disrepute, disciplinary action may be taken against you.
- 20.6 Under this Code you are expected to take responsibility for the decisions that you may make as part of your employment. You should work within the law and be aware that the decisions you make may be scrutinised. If you feel that you require further training / guidance for your role, you should raise this with your line manager either directly as part of the recruitment process or through 1-1's and / or the Individual Performance Review (IPR) process.
- 20.7 The Code applies to all employees of the Council. The Code also applies to contractors, agency staff, volunteers and those on placements working on behalf of the Council.
- 20.8 As an employee you serve the whole of the Council. You are accountable to, and owe a duty to this Council. You must act in accordance with the principles set out in this Code, recognising the duty of all public sector employees in discharging public functions responsibly and according to the law.
- 20.9 As an employee, you are required to serve the whole of the Council, including Elected Members and School Governing Bodies, equally and with impartiality.
- 20.10 Each Head of Service or Headteacher will be responsible for ensuring that each department maintains and regularly updates a register of Declarations of Interest, as well as centrally recording the receipt of gifts and hospitality. Strategic Directors will inform the Monitoring Officer directly of situations or conflicts of interest in which they may be involved.

### **Nolan's Seven Principles of Public Life**

- 20.11 The following 7 principles of public life apply to anyone who works as a public officeholder, including local government employees.

## **SECTION 20 – CODE OF CONDUCT FOR EMPLOYEES**

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### **Selflessness**

20.11.1 Holders of public office should take decisions solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

### **Integrity**

20.11.2 Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might influence them in the performance of their official duties.

### **Objectivity**

20.11.3 In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

### **Accountability**

20.11.4 Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

### **Openness**

20.11.5 Holders of public office should be as open as possible about all the decisions and actions that they take. They should give and record reasons for their decisions and restrict information only when the wider public interest clearly demands.

### **Honesty**

20.11.6 Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

### **Leadership**

20.11.7 Holders of public office should promote and support these principles by leadership and example.

## **The Expected Standards**

### **Equality**

20.12 All members of local communities, customers and other Council employees have a right to be treated fairly and equitably. You should become familiar with and observe all Council policies and procedures related to equality issues in addition to the requirements of the applicable laws in this regard, such as the Equality Act 2010.

### **Definition of Declaration of Interest & Conflict of Interest**

20.13 A working definition of a conflict of interest is:

"a conflict between the private interests and the official responsibilities of a person in a position of trust".

## SECTION 20 – CODE OF CONDUCT FOR EMPLOYEES

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- 20.14 The definition is not restricted to cases where you actually betray this trust; it can be equally damaging for the conflict of interest to exist or to appear to exist or even have the potential to develop into an actual or perceived conflict of interest. This policy is a mechanism for protecting Council employees against criticism or compromise by ensuring that you recognise and disclose such conflict situations and take steps to avoid and manage them.
- 20.15 A conflict of interest arises where the commitments and obligations owed by you to the Council or to other bodies, for example a funding body, are likely to be compromised, or may appear to be compromised, by:
- 20.15.1 your personal gain, or gain to immediate family (or a person with whom you have a close personal relationship), whether financial or otherwise;
  - 20.15.2 your commitments and obligations that you owe to another person or body.
- 20.16 There can be situations in which the appearance of conflict of interest is present even when no conflict actually exists. It is your responsibility to recognise situations and activities in which you have a conflict of interest, or might reasonably be seen by others to have a conflict, to disclose that conflict to your Head of Service, submitting a request seeking permission to undertake such activities.
- 20.17 Conflicts of interest may be financial or non-financial, or both:
- 20.17.1 financial interest refers to anything of non-trivial monetary value, including, but not limited to, pay, commission, consultancy fees, equity interests, forgiveness of debt, property, royalties, intellectual property rights.
  - 20.17.2 non-financial interest refers to any non-financial benefit or advantage, including, but not limited to, enhancement of an individual's career, education or professional reputation; access to privileged information or facilities.
- 20.18 In order to Declare an Interest or Conflict of Interest, you must complete the form which can be found in [the guidance on Conflicts of Interest in policy section of the Employee Handbook](#).

[Human Resources - HR Policies - All Documents \(sharepoint.com\)](#)

~~Appendix A of this document.~~ The Head of Service for each department will ensure that all declarations of interest are filed in the centrally held Sharepoint site for their Service. ~~there is a centrally held log, containing all Declarations of Interests and~~

20.19 The Head of Service for each department will ensure that all Register declarations of Gifts & Hospitality are filed in the centrally held Sharepoint site for their Service. ~~The form for declaring a gift or hospitality can be found on the policy section of the Employee Handbook (see link above) containing the forms found in Appendices A and B. Each year, during the 1:1 sessions or the IPR the declaration form will be checked, changed and verified where required.~~

20.19~~20~~ The Monitoring Officer has the right to audit the Declaration Forms at any time.

### Tendering Procedures

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- 20.20~~1~~1 Employees involved in the tendering process or who have any other official relationship with contractors, must exercise fairness and impartiality when dealing with all customers, suppliers, other contractors and sub-contractors. Employees **must** comply fully with the tendering procedures as set out in the Contract Procedure Rules – Section 17 of the Constitution.
- 20.21~~2~~2 If you are responsible for engaging or supervising contractors and have previously had, or currently have a relationship in a private or domestic capacity with contractors, you must declare that relationship to your Head of Service, in writing.
- 20.22~~3~~3 If you become privy to confidential information on tenders or costs relating either to internal or external contractors, you must not disclose that information to any unauthorised person.
- 20.23~~4~~4 All employees must ensure that no special favour is shown to current, recent or former employees or their partners, close relatives or associates in awarding contracts to businesses run by them or employing them in any capacity.

### **Relations with Members, Public and Other Employees**

- 20.24~~5~~5 As an employee of the Council, whether your post is politically restricted or not, you must follow every lawfully expressed policy of the Council and must not allow your own personal or political opinions to interfere with your work. Where your post is politically restricted (by the reason of the post you hold, the nature of the work you do, or the salary you are paid), you must comply with any statutory restrictions on your political activities.
- 20.25~~6~~6 As part of your work, you may be required to inform political groups. You must do so in ways which do not compromise your political neutrality.
- 20.26~~7~~7 Mutual respect between employees and Members is essential to good local government, and working relationships should be kept on a professional basis. Any personal relationship between you and a Member must be recorded on a Declaration of Interest Form found in Appendix A.
- 20.27~~8~~8 You should deal with the public, Members and other employees sympathetically, efficiently and without bias.
- 20.28~~9~~9 Close personal relationships between yourself and individual Members can damage the relationship and prove embarrassing to other employees and Members and should therefore be avoided wherever possible.
- 20.29~~30~~30 Whilst your private life is your own concern, you must not allow your private interests to conflict with your public duty. You must not misuse your official position or information acquired in the course of your employment to further your private interests, or in the interests of others.

### **Financial & Council Property Matters**

- 20.30~~1~~1 If you are entrusted with public funds, you must ensure that you use them in a responsible and lawful manner, and must not utilise property, vehicles or other facilities of the Council for personal use unless you are authorised to do so.
- 20.31~~2~~2 You should strive to ensure value for money to the local community and to avoid legal challenge to the Council.
- 20.32~~3~~3 If you claim benefit e.g. Housing Benefit, Occupational Sick Pay or Council Tax Benefit, from this Council or any other, to which you are not entitled, it is likely that you will be liable to action under the disciplinary procedure.
- 20.33~~4~~4 Personal Use of Internet and Email must be in accordance with the Council's current Internet and Email Acceptable Use Policy and Guidance. Any inappropriate

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comments regarding the Council, made on Social Media sites, may bring the Council into disrepute and may lead to disciplinary action being taken against you.

20.345 Personal Telephone Calls in Council time should be kept to a minimum. Outgoing calls and personal incoming calls should occur infrequently and be kept as short as possible. Text message must also be kept to a minimum and made during break times wherever possible.

20.356 Intellectual Property is property which enjoys legal protection, such as patents, copyright, trademarks, designs and software. Where developed in the course of your duties, such intellectual property is the property of the Council. Intellectual Property includes all confidential information regarding the business of the Council.

20.367 You must not make use of the Council's property to conduct private work. Property includes buildings, vehicles, phones, stationery etc. This list is not exhaustive.

### **Whistleblowing**

20.378 In the event that you become aware of activities which you believe to be illegal, improper, unethical or inconsistent with this Code, you have a duty to report this matter, in accordance with your rights under the Public Interest Disclosure Act 1998, and the Council's confidential reporting procedure in the Whistleblowing Policy (See Section 22 of the Constitution).

### **Appointments/ Recruitment – Staff & Contractors**

#### **Appointment of Staff**

20.389 If you are involved in the recruitment and appointment of staff, you must ensure that appointments are made on the basis of merit. Please ensure that you refer to the Council's Recruitment Policy and the Safer Recruitment Policy prior to commencing the process.

20.394 In order to avoid any possible accusation of bias, you must not be involved in any appointment, disciplinary, promotion or pay and conditions issues for any other employee or prospective employee, to whom you are related or with whom you have a close relationship outside of work.

20.401 A 'close relative' is defined by legislation as meaning: spouse / partner, a parent; parent-in-law; son; son-in-law; daughter; daughter-in-law; step-parent; step-son; step-daughter; brother or sister, or the partner of any of these persons. In addition, for the purposes of this policy, 'close relative' also includes: grandparent; grandchild; aunt; uncle; niece or nephew.

20.412 A 'friend' can be defined as a person with whom one has a bond of mutual affection.

20.423 References will be sought for each individual who is appointed to a post with Powys County Council. If you request to see a reference about you, this request will not be granted without the permission of the referee.

#### **Appointment of Any Persons who Undertake Work for the Council**

20.434 If you engage or supervise contractors or have any other official relationship with contractors and have previously had or currently have a relationship in a private or domestic capacity with contractors, you should declare that relationship to your Strategic Director and ensure that you complete the Declaration of Interest form found in Appendix A of this document.

20.445 Orders and contracts must be awarded on merit, in accordance with the Council Financial Procedure Rules (See Section 16 of the Constitution) and Contracts Procedure Rules (See Section 17 of the Constitution) and no special favour should

## **SECTION 20 – CODE OF CONDUCT FOR EMPLOYEES**

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be shown to businesses run by, e.g. friends, partners or relatives in the tendering process.

20.456 You must be aware as a private citizen of any possible conflicts of interest when buying goods or using services of firms who you have dealings with as a Council employee. You must declare any such transactions appropriately and ensure that you complete the Declaration of Interest form found in Appendix A of this document.

20.467 If you are required to appoint or deal with in the course of your employment contractors for the Council, you should be aware of possible conflicts of interest, as a private citizen when you buy goods or use the services of firms who have dealing with the Council and you should disclose any such transactions to your Head of Service and ensure that you complete the Declaration of Interest form found in Appendix A of this document.

20.478 If you are an officer involved in employing contractors or procuring services through the procurement framework, you must also declare any personal interests you may have with regards to that contract or procurement process.

### **Taking Other Employment**

20.489 Regardless of grade, whether whole or part-time, permanent, temporary, casual, “relief” or seasonal, you should not undertake additional employment (paid or unpaid) if your proposed additional work either will or has the potential to:

- 20.48.1 create a conflict of interest;
- 20.48.2 overlap with official duties;
- 20.48.3 weaken public confidence in the Council..

20.4950 Furthermore, employees are not permitted to wear any Council-branded clothing whilst undertaking additional work. Similarly, employees should not make use of any Council property, records or privileged information obtained in the course of their duties with the Council for any external / additional employment use.

20.501 Where you consider your proposed secondary employment may conflict with these requirements, you must inform your line manager who will advise you on whether you need to seek agreement of your Strategic Director to your proposed additional employment.

20.512 If you are undertaking secondary employment or propose to do so you should first seek approval from your line manager. You should complete the Dual Employment Form which can be found in Appendix C for any secondary employment you undertake. It is incumbent on Heads of Service to ensure that all employee secondary employment is reviewed at least annually.

20.523 You also have the responsibility to ensure that you work the hours that you are contracted to work, that you dedicate your time at work carrying out the tasks for which you are paid and that you act to acceptable standards at all times.

### **Openness**

20.534 Where confidentiality is necessary to protect the privacy or other rights of individuals or bodies, nothing in this Code overrides statutory or common law obligations.

20.545 Legislation, including the Freedom of Information Act 2000, the Data Protection Act 1998, and the Environmental Information Regulations 2004 requires that certain types of information must be made available to the public and other recognised third parties and to employees and Members.

## **SECTION 20 – CODE OF CONDUCT FOR EMPLOYEES**

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- 20.556 You have a responsibility to safeguard the security and confidentiality of personal information you hold and you should ensure that only the appropriate amount of information required is provided to those who have a clearly established and legitimate need to use it. If there is any doubt as to whether information and / or documents are disclosed please seek advice from the Information Governance Manager.
- 20.567 You must ensure that any views, opinion or facts that you have do not reflect negatively on the Council or the work you carry out for the Council. Your activities outside work can also reflect on your work. The use of social media must therefore be used with care and sensitivity. You must not breach confidentiality of any of the Council's issues through your use of social media. If there is any doubt regarding the acceptable use of social media, you should refer to the Council's Social Media Guidance document. For example, you should make it clear that any views or opinions expressed on any social medium are your own and not those of the Council.

### **Acceptable Appearance at Work**

- 20.578 The Council imposes a particular style of dress only where protective clothing and uniforms are required. Whilst there is no desire to impose a style of dress elsewhere, standards appropriate to the effective delivery of our services are necessary. You must consider the job you are doing, and consider if your style of dress is appropriate for the role. An element of common sense will come into this consideration.
- 20.589 You represent the Council, so your appearance impacts on our image. Inappropriate dress can suggest that you have little regard for your service delivery or your customers, so consideration should always be given to public perception.
- 20.5960 If you are deemed to be inappropriately dressed, you may be sent home to change and repeated breaches of the standards of this Code may lead to disciplinary action being taken against you. If you are sent home to change, you will not be credited for the time taken to do this.
- 20.601 An acceptable standard of appearance would include:
- 20.601.1 a high standard of cleanliness and personal hygiene at all times;
  - 20.601.2 a standard of business dress which promotes the professionalism of your service and the Council;
  - 20.601.3 your identification badge worn visibly at all times in your workplace, unless agreed by your Head of Service or line manager;
  - 20.601.4 only uniforms or protective clothing issued by the Council may be worn. No substitutes are to be made;
  - 20.601.5 it is your duty to keep all items of uniform and protective clothing issued by the Council clean, in good repair and to wear it as required.
- 20.612 Managers are responsible for ensuring that replacement uniform / protective clothing is made available to you when you give reasonable notice.
- 20.623 NOTE –There is clear guidance within the Corporate Working Arrangements with regards to the use of Personal Protective Equipment (PPE) and you must make yourself aware of the content of that document if you are issued with PPE.

### **Corruption, Acceptance of Gifts and Hospitality**

## **SECTION 20 – CODE OF CONDUCT FOR EMPLOYEES**

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- 20.634 Employees must be aware that it is a serious criminal offence under the Bribery Act 2010 for you to receive or give any gift, loan, reward or advantage in their official capacity “for doing or not doing anything” or “showing favour or disfavour” to any person. If an allegation is made against you, it will be for you to demonstrate that any such rewards have not been corruptly obtained.
- 20.645 Casual gifts offered to employees by contractors, organisations, firms or individuals may not be intended as an inducement or be connected in any way with the performance of your official duties so as to involve the Bribery Act 2010. Nevertheless, with the exceptions listed below in Rules 20.67 to 20.69, you should decline any personal gift offered to you or your partner, or to a member of your family by any person or organisation having dealings with the Council. Any offer should be reported to your Head of Service (or to the Solicitor to the Council if you are a Chief or Deputy Chief Officer).
- 20.656 If you are an employee employed in a caring role or provide a direct personal service to vulnerable people, there are sometimes special problems encountered as it is not unusual for residents of residential care homes or for people receiving support at home (or their relatives) from Council employees to wish to express their thanks and gratitude to care staff by offering gifts, money or even, exceptionally, by making an employee a beneficiary in their Will. If you are made aware that a service user / client is considering making a gift to you or including you in their Will, or has actually done so, then you must immediately report this to your Head of Service.
- 20.667 It is very important in such situations that employees and the Council are protected from any suggestion of improper motives or conduct. For the avoidance of doubt, members of staff and their families are not allowed to accept gifts or legacies from clients / service users.
- 20.678 Gifts should only be accepted if they are of a nominal value (under £25) such as calendars, diaries, blotters, pens or other simple items of office equipment for use in Council offices. This includes gifts of a promotional nature normally given by the company to visitors.
- 20.689 If gifts of more than a nominal value are offered or if you suspect that an improper motive exists, you should always decline the offer and report it to your Head of Service, who should then report it to the Chief Executive regardless of whether the offer is accepted or not.
- 20.6970 Exceptionally, if returning the gift would cause offence, your Head of Service can arrange for it to be received by the Council for a charitable purpose.
- 20.701 The form found in Appendix B must be completed by you each time a gift or hospitality has been accepted or offered, no matter what its monetary value may be. This form must then be kept by your Head of Service in the centrally kept register.
- 20.742 Even if the gift is returned to the sender or if the item is donated for charitable purposes, you must fill the form registering the offer of gifts and hand it to your manager to place on the register.
- 20.723 Offers of hospitality are a normal part of the courtesies of business life but in the public service it is important for employees to avoid creating an appearance of improper influence, thereby undermining public confidence. Such hospitality should be recorded as a gift using Appendix B.
- 20.734 If hospitality is offered to you as an individual employee, special caution is needed particularly when the host is seeking to do business with the Council or to obtain a decision from it. You must exercise the utmost care in dealing with contractors, developers, etc. who may stand to benefit from the goodwill of the Council.



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20.745 You should also be careful about attending exhibitions, seminars or visiting manufacturers, etc. There is an increasing trend towards linking such visits to, for example, a major sporting event, show or concert with a view to legitimising offers of hospitality.

### **Monitoring**

20.756 Where a Monitoring Officer is undertaking an investigation under section 73(1) of the Local Government Act 2000, you must comply with any requirement made by that officer in connection with such an investigation.

20.767 It is your Head of Service who is responsible for ensuring and for monitoring that all employees within your service have declared interests. Managers within HR are responsible for monitoring compliance of this code to ensure overall effective governance of this document and will work alongside Internal Audit in order to ensure that good practice is maintained.

20.778 It is a central requirement to document declaration of interests for Heads of Service to ensure that they have registers for both Declarations of Interest and Receipts of Gifts & Hospitality and that all staff register these items. The Heads of Service will also ensure that the registers are checked and monitored on an annual basis.

20.789 Specific guidance by individual departments have special provisions e.g. Planning Department, Housing Benefit etc with regards to Declarations of Interest and Receipts of Gifts & Hospitality. You must use that specific guidance alongside this document in order to ensure compliance.

20.7980 In some occupations there are specific codes of conduct e.g. Code of Practice for Social Care Workers, Code of Occupational Ethics for the Youth Service in Wales, etc.

### **When in Doubt...**

20.801 If you are in doubt with regard to the provisions of this Code and how they apply in any particular situation, your Head of Service should be consulted. If there is still any doubt, the advice of your Strategic Director must be sought.

