

## SECTION 5 – SUB-COMMITTEES

### General.

- 5.1 Subject to Rule 5.5 below, the CJC may arrange for the discharge of its function by:
- 5.1.1 A sub-committee;
  - 5.1.2 A member of staff;
  - 5.1.3 Any other corporate joint committee;
  - 5.1.4 Any county or county borough council in Wales.

### Membership

- 5.2 A sub-committee appointed by the CJC may include, or be wholly comprised of, persons who are not members of the CJC.
- 5.3 The functions of a sub-committee, the number of members of a sub-committee and the term of office of each member must be fixed by the CJC and the sub-committee may only exercise those functions as are delegated to it by the CJC.

### Delegation

- 5.4 Subject always to Rule 5.5 below, the CJC delegates operational decisions on the discharge of its functions and anything that is required to facilitate or is conducive or incidental to the discharge of its functions as set out in the Section 7.
- 5.5 The CJC may not delegate any of the following to any other person or sub-committee:
- 5.5.1 Its function in relation to developing policies under the relevant provisions of the Transport Act 2000 (“Transport Policy Function”);
  - 5.5.2 Its function in relation to preparing a Strategic Development Plan under the relevant provisions of the Planning and Compulsory Purchase Act 2004 (the “Strategic Development Plan Function”);
  - 5.5.3 The decision to agree the CJC budgets and contributions of the Constituent Councils and the National Park;
  - 5.5.4 The decision to establish CJC sub-committees; and
  - 5.5.5 Other specific decisions and responsibilities set out in the Establishing Regulations.

### Rules Applying to All Sub-Committees.

- 5.6 The following Rules apply to all Sub-Committees:
- Rule 4.29 to 4.30 (Location of Meetings)
  - Rules 4.31 to 4.35 (Notice of Meetings and Summons to attend),
  - Rules 4.37 to 4.38 (Remote Attendance)
  - Rule 4.40 (Closure Motions)
  - Rule 4.41 (Point of Order)
  - Rule 4.42 to 4.43 (Personal Explanation)
  - Rule 4.44 to 4.46 (Declarations of Interest)
  - Rules 4.47 to 4.49 (Access to Agenda and Connected Reports),
  - Rules 4.50 to 4.52 and 4.54 to 4.55 (Minutes),
  - Rule 4.60 (Filming, Audio Recording and use of Social Media during Meetings)

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- Rules 4.62 (Inspection and Publication Of Minutes and Other Documents After Meetings), and
- Rules 4.63 (Language and Translation ) apply to a meeting of a sub- committee of the CJC as they apply to a meeting of the CJC.
- Rule 8.7 (Right for Public to Attend Meetings)

### Quorum

5.7 At least one quarter of the members of a Sub-Committee must be present at all meetings and the Brecon Beacons National Park Member must be present at:

- 5.7.1 meetings where the Strategic Development Plan is to be discussed; and
- 5.7.2 for decisions to change voting procedures in relation to the Strategic Development Plan.

### Voting

- 5.8 Each person entitled to vote has one vote.
- 5.9 Any vote is to be decided by majority decision.
- 5.10 Where a vote is tied, the chairperson has the casting vote.

### Economic Well Being – Regional Economic Development (Mid Wales Growth Deal) Sub-Committee

5.11 The CJC may appoint a sub-committee (known as the Economic Well Being – Regional Economic Development (Mid Wales Growth Deal) Sub-Committee) to:

- 5.11.1 make recommendations to the CJC in relation to promoting and improving the economic well-being of the area (the “Economic Well-being – Regional Economic Development Function”);
- 5.11.2 make recommendations to the CJC in relation to the Growth Deal/Growth vision;
- 5.11.3 oversee and review investments and projects in relation to the Growth Deal/Growth vision
- 5.11.4 exercise such other functions as the CJC may specify.

5.12 The Terms of Reference of the Economic Well Being – Regional Economic Development (Mid Wales Growth Deal) Sub-Committee are set out in Appendix A and those terms of reference may be amended by the CJC from time to time.

### Regional Transport Planning Sub-Committee.

5.13 The CJC shall appoint a Sub-Committee (known as the Regional Transport Planning Sub-Committee) to exercise the development of transport policies under sections 108(1)(a) and (2A)(a) of Part 2 of the Transport Act 2000.

5.14 The Terms Of Reference Of The Regional Transport Planning Sub-Committee are set out in Appendix B and those terms of reference may be amended by the CJC from time to time.

### Strategic Development Planning Sub-Committee

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5.15 The CJC shall appoint a Sub-Committee (known as the Strategic Development Planning Sub-Committee) to exercise the strategic planning functions or any functions of the CJC which are ancillary or incidental to those functions.

5.16 The Terms of Reference of the Strategic Development Planning Sub-Committee are set out in Appendix C and those terms of reference may be amended by the CJC from time to time.

