

Democratic Services Committee

Meeting Venue
By Teams

Meeting date
Monday, 21 February 2022

Meeting time
2.30 pm

For further information please contact
Carol Johnson
01597 826206
carol.johnson@powys.gov.uk



County Hall
Llandrindod Wells
Powys
LD1 5LG

15 February 2022

Mae croeso i chi siarad yn Gymraeg neu yn Saesneg yn y cyfarfod.
Rhowch wybod pa iaith rydych am ei defnyddio erbyn hanner dydd, ddau ddiwrnod
gwaith cyn y cyfarfod.
You are welcome to speak Welsh or English in the meeting.
Please inform us of which language you wish to use by noon, two working days
before the meeting.

AGENDA

1.	APOLOGIES FOR ABSENCE
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To receive apologies for absence.

2.	MINUTES OF PREVIOUS MEETINGS
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To authorise the Chair to sign the minutes of the meetings held on 4 November 2021
and 3 December 2021 as correct records.

(Pages 3 - 10)

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

4.	CONSTITUTION
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To consider the report.

(Pages 11 - 216)

5.	PETITION SCHEME
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To consider the report.
(Pages 217 - 230)

**MINUTES OF A MEETING OF THE DEMOCRATIC SERVICES COMMITTEE HELD
AT BY TEAMS ON THURSDAY, 4 NOVEMBER 2021**

PRESENT

County Councillor E Vaughan (Chair)

County Councillors J Charlton, G Breeze, L V Corfield, D O Evans, S M Hayes,
D Jones-Poston, D Rowlands, K S Silk, R Williams and S L Williams

1.	APOLOGIES FOR ABSENCE
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Apologies for absence were received from County Councillors M Barnes and County Councillors S C Davies and T J Van-Rees who were on other council business.

2.	MINUTES OF PREVIOUS MEETING(S)
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The Chair was authorised to sign the minutes of the meeting held on 14 September 2021 as a correct record.

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

4.	AUDIT WALES FOLLOW UP REVIEW OF SCRUTINY ARRANGEMENTS 2021
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The Committee considered the Audit Wales Review of Scrutiny in 2021 and the action plan to address the review findings. The Head of Legal and Democratic Services advised that some aspects of the action plan had already been completed or others were underway. He advised that Audit Wales would present its report to the Governance and Audit Committee the next day. The Democratic Services Committee was being asked to consider and approve the action plan.

The Head of Legal and Democratic Services responded to the following:

- The formal response to Cabinet of the scrutiny views was noted but it questioned whether the Cabinet should formally advise scrutiny if it accepted its views and if not the reasons for this, so assisting scrutiny in evaluating its contribution – a verbal response is usually made in Cabinet, but a formal response should be recorded and formally reported back to scrutiny within two months.
- Whether a minority report or individual member views could be made to Cabinet – discussion at a scrutiny committee would lead to its final collective report. However, it would not preclude a member with strong views from submitting these to the Portfolio Holder or Leader.
- Members need more support and the proposed actions from the 2018 report had not progressed – progress was disappointing and some progress had been slowed due to the pandemic. It had been acknowledged that progress had not been as required but this new action plan would be put in place with changes made and embedded prior to the next Council term.
- The role and legality of the Finance Panel had not been considered and was not considered at the County Council meeting on 23 September – the

role was considered by Council at its meeting in September. The issue regarding legality was in respect of the Portfolio Holder for Finance previously being included in the membership of the Panel. The Portfolio Holder was now not included in the membership. In response to the concerns raised the Head of Legal and Democratic Services advised he would consider the points raised.

- Members are not getting the support they need to enable them to do their work, are not being involved in developing the work plan and member support is in decline – the Chief Executive and Head of Legal and Democratic Services would ensure that the action plan was followed through and the impact will be monitored.
- The Standing Orders only allows for start and finish working groups, whereas previously a working group for adult and one for children had been established and which worked well – this would be reviewed.

Comment was also made that the Audit Wales report was overcritical and changes and improvements had been made over the last five years and the impact of the pandemic had not been fully considered. There still seemed scope for improvement in understanding how scrutiny can contribute to better decisions as a council and investing in the training of scrutiny committee chairs and vice chairs was important.

It was moved and duly seconded to approve the action plan.

Resolved

that the draft action plan be approved for submission to Audit Wales as the Council's response to the review.

County Councillor E Vaughan (Chair)

MINUTES OF A MEETING OF THE DEMOCRATIC SERVICES COMMITTEE HELD AT BY TEAMS ON FRIDAY, 3 DECEMBER 2021

PRESENT

County Councillor J Charlton (Chair)

County Councillors G Breeze, L V Corfield, S C Davies, D O Evans, S M Hayes,
D Rowlands, K S Silk, R Williams and S L Williams

1.	APOLOGIES FOR ABSENCE
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Apologies for absence were received from County Councillors E Vaughan, M Barnes, D Jones-Poston and T J Van-Rees. Apologies were also received from the Head of Finance [Section 151 Officer].

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

3.	REVISIONS TO THE COUNCIL'S CONSTITUTION
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The Committee considered the proposed changes to the Constitution. The Head of Legal and Democratic Services advised that many of the changes were to reflect those required by the Local Government and Elections (Wales) Act 2021.

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

It was moved and duly seconded to change Section 2 – Purpose, Definition, Interpretation and Amendment to the Constitution as detailed in the report.

Recommendation to the County Council:	Reason for Recommendation:
<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>

Section 4 – Full Council

The Head of Legal and Democratic Services advised that draft guidance for members on how to develop a costed analysis of the financial and resource implications of a motion or an amendment would be considered by the Committee. The Committee considered the timescales for submission of motions and amendments and noted the two Options detailed in the report. The

Committee agreed in principle to the timescales in Option 2 and changed the wording to read as follows:

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 Chair on a Confidential basis	-18 days before the day of Council
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	

Officers agreed that the wording be emailed to the Committee for final consideration prior to the final version being included in the Council agenda.

The Committee considered that, if agreed by Council, the process of providing financial and resource implications in respect of motions and amendments should be reviewed after a period of 12 months.

The Head of Legal and Democratic Services advised that paragraph 4.49.2.2 also linked to amendments in Section 15 - Budget Procedure Rules.

It was moved and duly seconded to change Section 4 – Full Council as detailed in the report, subject to the table regarding motions and amendments being included as detailed above and that a review of the process should take place after 12 months.

Recommendation to the County Council:	Reason for Recommendation:
<p>3. That the amendments to Section 4 of the Constitution are approved as set out in the draft Section 4 attached to the report, subject to the table regarding motions and amendments being included as detailed above.</p> <p>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.</p>	<p>To review and amend the Constitution so that it aligns with the current requirements of the Council.</p>

Resolved:	Reason for Decision:
That the process of providing financial and resource implications in respect of motions and amendments be reviewed after a period of 12 months.	To ensure the review is included in the Committee's work programme.

Section 7 – Scrutiny Committees

The Head of Legal and Democratic Services in response to a question advised that the co-opted school representatives could not be from the same sector.

It was moved and duly seconded to change Section 7 – Scrutiny Committees as detailed in the report.

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

Section 8 – The Standards Committee

It was moved and duly seconded to change Section 8 – The Standards Committee as detailed in the report.

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

Section 9 – Regulatory Committees

It was moved and duly seconded to change Section 9 – Regulatory Committees as detailed in the report.

Recommendation to the County Council:	Reason for Recommendation:

<p>9. That the amendment to Section 9 of the Constitution is approved as set out in the draft Section 9 attached to the report.</p> <p>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.</p>	<p>To review and amend the Constitution so that it aligns with the current requirements of the Council.</p>
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Section 11 – Officers

It was moved and duly seconded to change Section 11 – Officers as detailed in the report.

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

Section 13 – Responsibility for Functions

It was moved and duly seconded to change Section 13 – Responsibility for Functions as detailed in the report.

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

Section 15 – Budget Procedure Rules and Section 16 – Financial Procedure Rules

These sections were taken together and the Deputy Head of Finance joined the meeting.

The Head of Legal and Democratic Services referred back to paragraph 4.49.2.2 which linked to amendments in Section 15. The Committee noted that the S151 Officer was to present a report to Full Council regarding the timetable for considering the budget process from the next financial year.

It was moved and duly seconded to change Section 15 – Budget Procedure Rules and Section 16 – Financial Procedure Rules as detailed in the report.