## SECTION 20 – CODE OF CONDUCT FOR EMPLOYEES

### ~~Appendix A: Registration of Declaration of Interest~~

## ~~CYNGOR SIR POWYS COUNTY COUNCIL~~

### ~~DECLARATION OF INTEREST~~

~~Powys County Council requires all staff involved in the administration of its work, to immediately report, in writing, to Head of Service or Chief Executive, details of any relationship with an Elected Member, Officer, family member or member of the public which may lead to a conflict of interest as defined in this Code of Conduct.~~

~~A 'close relative' is defined by legislation as meaning: spouse / partner a parent; parent in-law; son; son-in-law; daughter; daughter-in-law; step-parent; step-son; step-daughter; brother or sister, or the partner of any of these persons. In addition, for the purposes of this policy, 'close relative' also includes: grandparent; grandchild; aunt; uncle; niece or nephew.~~

~~This declaration will be reviewed on an annual basis, during your Individual Performance Review with your line manager.~~

**NAME OF OFFICER**

**POSITION HELD**

**DATE OF DISCLOSURE**

**NATURE OF INTEREST  
DECLARED**

**Officer signature:** \_\_\_\_\_

**Declaration recorded by Line Manager:**

**Manager's signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Declaration recorded in Disclosure of Interest Register  
Head of Service or Approved Representative's**

**Head of Service's signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

## SECTION 20 – CODE OF CONDUCT FOR EMPLOYEES

### **Appendix B: Registration of Receipt of Gifts or Hospitality (Including gifts not accepted, or given to charity, or returned to sender)**

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 20 – CODE OF CONDUCT FOR EMPLOYEES

Manager's Signature \_\_\_\_\_

### Appendix C: WORKING TIME REGULATIONS – DUAL EMPLOYMENT



The Council supports the Working Time Regulations 1998 as part of its general obligations to ensure the health and safety of all staff.

Please can you complete all relevant sections below so that Powys County Council is aware of all positions that you are employed in both within the Council and with other employers.

— Please note that this form should still be completed irrespective of whether you have one or more positions, if in the future you accept additional employment with another part of the Council or another employer, you must inform your current Line Manager(s).

#### Employment with Powys County Council

Full Name	
Payroll No	

1 – Position Title			
Department		Location	
No of Contracted Hours		Permanent/ Temporary (Please delete as appropriate)	

2 – Position Title			
Department		Location	
No of Contracted Hours		Permanent/ Temporary (Please delete as appropriate)	

3 – Position Title			
Department		Location	
No of Contracted Hours		Permanent/ Temporary (Please delete as appropriate)	

#### Employment With Another Employer

1 – Position Title	
No of Contracted Hours	Permanent/ Temporary (Please delete as appropriate)

2 – Position Title	
No of Contracted Hours	Permanent/ Temporary (Please delete as appropriate)

**Please return completed form to;**

## SECTION 20 – CODE OF CONDUCT FOR EMPLOYEES

~~Recruitment Team, County Hall, Llandrindod Wells, Powys LD1 5LG~~

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The role descriptions need to be read in conjunction with the WLGA's – A Development Framework for Councillors in Wales 2021

Section	Member
A	Elected Member (to include the role as corporate parent)
B	Scrutiny Committee Member
C	Regulatory Committee Member
D	Governance and Audit Committee Member
E	Standards Committee Member
F	<b>Standards Community Sub-Committee Member – not in new WLGA version</b>
G	Democratic Services Committee Member
H	Cabinet Member
I	Chair / Vice-Chair / Assistant Vice-Chair of the Council
J	Cabinet Leader and Deputy Cabinet Leader
K	Leader and Deputy Leader of the Opposition
L	Chair / Vice-Chair of a Scrutiny Committee
M	Chair / Vice-Chair of a Regulatory Committee
N	Chair/Vice Chair of Governance and Audit Committee
O	Chair/Vice-Chair of Standards Committee
P	<b>Chair/Vice Chair of Standards Community Sub-Committee – not in new WLGA version</b>
Q	Chair/Vice Chair of Democratic Services Committee
	<u>Political Group Leader</u>
R	Member Champion

**NOTE** – **yellow highlight** – indicates what is in our current document and not in the WLGA's new document

**yellow highlight** – indicates what is in our current document which has been replaced by different text in the WLGA's new document

Tracked changes – indicates additional text in WLGA's new document

## **Section A Elected Member Role Description**

### **1 Accountabilities**

- **To the electorate of their ward**
- To the political group
- To Full Council

### **2 Role Purpose and Activity**

- **Representing and supporting communities**
  - To represent ward interests
  - ~~To be an advocate for the Council in the ward and communities they serve~~
  - **To be a channel of communication to the community on Council strategies, policies, services and procedures in the ward and communities they serve**
  - To represent individual constituents and local organisations, undertaking casework on their behalf and serving all fairly and equally
  - To liaise with Cabinet members, other Council members, Council officers and partner organisations to ensure that the needs of the local communities are identified, understood and supported
  - To be vigilant and do everything possible to protect adults and children at risk from abuse.
  - To promote tolerance and cohesion in local communities
- **Making decisions and overseeing Council performance**
  - To participate in Full Council meetings, reaching and making informed and balanced decisions, and overseeing performance
  - To participate in informed and balanced decision making on committees and panels to which they might be appointed
  - To adhere to the principles of democracy and collective responsibility in decision making
  - To take corporate responsibility for the protection of vulnerable children and adults
  - To promote and ensure efficiency, effectiveness and equity in the provision of council and other public services
- **Representing the Council (subject to appointment)**
  - To represent the Council on local outside bodies as an appointee of the Council
  - To represent the Council on local partnership bodies, promoting common interest and co-operation for mutual gain
  - To represent and be an advocate for the Council on national bodies and at national events



- **Internal governance, ethical standards and relationships**

- To promote and support good governance of the Council and its affairs
- To provide community leadership and promote active citizenship
- To promote and support open and transparent government
- To support, and adhere to respectful, appropriate and effective relationships with employees **of the Council, the public and other members of the Council.**
- To adhere to the Member's Code of Conduct, the Member/Officer Protocol and the highest standards of behaviour in public office
- To have regard to the requirements of the Group Leader (where one exists) in matters of conduct and behaviour.
- To promote equalities and diversity

- **Personal and role development**

- **To participate in opportunities for development provided for members by the authority**
- **To participate in initial and ongoing statutory and mandatory training**
- To actively identify individual needs and participate in opportunities for development provided for members by the authority.

### 3 Values

- To be committed to the values of the Council and the following values in public office:
  - Openness and transparency
  - Honesty and integrity
  - Tolerance and respect
  - Equality and fairness
  - Appreciation of cultural difference
  - Sustainability

## Section B Member of Scrutiny Committee Role Description

### 1 Accountabilities

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

### 2 Role purpose & activity

- To participate fully in the activities of the Scrutiny Committee, the development and delivery of its work programme and any associated task and finish groups
- **Scrutinising [Reviewing] and developing policy**
  - **[To assist in the creation, development, improvement and refinement of Council policy].** To assist in the development of council policy through scrutinising of draft policies, and improvement and refinement of existing policy
  - To challenge policies on a sound basis of evidence for example against legislation or local political priority
  - To assess impact of existing policy and identify areas for improvement
  - To identify where new policies might be required to address forthcoming legislation
  -
- **Holding the Cabinet to account, monitoring performance and service delivery**
  - To monitor the performance of internal and external providers against standards and targets including questioning of Cabinet and senior officers on the delivery of targets
  - To contribute to the identification and mitigation of risk
  - To investigate and address the causes of under performance poor performance
  - To monitor action plans or recommendations following external audit, inspection or regulatory reports
  - To evaluate the validity of Cabinet decisions and challenging decisions through call-in where appropriate
  - To build trust with the executive so that appropriate matters could be sent to scrutiny for a pre-decision review prior to the executive taking a final decision
- **Promoting the work of Scrutiny**
  - To promote the role of scrutiny within and outside the Council, developing effective internal and external relationships with officers and other members and external relationships with community representatives.
  - To demonstrate an objective non-political and evidence based approach to scrutiny by utilising a wide range of research in any work undertaken including sources of information outside the Council
  - To add value to the decision making and service provision of the authority through effective scrutiny
  - To be able to demonstrate where scrutiny is making a difference by its involvement

- **Community engagement [leadership]**

- To use scrutiny as a means to address community issues and engage the public in forward work programmes
- To encourage stakeholders to participate in the work of the authority
- To assist in developing locally viable and acceptable policy solutions
- To build a dialogue around priorities, objectives and performance, among communities and stakeholders
- To take a county wide perspective in dealing with issues

- **Participating in joint scrutiny**

- To work within the appropriate terms of reference and protocols governing joint working in scrutiny
- To apply the appropriate tests and criteria when deciding whether or not to undertake joint scrutiny
- To contribute to the scrutiny of regional bodies and partnerships
- To encourage public engagement in joint scrutiny
- To work effectively with partner scrutineers from other authorities and organisations.

- **Meeting participation**

- To make adequate and appropriate preparation for meetings through research and briefings and planning meeting strategies
- To participate in a proactive, informed and effective manner taking account of the Members' Code of Conduct, Constitution and other constitutional requirements
- To demonstrate effective scrutiny inquiry skills in questioning, listening and information handling
- To be non-political
- To focus on outcomes / making a difference by participation

### 3. Values

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

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

**Section C**  
**Member of a Regulatory Committee Role Description**

**1 Accountabilities**

- To Full Council
- To the Chair of the Regulatory Committee
- To the public

**2 Role purpose and activity**

- **Understanding the nature of the regulatory committee and quasi-judicial decision making**
  - To be aware of the quasi-judicial nature of Regulatory Committee decision making
  - To have sufficient technical, legal and procedural knowledge to contribute fairly and correctly to the function of the committee
  - To be thorough and objective in receiving and responding to professional advice in the conduct of meetings and individual cases/applications before the committee
- **Participating in meetings and making decisions**
  - To participate effectively in meetings of the Regulatory Committee, ensuring that both local considerations and policy recommendations are balanced to contribute to effective decision making
  - To make informed and balanced decisions, within the terms of reference of the Committee, which accord with legal, constitutional and policy requirements
- **Internal governance, ethical standards and relationships**
  - To ensure the integrity of the Committee's decision making and of his/her own role by adhering to the Members' Code of Conduct and other constitutional and legal requirements
  - To promote and support good governance by the Council
  - To understand the respective roles of members, officers and external parties operating within the Regulatory Committee's area of responsibility
  - To participate in statutory/mandatory training in order to be able to participate in the Regulatory Committee meetings

**3 Values**

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

- Openness and transparency
- Honesty and integrity
- Tolerance and respect
- Equality and fairness

- Appreciation of cultural difference
- Sustainability

|

## Section D

**Member of an Governance and Audit Committee Role Description – as**  
WLGAs version so different whole section given below as tracked changes

### 1 Accountabilities

- To the Chair of the Governance and Audit Committee
- To Full Council
- To the public

### 2 Role purpose and activity

- **Understanding the role of the Governance and Audit Committee and undertaking its functions:**

#### Risk and Control

- 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 by the County Council and ensure appropriate action is taken to address the issues raised

#### Internal Audit

- To consider and approve the annual audit opinion on internal control and the level of assurance given to the corporate governance arrangements
- Approve the annual audit plan, ensuring there is sufficient and appropriate coverage, with a strong emphasis on risk management and resources are available to implement the plan
- Receive and review internal audit reports and ensure officers respond promptly to the findings. Where necessary, recommendations to other committees and portfolio holders will be made to ensure action plans are implemented

#### External Audit

- Consider and approve the annual letter, regulatory plan and specific reports as agreed
- Where necessary, ensure action is taken by officers to address those issues raised, and if necessary recommendations to other committees and portfolio holders will be made to address findings and deliver clear conclusions
- Comment on the scope and depth of the external audit work, to ensure it gives value for money

#### Other

- Assess and approve the annual statement of accounts, external audit opinion and management representation in relation to annual audit findings
- 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
- Regularly monitor treasury management performance

- **Participating in meetings and making decisions**

- To participate effectively in meetings of the Governance and Audit Committee; questioning and seeking clarification on matters falling within the committee's remit
- To make informed and balanced decisions, within the terms of reference of the committee, which accord with legal, constitutional and policy requirements
- To participate in working groups

- **Internal governance, ethical standards and relationships**

- Understanding the financial risks associated with corporate governance; being satisfied that the authority's assurance statements including the annual governance statement reflects the risk environment and any activities required to improve it
- To ensure the integrity of the committee's decision making and of his/ her own role by adhering to the Code of Conduct and other constitutional and legal requirements
- To promote and support good governance by the Council
- To understand the respective roles of members, officers and external parties operating within the Governance and Audit Committee's area of responsibility

### **3 Values**

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

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

**Member of Governance and Audit Committee Role Description – new WLGA version**

**1. Accountabilities**

- To Full Council
- To the Chair of the Committee

**2. Role purpose and activity**

**Participating in meetings of the committee and making decisions**

- To demonstrate independence, integrity, and impartiality in decision making according to legal, constitutional and policy requirements.
- To have regard to the requirements of the Chair of the Committee and the professional advice of senior officers of the authority including the Chief Financial Officer and Head of Internal Audit (or equivalent)
- To Comply with the authority's Code of Conduct
- To work according to the Terms of Reference for the Committee
- To contribute to the development of the forward work programme for the Committee.
- To promote the role of the committee within the authority
- To report as required to Council
- To respond to any recommendations made by the Auditor General for Wales
- To participate in any training and development required for the role

**Contributing to the work of the Committee in its role in:**

**Reviewing and scrutinising the authority's financial affairs**

- Make reports and recommendations in relation to the authority's financial affairs
- Oversee the authority's internal and external audit arrangements
- Work with internal and external auditors
- Review the financial statements prepared by the authority and approve them when powers are delegated including making relevant reports and recommendations.

**Contributing to the effective performance of the authority**

- Review the draft report of the authority's annual self-assessment and make recommendations for changes to the conclusions or actions that the authority intends to take
- Make recommendations in response to the draft report of the authority's Panel Assessment (commissioned once per term **from May 2022**)
- 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.

**Reviewing and assessing the Governance, Risk Management and Control of the authority**

- Review and assess the risk management, internal control, 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 financial risks associated with corporate governance, and be satisfied that the authority's assurance statements, including the annual governance statement, reflects the risk environment and any activities required to improve it

### **3. Values**

- To be committed to the values of the council and the following values in public office:
- Openness and transparency
- Honesty and integrity
- Tolerance and respect
- Equality and fairness
- Appreciation of cultural differences
- Sustainability

**Section E**  
**Member of a Standards Committee Role Description**

**1 Accountabilities**

- To the Chair of the Standards Committee
- To Full Council
- To the public

**2 Role purpose and activity**

- **[Understanding the nature of the Standards Committee and effectively fulfilling its functions by:]**
- To contribute to the role of the Standards Committee in effectively fulfilling its functions and to support the Committee Chair by:
  - promoting and maintaining high standards of conduct by councillors, lay members and co-opted members
  - assisting the councillors, lay members and co-opted members in their observance of [to observe] the Members' Code of Conduct
  - advising the Council on the adoption or revision of the Members' Code of Conduct
  - monitoring the operation of the Members' Code of Conduct
  - advising, [on] training or arranging to train councillors, lay members and co-opted members on matters relating to the Members' Code of Conduct
  - granting dispensations to councillors and co-opted members from requirements relating to interests set out in the Members' Code of Conduct
  - 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
  - Contributing to the development and application of any local resolution protocol
  - The exercise of these functions (above) in relation to community councils and the members of those community councils
  - Working with Political Group Leaders to promote and maintain high standards of conduct by the Group members
  - Monitoring compliance by Leaders of Political Groups with their duty to take reasonable steps to promote and maintain high standards of conduct by members of the Group and advising, training or arranging to train the Leaders of Political Groups about these duties. (From May 2022)
  - Making an annual report to the Authority (first report due in respect of the 2022/23 financial year, as soon as possible after year end) describing how the committee's functions have been discharged during the financial year. The report may include any matter within the functions of the committee. The report must include:
    - How the committee has discharged its legal duties, particularly, how the committee has monitored the compliance of Group

Leaders with their duties to take reasonable steps to promote and maintain high standards of conduct by members of the Group and the work of the Committee in advising, training or arranging to train the Leaders of Political Groups about these duties

- The degree of compliance of Group Leaders with their duty to take reasonable steps to promote and maintain high standards of conduct by members of the Group

- overseeing the operation of the Council's whistle-blowing policy
- providing advice to individual councillors on such issues as the treatment of personal interest and on conduct matters generally
- determining appropriate action on matters referred to it by the Public Services Ombudsman for Wales
- overseeing the Register of Members' Interests, Co-opted Members and Officers
- overseeing the Council's rules and protocols on accountability of members
- overseeing the attendance of Members and Co-opted Members at relevant committees
- overseeing the training of Members serving on all committees of the Council

- To have sufficient technical, legal and procedural knowledge to contribute fairly and correctly to the function of the committee
- To be thorough and objective in receiving and responding to professional advice in the conduct of meetings and issues before the committee

- **Participating in meetings and making decisions**

- To participate effectively in meetings of the Standards Committee
- To make informed and balanced decisions, within the terms of reference of the committee, which accord with legal, constitutional and policy requirements internal governance, ethical standards and relationships

- **Internal governance, ethical standards and relationships**

- To ensure the integrity of the committee's decision making and of his/her own role by adhering to the Members' Code of Conduct and other constitutional and legal requirements
- To promote and support good governance by the Council
- To understand the respective roles of members, officers and external parties operating within the Standards Committee's area of responsibility

### 3 Values

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

- Openness and transparency
- Honesty and integrity

- Tolerance and respect
- Equality and fairness
- Appreciation of cultural difference
- Sustainability
- Impartiality

**Section F**  
**Member of a Standards Community Sub-Committee**  
**Role Description –** not in new WLGA version

**1 Accountabilities**

- To the Chair of the Standards Community Sub-Committee
- To Full Council
- To the public

**2 Role purpose and activity**

- **Understanding the nature of the Standards Community Sub-Committee and effectively fulfilling its functions by:**

In relation to town and community councils in Powys and members of those councils:

- promoting and maintaining high standards of conduct by councillors and community youth representatives
- assisting the councillors and community youth representatives to observe the Members' Code of Conduct
- advising the Council on the adoption or revision of the Members' Code of Conduct
- monitoring the operation of the Members' Code of Conduct
- advising, training or arranging to train councillors and community youth representatives on matters relating to the Members' Code of Conduct
- granting dispensations to councillors and community youth representatives from requirements relating to interests set out in the Members' Code of Conduct
- 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
- To have sufficient technical, legal and procedural knowledge to contribute fairly and correctly to the function of the Sub-Committee
- To be thorough and objective in receiving and responding to professional advice in the conduct of meetings and issues before the Sub-Committee

- **Participating in meetings and making decisions**

- To participate effectively in meetings of the Sub-Committee
- To make informed and balanced decisions, within the terms of reference of the Sub-Committee, which accord with legal, constitutional and policy requirements

- **Internal governance, ethical standards and relationships**

- To ensure the integrity of the Sub-Committee's decision making and of his/her own role by adhering to the Members' Code of Conduct and other constitutional and legal requirements
- To promote and support good governance by the Council

- To understand the respective roles of members, officers and external parties operating within the Sub-Committee's area of responsibility

### **3 Values**

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

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

**Section G**  
**Member of a Democratic Services Committee Role Description**

**1 Accountabilities**

- To the Chair of the Democratic Services Committee
- To Full Council
- To the public

**2 Role purpose and activity**

- **Understanding the nature of the Democratic Services Committee:**
  - To be aware of and effectively undertake the role of the committee in:
    - Designating the Head of Democratic Services following advice from the Chief Executive
    - Keeping under review the provision of staff, accommodation and other resources made available to the Head of Democratic Services [to discharge the democratic functions], ensuring that these are adequate
    - Making annual reports to the Full Council in relation to the above
    - Appointing working groups and chairs of working groups to undertake functions delegated by the committee
    - Considering reports prepared by the Head of Democratic Services
    - Developing the Authority's member support and development strategy
    - Ensuring that members have access to a reasonable level of training and development as described in the member development strategy and the Wales Charter for Member Support and Development
    - Ensuring that the budget for member development is sufficient
    - Ensuring that members have access to personal development planning and annual personal development reviews
    - Reviewing committee structures
    - Revisions of the Constitution
  - To have sufficient technical, legal and procedural knowledge to contribute fairly and correctly to the function of the Committee
  - To be thorough and objective in receiving and responding to professional advice in the conduct of meetings and issues before the Committee
- **Participating in meetings and making decisions**
  - To participate effectively in meetings of the Democratic Services Committee
  - To make informed and balanced decisions, within the terms of reference of the committee, which accord with legal, constitutional and policy requirements and Ministerial guidance

- **Internal governance, ethical standards and relationships**

- To ensure the integrity of the committee's decision making and of his/her own role by adhering to the Members' Code of Conduct and other constitutional and legal requirements
- To promote and support good governance by the Council
- To understand the respective roles of members, officers and external parties operating within the Democratic Services Committee's area of responsibility

### **3 Values**

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

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



## Section H Cabinet Member Role Description

### 1 Accountabilities

- To the Leader
- To the Cabinet (through collective responsibility)
- To Full Council
- To Political Group
- To the public through collective responsibility

### 2 Role Purpose and Activities

- **Providing portfolio leadership**
  - To give **strategic** and political direction to officers working within the portfolio
  - To gain the respect of officers within the portfolio; provide support to officers in the implementation of portfolio programmes
  - To provide leadership in the portfolio
  - To liaise with the appropriate scrutiny chair and receive scrutiny reports as required
  - To be accountable for choices and performance in the portfolio
  - To have an overview of the performance management, efficiency and effectiveness of the portfolio
  - To make Cabinet decisions within the portfolio\*, **which are recorded in accordance with the Constitution**

\* This only applies under constitutional arrangements where individual Cabinet members or combinations of Cabinet members are given individual responsibility for making decisions on behalf of the Cabinet.