### **Governance and Audit Sub-Committee**

5.17 The CJC must establish a sub-committee (known as the Governance and Audit Sub-Committee) to:

- 5.17.1 review and scrutinise the CJC's financial affairs;
- 5.17.2 make reports and recommendations in relation to the CJC's financial affairs;
- 5.17.3 review and assess the risk management, internal control and corporate governance arrangements of the CJC;
- 5.17.4 make reports and recommendations to the CJC on the adequacy and effectiveness of those arrangements;
- 5.17.5 oversee the CJC's internal and external audit arrangements;
- 5.17.6 review any financial statements prepared by the CJC;
- 5.17.7 exercise such other functions as the CJC may specify.

5.18 The Terms of Reference of the Governance and Audit Sub-Committee are set out in Appendix D and those terms of reference may be amended by the CJC from time to time.

### **Overview and Scrutiny Sub-Committee.**

5.19 The CJC will appoint an Overview and Scrutiny Sub-Committee in accordance with the terms of reference adopted by the CJC

5.20 The Terms of Reference of the Overview and Scrutiny Sub-Committee are set out in Appendix E and those terms of reference may be amended by the CJC from time to time.

### **Standards Sub-Committee**

5.21 The CJC will appoint a Standards Sub-Committee in accordance with the terms of reference adopted by the CJC

5.22 The Terms of Reference of the Standards Sub-Committee are set out in Appendix F and those terms of reference may be amended by the CJC from time to time.

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### Appendix A

#### Economic Well-Being - Regional Economic Development (Mid Wales Growth Deal) Sub-Committee – Terms of Reference

##### **A1. Introduction**

- A1.1 The Constituent Councils established a joint committee to oversee and co-ordinate the discharge of the Councils' obligations in relation to the Mid Wales Growth Deal (the “**Growing Mid Wales Board**”).
- A1.2 The CJC has appointed the Growing Mid Wales Board to sit under the CJC as the sub-committee responsible for making the necessary recommendations to the CJC in relation to promoting and improving the economic well-being of the area and as well as developing recommendations for the implementation and overall delivery of the Mid Wales Growth Deal on behalf of the Constituent Councils (the “**Economic Well-Being – Regional Economic Development Sub-Committee**”).

##### **A2. Composition of the Economic Well-Being – Regional Economic Development Sub-Committee**

- A2.1 The composition and functions of the Economic Well-Being- Regional Economic Development Sub-Committee shall be continued to be governed by an Inter Authority Agreement (IAA3) between the Constituent Councils dated 2nd March 022.
- A2.2 The Chair of the Sub-Committee shall be elected from Members of the Constituent Authorities and rotated between Authorities on an annual basis.

##### **A3. Economic Well-Being – Regional Economic Development Sub-Committee Recommendations**

- A3.1 The Economic Well-Being – Regional Economic Development Sub-Committee will make recommendations to the CJC in relation to the Economic Well-being – Regional Economic Development Function and the Mid Wales Growth Deal. The CJC will then be asked to consider the recommendations for approval. If the recommendations are not approved by the CJC, they may be referred back to the Economic Well-Being – Regional Economic Development Sub-Committee for reconsideration and re-submission to the CJC.

##### **A4. Meetings**

- A4.1 The Economic Well-Being – Regional Economic Development Sub-Committee shall meet on at least a quarterly basis, or at such frequency as the Economic Well-Being – Regional Economic Development Sub-Committee shall determine from time to time in order to fulfil its role.
- A4.2 The CJC may invite such number of appropriate third parties to observe the Economic Well-Being- Regional Economic Development Sub-Committee Meetings as it sees fit from time to time. Such third parties may include individuals or representatives of such organisations and private sector companies as the CJC shall determine from time to time.
- A4.3 Any third parties invited to a Economic Well-Being – Regional Economic Development Sub-Committee Meeting shall be entitled to take such part in the meeting as determined by the CJC. Any third party in attendance at an Economic Well-Being- Regional Economic Development Sub-Committee Meeting may be

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required by the Chairperson not to attend some or any part of a Economic Well-Being – Regional Economic Development Sub-Committee Meeting

A4.4 A Economic Well-Being – Regional Economic Development Sub-Committee Meeting may be held in accordance with Rules 4.29 to 4.30 (Location) and 4.37 to 4.38 (Remote Meetings).

A4.5 Meetings will be held in public and arrangements for the publication of and access to documents will be the same as for meetings of the CJC as set out in Section 4 of the Constitution.

### **A5. Proceedings of Meetings**

A5.1 Rule 5.6 of the Constitution will apply to the meetings of the Economic Well-Being – Regional Economic Development Sub-Committee.

A5.2 Members of the Economic Well-Being – Regional Economic Development Sub-Committee shall be subject to the Code of Conduct for Members.

A5.3 Meetings may be rearranged, cancelled or additional meetings scheduled with the agreement of the Chair.

A5.4 Each meeting will be recorded through the production of notes which will be made available to the public online after the meeting with the exception of any exempt or confidential information. Notes of meetings will usually be brief, containing a summary of discussions, action points and recommendations.

A5.5 The Economic Well-Being – Regional Economic Development Sub-Committee is a decision making body, and the Chair should aim to facilitate consensual agreement on matters under consideration. Where a consensus cannot be reached, the Chair shall present the split views of the committee to the CJC.

A5.6 The Members' Code of conduct in Section 9 will apply.

