

Pecyn Dogfennau Cyhoeddus

Cyngor Sir

Man Cyfarfod
By Teams

Dyddiad y Cyfarfod
Dydd Gwener, 30 Ebrill 2021

Amser y Cyfarfod
3.00 pm

I gael rhagor o wybodaeth cysylltwch â
Stephen Boyd
01597 826374
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Neuadd Y Sir
Llandrindod
Powys
LD1 5LG

Dyddiad Cyhoeddi

Mae croeso i'r rhai sy'n cymryd rhan ddefnyddio'r Gymraeg. Os hoffech chi siarad Cymraeg yn y cyfarfod, gofynnwn i chi roi gwybod i ni erbyn hanner dydd ddau ddiwrnod cyn y cyfarfod

AGENDA

1.	YMDDIHEURIADAU
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Derbyn ymddiheuriadau am absenoldeb.

2.	DATGANIADAU O DDIDDORDEB
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Derbyn unrhyw ddatganiadau o ddiddordeb gan Aelodau yn ymwneud ag eitemau i'w hystyried ar yr Agenda.

3.	CYFANSODDIAD
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Ystyried diwygiadau i Gyfansoddiad y Cyngor.
(Tudalennau 1 - 178)

Mae'r dudalen hon wedi'i gadael yn wag yn fwriadol

CYNGOR SIR POWYS COUNTY COUNCIL.

County Council
30th April, 2021

REPORT AUTHOR: Head of Legal and Democratic Services

SUBJECT: Constitution

REPORT FOR: Decision

1. Purpose of Report

- 1.1 The Council is asked to consider possible revisions to the Constitution which may impact on the allocation of seats of committees which will be decided at the Council AGM in May 2021.
- 1.2 In addition the Council is asked consider a variety of other changes which will be required by the Local Government and Elections (Wales) Act 2021 (“the 2021 Act”).
- 1.3 All the above changes to the Constitution were considered and approved by the Democratic Services Committee on 20th April, 2021.

2. Recommended Revisions to the Constitution

2.1 Title of the Economy, Residents, Communities and Governance Scrutiny Committee

The Council is asked to review the title of the Economy, Residents, Communities and Governance Scrutiny Committee in light of the re-naming of the Audit Committee to become the Governance and Audit Committee as required by Local Government and Elections Act (Wales) 2021 which took effect on 1st April 2021. It is considered that it is inappropriate to have 2 committees with the word “Governance” in their titles as this would be confusing.

The Democratic Services Committee recommends to Full Council that the name of the existing Economy, Residents, Communities and Governance Scrutiny Committee is changed to become the “Economy, Residents and Communities Scrutiny Committee”.

It should be noted that the terms of reference for the new Economy, Residents and Communities Scrutiny Committee will not be changed as the word “Governance” was only included within its previous title to refer to the fact that the scrutiny committee was to scrutinise certain corporate services.

Members should also note that the proposed amendment has been discussed with and approved by the Chair of the Economy, Residents, Communities and Governance Scrutiny Committee .

Recommendation to the County Council:	Reason for Recommendation:
1. That the title of the Economy,	To reflect the renaming of the Audit

<p>Residents, Communities and Governance Scrutiny Committee should be changed to become the Economy, Residents and Communities Scrutiny Committee with effect from 1st May 2021;</p> <p>2. 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 1 above.</p>	<p>Committee as the Governance and Audit Committee as required by Local Government and Elections Act (Wales) 2021 and thereby avoid confusion.</p>
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2.2 The Membership of Scrutiny Committees

With the exception of the Governance and Audit Committee, all other scrutiny committees are made up of 14 members, including any lay members on the relevant committee.

The Learning and Skills Scrutiny Committee consists of 14 members including 5 lay members (3 parent governor representatives; 1 Church in Wales Diocese representative; 1 Roman Catholic Church Diocese representative).

The Economy, Residents, Communities and Governance Scrutiny Committee consists of 14 members including Non-Voting Co-optee for crime and disorder.

On the other hand, the Governance and Audit Committee consists of 14 members plus 1 lay / independent member.

The Democratic Services Committee considers that the reduced number of democratically elected Councillors serving on scrutiny committees, particularly on the Learning and Skills Scrutiny Committee, should be reconsidered, and the Democratic Services Committee recommends to Full Council that the membership of all scrutiny committees should be amended to 14 Councillors **plus** any lay / independent members required on the relevant committee. In this way parity would be given to the membership of the Governance and Audit Committee.

Members should also note that the proposed amendment has been discussed with and approved by the Chair of the Learning and Skills Scrutiny Committee, whose committee is most affected by the proposed amendment.

Recommendation to the County Council:	Reason for Recommendation:
<p>3. That Rule 7.4 of the Constitution (as set out in a draft revised Section 7 of the Constitution which is attached) is amended with effect from 12th May 2021 so that:</p> <ul style="list-style-type: none"> • the membership of Economy, Residents, Community and Governance Scrutiny Committee 	<p>To allow for participation of more Councillors in Scrutiny meetings.</p>

<p>(Economy, Residents, and Communities Scrutiny Committee) is a maximum of 14 Councillors – Politically Balanced- plus 1 Non-Voting Co-optee for crime and disorder;</p> <ul style="list-style-type: none"> • The membership of the Learning and Skills Scrutiny Committee is a maximum of 14 Councillors - Politically Balanced – plus ; 3 parent governor representatives; 1 Church in Wales Diocese representative; 1 Roman Catholic Church Diocese representative, 	
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2.3 Amendments to the Provision of Notices, Summons , Agendas , Decisions and Retention of Documents

The Local Government and Elections Act (Wales) 2021 (the 2021 Act) has made changes to Local Authorities (Executive Arrangements) (Decisions, Documents and Meetings) (Wales) Regulations 2001 which require our standing orders to be amended to require Notices, Summons and Agendas for Meetings to be published on the Council’s Website rather than being physically published on the notice board in County Hall. We will continue to publish these documents on the notice board in County Hall (the pandemic allowing) notwithstanding that there will no longer be legal duty to do so.

Where a member of the public is not able to access documents published on the website, there will continue to be provision for those document to be available for inspection or copies provided upon payment of a charge for postage and any other printing and handling costs.

The Democratic Services Committee has asked officers to consider putting in place the possible use of social media to bring Notices , Summons and Agendas to the attention of the public.

To reflect the changes required by the 2021 Act amendments to Rules 4.23.1 to 2.23.6, Rules 14.9; 14.12 to 14.1 and 14.30.7 are proposed for consideration by Council.

Recommendation to the County Council:	Reason for Recommendation:
<p>4. That the amendments to Rules 4.23.1 to 4.23.6, 14.9; 14.12 to 14.1 and 14.30.7 (as set out in draft revised Sections 4 and 14 of the Constitution attached to the report) are approved and to take effect as from 1st May 2021.</p>	<p>To reflect the Local Authorities (Executive Arrangements) (Decisions, Documents and Meetings) (Wales) Regulations 2001 required by the Local Government and Elections Act (Wales) 2021</p>

<p>5. That the Monitoring Officer is authorised to make such changes to the Constitution as may be required to reflect the changes set out in Recommendation 4 above.</p>	
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2.4 Remote Attendance

The current arrangements which provide for remote attendance at meetings are provided for by the Emergency Coronavirus Regulations from Welsh Government and these are due to come to an end. The 2021 Act requires that amendments are made to our Constitution to allow for the continuation of remote attendance meetings.

As such, the Council is asked to consider the amendments to Rules 4.27.1 to 4.27.2 as set out in Section 4 of the Constitution (attached) so as to allow for remote attendance meetings in the future..

Recommendation to the County Council:	Reason for Recommendation:
<p>6. That the amendments to Rules 4.27.1 to 4.27.2 as set out in Section 4 of the Constitution attached to the report are approved and to take effect as from 1st May 2021.</p> <p>7. That the Monitoring Officer is authorised to make such changes to the Constitution as may be required to reflect the changes set out in Recommendation 6 above.</p>	<p>To reflect the changes required by the Local Government and Elections Act (Wales) 2021</p>

2.5 Extra Functions for Governance and Audit Committee

The Local Government and Elections Act (Wales) 2021 requires the Governance and Audit Committee in future to review and assess the authority's ability to handle complaints effectively and to make reports and recommendations in relation to the authority's ability to handle complaints effectively.

To reflect the changes required by the 2021 Act, the insertion of paragraphs (da) and (db) are proposed to page 35 of Section 13 of the Constitution for consideration by the Committee as set out in Sections 13 of the Constitution attached to the report.

When reviewing section of the Constitution to deal with the insertion of paragraphs (da) and (db) as indicated above , it was discovered that the Constitution had not been amended to include certain functions given to the Governance and Audit Committee by the Local Government Measure 2011. These functions are set out in paragraphs (a) – (d) and (e) –(f) in in the draft revised Section 13 of the Constitution (attached). Although the Constitution was not amended to reflect those functions, the Audit Committee has in fact been carrying out those functions .

In the circumstances, Democratic Services Committee recommends to Council the insertion of paragraphs (a) – (d), (da) , (db) and (e) –(f) into pages 34 and 35 of Section 13 of the Constitution as attached to the report. These changes will also be reflected in the Terms of Reference of the Governance and Audit Committee as set out in Section 7 of the Constitution (attached).

Recommendation to the County Council:	Reason for Recommendation:
<p>8. That paragraphs (a) – (d), (da) , (db) and (e) –(f) are inserted into page 34 and 35 of Section 13 of the Constitution as set out in Section 13 of the Constitution (attached) to the report and in Section 7 of the Constitution (attached) with effect from 1st May 2021.</p>	<p>To reflect the changes required by the Local Government and Elections Act (Wales) 2021 and the Local Government Measure 2011.</p>

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:

Mae'r dudalen hon wedi'i gadael yn wag yn fwriadol

SECTION 4 – FULL COUNCIL

Introduction

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

The Policy Framework

4.2 The Policy Framework means the following plans and strategies:

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

SECTION 4 – FULL COUNCIL

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

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

The Budget

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

Housing Land Transfer

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

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

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

Functions of the Full Council

4.6 Only the Full Council will exercise the following functions:

4.6.1 adopting and changing the Constitution;

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

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

4.6.4 appointing and removing the Leader;

4.6.5 making appointments to the committees of the Council

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

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

SECTION 4 – FULL COUNCIL

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

Membership

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

Chairing the Council

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

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

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

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

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

² Defined in Section 2.2.2

SECTION 4 – FULL COUNCIL

Role and Function of the Chair

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

Ceremonial Role

4.12.1 The Chair of the Council:

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

Responsibilities of the Chair

4.12.2 The Chair of the Council will:

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

Political Neutrality

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

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

Council Meetings

4.13 There are three types of Council meeting:

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

SECTION 4 – FULL COUNCIL

Rules of Procedure and Debate

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

♣	will apply to Cabinet and Cabinet Committees
▲	will apply to committee and sub-committee meetings (with the exception of 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 Head of Paid Service;
 - 4.15.9 elect the Leader of the Council, except where the Leader was appointed for a period of four years or the term of the Council at the initial annual meeting of the Council;
 - 4.15.10 be informed by the Leader of the number of Councillors to be appointed to the Cabinet;
 - 4.15.11 decide on the allocation of seats on political balanced committees to political 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;

SECTION 4 – FULL COUNCIL

- 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 ~~Audit Committee~~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;

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

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- 4.17.2 Elect the Leader **;
- 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 ~~Audit Committee~~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):

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

SECTION 4 – FULL COUNCIL

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

SECTION 4 – FULL COUNCIL

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

Extraordinary Meetings

Calling Extraordinary Meetings

4.19 The Chief Executive may call Council meetings in addition to ordinary meetings. Those listed below may request the Chief Executive to call additional Council meetings:

- 4.19.1 the Council by resolution;
- 4.19.2 the Chair of the Council;
- 4.19.3 The Leader;
- 4.19.4 The Head of Paid Service;
- 4.19.5 The Monitoring Officer or the Section 151 Officer;
- 4.19.6 any five Councillors if they have signed a requisition presented to the Chair of the Council and s/he has refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition.

Business

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

Time, Place and Duration of Meetings

Time and Place of Meetings

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

⁸ See Rule 4.14

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

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

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

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- ▲ ■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 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) Measure Act 2021~~2011~~, Members may attend meetings by remote means~~the County Council on 22nd October, 2014 decided not to allow any Council meetings to be held in accordance with the provisions of Section 4.~~

¹⁴ See Rule 4.14

¹⁵ See Rule 4.14

¹⁶ See Rule 4.14

¹⁷ See Rule 4.14

¹⁸ See Rule 4.14

¹⁹ 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

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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 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

²⁴ Regulation 2 – Local Authorities (Executive Arrangements) (Decisions, Documents and Meetings) (Wales) Regulations 2001 as amended

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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

- 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

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answer in written form, a written answer should be circulated at the meeting or later to the questioner and other Councillors (if requested). Where an oral answer is given the response shall last for no longer than 5 minutes.

4.35.2 where the desired information is in a publication of the Council or other published work, by reference to that publication,

Supplementary Question

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

Motions on Notice

Notice

4.37.1 Except for motions which can be moved without notice under Rule 4.42 and in cases of urgency under Rule 4.43, written notice of every motion, must be 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.

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.

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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 Officer;

4.39.8 would amount to an attempt to “Call-In” a decision of Cabinet or a delegated decision made by a Portfolio Holder which would not be allowed due to application of the Call-In rules set out in Section 7.

Appointment and Removal of the Leader

4.40.1 The following process will be followed for the appointment of the Leader:

4.40.1.1 The Chair will ask for written nominations;

4.40.1.2 The Chair will declare the number of nominations for each candidate and where a candidate has been nominated by more than 1 Councillor they will be deemed to have had their nomination seconded. For candidates with a single nomination, the Chair will ask for a seconder from the floor of Council;

4.40.1.3 Those nominated will be asked whether they accept or refuse the nomination;

4.40.1.4 In the event of there being a single candidate, there will be a secret ballot and the Chair will have a casting vote.

4.40.1.5 In the event of there being more than 1 candidate, all candidates will be asked to leave the Chamber and each candidate will be invited, in alphabetical / surname order to separately make a presentation of up to 5 minutes to Council.

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- 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

- 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;

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

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- ♣ ▲ ■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 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.

³⁵ See Rule 4.14

³⁶ See Rule 4.14

³⁷ See Rule 4.14

³⁸ See Rule 4.14

³⁹ See Rule 4.14

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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, 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

⁴⁰ See Rule 4.14

⁴¹ See Rule 4.14

⁴² See Rule 4.14

⁴³ See Rule 4.14

⁴⁴ See Rule 4.14

⁴⁵ See Rule 4.14

⁴⁶ See Rule 4.14

⁴⁷ See Rule 4.14

⁴⁸ See Rule 4.14

⁴⁹ See Rule 4.14

⁵⁰ See Rule 4.14

⁵¹ See Rule 4.14

⁵² See Rule 4.14

⁵³ See Rule 4.14

⁵⁴ See Rule 4.14

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/ 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.

- ♣ ▲ ■⁴4.49.2 Amendments 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 no later than 5 p.m. on the day prior to the meeting
- ♣ ▲ ■⁴4.49.3 Any amendments received in accordance with these rules will be automatically circulated to all Members as soon as reasonably practicable.
- ♣ ▲ ■⁴4.49.4 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.
- ▲ ■⁵⁵4.49.5 Each amendment will be proposed, seconded, committed to writing and handed to the Chair;
- ♣ ▲ ■⁵⁶4.49.6 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.
- ♣ ▲ ■⁵⁷4.49.7 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.

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

⁵⁵ See Rule 4.14

⁵⁶ See Rule 4.14

⁵⁷ See Rule 4.14

⁵⁸ See Rule 4.14

⁵⁹ See Rule 4.14

⁶⁰ See Rule 4.14

⁶¹ See Rule 4.14

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- ♣ ▲ ■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 from the meeting under Rule 4.87.
- ♣ ▲ ■⁷²4.53.6 to suspend a particular council procedure rule (provided that at least one half of the whole number of Members are present).

Closure Motions

- ♣ ▲ ■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.

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

⁷² See Rule 4.14

⁷³ See Rule 4.14

⁷⁴ See Rule 4.14

⁷⁵ See Rule 4.14

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- ♣ ▲ ■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 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

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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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 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.

⁸¹ See Rule 4.14

⁸² See Rule 4.14

⁸³ See Rule 4.14

⁸⁴ See Rule 4.14

⁸⁵ See Rule 4.14

⁸⁶ See Rule 4.14

⁸⁷ See Rule 4.14

SECTION 4 – FULL COUNCIL

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.

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

SECTION 4 – FULL COUNCIL

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.

⁹⁹ See Rule 4.14

¹⁰⁰ See Rule 4.14

¹⁰¹ See Rule 4.14

¹⁰² See Rule 4.14

SECTION 4 – FULL COUNCIL

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;

♣ ▲ ■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.

¹⁰³ See Rule 4.14

¹⁰⁴ See Rule 4.14

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

SECTION 4 – FULL COUNCIL

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 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

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

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

SECTION 4 – FULL COUNCIL

♣ ▲ ■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 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.

¹²² See Rule 4.14

¹²³ See Rule 4.14

¹²⁴ See Rule 4.14

¹²⁵ See Rule 4.14

¹²⁶ See Rule 4.14

¹²⁷ See Rule 4.14

SECTION 4 – FULL COUNCIL

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.

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.

¹²⁸ See Rule 4.14

¹²⁹ See Rule 4.14

¹³⁰ See Rule 4.14

¹³¹ See Rule 4.14

¹³² See Rule 4.14

¹³³ See Rule 4.14

SECTION 4 – FULL COUNCIL

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

Suspension

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

Amendment

♣ ▲ ■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 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

¹³⁴ See Rule 4.14

¹³⁵ See Rule 4.14

¹³⁶ See Rule 4.14

SECTION 4 – FULL COUNCIL

- 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.

Mae'r dudalen hon wedi'i gadael yn wag yn fwriadol

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
<p>Economy, Residents, and Community and Governance Scrutiny Committee</p> <p>A maximum of 14 Members including: 13 Councillors – Politically Balanced and 1 Non-Voting Co-optee for crime and disorder functions</p>	<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

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SECTION 7 – SCRUTINY COMMITTEES

Residents and Community:

- 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

SERVICE AREAS:

CHIEF EXECUTIVE

- Finance
- Legal and Democratic Services

ECONOMY AND ENVIRONMENT

- Property, Planning and Public Protection
- Highways, Transport and Recycling
- Housing and Community Development

TRANSFORMATION

- Strategy, Performance and Transformation Programmes
- Customers and Communications
- Workforce and OD

PARTNERSHIPS

- 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

Vision 2025 objectives:

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SECTION 7 – SCRUTINY COMMITTEES

<p>Health and Care Scrutiny Committee A maximum of 14 Members including: 14 Councillors – Politically Balanced</p>	<p>Health and Care:</p> <ul style="list-style-type: none"> • Focussing on well-being • 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: A maximum of 14 Members including: 9 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

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SECTION 7 – SCRUTINY COMMITTEES

<p>Co-Ordinating Committee Membership: Chairs and Vice Chairs of the 3 Scrutiny Committees; Chair and Vice-Chair of the Audit Committee <u>Governance and Audit Committee</u>; 3 Representatives of the Cabinet; 2 Representatives of the Executive Management Team</p>	<p>Functions specified under Rules 7.38 – 7.39</p>
<p>Public Service Board Scrutiny Committee</p>	<p>As set out in Rules 7.43 to 7.45</p>
<p>Audit Committee <u>Governance and Audit Committee</u> Membership: 14 Members 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. 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 Comment on the scope and depth of the external audit work, to ensure it gives value for money

SECTION 7 – SCRUTINY COMMITTEES

	<p>Assess and approve the annual statement of accounts, 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 • <u>review and scrutinise the authority's financial affairs</u> • <u>make reports and recommendations in relation to the authority's financial affairs</u> • <u>review and assess the risk management, internal control, performance assessment and corporate governance arrangements of the authority</u> • <u>make reports and recommendations to the authority on the adequacy and effectiveness of those arrangements</u> • <u>review and assess the authority's ability to handle complaints effectively</u> • <u>make reports and recommendations in relation to the authority's ability to handle complaints effectively</u> • <u>oversee the authority's internal and external audit arrangements, and</u> • <u>review the financial statements prepared by the authority</u>
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Membership of the ~~Audit Committee~~ Governance and Audit Committee.

7.5.1 The ~~Audit Governance and Audit~~ Committee will comprise 14 Councillors, appointed to achieve as far as reasonably practicable a political balance on the committee plus 1 voting Lay Member plus such other co-optees as may be appointed by the Council (subject to the total number of co-optees being less than one third of the total membership).¹

7.5.2 In accordance with Section 82 of The Measure:

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

7.5.2.2 An act of the ~~Audit 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.

7.5.2.3 The Chair of the ~~Audit 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);

¹ ~~See Section 82 of The Measure.~~

SECTION 7 – SCRUTINY COMMITTEES

- 7.5.2.4 The Measure does not require a Cabinet Member to be a member of the Audit Governance and Audit Committee but a maximum of one member of Cabinet (but not the Leader) may be a member of the Audit Governance and Audit Committee;
- 7.5.2.5 The Chair of the Audit Governance and Audit Committee may be removed from office by a motion to remove which is put on the agenda of the Audit Governance and Audit Committee pursuant to Rule 4.38.1
- 7.5.3 The Vice-Chair of the Audit 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 7.5.4 below)
- 7.5.4 The Vice-Chair of the Audit Governance and Audit Committee may be removed from office by a motion to remove which is put on the agenda of the Audit Governance and Audit Committee pursuant to Rule 4.38.1
- 7.5.5 A person presiding at an Audit Governance and Audit Committee can only be a member of an executive group if there are no opposition groups.