- **Contributing to the setting of the strategic agenda and work programme for the portfolio**

- To direct the strategic agenda and work programme with reference to the **Council's overall Corporate Improvement Plan**
- To work with officers to formulate policy documents both strategic and statutory.
- **Ensure** that the political will of the majority is carried to and through the Cabinet
- To provide assistance in working up and carrying through a strategic work programme both political and statutory.
- **Carry** out consultations with stakeholders as required.
- **Make** sure that the portfolio's forward work programme is kept up to date and accurate

**Commented [CJ1]:** Made into a new bullet point

**Commented [CJ2]:** Made into a new bullet point

**Commented [CJ3]:** Made into a new bullet point

- **Providing representation for the portfolio**

- To provide a strong, competent and persuasive figure to represent the portfolio.
- **Be** a figurehead in meetings with stakeholders

**Commented [CJ4]:** Made into a new bullet point

- **Reporting and accounting**

- To report to the Leader, Full Council, Cabinet, chair of scrutiny, regulatory bodies and the media
  - To agree objectives with the Leader and report progress.
  - To be the principal political spokesperson for the portfolio
  - To appear before scrutiny committees in respect of matters within the portfolio
- **Taking an active part in Cabinet meetings and decision making**
    - To contribute to decisions based on others' portfolios and take part in collective decision making
    - To show an interest in and support for the portfolios of others
    - To recognise and contribute to issues which cut across portfolios or are issues of collective responsibility
- **Leading partnerships and community leadership**
    - To give leadership to local strategic partnerships and local partners in the pursuit of common aims and priorities
    - To negotiate and broker in cases of differing priorities and disagreement
    - To act as a leader of the local community by showing vision and foresight
    - To take decisions under delegated authority at partnership meetings
- **Internal governance, ethical standards and relationships**
    - To promote and support good governance of the Council and its affairs
    - To provide community leadership and promote active citizenship
    - To promote and support open and transparent government
    - To support, and adhere to respectful, appropriate and effective relationships with employees of the Council
    - To adhere to the Members' Code of Conduct, Member/Officer Protocol and the highest standards of behaviour in public office

### 3 Values

- To be committed to the values of the Council and the following values in public office:
  - Openness and transparency
  - Honesty and integrity
  - Tolerance and respect
  - Equality and fairness
  - Appreciation of cultural difference
  - Sustainability
  - Inclusive leadership

**Section I**  
**Chair, Vice-Chair and Assistant Vice-Chair of the Council Role Description**

**Chair**

**1. Accountabilities**

- Full Council
- To the public

**2. Role Purpose and Activity**

- **Acting as a symbol of the Council's democratic authority**
  - As the ceremonial head of the Council, to be non-political and uphold the democratic values of the Council
  - To represent the Council at civic and ceremonial functions
- **Chairing Council meetings**
  - To preside over meetings of the Council, so that its business can be carried out efficiently
  - To ensure the Council conducts its meetings in line with the Council's Constitution
- **Upholding and promoting the Council's Constitution**
  - To ensure the Constitution is adhered to and, if necessary, to rule on the interpretation of the Constitution
- **Internal governance, ethical standards and relationships**
  - To promote and support good governance of the Council and its affairs
  - To provide community leadership and promote active citizenship
  - To promote and support open and transparent government
  - To support, and adhere to respectful, appropriate and effective relationships with employees of the Council
  - To adhere to the Members' Code of Conduct, Member/Officer Protocol and the highest standards of behaviour in public office
  - To promote and support the well being of Members
  - To promote effective communication between and provision of information to Members
- **Work programming**
  - To prepare and manage an annual work programme for the Council to meet its legal obligations (e.g. setting the budget and the Council Tax and making appointments)

**3. Values**

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

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

**Vice-Chair**

- To fulfil the duties of the Chair in his or her absence
- To assist the Chair in specific duties as required

**Assistant-Vice Chair**

- To fulfil the duties of the Chair or Vice-Chair in his or her absence
- To assist the Chair or Vice-Chair in specific duties as required

## Section J Cabinet Leader and Deputy Cabinet Leader Role Description

### Cabinet Leader

#### 1 Accountabilities

- To the members of the Cabinet
- To Full Council
- To Political Group
- To the public

#### 2 Role Purpose and Activity

- **Providing political leadership to the Council**
  - To be a political figurehead for the Council; to be the principal political spokesperson for the Council
  - To provide leadership in building a political consensus around Council policies
  - To form a vision for the Council and community
  - To provide strong, clear leadership in the co-ordination of policies, strategies and service delivery
  - To provide political direction to the Chief Executive and the senior managers of the Council
- **Appointing the Cabinet**
  - To designate the appropriate portfolios
  - To appoint appropriate elected members to each portfolio
  - To allocate Cabinet members to roles with regard to their abilities
  - To designate the Deputy Cabinet Leader

Under constitutional arrangements for a Cabinet model, either the Full Council or the Leader may appoint the Cabinet. In Wales it is common practice for the Leader to appoint the Cabinet under this model. This Role Description has been written accordingly, as this is the arrangement in Powys.

- **Representing and acting as ambassador for the Authority**
  - To represent the Authority to a high standard. Provide a strong, competent and eloquent figure to represent the Authority both within the County and at external bodies
  - To represent the Authority on the Welsh Local Government Association [WLGA] Co-ordinating Committee and the WLGA Regional Partnership Board
  - To provide leadership and support local partnerships and organisations
  - To represent the Authority in regional and national bodies as appropriate
  - To be the Council member on the Mid Wales Corporate Joint Committee.
- **Providing leadership within the portfolio**
  - To fulfil the role of a portfolio holder, having regard to the role purpose and activities, and role specification of an Cabinet member

- **Managing and leading the work of the Cabinet and chairing meetings**
  - To ensure the effective running of the Cabinet by managing the forward work programme and ensuring its continuing development
  - To ensure the work of the Cabinet meets national policy objectives
  - To agree objectives with Cabinet Members and monitor progress.
  - To advise and mentor other Cabinet members in their work
  - To chair meetings of the Cabinet in line with the Constitution
  - In the Leader's absence the Deputy Leader should fulfil this role.
  
- **Participating in the collective decision making of the Cabinet**
  - To work closely with other Cabinet members to ensure the development of effective council policies and the budgetary framework for the Council, and the delivery of high quality services to local people
  - To accept collective responsibility and support decisions made by the Cabinet once they have been made
  
- **Working with officers to lead the organisation**
  - To liaise with the Chief Executive, and other appropriate officers, on a regular basis
  - To work with employees of the Council in relation to the strategic vision and direction of the Council, the management roles of officers and the development of policy issues
  
- **Leading partnerships and community leadership**
  - To give leadership to local strategic partnerships and local partners in the pursuit of common aims and priorities
  - To negotiate and broker in cases of differing priorities and disagreement
  - To act as a leader of the local community by showing vision and foresight
  
- **Internal governance, ethical standards and relationships**
  - To promote and support good governance of the Council and its affairs
  - To provide community leadership and promote active citizenship
  - To promote and support open and transparent government
  - To support, and adhere to respectful, appropriate and effective relationships with employees of the Council
  - To adhere to the Member's Code of Conduct, Member/Officer Protocol and the highest standards of behaviour in public office

### 3 Values

- To be committed to and demonstrate the following values in public office:
  - Openness and transparency
  - Honesty and integrity
  - Tolerance and respect
  - Equality and fairness
  - Appreciation of cultural difference
  - Sustainability
  - Inclusive leadership

- Consensus building

**Deputy Cabinet Leader**

- To fulfil the duties of the Leader in his or her absence
- To assist the Leader in specific duties as required

**Section K**  
**Leader and Deputy Leader of the Opposition Role Description**

**Leader of the Opposition**

**1. Accountabilities**

- To the nominating group within the Constitution

**2. Role Purpose and Activity**

**Providing political leadership for an opposition group**

- To be a political figurehead for the opposition group; to be the principal political spokesperson for the Council's opposition
- To provide leadership in the constructive challenge of the Council's policies
- To constructively challenge the vision for the Council and community where appropriate
- To provide strong, clear leadership in the co-ordination of alternative policies, strategies and service delivery
  
- **Representing the Authority's opposition**
  - To represent the opposition group to a high standard; providing a strong, competent and eloquent figure to represent the opposition within the Authority
  - To represent the Council on external bodies
  
- **Internal governance, ethical standards and relationships**
  - To promote and support good governance of the Council and its affairs
  - To provide community leadership and promote active citizenship
  - To promote and support open and transparent government
  - To promote, support, and adhere to respectful, appropriate and effective relationships with employees of the Council
  - To promote, support and adhere to the Members' Code of Conduct, Member/Officer Protocol and the highest standards of behaviour in public office

**3. Values**

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

- Openness and transparency
- Honesty and integrity
- Tolerance and respect
- Equality and fairness
- Appreciation of cultural difference
- Sustainability
- Inclusive leadership
- Consensus building

**Role of the Deputy Leader of the Opposition**

- To fulfil the duties of the Leader of the Opposition in his or her absence
- To assist the Leader of the Opposition in specific duties as required



**Section L**  
**Chair and Vice-Chair of a Scrutiny Committee Role Description**

**Chair**

**1. Accountabilities**

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

**2. Role purpose & activity**

▪ **Providing leadership and direction**

- To provide confident and effective management of the committee **[member team]**
- To promote the role of scrutiny within the council, liaising effectively with officers, executive members and colleague chairs **-[and outside the Council, liaising effectively both internally within the council and externally with the Council's partners]**
- To promote the integral role and contribution of scrutiny within the authority's wider improvement planning and reporting arrangements
- To lead joint scrutiny activities with other authorities or organisations when required
- To champion and promote the role of Overview and Scrutiny to the public, helping the public better understand and, crucially, contribute to and engage with the scrutiny process.
- To promote the role of Overview and Scrutiny to partner bodies, helping them to understand and engage with the Scrutiny function.
- To demonstrate an objective and evidence based approach to scrutiny ensuring that scrutiny inquiries are methodologically sound and incorporate a wide range of evidence and perspectives
- To follow-up scrutiny recommendations **[To]** evaluate the impact and added value of scrutiny activity and identify areas for improvement
- Work closely with scrutiny support staff to drive continual improvements in scrutiny
- Assist in publicising the work of the scrutiny committee
- To participate in the Joint Chairs meetings and the evaluation/ improvement of scrutiny
- To participate in meetings of the Finance Scrutiny Panel
- Attending briefing meetings

▪ **Managing the work programme**

- To develop a balanced work programme of the committee which includes pre decision scrutiny, policy development and review, investigative scrutiny, and holding the executive to account, including performance monitoring
- To ensure the programme takes account of relevant factors such as, the work programmes of the executive and other committees, strategic priorities and risks, audit and regulatory reports and recommendations, single-integrated plan and partners strategic priorities and relevant community issues
- To ensure that the public are engaged in scrutiny activities by informing them about the work programme and encouraging participation
- To ensure that the work programme is delivered

- To report on progress against the work programme to Council, and others as appropriate
- To ensure that the work programme is manageable and the workload delegated and prioritised to focus on the areas of most benefit or greatest risk to the organisation.
- To ensure that task and finish/working/sub groups have clear terms of reference and deliver the required outcomes.
- **To liaise with officers, other members and community representatives to resource and deliver the work programme**

- **Leading Joint Scrutiny**

- To apply the appropriate tests and criteria when deciding whether or not to undertake joint scrutiny
- To ensure that regional bodies and partnerships are held to account and that their plans are subject to scrutiny
- To develop protocols and terms of reference for joint working
- To ensure public engagement in joint scrutiny activities
- To enable the pooling of scrutiny resources for effective working and outcomes
- To ensure the equal participation and contribution from all partners as appropriate

- **Effective meeting management**

- To plan and set agendas containing clear objectives and outcomes for the meeting
- To manage the progress of business at meetings, ensuring that meeting objectives are met, and the Members' Code of Conduct and other constitutional requirements are adhered to
- To ensure that the necessary preparation is done beforehand, if necessary, through pre-meetings, including agreeing appropriate lines of questioning
- To ensure that the approach to overview and scrutiny is impartial and that the committee meeting is conducted without political whipping (as per the Local Government (Wales) Measure 2011)
- To ensure that all participants have an opportunity to make an appropriate contribution
- To ensure that members of the public are able to contribute to meetings and understand the protocols for public speaking.

- **Community leadership**

- **To act as a focus for liaison between the council, community and external bodies in relation to the scrutiny function**
- **To build understanding and ownership of the overview and scrutiny function within the community**
- **To identify relevant community based issues for scrutiny**
- **To promote the full involvement of external stakeholders, for example, service users, expert witnesses and partners in scrutiny activity**

- **Involvement and development of committee members**

- To encourage effective contributions from all committee members in both committee and task and finish groups

- To assess individual and collective performance within the committee and work to improve scrutiny outcomes [facilitate appropriate development]
- To champion the importance of learning and development
- To ensure that committee members have the appropriate knowledge and skills to undertake their roles and work with lead members and officers to secure appropriate development.

### 3. Values

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

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

#### **Vice-Chair**

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

**Section M**  
**Chair and Vice-Chair of a Regulatory Committee Role Description**

**Chair**

**1 Accountabilities**

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

**2 Role Purpose and Activity**

- **Providing leadership and direction**
  - To provide confident and effective management of meetings to facilitate inclusivity, participation and clear decision making
  - To ensure that applicants and other interested parties are satisfied as to the transparency of the regulatory process
  - To demonstrate integrity and impartiality in decision making which accord with legal, constitutional and policy requirements
  - To delegate actions to sub committees as appropriate
  - To attend briefing meetings
- **Promoting the role of the regulatory committee and quasi-judicial decision making**
  - To act as an ambassador for the regulatory committee, facilitating understanding of the role
  - To act within technical, legal and procedural requirements to oversee the functions of the committee fairly and correctly
  - To ensure thoroughness and objectivity in the committee, receiving and responding to professional advice in the conduct of meetings and in individual cases/applications before formal committee meetings
- **Internal governance, ethical standards and relationships**
  - To develop the standing and integrity of the committee and its decision making
  - To understand the respective roles of members, officers and external parties operating within the regulatory committee's area of responsibility
  - To promote and support good governance by the Council.

**3 Values**

- To be committed to the values of the council and the following values in public office:
  - Openness and transparency
  - Honesty and integrity
  - Tolerance and respect
  - Equality and fairness
  - Appreciation of cultural differences
  - Sustainability

#### **Vice-Chair**

- To fulfil the duties of the Chair in his or her absence
- To assist the Chair in specific duties as required
- To attend briefing meetings

## Section N

**Chair and Vice Chair of Governance and Audit Committee Role Description** – as there are so many differences the new WLGA version is given below

### Chair

#### 1 Accountabilities

- To Full Council
- The members of the Governance and Audit Committee
- To the Public

#### 2 Role purpose and activity

##### ▪ Providing leadership and direction

- To demonstrate independence, integrity and impartiality in decision making which accord with legal, constitutional and policy requirements
- To provide confident and effective management of meetings to facilitate inclusivity, participation and clear decision making
- To agree the agendas for Governance and Audit Committee meetings
- To lead the Committee in its role in:

##### **Risk and Control**

- 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 Full Council and ensure appropriate action is taken to address the issues raised

##### **Internal Audit**

- To consider and approve the annual audit opinion on internal control and the level of assurance given to the corporate governance arrangements
- Approve the annual audit plan, ensuring there is sufficient and appropriate coverage, with a strong emphasis on risk management and resources are available to implement the plan
- Receive and review internal audit reports and ensure officers respond promptly to the findings. Where necessary recommendations to other committees and portfolio holders will be made, to ensure action plans are implemented

##### **External Audit**

- Consider and approve the annual letter, regulatory plan and specific reports as agreed
- Where necessary ensure action is taken by officers to address those issues raised, and if necessary, recommendations to other committees and portfolio holders will be made to address findings and deliver clear conclusions
- Comment on the scope and depth of the external audit work, to ensure it gives value for money

##### **Other**

- Assess and approve the annual statement of accounts, external audit opinion and management representation in relation to annual audit findings

- 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
- Regularly monitor treasury management performance
  - To attend briefing meetings
  - To participate in the Joint Chairs meetings and the evaluation/ improvement of scrutiny
  - To participate in meetings of the Finance Scrutiny Panel.

▪ **Promoting the role of the Governance and Audit Committee**

- To act as an ambassador for the Governance and Audit Committee, facilitating understanding of the role
- To act within technical, legal and procedural requirements to oversee the functions of the committee fairly and correctly
- To ensure thoroughness and objectivity in the committee, receiving and responding to professional advice in the conduct of meetings and in the audit process

▪ **Internal governance, ethical standards and relationships**

- Understanding the financial risks associated with corporate governance; being satisfied that the authority's assurance statements, including the annual governance statement, reflect the risk environment and any activities required to improve it
- To develop the standing and integrity of the Committee and its decision making
- To understand the respective roles of members, officers and external parties operating within the Committee's area of responsibility
- To ensure the integrity of the Committee's decision making and of his/ her own role by adhering to the Members' Code of Conduct and other constitutional and legal requirements
- To promote and support good governance by the Council

**3 Values**

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

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

**Vice-Chair**

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

## Chair of Governance and Audit Committee Role Description - new WLGA version

### 1. Accountabilities

- To Full Council

### 2. Role Purpose and Activity

#### Providing leadership and direction

- To demonstrate independence, integrity, and impartiality in decision making according to legal, constitutional and policy requirements
- To provide confident and effective management of meetings to facilitate inclusivity, participation and clear decision making
- To comply with the authority's Code of Conduct
- To work according to the Terms of Reference for the Committee
- To work with senior officers of the authority including the Chief Financial Officer and Head of Internal Audit (or equivalent), to agree the forward work programme and to set agendas for the Committee.
- To work with other members of the authority to ensure that the work of the Committee is communicated to and aligns with that of the Cabinet, Standards and Scrutiny functions whilst maintaining appropriate independence.
- To promote the role of the committee within the authority.
- To report as required to Council
- To participate in and contribute to training and development required for the role
- To support committee members to develop the skills required for the role.
- To lead the committee in responding to any recommendations made by the Auditor General for Wales

#### Leading the Committee in its role in reviewing and scrutinising the authority's financial affairs

- Make reports and recommendations in relation to the authority's financial affairs
- Oversee the authority's internal and external audit arrangements
- Work with internal and external auditors
- Review the financial statements prepared by the authority and approve them when powers are delegated including making relevant reports and recommendations

#### Leading the Committee in its role in contributing to the effective performance of the authority

- Review the draft report of the authority's annual self-assessment. Make recommendations for changes to the conclusions or actions that the authority intends to take
- Make recommendations in response to the draft report of the authority's Panel Assessment (commissioned once per term **from May 2022**)
- Review and assess the authority's ability to handle complaints effectively.
- Make reports and recommendations to the authority about the authority's ability to handle complaints effectively.