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

Recommendation to the County Council:	Reason for Recommendation:
<p>17. That the amendments to Section 16 of the Constitution are approved as set out in the draft Section 16 attached to the report.</p> <p>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.</p>	<p>To review and amend the Constitution so that it aligns with the current requirements of the Council.</p>

Section 18 – Code of Conduct for Members

It was moved and duly seconded to change Section 18 – Code of Conduct for Members as detailed in the report. The Head of Legal and Democratic Services advised that the Welsh Local Government Association [WLGA] would be producing guidance regarding the responsibility of political group leaders to take reasonable steps to promote and maintain high standards of conduct by members of their group.

Recommendation to the County Council:	Reason for Recommendation:
<p>19. That the amendment to Section 18 of the Constitution is approved as set out in the draft Section 18 attached to the report.</p> <p>20. That the Monitoring Officer is authorised to make such other changes to the Constitution as may be required to reflect the</p>	<p>To review and amend the Constitution so that it aligns with the current requirements of the Council.</p>

change set out in Recommendation 19 above.	
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County Councillor J Charlton (Chair)

CYNGOR SIR POWYS COUNTY COUNCIL.

Democratic Services Committee
21 February, 2022

REPORT AUTHOR: Head of Legal and Democratic Services

SUBJECT: Constitution

REPORT FOR: Decision

1. Purpose of Report

1.1 The Committee is asked to consider possible revisions to the Constitution for consideration at a Council meeting on 03 March 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.

Proposed Recommendation to the County Council:	Reason for Recommendation:
<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 Wels 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 DSC with the details of the Petition Scheme

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

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.

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

<p>authorised to make such other changes to the Constitution as may be required to reflect the change set out in Recommendation 5 above.</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 Executive 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 addition of this provision to the Constitution merely provides the ability for a future Cabinet to implement this if it so wishes. If DSC 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.

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

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

2.6 Section 7 – Scrutiny Committees.

The following amendments will only be required if DSC recommend to Council 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.

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

2.7 Section 9 – Regulatory Committees.

The following amendments will only be required if DSC recommend to Council 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.

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

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

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

<p>20 of the Constitution are approved as set out in the draft Section 20 attached to the report.</p> <p>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.</p>	<p>so that it aligns with the current requirements of the Council.</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.

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

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

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

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

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

Background Papers used to prepare Report:

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

Purpose of the Constitution

2.1 The purpose of the Constitution is to:

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

Definitions in the Constitution

2.2.1 The Constitution of the Council is this document.

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

“Annual Meeting”	In a year when there is an ordinary election of councillors, the annual meeting will take place within 21 days of the retirement of the outgoing councillors. In any other year, the annual meeting will take place in March, April or May. ¹
“Budget”	the overall revenue and capital budget approved by Full Council (Section 4);
“Chief 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. ²
“Co-Opted Member”	A person chosen by the Council to serve on one of its Member Bodies consisting of the following:

¹ Local Government Act 1972, Schedule 12

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

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

	<p>5 Independent (Lay) Members of the Standards Committee; 3 Town and Community Council representatives of the Standards Community Sub-Committee; 3 Parent Governor Representatives on the Learning and Skills Scrutiny Committee; 1 Church in Wales representative on the Learning and Skills Scrutiny Committee; 1 Roman Catholic Church representative on the Learning and Skills Scrutiny Committee; ‘Lay’ Members of the Governance and Audit Committee; 1 co-opted Member in respect of crime and disorder matters on the Economy, Residents, Communities and Governance Scrutiny Committee.</p>
“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 ³ and associated guidance. Any function that is not exercisable only by Full Council or delegated to another Member body is an Executive Function. It should be noted that regulatory functions such as planning, licensing, rights of way and building control, are not Executive Functions;</p> <p>(b) Contractual matters (within an approved budget), the acquisition and disposal of land and financial support to</p>

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

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

	organisations and individuals are also Executive Functions.
“Exempt Information”	Information which a Council is able to withhold from being disclosed to the public as it falls within one of 10 categories of information described in regulations. ⁴
“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; ⁵
“Local Representative”	has the meaning set out in Rules 19.82 to 19.89 (Planning Protocol).
“Management Team”	the senior management body for officers (Section 11). It includes those officers designated from time to time by the 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

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

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

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

	Council to serve on one of its Member Bodies;
“Member Body”	<p>any of the following:</p> <ul style="list-style-type: none"> • Governance and Audit Committee; • Cabinet; • Democratic Services Committee; • Employment and Appeals Committee; • Learning and Skills Scrutiny Committee; • Health and Care Scrutiny Committee; • Economy, Residents and Communities Scrutiny Committee; • Full Council; • Licensing Act 2003 Committee; • Pensions and Investments Committee; • Planning, Taxi Licensing and Rights of Way Committee; • Standards Committee (or its Community Sub-Committee) <p>Note - references to Committee also includes Sub-Committee;</p>
“Monitoring Officer”	an Officer who must be appointed by law to carry out certain functions. See Section 11 for a description of those functions. The Officer will usually have other duties and a different job title. See Section 11 for which Officer is the Monitoring Officer;
“Non-Executive Functions”	any function which may only be exercised by Full Council (whether by local choice or as a matter of law) or which is delegated to a Member Body other than the Cabinet; ⁶
“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"> • <u>how a petition may be submitted to the Council;</u> • <u>how and when the Council will acknowledge receipt of a petition;</u> • <u>the steps the Council will take in response to a petition received by it;</u> • <u>the circumstances (in any) in which the Council may take no further action in response to a petition; and</u> • <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>

⁶ 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"> • Learning and Skills Scrutiny Committee; • Health and Care Scrutiny Committee; • Economy, Residents and Communities Scrutiny Committee; • Public Service Board Scrutiny Committee.
“Section 151 Officer”	an Officer who must be appointed by law to carry out certain functions in relation to financial administration. See Section 11 for a description of those functions. The Officer may have other duties and a different job title. See Section 11 for which Officer is the Section 151 Officer;
“Service”	any of the services provided by the Council;
“Corporate Improvement Plan (CIP)”	The CIP is a strategic document, and sets out the council’s vision for the future of Powys, in line with the priorities of the ruling administration. The plan outlines the well-being and equality objectives the council will aim to deliver over a five year period, to achieve its vision and meet the needs of local residents and communities. These objectives are required by legislation (Well-being of Future Generations Wales Act 2015 and Equality Act 2010).

Interpretation of the Constitution

2.3.1 We have tried to make the Constitution as clear and as easy to understand as possible. Inevitably, people will have different views about what certain passages mean.

2.3.2 During meetings, the person chairing or presiding at the meeting may

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

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

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

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

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

- 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; ¹.
- 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 Council².
- 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 ³ 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

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

² Local Government Act 1972 – Regulation 228(3)

³ 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

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.⁴

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 procedure⁵;
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.

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.

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:

⁴ Section 62 of the Local Government (Wales) Measure 2011

⁵ <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.

Column A	Column 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

Introduction

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

The Policy Framework

4.2 The Policy Framework means the following plans and strategies:

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

SECTION 4 – FULL COUNCIL

• Single Integrated Plan

• **Part 2 – Local Government (Wales) Measure 2009¹**

The Single Integrated Plan (The One Powys Plan)

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

The Budget

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

Housing Land Transfer

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

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

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

Functions of the Full Council

4.6 Only the Full Council will exercise the following functions:

4.6.1 adopting and changing the Constitution;

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

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

4.6.4 appointing and removing the Leader;

4.6.5 making appointments to the committees of the Council

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

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

SECTION 4 – FULL COUNCIL

- remove to Council which is put on the agenda pursuant to Rule 4.38.1.
- 4.6.7 agreeing and/or amending the terms of reference for Committees, deciding on their composition and making appointments to them (in accordance with the Local Government and Housing Act 1989) unless the appointments have been delegated by the Council;
- 4.6.8 changing the name of the area or conferring the title of freedom of the County;
- 4.6.9 making or confirming the appointment of the Chief Executive and other Chief Officers²;
- 4.6.10 making, amending, revoking re-enacting or adopting bylaws and promoting or opposing the making of local legislation or Private Bills;
- 4.6.11 all Local Choice Functions set out in Section 13 of this Constitution which the Council decides should be undertaken by itself rather than the Cabinet; and
- 4.6.12 all matters which by law must be reserved to the Council. For example, appointing the Chair of the Democratic Services Committee and the pay policy statement;
- 4.6.13 appointing representatives to outside bodies unless the appointment has been delegated by the Council.
- 4.6.14 to determine the level, and any change in the level, of the remuneration to be paid to a Chief Officer.
- 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