General Functions

- 7.6 Within their terms of reference, Scrutiny Committees will:
- 7.6.1 review and / or scrutinise decisions made, or other action taken in connection with the discharge of any function of the authority;
 - 7.6.2 make reports and / or recommendations to the Full Council and / or the Cabinet, and / or any joint committee in connection with the discharge of any function of the authority;
 - 7.6.3 consider any matter affecting the area or its inhabitants;
 - 7.6.4 exercise the right to call-in, for reconsideration, decisions made but not yet implemented, by the Cabinet, a committee of the Cabinet, a member of the Cabinet, an officer exercising functions delegated by the Cabinet. (See Call-In Procedure – Rule 7.36);

Specific Functions

Policy Development and Review

- 7.7 The Scrutiny Committees may:
- 7.7.1 assist the Council and the Cabinet in the development of its Budget and Policy Framework by in depth analysis of policy issues, including pre-scrutiny of draft or amended policies;
 - 7.7.2 conduct research, site visits, community and other consultation in the analysis of policy issues and possible options;
 - 7.7.3 question members of the Cabinet and/or Committees and Chief Officers from the Council about their views on issues and proposals affecting the area;
 - 7.7.4 liaise with other external organisations operating in the area, whether national, regional or local, to ensure that the interest of local people are

SECTION 7 – SCRUTINY COMMITTEES

- enhanced by collaborative working;
- 7.7.5 consider the impact of policies to assess if they have made a difference;
 - 7.7.6 consider and implement mechanisms to encourage and enhance community participation in the scrutiny of the development of policy options; and
 - 7.7.7 investigate or review a particular matter in depth, reporting their conclusions and making any recommendations to the Council or Cabinet as appropriate.

Scrutiny

7.8 Scrutiny Committees may:

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

Finance

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

Annual Report

7.10 The Scrutiny Committees may report annually to the Full Council on their workings.

Head of Democratic Services

7.11 One of the roles of the Head of Democratic Services under section 8 of The Measure is to promote the role of the Council's Scrutiny Committees and to

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promote support and guidance to members and Officers generally about the functions of the Scrutiny Committees .

Who May Sit on Scrutiny Committees ?

- 7.12.1 Subject to Rule 7.12.2. below all Councillors (except members of the Cabinet) may be members of the Scrutiny Committees. However, no Member may be involved in scrutinising on decisions in which s/he has been directly involved.
- 7.12.2 In accordance with Section 82 of The Measure no more than one member of the Cabinet may be a member of the ~~Audit~~Governance and Audit Committee (but there is no requirement for Full Council to appoint a member of the Cabinet to the ~~Audit~~Governance and Audit Committee). The Leader cannot be a member of the ~~Audit~~Governance and Audit Committee.

Co-Optees

- 7.13.1 The Learning and Skills Scrutiny Committee shall include in its membership the following voting representatives:
- 7.13.1.1 One Church in Wales diocese representative;
 - 7.13.1.2 One Roman Catholic diocese representative; and
 - 7.13.1.3 Three parent governor representatives (covering so far as practicable the primary, secondary and special needs sectors)
- 7.13.2 When matters which are not education matters, which are the responsibility of the Cabinet, fall to be considered by the Learning and Skills Scrutiny Committee, the co-opted representatives specified in rule 7.13.1 shall not vote, although they may stay in the meeting and speak.
- 7.13.3 The Health and Care Scrutiny Committee shall include in its membership in a non-voting capacity 1 representative from the Police and Crime Panel (or from such other body which replaces the Panel), subject to that representative not being a Powys County Council representative on the Police and Crime Panel.
- 7.13.4 In addition to co-optees appointed under rules 7.13.1.1 to 7.13.1.3 above, Scrutiny Committees may recommend to Full Council the co-option of other persons as voting or non-voting representatives. In exercising or deciding whether to exercise a co-option, the Authority must, under section 76 of The Measure, have regard to guidance given by the Welsh Ministers and comply with directions given by them
- 7.13.5 The total number of co-optees on each Scrutiny Committee may not exceed more than one third the membership of the committee.²

Who Chairs Scrutiny Committees (other than the Chair of the ~~Audit Committee~~Governance and Audit Committee)?

- 7.14 The arrangements included in sections 66-75 of The Measure will be followed for appointing persons to chair Scrutiny Committees as set out in Rule 4.6.6

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

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(other than the Chair of the [Audit Governance and Audit Committee](#) who will be appointed in accordance with Rule 7.5.2.3)³.

Role of the Chair of Scrutiny Committees

7.15.1 The chairs of the Scrutiny Committees will liaise with the Cabinet and the Head of Paid Service and will supervise the work programme for their Scrutiny Committee and identify cross cutting themes arising from the various Scrutiny Committees .

7.15.2 In summary, therefore, the Chair will:

- 7.15.2.1 be accountable for delivering effective scrutiny;
- 7.15.2.2 will regularly monitor the work programmes for their Scrutiny Committee; and
- 7.15.2.3 will liaise with the Cabinet on issues affecting the scrutiny work programme.

Work Programme

7.16 The Co-ordinating Committee will be responsible for setting the work programme for each scrutiny committee and in doing so they should take into account the Cabinet Forward Work Programme and focus on strategic and important issues. Any requests from scrutiny members for matters to be scrutinised should be sent to the Co-ordinating Committee for consideration.

Joint Scrutiny Committees

7.17 Under section 58 of The Measure, regulations may be made to permit two or more local authorities to appoint a joint Scrutiny Committee. This is set out in the Local Authority (Joint Overview and Scrutiny) (Wales) Regulations 2012.

Rules of Procedure and Debate (“Scrutiny Procedure Rules”)

7.18 Rules 7.18 to 7.37 (inclusive) shall be known as the Scrutiny Procedure Rules and will apply to meetings of the Scrutiny Committees.

What will be the Number and Arrangements for Scrutiny Committees ?

7.19.1 Subject to Rules 7.43 to 7.45 the Council will have three Scrutiny Committees set out in the table in Rule 7.3 and will appoint to them as it considers appropriate from time to time. The Co-ordinating 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. In addition, in the case of urgency, the Chair of the relevant scrutiny committee and the Co-ordinating Committee can establish a Member and Officer Working Group

7.19.2 The terms of reference / areas of responsibility of the various Scrutiny

³ For provisions relating to the Chair of the [Audit Committee Governance and Audit Committee](#) See Rule 7.3.2(b)(ii) above.

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Committees will be as set out in Rule 7.4 above.

- 7.19.3 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

- 7.20.1 The three Scrutiny Committees will meet on a 6 weekly cycle.
- 7.20.2 The ~~Audit Committee~~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 ~~Audit Committee~~Governance and Audit Committee requisition a meeting by one or more notices in writing to the chair.
- 7.20.3 In addition, extraordinary meetings may be called from time to time by:
- 7.20.3.1 the Full Council by resolution; or
 - 7.20.3.2 the relevant Scrutiny Committee by resolution; or
 - 7.20.3.3 the chair of the relevant Scrutiny Committee; or
 - 7.20.3.4 any 5 members of the relevant Scrutiny Committee; or
 - 7.20.3.5 the Head of Paid Service; or
 - 7.20.3.6 the Monitoring Officer; or
 - 7.20.3.7 the Section 151 Officer;

as s/he / they considers necessary or appropriate.

Quorum

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

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

- 7.22 The first meeting of a scrutiny committee following the Annual Meeting of the County Council will (as may be appropriate):
- 7.22.1 elect a chair of the ~~Audit Committee~~Governance and Audit Committee and the PSB Scrutiny Committee;
 - 7.22.2 elect a person to preside if the chair of the Committee is not present;
 - 7.22.3 elect the vice-chair of the Committee
 - 7.22.4 make appointments to sub-committees authorised by Full Council (see Rules 4.6.1; 4.6.7; 4.15.7; and 4.18.6); such appointments to be in accordance with the wishes of the groups unless the committee decides unanimously to dis-apply the political balance requirements;
 - 7.22.5 make recommendations to the Co-ordinating Committee for the establishment or re-establishment of Member and Officer Task and Finish Working Groups and make appointments thereto as appropriate;
 - 7.22.6 deal with those items of business listed in Rule 7.24 below as may be

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appropriate.

The order of business, with the exception of items 7.22.1 and 7.22.2 may be altered by the chair.

Business at Other Meetings

- 7.23 At all other meetings of committee, the committee will (as may be appropriate)
- 7.23.1 elect a person to preside if the chair and vice-chair of the Committee are not present;
 - 7.23.2 elect the chair of ~~the Audit Committee~~ Governance and Audit Committee or the PSB Scrutiny Committee in the event of there being a vacancy
 - 7.23.3 elect a vice-chair of the Committee in the event of there being a vacancy;
 - 7.23.4 receive declarations of interest (including whipping declarations);
 - 7.23.5 make appointments to sub-committees and Member and Officer Task and Finish Groups in the event of there being a vacancy;
 - 7.23.6 receive apologies for absence;
 - 7.23.7 approve the minutes of the last meeting;
 - 7.23.8 receive any announcements from the chair;
 - 7.23.9 receive reports from the Cabinet and / or from any other committees, and / or from officers;
 - 7.23.10 make recommendations to the Cabinet or Full Council;
 - 7.23.11 deal with any business outstanding from the last meeting;
 - 7.23.12 (where the Leader or a Cabinet member attends a meeting of the committee) to receive a presentation from the Leader or a Cabinet member and / or to put questions to, and to receive responses from the Leader or a Cabinet member;
 - 7.23.13 put questions to the chair or relevant officers of the Council where appropriate on items of business before the committee and to receive responses.
 - 7.23.14 receive reports from sub-committees and Member and Officer Task and Finish Groups;
 - 7.23.15 to consider requests from members of the committee for items of business to be recommended to the Co-ordinating Committee 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;
 - 7.23.16 consider motions without notice as set out in the Full Council Procedure Rules in Section 4 of this Constitution;
 - 7.23.17 review the Committee's Work Programme for the forthcoming year and make such recommendations to the Co-ordinating Committee as are necessary;
 - 7.23.18 consider such other business specified in the summons to the meeting;

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- 7.23.19 consider other business, not specified in the summons as the chair considers urgent, subject to the nature of the urgency being specified in the minutes;
- 7.23.20 to exclude the public for the consideration of any item in accordance with the Access to Information Procedure Rules;

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

Agenda Items

- 7.24.1 Any member of a Scrutiny Committee shall be entitled to give notice to the chair of the Scrutiny Committee that s/he wishes an item relevant to the functions of that Scrutiny Committee to be recommended to the Co-ordinating Committee for inclusion on the agenda for the next available meeting.
- 7.24.2 Scrutiny Committees shall also respond, as soon as their work programme permits, to requests from the Full Council and/or the Cabinet to review particular areas of Council activity. Where they do so, the particular Scrutiny Committee shall report their findings and any recommendations back to the Cabinet and/or Council as appropriate. The Council and/or the Cabinet 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

- 7.25.1 The role of Scrutiny Committees in relation to the development of the Council's Budget and Policy Framework is set out in detail in the Budget and Policy Framework Procedure Rules in Section 15.
- 7.25.2 In relation to the development of the Council's approach to other matters not forming part of its Budget and Policy Framework, Scrutiny Committees may make proposals to the Cabinet for developments in so far as they relate to matters within their terms of reference.
- 7.25.3 Scrutiny Committees may hold enquiries and investigate the available options for future direction in policy development and may appoint advisers and assessors to assist them in this process. They may go on site visits, conduct public surveys, hold public meetings, commission research and do all other things that they reasonably consider necessary to inform their deliberations. They may ask witnesses to attend to address them on any matter under consideration and may pay any advisers, assessors and witnesses a reasonable fee and expenses for doing so.

Reports from Scrutiny Committees

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

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submitted for consideration by Full Council or Cabinet with the majority report.

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

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

7.27.1 The reports of Scrutiny Committees shall be referred to the Cabinet (as determined by the Scrutiny Committee) within one month or to the next meeting of Full Council (where applicable). Where an item is not considered by Full Council or Cabinet within the period specified above, the Chair of Council or the Leader or Portfolio Holder will give an explanation of the reasons to the chair of the relevant Scrutiny Committee as soon as practicable.

7.27.2 Where a scrutiny report is referred to the Cabinet the relevant Portfolio Holder(s) and senior officers will attend the meeting of the Cabinet wherever possible. The Cabinet will prepare a written response to the scrutiny report, including an action plan where appropriate, 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

7.28.1 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.

7.28.2 Nothing in this paragraph prevents more detailed liaison between the Cabinet and the Scrutiny Committees as appropriate depending on the particular matter under consideration.

Members and Senior Officers Giving Account

7.29.1 Scrutiny Committees / 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:

7.29.1.1 any particular decision or series of decisions; and / or

7.29.1.2 the extent to which the actions taken implement Council policy; and/or

7.29.1.3 the implementation of decision(s) and or Council policy

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

7.29.2 Where there are concerns about the appropriateness of the Officer who should attend, the relevant chief Officer shall discuss this with the appropriate Scrutiny Chair or Vice Chair with a view to achieving consensus.

7.29.3 Where any 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

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- 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.
- 7.29.4 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.
- 7.29.5 For the purposes of attendances of members or Officers at the ~~Audit Committee~~ 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.
- 7.29.6 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.
- 7.29.7 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

- 7.30 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

- 7.31.1 In addition to their right to attend all meetings of committees of which they are members, Members (with the exception of Cabinet members) shall have the right to attend any meeting of a Scrutiny Committee and to remain present notwithstanding the passing of a resolution to exclude the public.
- 7.31.2 Such attendance shall be as observer only, with no right to vote, the attendance not being included in the relevant quorum, and no right to speak, provided that the chair in his / her discretion may permit the member to speak on a particular issue.
- 7.31.3 Such right of attendance is subject to the Councillor not having a Prejudicial Interest in the matter under discussion under the Members' Code of Conduct and subject to any legal provisions and any limitations or restrictions within this Constitution.

Others

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7.32 Scrutiny Committees / Working Group may invite people other than those people referred to in Rules 7.29 and 7.30 above to address it, discuss issues of local concern and/or answer questions. It may for example wish to hear from residents, stakeholders, members and officers in other parts of the public sector and shall invite such people to attend.

The Party Whip in Scrutiny

7.33 If a member of a Scrutiny Committee is subject to a party whip in respect of an issue to be considered by it, that member must declare the existence of the whip and the nature of it before the commencement of deliberations on the matter. The declaration, and the detail of the whipping arrangements, shall be recorded in the minutes of the meeting. The member declaring the existence of a whip may speak at the meeting but is not entitled to vote on the question.⁴

Procedure at Scrutiny Committee Meetings

7.34.1 The Rules of Procedure at Scrutiny Committees will be the same as the Full Council Procedure Rules set out in Section 4 of this Constitution except that the chair of the meeting may allow the rules of debate to be relaxed to enable a full contribution by those attending the meeting whether members of a Scrutiny Committee or in any other capacity which allows them to contribute to the worth of the meeting.

7.34.2 Scrutiny Committees may ask people to attend to give evidence or answer questions about any items on their agenda. Meetings should be conducted in accordance with the following principles:

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

7.34.2.2 that those assisting by giving evidence be treated with respect and courtesy;

7.34.2.3 that the business be conducted as efficiently as possible.

7.34.3 Following any investigation or review, a Scrutiny Committee shall prepare a report, for submission to the Cabinet and/or Full Council as appropriate and shall make its report and findings public.

Matters within the Remit of more than one Scrutiny Committee

7.35 Where a matter for consideration by Scrutiny Committees falls within the remit of more than one Scrutiny Committee the decision as to which Scrutiny Committee is to consider the matter will be resolved by the respective Chairs or, the Co-ordinating Committee, or if they fail to agree, the decision will be made by Monitoring Officer.

Call-In Procedure Rules

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

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- 7.36A The Call-In Procedure Rules set out in this Rule 7.36 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.
- 7.36B For the purpose of Rule 7.36, 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 7.36.3 and 7.36.15 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.
- 7.36.1 Where a decision is made by the Cabinet or an individual member of the Cabinet or a Committee of the Cabinet or under joint arrangements with other public bodies, the decision shall be published by the Monitoring Officer, including where possible by electronic means, and shall be available at the main offices of the Council normally within 2 working days of it being made. All Councillors will be sent copies of the records of all such decisions within the same time scale.
- 7.36.2 The communication to Councillors sending them the decision will (a) bear the date on which the decision is published and (b) will specify the date when the decision will come into force (subject to Rule 7.37.3) and may then be implemented, on the expiry of five clear days (the “Call-in Period”) after the date of publication of the decision, unless the appropriate Scrutiny Committee objects to it and calls it in for review within the Call-in Period.
- 7.36.3 Subject to Rule 7.36B 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”⁵) by the chair or 4 members of a Scrutiny Committee PROVIDED THAT the Monitoring Officer and / or the Chief Finance Officer are satisfied that the following conditions are met:
- 7.36.3.1 the decision or action was contrary to the policy framework or budget, or fell outside the functions of the Cabinet; or
 - 7.36.3.2 the Cabinet or decision maker had not followed agreed procedures or failed to consult (where required) before reaching its decision; or
 - 7.36.3.3 the Cabinet had not followed, or had failed to take account of, any legal obligations, including regulations or statutory guidance governing the Council’s actions, or other guidance adopted by the Council.
- 7.36.4 Where the Monitoring Officer and / or the Chief Finance Officer are satisfied that one or more of the conditions set out in rule 7.36.3 above have been met, they shall produce a written report setting out the reasons for coming to this conclusion and the Monitoring Officer (subject to Rule 7.36B above) will

⁵ See Appendix 1 to this Section.

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then arrange for a “Call-In Notice”⁶ to be issued in accordance with Rule 7.36.5 below.

- 7.36.5 A Call-In Notice must contain the following:
- 7.36.5.1 details of the condition set out in rule 7.36.3 above being relied upon;
 - 7.36.5.2 the reasons why it is believed one or more of the conditions are satisfied;
- 7.36.6 The Monitoring Officer (subject to Rule 7.36B 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).
- 7.36.7 If, having considered the decision, the Scrutiny Committee remains concerned about the decision, then the Committee may refer it back to the decision making body for reconsideration, setting out in writing the nature of its concerns or refer the matter to Full Council for review. If the decision is referred back to the decision maker, the decision maker shall then reconsider the decision within 10 clear days of the date of the reference. That decision making body or person shall choose whether to amend the decision or not before reaching a final decision and implementing it. The final decision cannot be the subject of a further call-in.
- 7.36.8 If a Scrutiny Committee does not meet within the Scrutiny Period the decision shall take effect and be implemented on the next day following the expiry of the Scrutiny Period (as extended pursuant to Rule 7.36.6 as the case may be).
- 7.36.9 If following an objection to the decision, a Scrutiny Committee does not refer the matter back to the decision making person or body or to Full Council, the decision shall take effect on the date of the Scrutiny Committee meeting.
- 7.36.10 If a Scrutiny Committee refers the matter to Full Council, the Monitoring Officer (subject to Rule 7.36 above) shall call a meeting of the Full Council on such a date as s/he may determine, where possible after consultation with the chair or vice chair of the Full Council, and usually within 10 clear days of the receipt of the referral (the “Council Scrutiny Period”) (only in exceptional circumstances will the chair of the Full Council consider extending this time limit and the period of extension cannot in any circumstances exceed a further 5 clear days).
- 7.36.11 If, having considered the decision, the Full Council remains concerned about the decision, then the Full Council may refer it back to the decision making body for reconsideration, setting out in writing the nature of its concerns. If the decision is referred back to the decision maker, the decision maker shall then reconsider the decision within 10 clear days of the date of the

⁶ See Appendix 2 to this Section.

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- reference. That decision making body or person shall choose whether to amend the decision or not before reaching a final decision and implementing it. The final decision cannot be the subject of a further call-in.
- 7.36.12 If the Full Council does not meet within 10 clear days of the date of the reference (“the Council Scrutiny Period”), the decision shall take effect on the day after the expiry of the Council Scrutiny Period.
- 7.36.13 If the Full Council does not refer the matter back to the decision making person or body, the decision shall take effect on the date of the Full Council meeting.
- 7.36.14 In order to ensure that call-in is not abused, nor causes unreasonable delay, certain limitations are to be placed on its use. These are:
- 7.36.14.1 each Scrutiny Committee may only call-in a total of five decisions per year;
 - 7.36.14.2 where a Call-in Request has been made by four members of a Scrutiny Committee in accordance with Rule 7.36.3 those four members must come from at least two political groups, or one political group and / or one or more non-aligned Councillor(s);
 - 7.36.14.3 once a Member (the chair of the Scrutiny Committee excepted) has signed a Call-in Request s/he may not do so again until the period of six months has expired.
 - 7.36.14.4 no Education Co-opted members may request a decision be called in.
 - 7.36.14.5 only decisions involving expenditure or reduction in service over the threshold value for tenders set out in Section 17 of this Constitution may be called-in.
 - 7.36.14.6 the decision being called-in, or broadly the same decision, has been called in during the last 6 months.
 - 7.36.14.7 the provisions of Rule 7.37.1 apply (Urgency)
- 7.36.15 Subject to Rule 7.36B 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.
- 7.36.16 Save in exceptional circumstances all members of a Scrutiny Committee requesting a matter be called in must attend the meeting at which the matter is being considered.
- 7.36.17 For the avoidance of doubt a Call-In remains valid even if one or more of the members who have signed the Call-in Request do not attend the Scrutiny Meeting at which the Call-in is debated.