#### Leading the Committee in its role in Reviewing and assessing the Governance, Risk Management and Control of the authority



- Review and assess the risk management, internal control, 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 financial risks associated with corporate governance, and be satisfied that the authority's assurance statements including the annual governance statement reflect the risk environment and any activities required to improve it

### **3. Values**

- To be committed to the values of the council and the following values in public office:
- Openness and transparency
- Honesty and integrity
- Tolerance and respect
- Equality and fairness
- Appreciation of cultural differences Sustainability

**Section O**  
**Chair and Vice Chair of Standards Committee Role Description**

**Chair**

**1 Accountabilities**

- To Full Council
- To members of the Standards Committee
- To the public

**2 Role Purpose and Activity**

- **Providing leadership and direction**
  - To act within technical, legal and procedural requirements to oversee the functions of the committee fairly and correctly
  - To ensure thoroughness and objectivity in the committee, receiving and responding to professional advice on the Members' Code of Conduct
  - To demonstrate independence, integrity and impartiality in decision making which accord with legal, constitutional and policy requirements
  - To provide confident and effective management of meetings to facilitate inclusivity, participation and clear decision making
  - **To attend briefing meetings**
  - **To lead the committee in its role in:**
    - promoting and maintaining high standards of conduct by councillors, lay members and co-opted members, church and parent governor representatives
    - assisting all members in their observance of [the councillors, co-opted members and church and parent governor representatives to observe] the Members' Code of Conduct
    - advising the Council on the adoption or revision of the Members' Code of Conduct
    - monitoring the operation of the Members' Code of Conduct
    - advising, training or arranging to train councillors, co-opted members and church and parent governor representatives on matters relating to the Members' Code of Conduct
    - 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
    - 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
    - Developing and applying any local resolution protocols
    - The exercise of these functions (above) in relation to community councils and the members of those community councils
    - Working with Political Group Leaders to promote and maintain high standards of conduct by the Group members
    - Monitoring compliance by Leaders of Political Groups with their duty to take reasonable steps to promote and maintain high standards of conduct by members of the Group and advising, training or arranging to train the Leaders of Political Groups about these duties. (From May 2022)
    - Making an annual report to the Authority (first report due in respect of the

2022/23 financial year, as soon as possible after year end) describing how the committee's functions have been discharged during the financial year. The report may include any matter within the functions of the committee. The report must include:

- How the committee has discharged its legal duties, particularly, how the committee has monitored the compliance of Group Leaders with their duties to take reasonable steps to promote and maintain high standards of conduct by members of the Group and the work of the Committee in advising, training or arranging to train the Leaders of Political Groups about these duties.
- The degree of compliance of Group Leaders with their duty to take reasonable steps to promote and maintain high standards of conduct by members of the Group
- 
- overseeing the operation of the Council's whistle-blowing policy
- providing advice to individual councillors on such issues as the treatment of personal interests and on conduct matters generally
- determining appropriate action on matters referred to it by the Public Services Ombudsman for Wales
- overseeing the Register of Members' Interest, Co-opted members and Church and Parent Governor Representatives and Officers
- overseeing the Council's rules and protocols on accountability of members
- overseeing the attendance of Members and Co-opted Members at committees
- overseeing the training of Members serving on all committees of the Council
- exercising appellate role (Independent Lay Members only) under the Habitual or Vexatious Complainants policy

### 3 Values

- To be committed to the values of the council and the following values in public office:
  - Openness and transparency
  - Honesty and integrity
  - Tolerance and respect
  - Equality and fairness
  - Appreciation of cultural differences
  - Sustainability

#### Vice-Chair

- To fulfil the duties of the Chair in his or her absence
- To assist the Chair in specific duties as required
- To attend briefing meetings

**Section P**  
**Chair and Vice Chair of Standards Community Sub-Committee**  
**Role Description** – not in new WLGA version

**Chair**

**1 Accountabilities**

- \* To Full Council
- \* To Members of the Standards Community Sub-Committee
- \* To the Chair of the Standards Committee
- \* To the public

**2 Role Purpose and Activity**

**\* Providing leadership and direction**

- \* To act within technical, legal and procedural requirements to oversee the functions of the Sub-Committee fairly and correctly
- \* To ensure thoroughness and objectivity in the Sub-Committee, receiving and responding to professional advice on the Members' Code of Conduct
- \* To demonstrate independence, integrity and impartiality in decision making which accord with legal, constitutional and policy requirements
- \* To provide confident and effective management of meetings to facilitate inclusivity, participation and clear decision making
- \* To attend briefing meetings
- \* To lead the Sub-Committee in its role in relation to town and community councils in Powys and members of those councils:
  - \* promoting and maintaining high standards of conduct by councillors and community youth representatives
  - \* assisting the councillors and community youth representatives to observe the Members' Code of Conduct
  - \* advising the Council on the adoption or revision of the Members' Code of Conduct
  - \* monitoring the operation of the Members' Code of Conduct
  - \* advising, training or arranging to train councillors and community youth representatives on matters relating to the Members' Code of Conduct
  - \* granting dispensations to councillors and community youth representatives from requirements relating to interests set out in the Members' Code of Conduct
  - \* 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

**\* Internal governance, ethical standards and relationships**

- \* To ensure the integrity of the Committee's decision making and of his/ her own role by adhering to the Members' Code of Conduct and other constitutional and legal requirements
- \* To promote and support good governance by the Council
- \* To understand the respective roles of members, officers and external parties operating within the Sub-Committee's area of responsibility

**3 Values**

- ~~▪ To be committed to the values of the council and the following values in public office:~~

- ~~▪ Openness and transparency~~
- ~~▪ Honesty and integrity~~
- ~~▪ Tolerance and respect~~
- ~~▪ Equality and fairness~~
- ~~▪ Appreciation of cultural differences~~
- ~~▪ Sustainability~~

#### **Vice-Chair**

- ~~▪ To fulfil the duties of the Chair in his or her absence~~
- ~~▪ To assist the Chair in specific duties as required~~
- ~~▪ To attend briefing meetings~~

**Section Q**  
**Chair and Vice Chair of Democratic Services Committee**  
**Role Description**

**Chair**

**1 Accountabilities**

- To Full Council
- To members of the Democratic Services Committee
- To the public

**2 Role Purpose and Activity**

- **Providing leadership and direction**
  - To provide confident and effective management of meetings to facilitate inclusivity, participation and clear decision making
  - To lead the committee in its role in:
    - Designating the Head of Democratic Services following advice from the Chief Executive
    - Keeping under review the provision of staff, accommodation and other resources made available to the Head of Democratic Services [to discharge the democratic functions and]-ensuring that these are adequate
    - Making annual reports to the Full Council in relation to the above
    - Appointing working groups and chairs of working groups to undertake functions delegated by the Committee
    - Considering reports prepared by the Head of Democratic Services
    - Developing the Authority's member support and development strategy
    - Ensuring that members have access to a reasonable level of training and development as described in the Authority's Member Development Strategy and the Wales Charter for Member Support and Development
    - Ensuring that the budget for member development is sufficient
    - Ensuring that members have access to personal development planning and annual personal development reviews
    - Working with the member support and development champion where relevant to promote the role of members and necessary support and development
      - Reviewing committee structures
      - Revisions of the Constitution
    - To demonstrate integrity and impartiality in decision making which accord with legal, constitutional and policy requirements and Ministerial guidance
    - To attend briefing meetings
    - To participate in the Joint Chairs meetings and the evaluation/ improvement of scrutiny
    - To participate in meetings of the Finance Scrutiny Panel.
- **Promoting the role of the Democratic Services Committee**
  - To act as an ambassador for the Democratic Services Committee, facilitating understanding of the role
  - To act within technical, legal and procedural requirements to oversee the functions of the Committee fairly and correctly

- To ensure thoroughness and objectivity in the Committee, receiving and responding to professional advice in the conduct of meetings
- **Internal governance, ethical standards and relationships**
  - To develop the standing and integrity of the Committee and its decision making
  - To ensure the integrity of the Committee's decision making and of his/ her own role by adhering to the Members' Code of Conduct and other constitutional and legal requirements
  - To understand the respective roles of members, officers and external parties operating within the Democratic Services Committee's area of responsibility
  - To promote and support good governance by the Council

### 3 Values

- To be committed to the values of the council and the following values in public office:
  - Openness and transparency
  - Honesty and integrity
  - Tolerance and respect
  - Equality and fairness
  - Appreciation of cultural differences
  - Sustainability

#### Vice-Chair

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

## Political Group Leader role description

### 1. Accountabilities

- To the nominating Group

### 2. Role Purpose and Activity

#### Providing political leadership to the Group

- To be a political figurehead and role model for the Group
- To be the principal political spokesperson for the Group
- If in power, to provide Party Political leadership in the development of the Council's vision or policies and, if in opposition to provide constructive challenge and alternatives to the ruling Political Group's vision and policies.
- To canvass a range of views within the Political Group in the formulation of policy.
- To integrate and represent Political Group policy at a local level.
- To co-operate with other Political Groups where appropriate, particularly in matters of a non-Party Political nature.
- To chair and/or attend meetings where appointed to a representative role within the Council.
- To liaise with other local and regional representatives of the party.
- To be the representative voice of the Group for example and where applicable, in its dealings with outside organisations such as the Welsh Government or Senedd

#### Internal governance, ethical standards and relationships:

- To promote and support good governance of the Council and its affairs
- To provide community leadership and promote active citizenship
- To promote and support open and transparent government
- To promote, support, and adhere to respectful, appropriate and effective relationships with employees and other members of the Council
- To promote, support and adhere to the Member's Code of Conduct, Member/Officer Protocol and the highest standards of behaviour in public office
- Encourage due regard to the Seven Principles of Public life and to civility in public life
- To participate in and encourage Group members to take part in relevant development opportunities.
- To set clear expectations of the behaviour of group members and challenge any inappropriate behaviour
- To promote diversity among Group members
- To encourage Group members to claim salaries and reimbursements due to them in accordance with the determinations of the IRPW

#### Duty to promote and maintain high standards of conduct by Group Members in accordance with the Local Government and Elections (Wales) Act 2021

- Take reasonable steps to promote and maintain high standards of conduct by the members of the Group.



- Co-operate with the council's standards committee (and any sub-committee of the committee) in the exercise of the standards committee's functions. Specifically, to co-operate with the Standards Committee in its duty to monitor compliance of Group Leaders with their duty under the act and in providing information for the Standards Committee's annual report.
- To participate in any training relating specifically to this duty.

### **3. Values**

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

- Openness and transparency
- Honesty and integrity
- Tolerance and respect
- Equality and fairness
- Appreciation of cultural difference
- Sustainability
- Inclusive leadership
- Consensus building

## **Section R Member Champion Purpose and Role**

### **What are Member Champions?**

Member Champions exist to provide a voice for traditionally under-represented groups, or issues which need to be kept at the forefront of Council business although they may not be the responsibility of any individual or committee.

Member Champions (sometimes called lead members) are elected members who in addition to their other Council responsibilities make sure that the issue or group that they are championing are taken into account when Council policy is being developed and decisions are made. Members act as champions in areas such as children, homelessness, equalities, older people, young people, scrutiny, member support and development, health improvement and anti-poverty. There is a statutory role for a lead member of children's and young people's services with a responsibility for over-seeing the arrangements made under Sections 25 and 26 of the 2004 Children Act.

Guidance on undertaking the role with regard to the subject knowledge that members need is sometimes available from the outside bodies associated with the issue being championed for example the toolkit for older peoples' champions from the Welsh Local Government Association [WLGA]. Otherwise they will be reliant on their authority for guidance in the subject they lead on and also their role as lead member in this area.

### **What do they do?**

Typically, the lead member will:

- Make sure that their area of interest is taken into account when developing policy or making decisions
- Ask questions about performance and resourcing for the area
- Raise the profile of the area and make the authority aware of good practice
- Engage with external bodies who work in the area
- Engage with other officers and members in relation to the role
- Engage with community groups with an interest/stake in the area
- Report action to the Council

### **How does their role fit within the corporate structure?**

This will vary according to the area/issue that is being championed and how the authority functions. There is potential for confusion and overlap between the role of the member champion and those of the relevant Cabinet member or overview and scrutiny members. The champion role itself could be undertaken by either the relevant Cabinet member or a non-Cabinet member.

It is therefore important that members and officers work together to agree roles and action for the area being championed and that there are mechanisms for lead members to report on their activities. It is helpful for the authority to draft a protocol which sets out what powers champions have and do not have, such as whether or not they are able to make decisions on behalf of the authority. Similarly, the appointment of champions varies between authorities, and includes appointments being made by Full Council meetings or by the Leader.

## The Role Description

It is difficult to create a role description that fits with the different roles expected of champions and how they operate in the different authorities' structures. The following is a generic model which will require local adaptation, particularly to reflect the difference that may exist between a statutory role, one undertaken by a Cabinet member and a non-Cabinet lead.

### Member Champion Role Description

#### 1. Accountabilities

- To Full Council
- To the public

#### 2. Role Purpose and Activities

##### Within the Council

- To promote the interest being championed within the Council's corporate and service priorities
- To promote the needs of the client group represented in the interest to the decision makers within the Council
- To work with, and support Cabinet Portfolio Holders and officers to establish strategies/policies/work plans connected with the interest
- To maintain an awareness of all matters connected with the interest
- To contribute to good practice and the continuous improvement of services and functions related to the interest
- To engage with members in matters related to the interest (including holding to account Cabinet Portfolio Holders) such as attending Scrutiny/Cabinet/Full Council meetings etc.
- Raising awareness of and taking a lead role in the development of all members and officers in relation to the interest

##### In the Community

- To raise the profile of the interest in the community
- To engage with citizens and community groups in matters related to the interest
- To lead and support local initiatives related to the interest

#### 3. Values

- To be committed to the values of the Council and the following values in public office:
  - Openness and transparency
  - Honesty and integrity
  - Tolerance and respect
  - Equality and fairness
  - Appreciation of cultural difference
  - Sustainability
  - Inclusive leadership





# **A Development Framework for Councillors in Wales 2021**

April 2021

## Welsh Local Government Association

The WLGA's primary purposes are to promote a better local government, its reputation and to support authorities in the development of policies and priorities which will improve public service and democracy.

It represents the 22 local authorities in Wales with the 3 fire and rescue authorities and 3 national park authorities as associate members.

### **Welsh Local Government Association**

Local Government House  
Drake Walk  
Cardiff CF10 4LG

029 2046 8600 | [www.wlga.wales](http://www.wlga.wales)  
@WelshLGA

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## A Development Framework for Councillors in Wales 2021

This framework outlines the knowledge and behaviours required by Councillors in Unitary Councils in Wales.

It has been developed by Councillors and officers working with the WLGA.

It will be useful for Councils when providing support and training for members and for Councillors to identify their priorities for continuing personal and professional development.

It is not intended to be exhaustive or prescriptive, it can also be locally adapted to reflect the priorities of different councils. The competencies described reflect those that councillors will develop within the role rather than those required to stand for office.

The Framework fits with the *Wales Charter for Member Support and Development*. The Charter provides Councils with a structure for local self-assessment and provision of member development, this framework provides a suggested content for that development.

The framework also fits with the WLGA model role descriptions and the induction curriculum for new members. It takes account of legislative requirements for members including those set out in the Local Government (Wales) measure 2011 and the Local Government and Elections (Wales) Act 2021.

### Using the Framework

The Framework includes a range of generic competencies required by all Councillors and separate sections for specific roles on the Council.

For each theme, the framework sets out the information that Councillors need to know, understand, and be able to do (knowledge and skills), together with examples of how they should act (behaviours).

**Part A** will be useful for all councillors. **Part B** should be used selectively depending on additional specialist roles.

## Part A - relevant to all councillors

### Fundamentals: A range of general skills required by all members

REF	Requirement	Knowledge and Skills	Effective Behaviours
A1	<b>Understanding the role of the Councillor</b>	The extent and limits of a Councillor's individual responsibilities, and the powers and responsibilities required for governing the Council.	Undertakes the member role effectively in the Council, the community and with partner agencies. Acts proactively to deliver outcomes. Understands when it is and is not appropriate to act for the Ward or in the interests of the whole area.
A2	<b>Understanding the role of the Local Authority</b>	The services delivered by or on behalf of the Council both statutory and discretionary, and the policies, procedures, plans and strategies which underpin them. The division of responsibility between the different tiers of government, the voluntary and health sectors. Collaboration between Local Authorities, different sectors, organisations, and the public.	Works within the scope of the work of the Council and represents this appropriately to the public. Contributes to the development of council plans and strategies and takes decisions in the light of these. Works collaboratively with other public service delivery agencies and the public.
A3	<b>Conduct</b>	The ethical framework that Councillors must work to. The Code of Conduct. The role of the Monitoring Officer, Standards Committee, Local Resolution Protocol. the role of and guidance from the Public Services Ombudsman for Wales.	Always abides by the Code of Conduct. Always declares and defines interests when necessary. Seeks advice from the monitoring officer when necessary.
A4	<b>Corporate Governance</b>	The principles of good corporate governance. How the Council understands and meets the needs of the community ethically, responsibly, and efficiently. The Council's Code of Corporate Governance and approach to risk. The Public Participation Duty to encourage local people to participate in decision making. The decision-making and accountability structure of the Council, including the role and value of Scrutiny. The role of, and relationships between, Cabinet, Scrutiny, Full Council, Regulatory and other committees. Joint working between Councils and sectors. Structures including Growth Deals and Corporate Joint Committees.	Acts effectively across a range of council roles, supporting good corporate governance through seeking the views of the public, taking or scrutinising decisions ethically, and ensuring services are delivered responsibly and efficiently.