### **A6. Quorum**

A6.1 The quorum necessary for a Economic Well-Being – Regional Economic Development Sub-Committee Meeting shall be at least two elected members from the Constituent Councils or the appropriate deputies appointed.

### **A7. Voting**

A7.1 At meetings of the Economic Well-Being – Regional Economic Development Sub-Committee each elected member or appropriate deputy appointed in attendance shall have one vote each. Decisions at meetings of the Economic Well-Being – Regional Economic Development Sub-Committee will be taken by a majority vote of a quorate meeting.

### **A8. Minutes**

A8.1 Minutes of the proceedings of a Economic Well-Being – Regional Economic Development Sub-Committee meeting must be drawn up and recorded. The minutes must be approved by the person chairing the meeting or the person chairing the next suitable such meeting by signing the minutes, or by electronically signifying approval.

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### Appendix B

#### Regional Transport Planning Sub-Committee – Terms of Reference

##### **B1. Introduction**

- B1.1 The Welsh Government has now brought forward The Corporate Joint Committees (**Transport Functions**) (Consequential Modifications and Transitional Provisions) (Wales) Regulations 2022 (the Transport Functions Regulations 2022)
- B1.2 The Transport Functions Regulations 2022 changes the responsibility of functions under Section 108 of the Transport Act 2000 moves the responsibility for delivering a transport plan from the local authorities to the Corporate Joint Committee and revokes the Regional Transport Planning (Wales) Order 2014.
- B1.3 The Constituent Councils established a joint committee to oversee and co-ordinate the discharge of the Councils obligations in relation to Regional Transport Planning known as TraCC.
- B1.4 The CJC will appoint the TraCC Board as its Regional Transport Planning Sub-Committee to advise the CJC on its Regional Transport Planning function . The sub-committee will be responsible for making the necessary recommendations to the CJC in relation to the delivery of a Regional Transport Plan for the Constituent Councils. The functions of TraCC exceed the functions of the CJC as set out in the Transport Functions Regulations 2022 and the Constituent Authorities agree that the Regional Transport Planning Sub-Committee will continue to have decision making powers in respect of all functions of TraCC other than the delivery of a Regional Transport Plan.

##### **B2. Composition of the Regional Transport Planning**

- B2.1 The composition and functions of the Regional Transport Planning Sub- Committee shall be will consist of 6 members, 3 from each of the Constituent Authorities (including the 2 members from each Constituent authority on the Tŷfnidiaeth Canolbarth Cymru (“TraCC”) Management Board).
- B2.2 The Chair of the Sub-Committee shall be elected from Members of the Constituent Authorities and rotated between Authorities on an annual basis.

##### **B3. Regional Transport Planning Sub Committee Recommendations**

- B3.1 The Regional Transport Planning Sub-Committee will make recommendations to the CJC in relation to the development of Regional Transport Planning. The CJC will then be asked to consider the recommendations. If the recommendations are not approved by the CJC, they may be referred to the Regional Transport Planning Sub-Committee for reconsideration and re-submission to the CJC.

##### **B4. Meetings**

- B4.1 The Regional Transport Planning Sub-Committee shall meet on at least a quarterly basis, or at such frequency as the Sub-Committee shall determine from time to time in order to fulfil its role.
- B4.2 The Regional Transport Planning Sub-Committee may invite such number of appropriate third parties to observe Regional Transport Planning Sub-Committee Meetings as it sees fit from time to time. Such third parties may include individuals or representatives of such organisations and private sector companies as the Regional Transport Planning Sub-Committee shall determine from time to time.

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- B4.3 Any third parties invited to a Regional Transport Planning Sub-Committee Meeting shall be entitled to take part in such meeting but shall not be able to vote in respect of any decisions to be taken. Any third party in attendance at a Regional Transport Planning Meeting may be required by the Chairperson not to attend some or any part of a Regional Transport Planning Meeting
- B4.4 A Regional Transport Planning Sub-Committee Meeting may be held in accordance with Rules 4.29 to 4.30 (Location) and 4.37 to 4.38 (Remote Meetings).
- B4.5 Meetings will be held in public and arrangements for the publication of and access to documents will be the same as for meetings of the CJC as set out in Section 4.

### **B5. Quorum**

- B5.1 The quorum necessary for the Regional Transport Planning Sub-Committee Meeting shall be at least two elected members from the Constituent Councils or the appropriate deputies appointed.

### **B6. Voting**

- B6.1 At meetings of the Regional Transport Planning Sub-Committee each elected member or appropriate deputy appointed in attendance shall have one vote each. Decisions at meetings of the Regional Transport Planning Sub-Committee will be taken by a majority vote of a quorate meeting.

### **B7. Minutes**

- B7.1 Minutes of the proceedings of a Regional Transport Planning Sub-Committee meeting must be drawn up and recorded. The minutes must be approved by the person chairing the Sub-Committee meeting or the person chairing the next suitable such meeting by signing the minutes, or by electronically signifying approval.