² Defined in Section 2.2.2

SECTION 4 – FULL COUNCIL

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

SECTION 4 – FULL COUNCIL

Rules of Procedure and Debate

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

♣	will apply to Cabinet and Cabinet Committees
▲	will apply to committee and sub-committee meetings (with the exception of 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 Council³;
- 4.15.2 elect the Chair of the Council (subject to 4.10 above);
- 4.15.3 elect the Vice Chair of the Council (subject to 4.10 above);
- 4.15.4 elect the Assistant Vice-Chair of the Council (subject to 4.10 above);
- 4.15.5 receive declarations of interest
- 4.15.6 receive apologies for absence
- 4.15.7 decide on any amendments to the Constitution⁴ recommended by the Democratic Services Committee
- 4.15.8 receive any announcements from the Chair, Leader and/or the 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

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

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

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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 Committee⁵
- 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 **;

⁵ 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 Council⁶;
- 4.18.2 receive any declarations of interest from Councillors;
- 4.18.3 receive apologies for absence;
- 4.18.4 approve as a correct record the minutes of the last meeting;
- 4.18.5 receive any announcements from the Chair, Leader or Chief Executive
- 4.18.6 decide on any amendments to the Constitution recommended by the Democratic Services Committee⁷
- 4.18.7 where required to elect, appoint, or note the appointment, or remove Members to / from the following positions:
- 4.18.7.1 Chair, Vice-Chair, Assistant Vice-Chair of Council;
 - 4.18.7.2 Leader;
 - 4.18.7.3 Independent Member of Standards Committee;
 - 4.18.7.4 Appoint Lay Member of the 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

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

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

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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

- ♣ ▲ ■⁸4.21 The time and place of meetings will be determined by the Chief Executive in consultation with the Chair and notified in the summons. ♣ ▲ ■⁹

Duration of Meetings

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

⁹ See Rule 4.14

¹⁰ 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

- ♣ ▲ ■¹¹4.23.1 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.¹²
- 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.¹³

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
- ▲ ■¹⁴4.24.2 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

¹¹ See Rule 4.14

¹² Regulation 4 – Local Authorities (Executive Arrangements) (Decisions, Documents and Meetings) (Wales) Regulations 2001 as amended

¹³ Regulation 5 - Local Authorities (Executive Arrangements) (Decisions, Documents and Meetings) (Wales) Regulations 2001 as amended

¹⁴ 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.

- ▲ ■¹⁵4.23.3 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

- ♣ ▲ ■¹⁶4.25 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:

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

Quorum

- ♣ ▲ ■²¹ ²²4.26 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

- ♣ ▲ ■²³4.27.1 Pursuant to Section 47 of the Local Government and Elections (Wales) Act 2021, Members may attend meetings by remote means..

- 4.27.2²⁴ 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

¹⁵ See Rule 4.14

¹⁶ See Rule 4.14

¹⁷ See Rule 4.14

¹⁸ See Rule 4.14

¹⁹ See Rule 4.14

²⁰ See Rule 4.14

²¹ See Rule 4.14

²² For the quorum of the Planning, Taxi Licensing and Rights of Way Committee acting as a Planning Authority see Rule 19.92

²³ See Rule 4.14

²⁴ 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:

- ♣ ▲ ■²⁵4.42.1 to appoint a Chair of the meeting at which the motion is moved;
- ♣ ▲ ■²⁶4.42.2 in relation to the accuracy of the minutes;
- ♣ ▲ ■²⁷4.42.3 to change the order of business in the agenda;
- ♣ ▲ ■²⁸4.42.4 to refer something to an appropriate committee, body or individual for consideration or reconsideration;
- ♣ ▲ ■²⁹4.42.5 to appoint a committee or Member to perform a function or duty arising from an item on the summons for the meeting;
- ♣ ▲ ■³⁰4.42.6 to receive reports and / or adopt and / or amend recommendations of the Cabinet, committees or Officers and any resolutions following from them;
- ♣ ▲ ■³¹4.42.7 to withdraw a motion;
- ♣ ▲ ■³²4.42.8 to amend a motion;
- ♣ ▲ ■³³4.42.9 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)³⁴;
- ♣ ▲ ■³⁵4.42.11 to exclude the public and press in accordance with the Access to Information Procedure Rules;
- ♣ ▲ ■³⁶4.42.12 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.
- ♣ ▲ ■³⁷4.42.14 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

²⁵ See Rule 4.14

²⁶ See Rule 4.14

²⁷ See Rule 4.14

²⁸ See Rule 4.14

²⁹ See Rule 4.14

³⁰ See Rule 4.14

³¹ See Rule 4.14

³² See Rule 4.14

³³ See Rule 4.14

³⁴ See Rule 2.10

³⁵ See Rule 4.14

³⁶ See Rule 4.14

³⁷ 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

♣ ▲ ■³⁸4.44 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

♣ ▲ ■³⁹4.45 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

♣ ▲ ■⁴⁰4.46 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.

▲ ■⁴¹4.47.2 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

♣ ▲ ■⁴²4.48 A Member who has spoken on a motion may not speak again whilst it is the subject of debate, except:

- ▲ ■⁴³4.48.1 to speak once on an amendment moved by another Member;
- ▲ ■⁴⁴4.48.2 to move a further amendment if the motion has been amended since he last spoke;
- ▲ ■⁴⁵4.48.3 if his first speech was on an amendment moved by another Member,

³⁸ See Rule 4.14

³⁹ See Rule 4.14

⁴⁰ See Rule 4.14

⁴¹ See Rule 4.14

⁴² See Rule 4.14

⁴³ See Rule 4.14

⁴⁴ See Rule 4.14

⁴⁵ See Rule 4.14

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- to speak on the main issue (whether or not the amendment on which he spoke was carried);
- ▲ ■⁴⁶4.48.4 in exercise of a right of reply;
- ▲ ■⁴⁷4.48.5 on a point of order; and
- ▲ ■⁴⁸4.48.6 by way of personal explanation.

Amendments to Motions

- ♣ ▲ ■⁴⁹4.49.1 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:
 - ♣ ▲ ■⁵⁰4.49.1.1 to refer the matter to an appropriate committee, body or individual for consideration or reconsideration;
 - ♣ ▲ ■⁵¹4.49.1.2 to leave out words;
 - ♣ ▲ ■⁵²4.49.1.3 to leave out words and insert or add others; or
 - ♣ ▲ ■⁵³4.49.1.4 to insert or add words or additional recommendations;
 - ♣ ▲ ■⁵⁴4.49.1.5 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

⁴⁶ See Rule 4.14
⁴⁷ See Rule 4.14
⁴⁸ See Rule 4.14
⁴⁹ See Rule 4.14
⁵⁰ See Rule 4.14
⁵¹ See Rule 4.14
⁵² See Rule 4.14
⁵³ See Rule 4.14
⁵⁴ 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
- ♣ ▲ ■⁵⁵4.49.3 Any amendments received in accordance with these rules will be automatically circulated to all Members as soon as reasonably practicable.
- ♣ ▲ ■⁵⁶4.49.4 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.
- ▲ ■⁵⁷4.49.5 Each amendment will be proposed, seconded, committed to writing and handed to the Chair;
- ♣ ▲ ■⁵⁸4.49.6 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.
- ♣ ▲ ■⁵⁹4.49.7 If an amendment is not carried, other amendments to the original motion may be moved.
- ♣ ▲ ■⁵⁸4.49.8 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.
- ♣ ▲ ■⁵⁹4.49.9 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.

⁵⁵ See Rule 4.14

⁵⁶ See Rule 4.14

⁵⁷ See Rule 4.14

⁵⁸ See Rule 4.14

⁵⁹ See Rule 4.14

SECTION 4 – FULL COUNCIL

Alteration of Motion

- ♣ ▲ ■⁶⁰4.50.1 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.
- ♣ ▲ ■⁶¹4.50.2 Only alterations which could be made as an amendment pursuant to Rule 4.49 may be made.