Call-In and Urgency

- 7.37.1 The call-in procedure set out in Rule 7.36 above shall not apply where the decision being taken is urgent. A decision will be urgent if:
- 7.37.1.1 any delay likely to be caused by the call-in process would seriously prejudice the Council’s or other public interests; and
 - 7.37.1.2 Subject to Rule 7.37.3 below the Head of Paid Service 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

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- could seriously prejudice the Council, or the public interest; and
- 7.37.1.3 the chair of the relevant Scrutiny Committee agrees in writing to the decision being treated as a matter of urgency. In the absence of the Scrutiny chair then either the Scrutiny vice chair or the chair of Council may agree to the decision being treated as a matter of urgency; and
- 7.37.1.4 the record of the decision, and notice by which it is made public, shall state that the decision is an urgent one, and that the urgency of the matter has been approved by the Head of Paid Service and / or the Monitoring Officer and / or the Chief Finance Officer (subject to Rule 7.36B above) and by the chair of the relevant Scrutiny Committee or Scrutiny vice-chair or the chair of Council.
- 7.37.2 Decisions taken as a matter of urgency can be implemented forthwith but must be reported at the next available meeting of the relevant Scrutiny Committee, together with the reasons for urgency, such report to the scrutiny committee must contain the written certification as required in Rule 7.37.1.2 above.
- 7.37.3 For the purposes of Rules 7.37.1.2 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 7.37 procedure.

Co-ordinating Committee.

Role, Scope and Membership.

7.38

- 7.38.1 Membership: Chairs and Vice-Chairs of the following committees:

Health and Care Scrutiny Committee;
Learning and Skills Scrutiny Committee;
Economy, Residents, Community and Governance
Scrutiny Committee;
~~Audit Committee~~ Governance and Audit Committee;

For the sake of clarity the Chair of the Public Service Board Scrutiny Committee will not be a member of the Co-ordinating Committee.

3 Representatives of the Cabinet to be appointed by the Leader

2 Representatives of the Executive Management Team

- 7.38.2 Chair : Elected annually in rotation by the Committee.
7.38.3 Vice-Chair: Elected annually in rotation by the Committee.
7.38.4 Meetings: Meetings of the Committee will be held monthly.

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- 7.38.5 Notes of Meetings: Additional meetings of the Committee can be called with the consent of the Chair. Agendas and notes of the meetings will be made available to Members.

Terms of Reference:

7.39 The Co-ordinating Committee will:

- 7.39.1 co-ordinate the work programmes of the Scrutiny Committees;
- 7.39.2 assess potential items for their suitability for a scrutiny review, and allocate those items if suitable to the appropriate scrutiny committee / Working Group for review;
- 7.39.3 consider items referred from the Scrutiny Committees for inclusion in the scrutiny work programme;
- 7.39.4 ensure the co-ordination of the Scrutiny Committees' Work Programmes with the Cabinet Work Programme;
- 7.39.5 receive the final report on a review undertaken by scrutiny working groups prior to its submission to the Cabinet;
- 7.39.6 consider any requests for the establishment of a Member and Officer Working Group;
- 7.39.7 consider the Audit Wales Annual Improvement Report and consider any matters for inclusion in the Scrutiny Committees' Work Programmes;
- 7.39.8 to ensure in conjunction with the Public Service Board Scrutiny Committee that there is no duplication of work between the County Council scrutiny committees, the Public Service Board Scrutiny Committee and any other joint scrutiny arrangements with other authorities;
- 7.39.9 such other matters which relate to or affect the operation of the Scrutiny Committees.
- 7.39.10 Review the Scrutiny Committee structure on a regular basis.

Finance Panel.

Role, Scope and Membership.

7.40

- 7.40.1 Membership: The Panel should be no larger than 10 Members to include the following:
- Chairs of the scrutiny committees (excluding the PSB Scrutiny Committee).
 - Portfolio Holder for Finance
 - Leaders of the Opposition groups i.e. those political groups which are not represented on the Cabinet.
 - Other representatives from the ~~Audit~~

SECTION 7 – SCRUTINY COMMITTEES

~~Committee~~ Governance and Audit Committee one of which should be the Independent "Lay" Member appointed by the ~~Audit Committee~~ Governance and Audit Committee.

- 7.40.2 Chair : The Chair of the Panel will be elected from the Panel's membership, (excluding the Portfolio Holder for Finance).
- 7.40.3 Vice-Chair: The Vice-Chair of the Panel will be elected from the Panel's membership.
- 7.40.4 Meetings: Meetings of the Panel will be held on a schedule to be determined by the Panel.
- 7.40.5 Reports by the Panel: The Panel will make reports on its findings to the Cabinet and where necessary Full Council.

Terms of Reference:

- 7.41 The Panel will concentrate on strategic financial matters including the following:
- 7.41.1 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;
- 7.41.2 consider the robustness of the evidence base upon which the MTFs and Council budget are predicated;
- 7.41.3 review and scrutinise:
- Assumptions underlying the budget strategy;
 - The Medium Terms Financial Strategy / Finance Resource Model;
 - Budget Assumptions;
 - Annual Local Government Settlement and any legislative changes affecting local government;
 - Draft Budget and Impact Assessments;
 - Financial aspects of the Risk Register;
 - Financial Monitoring;
- 7.41.4 provide evidence based recommendations to the Cabinet on its findings;
- 7.41.5 develop a forward work programme based on the budget timetable and the Council's medium term financial strategy;

Public Service Board Scrutiny Committee.

- 7.42 Members on the Co-ordinating Committee shall appoint two Members to act as representatives of the Council on the Public Service Board Scrutiny Committee.
- 7.43 In addition Members on the Co-ordinating Committee shall appoint a substitute for each of the two Members of the Public Service Board Scrutiny Committee appointed under Rule 7.43 above, such substitute shall not be a member of the Public Service Board.

SECTION 7 – SCRUTINY COMMITTEES

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

Councillor Call for Action

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

Councillor Call for Action - Guidance for Councillors

Introduction

- 7.46.1. The Local Government Wales Measure 2011 introduced a number of new provisions aimed at strengthening local democracy. Section 63 of the Measure introduced a provision for “Councillor Calls for Action” (CCfA) which enables Councillors to refer issues of local importance to Scrutiny Committees .
- 7.46.2 CCfAs are intended to enable local Councillors and their electors to obtain a response from their Council Leadership on issues of local importance. CCfAs should be regarded as one of a series of tools which Councillors have at their disposal to resolve local issues and make a positive difference in their community. Previously in Wales, only local Crime and Disorder issues could be referred by the local Councillor to the designated Health and Care Scrutiny Committee for action and it should be noted that these local crime and disorder referrals will remain in place under separate legislation.
- 7.46.3 As part of their community leadership role, Councillors have always attempted to resolve issues on behalf of their local residents and CCfAs provide an additional avenue for Councillors to follow if the normal ways of resolving an issue have not been successful and the issue meets the criteria for a referral. It should be noted that a referral under this process should be seen as a last resort after all other avenues have been exhausted.
- 7.46.4 CCfAs have been introduced alongside other powers for scrutiny, including powers to scrutinise a wide range of bodies not previously subject to local authority scrutiny. CCfAs are intended to enable any Councillor to refer to a Scrutiny Committee, “a local government matter” which falls within the Scrutiny Committee’s remit.

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

- 7.46.5 Local issues can be resolved in a number of ways by Councillors on behalf of their residents as listed in the Welsh Government’s Statutory Guidance from

SECTION 7 – SCRUTINY COMMITTEES

the Local Government Measure 2011:

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

What is a Councillor Call For Action?

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

How and When Should I Make a CCfA?

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

Criteria To Be Followed By A Scrutiny Committee Dealing With CCfAs

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SECTION 7 – SCRUTINY COMMITTEES

- 7.46.9 It is up to the chair of a Scrutiny Committee in consultation with the Monitoring Officer to decide whether, and in what form, to take the matter further. The chair will use the following criteria to decide whether or not the referral is appropriate to be considered by its Scrutiny Committee :
- 7.46.9.1 does the matter fall within the remit of that Scrutiny Committee?
NB: Crime and Disorder referrals should be directed to the Health and Care Scrutiny Committee.
 - 7.46.9.2 is that Scrutiny Committee satisfied that all reasonable attempts have been made to resolve the issue by the local Councillor? Do the responses received by the referring Councillor demonstrate that the matter is not being progressed?
 - 7.46.9.3 has that Scrutiny Committee considered a similar issue recently? If so, have the circumstances or evidence changed?
 - 7.46.9.4 is there a similar or related issue which is the subject of a review on the current work programme? It may be more appropriate to link the new issue to an existing review, rather than hold a separate CCfA hearing. Relevant time pressures on resolving the CCfA should be taken into account.
 - 7.46.9.5 have all relevant service areas or partner organisations been informed and been given enough time to resolve the issue? What response has the Councillor received?
 - 7.46.9.6 is this a case that is being or should be pursued via the Council's corporate complaints procedure?
 - 7.46.9.7 is it relating to a "quasi-judicial" matter or decision such as planning or licensing?
 - 7.46.9.8 is the matter an issue of genuine local concern which impacts on the local community rather than a personal matter?
 - 7.46.9.9 is this an issue currently being looked at by another form of external scrutiny?
 - 7.46.9.10 and, as with all scrutiny, does the matter have the potential for scrutiny to produce recommendations which could realistically be implemented and lead to improvements for anyone living or working in the Councillor's electoral division?
- 7.46.10 If a Scrutiny Committee decides not to accept the CCfA it must inform the Councillor of the decision and the reasons for it.
- 7.46.11 If a Scrutiny Committee decides to accept the CCfA the Councillor will be informed and advised of the agreed Protocol, e.g. the Councillor will be given adequate notice (a minimum of 10 clear days) of the date of the Scrutiny Committee's meeting. The Councillor will be requested to attend the Scrutiny Committee and informed that s/he will have five minutes in which to address the Scrutiny Committee . The Scrutiny Committee may then wish to question the Councillor further before deciding how it intends to take the matter forward. This could include:
- 7.46.11.1 asking the relevant responsible authorities to respond to the CCfA;
 - 7.46.11.2 setting up a research or task and finish group to undertake a more in-depth review;

SECTION 7 – SCRUTINY COMMITTEES

7.46.11.3 asking for further evidence and/or witnesses to be brought to a future meeting. The Scrutiny Committee has the power to request “designated persons”⁷ such as representatives from other public bodies/agencies to attend, where relevant, and to request information.

Potential Outcomes From a CCfA

7.47.1 A Scrutiny Committee could:

- 7.47.1.1 determine that it is a complex issue that requires further investigation and commission a scrutiny review of the issue;
- 7.47.1.2 write a response and make recommendations on the CCfA to a relevant responsible authority;
- 7.47.1.3 decide that further action is not appropriate giving its reasons.

7.47.2 Once a Scrutiny Committee has completed its work, the Councillor who made the referral will receive a copy of any response or recommendations made.

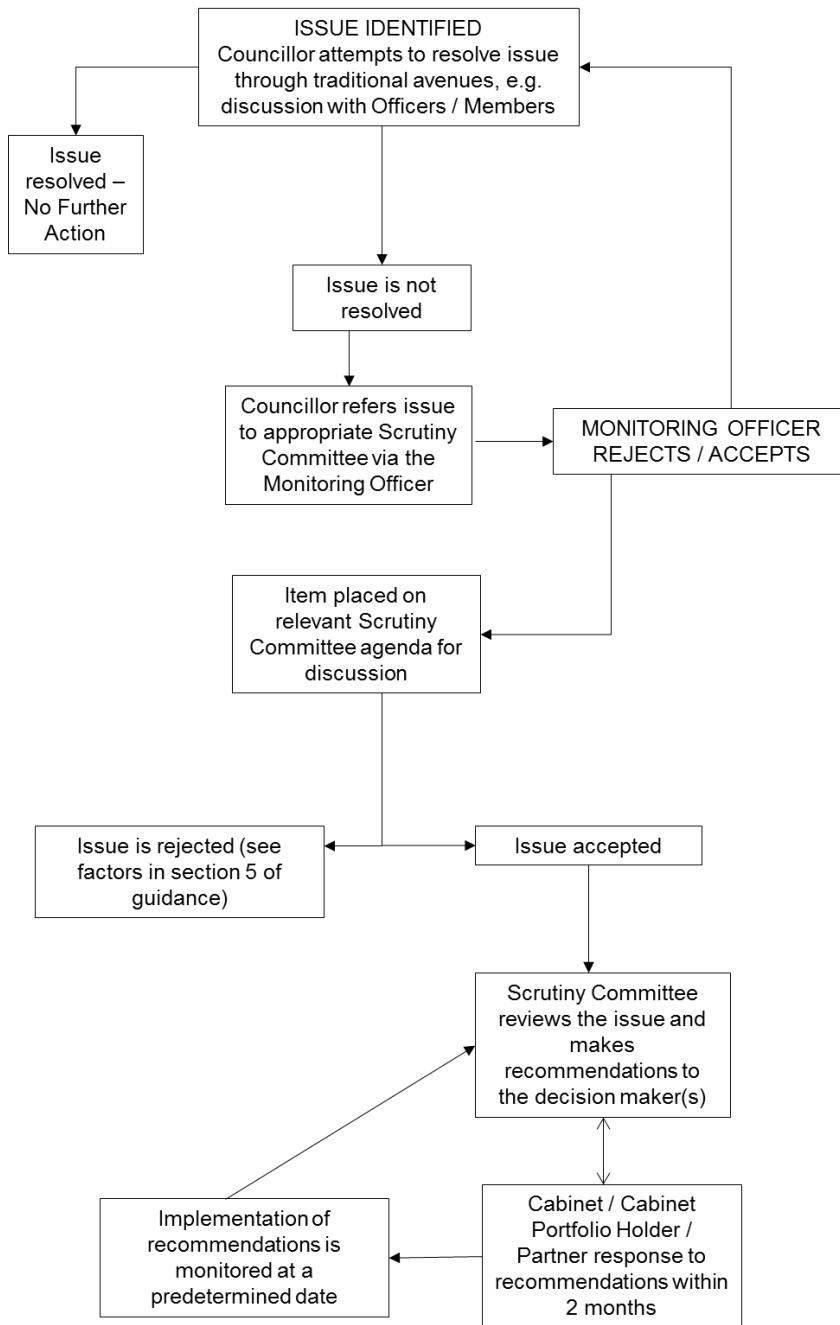
Timescales for Dealing With a CCfA

- 7.48.1 Within 10 working days of receipt of a CCfA the chair of the relevant Scrutiny Committee will consult with the Monitoring Officer to determine if the criteria set out in Rule 7.46.9 above have been met so as to ensure that it is appropriate for the CCfA to be dealt with at the next meeting of the Scrutiny Committee.
- 7.48.2 In exceptional circumstances, for example where there are unavoidable time constraints, the chair may convene a special meeting of the Scrutiny Committee.
- 7.48.3 Should a CCfA result in recommendations to the Cabinet or other responsible authorities, they will be requested to make a response to the recommendations within 28 days and two months respectively.
- 7.48.4 The Scrutiny Committee will monitor implementation of any recommendations as part of its Forward Work Programme.

7.49

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

SECTION 7 – SCRUTINY COMMITTEES



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Councillor Call for Action Referral Form 7.50

Name of Scrutiny Committee	
Date given to the Monitoring Officer	
Name of Councillor making CCfA	Councillor
Councillor's Electoral Division	
Councillor's Address	
Councillor's Telephone	
Councillor's E-mail	
SUBJECT of CCfA	
Details Please briefly explain what the issue is and how it affects either all or part of your electoral area, or how it affects someone who lives or works in your electoral division.	
Action taken to date Please explain what steps you or others have taken, and with whom, to try to resolve the issue (please tick the actions you or others have taken to date) or add additional actions.	<input type="checkbox"/> Informal discussions with Officers or other councillors <input type="checkbox"/> Informal discussions with partner representatives <input type="checkbox"/> Referral to other "scrutiny" bodies such as Community Health Councils or internal audit committee <u>Governance and Audit Committee</u> <input type="checkbox"/> Formal discussions with Officers and councillors <input type="checkbox"/> Formal letters to the Cabinet members <input type="checkbox"/> Asking questions at Full Council <input type="checkbox"/> Submitting a motion to Full Council <input type="checkbox"/> Organising public meetings <input type="checkbox"/> Use of petitions <input type="checkbox"/> Making a complaint <input type="checkbox"/> Freedom of Information requests <input type="checkbox"/> Communication with local AMs or MPs <input type="checkbox"/> Use of social media or email based campaigns

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	Other Actions (Please Specify).
Expected Outcome Please describe the outcome you hope to gain via this referral.	
Papers attached Please list documents attached which should evidence the impact of the issue, the steps taken and any responses received.	1. 2. 3. 4. 5. 6.

Administration only.

Date received by Monitoring Officer	
Date CCfA accepted by Monitoring Officer	
Date of Next Scrutiny Committee Meeting	

Notes for Councillors:

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

SECTION 7 – SCRUTINY COMMITTEES

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

SECTION 7 – SCRUTINY COMMITTEES

Appendix 1 – "Call-In Request"

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

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

TO: The Monitoring Officer.

I County Councillor _____ Chair of the

Health and Care Scrutiny Committee	YES / NO
Learning and Skills Scrutiny Committee	YES / NO
Economy, Residents, Community and Governance Scrutiny Committee	YES / NO

We 4 County Councillors being Members of the

Health and Care Scrutiny Committee	YES / NO
Learning and Skills Scrutiny Committee	YES / NO
Economy, Residents, Community and Governance Scrutiny Committee	YES / NO

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

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

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

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

Date: _____

Name:	Signature:

SECTION 7 – SCRUTINY COMMITTEES

IMPORTANT NOTE TO CHAIRS AND MEMBERS OF A SCRUTINY COMMITTEE:

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

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

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

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

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

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

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

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

SECTION 7 – SCRUTINY COMMITTEES

SCHEDULE 1.

TO BE COMPLETED BY THE CHAIR OR 4 MEMBERS REQUESTING THE CALL-IN.

1.	Leader / Cabinet / Cabinet Committee / Individual Portfolio Holder Decision To Be Called-In <i>(Please include Date of Meeting and Agenda Reference Number):</i>

2. Reason for Call-In:

2.1 What is the reason for the Call-In Request. Please tick which of the conditions which you believe apply:

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

2.2 Please provide an explanation in the box below as to why you believe that the conditions in 2.1 above apply.

--	--

SECTION 7 – SCRUTINY COMMITTEES

(Please continue on a separate sheet if necessary)

SECTION 7 – SCRUTINY COMMITTEES

SCHEDULE 2.

TO BE COMPLETED BY THE MONITORING OFFICER AND CHIEF FINANCE OFFICER.

1. Chief Finance Officer's Advice.

Chief Finance Officer's Advice on the Call-In Request.

(Please continue on a separate sheet if necessary)

Date: _____

Signature: _____

SECTION 7 – SCRUTINY COMMITTEES

2. Monitoring Officer's Advice.

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

(Please continue on a separate sheet if necessary)

Date: _____

Signature: _____

SECTION 7 – SCRUTINY COMMITTEES

FOR INTERNAL USE ONLY:

(a)	Date of Request to Call-In Decision (as above):	
(b)	Date of Cabinet Decision:	
(c)	Is Date of Request within 5 Working Days of Cabinet Decision:	YES / NO
(d)	Does the matter fall within the remit of the Scrutiny Committee?	YES / NO
(e)	Does the Chief Finance Officer's advice support a Call-In Request:	YES / NO
(f)	Does the Monitoring Officer's advice support a Call-In Request:	YES / NO
(g)	Signature(s) of Chair or 4 Members of Relevant Committee included:	YES / NO
(h)	Call-In Notice to be Issued:	YES / NO

(i)	Date of Committee Meeting to consider Call-In (within 10 working days of issue of notice):	
(j)	Name(s) of Relevant Cabinet Portfolio Holders to be Invited to Attend Meeting:	
(k)	Details of Heads of Service to be Invited to Attend Committee:	
(l)	Cabinet Portfolio Holders Heads of Service Advised of Committee Meeting (<i>insert date</i>):	YES / NO
(m)	Questions and Checklist prepared for the Committee:	YES / NO

SECTION 7 – SCRUTINY COMMITTEES

Appendix 2 – “Call-In Notice”

TO BE COMPLETED BY THE MONITORING OFFICER AND CHIEF FINANCE OFFICER.