### **B8. Proceedings of Meetings**

- B8.1 Rule 5.6 above will apply to the meetings of the Regional Transport Planning Sub-Committee.
- B8.2 Members of the Regional Transport Planning Sub-Committee shall be subject to the Code of Conduct for Members.
- B8.3 Meetings may be rearranged, cancelled or additional meetings scheduled with the agreement of the Chair.
- B8.4 Each meeting will be recorded through the production of notes which will be made available to the public online after the meeting with the exception of any exempt or confidential information. Notes of meetings will usually be brief, containing a summary of discussions, action points and recommendations.
- B8.5 The Regional Transport Planning Sub-Committee is not a decision making body for delivery of a Regional Transport Plan and the Chair should aim to facilitate consensual agreement on matters under consideration. Where a consensus cannot be reached, the Chair shall present the split views of the committee to the CJC.
- B8.6 The Regional Transport Planning Sub-Committee continues to have decision making powers in respect of all functions of TraCC, other than the delivery of a Regional Transport Plan.
- B8.7 The Members' Code of Conduct in Section 9 will apply.

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### Appendix C

#### Strategic Development Planning Sub-Committee – Terms of Reference

##### **C1. Introduction**

- C1.1 The Mid Wales CJC has the function of preparing a Strategic Development Plan (SDP) (and accordingly Part 6 of the Planning and Compulsory Purchase Act 2004 applies to the Mid Wales CJC)
- C1.2 The production of an SDP is a statutory duty and will require substantive resource to be committed over a period to be defined in accordance with clearly defined deliverables itemised in a 'Delivery Agreement' agreed by the CJC and Welsh Government.
- C1.3 Brecon Beacons National Park Authority (BBNPA) are a member of the CJC but are entitled to vote in relation to Strategic Development Planning purposes only.
- C1.4 The CJC will appoint the Strategic Development Planning Sub-Committee to make the necessary recommendations to the CJC in relation to the preparation, adoption and implementation of a Mid Wales Strategic Development Plan for the Constituent Councils and BBNPA.
- C1.5 The SDP will be the first ever regional scale Development Plan for the Mid Wales area, under which Local Development Plans (LDPs) and/or 'LDP lites' will still need to be produced at Local Planning Authority level. Once the SDP is in place, planning decisions in future will be made having regard to the SDP, as well as adopted LDPs/LDP lites and Future Wales, the National Plan 2040.
- C1.6 The SDP will focus on those issues, topics or places that are considered key to delivering wider than local issues and responding to the key driver of change for the region. It will cover strategic planning and place-making issues such as major centres for economic growth, major housing allocations (including new settlements if appropriate) and areas for protection.

##### **C2. Composition of the Strategic Development Planning Sub-Committee**

- C2.1 The Strategic Development Planning Sub Committee will consist of 8 members, 3 from each of the Constituent Authorities and 2 from BBNPA.
- C2.2 The Chair of the Sub-Committee shall be elected annually from Members of the Constituent Authorities.

##### **C3. Strategic Development Planning Sub Committee Recommendations**

- C3.1 The Strategic Development Planning Sub-Committee will make recommendations to the CJC in relation to the preparation and development of the Strategic Development Plan, as well as its future implementation, monitoring and review. The CJC will then be asked to consider the recommendations. If the recommendations are not approved by the CJC the CJC may refer matters back to the Strategic Development Planning Sub-Committee for reconsideration and re-submission to the CJC.

##### **C4. Meetings**

- C4.1 The Strategic Development Planning Sub-Committee shall meet on at least a quarterly basis, or at such frequency as the Sub-Committee shall determine from time to time in order to fulfil its role.
- C4.2 The Strategic Development Planning Sub-Committee may invite appropriate third parties to attend and observe Strategic Development Planning Sub-Committee



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Meetings as it sees fit from time to time. Such third parties may include individuals or representatives of such organisations and private sector companies as the Strategic Development Planning Sub-Committee shall determine from time to time.

- C4.3 Any third parties invited to attend and observe Strategic Development Planning Sub-Committee Meetings shall be entitled to take part in such meeting but shall not be able to vote in respect of any decisions to be taken. Any third party in attendance at a Strategic Development Planning Sub-Committee Meeting may be required by the Chairperson not to attend some or any part of any meeting.
- C4.4 A Strategic Development Planning Sub-Committee Meeting may be held in accordance with Rules 4.29 to 4.30 (Location) and 4.37 to 4.38 (Remote Meetings).
- C4.5 Meetings will be held in public and arrangements for the publication of and access to documents will be the same as for meetings of the CJC as set out in Section 4.

### **C5. Quorum**

C5.1 The quorum necessary for the Strategic Development Planning Sub-Committee Meeting shall be at least a member from each of the Constituent Councils and BBNPA

### **C6. Voting**

C6.1 At meetings of the Strategic Development Planning Sub-Committee each member appointed in attendance shall have one vote.. Decisions at meetings of the Strategic Planning Sub-Committee will be taken by a majority vote of a quorate meeting.

### **C7. Minutes**

C7.1 Minutes of the proceedings of a Strategic Development Planning Sub-Committee meeting must be drawn up and recorded. The minutes must be considered and approved at the following meeting of the Sub-Committee.