Withdrawal of Motion

- ♣ ▲ ■⁶²4.51 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

- ♣ ▲ ■⁶³4.52.1 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.
- ♣ ▲ ■⁶⁴4.52.2 The mover of the amendment has no right of reply to the debate on his amendment.
- ♣ ▲ ■⁶⁵4.52.3 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

- ♣ ▲ ■⁶⁶4.53 When a motion is under debate, no other motion may be moved except the following procedural motions:
- ♣ ▲ ■⁶⁷4.53.1 to withdraw a motion;
- ♣ ▲ ■⁶⁸4.53.2 to amend a motion;
- ♣ ▲ ■⁶⁹4.53.3 a closure motion under Rule 4.54.5
- ♣ ▲ ■⁷⁰4.53.4 to exclude the public and press in accordance with the Access to Information Procedure Rules; and
- ♣ ▲ ■⁷¹4.53.5 to not hear further a Member named under Rule 4.86 or to exclude them

⁶⁰ See Rule 4.14

⁶¹ See Rule 4.14

⁶² See Rule 4.14

⁶³ See Rule 4.14

⁶⁴ See Rule 4.14

⁶⁵ See Rule 4.14

⁶⁶ See Rule 4.14

⁶⁷ See Rule 4.14

⁶⁸ See Rule 4.14

⁶⁹ See Rule 4.14

⁷⁰ See Rule 4.14

⁷¹ See Rule 4.14

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- ♣ ▲ ■⁷²4.53.6 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

- ♣ ▲ ■⁷³4.54.1 to proceed to the next business;
- ♣ ▲ ■⁷⁴4.54.2 to ask that the question be now put;
- ♣ ▲ ■⁷⁵4.54.3 to adjourn a debate; or
- ♣ ▲ ■⁷⁶4.54.4 to adjourn a meeting.
- ♣ ▲ ■⁷⁷4.54.5 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.
- ♣ ▲ ■⁷⁸4.54.6 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.
- ♣ ▲ ■⁷⁹4.54.7 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.
- ♣ ▲ ■⁸⁰4.54.8 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

⁷² See Rule 4.14

⁷³ See Rule 4.14

⁷⁴ See Rule 4.14

⁷⁵ See Rule 4.14

⁷⁶ See Rule 4.14

⁷⁷ See Rule 4.14

⁷⁸ See Rule 4.14

⁷⁹ See Rule 4.14

⁸⁰ 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

♣ ▲ ■⁸¹4.55 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

♣ ▲ ■⁸²4.56 A Member may make a personal explanation at any time. A personal explanation may only relate to one of the following:

♣ ▲ ■⁸³4.56.1 some material part of an earlier speech by the Member in the present debate which may appear to have been misunderstood;

♣ ▲ ■⁸⁴4.56.2 to reply to an allegation of misconduct made against the Member

⁸¹ See Rule 4.14

⁸² See Rule 4.14

⁸³ See Rule 4.14

⁸⁴ See Rule 4.14

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- giving the explanation; or
- ♣ ▲ ■⁸⁵4.56.3 to make an apology to the Council.
 - ♣ ▲ ■⁸⁶4.57 The ruling of the Chair on the admissibility of a personal explanation will be final.
 - ♣ ▲ ■⁸⁷4.58 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

- ♣ ▲ ■⁸⁸4.59 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

- ▲ ■⁸⁹4.60.1 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.
- ▲ ■⁹⁰4.60.2 Rule 4.37.2 does not apply to a motion under Rule 4.60.1.
- ▲ ■⁹¹4.60.3 For the sake of clarity rule 4.60.1 does not apply to decisions taken by the Cabinet.

Motion Similar to One Previously Rejected

- ▲ ■⁹²4.61.1 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.
- ▲ ■⁹³4.61.2 Rule 4.37.2 does not apply to a motion under Rule 4.61.1.

⁸⁵ See Rule 4.14

⁸⁶ See Rule 4.14

⁸⁷ See Rule 4.14

⁸⁸ See Rule 4.14

⁸⁹ See Rule 4.14

⁹⁰ See Rule 4.14

⁹¹ See Rule 4.14

⁹² See Rule 4.14

⁹³ See Rule 4.14

SECTION 4 – FULL COUNCIL

Voting

Majority

♣ ▲ ■⁹⁴4.62 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

♣ ▲ ■⁹⁵4.63 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

♣ ▲ ■⁹⁶4.64 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.

♣ ▲ ■⁹⁷4.65.2 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.

♣ ▲ ■⁹⁸4.66.3 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.

⁹⁴ See Rule 4.14

⁹⁵ See Rule 4.14

⁹⁶ See Rule 4.14

⁹⁷ See Rule 4.14

⁹⁸ See Rule 4.14

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Right to Require Individual Vote to be Recorded

♣ ▲ ■⁹⁹4.67 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

♣ ▲ ■¹⁰⁰4.68.1 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.

♣ ▲ ■¹⁰¹4.68.2 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

♣ ▲ ■¹⁰²4.69 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

♣ ▲ ■¹⁰³4.70 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;

♣ ▲ ■¹⁰⁴4.70.3 the Chair or Vice-Chair of a Committee or Sub-Committee;

⁹⁹ See Rule 4.14

¹⁰⁰ See Rule 4.14

¹⁰¹ See Rule 4.14

¹⁰² See Rule 4.14

¹⁰³ See Rule 4.14

¹⁰⁴ See Rule 4.14

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- ♣ ▲ ■¹⁰⁵4.70.4 Member of a Committee or Sub-Committee or Panel;
- ♣ ▲ ■¹⁰⁶4.70.5 Member of any other internal Council board, panel or group with or without officers;
- ♣ ▲ ■¹⁰⁷4.70.6 Member of any joint committee, board, panel or group involving the Council and one or more local authorities, and / or other public bodies.
- ♣ ▲ ■¹⁰⁸4.71 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.
- ♣ ▲ ■¹⁰⁹4.72 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.
- ♣ ▲ ■¹¹⁰4.73 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.
- ♣ ▲ ■¹¹¹4.74 This procedure may be varied by agreement of the meeting.

Minutes

Signing the Minutes

- ♣ ▲ ■¹¹²4.75 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

- ♣ ▲ ■¹¹³4.76 Where in relation to any meeting, the next meeting for the purpose of signing the minutes is an extraordinary meeting¹¹⁴, then the next following

¹⁰⁵ See Rule 4.14

¹⁰⁶ See Rule 4.14

¹⁰⁷ See Rule 4.14

¹⁰⁸ See Rule 4.14

¹⁰⁹ See Rule 4.14

¹¹⁰ See Rule 4.14

¹¹¹ See Rule 4.14

¹¹² See Rule 4.14

¹¹³ See Rule 4.14

¹¹⁴ 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 minutes¹¹⁵.

Form of Minutes

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

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

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

Record of Attendance

♣ ▲ ■¹¹⁹4.78 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.

♣ ▲ ■¹²⁰4.79 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.

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

Exclusion of Public

♣ ▲ ■¹²²4.81.1 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).

♣ ▲ ■¹²³4.81.2 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

♣ ▲ ■¹²⁴4.82 Members must in all matters consider whether they have a personal interest (within the meaning within the Members' Code of Conduct) in a

¹¹⁵ paragraph 41(1) and (2) of Schedule 12 to the Local Government Act 1972

¹¹⁶ See Rule 4.14

¹¹⁷ See Rule 4.14

¹¹⁸ See Rule 4.14

¹¹⁹ See Rule 4.14

¹²⁰ See Rule 4.14

¹²¹ See Rule 4.14

¹²² See Rule 4.14

¹²³ See Rule 4.14

¹²⁴ See Rule 4.14

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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.

- ♣ ▲ ■¹²⁵4.83A 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

- ♣ ▲ ■¹²⁶4.84 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

- ♣ ▲ ■¹²⁷4.85 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

- ♣ ▲ ■¹²⁸4.86 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

- ♣ ▲ ■¹²⁹4.87 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

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

¹²⁵ See Rule 4.14

¹²⁶ See Rule 4.14

¹²⁷ See Rule 4.14

¹²⁸ See Rule 4.14

¹²⁹ See Rule 4.14

¹³⁰ See Rule 4.14

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Disturbance by Public

Removal of Member of the Public

♣ ▲ ■¹³¹4.89 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

♣ ▲ ■¹³²4.90 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

♣ ▲ ■¹³³4.91 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

♣ ▲ ■¹³⁴4.93 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

♣ ▲ ■¹³⁵4.94 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.

♣ ▲ ■¹³⁶4.95 Further officer advice will only be available at the meeting of Council

¹³¹ See Rule 4.14

¹³² See Rule 4.14

¹³³ See Rule 4.14

¹³⁴ See Rule 4.14

¹³⁵ See Rule 4.14

¹³⁶ See Rule 4.14

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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

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 Member¹

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

¹ Section 58 – Local Government and Elections (Wales) Act 2021

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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.²

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

² Section 57 – Local Government and Elections (Wales) Act 2021

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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;
- 5.9:102 a committee of the Cabinet (comprising Cabinet Members only);
- 5.910.3 an individual Cabinet Member;
- 5.910.4 a joint committee;
- 5.910.5 another local authority or the executive of another local authority;
- 5.910.6 a 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?