1. Chief Finance Officer.

1.1 Please tick which of the conditions which you believe apply for a “Call-In Notice” to be issued:

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

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

(Please continue on a separate sheet if necessary)

Date: _____

Signature: _____

SECTION 7 – SCRUTINY COMMITTEES

2. Monitoring Officer.

2.1 Please tick which of the conditions which you believe apply for a “Call-In Notice” to be issued:

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

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

(Please continue on a separate sheet if necessary)

Date: _____

Signature: _____

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

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

Who can be Decision Makers?

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

- 13.1.1 Full Council;
- 13.1.2 a Committee or Sub-Committee of the Council;
- 13.1.3 the Executive Leader;
- 13.1.4 the Cabinet;
- 13.1.5 a Committee of Cabinet;
- 13.1.6 an individual Cabinet Member;
- 13.1.7 a Joint Committee;
- 13.1.8 an Officer.

Principles of Decision Making

13.2 All decisions of the Council will be made in accordance with the following principles:

- 13.2.1 proportionately (i.e. the action must be proportionate to the desired outcome);
- 13.2.2 due consideration and the taking of professional advice from Officers;
- 13.2.3 respect for human rights;
- 13.2.4 a presumption in favour of openness;
- 13.2.5 clarity of aims and desired outcomes;
- 13.2.6 consideration of any alternative options; and
- 13.2.7 the giving and recording of reasons for the decision and the proper recording of these reasons.

13.3 Functions fall into the following categories:

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

Index:

Schedule 1 – Functions NOT to be the responsibility of the Cabinet	Pages 3 - 40
Schedule 2 – Council functions may be delegated to the Executive and other Member Bodies pursuant to Regulation 4 of the 2007 Regulations	Pages 41 - 68
Schedule 3 – Functions Not to be the Sole Responsibility of Cabinet	Pages 69 - 78
Schedule 4 – Circumstances in Which Functions are not to be the responsibility of Cabinet	Pages 78 - 81
Delegation to Officers	Pages 82 - 85
Delegation to Cabinet Portfolio Holders	Pages 85 - 87

Colour Code:

Pages:

	Planning, Taxi Licensing and Rights of Way Committee	Schedule 1 – Pages 4 – 11; 14 – 24; Schedule 2 – Pages 57 – 67;
	Full Council	Schedule 1 – Pages 12; 25 – 26; 27 – 28; 29 – 30; 36 – 40 Schedule 2 – Pages 41 – 43; Schedule 3 – Pages 69 – 75; 77 - 78; Schedule 4 – Pages 79 - 81
	Licensing Act 2003 Committee	Schedule 1 – Page 13; Schedule 2 – Pages 54 – 56;
	Officers	Schedule 1 – Pages 26 - 27; 36;
	Pensions and Investment Committee	Schedule 1 – Page 28;
	Governance and Audit Committee	Schedule 1 – Pages 31 – 34;
	Democratic Services Committee	Schedule 1 – Page 34;
	Employment and Appeals Committee	Schedule 1 – Page 35;
	Cabinet	Schedule 2 – Pages 44 – 54; 67 - 68 Schedule 3 – Page 76;

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SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

Schedule 1 – Functions NOT to be the responsibility of the Cabinet.

For the sake of clarity, the functions set out in Column 1 of the Schedule below include:

- the imposition of any condition, limitation or other restriction on an approval, consent, licence, permission or registration granted, and the determination of any other terms to which any approval, consent, licence, permission or registration is to be subject (Regulation 3(2)(a) and 3(2)(b)).
- the determining whether, and in what manner, to enforce
 - any failure to comply with an approval, consent, licence, permission or registration granted in the exercise of a function specified in this column.
 - any failure to comply with a condition, limitation or term to which any such approval, consent, licence, permission or registration is subject; or
 - any other contravention in relation to a matter with regard to which the function of determining an application for approval, consent, licence, permission or registration would not be the responsibility of an executive of the authority. (Regulation 3(3))
- the amending, modifying or varying any such approval, consent, licence, permission or registration granted or any condition, limitation, restriction or term or the suspension or the revoking any such approval, consent, licence, permission or registration (Regulation 3(4))

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

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Column 1	Column 2	Column 3	Column 4	Column 5
Function (including): ¹	Provision of Act or Statutory Instrument	Delegated to	Sub-Delegation	Conditions and / or Limitations on Delegation and Sub-Delegation
A Functions relating to town and country planning and development control				
A1 Power to determine applications for planning permission.	Sections 70(1)(a) and (b) and 72 of the Town and Country Planning Act 1990 (c 8).	Planning, Taxi Licensing and Rights of Way Committee	Subject to column 5 Delegated to the Head of Property, Planning and Public Protection and / or the Lead Professional – Development Management (together called “Relevant Planning Officer”) with the ability to further sub-delegate.	<p>In the following circumstances the responsibility will lie with the Planning, Taxi Licensing and Rights of Way Committee and not the Relevant Planning Officer.</p> <p>A. Where the Relevant Planning Officer considers that the planning function should be dealt with by the Planning, Taxi Licensing and Rights of Way Committee and not by a Relevant Planning Officer.</p> <p>B. Where the planning application in question constitutes a material departure from the Development Plan and the view of the Relevant</p>
A2 Power to determine applications to develop land without compliance with conditions previously attached.	Section 73 of the Town and Country Planning Act 1990.	Planning, Taxi Licensing and Rights of Way Committee	Subject to column 5 Delegated to the Relevant Planning Officer with the ability to further sub-delegate	
A3 Power to grant planning permission for development already carried out.	Section 73A of the Town and Country Planning Act 1990.	Planning, Taxi Licensing and Rights of Way Committee	Subject to column 5 Delegated to Relevant Planning Officer with the ability to further sub-delegate	
A4 Power to decline to determine application for planning permission.	Section 70A of the Town and Country Planning Act 1990.	Planning, Taxi Licensing and Rights of Way Committee	Subject to column 5 Delegated to Relevant Planning Officer with the ability to further sub-delegate	
A5 Duties relating to the making of	Sections 69, 76 and 92 of the Town and Country	Planning, Taxi Licensing and Rights of Way Committee	Subject to column 5 Delegated to Relevant	

¹ Regulation 3 of the Local Authorities (Executive Arrangements)(Functions and Responsibilities)(Wales)Regulations 2007

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	determinations of planning applications.	Planning Act 1990 and Articles 8, 10 to 13, 15 to 22 and 25 and 26 of the Town and Country Planning (General Development Procedure) Order 1995 (SI 1995/419) and directions made there under.		Planning Officer with the ability to further sub-delegate	Planning Officer is that the planning application should be approved; C. Where the planning application is made by or on behalf of the County Council or relates to or affects Council land or premises (whether or not actually occupied by the Council) ;
A6	Power to determine applications for planning permission made by a local authority, alone or jointly with another person.	Section 316 of the Town and Country Planning Act 1990 and the Town and Country Planning General Regulations 1992 (SI 1992/1492).	Planning, Taxi Licensing and Rights of Way Committee	Subject to column 5 Delegated to Relevant Planning Officer	With the exception of the following which are delegated to the Relevant Planning Officer:
A7	Power to make determinations, give approvals and agree certain other matters relating to the exercise of permitted development rights.	Parts 6, 7, 11, 17, 19, 20, 21 to 24, 30 and 31 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 (SI 1995/418).	Planning, Taxi Licensing and Rights of Way Committee	Subject to column 5 Delegated to Relevant Planning Officer with the ability to further sub-delegate	<ul style="list-style-type: none"> Any application other than those designated as a major application in accordance with the definition set out in the Town and Country Planning (Development Management Procedure) (Wales) Order 2012
A8	Power to enter into planning obligation, regulating development or use of land.	Section 106 of the Town and Country Planning Act 1990.	Planning, Taxi Licensing and Rights of Way Committee	Subject to column 5 Delegated to Relevant Planning Officer with the ability to further sub-delegate PROVIDED ALWAYS that when exercising this power the Relevant Planning Officer (and the Planning, Rights of Way and Taxi Licensing Committee in the event of that committee exercising that power) shall stipulate the time limit within which such	<ul style="list-style-type: none"> Discharge of conditions applications; Non-material amendment application; Application and notifications relating to Trees Prior notifications as specified in Part 6, 7, 11 & 31 of the Town and Country Planning (General Permitted

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			agreement shall be concluded. In the event that it is not concluded within such time limit, the Relevant Planning Officer (or as the case may be the Planning, Rights of Way and Taxi Licensing Committee) shall refuse any related Planning Application, unless satisfied that the delay is unavoidable and that there is sufficient evidence for him / her / the committee to conclude that the matter will be concluded within a further reasonable time period, whereupon a fresh time limit shall be imposed.	Development) Order 1995 (as amended); <ul style="list-style-type: none"> • Hedgerow notifications; • Applications for pre-application advice • Land which forms part of the highway verge <p>D. Where the planning application is submitted by or on behalf of any Member or any member of staff employed in Development Management, the Chief Executive, Directors, Heads of Service, or officers who are in regular contact with Development Management.</p> <p>E. Where a Councillor registers a request in accordance with the Planning Call-In Procedure set out in the Planning Protocol in Section 19 that a planning application be referred to the Planning, Taxi Licensing and Rights of Way Committee for decision and not determined by the</p>
A9	Power to issue a certificate of existing or proposed lawful use or development.	Sections 191(4) and 192(2) of the Town and Country Planning Act 1990.	Planning, Taxi Licensing and Rights of Way Committee	Subject to column 5 Delegated to Relevant Planning Officer with the ability to further sub-delegate
A10	Power to serve a completion notice.	Section 94(2) of the Town and Country Planning Act 1990.	Planning, Taxi Licensing and Rights of Way Committee	Subject to column 5 Delegated to Relevant Planning Officer with the ability to further sub-delegate
A11	Power to grant consent for the display of advertisements.	Section 220 of the Town and Country Planning Act 1990 and the Town and Country Planning (Control of Advertisements) Regulations 1992.	Planning, Taxi Licensing and Rights of Way Committee	Subject to column 5 Delegated to Relevant Planning Officer with the ability to further sub-delegate
A12	Power to authorise entry onto land.	Section 196A of the Town and Country Planning Act 1990.	Planning, Taxi Licensing and Rights of Way Committee	Subject to column 5 Delegated to Relevant Planning Officer with the ability to further sub-delegate
A13	Power to require the	Section 102 of the Town	Planning, Taxi Licensing and	No delegation

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discontinuance of a use of land.	and Country Planning Act 1990.	Rights of Way Committee		Relevant Planning Officer; (See conditions at the top of the column)
A14 Power to serve a planning contravention notice, breach of condition notice or stop notice, enforcement warning notice and temporary stop notice.	Sections 171C, 171E, 173ZA, 187A and 183(1) of the Town and Country Planning Act 1990.	Planning, Taxi Licensing and Rights of Way Committee	Subject to column 5 Delegated to Relevant Planning Officer with the ability to further sub-delegate PROVIDED ALWAYS that the Relevant Planning Officer before and during the exercise of this power shall have appropriate discussions with the Local Representative for the electoral division affected so that the Councillor may be fully appraised and have a proper opportunity of making his / her views known.	
A15 Power to issue an enforcement notice.	Section 172 of the Town and Country Planning Act 1990.	Planning, Taxi Licensing and Rights of Way Committee	Subject to column 5 Delegated to Relevant Planning Officer with the ability to further sub-delegate PROVIDED ALWAYS that the Relevant Planning Officer before and during the exercise of this power shall have appropriate discussions with the Councillor for the electoral division affected so that the Local Representative may be fully appraised and have a proper opportunity of making his / her views known.	

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<p>A16 Power to apply for an injunction restraining a breach of planning control.</p>	<p>Section 187B of the Town and Country Planning Act 1990.</p>	<p>Planning, Taxi Licensing and Rights of Way Committee</p>	<p>Subject to column 5 Delegated to Relevant Planning Officer with the ability to further sub-delegate.</p> <p>PROVIDED ALWAYS that the Relevant Planning Officer before and during the exercise of this power shall have appropriate discussions with the Local Representative for the electoral division affected so that the Councillor may be fully appraised and have a proper opportunity of making his / her views known.</p>	<p>(See conditions at the top of the column)</p>
<p>A17 Power to determine applications for hazardous substances consent, and related powers.</p>	<p>Sections 9(1) and 10 of the Planning (Hazardous Substances) Act 1990 (c 10).</p>	<p>Planning, Taxi Licensing and Rights of Way Committee</p>	<p>Subject to column 5 Delegated to Relevant Planning Officer with the ability to further sub-delegate</p>	<p>(See conditions at the top of the column)</p>
<p>A18 Duty to determine conditions to which old mining permissions, relevant planning permissions relating to dormant sites or active Phase I or II sites, or mineral permissions relating to mining sites, as the case may be, are to be subject.</p>	<p>Paragraph 2(6)(a) of Schedule 2 to the Planning and Compensation Act 1991, paragraph 9(6) of Schedule 13 to the Environment Act 1995 (c 25) and paragraph 6(5) of Schedule 14 to that Act.</p>	<p>Planning, Taxi Licensing and Rights of Way Committee</p>	<p>Subject to column 5 Delegated to Relevant Planning Officer with the ability to further sub-delegate</p> <p>PROVIDED ALWAYS that the Relevant Planning Officer before and during the exercise of this power shall have appropriate discussions with the Councillor for the electoral division affected so that the Local Representative</p>	<p>(See conditions at the top of the column)</p>

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			may be fully appraised and have a proper opportunity of making his / her views known.	
A19 Power to require proper maintenance of land.	Section 215(1) of the Town and Country Planning Act 1990.	Planning, Taxi Licensing and Rights of Way Committee	Subject to column 5 Delegated to Relevant Planning Officer with the ability to further sub-delegate	(See conditions at the top of the column)
A20 Power to determine applications for listed building consent, and related powers.	Sections 16(1) and (2), 17 and 33(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (c 9).	Planning, Taxi Licensing and Rights of Way Committee	Subject to column 5 Delegated to Relevant Planning Officer with the ability to further sub-delegate.	(See conditions at the top of the column)
A21 Power to determine applications for conservation area consent.	Section 16(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, as applied by section 74(3) of that Act).	Planning, Taxi Licensing and Rights of Way Committee	Subject to column 5 Delegated to Relevant Planning Officer with the ability to further sub-delegate	(See conditions at the top of the column)
A22 Duties relating to applications for listed building consent and conservation area consent.	Section 13(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and regulations 3 to 13 of the Planning (Listed Buildings and Conservation Areas) Regulations 1990.	Planning, Taxi Licensing and Rights of Way Committee	Subject to column 5 Delegated to Relevant Planning Officer with the ability to further sub-delegate	(See conditions at the top of the column)
A23 Power to serve a building preservation notice, and related powers.	Sections 3(1) and 4(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.	Planning, Taxi Licensing and Rights of Way Committee	Subject to column 5 Delegated to Relevant Planning Officer with the ability to further sub-delegate	
A24 Power to issue a listed building enforcement notice.	Section 38 of the Planning (Listed Buildings and Conservation Areas) Act 1990.	Planning, Taxi Licensing and Rights of Way Committee	Subject to column 5 Delegated to Relevant Planning Officer with the ability to further sub-delegate. PROVIDED ALWAYS that	

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			the Relevant Planning Officer before and during the exercise of this power shall have appropriate discussions with the Councillor for the electoral division affected so that the Local Representative may be fully appraised and have a proper opportunity of making his / her views known.	(See conditions at the top of the column)
A25	Powers to acquire a listed building in need of repair and to serve a repairs notice.	Sections 47 and 48 of the Planning (Listed Buildings and Conservation Areas) Act 1990.	Planning, Taxi Licensing and Rights of Way Committee	No delegation
A26	Power to apply for an injunction in relation to a listed building.	Section 44A of the Planning (Listed Buildings and Conservation Areas) Act 1990.	Planning, Taxi Licensing and Rights of Way Committee	Subject to column 5 Delegated to Relevant Planning Officer with the ability to further sub-delegate. PROVIDED ALWAYS that the Relevant Planning Officer before and during the exercise of this power shall have appropriate discussions with the Councillor for the electoral division affected so that the Local Representative may be fully appraised and have a proper opportunity of making his / her views known.
A27	Power to execute urgent works.	Section 54 of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990.	Planning, Taxi Licensing and Rights of Way Committee	Subject to column 5 Delegated to Relevant Planning Officer with the ability to further sub-delegate.
				(See conditions at the top of the column)
				(See conditions at the top of the column)

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A28	Power related to mineral working.	Schedule 9 of the Town and Country Planning Act 1990.	Planning, Taxi Licensing and Rights of Way Committee	No delegation	(See conditions at the top of the column) (See conditions at the top of the column) (See conditions at the top of the column) (See conditions at the top of the column) (See conditions at the top of the column)
A29	Power related to footpaths and bridleways.	Section 257 of the Town and Country Planning Act 1990.	Planning, Taxi Licensing and Rights of Way Committee	The Head of Housing and Community Development with the ability to further sub-delegate subject to consultation with Development Management.	
A30	Power as to certification of appropriate alternative development.	Section 17 of the Land Compensation Act 1961 (c 33).	Planning, Taxi Licensing and Rights of Way Committee	Subject to column 5 Delegated to Relevant Planning Officer with the ability to further sub-delegate	
A31	Duties in relation to purchase notices.	Sections 137-144 of the Town and Country Planning Act 1990.	Planning, Taxi Licensing and Rights of Way Committee	No delegation	
A32	Powers related to blight notices.	Sections 149-171 of the Town and Country Planning Act 1990.	Planning, Taxi Licensing and Rights of Way Committee	No delegation	

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Column 1	Column 2	Column 3	Column 4	Column 5
B Licensing and registration functions (in so far as not covered by any other paragraph of this Schedule) including: ²	Provision of Act or Statutory Instrument	Delegated to	Sub-Delegation	Conditions and / or Limitations on Delegation and Sub-Delegation
B43 Functions in respect of establishing a Licensing Committee.	Section 6 of the Licensing Act 2003 (c 17).	Full Council	No delegation	

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² Regulation 3 of the Local Authorities (Executive Arrangements)(Functions and Responsibilities)(Wales)Regulations 2007

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In Sections B1 to B41 below any reference to a power to licence includes the power to set the relevant fees and to approve and amend the relevant policies.

Column 1	Column 2	Column 3	Column 4	Column 5
B Licensing and registration functions (in so far as not covered by any other paragraph of this Schedule) including: ³	Provision of Act or Statutory Instrument	Delegated to	Sub-Delegation	Conditions and / or Limitations on Delegation and Sub-Delegation
B6 Power to register pool promoters.	Gambling Act 2005.	Licensing Act 2003 Committee	No delegation	
B7 Power to grant track betting licences.	Gambling Act 2005.	Licensing Act 2003 Committee	No delegation	
B8 Power to license inter-track betting schemes.	Gambling Act 2005.	Licensing Act 2003 Committee	No delegation	
B9 Power to grant permits in respect of premises with amusement machines.	Gambling Act 2005.	Licensing Act 2003 Committee	Delegated to the relevant Head of Service with the ability to further sub-delegate	
B10 Power to register societies wishing to promote lotteries.	Gambling Act 2005.	Licensing Act 2003 Committee	Delegated to the relevant Head of Service with the ability to further sub-delegate.	
B11 Power to grant permits in respect of premises where amusements with prizes are provided.	Gambling Act 2005.	Licensing Act 2003 Committee	Delegated to the relevant Head of Service with the ability to further sub-delegate	

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³ Regulation 3 of the Local Authorities (Executive Arrangements)(Functions and Responsibilities)(Wales)Regulations 2007

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Column 1	Column 2	Column 3	Column 4	Column 5
B Licensing and registration functions (in so far as not covered by any other paragraph of this Schedule) including: ⁴	Provision of Act or Statutory Instrument	Delegated to	Sub-Delegation	Conditions and / or Limitations on Delegation and Sub-Delegation
B1(a) Power to issue licences (not the granting of Planning Permission) authorising the use of land as a caravan site for static holiday homes and touring sites ("site licences").	Section 3(3) of the Caravan Sites and Control of Development Act 1960 (c 62).	Planning, Taxi Licensing and Rights of Way Committee	Delegated to the relevant Head of Service with the ability to further sub-delegate.	A licence cannot be given before appropriate planning permission has been obtained.
B1(b) Power to issue licences (not the granting of Planning Permission) authorising the use of land as a caravan site for residential purposes ("site licences").	Mobile Homes (Wales) Act 2014.	Planning, Taxi Licensing and Rights of Way Committee	Delegated to the relevant Head of Service with the ability to further sub-delegate.	A licence cannot be given before appropriate planning permission has been obtained.
B2 Power to license the use of moveable dwellings and camping sites.	Section 269(1) of the Public Health Act 1936 (c 49).	Planning, Taxi Licensing and Rights of Way Committee	Delegated to the relevant Head of Service with the ability to further sub-delegate.	A licence cannot be given before appropriate planning permission has been obtained.