### **C8. Proceedings of Meetings**

- C8.1 Rule 5.6 above will apply to the meetings of the Strategic Development Planning Sub-Committee
- C8.2 Members of the Strategic Development Planning Sub-Committee shall be subject to the Code of Conduct for Members.
- C8.3 Meetings may be rearranged, cancelled or additional meetings scheduled with the agreement of the Chair.
- C8.4 Each meeting will be recorded through the production of notes which will be made available to the public online after the meeting with the exception of any exempt or confidential information. Notes of meetings will usually be brief, containing a summary of discussions, action points and recommendations.
- C8.5 The Strategic Development Planning Sub-Committee is not a decision making body, and the Chair should aim to facilitate consensual agreement on matters under consideration. Where a consensus cannot be reached, the Chair shall present the split views of the committee to the CJC.

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### Appendix D

#### Governance and Audit Sub-Committee - Terms of Reference

##### D1. Membership

D1.1 The Membership of the Governance and Audit Sub-Committee will be as follows:

D1.1.1 One Lay Member from the Governance and Audit Sub-Committee of each of the Constituent Councils;

D1.1.2 Two Councillors from the Governance and Audit Sub-Committee of each of the Constituent Councils;

D1.1.3 Where the Governance and Audit Sub-Committee is considering Strategic Development Plan matters the Sub-Committee will include a Lay Member from the Brecon Beacons National Park Authority's Audit and Scrutiny Committee.

D1.1.4 One third of the Governance and Audit Sub-Committee must consist of Lay Members and two thirds of the Governance and Audit Sub-Committee must consist of Members of the Constituent Authorities. Any act of the Sub-Committee will be invalid if these membership requirements are breached.

D1.1.5 The Chair and Vice-Chair of the Governance and Audit Sub-Committee will be appointed by the Sub-Committee at the first meeting following the CJC's Annual Meeting and the Chair must be a Lay Member and rotated between Authorities on an annual basis.

D1.1.6 The Chair and / or Vice-Chair of the Governance and Audit Sub-Committee may be removed from office by a motion to remove which is put on the agenda.

##### D2. Scope.

- To approve CJC'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 the CJC 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.
- 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
- 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

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- Comment on the scope and depth of the external audit work, to ensure it gives value for money
- 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 reports

### **Local Government Measure 2011 (Section 81) as amended by the Local Government and Elections (Wales) Act 2021 (Section 115) and The Mid Wales Corporate Joint Committee Regulations 2021.**

- review and scrutinise the CJC's financial affairs
- make reports and recommendations in relation to the CJC's financial affairs
- review and assess the risk management, internal control, performance assessment and corporate governance arrangements of the CJC
- make reports and recommendations to the CJC on the adequacy and effectiveness of those arrangements
- review and assess the CJC's ability to handle complaints effectively
- make reports and recommendations in relation to the CJC's ability to handle complaints effectively
- oversee the CJC's internal and external audit arrangements, and
- review the financial statements prepared by the CJC

### **Local Government and Elections (Wales) Act 2021 (Section 91 - 95)**

- Duty to review the CJC'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 CJC'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 CJC's draft response to the report of the Auditor General and may make recommendations for changes to the statement made

D3. The Sub-Committee can make reports and / or recommendations to the CJC, in connection with the discharge of any function of the CJC;

#### **D4 Work Programme**

D4.1 The Chair in consultation with the Sub-Committee will determine its own work programme

#### **D5. Meetings of the Governance and Audit Sub-Committee**

D5.1 The Governance and Audit Sub-Committee must meet at least once annually.

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- D5.2 The Governance and Audit Sub-Committee must also meet if at least one third of the members of the Governance and Audit Sub-Committee requisition a meeting by one or more notices in writing to the chair.
- D5.3 For the purposes of attendances of members or Officers of the CJC or officers of the Constituent Councils at the Governance and Audit Sub-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.

### **D6.Proceedings of Meetings**

- D6.1 Rule 5.6 will apply to the meetings of the Governance and Audit Sub-Committee.
- D6.2 Members of the Governance and Audit Sub-Committee shall be subject to the Code of Conduct for Members.
- D6.3 Meetings may be rearranged, cancelled or additional meetings scheduled with the agreement of the Chair.
- D6.4 Each meeting will be recorded through the production of notes which will be made available to the public online after the meeting with the exception of any exempt or confidential information. Notes of meetings will usually be brief, containing a summary of discussions, action points and recommendations.
- D6.5 The Governance and Audit Sub-Committee is not a decision making body, and the Chair should aim to facilitate consensual agreement on matters under consideration.
- D6.6 The Members' Code of Conduct in Section 9 will apply.

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Appendix E

### Overview and Scrutiny Sub-Committee - Terms of Reference

#### TERMS OF REFERENCE OF THE CJC OVERVIEW & SCRUTINY SUB-COMMITTEE (“OSSC”)

##### **E1. Membership**

- E1.1 Subject to 1.3 below, the Overview & Scrutiny Sub-Committee shall comprise of 10 members in total, 5 each from the relevant Overview and Scrutiny Committees of the Constituent Councils, ensuring political balance.
- E1.2 Executive members of the Constituent Councils shall not be members of the OSSC.
- E1.3 Where the OSSC is considering the Strategic Development Plan Function and any function that is ancillary or incidental to that function the Overview & Scrutiny Sub-Committee shall comprise of 11 members in total, 5 each from the relevant Overview and Scrutiny Committees of the Constituent Councils, ensuring political balance together with 1 representative of the Brecon Beacons National Park Authority.
- E1.4 Two nominated substitutes will be allowed for the representatives listed above from Constituent Councils and one substitute representative will be allowed from the Brecon Beacons National Park Authority provided that the substitutes are not involved in and have not attended meetings of the CJC or another Sub-Committee of the CJC.
- E1.5 A Constituent Council may send a substitute from the relevant scrutiny committee of their own Council of the same political group if they are unable to attend, but this may not be a member of the Constituent Council's executive. A substitute will be able to vote.