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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 a 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

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

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 Committee¹

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 Incapacitation² 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.

¹ Regulation 7 of the Mid Wales Corporate Joint Committee Regulations 2021

² "Incapacitation" is defined in Rule 6.7

SECTION 7 – SCRUTINY COMMITTEES

Introduction

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

Scrutiny Committees

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

Role, Scope and Membership

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

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

SECTION 7 – SCRUTINY COMMITTEES

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

SECTION 7 – SCRUTINY COMMITTEES

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

SECTION 7 – SCRUTINY COMMITTEES

General Functions

7.5 Within their terms of reference, Scrutiny Committees will:

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

Specific Functions

Policy Development and Review

7.6 The Scrutiny Committees may:

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

Scrutiny

7.7 Scrutiny Committees may:

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

SECTION 7 – SCRUTINY COMMITTEES

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

Finance

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

Annual Report

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

Head of Democratic Services

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

Who May Sit on Scrutiny Committees ?

- 7.11 All Councillors (except members of the Cabinet 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.¹
- 7.12.6 A co-optee cannot be a Vice-Chair of a Scrutiny Committee and cannot represent the Council on outside bodies.

Who Chairs Scrutiny Committees?

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

Role of the Chair of Scrutiny Committees

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

Work Programme

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

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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

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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.³

Procedure at Scrutiny Committee Meetings

- 7.33.1 The Rules of Procedure at Scrutiny Committees will be the same as the Full Council Procedure Rules set out in Section 4 of this Constitution except that the chair of the meeting may allow the rules of debate to be relaxed to enable a full contribution by those attending the meeting whether members of a Scrutiny Committee or in any other capacity which allows them to contribute to the worth of the meeting.
- 7.33.2 Scrutiny Committees may ask people to attend to give evidence or answer questions about any items on their agenda. Meetings should be conducted in accordance with the following principles:
- 7.33.2.1 that the business be conducted fairly and all members of the Scrutiny Committee be given the opportunity to ask questions of attendees, and to contribute and speak;
 - 7.33.2.2 that those assisting by giving evidence be treated with respect and courtesy;
 - 7.33.2.3 that the business be conducted as efficiently as possible.
- 7.33.3 Following any investigation or review, a Scrutiny Committee shall prepare a report, for submission to the Cabinet and/or Full Council as appropriate and shall make its report and findings public.

Matters within the Remit of more than one Scrutiny Committee

³ Section 78(1) of the Local Government (Wales) Measure 2011.

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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”⁴) by the chair or 4 members of a Scrutiny Committee PROVIDED THAT the Monitoring Officer and / or the Chief Finance Officer are satisfied that the following conditions are met:

[Appendix 1 - Call In Request](#)

- 7.35.3.1 the decision or action was contrary to the policy framework or budget, or fell outside the functions of the Cabinet; or
- 7.35.3.2 the Cabinet or decision maker had not followed agreed procedures or failed to consult (where required) before reaching its decision; or
- 7.35.3.3 the Cabinet had not followed, or had failed to take account of, any legal obligations, including regulations or statutory guidance governing the Council’s actions, or other guidance adopted by the

⁴ See Appendix 1 to this Section.

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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”⁵ to be issued in accordance with Rule 7.35.5 below.

Appendix 2 - Call In Notice

- 7.35.5 A Call-In Notice must contain the following:
- 7.35.5.1 details of the condition set out in rule 7.35.3 above being relied upon;
 - 7.35.5.2 the reasons why it is believed one or more of the conditions are satisfied;
- 7.35.6 The Monitoring Officer (subject to Rule 7.35B above) shall call a meeting of that Scrutiny Committee on such a date as s/he may determine, where possible after consultation with the chair or vice chair of that the appropriate Scrutiny Committee , and usually within 10 clear days of the receipt of the Call-In Request (the “Scrutiny Period”) (only in exceptional circumstances will the chair of the Scrutiny Committee consider extending this time limit and the period of extension cannot in any circumstances exceed a further 5 clear days).
- 7.35.7 If, having considered the decision, the Scrutiny Committee remains concerned about the decision, then the Committee may refer it back to the decision making body for reconsideration, setting out in writing the nature of its concerns or refer the matter to Full Council for review. If the decision is referred back to the decision maker, the decision maker shall then reconsider the decision within 10 clear days of the date of the reference. That decision making body or person shall choose whether to amend the decision or not before reaching a final decision and implementing it. The final decision cannot be the subject of a further call-in.
- 7.35.8 If a Scrutiny Committee does not meet within the Scrutiny Period the decision shall take effect and be implemented on the next day following the expiry of the Scrutiny Period (as extended pursuant to Rule 7.35.6 as the case may be).
- 7.35.9 If following an objection to the decision, a Scrutiny Committee does not refer the matter back to the decision making person or body or to Full Council, the decision shall take effect on the date of the Scrutiny Committee meeting.
- 7.35.10 If a Scrutiny Committee refers the matter to Full Council, the Monitoring Officer (subject to Rule 7.35 above) shall call a meeting of the Full Council on such a date as s/he may determine, where possible after consultation with the chair or vice chair of the Full Council, and usually within 10 clear days of the receipt of the referral (the “Council Scrutiny Period”) (only in

⁵ See Appendix 2 to this Section.

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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

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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

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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.

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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

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

The Democratic Services Committee

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

Regulatory Committees and Sub-Committees

- 9.3.1 The Council will appoint such Regulatory Committees as it considers appropriate to the exercise of its functions. These will include a Planning, Taxi Licensing and Rights of Way Committee of 21 Members¹, a Licensing Act 2003 Committee of 14 Members, an Employment and Appeals Committee of 14 Members, a Governance and Audit Committee of 15 Members, and a Pensions and Investments Committee of 5 Members plus the Portfolio Holder for Finance together with a Staff and Employers Representative.
- 9.3.2 Any Regulatory Committee appointed by the Council may at any time appoint additional Sub-Committees and panels throughout the year. The terms of reference and delegation of powers to them shall be explicit and within the Regulatory Committee's terms of reference.
- 9.3.3 Subject to Rule 9.3.4 below, Cabinet Members cannot be members of Regulatory Committees and / or their Sub-Committees.
- 9.3.4 Cabinet Members may be members of the following Regulatory Committees and / or their Sub-Committees in the manner described below:
- 9.3.4.1 Pensions and Investment Committee;
 - 9.3.4.2 Employment and Appeals Committee where dealing with

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

SECTION 9 – REGULATORY AND OTHER COMMITTEES

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

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

9.4 Governance and Audit Committee.

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

<p>Governance and Audit Committee Membership: 14 Councillors plus 1 Independent / Lay Member</p>	<ul style="list-style-type: none"> • To approve authority's statement of accounts, income and expenditure and balance sheet or record of receipts and payments (as the case may be). • Ensure the risk management strategy guides the programme of internal and external work, to address the controls and risk related issues identified • Oversee the production of the annual governance statement, recommend its adoption to County Council and ensure appropriate action is taken to address the issues raised • To consider and approve the annual audit opinion on internal control and the level of assurance given to the corporate governance arrangements • Approve the annual audit plan, ensuring there is sufficient and appropriate coverage, with a strong emphasis on risk management and resources are available to implement the plan. <p>Receive and review internal audit reports and ensure officers respond promptly to the findings. Where necessary recommendations to other committees and portfolio holders will be made, to ensure action plans are implemented</p> <p>Consider and approve the annual letter, regulatory plan and specific reports as agreed.</p> <p>Where necessary ensure action is taken by officers to address those issues raised, and if necessary recommendations to other committees and portfolio holders will be made to address findings and deliver clear conclusions</p> <p>Comment on the scope and depth of the external audit work, to ensure it gives value for money</p> <p>Assess and approve the annual statement of accounts,</p>
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SECTION 9 – REGULATORY AND OTHER COMMITTEES