⁴ Regulation 3 of the Local Authorities (Executive Arrangements)(Functions and Responsibilities)(Wales)Regulations 2007

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<p>B3 Power to license hackney carriages and private hire vehicles.</p>	<p>(a) as to hackney carriages, the Town Police Clauses Act 1847 (10 & 11 Vict c 89), as extended by section 171 of the Public Health Act 1875 (38 & 39 Vict c 55), and section 15 of the Transport Act 1985 (c 67); and sections 47, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976 (c 57);</p> <p>(b) as to private hire vehicles, sections 48, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976.</p>	<p>Planning, Taxi Licensing and Rights of Way Committee</p>	<p>(i) Power to issue hackney carriage and private hire vehicle licences delegated to the relevant Head of Service with the ability to further sub-delegate.</p> <p>(ii) In respect of unfit vehicles, power is delegated to the relevant Head of Service with the ability to further sub-delegate to suspend the use of the vehicle.</p> <p>(iii) Issues relating to the suitability of a vehicle are to be considered by a Sub-Committee.</p> <p>(iv) Issues relating to the use of a vehicle contrary to the Intended Use Policy for Hackney Carriages are to be considered by a Sub-Committee.</p>	
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<p>B4 Power to license drivers of hackney carriages and private hire vehicles.</p>	<p>Sections 51, 53, 54, 59, 61 and 79 of the Local Government (Miscellaneous Provisions) Act 1976.</p>	<p>Planning, Taxi Licensing and Rights of Way Committee</p>	<p>(i) Power to license driver delegated to the relevant Head of Service with the ability to further sub-delegate.</p> <p>(ii) Where in the officers opinion the applicant does not meet the “Suitability Criteria” and the DVLA medical fitness criteria the matter will be referred to the sub-committee</p> <p>(iii) In respect of licensed drivers who in the officers opinion no longer meet the ‘Suitability criteria, and the DVLA medical fitness criteria, power is delegated to the relevant Head of Service with the ability to further sub-delegate to suspend the licence.</p> <p>(iv) Following suspension under (iii) above, for those</p>	
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			<p>licensed drivers who in the officers opinion no longer meet the 'Suitability' criteria and the DVLA medical fitness criteria, power is delegated to the sub-committee to revoke the licence.</p> <p>(v) Where the licence holder has been disqualified from driving the licence can be revoked by the relevant Head of Service with the ability to further sub-delegate</p>	
<p>B5 Power to license operators of private hire vehicles.</p>	<p>Sections 55 to 58, 62 and 79 of the Local Government (Miscellaneous Provisions) Act 1976.</p>	<p>Planning, Taxi Licensing and Rights of Way Committee</p>	<p>(i) Power to license operator delegated to the relevant Head of Service with the ability to further sub-delegate.</p> <p>(ii) Where in the officers opinion the applicant does not meet the "Suitability Criteria" in general and in particular to the</p>	

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			<p>(iii) Council's Policy on Treatment of Convictions, Cautions and Charges the matter will be referred to the sub-committee In respect of licensed operators who in the officers opinion no longer meet the 'Suitability' criteria, power is delegated to the relevant Head of Service with the ability to further sub-delegate to suspend the licence.</p> <p>(iv) Following suspension under (iii) above, for those licensed operators who in the officers opinion no longer meet the 'Suitability' criteria, power is delegated to the sub-committee to revoke the licence</p>	
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B12	Power to issue entertainments licences.	Section 12 of the Children and Young Persons Act 1933 (c 12)	Planning, Taxi Licensing and Rights of Way Committee	Delegated to the relevant Head of Service with the ability to further sub-delegate.	
B13	Power to license sex shops and sex cinemas.	The Local Government (Miscellaneous Provisions) Act 1982, section 2 and Schedule 3.	Planning, Taxi Licensing and Rights of Way Committee	Uncontested applications delegated to the relevant Head of Service with the ability to further sub-delegate. Contested applications will be considered by a Sub-Committee.	
B14	Power to license performances of hypnotism.	The Hypnotism Act 1952 (c 46).	Planning, Taxi Licensing and Rights of Way Committee	Delegated to the relevant Head of Service with the ability to further sub-delegate.	
B15	Power to license premises for acupuncture, tattooing, ear-piercing and electrolysis.	Sections 13 to 17 of the Local Government (Miscellaneous Provisions) Act 1982.	Planning, Taxi Licensing and Rights of Way Committee	Delegated to the relevant Head of Service with the ability to further sub-delegate.	
B16	Power to license pleasure boats and pleasure vessels.	Section 94 of the Public Health Acts Amendment Act 1907 (c 53).	Planning, Taxi Licensing and Rights of Way Committee	Delegated to the relevant Head of Service with the ability to further sub-delegate.	
B17	Power to license market and street trading.	Part III of, and Schedule 4 to, the Local Government (Miscellaneous Provisions) Act 1982.	Planning, Taxi Licensing and Rights of Way Committee	Delegated to the relevant Head of Service with the ability to further sub-delegate.	

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B19	Power to license dealers in game and the killing and selling of game.	Sections 5, 6, 17, 18 and 21 to 23 of the Game Act 1831 (c 32); sections 2 to 16 of the Game Licences Act 1860 (c 90), section 4 of the Customs and Inland Revenue Act 1883 (c 10), section 27 of the Local Government Act 1894 (c 73), and section 213 of the Local Government Act 1972 (c 70).	Planning, Taxi Licensing and Rights of Way Committee	Delegated to the relevant Head of Service with the ability to further sub-delegate.	
B20	Power of register and license premises for the preparation of food.	Section 19 of the Food Safety Act 1990 (c 16).	Planning, Taxi Licensing and Rights of Way Committee	Delegated to the relevant Head of Service with the ability to further sub-delegate.	
B21	Power to license scrap yards.	Scrap Metal Dealers Act 2013.	Planning, Taxi Licensing and Rights of Way Committee	Sub-delegation to the relevant Head of Service with the ability to further sub-delegate unless the applicant has relevant convictions under the Scrap Metal Dealers Act 2013 (Prescribed Offences and Relevant Enforcement Action) Regulations 2013 when such applications are to be determined by a Sub-Committee.	
B22	Power to issue, amend or replace safety certificates (whether general or special) for sports grounds.	The Safety of Sports Grounds Act 1975 (c 52).	Planning, Taxi Licensing and Rights of Way Committee	Delegated to the relevant Head of Service with the ability to further sub-delegate.	

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B23	Power to issue, cancel, amend or replace safety certificates for regulated stands at sports grounds.	Part III of the Fire Safety and Safety of Places of Sport Act 1987 (c 27).	Planning, Taxi Licensing and Rights of Way Committee	Delegated to the relevant Head of Service with the ability to further sub-delegate.	
B25	Power to license premises for the breeding of dogs.	The Animal Welfare (Breeding of Dogs) (Wales) Regulations 2014.	Planning, Taxi Licensing and Rights of Way Committee	Delegated to the relevant Head of Service with the ability to further sub-delegate.	
B26	Power to license pet shops and other establishments where animals are bred or kept for the purposes of carrying on a business.	Section 1 of the Pet Animals Act 1951 (c 35); section 1 of the Animal Boarding Establishments Act 1963 (c 43); the Riding Establishments Acts 1964 and 1970 (1964 c 70 and 1970 c 70); section 1 of the Breeding of Dogs Act 1973 (c 60), and sections 1 and 8 of the Breeding and Sale of Dogs (Welfare) Act 1999.	Planning, Taxi Licensing and Rights of Way Committee	Delegated to the relevant Head of Service with the ability to further sub-delegate.	
B27	Power to register animal trainers and exhibitors.	Section 1 of the Performing Animals (Regulation) Act 1925 (c 38).	Planning, Taxi Licensing and Rights of Way Committee	Delegated to the relevant Head of Service with the ability to further sub-delegate.	
B28	Power to license zoos.	Section 1 of the Zoo Licensing Act 1981 (c 37)	Planning, Taxi Licensing and Rights of Way Committee	Delegated to the relevant Head of Service with the ability to further sub-delegate.	
B29	Power to license dangerous wild animals.	Section 1 of the Dangerous Wild Animals Act 1976 (c 38).	Planning, Taxi Licensing and Rights of Way Committee	Delegated to the relevant Head of Service with the ability to further sub-delegate.	

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B30	Power to enforce regulations in relation to animal by-products	Regulation 49 of the Animal By-products (Wales) Regulations 2006 (SI 1292 (W 127))	Planning, Taxi Licensing and Rights of Way Committee	Delegated to the relevant Head of Service with the ability to further sub-delegate.	
B31	Power to license the employment of children.	Part II of the Children and Young Persons Act 1933 (c 12), byelaws made under that Part, and Part II of the Children and Young Persons Act 1963 (c 37).	Planning, Taxi Licensing and Rights of Way Committee	No delegation	
B32	Power to approve premises for the solemnisation of marriages and the registration of civil partnerships.	Section 46A of the Marriage Act 1949 (c 76), section 6A of the Civil Partnership Act 2004 (c 33) and the Marriages and Civil Partnerships (Approved Premises) Regulations 2005 (SI 2005/3168).	Planning, Taxi Licensing and Rights of Way Committee	Delegated to the Head of Legal and Democratic Services with the ability to further sub-delegate.	
B33	Power to register common land or town or village greens, except where the power is exercisable solely for the purpose of giving effect to-- (a) an exchange of lands effected by an order under section 19(3) or paragraph 6(4) of Schedule 3 to, the Acquisition of Land Act 1981 (c 67); or (b) an order under section 7 of the Commons Act 2006.	Regulation 6 of the Commons Registration (New Land) Regulations 1969 (SI 1969/1843). The Commons Deregulation and Exchange Orders (Interim Arrangements) (Wales)	Planning, Taxi Licensing and Rights of Way Committee	No delegation	

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	Regulations 2012			
B34 Power to register variation of rights of common.	Regulation 29 of the Commons Registration (General) Regulations 1966 (SI 1966/1471).	Planning, Taxi Licensing and Rights of Way Committee	No delegation	
B35 Power to issue a permit to conduct charitable collections.	Section 68 of the Charities Act 1992.	Planning, Taxi Licensing and Rights of Way Committee	Delegated to the relevant Head of Service with the ability to further sub-delegate.	
B36 Power to grant consent for the operation of a loudspeaker.	Schedule 2 to the Noise and Statutory Nuisance Act 1993 (c 40).	Planning, Taxi Licensing and Rights of Way Committee	Delegated to the relevant Head of Service with the ability to further sub-delegate.	
B37 Power to grant a street works licence.	Section 50 of the New Roads and Street Works Act 1991 (c 22).	Planning, Taxi Licensing and Rights of Way Committee	Delegated to the relevant Head of Service with the ability to further sub-delegate.	
B38 Duty to register the movement of pigs.	Regulations 21(3) and (4) of the Pigs (Records Identification and Movement) (Wales) Order 2004 (SI 2004/996 (W 104)).	Planning, Taxi Licensing and Rights of Way Committee	Delegated to the relevant Head of Service with the ability to further sub-delegate.	
B39 Power to enforce regulations in relation to the movement of pigs.	Regulation 27(1) of the Pigs (Records, Identification and Movement) (Wales) Order 2004/996 (W 104).	Planning, Taxi Licensing and Rights of Way Committee	Delegated to the relevant Head of Service with the ability to further sub-delegate.	
B40 Power to issue a licence to move cattle from a market.	Article 5(2) of the Cattle Identification Regulations 1998 (SI 1998/871).	Planning, Taxi Licensing and Rights of Way Committee	Delegated to the relevant Head of Service with the ability to further sub-delegate.	
B41 Power to sanction use of parts of buildings for storage of celluloid.	Section 1 of the Celluloid and Cinematograph Film Act 1922 (c 35).	Planning, Taxi Licensing and Rights of Way Committee	Delegated to the relevant Head of Service with the ability to further sub-delegate.	

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B42 Duty to enforce and execute Regulations (EC) No 852/2004 and 853/2004 in relation to food business operators as further specified in regulation 5 of the Food (Hygiene) (Wales) Regulations 2006.	Regulation 5 of the Food (Hygiene) (Wales) Regulations 2006.	Planning, Taxi Licensing and Rights of Way Committee	Delegated to the relevant Head of Service with the ability to further sub-delegate.	
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Column 1	Column 2	Column 3	Column 4	Column 5
C Functions relating to health and safety at work	Provision of Act or Statutory Instrument	Delegated to	Sub-Delegation	Conditions and / or Limitations on Delegation and Sub-Delegation
C1 Functions under any of the "relevant statutory provisions" within the meaning of Part I (health, safety and welfare in connection with work, and control of dangerous substances) of the Health and Safety at Work etc Act 1974, to the extent that those functions are discharged otherwise than in the authority's capacity as an employer.	Part I of the Health and Safety at Work etc Act 1974 (c 37).	Planning, Taxi Licensing and Rights of Way Committee	Delegated to the relevant Head of Service with the ability to further sub-delegate.	

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Column 1	Column 2	Column 3	Column 4	Column 5
D Functions relating to elections	Provision of Act or Statutory Instrument	Delegated to	Sub-Delegation	Conditions and / or Limitations on Delegation and Sub-Delegation
D1 Duty to appoint an electoral registration officer.	Section 8(2A) of the Representation of the People Act 1983 (c 2).	Full Council	No delegation	
D3 Power to dissolve community councils.	Section 28 of the Local Government Act 1972.	Full Council	No delegation	
D4 Power to make orders for grouping communities.	Section 29 of the Local Government Act 1972.	Full Council	No delegation	
D5 Power to make orders for dissolving groups and separating community councils from groups.	Section 29A of the Local Government Act 1972.	Full Council	No delegation	
D6 Duty to appoint returning officer for local government elections.	Section 35 of the Representation of the People Act 1983.	Full Council	No delegation	
D7 Duty to provide assistance at European Parliamentary elections.	Section 6(7) and (8) of the European Parliamentary Elections Act 2002.	Full Council	No delegation	
D8 Duty to divide constituency into polling districts.	Section 18 of the Representation of the People Act 1983.	Full Council	No delegation	
D9 Power to divide electoral divisions into polling districts at local government elections.	Section 31 of the Representation of the People Act 1983.	Full Council	No delegation	

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D10	Powers in respect of holding of elections.	Section 39(4) of the Representation of the People Act 1983.	Full Council	No delegation	
D12	Power to fill vacancies in the event of insufficient nominations.	Section 21 of the Representation of the People Act 1985.	Full Council	No delegation	
D15	Power to make temporary appointments to community councils.	Section 91 of the Local Government Act 1972.	Full Council	No delegation	
D17	Power to submit proposals to the Secretary of State for an order under section 10 (pilot schemes for local elections in England and Wales) of the Representation of the People Act 2000.	Section 10 of the Representation of the People Act 2000 (c 2).	Full Council	No delegation	

Column 1	Column 2	Column 3	Column 4	Column 5	
D	Functions relating to elections	Provision of Act or Statutory Instrument	Delegated to	Sub-Delegation	Conditions and / or Limitations on Delegation and Sub-Delegation
D2	Power to assign officers in relation to requisitions of the registration officer.	Section 52(4) of the Representation of the People Act 1983.	Head of Paid Service	No delegation	
D13	Duty to declare vacancy in office in certain cases.	Section 86 of the Local Government Act 1972.	Head of Paid Service	No delegation	
D14	Duty to give public notice of a casual vacancy.	Section 87 of the Local Government Act 1972.	Head of Paid Service	No delegation	

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D16	Power to determine fees and conditions for supply of copies of, or extracts from, elections documents.	Rule 48(3) of the Local Elections (Principal Areas) Rules 1986 (SI 1986/2214) and rule 48(3) of the Local Elections (Parishes and Communities) Rules 1986 (SI 1986/2215).	Head of Paid Service	No delegation	
D11	Power to pay expenses properly incurred by electoral registration officers.	Section 54 of the Representation of the People Act 1983.	Section 151 Officer	No delegation	

	Column 1	Column 2	Column 3	Column 4	Column 5
E	Functions relating to name and status of areas and individuals	Provision of Act or Statutory Instrument	Delegated to	Sub-Delegation	Conditions and / or Limitations on Delegation and Sub-Delegation
E1	Power to change the name of a county or county borough.	Section 74 of the Local Government Act 1972.	Full Council	No delegation	
E2	Power to change the name of a community.	Section 76 of the Local Government Act 1972.	Full Council	No delegation	
E3	Power to confer title of honorary alderman or to admit to be an honorary freeman.	Section 249 of the Local Government Act 1972.	Full Council	No delegation	
E4	Power to petition for a charter to confer county borough status.	Section 245A of the Local Government Act 1972.	Full Council	No delegation	

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Column 1	Column 2	Column 3	Column 4	Column 5
F Power to make, amend, revoke or re-enact byelaws	Provision of Act or Statutory Instrument	Delegated to	Sub-Delegation	Conditions and / or Limitations on Delegation and Sub-Delegation
F1 Power to make, amend, revoke or re-enact byelaws	Any provision of any enactment (including a local Act), whenever passed, and section 14 of the Interpretation Act 1978 (c 300).	Full Council	No delegation	

Column 1	Column 2	Column 3	Column 4	Column 5
G Power to promote or oppose private Bills.	Provision of Act or Statutory Instrument	Delegated to	Sub-Delegation	Conditions and / or Limitations on Delegation and Sub-Delegation
G1 Power to promote or oppose private Bills	Sections 52 and 53 of the Local Government (Democracy)(Wales) Act 2013.	Full Council	No delegation	

Column 1	Column 2	Column 3	Column 4	Column 5
H Functions relating to pensions etc	Provision of Act or Statutory Instrument	Delegated to	Sub-Delegation	Conditions and / or Limitations on Delegation and Sub-Delegation
H1 Functions relating to local government pensions, etc.	Regulations under section 7, 12 or 24 of the Superannuation Act 1972 (c 11).	Pensions and Investment Committee	No delegation	
H2 Functions relating to pensions, allowances and gratuities.	Regulations under section 18 (3A) of the Local Government and Housing Act 1989 (c 42).	Pensions and Investment Committee	No delegation	

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Column 1	Column 2	Column 3	Column 4	Column 5
I Miscellaneous functions	Provision of Act or Statutory Instrument	Delegated to	Sub-Delegation	Conditions and / or Limitations on Delegation and Sub-Delegation
I5 Power to make standing orders.	Section 106 of, and paragraph 42 of Schedule 12 to, the Local Government Act 1972.	Full Council	No delegation	
I6A Appointment and dismissal of Chief Executive, Head of Paid Service, Strategic Directors.	Section 112 of the Local Government Act 1972 and sections 7 and 8 of the Local Government and Housing Act 1989.	Full Council	No delegation	The exercise of functions relating to the recruitment, appointment and dismissal of, and taking disciplinary action against staff must be undertaken in accordance with Section 11 (Officers).
I7 Power to make standing orders as to contracts.	Section 135 of the Local Government Act 1972.	Full Council	No delegation	
I8 Power to consider reports from the Public Services Ombudsman for Wales.	Section 19 of the Public Services Ombudsman (Wales) Act 2005 (c 10).	Full Council	No delegation	
I9 Power to make an order identifying a place as a designated public place for the purposes of police powers in relation to alcohol consumption.	Section 13(2) of the Criminal Justice and Police Act 2001 (c 16).	Full Council	No delegation	

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I10	Powers in respect of registration of motor salvage operators.	Part 1 of the Vehicles (Crime) Act 2001 (c 3).	Full Council	No delegation	
I11	Power to appoint officers for particular purposes (appointment of "proper officers").	Section 270(3) of the Local Government Act 1972 (c 42).	Full Council	No delegation	
I12	Duty to designate an officer as the head of the authority's paid service, and to provide staff, etc.	Section 4(1) of the Local Government and Housing Act 1989 (c 42).	Full Council	No delegation	
I13	Duty to designate an officer as the monitoring officer and to provide staff, etc.	Section 5(1) of the Local Government and Housing Act 1989.	Full Council	No delegation	
I14	Duty to determine affordable borrowing limit.	Section 3 of the Local Government Act 2003 (c 22).	Full Council	No delegation	
I15	Approval of annual investment strategy in accordance with guidance.	Section 15 of the Local Government Act 2003.	Full Council	No delegation	
I17	Power to make or revoke an order designating a locality as an alcohol disorder zone.	Section 16 of the Violent Crime Reduction Act 2006 (c 38).]	Full Council	No delegation	
I19	<u>Duty to make arrangements for holding meetings of a principal council or its executive</u>	<u>Section 47(1) of the Local Government and Elections (Wales) Act 2021</u>	<u>Full Council</u>	<u>No delegation</u>	

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Column 1	Column 2	Column 3	Column 4	Column 5
I Miscellaneous functions	Provision of Act or Statutory Instrument	Delegated to	Sub-Delegation	Conditions and / or Limitations on Delegation and Sub-Delegation
I1 Duty to approve authority's statement of accounts, income and expenditure and balance sheet or record of receipts and payments (as the case may be).	The Accounts and Audit (Wales) Regulations 2005.	Governance and Audit Committee ⁵	No delegation	
Risk and Control I19A Ensure the risk management strategy guides the programme of internal and external work, to address the controls and risk related issues identified I19B Oversee the production of the annual governance statement, recommend its adoption to County Council and ensure appropriate action is taken to address the issues raised	County Council meeting 16 th May, 2013	Governance and Audit Committee	No delegation	

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⁵ Regulation 9(3) of the The Accounts and Audit (Wales) Regulations 2005

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Column 1	Column 2	Column 3	Column 4	Column 5
I Miscellaneous functions	Provision of Act or Statutory Instrument	Delegated to	Sub-Delegation	Conditions and / or Limitations on Delegation and Sub-Delegation
Internal Audit I20A (i) To consider and approve the annual audit opinion on internal control and the level of assurance given to the corporate governance arrangements (ii) Approve the annual audit plan, ensuring there is sufficient and appropriate coverage, with a strong emphasis on risk management and resources are available to implement the plan. (iii) Receive and review internal audit reports and ensure officers respond promptly to the findings. Where necessary recommendations to other committees and portfolio holders will be made, to ensure action plans are implemented	County Council meeting 16 th May, 2013	Governance and Audit Committee	No delegation	