A5	<b>Equalities and Diversity</b>	<p>Respect for others and taking decisions based on the principles of equality. Unconscious Bias. The need to take account of the protected characteristics of individuals, - sex, race, religion, age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity and sexual orientation, in all aspects of council and community work.</p> <p>The needs and views of those who are socio economically disadvantaged. Equalities and diversity law relating to the work of the Council and the role of the Councillor.</p>	<p>Demonstrates equalities values in personal behaviour and Council actions. Takes account of the needs of all members of society. Acts within equality and diversity law.</p> <p>Challenges inappropriate behaviour. Acknowledges and compensates for personal bias.</p>
A6	<b>Civility</b>	<p>Respectful behaviour and what constitutes abuse, harassment, and bullying.</p>	<p>Always treats everyone, officers, members of the public and other members with absolute respect, whether in the Council, community, or political group. Both face to face, in correspondence and on social media.</p> <p>Challenges inappropriate behaviour in others. Supports those suffering abuse, harassment, or bullying.</p>
A7	<b>Balancing Council and community expectations and responsibilities</b>	<p>The distinct responsibilities of a councillor as a member of a corporate body and as a representative of a Ward.</p>	<p>Takes decisions relating to the Council or Ward ethically. Manages both community and council expectations through effective communication.</p>
A8	<b>Audit inspection and regulation</b>	<p>The role of the Audit, Inspection and Regulatory bodies and associated Council processes.</p>	<p>Engages effectively with the audit, inspection and regulatory process within the council, using this information to take decisions, monitor performance, constructively challenge and support the affected services.</p>
A9	<b>Work life balance</b>	<p>Time management principles including prioritisation and delegation. Management of information.</p>	<p>Maintains an effective balance between council, personal life, and other work commitments. Managing the time available for Council work to concentrate on the issues with the most significant outcomes.</p>

A10	<b>Self-Care</b>	Well-being, including stress management and personal resilience.	Maintains an awareness of the impact that being a councillor can have on wellbeing. Seeks support and assistance before pressures become stress.
A11	<b>Information and data handling and management</b>	Understanding and interpreting information and data. Handling confidential information. Freedom of Information legislation. Understanding the role of a Councillor as a data handler or controller.	Uses and interprets data to take decisions and monitor and assess performance. Acts competently as a data controller or data handler in different contexts when acting on behalf of the council or in a community leadership role.
A12	<b>ICT skills</b>	Ability to use all 'Office' applications. Email, Word, PowerPoint, Excel. Proficiency in remote working and attending meetings electronically. Standard IT troubleshooting.	Conducts council business and community engagement electronically and remotely as a default approach. Using face to face when possible or more appropriate.
A13	<b>Social media skills</b>	Ability to use Social Media through different platforms and Apps. Appreciation of what content is appropriate. Council Social Media Use policy. Guidance from Council comms teams.	Maintains an effective, positive, and ethical online presence in line with the Council's Social Media Policy.
A14	<b>Meeting preparation and participation</b>	Multi-location meetings, remote, hybrid or face to face. Standing Orders, meeting protocols and etiquette, rules of debate. Public speaking, debating, and asking questions.	Participates effectively in formal and informal meetings both remotely and face to face. Prepares effectively for meetings by reading reports and analysing data. Undertakes personal research and participates in any pre meetings. Contributes to positive meeting outcomes by seeking tangible decisions or actions. Effectively contributes to meetings making points clearly and succinctly. Remains focussed on the business in hand. Understands and applies meeting 'rules'. Seeks guidance from officers and Group Leaders before meetings as appropriate.

A15	<b>Working with the media</b>	Building relationships with the Media Interview skills for TV, radio, the press and online media.	Is a recognised source of credible information for the Media. Speaks confidently, authoritatively and appropriately in interviews. Enhances the reputation of the council when appearing on screen or in print.
A16	<b>Self-promotion</b>	Developing a profile in the community through local activities and effective communication and consultation.	Reports on achievements and activities. Is highly visible in the community. Maintains a high standard in both personal reputation and that of the Council.
A17	<b>Working with officers</b>	The role of officers generally and the 'rules' they need to abide by including a deeper understanding of the role of senior officers such as the Chief Executive, Senior Management Team, Monitoring Officer and Heads of Finance, Legal and Democratic Services. Skills in acting as a corporate employer. Understanding of the appointments process and interviewing skills.	Maintains professional relationships with officers, recognising boundaries and abiding by the Member Officer Protocol. Acts as an effective member of an appointment panel, applying sound HR and equality and diversity principles to make appointments.
A18	<b>Personal safety</b>	How to protect yourself in the Council, in the community, when travelling and at home and online. Including when lone working, in surgeries or meeting with residents.	Acts proactively to take necessary safety measures. Does not put themselves in harm's way. Asks for support from the Council or Police whenever necessary.
A19	<b>Support for members</b>	The importance of continuous learning. The sources and materials for Councillors' professional development available from the Council. Salaries and allowances. Job sharing opportunities. Family absence.	Proactively seeks out learning and development opportunities. Receives personal development reviews. Identifies support and development needs. Participates in all relevant learning opportunities. Claims allowances and salaries to which they are entitled.
A20	<b>Financial capability</b>	Where Council funding comes from. Financial planning and budget setting. Personal financial skills. The impact of Welfare Reform, Brexit, Austerity and Covid including the vulnerable and those with protected characteristics.	Engages effectively in the budget setting process. Is prepared to take hard, evidence-based decisions. Demonstrates skills in numeracy when interpreting data and asking questions.

A21	<b>Interpersonal skills</b>	Self-awareness, and skills in self-management, “good manners” respect. Emotional Intelligence, listening, negotiation, conflict management and mediation skills.	Acts in a professional and respectful manner to all people and in all places. Is self-aware and able to develop and manage relationships both within and outside the Council. Brokers relationships and manages conflict in the community and Council and between the two.
A22	<b>Corporate Parenting</b>	The role and responsibilities of the Councillor as a Corporate Parent.	Takes appropriate corporate responsibility for the welfare of looked after children, actively seeking appropriate information on their situation and progress but not becoming involved in individual casework.
A23	<b>Sustainability</b>	The requirements of the Wellbeing of Future Generations Act. Including the goals for sustainability and the ways of working to meet them.	Works collaboratively and makes decisions with others to make sure that the needs of future generations as well as the current population, are considered. Seeks to prevent any problems happening in the first place.
A24	<b>Safeguarding</b>	The legal requirements, and the responsibilities placed on authorities and individual councillors to protect children and vulnerable adults at risk of abuse, including reporting mechanisms.	Is vigilant, and acts to make sure that children and vulnerable adults are protected from abuse, taking decisions and reporting incidents.

**Local Leadership. A range of skills required by all councillors in their role as community leaders**

REF	Requirement	Knowledge and Skills	Effective Behaviours
A25	<b>Working with the community</b>	Contacts for local community groups and leaders. Community issues and concerns. Council plans which impact on local issues.	Understands the needs of the local community. Makes sure that the Council acts on behalf of local people. Communicates with the community, individuals, and the council to ensure engagement and understanding of all parties. Works with the community and the Council to find solutions to local problems. Secures funding for local initiatives.

A26	<b>Consultation and engagement</b>	The Public Participation Duty. The local Public Participation Strategy. Different approaches to engagement ranging from communication to co-production set out in the national principles of engagement for Wales. <a href="http://www.participationcymru.org.uk/national-principles">http://www.participationcymru.org.uk/national-principles</a>	Demonstrates positive outcomes because of their effective engagement. Uses a range of communication and consultation tools including social media to understand the needs and views of the community. Works within the national principles of engagement.
A27	<b>The Voluntary Sector</b>	The role, responsibilities, services provided and contacts for the voluntary sector in the area.	Works with voluntary sector organisations. Signposts local people to voluntary agencies who can help them.
A28	<b>Working with community and town councils</b>	The responsibilities of Community and Town Councils, the role of their members. contacts for the Clerk and their forward work programmes. Services transferred or to be transferred to community councils.	Works with community councils to deliver outcomes for the community. Fosters positive relations and active communication with the members of the Community Council and the Clerk.

### Casework on behalf of the public

REF	Requirement	Knowledge and Skills	Effective Behaviours
A29	<b>Being accessible to the public</b>	Understanding of, and ability to arrange and publicise opportunities to discuss casework with the public.	Makes themselves available through the most useful means to connect with the greatest number of people. Uses surgeries, street surgeries, informal settings, and social media as appropriate. Takes steps to ensure personal safety. Promises only that which can be delivered.
A30	<b>Managing casework</b>	The availability and use of case management techniques and software. The officers that can help. Council procedures to support Members with casework.	Responds promptly to requests for help. Keeps the people on whose behalf they are working informed of progress. Monitors progress of cases after they have been referred to officers or other agencies. Uses the established referral schemes within the Council.
A31	<b>Signposting</b>	Sources of information and advice within and outside the council of use to all community groups.	Makes links between members of the public and the appropriate source of help in the council or in the community.

## Partnership and representation

REF	Requirement	Knowledge and Skills	Effective Behaviours
A32	<b>Work on outside bodies</b>	The capacity in which Members are appointed. For example, Council representative, locality representative, or as an individual. Whether you are a trustee. The role of the outside body. Its status for example company, trust, charity, unincorporated association. The relationship between the Council and the body and any conflicts of interest.	Reports to and from the Council and outside body as appropriate. Represents the views of the Council, personal views, or that of the community effectively and appropriately according to the role. Engages in briefing and training provided by outside bodies. Operates within the relevant Code of Conduct.
A33	<b>Working as a school governor</b>	Education policy. School organisation. The remit of a governor. Principles of conduct for governors. See also <a href="#">School governance   Sub-topic   GOV.WALES</a>	Oversees the school performance. Challenges the school management as a critical friend. Takes part in governor training.
A34	<b>Working as a member of a community or town council</b>	Community council governance. The role of the community council and its limits. Transfer of assets and services. Protocols between Community or Town Councils and Unitary Councils. See also <a href="#">The Good Councillors Guide - One Voice Wales</a>	Contributes to the governance of the community or town council. Makes links between the Community Council and Unitary Council, Takes part in Community Council training.

## Working in the Political environment

	Requirement	Knowledge and Skills	Effective Behaviours
A35	<b>Party policy (if a party member)</b>	Awareness of values and manifestos both nationally and locally.	Balances the needs of local people, Party, Group and Council
A36	<b>Liaison with the UK Government, Welsh Government and the Senedd</b>	Understanding of the functions of the different tiers of government and methods of engagement.	Liaises with local MPs and MS. Brings local issues to the attention of the WG when appropriate.
A37	<b>Party Group membership</b>	Party rules and constituency group structure and policies.	Works effectively and respectfully with Party Group members and officials.
38	<b>Group discipline</b>	Understanding of the behaviours and conduct required of a group member	Works according to the standards of behaviour required by the Group Leader.

## Part B – relevant to councillors undertaking these specialist roles.

### Scrutiny

REF	Requirement	Knowledge and Skills	Effective behaviours
B1	<b>The role of Scrutiny</b>	<p>The value of Scrutiny as an essential part of the Council's corporate governance.</p> <p>The role of the Scrutiny function in: Contributing to better outcomes - driving improvements in services.</p> <p>Better decisions - ensuring that democratic decision making is accountable, inclusive and robust.</p> <p>Better engagement – ensuring that the public is meaningfully engaged in democratic debate about the current and future delivery of public services.</p>	<p>Contributes to the development of forward work programmes.</p> <p>Selects topics where Scrutiny can have most impact.</p> <p>Promotes the work of Scrutiny within the council.</p> <p>Acts in a non-parochial and non-Party Political manner when undertaking Scrutiny.</p>
B2	<b>Policy development and review</b>	<p>General understanding of the policies, plans, services and functions in development or review.</p>	<p>Makes informed and evidence-based recommendations for policy development.</p>
B3	<b>Holding the Executive to account</b>	<p>Understanding of the remit of the Executive in general and items on the Executive Forward Work Programme.</p> <p>Processes for the constructive challenge of Executive decisions and when and how to use the power to call in decisions.</p>	<p>Monitors and constructively challenges the decision-making process of the Executive, in the best interests of the community.</p>
B4	<b>Monitoring performance</b>	<p>Interpreting data, financial information.</p> <p>Risk, reports from audit, inspection and regulatory bodies, and other information required for performance measurement.</p>	<p>Identifies and challenges poor performance based on evidence, to improve services.</p>
B5	<b>Individual Scrutiny skills</b>	<p>Data handling and research.</p> <p>Meeting preparation for formal and informal scrutiny meetings and groups.</p> <p>Contributing to questioning strategies and asking questions. Active listening.</p>	<p>Prepares thoroughly for every Scrutiny activity and meeting by reading reports, preparing lines of enquiry and undertaking personal research.</p> <p>Contributes to questioning strategies and asks relevant, effective questions. Actively seeks outcomes for every Scrutiny activity.</p>

B6	<b>Engaging the public in Scrutiny</b>	How the Public Participation Duty, to encourage local people to participate in decision making is supported by Scrutiny. Appropriate local individuals and organisations who can contribute to the work of Scrutiny, especially those traditionally excluded.	Raises public awareness of the work of Scrutiny and work programmes. Encourages the public to become involved in the policy and decision-making process through Scrutiny.
B7	<b>Collaborative Scrutiny</b>	Joint Scrutiny - Understanding of the remit and terms of reference of any joint Scrutiny committees. Scrutiny of joint arrangements - the role, responsibilities and accountability of regional bodies, partnerships and organisations outside of the Council which are subject to Scrutiny.	Seeks outcomes from effective joint working with scrutiny members from other authorities, partnerships, and organisations.

## Chairing

REF	Requirement	Knowledge and Skills	Effective Behaviour
B8	<b>Committee leadership</b>	An in depth understanding of the role of the committee and its scope. Ability to liaise with relevant officers, members, and agencies. Commitment to enabling all committee members to develop skills and participate effectively in meetings.	Promotes the work and value of the committee in the Council and to the public. Works with the committee outside of meetings to make it work more effectively. Communicates with members and officers with an interest in committee proceedings. Builds relationships with the relevant Heads of Service/ Directors to ensure that the work of the committee is relevant, well informed and provides the outcomes needed.
B9	<b>Work programme development and management</b>	The subjects within the scope of the committee and how these interact with council policies generally and the roles of other committees. Any Council and community priorities which should inform the work programme.	Works with officers and committee members to develop the work plan. Ensures that the work programme takes account of The Executive Work Plan, risks to the Council, other committee programmes, national, regional and local plans and policies, and the expressed needs of the community for services.



			Makes sure that the committee uses reports from audit, inspection and regulatory bodies.
B10	<b>Meeting preparation and management</b>	Meeting management in a variety of settings and using different channels for physical, hybrid and remote meetings. Broadcasting. Meeting protocols and the rules of debate. Agenda management including fair contributions and time. Public and press participation.	Chairs act clearly and authoritatively to enforce meeting rules and encouraging fair and focussed participation. Manages the agenda by introducing items, summarising debate, focussing on outcomes and limiting contributions which do not contribute to the outcomes. Ensures that the public feel welcome, understand the meeting purpose and how they can contribute.
B11	<b>Committee support</b>	The support, appropriate level and variety of information and finances the committee needs to function effectively.	Negotiates and ensures the support required by the committee.

## Serving on statutory/regulatory committees

REF	Requirement	Knowledge and Skills	Effective behaviours
B12	<b>Planning</b>	<p>Statutory role of the committee.</p> <p>Planning and rights of way law generally. How to apply the Code of Conduct to planning issues. Declaring interests in Planning.</p> <p>Local Development Planning. Development Management.</p> <p>Sustainable Development principles and legislation including environmental, welfare, future generations, and design considerations.</p> <p>The respective roles of Welsh Government and Local authorities.</p> <p>Environmental impact assessment in a planning context.</p>	<p>Demonstrates objectivity by taking independent decisions based on evidence and the legal responsibility placed on committees acting in a semi-judicial role. Transparently adheres to the Code of Conduct. Seeks appropriate professional officer advice, personal development or briefing before taking decisions.</p>
B13	<b>Governance and Audit</b>	<p>Statutory role of the committee.</p> <p>Effective Governance and performance management.</p> <p>The Council's and national performance reporting frameworks.</p> <p>Complaint handling in the Council.</p> <p>Scrutiny of financial performance. Risk Management and the local Risk Management Strategy. The Annual Governance Statement Internal and external audit arrangements. The relative roles of Audit and Scrutiny committees.</p>	
B14	<b>Licensing</b>	<p>Licensing regulations and Licensing policy. Local policies which impact in this area such as the Community Plan and wider considerations for sustainability.</p>	
B15	<b>Democratic Services</b>	<p>The legislative requirements for a Democratic Services committee.</p> <p>National and local requirements for member support and development.</p> <p>Role of the Head of Democratic Services/Monitoring Officer (if separate). Role of and collaboration with the Lead Member/Champion for member support and development.</p> <p>Diversity in Democracy.</p>	
B16	<b>Standards</b>	<p>The law and constitution in relation to conduct.</p> <p>Local resolution protocols.</p>	

		Needs of both County Council and Town and Community Councils for Training in relation to the Code of Conduct. Member behaviour, dealing with reports from Group Leaders and annual reporting	
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## Executive Members

REF	Requirement	Knowledge and skills	Effective behaviours
B17	<b>Collective responsibility</b>	Developing a collective vision for the Council. The Executive role in enabling public participation within the Public Participation Strategy. Information, good practice and evidence sourcing and handling. Taking decisions collectively. Prioritising issues of most importance to the Authority. Working with other authorities and agencies to secure services for the Council. Working effectively and constructively with the senior management team and Chief Executive.	Works collaboratively to develop the vision for the Council. Ensures the participation of the public in the decision-making process. Takes effective strategic decisions. Ensures the best possible performance of the Council. Guides and enables the performance of the Chief Executive and Senior Management Team.
B18	<b>Portfolio lead</b>	A thorough knowledge of local and national policy relating to the relevant service areas. Effective and respectful joint working with relevant lead officers and Scrutiny chairs. Developing a vision for the portfolio. Integrating the work of the portfolio with the wider Executive programme. High level media skills	Provides political direction to officers in the portfolio area. Is publicly accountable for communication, policy, and performance in the portfolio area. Works with officers to consider issues, priorities and take decisions. Represents the Council in the media
B19	<b>Working with Scrutiny</b>	Valuing and working constructively with Scrutiny, to ensure that the Executive is demonstrably accountable for decisions and takes and reviews decisions which have been rigorously scrutinised.	Actively seeks and values the input of Scrutiny to policy development and performance monitoring.
B20	<b>Delegated responsibilities</b>	The scheme of delegation and process for taking responsibility for decisions under the scheme.	Takes decisions after appropriate research and consultation.

## Council Leadership

REF	Requirement	Knowledge and Skills	Effective Behaviours
B21	<b>Promoting and managing the reputation of the council</b>	Acting as an ambassador for the Local Authority.	Effectively represents the Council, ensuring that information about the Council and its services and citizens is communicated positively and with authenticity and integrity.
B22	<b>Leading the vision for the area.</b>	Development of a vision for the Council area or wider region.	Works collaboratively with the community, members, officers and Political Party (if a member) to create and communicate a shared vision for the area.
B23	<b>Leading the Council</b>	Develop a vision for the work, culture and outcomes sought by the Council. Senior Corporate Governance	Works collaboratively with the community, members, officers and Political Party (if a member) to create and communicate a shared vision for the Council. Oversees the delivery of effective corporate governance in the Council.
B24	<b>Relationships with the Chief Executive and Senior Management Team</b>	Advanced communication and relationship building. Understanding of and empathy for the work of the Chief Executive and Senior Officers. Performance management and appraisal of chief officers.	Meets and communicates openly and regularly. Makes expectations clear and provides political leadership. Undertakes performance reviews with senior officers as appropriate.

## Civic Leadership

REF	Requirement	Knowledge and Skills	Effective Behaviours
B25	<b>Chairing Full Council</b>	Advanced chairing skills. In depth understanding of standing orders and rules of engagement. Remote, hybrid and physical meetings. Broadcast meeting skills.	Effectively and confidently chairs meetings of the full Council through a range of channels. Sets standards and expectations for appropriate behaviour.
B26	<b>Representing the Council at Civic functions</b>	Tact and diplomacy. Advanced public speaking Relationship building.	Demonstrates high level interpersonal communication, and social skills, appropriate to the context.