	<p>external audit opinion and management representation in relation to annual audit findings</p> <p>Promote effective relationships between external and internal audit, inspection agencies and other relevant bodies to ensure the value of audit and inspection is enhanced and actively promoted</p> <ul style="list-style-type: none">• regularly monitor treasury management reports <p>Local Government Measure 2011 (Section 81) as amended by the Local Government and Elections (Wales) Act 2021 (Section 115)</p> <ul style="list-style-type: none">• review and scrutinise the authority's financial affairs• make reports and recommendations in relation to the authority's financial affairs• review and assess the risk management, internal control, performance assessment and corporate governance arrangements of the authority• make reports and recommendations to the authority on the adequacy and effectiveness of those arrangements• review and assess the authority's ability to handle complaints effectively• make reports and recommendations in relation to the authority's ability to handle complaints effectively• oversee the authority's internal and external audit arrangements, and• review the financial statements prepared by the authority <p>Local Government and Elections (Wales) Act 2021 (Section 91)</p> <ul style="list-style-type: none">• 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• Duty to review the Council's draft response of the panel performance assessment and may make recommendations for changes to the statements made• Duty to consider the report of the Auditor General following a special inspection• 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
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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

appointed to achieve as far as reasonably practicable a political balance on the committee plus 1 voting Lay Member plus such other co-optees as may be appointed by the Council (subject to the total number of co-optees being less than one third of the total membership).²

9.4.4 In accordance with Section 82 of The Measure:

9.4.4.1 At least one member of the Governance and Audit Committee must be a voting Lay Member;

9.4.4.2 An act of the Governance and Audit Committee will be invalid if the membership of the committee breaches any of the membership requirements set out in Rules 7.5.1 and 7.5.2.1.

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

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

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

SECTION 9 – REGULATORY AND OTHER COMMITTEES

Meetings of the Governance and Audit Committee

9.4.10 The Governance and Audit Committee must also meet if:

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

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

Rules of Procedure and Debate

9.5 The Council Procedure Rules in Section 4 will apply.

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

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SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

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

Who can be Decision Makers?

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

- 13.1.1 Full Council;
- 13.1.2 a Committee or Sub-Committee of the Council;
- 13.1.3 the Executive Leader;
- 13.1.4 the Cabinet;
- 13.1.5 a Committee of Cabinet;
- 13.1.6 an individual Cabinet Member;
- 13.1.7 a Joint Committee;
- [13.1.8 a Corporate Joint Committee](#)
- 13.1.89 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

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

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

- 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

SECTION 20 – CODE OF CONDUCT FOR EMPLOYEES

- 20.201 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.
- 20.212 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.
- 20.223 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.
- 20.234 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

- 20.245 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.
- 20.256 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.
- 20.267 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.
- 20.278 You should deal with the public, Members and other employees sympathetically, efficiently and without bias.
- 20.289 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.
- 20.2930 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

- 20.301 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.
- 20.312 You should strive to ensure value for money to the local community and to avoid legal challenge to the Council.
- 20.323 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.
- 20.334 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

SECTION 20 – CODE OF CONDUCT FOR EMPLOYEES

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

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

- 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

- 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.

SECTION 20 – CODE OF CONDUCT FOR EMPLOYEES

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 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	Standards Community Sub-Committee Member – not in new WLGA version
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	Chair/Vice Chair of Standards Community Sub-Committee – not in new WLGA version
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 [over time]
 - 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
WGLA 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

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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	Understanding the role of the Councillor	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	Understanding the role of the Local Authority	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	Conduct	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	Corporate Governance	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	Equalities and Diversity	<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	Civility	<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	Balancing Council and community expectations and responsibilities	<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	Audit inspection and regulation	<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	Work life balance	<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	Self-Care	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	Information and data handling and management	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	ICT skills	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	Social media skills	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	Meeting preparation and participation	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	Working with the media	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	Self-promotion	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	Working with officers	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	Personal safety	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	Support for members	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	Financial capability	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	Interpersonal skills	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	Corporate Parenting	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	Sustainability	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	Safeguarding	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	Working with the community	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	Consultation and engagement	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. http://www.participationcymru.org.uk/national-principles	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	The Voluntary Sector	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	Working with community and town councils	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	Being accessible to the public	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	Managing casework	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	Signposting	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	Work on outside bodies	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	Working as a school governor	Education policy. School organisation. The remit of a governor. Principles of conduct for governors. See also School governance Sub-topic GOV.WALES	Oversees the school performance. Challenges the school management as a critical friend. Takes part in governor training.
A34	Working as a member of a community or town council	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 The Good Councillors Guide - One Voice Wales	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	Party policy (if a party member)	Awareness of values and manifestos both nationally and locally.	Balances the needs of local people, Party, Group and Council
A36	Liaison with the UK Government, Welsh Government and the Senedd	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	Party Group membership	Party rules and constituency group structure and policies.	Works effectively and respectfully with Party Group members and officials.
38	Group discipline	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	The role of Scrutiny	<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	Policy development and review	<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	Holding the Executive to account	<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	Monitoring performance	<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	Individual Scrutiny skills	<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	Engaging the public in Scrutiny	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	Collaborative Scrutiny	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	Committee leadership	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	Work programme development and management	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	Meeting preparation and management	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	Committee support	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	Planning	<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	Governance and Audit	<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	Licensing	<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	Democratic Services	<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	Standards	<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	Collective responsibility	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	Portfolio lead	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	Working with Scrutiny	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	Delegated responsibilities	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	Promoting and managing the reputation of the council	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	Leading the vision for the area.	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	Leading the Council	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	Relationships with the Chief Executive and Senior Management Team	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	Chairing Full Council	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	Representing the Council at Civic functions	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 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.

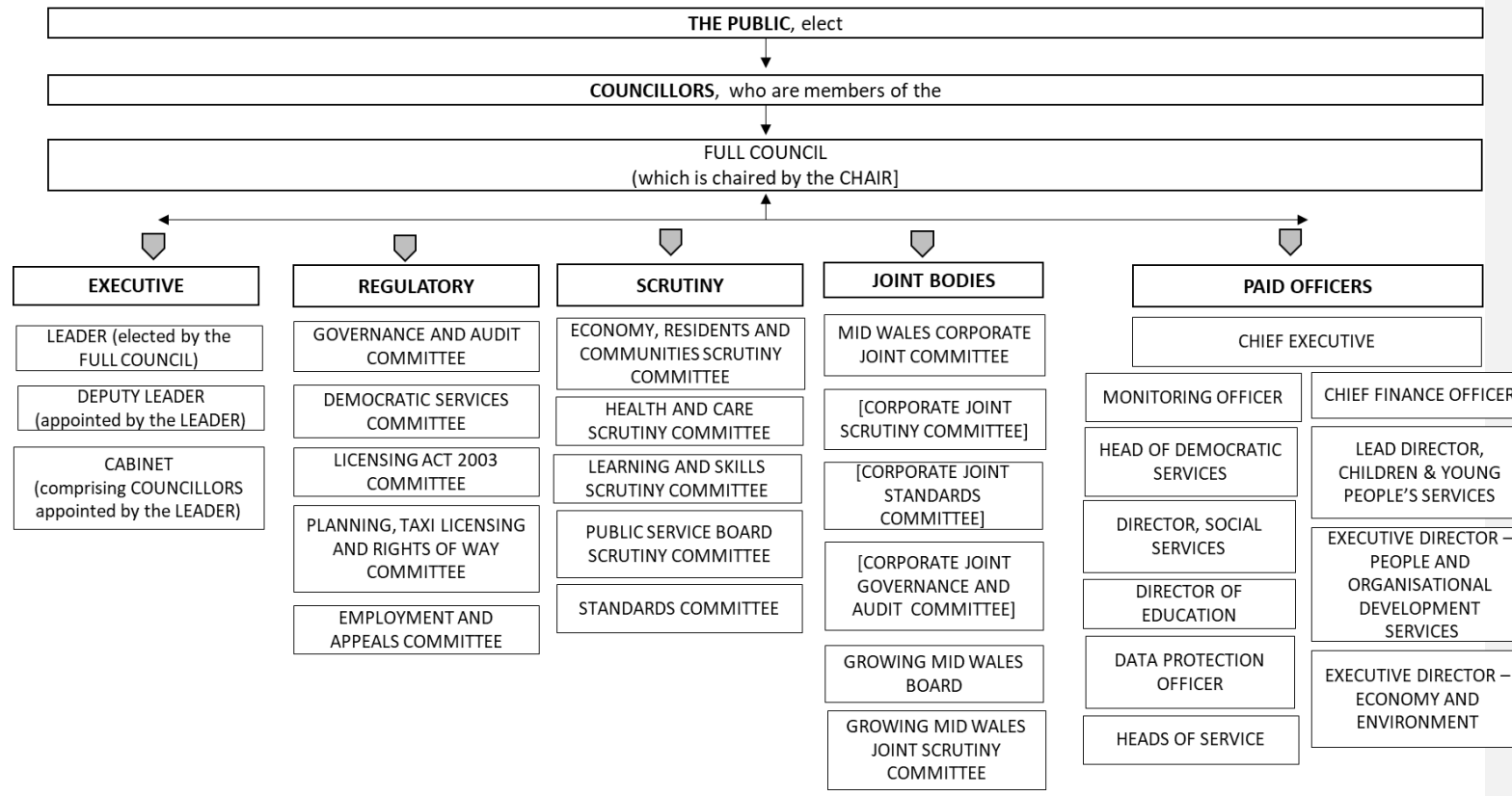
The Cabinet meets regularly to take collective decisions on those aspects of the Council's work which the Cabinet is responsible for.