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Column 1	Column 2	Column 3	Column 4	Column 5
I Miscellaneous functions	Provision of Act or Statutory Instrument	Delegated to	Sub-Delegation	Conditions and / or Limitations on Delegation and Sub-Delegation
External Audit I21A (i) Consider and approve the annual letter, regulatory plan and specific reports as agreed. (ii) Where necessary ensure action is taken by officers to address those issues raised, and if necessary recommendations to other committees and portfolio holders will be made to address findings and deliver clear conclusions (iii) Comment on the scope and depth of the external audit work, to ensure it gives value for money	County Council meeting 16 th May, 2013	Governance and Audit Committee	No delegation	

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Column 1	Column 2	Column 3	Column 4	Column 5
I Miscellaneous functions	Provision of Act or Statutory Instrument	Delegated to	Sub-Delegation	Conditions and / or Limitations on Delegation and Sub-Delegation
Other I22A (i) Assess and approve the annual statement of accounts, external audit opinion and management representation in relation to annual audit findings (ii) Promote effective relationships between external and internal audit, inspection agencies and other relevant bodies to ensure the value of audit and inspection is enhanced and actively promoted (iii) regularly monitor treasury management reports	County Council meeting 16 th May, 2013	Governance and Audit Committee	No delegation	
I23A <u>Duty to:</u> (a) <u>review and scrutinise the authority's financial affairs,</u> (b) <u>make reports and recommendations in relation to the authority's financial affairs,</u> (c) <u>review and assess the risk management, internal control,</u>	<u>Local Government Measure 2011 (Section 81) as amended by the Local Government and Elections (Wales) Act 2021 (Section 115)</u>	<u>Governance and Audit Committee</u>	<u>No delegation</u>	

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<p>performance assessment and corporate governance arrangements of the authority,</p> <p>(d) make reports and recommendations to the authority on the adequacy and effectiveness of those arrangements,</p> <p>(da) review and assess the authority's ability to handle complaints effectively</p> <p>(db) make reports and recommendations in relation to the authority's ability to handle complaints effectively</p> <p>(e) oversee the authority's internal and external audit arrangements, and</p> <p>(f) review the financial statements prepared by the authority</p>				
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Column 1	Column 2	Column 3	Column 4	Column 5
I Miscellaneous functions	Provision of Act or Statutory Instrument	Delegated to	Sub-Delegation	Conditions and / or Limitations on Delegation and Sub-Delegation
I18 Functions relating to family absence of Local Authority Members	The Family Absence for Members of Local Authorities (Wales) Regulations 2013	Democratic Services Committee	No delegation	

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Column 1	Column 2	Column 3	Column 4	Column 5
I Miscellaneous functions	Provision of Act or Statutory Instrument	Delegated to	Sub-Delegation	Conditions and / or Limitations on Delegation and Sub-Delegation
I6D For the purposes of the JNC Conditions of Service for Chief Officers and for the Local Authorities (Standing Orders)(Wales) Regulations 2006, to discharge all relevant functions associated with the disciplinary and grievance processes and procedures in respect of all the Council's Chief and Deputy Chief Officers other than the Head of Paid Service, Monitoring Officer and Chief Financial Officer, Head of Democratic Services (as these 4 statutory officers are dealt with in Section 11 (Officers))	County Council meeting 16 th May, 2013	Employment and Appeals Committee	Delegated to the Investigating and Disciplinary Committee	
I6E Hearing and determining appeals by officers in respect of, dismissals arising out of disciplinary, capability or redundancy issues; and grievance.	County Council meeting 16 th May, 2013	Employment and Appeals Committee	Delegated to the appropriate Sub-Committee	

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Column 1	Column 2	Column 3	Column 4	Column 5	
I	Miscellaneous functions	Provision of Act or Statutory Instrument	Delegated to	Sub-Delegation	Conditions and / or Limitations on Delegation and Sub-Delegation
I16	Duty to make arrangements for proper administration of financial affairs.	Section 151 of the Local Government Act 1972 (c 11).	Section 151 Officer	No delegation	
Column 1	Column 2	Column 3	Column 4	Column 5	
J	Functions Relating to Highways	Provision of Act or Statutory Instrument	Delegated to	Sub-Delegation	Conditions and / or Limitations on Delegation and Sub-Delegation
J1	Power to consent to temporary deposits or excavation in streets.	County Council meeting 15 th July, 2015	Full Council	Delegated to the relevant Head of Service with the ability to further sub-delegate.	
J2	Power to dispense with obligation to erect hoarding or fence.	County Council meeting 15 th July, 2015	Full Council	Delegated to the relevant Head of Service with the ability to further sub-delegate.	
J3	Power to consent to construction of cellars etc. under street.	County Council meeting 15 th July, 2015	Full Council	Delegated to the relevant Head of Service with the ability to further sub-delegate.	
J4	Power to consent to the making of openings into cellars etc. under streets, and pavement lights and ventilators.	County Council meeting 15 th July, 2015	Full Council	Delegated to the relevant Head of Service with the ability to further sub-delegate.	
J5	Powers relating to the removal of things so deposited on highways as to be a nuisance.	County Council meeting 15 th July, 2015	Full Council	Delegated to the relevant Head of Service with the ability to further sub-delegate.	
J6	Power to license planting, retention and maintenance of trees etc. in part of metalled highway.	County Council meeting 15 th July, 2015	Full Council	Delegated to the relevant Head of Service with the ability to further sub-delegate.	

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SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

Column 1	Column 2	Column 3	Column 4	Column 5	
J	Functions Relating to Highways	Provision of Act or Statutory Instrument	Delegated to	Sub-Delegation	Conditions and / or Limitations on Delegation and Sub-Delegation
J7	Power to license works in relation to buildings etc. which obstruct the metalled highway.	County Council meeting 15 th July, 2015	Full Council	Delegated to the relevant Head of Service with the ability to further sub-delegate.	
J8	Power to restrict the placing of rails, beams etc. over metalled highways.	County Council meeting 15 th July, 2015	Full Council	Delegated to the relevant Head of Service with the ability to further sub-delegate.	
J9	Duty to assert and protect the rights of the public to use and enjoyment of metalled highways.	County Council meeting 15 th July, 2015	Full Council	Delegated to the relevant Head of Service with the ability to further sub-delegate.	
Column 1	Column 2	Column 3	Column 4	Column 5	
K.	Regulation 3 Matters	Provision of Act or Statutory Instrument	Delegated to	Sub-Delegation	Conditions and / or Limitations on Delegation and Sub-Delegation
3(5)	The functions of making any scheme authorised or required by regulations under (schemes for basic, attendance and special responsibility allowances for local authority members), or of amending, revoking or replacing any such scheme is not to be the responsibility of an executive of the authority.	section 18 of the Local Government and Housing Act 1989	Full Council	No delegation - Section 101 of the Local Government Act 1972 (Discharge by Committee, Sub-Committee, Officer or other Local Authority etc) shall not apply to this function.	

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3(6) (a) the amount of any allowance payable under:		Full Council	No delegation - Section 101 of the Local Government Act 1972 (Discharge by Committee, Sub-Committee, Officer or other Local Authority etc) shall not apply to this function.	
(i) chairman's expenses; (ii) vice-chairman's expenses; (iii) financial loss allowance; (iv) allowances for attending conferences and meetings;	(i) subsection (5) of section 22 of the Local Government Act 1972 (ii) subsection (4) of section 24 of the Local Government Act 1972 (iii) subsection (4) of section 173 of the Local Government Act 1972 (iv) section 175 of the Local Government Act 1972	Full Council	No delegation - Section 101 of the Local Government Act 1972 (Discharge by Committee, Sub-Committee, Officer or other Local Authority etc) shall not apply to this function.	
(b) the rates at which payments are to be made under (travelling and subsistence allowances);	section 174 of the Local Government Act 1972	Full Council	No delegation - Section 101 of the Local Government Act 1972 (Discharge by Committee, Sub-Committee, Officer or other Local Authority etc) shall not apply to this function.	
(c) the amount of any allowances payable pursuant to a scheme under or regulations made under, or the rates at which payments by way of any such allowances are to be made;	section 18 of the Local Government and Housing Act 1989 section 100 of the Local Government Act 2000	Full Council	No delegation - Section 101 of the Local Government Act 1972 (Discharge by Committee, Sub-Committee, Officer or other Local Authority etc) shall not apply to this function.	

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Column 1	Column 2	Column 3	Column 4	Column 5
K. Regulation 3 Matters	Provision of Act or Statutory Instrument	Delegated to	Sub-Delegation	Conditions and / or Limitations on Delegation and Sub-Delegation
(d) whether a charge should be made for any approval, consent, licence, permit or registration the issue of which is not the responsibility of an executive of the authority; and e) where a charge is made for any such approval, consent, licence, permit or registration, the amount of the charge.		Full Council	Delegation to the appropriate Committee on an individual basis.	
3(8) The function of making arrangements for the discharge of functions by a committee or officer under (2 or more local authorities discharging functions jointly)	section 101(5) of the Local Government Act 1972 Section 20 of the Local Government Act 2000.	Full Council	No delegation possible pursuant to Regulation 3(8).	
3(9) The functions of making appointments under (appointment of committees)	section 102 of the Local Government Act 1972	Full Council	No delegation possible pursuant to Regulation 3(9)	

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Column 1	Column 2	Column 3	Column 4	Column 5
K. Regulation 3 Matters	Provision of Act or Statutory Instrument	Delegated to	Sub-Delegation	Conditions and / or Limitations on Delegation and Sub-Delegation
3(10) Unless otherwise provided by the Local Authorities (Executive Arrangements) (Functions and Responsibilities) (Wales) Regulations 2007 (as amended), a function of a local authority which, by virtue of any enactment (past or made before the 16 th February, 2007) must not be discharged by the Cabinet.		Full Council	No delegation possible pursuant to Regulation 3(10)	

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Schedule 2 – Council functions may be delegated to the Executive and other Member Bodies pursuant to Regulation 4 of the 2007 Regulations.

For the sake of clarity, Full Council has delegated the functions set out in Column 1 of Schedule 2 to the Member Body set out in Column 3. Full Council reserves the right to remove such delegation.

Pursuant to Regulation 4(2), the functions in Column 1 so delegated may also be exercised by Full Council.

Nothing in this Schedule prevents the exercise of functions delegated to the Cabinet under Column 1 of this Schedule being sub-delegated by the Executive Leader under Rule 5.9.

For the purposes of this Schedule 2 “Rights of Way Officer” means either the Strategic Director, or the Director or the Head of Service responsible for the rights of way functions.

Column 1	Column 2	Column 3	Column 4	Column 5
	Provision of Act or Statutory Instrument	Delegated to	Sub-Delegation	Conditions and / or Limitations on Delegation and Sub-Delegation
1 Any function under a local Act other than a function specified or referred to in Schedule 1.		Full Council	No delegation	
7 The making of arrangements under section 20 (questions on police matters at council meetings) of the Police Act 1996 for enabling questions to be put on the discharge of the functions of a police authority.	Section 20 (questions on police matters at Council meetings) of the Police Act 1996	Full Council	No delegation	

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Column 1	Column 2	Column 3	Column 4	Column 5
	Provision of Act or Statutory Instrument	Delegated to	Sub-Delegation	Conditions and / or Limitations on Delegation and Sub-Delegation
8	The making of appointments under paragraphs 2 to 4 (appointment of members by relevant councils) of Schedule 2 (police authorities established under section 3) to the Police Act 1996.	Full Council	No delegation	
13	The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the authority's area.	Full Council	No delegation	
19	The appointment of any individual:	Full Council	No delegation	Also exercisable by the Cabinet.
	(a) to any office other than an office in which he is employed by the authority;			
	(b) to any body other than-			
	(i) the authority;			
	(ii) a joint committee of two or more authorities; or			

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Column 1	Column 2	Column 3	Column 4	Column 5
	Provision of Act or Statutory Instrument	Delegated to	Sub-Delegation	Conditions and / or Limitations on Delegation and Sub-Delegation
(c) to any committee or sub-committee of such a body, and the revocation of any such appointment.				
21 The discharge of any function by an authority acting as a harbour authority.		Full Council	No delegation	

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Column 1	Column 2	Column 3	Column 4	Column 5
	Provision of Act or Statutory Instrument	Delegated to	Sub-Delegation	Conditions and / or Limitations on Delegation and Sub-Delegation
2	The determination of an appeal against any decision made by or on behalf of the authority.	Cabinet	The Executive Leader may delegate the function to the appropriate Portfolio Holder.	This does not extend to determining any dismissal or grievance appeal by an employee which are to be determined by the Employment and Appeals Committee.
3	Functions in relation to the revision of decisions made in connection with claims for housing benefit or council tax benefit and for appeals against such decisions under section 68 of and Schedule 7 to the Child Support, Pensions and Social Security Act 2000 (c.19)	Cabinet	The Executive Leader may delegate the function to the appropriate Portfolio Holder.	
4	The making of arrangements in relation to appeals against the exclusion of pupils in maintained schools under section 52 of the Education Act 2002.	Cabinet	The Executive Leader may delegate the function to the appropriate Portfolio Holder.	

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Column 1	Column 2	Column 3	Column 4	Column 5
	Provision of Act or Statutory Instrument	Delegated to	Sub-Delegation	Conditions and / or Limitations on Delegation and Sub-Delegation
5	The making of arrangements pursuant to section 94(1), (1A) and (4) of, and Schedule 24 to, the School Standards and Framework Act 1998 (admission appeals).	Cabinet	The Executive Leader may delegate the function to the appropriate Portfolio Holder.	
6	The making of arrangements pursuant to section 95(2) of the School Standards and Framework Act 1998 (children to whom section 87 applies: appeals by governing bodies).	Cabinet	The Executive Leader may delegate the function to the appropriate Portfolio Holder.	
9	The conducting of best value reviews in accordance with the provisions of any order for the time being having effect under section 5 (best value reviews) of the Local Government Act 1999.	Cabinet	The Executive Leader may delegate the function to the appropriate Portfolio Holder.	
10	Any function relating to contaminated land.	Cabinet	The Executive Leader may delegate the function to the appropriate Portfolio Holder.	

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Column 1	Column 2	Column 3	Column 4	Column 5	
	Provision of Act or Statutory Instrument	Delegated to	Sub-Delegation	Conditions and / or Limitations on Delegation and Sub-Delegation	
11	The discharge of any function relating to the control of pollution or the management of air quality.	Pollution and Prevention Control Act 1999 (c.24); Part IV of the Environment Act 1995 (c.25); Part 1 of the Environment Act 1990 (c.43) and the Clean Air Act 1993 (c.11)	Cabinet	The Executive Leader may delegate the function to the appropriate Portfolio Holder.	
12	The service of an abatement notice in respect of a statutory nuisance.	Section 8 of the Noise and Statutory Nuisance Act 1993 (c.40)	Cabinet	The Executive Leader may delegate the function to the appropriate Portfolio Holder.	
14	The inspection of the authority's area to detect any statutory nuisance.	Section 79 of the Environmental Protection Act 1990.	Cabinet	The Executive Leader may delegate the function to the appropriate Portfolio Holder.	
15	The investigation of any complaint as to the existence of a statutory nuisance.		Cabinet	The Executive Leader may delegate the function to the appropriate Portfolio Holder.	
16	The obtaining of information under section 330 of the Town and Country Planning Act 1990 as to interests in land.	Section 330 of the Town and Country Planning Act 1990 (c.8)	Cabinet	The Executive Leader may delegate the function to the appropriate Portfolio Holder.	

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

Column 1	Column 2	Column 3	Column 4	Column 5
	Provision of Act or Statutory Instrument	Delegated to	Sub-Delegation	Conditions and / or Limitations on Delegation and Sub-Delegation
17 The obtaining of particulars of persons interested in land under section 16 of the Local Government (Miscellaneous Provisions) Act 1976.	Section 16 of the Local Government (Miscellaneous Provisions) Act 1976 (c.57)	Cabinet	The Executive Leader may delegate the function to the appropriate Portfolio Holder.	
18 Any of the following functions in respect of highways:				
(a) the making of agreements for the execution of highways works;	Section 278 of the Highways Act 1980 (c.66) was substituted by Section 23 of the New Roads and Street Works Act 1991 (c.22)	Cabinet	Delegated to the relevant Head of Service with the ability to further sub-delegate..	
(d) the functions contained in the following provisions of Part IX of the Highways Act 1980 (lawful and unlawful interference with highways and streets):		Cabinet	Delegated to the relevant Head of Service with the ability to further sub-delegate.	
(i) section 130-- protection of public rights;	Part IX of the Highways Act 1980 (lawful and unlawful interference with highways and streets) – Section 130	Cabinet	Delegated to the relevant Head of Service with the ability to further sub-delegate.	

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Column 1	Column 2	Column 3	Column 4	Column 5
	Provision of Act or Statutory Instrument	Delegated to	Sub-Delegation	Conditions and / or Limitations on Delegation and Sub-Delegation
(ii) sections 139-- control of builders' skips;	Part IX of the Highways Act 1980 (lawful and unlawful interference with highways and streets) – Section 139	Cabinet	Delegated to the relevant Head of Service with the ability to further sub-delegate.	
(iii) section 140-- removal of builders' skips;	Part IX of the Highways Act 1980 (lawful and unlawful interference with highways and streets) – Section 140	Cabinet	Delegated to the relevant Head of Service with the ability to further sub-delegate.	
(iv) section 140A-- builders' skips: charges for occupation of the highway;	New Roads and Street Works Act 1991 (c.22) (Section 168 and Part 1 of Schedule 8)	Cabinet	Delegated to the relevant Head of Service with the ability to further sub-delegate.	
(v) section 142-- licence to plant trees, shrubs etc in a highway;	Part IX of the Highways Act 1980 (lawful and unlawful interference with highways and streets) – Section 142	Cabinet	Delegated to the relevant Head of Service with the ability to further sub-delegate.	
(vi) section 147-- power to authorise erection of stiles etc on footpath or bridleway;	Part IX of the Highways Act 1980 (lawful and unlawful interference with highways and streets) – Section 147	Cabinet	Delegated to the relevant Head of Service with the ability to further sub-delegate.	

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SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

Column 1	Column 2	Column 3	Column 4	Column 5
	Provision of Act or Statutory Instrument	Delegated to	Sub-Delegation	Conditions and / or Limitations on Delegation and Sub-Delegation
(vii) section 147ZA-- agreements relating to improvements for benefit of persons with mobility problems;	Section 69(3) of the Countryside and Rights of Way Act 2000 (c.37)	Cabinet	Delegated to the relevant Head of Service with the ability to further sub-delegate.	
(viii) section 149- removal of things so deposited on highways as to be a nuisance etc;	Part IX of the Highways Act 1980 (lawful and unlawful interference with highways and streets) – Section 149	Cabinet	Delegated to the relevant Head of Service with the ability to further sub-delegate.	
(ix) section 169- control of scaffolding on highways;	Part IX of the Highways Act 1980 (lawful and unlawful interference with highways and streets) – Section 169	Cabinet	Delegated to the relevant Head of Service with the ability to further sub-delegate.	
(x) section 171- control of deposit of building materials and making of excavations in streets;	Part IX of the Highways Act 1980 (lawful and unlawful interference with highways and streets) – Section 171	Cabinet	Delegated to the relevant Head of Service with the ability to further sub-delegate.	

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Column 1	Column 2	Column 3	Column 4	Column 5
	Provision of Act or Statutory Instrument	Delegated to	Sub-Delegation	Conditions and / or Limitations on Delegation and Sub-Delegation
(xi) section 171A and regulations made under that section-- works under s169 or s171: charge for occupation of the highway;	New Roads and Street Works Act 1991 (c.22) (Section 168 and Part 1 of Schedule 8)	Cabinet	Delegated to the relevant Head of Service with the ability to further sub-delegate.	
(xii) section 172-- hoardings to be set up during building etc;	Part IX of the Highways Act 1980 (lawful and unlawful interference with highways and streets) – Section 172	Cabinet	Delegated to the relevant Head of Service with the ability to further sub-delegate.	
(xiii) section 173-- hoardings to be securely erected;	Part IX of the Highways Act 1980 (lawful and unlawful interference with highways and streets) – Section 173	Cabinet	Delegated to the relevant Head of Service with the ability to further sub-delegate.	
(xiv) section 178-- restriction on placing of rails, beams etc over highways;	Part IX of the Highways Act 1980 (lawful and unlawful interference with highways and streets) – Section 178	Cabinet	Delegated to the relevant Head of Service with the ability to further sub-delegate.	
(xv) section 179-- control of construction of cellars etc under street;	Part IX of the Highways Act 1980 (lawful and unlawful interference with highways and streets) – Section 179	Cabinet	Delegated to the relevant Head of Service with the ability to further sub-delegate.	