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# Guide to the model Welsh Local Authority constitution

Produced pursuant to section 45 of the  
Local Government and Elections (Wales) Act 2021

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**Browne Jacobson LLP**

## **Introduction**

### **The Constitution**

The Council is made up of different individuals and bodies, who work together to deliver the Council's functions. The Council's constitution describes the different people and bodies that make up the Council, their functions, and the procedure rules that govern how those bodies work together to deliver services.

It is intended to: -

- enable the Council to make decisions efficiently and effectively;
- support you to participate in decisions that affect you;
- help Councillors to represent their constituents more effectively; and
- enable you to hold the Council to account.

One of the main aims of the constitution is to set out clearly what you can expect from the Council, and what you can do if your expectations are not met.

### **This guide**

This guide is designed to help you to understand how the Council works to deliver services in your area. It provides an overview of the Council's constitution and explains key sections of the constitution in clear and simple language.

It may also be of use to those organisations that work with the Council to deliver services in the Council's area.

The first part of this guide explains why the constitution is important and how it is reviewed and updated.

It aims to answer questions such as: -

- *Why does the Council have a constitution?* p.5
- *How can I get a copy of the constitution?* p.5
- *Who is responsible for keeping the constitution up to date?* p.5

The second part of this guide explains how the Council is structured. It describes the Council's democratic bodies as well as how decisions are made and by whom.

It explains the functions of the Council, its Cabinet and its committees, and which body of the Council is responsible for particular policies and decisions.

It aims to answer questions such as: -

- *What does my local Councillor do?* p.8



➤ <i>What does the Council do?</i>	p.10
➤ <i>What happens at Council meetings?</i>	p.11
➤ <i>How does the Council make decisions?</i>	p.11
➤ <i>How can I find out what the Council decided about an issue that affects me?</i>	p.12
➤ <i>What does the Cabinet do?</i>	p.13
➤ <i>How does the Cabinet make decisions?</i>	p.13
➤ <i>What do the Council's committees do?</i>	p.15
➤ <i>Who is responsible for governance, audit and risk management?</i>	p.15
➤ <i>Who is responsible for upholding local democracy?</i>	p.15
➤ <i>What does the licensing committee do?</i>	p.15
➤ <i>What does the planning committee do?</i>	p.16
➤ <i>How are decisions scrutinised?</i>	p.17
➤ <i>Who is responsible for upholding standards and holding Councillors to account for their conduct?</i>	p.17

The third part of this guide explains the roles and responsibilities of elected members and paid officers of the Council. It describes the jobs they do, and how they work together to deliver the Council's functions and priorities. It also explains the codes of conduct that govern councillors' and officers' conduct and the standards of behaviour that you can expect from them.

It aims to answer questions such as: -

➤ <i>What does the Chair do?</i>	p.22
➤ <i>What does the Leader do?</i>	p.23
➤ <i>What happens if the Leader is unable to perform their duties?</i>	p.23
➤ <i>My Councillor is a member of the Cabinet, what does this mean?</i>	p.24
➤ <i>How are members of the Cabinet supported?</i>	p.25
➤ <i>What does the Chief Executive do?</i>	p.25
➤ <i>What responsibilities does the Monitoring Officer have?</i>	p.25

- *Who is responsible for ensuring that the Council's democratic policies and procedures are complied with?* p.25
- *How should Councillors behave?* p.27
- *How should Officers behave?* p.29
- *Are there any special requirements when Councillors or Officers decide planning applications?* p.28
- *How can I complain about the behaviour of a Councillor?* p.30
- *How do I report concerns about the conduct of a paid Officer of the Council?* p.30

The fourth part of this guide provides a summary of the key policies and procedures that govern how the Council carries out certain functions.

It aims to answer questions such as: -

- *Where can I find the Council's key plans and strategies?* p.31
- *How is the Council's policy framework decided?* p.31
- *How does the Council set its budget?* p.32
- *Can decisions be taken that do not comply with the budget or policy framework?* p.32
- *Can money be moved from one budget head to another once the budget has been adopted?* p.32
- *What other policies and procedures govern how the Council manages its budget?* p.33
- *Are there any restrictions on how the Council buys in goods and services?* p.33
- *How does the Council enter into contracts and agreements?* p.33

The final part of this guide explains how you can engage with, and get involved in, your Council and local democracy. It explains how your councillors are elected, how you can contact your councillor, raise questions and speak at meetings, and how you can use petitions to raise issues that are important to you with the Council.

It aims to answer questions such as: -

- *How can I find out when meetings of the Council and its committees and bodies are taking place?* p.34

- *How can I find out what will be discussed at a particular meeting?* p.34
- *How can I find out when an issue I am concerned about will be decided?* p.34
- *Can I ask a committee or body of the Council to look into a particular issue?* p.34
- *Can I attend meetings of the Full Council?* p.35
- *Can I attend other meetings?* p.36
- *Can I speak at a meeting?* p.36
- *Can I ask a question at a meeting?* p.36
- *How can I find out what the Council decided?* p.37
- *Can I view the Council's accounts to understand how my council tax is spent?* p.37

Signposts to the most relevant sections of the constitution and to additional resources available on the Council's website are provided throughout this guide to enable you to read more on a particular topic if you wish.

There is also a detailed index on the last page of this guide to allow you to quickly look up specific topics and issues of interest to you.

If there is anything in this guide which is unclear, or anything is missing, please let us know so we can improve it.


You can get in touch by contacting the Monitoring Officer by telephone on 01597-826746 or by email on [clive.pinney@powys.gov.uk](mailto:clive.pinney@powys.gov.uk) or by post to Clive Pinney, Monitoring Officer, Legal and Democratic Services, County Hall, Llandrindod Wells, Powys LD1 5LG.


## Part 1 The Constitution

The Constitution governs the way in which the Council, Councillors and officers working at the Council work together to deliver the Council's functions. It ensures that everyone at the Council acts lawfully, fairly and appropriately and that the Council's functions are performed properly and effectively.

 Section 2.1 of the constitution explains the purpose of the constitution.

You can obtain a copy of the constitution from the Council's offices and view it on the Council's website. An electronic copy of the constitution will be provided to each Councillor when they are elected to the Council.


 You can access the Council's constitution on the Council's website [Council Constitution](#) ~~<insert hyperlink>~~.

 Section 2.8 of the constitution explains where, when and how the constitution must be published.


The Monitoring Officer is responsible for maintaining and reviewing the constitution. The Monitoring Officer is also responsible for deciding how the constitution should be understood and applied. You can read more about the Monitoring Officer's role in Part 4 of this guide.

The Full Council is responsible for agreeing the constitution. Once the constitution has been agreed, it can only be changed by the Full Council. Usually, changes to the constitution are recommended to the Full Council by the Monitoring Officer and / or the Democratic Services Committee.

In some circumstances, the Monitoring Officer may make changes to the constitution. For example, where there is a change in the law that affects the constitution, or where a minor change is needed to clarify a provision in the constitution that is unclear.

 Sections 2.4 to 2.6 of the constitution explain how the constitution is agreed and how it can be changed.

The constitution also governs how meetings of the Council and its committees should be conducted. The person chairing a meeting will be responsible for ensuring that the constitution is followed during that meeting.

 Key words and phrases are defined and explained in section 2.2 of the constitution.

## Part 2 The Council's democratic structures

The Council is made up of Councillors who are elected every five years to represent people living in different parts of the Council's area (referred to in the constitution as 'electoral divisions', but commonly known as 'wards').

Councillors are responsible for everyone living in the Council's area, but they have a special duty to people living in their ward.



Section 1.2 of the constitution provides an overview of how individual Councillors work together as the Council.

All Councillors meet together regularly as the Full Council. The Full Council is responsible for setting the Council's budget, policy priorities and overall policy framework.

At the start of every year, the Full Council will elect one Councillor as its Chair. The Chair is responsible for chairing meetings of the Full Council and ensuring that decisions are taken properly and in accordance with the rules.

You can read more about these roles in Part 3 of this guide.

Individual councillors may also be appointed to the Cabinet by the Leader. Members of the Cabinet are responsible for specific policy areas, commonly referred to as portfolios. Where responsibility for a particular work area or function is given to a member of the Cabinet, it is described in the constitution as being delegated to that person.

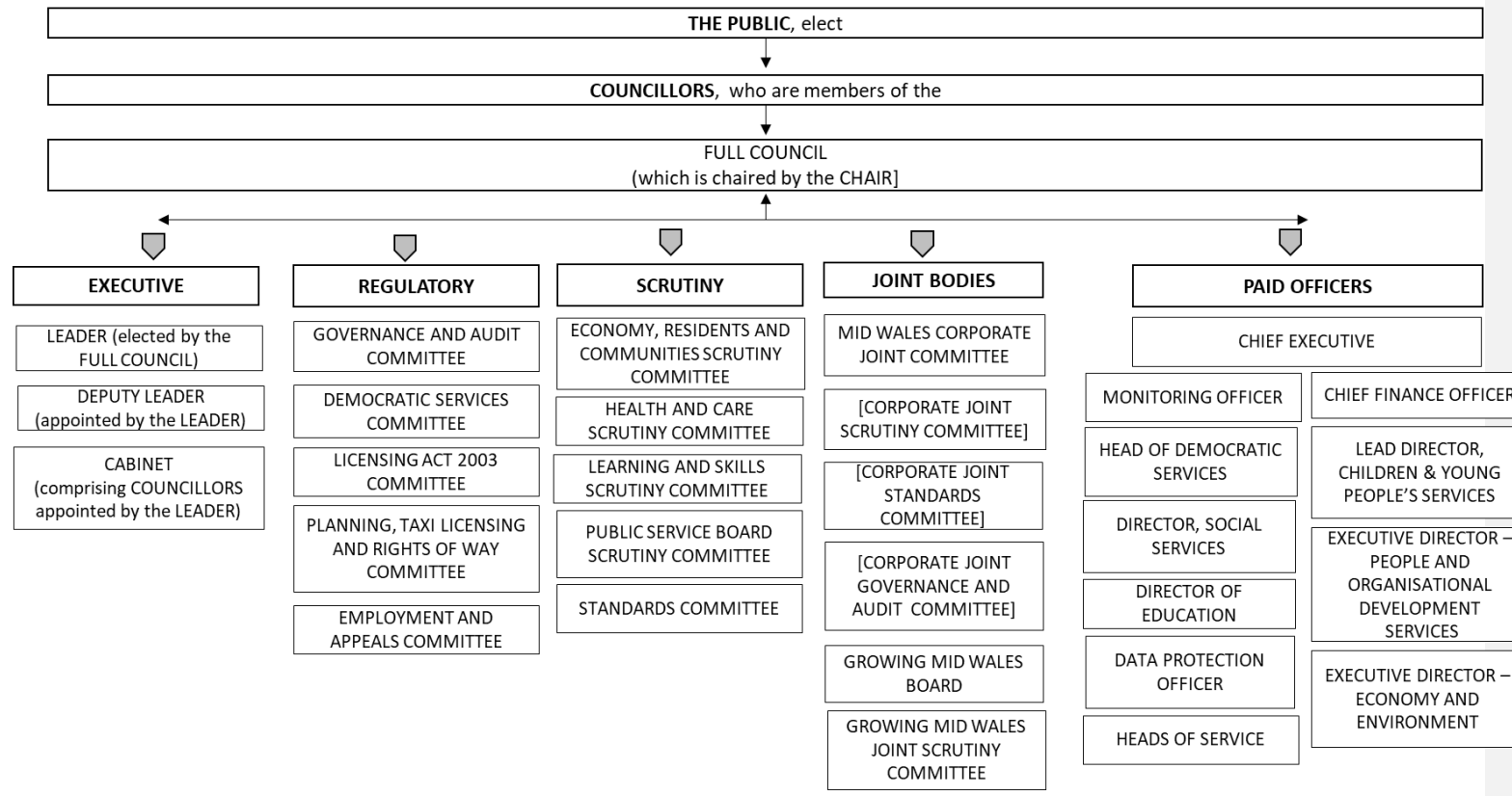
The Cabinet meets regularly to take collective decisions on those aspects of the Council's work which the Cabinet is responsible for.

Some of the Council's functions are carried out by committees. Committees are small groups of Councillors that meet together to carry out certain of the Council's regulatory and scrutiny functions.

The Full Council may engage such paid staff (referred to as officers) as it considers necessary. The Cabinet, Full Council and committees may delegate functions to officers.

You can read more about all of these structures in the following sections of this Part of the guide.

## Structure chart



## Councillors

Councillors are elected by the people living in a particular ward to represent them on the Council. However, Councillors are also accountable to the wider community and must act in the best interests of everyone living in the Council's area.

If you want to raise an issue with the Council and are not sure who to contact, you may wish to contact your Councillor to ask for help.



You can find out who your local Councillor is and their contact details on the Council's website [County Councillors](#) ~~<insert hyperlink>~~.

All Councillors are members of the Full Council, and they may also be members of one or more of the Council's members bodies (such as the Cabinet or a committee). Where Councillors act as a member of a particular Council body, they are referred to in the constitution as 'Members'.



This is explained more fully in the list of definitions in section 2.2.2 of the constitution.

Councillors have certain rights that are set out in the constitution, which enable them to raise issues and make representations on your behalf.

For example, Councillors may: -

- see any information which they need in order to fulfil their role as a member of the Council;
- attend any meeting of the Council, its committees or the Cabinet;
- speak at any meeting of any Council body which they are a member of;
- with the permission of the chair, speak at any meeting of any Council body (even if they are not a member of that body);
- talk to the Leader, or members of the Cabinet or Council officers about any aspect of Council business; and
- raise complaints.



Councillors' rights to information are set out in section 3.1.2 of the constitution.



Councillors' rights to participate in Council proceedings are set out in section 3.3 of the constitution.

Councillors may also raise questions at meetings of the Full Council and the Council's committees and sub-committees, submit motions to the Full Council and call-in decisions.




The rules surrounding how these rights are exercised are set out in sections 4.19 to 4.21 and 7.29 of the constitution.



You can read more about the role of elected Councillors and the qualities that make a good Councillor in the role description (in section 24.1 of the constitution) and the person specification (in section 24.21 of the constitution).




## Full Council

 Section 4 of the constitution governs the Full Council.


### **What does the Full Council do?**

The law requires that certain important decisions are taken by all Councillors meeting together as the Full Council. These are referred to in the constitution as functions of the Full Council. The Council may decide that other non-executive functions should be carried out by the Full Council too. These are referred to in the constitution as local choice functions because the Council has a choice about which person or body should carry them out.

 Section 14 of the constitution explains the different types of functions that are carried out by the Council and which part of the Council is responsible for carrying them out.

The Full Council is responsible for, amongst other things: -

- agreeing the constitution, and any changes to the constitution;
- setting the Council's budget;
- developing the Council's single integrated plan (which explains how the Council will deliver its legal duties in areas such as health and social care, children and young people and community safety);
- agreeing key plans and strategies (referred to in the constitution as the 'policy framework');
- reviewing and reporting on the Council's performance;
- electing the Leader and the Chair; and
- appointing the Chief Executive and other Chief Officers.


 All of the functions of the Full Council are listed in section 4.6 of the constitution.

Meetings of the Full Council are chaired by the Chair. They are responsible for ensuring that meetings are conducted in accordance with the constitution and that decisions are made properly, fairly and lawfully.


You can read more about the role of the Chair in Part 3 of this guide.

### **What happens at meetings of the Full Council?**


The Full Council will meet at the start of each financial year to elect Councillors to particular positions on the Council, to appoint Councillors to outside bodies and to establish committees and working groups to carry out the Council's business during the year. This is known as the annual meeting.

 The timing of the annual meeting and the issues to be decided at that meeting are described in the council procedure rules in section 4.10 of the constitution.

Meetings of the Council are decided on an annual basis and dates published on the Council's website [Dates of Council meetings Link](#). These regular meetings of the Full Meetings are known as ordinary meetings.

 Ordinary meetings are carried out in accordance with the council procedure rules in section 4.11 of the constitution.


In some circumstances, it may be necessary for the Full Council to meet before its next scheduled meeting to discuss an issue that is particularly urgent or important. This is known as an extraordinary meeting of the Council.

 The process by which an extraordinary meeting may be called and the issues that may be discussed there are set out in section 4.12 of the constitution.

The Head of Democratic Services is responsible for notifying Councillors of when and where meetings of the Full Council will be held by the issuing of a summons.


The Head of Democratic Services is also responsible for ensuring that the public are told about meetings of the Full Council, by publishing a notice in advance of each meeting. The notice must include certain information such as the date and time of the meeting, where it will be held and how you can access the meeting remotely using video conferencing.

You can read more about participating in meetings of the Council in part 4 of this guide.

 Section 4.13 and 4.14 of the constitution govern meeting arrangements and notice requirements.

### **How does the Full Council make decisions?**

Meetings of the Full Council are carried out in accordance with an agreed set of rules that are designed to ensure that debates are conducted fairly and efficiently, and that every Councillor has the ability to raise questions and to make comments on the public's behalf.

 The rules of debate are set out in section 4.22 of the constitution.

Decisions are made by Councillors casting votes for or against a particular decision (referred to in the constitution as a motion). Councillors may also propose amendments (changes) to a particular motion, which must then be voted on.

Usually, votes will be conducted by a show of hands, with Councillors asked to raise their hand to indicate whether they vote for or against a particular motion, or whether they wish to abstain (i.e. to vote neither for nor against the motion). The Council may also use voting software that allows Councillors to cast their votes electronically.

Decisions will usually require a simple majority of those present voting for a particular motion. In other words, more Councillors must vote for a motion than against it. Where

a vote is tied once all Councillors have voted, the Chair will have a second, casting vote.

Councillors may request a recorded vote on a particular issue. In a recorded vote, the Councillors voting for and against a particular motion, and those abstaining, will be written down and recorded in the minutes of the meeting. Councillors may also request that their individual vote on a particular motion is recorded in the minutes.



The Council's voting arrangements are set out in section 4.25 of the constitution.

### **Does every Councillor need to be present before a decision can be taken?**

Not every Councillor needs to vote on every decision. In fact, in some circumstances it may not be appropriate for a Councillor to vote on a particular issue (for example, where they have a personal interest in a decision). You can read more about this in part three of this guide.

However, in order for the Council to make a lawful decision a minimum number of Councillors must be present at a meeting. The minimum number of Councillors that must be present at a meeting is referred to in the constitution as the quorum for that meeting.



Section 4.16 of the constitution sets out the minimum number of Councillors that must be present so the Full Council can make a decision.

### **Are meetings recorded?**

A record of each meeting will be kept in the form of minutes. The minutes will contain a record of the motions that were put to the meeting, and the decisions that were taken. They will also record who was present at the meeting.

The minutes of a meeting of the Full Council will be agreed by the next meeting of the Council and published on the Council's website in accordance with the Council's access to information procedure rules.

Meetings of the Full Council will also be webcast and recordings of the webcast are available for a period of six months following the meeting on the Council's website at [Dates of Council meetings LINK](#) (Please refer to the individual meeting to access the link to the recording). Recordings of webcasts older than six months can be made available by contacting the Head of Democratic Services (~~add details~~ email: [wyn.richards@powys.gov.uk](mailto:wyn.richards@powys.gov.uk) or write to Wyn Richards, Scrutiny Manager and Head of Democratic Services, County Hall, Llandrindod Wells, Powys, LD1 5LG)


If you want to find out what the Council decided about an issue that affects you, you can read the minutes of the meeting where that issue was discussed.



Information on minutes can be found in section 4.26 of the constitution.




The access to information procedure rules can be found in section 15 of the constitution.


 Minutes of meetings are available on the Council's website [Dates of Council meetings](#) ~~<insert hyperlink>~~.