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 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 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






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.**Democratic Services Committee
21 February 2022****REPORT AUTHOR: Head of Legal and Democratic Services****SUBJECT: Petition Scheme**

REPORT FOR: Decision

1. Purpose

- 1.1 The report asks DSC to consider a Petition Scheme (see Appendix A) to enable individuals, community groups and organisations to express their views and concerns about something for which the Council is responsible, so enabling them to become involved in the democratic process.

2. Background

- 2.1 The Local Government and Elections (Wales) Act 2021 Section 42 states that the Council must publish a petition scheme that includes:
- (a) how a petition may be submitted to the Council;
 - (b) how and by when the Council will acknowledge receipt of a petition;
 - (c) the steps the Council may take in response to a petition received by it;
 - (d) the circumstances (if any) in which the Council may take no further action in response to a petition;
 - (e) how and by when the Council will make available its response to a petition to the person who submitted the petition and to the public

The petition scheme should be reviewed from time to time and if the Council considers it appropriate to revise or replaces the scheme any revised or new scheme must be published.

- 2.2 The Act states that the petition scheme should take effect in May 2022. Currently paper petitions can be received by council, but there is no publicised procedure for accepting or responding to such petitions. In addition, the Modern.Gov systems, used for publishing agendas and minutes etc. has a facility for e-petitions.

3. Proposed Petitions scheme

- 3.1 The draft petition scheme is attached at Appendix A.
- 3.2 The Committee is asked to consider the draft petition scheme and in particular consider the following issues:
- i. The minimum age of an individual submitting or signing a petition – it is recommended that this is set at those aged 16 or above, persons over 16 have a vote in Welsh Elections.
 - ii. The minimum number of valid signatures for a valid petition and the thresholds for managing petitions – appendix 1 provides details of these proposed/used by a range of other local authorities.

3.3 The e-petition facility will be demonstrated to the Committee.

4. Recommendation

4.1 That the Committee considers and approves and recommends a Petition Scheme to Full Council, including a recommendation on the minimum age limits and signature thresholds;

4.2 That the Committee recommends a Petition Scheme to Full Council to take effect from May 2022 and

4.3 the Democratic Services Committee undertakes a review of the scheme after 12 months of operation.

Contact Officer: Wyn Richards, Scrutiny Manager and Head of Democratic Services

Tel: 01597-826375

Email: wyn.richards@powys.gov.uk

Head of Service: Clive Pinney, Head of Legal and Democratic Services.

Corporate Director: Dr Caroline Turner, Chief Executive.

The minimum number of valid signatures for a valid petition and the thresholds for managing petitions proposed/used by other local authorities

The number of Powys Residents [September 2021] 16 and over is 111961.

Council	Minimum number of signatures and other thresholds
Blaenau Gwent	<ul style="list-style-type: none"> • at least 10 people but the Council will use its discretion where there are fewer than 10 signatories in cases where there is clear local support for action (e.g. where the residents of a small community have petitioned for traffic calming measures). • at least 1,500 signatures, the relevant senior officer will give evidence at a public meeting of the relevant overview and scrutiny committee • signed by more than 5,000 people it will be debated by the full council (unless it is a petition asking for a senior council officer to give evidence at a public meeting).
Bridgend	<ul style="list-style-type: none"> • 50 - 200 signatures - Response from the relevant Director / lead Member (treated as normal correspondence) • At least 200 signatures - Referred to the Leader / Executive for a response • At least 500 signatures - Referred for a debate at a meeting of the Full Council • At least 500 signatures - Senior Officers called to provide evidence at a meeting of the Overview and Scrutiny Committee where such action is requested in the petition.
Cardiff	To be determined
Ceredigion	To be determined - referred to thresholds used by Manchester and Guildford – see below
Rhondda Cynon Taf	<p>Petitions of 60 or more signatories, where the issue could reasonably be expected to:</p> <ol style="list-style-type: none"> i. affect the Communities living or working in an area comprising two or more wards or electoral divisions; or ii. result in the Council incurring expenditure which is, or the making of savings which are, significant.
Hereford	If a petition is signed by 5% (approximately 7,000 residents) of the people on the electoral roll and has not been rejected, the lead petitioner can request that it is debated at the next ordinary meeting of full Council.
Telford	<p>Any petition must contain 100 or more valid signatures</p> <p>A petition with signatures of more than 5% of the population of the Borough will automatically be debated at a meeting of the Full Council.</p>
Hull	<ul style="list-style-type: none"> • at least 50 for a petition to be accepted as valid into the petitions

	<p>procedure</p> <ul style="list-style-type: none"> • 50 but less than 1500 signatures - for a referral of a petition to council without debate • At least 1500 signatures - for a petition to be debated at a meeting of the council.
Guilford	<ul style="list-style-type: none"> • Fewer than 50 signatures - response from relevant director/ service leader [treated as standard correspondence] • 50 - 299 signatures - Response from the relevant councillor • At least 300 signatures - referred to Leader/ Executive for response • At least 500 signatures - Referred for a debate at a meeting of the Full Council • At least 500 signatures - Senior Officers called to provide evidence at a meeting of the Overview and Scrutiny Committee where such action is requested in the petition.
Manchester	<ul style="list-style-type: none"> • 100 signature - any other, non excluded, petition, requesting action or response within six weeks • 1000 signatures - any petition above the threshold will trigger a debate at a scrutiny committee • 4000 - any petition above threshold will trigger a debate at a full council meeting.
Warwickshire	<ul style="list-style-type: none"> • Less than 1000 signatures - the Monitoring Officer will decide whether the petition should be referred to a Cabinet member, Local Forum or Officer for response. • 1000 or more signatures - formal presentation of a petition to a meeting of the Council

Powys County Council – Petition scheme

Add in index

1. Introduction

Powys County Council welcomes petitions and recognises that they are one way in which individuals, community groups and organisations can express their views and concerns about something for which the Council is responsible. The Council's Public Participation Strategy [currently under development] explains the other ways you can get involved in the democratic process.

Before considering whether or not to raise a petition, you may want to discuss your issue with your local Ward Councillor. They may be able to help you with it or explain how to make representations on a particular subject to the right person at the Council. Details on how to contact your local Councillor are available on the Council's website: [Your Councillors](#).

2. What is a petition?

Petitions are one of the most direct ways to suggest how something could change.

Petitions can:

- Raise awareness of an issue;
- Bring about a change in Council policy or a different way of delivering services;
- Lead to, or influence, a debate in the Council;
- Prompt a Committee or individual Members of the Council to take further action themselves, for instance by asking questions.

3. Who can raise a petition?

Anyone aged 16 or above who lives, works or studies in the Powys County Council area can submit or sign a petition.

4. How do I submit my petition?

Petitions can be submitted in one of the following ways:

- e-petition facility—on the Powys County Council website – where you can create, sign and submit online. Use the following link [add link](#)
- email – to the email address democraticservicesandscrutiny@powys.gov.uk
- paper petitions can be sent to the Monitoring Officer, Democratic Services, Powys County Council, County Hall, Llandrindod Wells, Powys LD1 5LG.

The requirements of this Petition Scheme will apply to whichever of the above is used. Please ensure you follow the information below and the more detailed information provided in Appendix A. By following this you will provide the information we need to consider your petition under this scheme.

Petitions will not be accepted from other on-line petition systems.

5. What can petitions be about?

A petition should include a clear statement of your concerns and exactly what you would like the Council to do. It must relate to something the Council has responsibility for or can reasonably and proportionately influence to create an improvement in the economic, social or environmental wellbeing of the local area.

Where the subject matter of a petition affects particular wards, the councillors representing those wards will be notified of the receipt of the petition.