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SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

Column 1	Column 2	Column 3	Column 4	Column 5
	Provision of Act or Statutory Instrument	Delegated to	Sub-Delegation	Conditions and / or Limitations on Delegation and Sub-Delegation
(xvi) section 180-control of openings into cellars etc under streets, and pavement lights and ventilators;	Part IX of the Highways Act 1980 (lawful and unlawful interference with highways and streets) – Section 180	Cabinet	Delegated to the relevant Head of Service with the ability to further sub-delegate.	
20 Power to make payments or provide other benefits in cases of maladministration etc.	Section 92 of the Local Government Act 2000.	Cabinet	Delegated to the relevant Head of Service with the ability to further sub-delegate.	
22 Functions in respect of the calculation of council tax base in accordance with any of the following:		Cabinet	The Executive Leader may delegate the function to the appropriate Portfolio Holder.	
(a) the determination of an for item T in section 33(1) and 44(1) of the Local Government Finance Act 1992;	Sections 33(1) and 44(1) of the Local Government Finance Act 1992	Cabinet	The Executive Leader may delegate the function to the appropriate Portfolio Holder.	
(b) the determination of an amount for item TP in sections 34(3), 45(3) 48(3) and 48(4) of the Local Government Finance Act 1992;	Sections 34(3), 45(3), 48(3) and 48(4) of the Local Government Finance Act 1992	Cabinet	The Executive Leader may delegate the function to the appropriate Portfolio Holder.	

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SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

Column 1	Column 2	Column 3	Column 4	Column 5
	Provision of Act or Statutory Instrument	Delegated to	Sub-Delegation	Conditions and / or Limitations on Delegation and Sub-Delegation
(c) the determination of an amount required for determining an amount for the item mentioned in paragraph (a) or (b) above.		Cabinet	The Executive Leader may delegate the function to the appropriate Portfolio Holder.	
2B.(1) The making of Temporary Traffic Regulation Orders relating to all highways other than those specified in 2B(2) below.	Road Traffic Regulation Act 1984	Cabinet	The Head of Highways, Transportation and Recycling and the Service Manager or persons authorised to act on their behalf.	Subject to: (i) The period of the temporary traffic regulation order not exceeding 18 months. (ii) Any extensions to the time limit for a Traffic Regulation Order require the consent of the relevant Welsh Government Minister.
2B (2) The making of Temporary Traffic Regulation Orders relating to cycle tracks, footpaths, bridleways, restricted byways and byways open to all traffic.	Road Traffic Regulation Act 1984 – Section 14	Cabinet	The Leisure and Recreation Services Manager or persons authorised to act on their behalf.	Such temporary orders can be given by the Authority for up to 6 months and extensions require the consent of the relevant Welsh Government Minister.

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SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

Column 1	Column 2	Column 3	Column 4	Column 5
	Provision of Act or Statutory Instrument	Delegated to	Sub-Delegation	Conditions and / or Limitations on Delegation and Sub-Delegation
4. Provision, operation and maintenance of on-street and off-street car parking, including charging.		Cabinet	The Executive Leader may delegate the function to the appropriate Portfolio Holder.	
5. All matters relating to Municipal Services, namely : (a) street cleaning and litter; (b) verge maintenance; (c) markets (livestock, produce and street), other than regulatory aspects; (d) land drainage; (e) allotments; (f) other minor miscellaneous municipal services		Cabinet	Delegated to the relevant Head of Service with the ability to further sub-delegate.	
6. Miscellaneous functions relating to Local Grants				
(i) the determination of Built Heritage Grants funded from the town specific allocations of Local Regeneration Fund and Basic Credit Approval in accordance		Cabinet		

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SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

with policy and budget set by the Executive.				
(ii) administering Built Heritage Grants for Montgomeryshire to the Montgomeryshire Area (Shire) Committee.		Cabinet		

Column 1	Column 2	Column 3	Column 4	Column 5
	Provision of Act or Statutory Instrument	Delegated to	Sub-Delegation	Conditions and / or Limitations on Delegation and Sub-Delegation
23	Licensing functions in accordance with Part 2 of the Licensing Act 2003 except section 6.	Part 2 of the Licensing Act 2003 except section 6.	Licensing Act 2003 Committee	(i) Where the application is contested, the application will be determined by a 3 Member Sub-Committee under the Licensing Act 2003 (ii) Where the application is uncontested the application will be determined by the relevant Head of Service with the ability to further sub-delegate (iii) Where there is an application to review an existing licence the application will be determined by a 3 Member Sub-Committee under the Licensing Act 2003
24	Functions in respect of gambling under the following provisions of the Gambling Act 2005:	Gambling Act 2005 (c.19)	Licensing Act 2003 Committee	

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(a) section 29--licensing authority information;	Gambling Act 2005 – Section 29	Licensing Act 2003 Committee	Delegated to the relevant Head of Service with the ability to further sub-delegate.	
(b) section 30--other exchange of information;	Gambling Act 2005 – Section 30	Licensing Act 2003 Committee	Delegated to the relevant Head of Service with the ability to further sub-delegate.	
(c) section 166--resolution not to issue casino licences;	Gambling Act 2005 – Section 166	Licensing Act 2003 Committee	No delegation	
(d) section 212 and regulations made under that section--fees;	Gambling Act 2005 – Section 212	Licensing Act 2003 Committee	No delegation	
(e) section 284--removal of exemption;	Gambling Act 2005 – Section 284	Licensing Act 2003 Committee	The Licensing Committee has authority to appoint 3 Member Sub-Committees to hear and determine applications under the Licensing Act 2003 (.	
(f) section 304--authorised persons;	Gambling Act 2005 – Section 304	Licensing Act 2003 Committee	Delegated to the relevant Head of Service with the ability to further sub-delegate.	
(g) section 346--prosecutions by licensing authority;	Gambling Act 2005 – Section 346	Licensing Act 2003 Committee	Delegated to the relevant Head of Service with the ability to further sub-delegate.	
(h) section 349--three-year licensing policy and other relevant policies;	Gambling Act 2005 – Section 349	Licensing Act 2003 Committee	No delegation	
(i) section 350--exchange of information;	Gambling Act 2005 – Section 350	Licensing Act 2003 Committee	Delegated to the relevant Head of Service with the ability to further sub-delegate.	

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(j) Part 5 of Schedule 11--registration with local authority.	Gambling Act 2005 – Part 5 of Schedule 11	Licensing Act 2003 Committee	Delegated to the relevant Head of Service with the ability to further sub-delegate.	
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SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

Column 1	Column 2	Column 3	Column 4	Column 5
	Provision of Act or Statutory Instrument	Delegated to	Sub-Delegation	Conditions and / or Limitations on Delegation and Sub-Delegation
18 Any of the following functions in respect of highways:				
(b) the functions contained in the following provisions of Part III of the Highways Act 1980 (creation of highways):	Part III of the Highways Act 1980 (c.66)	Planning, Taxi Licensing and Rights of Way Committee	No delegation	
(i) section 25-- creation of footpath, bridleway or restricted byway by agreement;	Part III of the Highways Act 1980 (creation of highways) – Section 25	Planning, Taxi Licensing and Rights of Way Committee	The Head of Housing and Community Development with the ability to further sub-delegate.	<u>Conditions for Sub-Delegation (failing which matter must be referred to the Planning, Taxi Licensing and Rights of Way Committee):</u> (a) consent of local member(s); (b) consent of community council; (c) consent of landowner;

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SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

Column 1	Column 2	Column 3	Column 4	Column 5
	Provision of Act or Statutory Instrument	Delegated to	Sub-Delegation	Conditions and / or Limitations on Delegation and Sub-Delegation
(ii) section 26-- compulsory powers for creation of footpaths, bridleways or restricted byways;	Part III of the Highways Act 1980 (creation of highways) – Section 26	Planning, Taxi Licensing and Rights of Way Committee	The Head of Housing and Community Development with the ability to further sub-delegate.	<p><u>Conditions for Sub-Delegation (failing which matter must be referred to the Planning, Taxi Licensing and Rights of Way Committee):</u></p> <p>(a) consent of local member(s); (b) consent of community council; (c) consent of landowner;</p>
(c) the functions contained in the following provisions of Part VIII of the Highways Act 1980 (stopping up and diversion of highways etc):				
(i) section 116--power of magistrates' court to authorise stopping up or diversion of highway;	Part VIII of the Highways Act 1980 (stopping up and diversion of highways etc) – Section 116	Planning, Taxi Licensing and Rights of Way Committee	No delegation	
(ii) section 117-- application for order under section 116 on behalf of another person;	Part VIII of the Highways Act 1980 (stopping up and diversion of highways etc) – Section 117	Planning, Taxi Licensing and Rights of Way Committee	No delegation	

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SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

Column 1	Column 2	Column 3	Column 4	Column 5
	Provision of Act or Statutory Instrument	Delegated to	Sub-Delegation	Conditions and / or Limitations on Delegation and Sub-Delegation
(iii) section 118-- stopping up of footpaths, bridleways and restricted byways;	Part VIII of the Highways Act 1980 (stopping up and diversion of highways etc) – Section 118	Planning, Taxi Licensing and Rights of Way Committee	The Head of Housing and Community Development with the ability to further sub-delegate.	<p><u>Conditions for Sub-Delegation (failing which matter must be referred to the Planning, Taxi Licensing and Rights of Way Committee):</u></p> <p>(a) consent of local member(s); (b) consent of community council; (c) consent of landowner;</p>
(iv) section 118ZA-- application for a public path extinguishment order;	Section 57 of, and Part 1 of Schedule 6 to, the Countryside and Rights of way Act 2000 (c.37)	Planning, Taxi Licensing and Rights of Way Committee	The Head of Housing and Community Development with the ability to further sub-delegate.	<p><u>Conditions for Sub-Delegation (failing which matter must be referred to the Planning, Taxi Licensing and Rights of Way Committee):</u></p> <p>(a) consent of local member(s); (b) consent of community council; (c) consent of landowner;</p>

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SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

Column 1	Column 2	Column 3	Column 4	Column 5
	Provision of Act or Statutory Instrument	Delegated to	Sub-Delegation	Conditions and / or Limitations on Delegation and Sub-Delegation
(v) section 118A--stopping up of footpaths, bridleways and restricted byways crossing railways;	Section 47 of, and Schedule 2 to, the Transport and Works Act 1992 (c.42)	Planning, Taxi Licensing and Rights of Way Committee	Head of Housing and Community Development with the ability to further sub-delegate	<p><u>Conditions for Sub-Delegation (failing which matter must be referred to the Planning, Taxi Licensing and Rights of Way Committee):</u></p> <ul style="list-style-type: none"> (a) consent of local member(s); (b) consent of community council; (c) consent of landowner;
(vi) section 118B--stopping up of certain highways for purposes of crime prevention etc;	Section 57 of, and Part 1 of Schedule 6 to, the Countryside and Rights of way Act 2000 (c.37)	Planning, Taxi Licensing and Rights of Way Committee	Head of Housing and Community Development with the ability to further sub-delegate.	<p><u>Conditions for Sub-Delegation (failing which matter must be referred to the Planning, Taxi Licensing and Rights of Way Committee):</u></p> <ul style="list-style-type: none"> (a) consent of local member(s); (b) consent of community council; (c) consent of landowner;

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SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

Column 1	Column 2	Column 3	Column 4	Column 5
	Provision of Act or Statutory Instrument	Delegated to	Sub-Delegation	Conditions and / or Limitations on Delegation and Sub-Delegation
(vii) section 118C-- application by proprietor of school for special extinguishment order;	Section 57 of, and Part 1 of Schedule 6 to, the Countryside and Rights of way Act 2000 (c.37)	Planning, Taxi Licensing and Rights of Way Committee	The Head of Housing and Community Development with the ability to further sub-delegate.	<p><u>Conditions for Sub-Delegation (failing which matter must be referred to the Planning, Taxi Licensing and Rights of Way Committee):</u></p> <ul style="list-style-type: none"> (a) consent of local member(s); (b) consent of community council; (c) consent of landowner;
(viii) section 119-- diversion of footpaths, bridleways and restricted byways;	Part VIII of the Highways Act 1980 (stopping up and diversion of highways etc) – Section 119	Planning, Taxi Licensing and Rights of Way Committee	The Head of Housing and Community Development with the ability to further sub-delegate.	<p><u>Conditions for Sub-Delegation (failing which matter must be referred to the Planning, Taxi Licensing and Rights of Way Committee):</u></p> <ul style="list-style-type: none"> (a) consent of local member(s); (b) consent of community council; (c) consent of landowner;

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SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

Column 1	Column 2	Column 3	Column 4	Column 5
	Provision of Act or Statutory Instrument	Delegated to	Sub-Delegation	Conditions and / or Limitations on Delegation and Sub-Delegation
(ix) section 119ZA-- application for a public path diversion order;	Section 57 of, and Part 1 of Schedule 6 to, the Countryside and Rights of way Act 2000 (c.37)	Planning, Taxi Licensing and Rights of Way Committee	The Head of Housing and Community Development with the ability to further sub-delegate.	<p><u>Conditions for Sub-Delegation (failing which matter must be referred to the Planning, Taxi Licensing and Rights of Way Committee):</u></p> <ul style="list-style-type: none"> (a) consent of local member(s); (b) consent of community council; (c) consent of landowner;
(x) section 119A-- diversion of footpaths, bridleways and restricted byways crossing railways;	Section 47 of, and Schedule 2 to, the Transport and Works Act 1992 (c.42)	Planning, Taxi Licensing and Rights of Way Committee	The Head of Housing and Community Development with the ability to further sub-delegate.	<p><u>Conditions for Sub-Delegation (failing which matter must be referred to the Planning, Taxi Licensing and Rights of Way Committee):</u></p> <ul style="list-style-type: none"> (a) consent of local member(s); (b) consent of community council; (c) consent of landowner;

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SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

Column 1	Column 2	Column 3	Column 4	Column 5
	Provision of Act or Statutory Instrument	Delegated to	Sub-Delegation	Conditions and / or Limitations on Delegation and Sub-Delegation
(xi) section 119B--diversion of certain highways for purposes of crime prevention etc;	Section 57 of, and Part 1 of Schedule 6 to, the Countryside and Rights of way Act 2000 (c.37)	Planning, Taxi Licensing and Rights of Way Committee	The Head of Housing and Community Development with the ability to further sub-delegate.	<p><u>Conditions for Sub-Delegation (failing which matter must be referred to the Planning, Taxi Licensing and Rights of Way Committee):</u></p> <ul style="list-style-type: none"> (a) consent of local member(s); (b) consent of community council; (c) consent of landowner;
(xii) section 119C--application by proprietor of school for special diversion order;	Section 57 of, and Part 1 of Schedule 6 to, the Countryside and Rights of way Act 2000 (c.37)	Planning, Taxi Licensing and Rights of Way Committee	The Head of Housing and Community Development with the ability to further sub-delegate.	<p><u>Conditions for Sub-Delegation (failing which matter must be referred to the Planning, Taxi Licensing and Rights of Way Committee):</u></p> <ul style="list-style-type: none"> (a) consent of local member(s); (b) consent of community council; (c) consent of landowner;

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SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

Column 1	Column 2	Column 3	Column 4	Column 5
	Provision of Act or Statutory Instrument	Delegated to	Sub-Delegation	Conditions and / or Limitations on Delegation and Sub-Delegation
(xiii) section 119D-- diversion of certain highways for protection of sites of special scientific interest;	Section 57 of, and Part 1 of Schedule 6 to, the Countryside and Rights of way Act 2000 (c.37)	Planning, Taxi Licensing and Rights of Way Committee	The Head of Housing and Community Development with the ability to further sub-delegate.	<p><u>Conditions for Sub-Delegation (failing which matter must be referred to the Planning, Taxi Licensing and Rights of Way Committee):</u></p> <p>(a) consent of local member(s); (b) consent of community council; (c) consent of landowner;</p>
(xiv) section 120-- exercise of powers of making public path extinguishment and diversion orders;	Part VIII of the Highways Act 1980 (consultation with other authorities on cross boundary stopping up and diversion of highways etc) – Section 120	Planning, Taxi Licensing and Rights of Way Committee	The Head of Housing and Community Development with the ability to further sub-delegate.	
(xv) section 121B-- register of applications;	Section 57 of, and Part 1 of Schedule 6 to, the Countryside and Rights of way Act 2000 (c.37)	Planning, Taxi Licensing and Rights of Way Committee	No delegation	

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SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

Column 1	Column 2	Column 3	Column 4	Column 5
	Provision of Act or Statutory Instrument	Delegated to	Sub-Delegation	Conditions and / or Limitations on Delegation and Sub-Delegation
(e) exercising functions under section 34 of the Wildlife and Countryside Act 1981 (limestone pavement orders); and	Section 34 of the Wildlife and Countryside Act 1981 (limestone pavement orders) (c.69) as amended by paragraph 83 of Schedule 11 to the Natural Environment and Rural Communities Act 2006 (c.16); by Section 27AA of the 1981 Act Section 34 has effect as if references to Natural England were references to the Countryside Council for Wales.	Planning, Taxi Licensing and Rights of Way Committee	No delegation	
(f) exercising functions under section 53 of the Wildlife and Countryside Act 1981 (duty to keep definitive map and statement under continuous review).	Section 53 of the Wildlife and Countryside Act 1981 (duty to keep definitive map and statement under continuous review) as amended by the Countryside and Rights of Way Act 2000 (c.37) (Section 51 and Part 1 of Schedule 5) and the Natural Environment and Rural Communities Act 2006 (c.16) (Section 70)	Planning, Taxi Licensing and Rights of Way Committee	No delegation	
Miscellaneous Functions:				
Cycle Track Conversion Orders	Cycle Tracks Act 1984 Cycle Tracks Regulations 1984	Cabinet	Planning, Taxi Licensing and Rights of Way Committee.	
Powers relating to trees	Sections 197 to 214D of the Town and Country	Planning, Taxi Licensing and Rights of Way Committee	Subject to column 5 Delegated to the Relevant	(See conditions set out on pages 5- 7 above)

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	Planning Act 1990 & Town and Country Planning (Trees) Regulations 1999 (as amended).		Planning Officer with the ability to further sub-delegate	
Powers relating to the protection of important hedgerows.	The Hedgerows Regulations 1997 (S.I. 1999/1892)	Planning, Taxi Licensing and Rights of Way Committee	Subject to column 5 Delegated to the Relevant Planning Officer with the ability to further sub-delegate	(See conditions set out on pages 5- 7 above)
Powers to issue Screening and Scoping Opinions.	Sections 5, 7, 9 , 10, 13 & 15 of the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2016.	Planning, Taxi Licensing and Rights of Way Committee	Subject to column 5 Delegated to the Relevant Planning Officer with the ability to further sub-delegate	((See conditions set out on pages 5- 7 above)
Power to determine applications for non-material amendments.	Sections 96A of the Town and Country Planning Act 1990.	Planning, Taxi Licensing and Rights of Way Committee	Subject to column 5 Delegated to the Relevant Planning Officer with the ability to further sub-delegate	(See conditions set out on pages 5- 7 above)
Power to respond to consultation from other Local Planning Authorities on development proposals	Regulation 14 of the Town and Country (General Development Management Procedure) Order (Wales 2012 (S.I. 2012/808 (W.110))).	Planning, Taxi Licensing and Rights of Way Committee	Subject to column 5 Delegated to the Relevant Planning Officer in consultation with the Chair of the Planning, Taxi Licensing and Rights of Way Committee	(See conditions set out on pages 5- 7 above)
Powers to modify or discharge planning obligations regulating development or use of land.	Section 106A and 106B of the Town and Country Planning Act 1990	Planning, Taxi Licensing and Rights of Way Committee	Subject to column 5 Delegated to the Relevant Planning Officer with the ability to further sub-delegate	(See conditions set out on pages 5- 7 above)
Powers to determine applications for pre-application advice.	Section 61Z1 of the Town and Country Planning Act 1990	Planning, Taxi Licensing and Rights of Way Committee	Subject to column 5 Delegated to the Relevant Planning Officer with the ability to further sub-delegate	(See conditions set out on pages 5- 7 above)
Powers to issue a notice that application is not valid.	Section 62ZA of the Town and Country Planning Act 1990.	Planning, Taxi Licensing and Rights of Way Committee	Subject to column 5 Delegated to the Relevant Planning Officer with the ability to further sub-delegate	(See conditions set out on pages 5- 7 above)
Powers to provide pre-	Part 2 of The	Planning, Taxi Licensing and	Subject to column 5	(See conditions set out on

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application services	Developments of National Significance (Wales) Regulations 2016	Rights of Way Committee	Delegated to the Relevant Planning Officer	pages 5- 7 above)
Powers to submit a local impact report	Section 62I of the Town and Country Planning Act 1990	Planning, Taxi Licensing and Rights of Way Committee	Subject to column 5 Delegated to the Relevant Planning Officer in consultation with the Chair of the Planning, Taxi Licensing and Rights of Way Committee	(See conditions set out on pages 5- 7 above)
Power to determine discharge of condition applications	Section 71ZA of the Town and Country Planning Act 1990 and Part 23 of the Town and Country Planning (General Development Procedure) Order (Wales) 2012.	Planning, Taxi Licensing and Rights of Way Committee	Subject to column 5 Delegated to the Relevant Planning Officer with the ability to further sub-delegate	(See conditions set out on pages 5- 7 above)
Powers to object to the grant of an application for an operator's licence	Section 12 of the Goods Vehicles (Licensing of Operators) Act 1995	Planning, Taxi Licensing and Rights of Way Committee	Subject to column 5 Delegated to the Relevant Planning Officer with the ability to further sub-delegate	(See conditions set out on pages 5- 7 above)

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Column 1	Column 2	Column 3	Column 4	Column 5
J	Provision of Act or Statutory Instrument	Delegated to	Sub-Delegation	Conditions and / or Limitations on Delegation and Sub-Delegation
Miscellaneous functions relating to Highways				
Within a framework agreed by the Executive, and within an annual budget to be allocated by the Executive, and subject to an individual project limit of £50,000 :		Cabinet		
1. All decisions in relation to highway maintenance within the		Cabinet		

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

<p>overall plans determined by the Executive relating to :</p> <p>(a) Local Improvement Programmes;</p> <p>(b) The general Highway Maintenance Programme;</p> <p>(c) Non-structural Bridge Maintenance.</p>				
<p>2A. The making of Permanent Traffic Regulation Orders</p>		<p>Cabinet</p>		
<p>3. Promoting and developing local road safety initiatives.</p>		<p>Cabinet</p>		

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Schedule 3 – Functions Not to be the Sole Responsibility of Cabinet.⁶

Column 1	Column 2	Column 3	Column 4	Column 5
Plans, schemes and strategies	Provision of Act or Statutory Instrument	Delegated to	Sub-Delegation	Conditions and / or Limitations on Delegation and Sub-Delegation
Children and Young People's Plan (part of the One Powys Plan)	Regulations made under section 26 of the Children Act 2004.	Full Council	<p>Cabinet is hereby instructed to prepare draft plan, scheme or strategy (or amendment thereof) for Full Council to approve.</p> <p>N.B. Pursuant to Regulation 5(8), this function cannot be delegated to a committee, sub-committee, an officer, or another local authority.</p>	<p>N.B. Amendments, modifications, variations or revocations to the plan, scheme or strategy can be made by the Cabinet only if either:</p> <p>(i) they are required by the National Assembly for Wales or a Minister of the Crown; or</p> <p>(ii) Full Council has delegated such power to the Cabinet at the time when arrangements for the approval of the plan, scheme or strategy were made.⁷</p>

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⁶ Schedule 3 – Local Authorities (Executive Arrangements) (Functions and Responsibilities) (Wales) Regulations 2007 (as amended).