## **The Cabinet**

The Cabinet is made up of the Leader and individual Councillors appointed to the Cabinet by the Leader.

 Sections **5.2 and 5.5** of the constitution explain the composition of the Cabinet and how Councillors are appointed to the Cabinet.


The role of Leader and any role on the Cabinet may be carried out by two or more Councillors on a job-share basis.


 Section **5.13** of the constitution explains the job sharing arrangements for members of the Cabinet.

## **What does the Cabinet do?**

The Leader is responsible for carrying out the Council's executive functions. However, in practice the Leader cannot personally carry out every one of these functions, so the Leader delegates responsibility for certain functions to the Cabinet, to members of the Cabinet, to officers of the Council or to another bodies.

The Leader decides which functions to delegate to whom. This is known as the Council's scheme of delegation.

 Sections **5.6 and 5.10.1 to 5.10.3** of the constitution explain how functions are delegated by the Leader.


 The Council's scheme of delegation can be found in section **14** of the constitution.


## **Meetings of the Cabinet**

The Leader will decide when the Cabinet will meet, and for how long, and will also chair meetings of the Cabinet.

The constitution prescribes certain matters that must be considered at every meeting of the Cabinet. Additionally, the Leader, members of the Cabinet and certain Chief Officers may require that an item of business is added to the meeting agenda.

Meetings of the Cabinet are carried out in accordance with the rules of procedure and debate set down in the constitution.

 The rules of procedure and debate of the Cabinet are set out in sections **5.8 to 5.10** of the constitution.

 Section **5.11** of the constitution governs how meetings of the Cabinet are conducted.

### **How does the Cabinet make decisions?**

The Cabinet is obliged to consult with the local member(s) if the issue being considered is of a local nature.

The Cabinet must keep a record of every decision it makes, including every decision made by an individual member of the Cabinet and the Cabinet's committees.



Section 15.15 of the constitution sets down the requirements for the Cabinet's record of decisions.



You can read the minutes of meetings of the Cabinet on the Council's website [Dates of Cabinet Meetings \(Minutes are to be found with the agenda for the meeting\)](#) ~~<insert hyperlink>~~.

## **Why does the Council have committees and what do they do?**

The law requires the Council to establish committees for the purpose of carrying out certain legal functions of the Council.

The Council may also decide to establish other committees and working groups for the purpose of assisting the Council to conduct its business efficiently and effectively.

### **What do the Council's regulatory committees do?**

#### **Governance and Audit Committee**

The Governance and Audit Committee advises the Full Council, the Cabinet and their respective committees and members on matters relating to good governance, financial oversight, risk management and complaints.

The Governance and Audit Committee monitors the effectiveness of the Council's rules and procedures for ensuring that the Council acts lawfully, responsibly and that it is accountable to the public (referred to in the constitution as the Council's governance systems and internal controls). The committee is also responsible for ensuring that the Council's decisions and finances are audited in accordance with agreed procedures.

The Governance and Audit Committee comprises a mixture of Councillors and lay members (who are not members of the Council). Councillors are appointed to the Committee in accordance with the political balance rules (which ensure that the political make-up of the committee reflects the political make-up of the Council).



Section 9.2 of the constitution explains the Council's arrangements for the Governance and Audit Committee.



The scheme of delegation in section 14 of the constitution explains the functions of the Governance and Audit Committee.

#### **Democratic Services Committee**

The Democratic Services Committee is responsible for appointing the Head of Democratic Services, keeping under review the provision of resources to the Head of Democratic Services and supporting non-executive members of the Council.

The Democratic Services Committee is made up of Councillors, though there are limits to the number of Cabinet members who can sit on the Democratic Services Committee. Councillors are appointed to the Committee in accordance with the political balance rules (which ensure that the political make-up of the committee reflects the political make-up of the Council).



Section 9.3 of the constitution explains the Council's arrangements for the Democratic Services Committee.



The scheme of delegation in section 14 of the constitution explains the functions of the Democratic Services Committee.

#### **Licensing Committees**

The Council is responsible for deciding whether to grant licences for a wide range of different businesses, services and activities in its area. The Council's licensing functions are delegated to the Council's Licensing Act 2003 Committee and the Planning Taxi Licensing and Rights of Way Committee.

The Council will appoint individual Councillors to the Licensing Act 2003 Committee and the Planning, Taxi Licensing and Rights of Way Committee and agree terms of reference for, and the delegation of powers to, ~~the Licensing those~~ Committees to enable ~~it~~ them to discharge those functions.



You can read more about the Council's Licensing Act 2003 Committee and the Planning, Taxi Licensing and Rights of Way Committee ~~Licensing Committee~~ in section **9.4** of the constitution.



You can also read more about the Council's licensing functions on the Council's website Licences and Permits - Powys County Council ~~<insert hyperlink>~~.

#### Planning Committee

The Council is responsible for operating the planning system in its area. This involves preparing local development plans and local planning policies (which govern development in the Council's area) and managing development (by granting or refusing permission for new development).

The Council will appoint individual Councillors to the Planning, Taxi Licensing and Rights of Way Committee ~~Planning Committee~~ and agree terms of reference for, and the delegation of powers to, the ~~Planning~~ Committee to enable it to discharge those functions.



You can read more about the Council's Planning, Taxi Licensing and Rights of Way Committee ~~Planning Committee~~ in section **9.4** of the constitution.



You can also read more about the Council's planning functions on the Council's website Planning and Building Control - Powys County Council ~~<insert hyperlink>~~.

## **What do the Council's scrutiny committees do?**

### ~~Overview and Scrutiny Committees~~

The ~~Overview and~~ Scrutiny Committees ~~is~~are responsible for holding the Cabinet and other bodies of the Council to account.

The ~~Overview and~~ Scrutiny Committees can: -

- review and scrutinise decisions made by the Cabinet and other parts of the Council;
- make reports and recommendations to the Cabinet Council or to the ~~[Cabinet]~~ ~~[Executive Council]~~; and
- make proposals regarding changes to the Council's policies and procedures.



The functions of the ~~Overview and~~ Scrutiny Committees are set out in sections **7.2, 7.4, 7.10 and 7.19** of the constitution.

~~Members of the Overview and Scrutiny Committee must be told about meetings of other Council bodies. They have special rights to see Council documents.~~

The ~~Overview and~~ Scrutiny Committees may ~~also~~ require any member of the Cabinet or any senior paid officer of the Council to attend a meeting of the committee to explain a decision that they have taken or their performance.



The ~~Overview and~~ Scrutiny Committee's rights and powers are described in sections **7.22 to 7.25** of the constitution.



The rules around membership of the ~~Overview and~~ Scrutiny Committees, the conduct of committee meetings and the carrying out of the functions of the committee are set out in section **7** of the constitution.

### Standards Committee

The Standards Committee is responsible for promoting high standards of conduct by Councillors, including by advising and training Councillors on the councillor code of conduct and advising the Council on changes to that code.



The functions of the Standards Committee are set out in sections **8.6 to 8.8** of the constitution.

The Standards Committee is also responsible for ~~investigating~~ considering alleged breaches of the councillor code of conduct when asked to do so by the Public Services Ombudsman for Wales, and for censuring members who are found to have failed to comply with that code.



The procedure for dealing with allegations made against Councillors is set out in **Appendix 3 to Section 19** of the constitution.

The Standards Committee comprises a mixture of Councillors and independent members (who cannot be members or paid officers of the Council or related to members or paid officers of the Council).



Councillors are appointed to the Committee in accordance with the political balance rules (which ensure that the political make-up of the committee reflects the political make-up of the Council).



You can read more about the Standards Committee in [section 8](#) of the constitution.

## What are joint committees?

The Council may carry out some of its functions jointly with one or more other local authorities in Wales, and with other public bodies. The Council may decide to do this where, for example, the Council considers that it could better promote the economic, social or environmental wellbeing of people living in its area by coordinating its activities with other local authorities, bodies or people.

The Council can establish a joint committee with other local authorities, bodies or people and delegate decisions and functions to that joint committee. By allowing decisions to be taken by a joint committee, the Council can ensure that decisions can be coordinated between all authorities and bodies represented on the committee.

The Cabinet may also establish joint arrangements with one or more local authorities in Wales for the purpose of jointly exercising executive functions together with those authorities.



Section 10.3 of the constitution governs the circumstances in which the Council or Cabinet may enter into joint arrangements with other authorities and bodies.

The Council and the Cabinet may also delegate or contract out particular functions to another local authority or to another body or organisation.



Sections 10.5 to 10.6 of the constitution explain the Council's delegations and contracting out arrangements.

## The ~~{DN: insert name}~~ Mid Wales Corporate Joint Committee

The ~~{DN: insert name}~~ Mid Wales Corporate Joint Committee is a type of joint committee.

However, unlike other joint committees (which are created by Councils deciding to work together), the ~~{DN: insert name}~~ Mid Wales Corporate Joint Committee was created by the Welsh Ministers.

The ~~{DN: insert name}~~ Mid Wales Corporate Joint Committee is responsible for the following functions: -

- ~~{transport;}~~
- ~~{strategic planning;}~~
- ~~{economic development;}~~
- ~~{improving education; and}~~
- ~~{DN: insert other functions as appropriate.}~~

The Council must work together with other members of the ~~{DN: insert name}~~ Mid Wales Corporate Joint Committee when it performs these functions.

Corporate joint committees are established through regulations made by the Welsh Ministers. Consequently, many of the rules and standards that apply to corporate joint committees are set down in regulations, rather than in the constitution.



You can read more about the ~~{DN: insert name}~~ Mid Wales Corporate Joint Committee arrangements in section **11** of the constitution.



You can read the regulations that govern the ~~{DN: insert name}~~ Mid Wales Corporate Joint Committee online [The Mid Wales Corporate Joint Committee Regulations 2021 \(legislation.gov.uk\)](#) ~~<insert hyperlink to legislation.gov.uk>~~



You can read more about statutory joint committees generally in guidance published by the Welsh Government ~~<insert hyperlink>~~.

**Commented [VS1]:** Draft statutory guidance has been published and is currently subject to consultation.

## Part 3 Roles and responsibilities

### What roles do Councillors perform?

In section 24 of the constitution you can find information about the roles that Councillors may perform on the Council.

These include: -

- Leader and Deputy Leader;
- Chair and ~~{Deputy Mayor}~~ ~~{Vice Chair and Assistant Vice-Chair }~~ ~~{Deputy Presiding Member}~~;
- ~~{Civic Chair and Civic Vice Chair}~~;
- Member of the ~~{Cabinet}~~ ~~{Executive}~~;
- ~~{Assistant to the Executive}~~;
- Elected Member (Councillor);
- Chair and / or member of the Democratic Services Committee;
- Chair and / or member of the Governance and Audit Committee;
- Chair and / or member of the ~~Overview and~~ Scrutiny Committees;
- Chair and / or member of the Standards Committee;
- Chair and / or member of a regulatory committee;
- **Leader of the Opposition and Deputy Leader of the Opposition; and**
- **Member Champion.**

In section 12 of the constitution you will find information about the roles played by senior paid officials of the Council, including the Chief Executive, the Monitoring Officer, the Chief Finance Officer and the Head of Democratic Services.

This part of the guide provides more information about these important roles.

**Chair, and ~~[Deputy Mayor]~~ ~~[Vice Chair and Assistant Vice-Chair]~~ ~~[Deputy Presiding Member]~~**

The Chair, ~~and ~~[Deputy Mayor]~~ ~~[Vice Chair]~~ ~~[Deputy Presiding Member]~~~~ and Assistant Vice-Chair are elected by the Full Council every year at its AGM.



The procedures that govern the election of the The Chair, Vice Chair and Assistant Vice-Chair ~~Chair and the ~~[Deputy Mayor]~~ ~~[Vice Chair]~~ ~~[Deputy Presiding Member]~~~~ and their resignation or dismissal are set out in section **4.7.3** of the constitution.

[The ~~[Mayor]~~ ~~[Chair]~~ is responsible for: -

- promoting and upholding the constitution;
- presiding over meetings of the Full Council;
- ensuring that meetings of the Full Council are quorate and conducted in accordance with the Council's procedure rules; and
- ensuring that decisions are taken in accordance with the constitution.

[The ~~[Mayor]~~ ~~[Chair]~~ is also the civil leader of the Council. They are responsible for promoting the interests and reputation of the Council and for carrying out civic, community and ceremonial activities.]

The ~~[Deputy Mayor]~~ ~~[Vice Chair]~~ performs the ~~[Mayor]~~ ~~[Chair]~~'s functions in their absence.



You can read more about the role and functions of the ~~[Mayor]~~ ~~[Chair]~~ and the ~~[Deputy Mayor]~~ ~~[Vice Chair]~~ and Assistant Vice-Chair in section **4.7.4** of the constitution.]



The role description and person specification for the ~~[Mayor]~~ ~~[Chair, Vice-Chair and Assistant Vice-Chair]~~ can be found in section **24.5** of the constitution.



~~The role description for the ~~[Deputy Mayor]~~ ~~[Vice Chair]~~ can be found in section **24.6** of the constitution.~~



~~The person specification for the ~~[Mayor]~~ ~~[Chair]~~ can be found in section **24.24** of the constitution.~~

~~[The Presiding Member is responsible for:—~~

- ~~➤ promoting and upholding the constitution;~~
- ~~➤ presiding over meetings of the Full Council;~~
- ~~➤ ensuring that meetings of the Full Council are quorate and conducted in accordance with the Council's procedure rules; and~~
- ~~➤ ensuring that decisions are taken in accordance with the constitution.~~

~~The Deputy Presiding Member performs the Presiding Member's functions in their absence.~~



~~You can read more about the role and functions of the Presiding Member and the Deputy Presiding Member in section 4.7.5 of the constitution.~~



~~The role description for the Presiding Member can be found in section 24.5 of the constitution.]~~

### ~~Civic Chair and Civic Vice Chair~~

~~The Civic Chair is the civil leader of the Council. They are responsible for promoting the interests and reputation of the Council and for encouraging public involvement in the Council's activities.~~

~~The Civic Chair undertakes civic, community and ceremonial activities on behalf of the Council and is responsible for fostering community identity and pride.~~

~~The Civic Vice Chair performs the Civic Chair's functions in their absence.~~



~~You can read more about the role and functions of the Civic Chair and the Civic Vice Chair in section 4.7.6 of the constitution.]~~

### **Leader and Deputy Leader**

The Leader is elected by the Full Council ~~every year~~ for a period determined by the Council, currently five years.

The Deputy Leader is appointed by the Leader to exercise the Leader's functions in their absence.



The arrangements governing the election of the Leader and the appointment of the Deputy Leader are set out in sections 6.1 to 6.4 of the constitution.

The Leader is responsible for appointing Councillors to the Cabinet and for allocating specific policy areas and responsibilities (portfolios) to members of the ~~{Cabinet}~~ ~~{Executive}~~ ~~[recommending the allocation of specific policy areas and responsibilities (portfolios) to members of the Cabinet for agreement by the Full Council].~~

The Leader is also ~~[responsible for preparing]~~ ~~[consulted over the preparation of]~~ a scheme describing which functions are to be carried out by which members of the Cabinet (this is referred to in the constitution as the Cabinet scheme of delegation).



See section 6.5 of the constitution for more information.

The Leader also chairs meetings of the Cabinet.

The Leader will act as the Council member of the ~~{DN: insert name}~~ Mid Wales Corporate Joint Committee and the Council's representative on the ~~{DN: insert name}~~ Powys Public Services Board.

~~The Leader may appoint other members of the Council to sit on other outside bodies.~~



See sections 6.5.6 to 6.5.8 of the constitution for more information.



The role description and person specification for the Leader and Deputy leader can be found in section 24.2 of the constitution.



~~The role description for the Deputy Leader can be found in section 24.3 of the constitution.~~





~~The person specification for the Leader can be found in section 24.22 of the constitution.~~

### **Member of the ~~{Cabinet}~~ ~~{Executive}~~**

Members of the Cabinet are responsible for: -

- ~~{taking decisions regarding issues that fall within their area of responsibility;}~~
- playing an active role in ~~{Executive}~~ ~~{Cabinet}~~ meetings and decision making;
- contributing to the development of the Council's forward work programme and to policies and procedures in their area of responsibility;
- providing political leadership to the Council's paid officers on matters they are responsible for;
- reporting to the Full Council, the Leader, the Cabinet and others on the performance of services which they are responsible for; and
- participating in the Council's scrutiny processes and procedures, including by explaining decisions they have made and the performance of functions within their area to the ~~Overview and~~ Scrutiny Committees.

 You can read more about members of the Cabinet in section 5.5 of the constitution.

 The role description and person specifications for members of the Cabinet can be found in section 24.4 of the constitution.

 ~~The person specification for members of the Cabinet can be found in section 24.23 of the constitution.~~

### Assistant to the Executive

~~Assistants to the Executive support members of the Cabinet by taking on certain tasks and responsibilities on their behalf. They may attend meetings, prepare reports, review papers and draft comments for the member they support.~~


~~Assistants to the Executive are not members of the Cabinet and cannot vote at Cabinet Meetings or Cabinet Committee Meetings. However, they are entitled to attend and to speak at meetings of the Cabinet and its committees.~~

 ~~You can read more about Assistants to the Executive in section 5.7 of the constitution.~~


### What roles do paid officers of the Council perform?

The elected members of the Council are supported by paid officers of the Council, who are accountable to the Council and responsible for delivering services to the public in accordance with the policies and procedures agreed by the Full Council, the Cabinet and their committees and bodies.


The **Chief Executive** has overall corporate and operational responsibility for the work of the Council and for all paid officers of the Council.

 The Chief Executive's role and responsibilities are described in sections 12.1.2 and 12.2 of the constitution.

The **Monitoring Officer** is responsible for ensuring lawfulness and fairness in the Council's decision making, maintaining and upholding the constitution, receiving reports of alleged breaches of the Council's duties and obligations and conducting investigations into such allegations.


 The Monitoring Officer's role and responsibilities are described in section 12.3 of the constitution.

The **Head of Democratic Services** is responsible for advising the Council, its committees and individual Councillors, on the proper discharge of the Council's democratic functions and responsibilities.

 The Head of Democratic Services' role and responsibilities are described in section 12.5 of the constitution.




The **Chief Finance Officer** is responsible for ensuring that the Council makes lawful and financially prudent decisions. They are also responsible for the administration of the Council's financial affairs and providing advice to Councillors on the Council's budgetary and other financial procedures.


 The Chief Finance Officer's role and responsibilities are described in sections 12.4 and 17.2.3 of the constitution.

The Council also employs a number of other Chief Officers, including: -

- Lead Director for Children and Young People's Services
- Director of Social Services
- ~~[Director of Corporate Services]~~ Executive Director – People and Organisational Development
- ~~[Director of Human Resources]~~ Executive Director – Economy and Environment
- ~~[Director of Environmental Services]~~

Chief Officers and Deputy Chief Officers are each accountable to the Council for the financial management and administration of those services and activities allocated to them in accordance with the Council's policies.

 The roles and responsibilities of Chief Officers and Deputy Chief Officers are described in section 11 ~~17.2.4~~ of the constitution.

 The processes by which officers are recruited, appointed, disciplined and dismissed are set out in section 12.9 of the constitution.

## How should Councillors and Officers behave?

### **Councillors should comply with the Members' Code of Conduct**

Councillors are expected to uphold the highest standards of personal and professional conduct. Those standards are described in the Code of Conduct for Members.

The Code of Conduct for Members is intended to help and guide Councillors in maintaining appropriate standards of conduct when serving their community. In turn, it provides reassurance to the public and helps build their trust in, and respect for, their local representatives.