##### **E2.Purpose**

- E2.1 The purpose of the Overview & Scrutiny Sub-Committee shall be:
- E2.1.1 Performing the overview and scrutiny function for the CJC on behalf of the Constituent Councils and the Brecon Beacons National Park Authority where appropriate, to:
- (a) review and or scrutinise decisions made, or other action taken, in connection with the discharge of any of the CJC's functions;
  - (b) make reports or recommendations to the CJC or its executive officers with respect to the discharge of any of those functions;
  - (c) exercise such other functions as the CJC may determine.
- E2.1.2 To develop a Forward Work Programme annually, reflecting the functions under clause 2.1.1 above.
- E2.1.3 To seek reassurance and consider if the CJC is developing according to guidance from WG

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### **E3.Chair**

- E3.1 The Chair and Vice-Chair of the OSSC shall be elected by the OSSC.
- E3.2 The Chair and Vice-Chair of the OSSC shall be elected by the OSSC at its first meeting and then at each calendar year.
- E3.3 The position of Chair and Vice-Chair will rotate between the Constituent Councils on an annual basis.
- E3.4 Election of Chair – The OSSC will elect a Chair from the nominated membership of the committee. Substitute Members will not be eligible for election as the Chair.
- E3.5 Election of Vice-Chair – The OSSC will elect a Vice Chair from the nominated membership of the committee. Substitute Members will not be eligible for election as Vice-Chair.

### **E4.Voting**

- E4.1 Each member of the OSSC shall have one vote. Decisions of the OSSC shall be made by simple majority vote.
- E4.2 In the event of equality of votes the Chair of the OSCC shall have a casting vote.

### **E5.Conflicts of Interest**

- E5.1 Members of the OSCC must declare any interest either before or during the meetings of the OSCC (and withdraw from that meeting if necessary) in accordance with the Code of Conduct or as required by law.

### **E6.Proceedings of Meetings**

- E6.1 Rule 5.6 above will apply to the meetings of the OSCC.
- E6.2 Members of the OSSC shall be subject to the Code of Conduct for Members.
- E6.3 Meetings may be rearranged, cancelled or additional meetings scheduled with the agreement of the Chair.
- E6.4 Each meeting will be recorded through the production of notes which will be made available to the public online after the meeting with the exception of any exempt or confidential information. Notes of meetings will usually be brief, containing a summary of discussions, action points and recommendations.
- E6.5 The OSSC is not a decision making body, and the Chair should aim to facilitate consensual agreement on matters under consideration. Where a consensus cannot be reached, the Chair shall present the split views of the committee to the CJC.
- E6.6 The Members' Code of Conduct in Section 9 will apply.

### **E7.Quorum**

- E7.1 The quorum for meetings shall be no less than 4 Members, which must include at least 2 Members from each of the Constituent Councils, but where the OSSC is considering the Strategic Development Plan Function and any function that is ancillary or incidental to that function, the quorum must include a representative of the Brecon Beacons National Park Authority.

### **E8.Frequency**

- E8.1 The OSSC shall meet quarterly, having regard of the CJC's meetings. Additional meetings may be convened by the Chair on at least 7 clear days' notice.

## SECTION 5 – SUB-COMMITTEES

### **E9.Sub-Groups**

E9.1 The OSSC by agreement may create Task and Finish Groups.

### **E10.Review**

E10.1 The Terms of reference of the OSSC shall be reviewed annually.

### **E11. Call-In**

E11.1 When a decision is made by the CJC a summary of the decision shall be circulated by the Monitoring Officer (normally within 2 days of the decision being made and where possible by electronic means) to all members of the CJC and members of the Overview and Scrutiny Sub Committee.

E11.2 That notice containing the decision summary will bear the date on which it is published and will specify that the decision will come into force, and may then be implemented, on the expiry of 5 Clear days ( the Call-in Period”) after the publication of the decision, unless the Overview and Scrutiny Sub-Committee, or the requisite number of members thereof (referred to in paragraph 12.3 below) objects to it in writing and calls it in.

E11.3 During the Call-in Period the Monitoring Officer shall call-in a decision for scrutiny by the Overview and Scrutiny Committee if so requested in the specified format (“the Call-In Request”<sup>1</sup>) by 3 members of a Scrutiny Committee PROVIDED THAT the Monitoring Officer and / or the Chief Finance Officer are satisfied that the following conditions are met:

E11.3.1 the decision or action was contrary to the policy framework or budget, or fell outside the functions of the CJC; or

E11.3.2 the CJC had not followed agreed procedures or failed to consult (where required) before reaching its decision; or

E11.3.3 the CJC had not followed, or had failed to take account of, any legal obligations, including regulations or statutory guidance governing the CJC's actions, or other guidance adopted by the CJC.