6. Can petitions be submitted to specific Committees?

Petitions can be submitted to Full Council, Cabinet, Scrutiny Committees and other Committees [excluding Regulatory Committees in respect of specific applications, such as planning, licensing or rights of way].

7. Do petitions need to have a minimum number of signatures and how will the petition be considered?

The minimum number of valid signatures should be at least **xx** (including the petition organiser) for a petition to be accepted as valid. The petition will be considered as follows:

Details to be added after discussion at DSC - See covering report for details of thresholds used by other authorities

Signatories from outside Powys will be taken into consideration in respect of the issue being raised but will not count towards the numbers required for formal debates under the scheme.

8. What could be the possible outcome of my petition?

Your petition could result in one or a combination of the following:

- raising publicity for and awareness of an issue
- implementing the action requested in the petition
- considering the petition at a Full Council meeting
- undertaking research into the matter
- referring the matter to Cabinet, a Scrutiny Committee or other Committees
- responding to the petition organiser setting out the council's view on the request set out in the petition
- some other appropriate response.

9. Are there reasons for not accepting a petition?

Your petition may be rejected if the Council's Monitoring Officer considers it:

- Contains intemperate, inflammatory, abusive or provocative language
- Is defamatory, frivolous, vexatious, discriminatory or otherwise offensive or contains false statements

- Is too similar to another petition submitted within the past six months, particularly where further action has been taken as a result of receiving the petition.
- Discloses confidential or exempt information, including information protected by a court order or government department or discloses information that could be considered commercially sensitive
- Names individuals or provides information where they may be easily identified and is contradictory to GDPR regulations.
- Contains advertising statements or is nonsense.
- Refers to an issue that is currently the subject of a formal Council complaint, consultation, public services ombudsman for Wales complaint or any legal proceedings
- Does not relate to an issue upon which the Council has powers or duties or on which it has shared deliver responsibilities
- Relates to planning or licensing decisions and where there is an appeals procedure in place.
- Refers to a complaint about the conduct of a councillor – complaints need to be made to the Public Service Ombudsman for Wales [PSOW] [How to complain](#)
- Relates to employee matters, as they will be addressed via existing internal frameworks.
- Is either a Freedom of Information [FOI] request, or comments, compliments or complaints. Information is available on the Council's website as follows:
 - Freedom of Information Requests [Make a Freedom of Information request \[or EIR\]](#)
 - Submitting comments, compliments and complaints: [Comments, compliments and complaints](#)
- Refers to matters that have already been through a public consultation process (statutory or otherwise)

If a petition is considered unacceptable the petition organiser will be advised and provided with the reasons for its rejection.

10. Are there any times when no petitions will be considered?

In the period immediately before an election or referendum the Council may need to deal with petitions in a different way – if this is the case an explanation of the reasons will be provided with a revised timescale which will apply.

11. What can I do if I feel my petition has not been dealt with properly?

If you feel that we have not dealt with your petition properly, please contact the Monitoring Officer who will review your complaint. You will need to provide a short explanation of the reasons why you do not feel your petition has been dealt with

properly. The Monitoring Officer, Democratic Services, Powys County Council, County Hall, Llandrindod Wells, Powys LD1 5LG

12. Review

The terms and conditions of the Council's Petition Scheme will be reviewed once every Council term.

Guidelines regarding petitions

- How do I create and submit an e-petition?
- How do I sign an e-petition?
- How do I submit petitions by email or in paper format?
- What will the Council do when an e-petition closes or when it receives my petition submitted by email or in paper format?
- What happens if a petition is to be debated at Full council?

How do I create and submit an e-petition?

Your e-petition can be created and submitted through our website – [add link](#). To submit an e-petition you will need to register on the Council's petition page.

Your e-petition will need to include the following:

- A title
- A statement explicitly setting out what action you would like the Council to take
- Any information which you feel is relevant to the e-petition and reasons why you consider the action requested to be necessary. You may include links to other relevant websites.
- A date when you would like your e-petition to go “live” on the website. Please allow sufficient time for the Council to consider the suitability of the petition and discuss any issues with you. If your e-petition is accepted [see below] the Council will need 14 working days for the it to be translated into either Welsh or English and added to the online e-petition system.
- A date when your e-petition will stop collecting signatories. You may want to consider this date in line with the calendar of meetings to ensure the petition is submitted before the relevant meeting of the Council. We will automatically host your petition for one month.
- Your name – as petition organiser your name will be displayed with your e-petition on the Council website.
- Whether you are also running a paper petition, although repeat names will be removed. Both forms of petition should run for the same period of time and must be submitted together.

The Council accepts no liability for the petitions on the website

When you have submitted your e-petition, you will receive an email confirming that it has been received. The Monitoring Officer will then consider it against the rules for petitioning the Council and will get in touch as soon as possible to let you know whether or not it has been accepted and be a “live” petition on the Council's website. If it is has not been accepted you will receive an email explaining the reasons. You will be able to change and resubmit your e-petition if you wish. If you do not do this within 10 working days a summary of the petition and the reason why it has not been accepted will be published under the rejected petition section of the website.

How do I sign an e-petition?

“Live” e-petitions will be listed on our website – [add link as above](#).

When you sign an e-petition you will be asked to provide your name, postcode and a valid email address. An email will then be sent to the email address you have provided and you will need to click on the link provided to confirm the email address is valid. Once you have done this your ‘signature’ will be added to the petition. People visiting the e-petition will be able to see your name in the list of those who have signed but your contact details will not be visible.

When an e-petition reaches its closing date, people will no longer be able to sign it.

How to submit petitions by email or in paper format

Please use this suggested template. Additional pages should also include the petition subject at the top of the page and also the page number and total of pages for example page 7 of a 10 page petition would show the following: 7 of 10 pages.

Petition to Powys County Council

Contact details of the Petition organiser

Full Name	
Address for correspondence	1st Line: ----- 2nd Line: ----- 3rd Line: ----- Post code: -----
Home Telephone No	
Mobile No	
Email address	
Live/Work/Service user/ study (please indicate all that apply)	
Signature	

What will the Council do when an e-petition closes or when it receives my petition submitted by email or in paper format?

- An acknowledgement will be sent to the petition organiser within 10 working days of an e-petition closing or on receiving a petition by email or in paper format.
- The Council reserves the right to verify signatories as required. Petitioners should ensure that a valid address and postcode is included for all petitioners that relates to a home address (if living in Powys) or work address (if working or run a business in Powys). These details will be taken into account when identifying if there are enough signatories from people who live or work in Powys to trigger a Full Council debate.
- The Council will consider the petition and advise the petition organiser, if possible in the acknowledgement email how it will respond to the petition, which may be one of the following:
 - If the Council considers it can meet what the petition asks for, the Council may confirm what action has been taken on the request and the petition will be closed.
 - If some other action is proposed or intended
 - If the petition needs more investigation, this will be explained.
 - The minimum number of valid signatures should be at least **xx** (including the petition organiser) for a petition to be accepted as valid. The petition will be considered as follows: **[Details to be added after discussion at DSC - See covering report for details of thresholds used by other authorities]**
- To ensure that people know what the Council are doing in response to the petitions received, the details of all the petitions submitted in whatever format, including those pending action will be published on the Council's website, except in cases where this would be inappropriate.

What happens if a petition is to be debated at Full council?

If a petition contains more than **xxxx** signatures from people who live or work in Powys it will be debated by the Full Council. This means the petition will be included on the agenda of a Full Council meeting.

If the petition organiser wishes to take up this opportunity, they will have three minutes to present the petition. The relevant Cabinet Portfolio Holder will then be given a right of reply and the petition will then be discussed by Councillors. The petition organiser will have a right of reply of up to three minutes at the end of the debate and before a final decision or vote is taken. The debate will be for a maximum of 30 minutes.

The petition organiser will receive written confirmation, within 10 working days of the outcome of the Full Council debate and of the Council's decision and any explanation in the event of Council not being able to take the action which had been requested. This information will also be published on the website.

Data protection and GDPR

If you create and submit an e-petition or sign an e-petition you will be asked to provide personal information. Personal information is also needed when you sign a paper petition.

The Council is the data controller for personal information collected for both e-petitions and paper petitions. The following is a link to the Council website regarding [Data Protection and Privacy](#)

Following a period of 21 days after the Council has responded formally, a paper petition will be destroyed and all e-signatories on an e-petition will be erased, unless during that period, the petition organiser has requested a review. However, should you wish your name to be removed before this time please contact the Data Protection Officer by email at Information.Compliance@powys.gov.uk and by phone at 01597 826400.

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