The Code of Conduct for Members is based upon the 7 Principles of Public Life, which were first set out in the 1995 Nolan Report on Standards in Public Life. Three additional principles were added in the local government principles in Wales.

The Code of Conduct for Members is consistent with, and provides for the practical application of, these principles.

#### ➤ **Selflessness**

Members must act solely in the public interest. They must never use their position as members to improperly confer an advantage on themselves or to improperly confer an advantage or disadvantage on others.

#### ➤ **Honesty**

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**

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**

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**

In discharging their duties and responsibilities members must ensure that their authority's resources are used both lawfully and prudently.

#### ➤ **Objectivity in decision-making**

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**

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, sex, sexual orientation, marital status, age or religion, and show respect and consideration for others.

➤ **Openness**

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.

➤ **Accountability**

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**

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.



You can read the Code of Conduct for Members in full in section 19 of the constitution.

Councillors are expected to ensure that they understand their obligations under the Code and act in a way which shows that they are committed to meeting the high standards of conduct that are expected of them. Councillors are provided with training when they are first appointed, and on a regular basis, to support them to comply with the Code of Conduct for Members.

**Special requirements for Councillors who are members of the Council's planning committee**

Planning affects people's private and financial interests in land and property and the environment in which communities live, work and play.

The Council's ~~planning committee~~ [Planning, Taxi Licensing and Rights of Way Committee](#) is responsible for balancing the needs and interests of individuals and the community to make decisions that are open, fair and transparent and decided using sound judgment and for justifiable reasons.


For these reasons, members of the [Planning, Taxi Licensing and Rights of Way Committee](#) ~~Council's planning committee~~ are expected to abide by an additional ~~Code of Conduct for Members and Officers Dealing with Planning Matters~~ [Planning Protocol](#).

The ~~Code of Conduct for Members and Officers Dealing with Planning Matters~~ [Planning Protocol](#) explains, amongst other things: -

- the role of officers in providing impartial and professional advice to members of the committee;
- the factors that should be taken into account when deciding an application for planning permission and the factors that should not be taken into account;
- the legal duties which members of the committee must have regard to, such as the duty to have regard to the need to ensure that development contributes to

the economic, social, environmental and cultural well-being of Wales and the duty to have regard to the impact of development on the extent to which the Welsh language is used in the Council's area

- the action members should take if they have a personal interest in a matter being determined by the committee (e.g. where an application relates to a property which they own); and
- how applications for development proposed by, or to be carried out by, the Council should be decided.


 You can read the ~~Code of Conduct for Members and Officers Dealing with Planning Matters in full in section 20 of the constitution~~ [Planning Protocol](#) [on the Council's website:](#)

[Planning Protocol & Guide for Planning Committee speakers](#) [LINK](#).


### **Officers should comply with the Officers' Code of Conduct**

Paid officers of the Council are responsible for serving the council by providing advice to Councillors, implementing the Council's policies, and delivering services to the local community. In performing their duties, they must act with integrity, honesty, impartiality and objectivity.

The public is entitled to expect the highest standards of conduct from all those who work for the Council. The Code of Conduct for Officers outlines the rules and conditions of service which apply to the Council's employees. It is designed to provide clear guidance to assist them in their day to day work and to allow the public to understand what they can expect when they interact with a Council employee.

 You can read the Code of Conduct for Officers in full in section **21** of the constitution.

Officers who support the Council's planning committee are also expected to abide by the Code of Conduct for Members and Officers Dealing with Planning Matters.

 You can read the Code of Conduct for Members and Officers Dealing with Planning Matters in full in section **20** of the constitution.

### **How should Councillors and Officers work together?**

Councillors and Officers have different roles, responsibilities and accountabilities, but it is imperative that they work effectively together to perform the Council's functions and to deliver services to residents living in the Council's area.

The Protocol on Member and Officer Relations is designed to clarify the respective roles and responsibilities of Councillors and Officers and to guide them in their dealings with one another. It explains what Councillors and Officers can reasonably expect from one another and how they should work together to achieve their common purpose.

Councillors are entitled to express political views and to support the policies of the party or group to which they belong. Conversely, officers are expected to carry out the

Council's business in a politically impartial way and many are restricted from engaging in political activity. The protocol therefore explains how officers can support the policy deliberations by political groupings, while remaining politically neutral.

You can read the Protocol on Member and Officer Relations in full in section 22 of the constitution.



[Council Constitution \(Please refer to Section 21 - Protocol on Member / Officer Relations in the latest version on the website\)](#)

[LINK](#)

### **How can I complain about a Councillor?**

Section 3.2.2.(g) of the constitution explains how you can submit comments or complaints about the Council's services.

If you wish to complain about a Councillor, then you should contact either the Council's Monitoring Officer or the Public Services Ombudsman for Wales.



~~The Council's complaints process provides more information about how to complain. It is available on the Council's website <insert hyperlink>.~~



You can get in touch by contacting the Monitoring Officer by telephone on 01597-826746 or by email on [clive.pinney@powys.gov.uk](mailto:clive.pinney@powys.gov.uk) or by post to Clive Pinney, Monitoring Officer, Legal and Democratic Services, County Hall, Llandrindod Wells, Powys LD1 5LG~~You can find the Monitoring Officer's contact details on the Council's website <insert hyperlink>.~~



You can find out more about how to complain to the Public Services Ombudsman for Wales on their website  
<<https://www.ombudsman.wales/how-to-complain/>>

### **How can I complain about an officer?**

If you wish to complain about a paid officer of the Council, you should write to the officer concerned or their line manager.

If you are concerned about a wrongdoing such as danger to the public, professional misconduct, illegal practices or financial malpractice you may report your concerns to the Monitoring Officer, the Council's Head of Financial Services, the Leader or Deputy Leader of the Council or the Council's auditors.

Council Constitution (Please refer to Section 22 -Confidential Reporting Code, in the latest version on the website)


[LINK to Section 22](#)


## Part 4 Policies and procedures

### The Council's key plans and strategies (the policy framework)


#### Where can I find the Council's key plans and strategies?

The Full Council is responsible for setting the Council's key plans and strategies, which together form the Council's policy framework.

 The plans and strategies which form the Council's policy framework are listed in section 4.2 of the constitution.

 Individual plans and strategies are published on the Council's website. [DN: you may need to provide additional signposts depending upon how the Council's website is structured and organised]

Additionally, the Council's ~~single integrated plan~~ [Corporate Improvement Plan](#) brings together the Council's plans and strategies for: communities; children and young people; health social care and wellbeing; and community safety.

 You can read more about the [Corporate Improvement Plan](#) ~~single integrated plan~~ in section 4.3 of the constitution.

 The Council's [Corporate Improvement Plan](#) ~~single integrated plan~~ is published on the Council's website [Vision 2025: Our Corporate Improvement Plan](#) ~~<insert hyperlink>~~.


#### How is the Council's policy framework decided?

The Cabinet is responsible for consulting with relevant stakeholders ([where appropriate](#)), considering any reports or recommendations made by the Council's scrutiny committees and working with the Council's Chief Officers to develop a draft policy framework.

Once the Cabinet has developed a draft policy framework, it will be considered by a meeting of the Full Council. The Full Council may decide to adopt the policy framework, make changes to it, refer it back to the Cabinet so that further work can be done on it, or substitute its own policy framework for the draft prepared by the Cabinet.

If the Full Council decides to adopt the policy framework then it shall take effect immediately. If the Full Council amends the policy framework then the Leader has an opportunity to object to the amendments and to reconvene the Full Council to reconsider the policy framework.

Once adopted, the Cabinet, their committees, individual Councillors and the Council's paid officers are bound to act in accordance with the policy framework.

 The process by which the Full Council adopts a policy framework is described in section 16.2 of the constitution.

## **Budget setting and financial management**

### **How does the Council set its budget?**

The Full Council is responsible for agreeing the Council's budget, and for agreeing changes to the Council's budget once it has been formally adopted.


The Council's budget is in two parts: -

- the revenue budget provides for day to day operating costs and expenditure like staff salaries, rent, and the ongoing costs of providing services.
- the capital budget provides for one-off costs like a major road improvement scheme, or the purchase or construction of a new car park.

The Cabinet, in consultation with the Chief Finance Officer, is responsible for developing initial proposals for the Council's budget and consulting over these.

Once this consultation has been completed, the Cabinet is responsible for preparing a final budget proposal for consideration by the Full Council.

The Full Council may adopt the budget without making any changes, amend the budget, or ask the ~~{Cabinet}~~ ~~{Executive}~~ to reconsider it before adopting it.

-  The process by which the Full Council adopts its budget is described in sections **16.3.1** and **17.3** of the constitution.




## **Decisions outside the budget or policy framework**

### **Can decisions be taken that do not comply with the budget or policy framework?**

The Full Council may decide to make changes to the policy framework.


Other bodies and individuals may only take decisions that do not comply with the policy framework in a limited number of exceptional circumstances, which are set out in the constitution. For example, where an urgent decision must be taken to safeguard the Council's interests and it is not possible to arrange a meeting of the Full Council in time.

However, the Council's overview and scrutiny committee may decide to refer such decisions to the Full Council for further consideration (this is referred to in the constitution as calling-in the decision).

-  The Council's arrangements for urgent decisions which do not comply with the policy framework are set out in section **16.5** of the constitution.
-  Section **16.7** of the constitution describes the limited circumstances in which bodies or individuals other than the Full Council may make changes to the policy framework.
-  The ~~overview and~~ scrutiny committee's powers are described in section **16.8** of the constitution.


**Can money be moved from one budget head to another once the budget has been adopted?**

During the year the Cabinet and Chief Officers may need to transfer budgets from one service area to another to reflect changed service needs or priorities in order to deliver the Council's policy framework within the financial limits set by the Council.

-  The mechanism by which the Cabinet and Chief Officers may move money between budget heads is set out in section 17.3.4 of the constitution.

**What other policies and procedures govern how the Council manages its budget?**

The Council is bound by a number of different financial rules and procedures that govern how the Council's spending is planned, committed, reviewed and audited.


-  The Council's detailed financial procedure rules are set out in section 17 of the constitution.

**Are there any restrictions on how the Council buys in goods and services?**

The Council can enter into contracts to purchase goods and services in much the same way as any other person or organisation. However, the Council must comply with the contract procedure rules in the constitution when it does so.

The purpose of the contract procedure rules are to ensure that the Council complies with relevant legal requirements, and secures the most economically advantageous (best value) goods and services for taxpayers.

If you regularly sell goods or services to the Council then you may wish to familiarise with these rules and procedures.

-  The Council's contract procedure rules are set out in section 18 of the constitution.

**How does the Council enter into contracts and agreements?**



The rules and procedures that govern how agreements, contracts and deeds are authorised and executed on behalf of the Council are set out in section 13 of the constitution.



## Part 5 How can I get involved?

### How can I find out when meetings of the Council and its committees and bodies are taking place?



The Council publishes notices of meetings of the Full Council and its committees.

-  You can find out more about notice requirements in sections 3.11, 4.14 and 15.4 of the constitution.
-  The Council publishes notices of meetings, and a programme of upcoming meetings, on its website [Calendar of Meetings](#) ~~<insert hyperlink>~~.

### How can I find out what will be discussed at a particular meeting?



The Council will publish agendas for meetings, together with any background papers and reports in advance of the meeting taking place.

~~Hard copies of agendas and background papers and reports will also be available at the meeting for those members of the public who wish to attend in person.~~

-  You can find out more the information that is made publicly available in advance of a Council meeting in sections 15.5 and 15.8 of the constitution.
-  The Council publishes meetings agendas and supporting documents and reports on its website [Committees \(Please select a committee and Browse meetings to find agendas, documents, minutes and recordings \[where applicable\]\)](#) ~~<insert hyperlink>~~.

### How can I find out when an issue I am concerned about will be decided?

The Council publishes a forward work programme, which sets out what decisions will be taken by ~~the Full Council~~, the Cabinet and what issues the ~~Overview and Scrutiny Committees~~ will be considering, and when these matters will be discussed.

-  ~~You can find out more about the Council's forward work programme in sections 3.1.1 and 15.13 of the constitution.~~
-  The ~~Council~~ [Cabinet](#) publishes its forward work programme on its website [Cabinet meetings \(The work programme is published as part of the agenda\)](#) ~~<insert hyperlink>~~.

### Can I ask a committee or body of the Council to look into a particular issue?


Yes. You can either ~~ask the chair of a particular body to add an item to the agenda for a future meeting, or attend a meeting and ask that body to look at an issue when it is considering items of future business.~~


(1) ask a question at Full Council, or [LINK](#) Public Participation Scheme

(2) Propose topics for discussion at scrutiny [LINK](#) [Link to Suggesting a Topic](#)

You can also submit petitions to the Council, using the Council's petition scheme. The Council is obliged by law to operate a petition scheme, which sets out: -

- how a petition can be submitted to the Council;
- how and when the Council will acknowledge receipt of a petition;
- the steps the Council will take in response to a petition; and
- how any by when the Council will make available its response to a petition to the person who submitted the petition and to the public.

 You can read more about submitting a petition to the Council in section [3.2.2.\(c\)](#) of the constitution.

 The Council publishes details of its petition scheme on its website [<insert hyperlink>](#).

### Can I attend meetings of the Full Council?


Yes, members of the public can come to meetings of the Full Council so long as they are being held in public.


Meetings of the Full Council are also broadcast live on the Council's website so you can watch them in real time remotely if you wish to do so.


The public must be excluded from meetings when confidential information would otherwise be disclosed. Confidential information means information given to the Council by a Government Department on terms which forbid its public disclosure or information which cannot be publicly disclosed by Court Order.

The Council may also exclude the public from a meeting, or part of a meeting, where exempt information would be disclosed. Exempt information includes information that relates to a particular individual or their financial or business affairs, information that is legally privileged or information relating to the prevention, investigation or prosecution of a crime, or other information specified in the constitution.

If you interrupt a meeting of the Council, then you are likely to be warned by the [\[Chair\]](#) [\[Mayor\]](#) [\[Presiding Member\]](#) about causing a disturbance. If you continue to disturb the meeting, then you may be removed.

 The rules around excluding the public from meetings are set out in sections [15.10](#) of the constitution.

 The Council's obligations to broadcast meetings of the Council are set out in section [4.32](#) of the constitution.

 The rules around disturbance by members of the public are set out in section [4.30](#) of the constitution.

## Can I attend other meetings?

Yes, members of the public can come to any meeting which the Council has resolved should be held in public.



Your right to attend meetings of the Council's Cabinet, the council's committees and other bodies are described in section 15.3 of the constitution.

## Can I speak at a meeting?

Members of the public can speak at any meeting which the Council has resolved should include participation by members of the public.

## Can I ask a question at a meeting Full Council?

You can ask formal questions of:

- A Cabinet Member
- A Chair of a Committee [excluding the Planning, Taxi Licensing and Rights of Way Committee and the Licensing Act 2003 Committee] members of the Cabinet

at meetings of the Full Council. Public Participation Scheme

~~However, you may only ask a question if you have given the Head of Democratic Services notice in writing (including by email) that you wish to raise a question in advance of the meeting taking place.~~

You will be provided with a written response to your question which will be recorded on the Council agenda and you may ~~only~~ ask one supplementary question arising out of the response; ~~but if~~ you cannot attend the meeting then you may submit your supplementary question in writing which will be ~~you may nominate someone to attend the meeting and asked the question~~ on your behalf.

Time for questions is limited, and questions are permitted in the order in which they were notified to the ~~Head of Democratic Services~~ Solicitor to the Council. If time for questions runs out before you are able to ask your question, then you will be provided with a written answer to your question instead.

Representations can also be made in specific circumstances, such as objectors to planning applications at planning committee (see section 20.12 of the constitution).



You can read more about asking a question in section 4.18 of the constitution.

Contact information for the Public Participation Scheme:

Email: [publicquestions@powys.gov.uk](mailto:publicquestions@powys.gov.uk)






Post: Public Participation Scheme, Solicitor to the Council, Legal and Democratic Services; County Hall, Spa Road East, Llandrindod Wells, Powys LD1 5LG ~~Head of Democratic Services are published on the Council's website~~ ~~<insert hyperlink>~~.

## How can I find out what the Council decided?


The Council publishes the agenda, reports and the minutes of meetings once they have been agreed. These papers are available for inspection by the public for a minimum of six years from the date of the meeting. The background papers are available to the public for at least four years.

The Council also has arrangements in place for publishing written records of decisions taken by the Cabinet and the Council's committees and other bodies.

-  You can read about the Council's arrangements for publishing minutes of meetings in section 15.7 of the constitution.
-  You can read about the Council's arrangements for publishing a written record of decisions taken by the Cabinet, the Council's committees and individual members of the Cabinet in section 15.15 of the constitution.
-  You can read meeting minutes, reports and agendas on the Council's website [Committees](#) ~~insert hyperlink~~.

## Can I view the Council's accounts to understand how my council tax is spent?

Yes. The Council is required to publish its accounts and to make them available for inspection by the public. You may raise questions of concerns about the Council's accounts with the Council or with the Council's external auditor.

-  You can find out more about how to view and comment on the Council's accounts in sections 3.1.1 and 15.13 of the constitution.

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**CYNGOR SIR POWYS COUNTY COUNCIL****COUNTY COUNCIL****3 March 2022****REPORT BY: Head of Legal and Democratic Services (Monitoring Officer)****SUBJECT: Appointment of Independent (Lay) Members on the Governance and Audit Committee**

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**REPORT FOR: Decision**

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- 1 The remit of the Council's Governance and Audit Committee is to have high-level oversight of the Council's framework for governance, finance, treasury management, risk management, internal control, performance assessments and complaints procedures.
2. From May 2022, in accordance with the Local Government and Elections (Wales) Act 2021, the Governance and Audit Committee will be made up of nine members, comprising six Councillors together with three Independent Members who are appointed from outside the Council. The Committee will be led by one of the Independent Member who will Chair the Committee
3. Following advertisements on the Council's and the WLGA websites, local press and social media, two applications were received. Both candidates were shortlisted at a meeting of the Panel on 15 December 2021 when it was agreed that a further advertisement be placed. The second advertisement, again on both websites, local press and social media, attracted a further six applications. Applications were received from eight eligible candidates. The applications were considered at a shortlisting meeting on 24 January 2022 and five applicants were invited to interview on 28 January 2022.
4. The Shortlisting and Appointment Panel ("the Panel") comprised the following:

County Councillor B Baynham  
County Councillor A W Davies  
County Councillor D Meredith  
County Councillor J G Morris  
Clive Pinney, Monitoring Officer  
Jane Thomas, Head of Finance and S151 Officer

5. The Panel recommends that Mr Richard Curtis, Mr Gareth Hall and Mrs Lynne Hamilton be appointed as Independent (Lay) Members for a period of 5 years from 5 May 2022.

<b>Recommendation:</b>	<b>Reason for Recommendation:</b>
<b>1. To note the contents of this report and to approve the Panel's recommendations and appoint Mr Richard Curtis, Mr Gareth Hall, Mrs Lynne Hamilton be appointed as Independent (Lay) Members for a period of 5 years from 5 May 2022.</b>	<b>To comply with the requirements of Local Government and Elections (Wales) Act 2021.</b>

<b>Relevant Local Member(s):</b>	<b>N/A</b>		
<b>Person(s) To Implement Decision:</b>	<b>Solicitor to the Council (Monitoring Officer)</b>		
<b>Date By When Decision To Be Implemented:</b>	<b>Immediately following the Council meeting.</b>		
<b>Contact Officer Name:</b>	<b>Tel:</b>	<b>Fax:</b>	<b>Email:</b>
Clive Pinney – Head of Legal and Democratic Services	01597 826746		clive.pinney@powys.gov.uk

**Background Papers used to prepare Report:**