E11.4 Where the Monitoring Officer and / or the Chief Finance Officer are satisfied that one or more of the conditions set out in Rule 12.3 above have been met, they shall produce a written report setting out the reasons for coming to this conclusion and the Monitoring Officer will then arrange for a “Call-In Notice”<sup>2</sup> to be issued in accordance with Rule 12.5 below.

E11.5 A Call-In Notice must contain the following:

E11.5.1 details of the condition set out in rule 12.3 above being relied upon;

E11.5.2 the reasons why it is believed one or more of the conditions are satisfied.

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<sup>1</sup> See Appendix 1 to this Section.

<sup>2</sup> See Appendix 2 to this Section.

## SECTION 5 – SUB-COMMITTEES

- E11.6 The Monitoring Officer shall call a meeting of that Scrutiny Committee on such a date as s/he may determine, where possible after consultation with the chair or vice chair of that the Overview and 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 Overview and Scrutiny Committee consider extending this time limit and the period of extension cannot in any circumstances exceed a further 5 clear days).
- E11.7 If, having considered the decision, the Overview Scrutiny Committee remains concerned about the decision, then the Committee may refer it back to the CJC for reconsideration, setting out in writing the nature of its concerns. If the decision is referred back to the CJC, the CJC shall then reconsider the decision within 10 clear days of the date of the reference. The CJC 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.
- E11.8 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).
- E11.9 If following an objection to the decision, a Scrutiny Committee does not refer the matter back to the CJC, the decision shall take effect on the date of the Scrutiny Committee meeting.
- E11.10 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:
- E11.10.1 the Overview and Scrutiny Committee may only call-in a total of five decisions per year;
  - E11.10.2 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.
  - E11.10.3 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.
  - E11.10.4 the decision being called-in, or broadly the same decision, has not been called in during the last 6 months.
- E11.11 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.
- E11.12 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.
- E11.13 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.

### **E12. Exceptions to call-in**

- E12.1 The call-in procedure set out in clause 12 above shall not apply where the decision being taken is urgent. A decision will be urgent if:
- E12.1.1 any delay likely to be caused by the call-in process would seriously prejudice the Council’s or other public interests; and



## SECTION 5 – SUB-COMMITTEES

- E12.1.2 Subject to clause 13.3 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
- E12.1.3 the chair of the Overview and Scrutiny Committee agrees in writing to the decision being treated as a matter of urgency. In the absence of the Overview and Scrutiny chair then the vice chair may agree to the decision being treated as a matter of urgency; and
- E12.1.4 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 and by the chair or vice chair of the Overview Scrutiny Committee.

E12.2 Decisions taken as a matter of urgency can be implemented forthwith but must be reported at the next available meeting of the Overview and Scrutiny Committee, together with the reasons for urgency, such report to the scrutiny committee must contain the written certification as required in clause E12.1.2 above.

### **E13. The Party Whip**

- E13.1 Section 78(1) of the Local Government (Wales) Measure 2011 provides that a Member of a Overview and Scrutiny Sub Committee must not vote on a question at a meeting of that Committee if before the meeting the Member has been given a party whip relating to the question (known as prohibited party whip).
- E13.2 The statutory definition of a party whip is reproduced at paragraph 14.6.
- E13.3 Any vote is given in breach of the rule declared in paragraph 14.1 must be disregarded.
- E13.4 It is for the person chairing the meeting of the Overview and Scrutiny Sub Committee to determine whether a member of the Committee has been given a prohibited party whip in relation to the meeting.
- E13.5 At each meeting of a Overview and Scrutiny Sub Committee each Member must declare any prohibited party whip which the Member has been given in relation to the meeting and the minutes of the meeting shall record all such declarations.
- E13.6 The definition of party whip in Section 81(10) of the Local Government (Wales) Measure 2011 is: “party whip means an instruction (however expressed) which:-
- (a) is given on behalf of a political group on a Constituent Authority;
  - (b) is given to a person (P) who is:- (i) a member of the political group, and (ii) a member of a Overview and Scrutiny Sub Committee of the CJC;
  - (c) is an instruction as to how P should vote on a question falling to be decided by the committee; and
  - (d) if not complied with by P, would be likely to make P liable to disciplinary action by the political group which gives the instruction;

“political group” means a group of members of a Constituent Authority that is a political group for the purposes of Part 1 of the Local Government and Housing Act 1989.”

## SECTION 5 – SUB-COMMITTEES

Appendix F

### Standards Sub-Committee - Terms of Reference

#### Composition

#### **F1. Membership of the Standards Committee.**

F1.1 The Standards Committee is composed of **7 Members**. Its Membership includes:

F1.1.1 **2 'Independent' (Lay) Members from the Standards Committee of each Constituent Council.**

The following persons are not eligible to serve as Independent (Lay) Members of the Standards Committee:

- (a) A person who is a Councillor or Officer of the Constituent Councils or the spouse or civil partner of a Councillor or an Officer;
- (b) A person who has been, but is no longer a Councillor or Officer of the Constituent Councils;
- (c) A person who is a member or an officer, or the spouse or civil partner of a member or an officer of:

Any other County Council;  
Any County Borough Council;  
Any National Park Authority;  
Any Fire Authority;  
Any Community Council.

- (d) For the period of 12 months commencing with the date on which that person ceased to be a member or officer of any of the bodies listed below, a person who has been, but is no longer a member or officer of;

Any other County Council;  
Any other County Borough Council;  
A National Park Authority;  
A Fire Authority.

F1.1.2 **1 Councillor from the Standards Committee of each Constituent Council (not a Member of the Cabinets of either Constituent Council) appointed by the Constituent Council at their Annual Meetings following the ordinary local government elections for the County Council, or at an ordinary meeting in the event of a vacancy occurring.**

F1.1.3 **1 Member from the Standards Committee of the Brecon Beacons National Park Authority.**

## SECTION 5 – SUB-COMMITTEES

### **F2 Term of Office**

- F2.1 Independent (Lay) Members are appointed for a period of not less than four and not more than six years and may be reappointed for a consecutive term not exceeding four years.
- F2.2 Councillors of Constituent Councils who are Members of the Standards Committee will have a term of office of no more than five years or until the next ordinary local government election following their appointment, whichever is the shorter. They may be reappointed for one further consecutive term. A Councillor ceases to be a Member of the Standards Committee upon ceasing to be a Councillor of a Constituent Council.

### **F3 Meetings.**

- F3.1 The Standards Committee must meet at least once annually.

### **F4 Quorum of Standards Committee**

- F4.1 A meeting of the Standards Committee shall only be quorate when:
- F4.1.1 at least 3 Members, including the Chair, are present; and
  - F4.1.2 at least half the Members present (including the Chair) are Independent (Lay) Members.

### **F5 Voting**

- F5.1 All Members including Independent (Lay) Members will be entitled to vote at meetings.
- F5.2 A question to be decided by the Standards Committee shall be decided by a majority of the votes cast by those members present at the meeting and eligible to vote.
- F5.3 In the case of an equality of votes, the person presiding at a meeting of the Standards Committee shall have a second, casting vote.

### **F6. Chairing the Committee.**

- F6.1 Only an Independent (Lay) Member of the Standards Committee may be the Chair or Vice-Chair.
- F6.2 If the Chair is absent from a meeting of the Standards Committee, then the Vice-Chair of the Committee, if present, shall preside.
- F6.3 If both the Chair and the Vice-Chair of the Standards Committee are absent from a meeting, an independent member as chosen by the Standards Committee shall preside.
- F6.4 Subject to Paragraphs F6.1 and F6.5 the Chair and Vice Chair will be elected by the Members of the Standards Committee for whichever is the shortest period of:
- (i) not less than four years or no more than six years; or
  - (ii) until the term of office of the Independent Member comes to an end.
- F6.5 A Chair or Vice-Chair can be re-elected following their re-appointment as a Member of the Committee as the case may be.

## SECTION 5 – SUB-COMMITTEES

### **F7. Role and Function**

F7.1 The Standards Committee will have the following roles and functions:

- F7.1.1 promoting and maintaining high standards of conduct by Members;
- F7.1.2 assisting Members to observe the Members' Code of Conduct;
- F7.1.3 advising the CJC on the adoption or revision of the Members' Code of Conduct;
- F7.1.4 monitoring the operation of the Members' Code of Conduct;
- F7.1.5 advising on training or arranging to train Members on matters relating to the Members' Code of Conduct;
- F7.1.6 granting dispensations to Members from requirements relating to interests set out in the Members' Code of Conduct;
- F7.1.7 dealing with any reports from a case tribunal or interim case tribunal, and any report from the Monitoring Officer on any matter referred to that officer by the Public Services Ombudsman for Wales.
- F7.1.8 overseeing the CJC's whistle-blowing regime;
- F7.1.9 providing advice to individual Members on such issues as the treatment of personal interest and on conduct matters generally;
- F7.1.10 determining appropriate action on matters referred to it by the Public Services Ombudsman for Wales.
- F7.1.11 overseeing the Register of Interest of Members and Officers.
- F7.1.12 overseeing the CJC's rules and protocols on accountability of members.
- F7.1.13 overseeing the attendance of Members at relevant meetings;
- F7.1.14 As soon as reasonably practicable after the end of each financial year, the Standards Committee will make an annual report to the CJC setting out the following:
  - (a) how the Committee's functions have been discharged
  - (b) what has been done to discharge the general and specific functions set out in Paragraphs 1.12.1 to 1.12.5 above;
  - (c) reports and recommendations made or referred to the Committee by the Ombudsman;
  - (d) action taken by the Committee following its consideration of such reports and recommendations;
  - (e) notices given to the Committee by the Adjudication Panel for Wales.
  - (f) such other matters as the Committee may wish to draw to the attention of CJC in relation to the Standards Committee's functions.

### **F8. Rules of Procedure and Debate**

F8.1 Rule 5.6 above will apply to the meetings of the Standards Committee.

F8.2 When considering the conduct of individual Members, the procedures outlined in Section 9 will apply.