⁷ Regulation 5(4) of the Local Authorities (Executive Arrangements)(Functions and Responsibilities)(Wales)Regulations 2007

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Column 1 Plans, schemes and strategies	Column 2 Provision of Act or Statutory Instrument	Column 3 Delegated to	Column 4 Sub-Delegation	Column 5 Conditions and / or Limitations on Delegation and Sub-Delegation
Best Value Performance Plan	Section 6(1) of the Local Government Act 1999 (c 27).	Full Council	<p>Cabinet is hereby instructed to prepare draft plan, scheme or strategy (or amendment thereof) for Full Council to approve.</p> <p>N.B. Pursuant to Regulation 5(8), this function cannot be delegated to a committee, sub-committee, an officer, or another local authority.</p>	<p>N.B. Amendments, modifications, variations or revocations to the plan, scheme or strategy can be made by the Cabinet only if either:</p> <p>(i) they are required by the National Assembly for Wales or a Minister of the Crown; or</p> <p>(ii) Full Council has delegated such power to the Cabinet at the time when arrangements for the approval of the plan, scheme or strategy were made.</p>
Community Strategy (part of the One Powys Plan)	Section 4 of the Local Government Act 2000 (c 22).	Full Council	<p>Cabinet is hereby instructed to prepare draft plan, scheme or strategy (or amendment thereof) for Full Council to approve.</p> <p>N.B. Pursuant to Regulation 5(8), this function cannot be delegated to a committee, sub-committee, an officer, or another local authority.</p>	<p>N.B. Amendments, modifications, variations or revocations to the plan, scheme or strategy can be made by the Cabinet only if either:</p> <p>(i) they are required by the National Assembly for Wales or a Minister of the Crown; or</p> <p>(ii) Full Council has delegated such power to the Cabinet at the time when arrangements for the approval of the plan, scheme or strategy were made.</p>

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SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

Column 1	Column 2	Column 3	Column 4	Column 5
Plans, schemes and strategies	Provision of Act or Statutory Instrument	Delegated to	Sub-Delegation	Conditions and / or Limitations on Delegation and Sub-Delegation
Crime and Disorder Reduction Strategy (part of the One Powys Plan)	Sections 5 and 6 of the Crime and Disorder Act 1998 (c 37).	Full Council	<p>Cabinet is hereby instructed to prepare draft plan, scheme or strategy (or amendment thereof) for Full Council to approve.</p> <p>N.B. Pursuant to Regulation 5(8), this function cannot be delegated to a committee, sub-committee, an officer, or another local authority.</p>	<p>N.B. Amendments, modifications, variations or revocations to the plan, scheme or strategy can be made by the Cabinet only if either:</p> <p>(i) they are required by the National Assembly for Wales or a Minister of the Crown; or</p> <p>(ii) Full Council has delegated such power to the Cabinet at the time when arrangements for the approval of the plan, scheme or strategy were made.</p>
Health and Well Being Strategy (part of the One Powys Plan)	Section 24 of the National Health Service Reform and Health Care Professions Act 2002 (c 17).	Full Council	<p>Cabinet is hereby instructed to prepare draft plan, scheme or strategy (or amendment thereof) for Full Council to approve.</p> <p>N.B. Pursuant to Regulation 5(8), this function cannot be delegated to a committee, sub-committee, an officer, or another local authority.</p>	<p>N.B. Amendments, modifications, variations or revocations to the plan, scheme or strategy can be made by the Cabinet only if either:</p> <p>(i) they are required by the National Assembly for Wales or a Minister of the Crown; or</p> <p>(ii) Full Council has delegated such power to the Cabinet at the time when arrangements for the approval of the plan, scheme or strategy were made.</p>

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SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

Column 1	Column 2	Column 3	Column 4	Column 5
Plans, schemes and strategies	Provision of Act or Statutory Instrument	Delegated to	Sub-Delegation	Conditions and / or Limitations on Delegation and Sub-Delegation
Local Transport Plan	Section 108 of the Transport Act 2000 (c 38).	Full Council	<p>Cabinet is hereby instructed to prepare draft plan, scheme or strategy (or amendment thereof) for Full Council to approve.</p> <p>N.B. Pursuant to Regulation 5(8), this function cannot be delegated to a committee, sub-committee, an officer, or another local authority.</p>	<p>N.B. Amendments, modifications, variations or revocations to the plan, scheme or strategy can be made by the Cabinet only if either:</p> <p>(i) they are required by the National Assembly for Wales or a Minister of the Crown; or</p> <p>(ii) Full Council has delegated such power to the Cabinet at the time when arrangements for the approval of the plan, scheme or strategy were made.</p>
Plans and alterations which together comprise the Development Plan	Section 10A of the Town and Country Planning Act 1990 (c 8).	Full Council	<p>Cabinet is hereby instructed to prepare draft plan, scheme or strategy (or amendment thereof) for Full Council to approve.</p> <p>N.B. Pursuant to Regulation 5(8), this function cannot be delegated to a committee, sub-committee, an officer, or another local authority.</p>	<p>N.B. Amendments, modifications, variations or revocations to the plan, scheme or strategy can be made by the Cabinet only if either:</p> <p>(i) they are required by the National Assembly for Wales or a Minister of the Crown; or</p> <p>(ii) Full Council has delegated such power to the Cabinet at the time when arrangements for the approval of the plan, scheme or strategy were made.</p>

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SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

Column 1	Column 2	Column 3	Column 4	Column 5
Plans, schemes and strategies	Provision of Act or Statutory Instrument	Delegated to	Sub-Delegation	Conditions and / or Limitations on Delegation and Sub-Delegation
Welsh Language Scheme	Section 5 of the Welsh Language Act 1993 (c 38).	Full Council	<p>Cabinet is hereby instructed to prepare draft plan, scheme or strategy (or amendment thereof) for Full Council to approve.</p> <p>N.B. Pursuant to Regulation 5(8), this function cannot be delegated to a committee, sub-committee, an officer, or another local authority.</p>	<p>N.B. Amendments, modifications, variations or revocations to the plan, scheme or strategy can be made by the Cabinet only if either:</p> <p>(i) they are required by the National Assembly for Wales or a Minister of the Crown; or</p> <p>(ii) Full Council has delegated such power to the Cabinet at the time when arrangements for the approval of the plan, scheme or strategy were made.</p>
Youth Justice Plan	Section 40 of the Crime and Disorder Act 1998 (c 37).	Full Council	<p>Cabinet is hereby instructed to prepare draft plan, scheme or strategy (or amendment thereof) for Full Council to approve.</p> <p>N.B. Pursuant to Regulation 5(8), this function cannot be delegated to a committee, sub-committee, an officer, or another local authority.</p>	<p>N.B. Amendments, modifications, variations or revocations to the plan, scheme or strategy can be made by the Cabinet only if either:</p> <p>(i) they are required by the National Assembly for Wales or a Minister of the Crown; or</p> <p>(ii) Full Council has delegated such power to the Cabinet at the time when arrangements for the approval of the plan, scheme or strategy were made.</p>

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SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

Column 1	Column 2	Column 3	Column 4	Column 5
Plans, schemes and strategies	Provision of Act or Statutory Instrument	Delegated to	Sub-Delegation	Conditions and / or Limitations on Delegation and Sub-Delegation
Powers to approve a Young Peoples Partnership Strategic Plan and a Children and Young Peoples Framework Partnership	Section 123, 124 and 125 of the Learning and Skills Act 2000 (c 21).	Full Council	<p>Cabinet is hereby instructed to prepare draft plan, scheme or strategy (or amendment thereof) for Full Council to approve.</p> <p>N.B. Pursuant to Regulation 5(8), this function cannot be delegated to a committee, sub-committee, an officer, or another local authority.</p>	<p>N.B. Amendments, modifications, variations or revocations to the plan, scheme or strategy can be made by the Cabinet only if either:</p> <p>(i) they are required by the National Assembly for Wales or a Minister of the Crown; or</p> <p>(ii) Full Council has delegated such power to the Cabinet at the time when arrangements for the approval of the plan, scheme or strategy were made.</p>
Housing Strategy	Section 87 of the Local Government Act 2003 (c 26).	Full Council	<p>Cabinet is hereby instructed to prepare draft plan, scheme or strategy (or amendment thereof) for Full Council to approve.</p> <p>N.B. Pursuant to Regulation 5(8), this function cannot be delegated to a committee, sub-committee, an officer, or another local authority.</p>	<p>N.B. Amendments, modifications, variations or revocations to the plan, scheme or strategy can be made by the Cabinet only if either:</p> <p>(i) they are required by the National Assembly for Wales or a Minister of the Crown; or</p> <p>(ii) Full Council has delegated such power to the Cabinet at the time when arrangements for the approval of the plan, scheme or strategy were made.</p>

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SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

Column 1	Column 2	Column 3	Column 4	Column 5
Plans, schemes and strategies	Provision of Act or Statutory Instrument	Delegated to	Sub-Delegation	Conditions and / or Limitations on Delegation and Sub-Delegation
Rights of Way Improvement Plan	Section 60 of the Countryside and Rights of Way Act 2000.	Full Council	<p>Cabinet is hereby instructed to prepare draft plan, scheme or strategy (or amendment thereof) for Full Council to approve.</p> <p>N.B. Pursuant to Regulation 5(8), this function cannot be delegated to a committee, sub-committee, an officer, or another local authority.</p>	<p>N.B. Amendments, modifications, variations or revocations to the plan, scheme or strategy can be made by the Cabinet only if either:</p> <p>(i) they are required by the National Assembly for Wales or a Minister of the Crown; or</p> <p>(ii) Full Council has delegated such power to the Cabinet at the time when arrangements for the approval of the plan, scheme or strategy were made.</p>

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SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

Column 1	Column 2	Column 3	Column 4	Column 5
Plans, schemes and strategies	Provision of Act or Statutory Instrument	Delegated to	Sub-Delegation	Conditions and / or Limitations on Delegation and Sub-Delegation
<p>5(5) An application for:</p> <p>(a) under sub-section (5) of section 135 of the leasehold Reform, Housing and Urban development Act 1993 (programmes for disposal); or</p> <p>(b) under section 32 (power to dispose of land held for the purposes of Part II or section 43 (consent required for certain disposals not within section 32) of the Housing Act 1985:</p> <p>Is the responsibility of an executive of the authority.</p>	See Column 1	Cabinet	No Sub-delegation possible pursuant to Regulation 5(5)	N.B. Full Council must first authorise Cabinet to make the application.

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SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

Column 1	Column 2	Column 3	Column 4	Column 5
Plans, schemes and strategies	Provision of Act or Statutory Instrument	Delegated to	Sub-Delegation	Conditions and / or Limitations on Delegation and Sub-Delegation
<p>5(9) In connection with the discharge of the function of:</p> <p>(a) subject to the provisions in respect of calculations of council tax base in paragraph 22 of Schedule 2 making a calculation in accordance with any of sections 32 to 37, 43 to 51, 52I, 52J, 52T and 52U of the Local Government Finance Act 1992, whether originally or by way of substitute; or</p> <p>(b) Issuing a precept under Chapter IV of Part 1 of that Act,</p> <p>the actions designated by paragraph (11) (“the designated actions”) are the responsibility of an executive of the authority.</p>	See Column 1	<p>Full Council</p> <p>N.B. The Cabinet is responsible for preparation of the submission to Full Council in relation to these matters.</p>	No Sub-delegation	

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SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

Miscellaneous:				
Consultation responses in relation to Windfarm issues.		Full Council	Cabinet	
Responses in relation to consultations received under Section 37 of the Electricity Act 1989	Electricity Act 1989 – Section 37	Full Council	The Head of Property, Planning and Public Protection in consultation with the Portfolio Holder for Regeneration and Planning.	

Schedule 4 – Circumstances in Which Functions are not to be the responsibility of Cabinet.

The functions set out in Column 1 below shall not be undertaken by the Cabinet unless:

- (i) circumstances render the making of that determination urgent, and
- (ii) it is not reasonably practicable to call an extraordinary meeting of Full Council within the required timeframe, and
- (iii) the Chair(s) of the relevant Scrutiny Committee(s) or in his / her / their absence the Chair of Council or in the absence of the Chair of Council the Vice-Chair of Council has agreed in writing that the determination needs to be made as a matter of urgency; and
- (iv) at the next meeting of Full Council after the making of the determination, the Cabinet submits to the Council a report which shall include particulars of:
 - (a) the determination;
 - (b) the emergency or other circumstances in which it was made; and
 - (c) the reasons for the determination; and
- (v) pursuant to Rule 7.38.2 the Cabinet submits to the relevant Scrutiny Committee(s) a report which shall include particulars of:
 - (a) the determination;
 - (b) the emergency or other circumstances in which it was made; and
 - (c) the reasons for the determination.

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SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

Column 1	Column 2	Column 3	Column 4	Column 5
Function	Provision of Act or Statutory Instrument	Delegated to	Sub-Delegation	Conditions and / or Limitations on Delegation and Sub-Delegation
1 The adoption or approval of a plan or strategy (whether statutory or non-statutory), other than a plan or strategy for the control of the authority's borrowing or capital expenditure or referred to in Schedule 3 where Full Council determines that the decision should be adopted or approved should be taken by Full Council.	Regulation 6(1) and Schedule 4 of the Local Authorities (Executive Arrangements) (Functions and Responsibilities) (Wales) Regulations 2007 (as amended)	Full Council	No delegation	

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SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

Column 1	Column 2	Column 3	Column 4	Column 5
Function	Provision of Act or Statutory Instrument	Delegated to	Sub-Delegation	Conditions and / or Limitations on Delegation and Sub-Delegation
<p>2 Where the Cabinet:</p> <p>(i) is minded to determine a matter, plan or strategy which is not wholly in accordance with the Council's budget; or the plan or strategy for the time being approved or adopted by the Council in relation to its borrowing or capital expenditure; and</p> <p>(ii) is not authorised by the Council's executive arrangements, financial procedure rules, its Constitution or other rules or procedures to make a determination in those terms such a decision must be made by Full Council.</p>	<p>Regulation 6(1) and Schedule 4 of the Local Authorities (Executive Arrangements) (Functions and Responsibilities) (Wales) Regulations 2007 (as amended)</p>	<p>Full Council</p>	<p>No delegation</p>	

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SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

Column 1 Function	Column 2 Provision of Act or Statutory Instrument	Column 3 Delegated to	Column 4 Sub-Delegation	Column 5 Conditions and / or Limitations on Delegation and Sub-Delegation
3 Where the Cabinet is minded to determine a matter, plan or strategy which is not wholly in accordance with a plan or strategy for the time being approved or adopted by the Council, such a decision must be made by Full Council.	Regulation 6(1) and Schedule 4 of the Local Authorities (Executive Arrangements) (Functions and Responsibilities) (Wales) Regulations 2007 (as amended)	Full Council	No delegation	

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SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

DELEGATION TO OFFICERS

Management Structure – Section 11

- 13.4 Section 11 contains details of the Council's management structure in relation to Chief Officers and Deputy Chief Officers including broad outlines of their functions and areas of responsibility and the allocation of Statutory and Proper Officer Posts and their functions.
- 13.5 The following provisions contains more detailed provisions relating to the general and specific delegation of functions to officers by the County Council.

Specific Delegation to Officers

- 13.6 The Council, each committee, the Leader, the Cabinet, and an individual Cabinet Member where appropriate shall have authority to delegate to an officer full power to exercise and perform on behalf of the Council, Committee, Leader, the Cabinet, or an individual Cabinet Member, (as the case may be), any powers and duties exercisable by the Council, Committee or Leader, the Cabinet, and an individual Cabinet Member respectively under this Constitution but subject always to the constraints contained in legislation or this Constitution, and to any conditions or limitations which the Council, Committee, Leader, the Cabinet, and an individual Cabinet Member may impose when delegating the power or duty to the officer.

General Delegation to the Council's Chief Officers and Deputy Chief Officers

- 13.7 The Council's Chief Officers and Deputy Chief Officers are authorised to act and take any step or decision relating to any matter within the remit of their functions and areas of responsibility **PROVIDED ALWAYS** that such act, step or decision is :

13.7.1 in accordance with any legal requirement;

13.7.2 not a matter specifically reserved for full Council or a committee of the Council, the Cabinet Leader, the Cabinet, an individual Member of the Cabinet, or a Statutory Officer (unless they are that Statutory Officer);

13.7.3 in accordance with this Constitution including:

13.7.3.1 the Financial Procedure Rules contained in Section 16 of this Constitution;

13.7.3.2 the Contracts Procedure Rules contained in Section 17 of this Constitution;

13.7.3.3 the Budget and Policy Framework Procedure Rules set by the Council (subject to the regulations relating to the taking of urgent decisions as set out in Section 15 of the Constitution);

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

- 13.7.3.4 the Code of Conduct for Employees in Section 20, and
- 13.7.3.5 the Protocol on Member and Officer Relations in Section 21.

13.7.3.6 taken following consideration whether the act, step or decision is of such a nature that it ought to be referred to the Council, the Leader, Cabinet, individual Cabinet Member or appropriate committee, sub-committee or other officer.

- 13.8.1 Any Chief or Deputy Chief Officer may further sub-delegate in writing any of the functions referred to above to another officer. The Chief or Deputy Chief Officer may authorise further sub-delegation in writing on such terms as he or she sees fit. It is the duty of each Chief Officer and Deputy Chief Officer to keep and maintain a Scheme of Delegation (in a format to be approved by the Monitoring Officer) in respect of the functions for which they are responsible, and to provide the Monitoring Officer with copies of the Scheme of Delegation as and when amended.
- 13.8.2 In the absence of an authorised officer, , any officer designated in writing to deputise for that officer in his / her absence may exercise those functions of the absent officer.

General Delegations – Employment

- 13.9 The Council's Chief Officers and Deputy Chief Officers are authorised to act in relation to the appointment, dismissal, discipline and determination of all other matters relating to the employment of staff subject to the individual's terms and conditions of employment, the Officer Employment Procedure Rules as set out in Section 11 of this Constitution, the Management of Change Process and the relevant employment policies of the Council contained on the Powys County Council Intranet.
- 13.10 The Council's Chief Officers and Deputy Chief Officers hereby authorise appropriate line managers in his / her service area to exercise those powers set out in Rule 13.9 above.
- 13.11 The Council's Chief Officers and Deputy Chief Officers may authorise in writing staff to exercise such powers of entry, inspection and survey of land, buildings or premises and may issue any necessary evidence or authority as may be appropriate to the execution of their duties and in respect of which the Council has statutory powers.
- 13.12 Where such delegation to an officer has occurred the Chief Officer or Deputy Chief Officer making the delegation shall keep a register of such delegations and send a copy to the Monitoring Officer.

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

General Delegations – Property

- 13.13 Where either the capital sum does not exceed £100,000 or the annual rental does not exceed £10,000, provided that such sums are within the approved budget and relevant policies:
- 13.13.1 the Council's Chief Officers and Deputy Chief Officers may, subject to the approval of a business case by the relevant Portfolio Holders, authorise and approve the acquisition or disposal of land and the taking of leases, licences, dedications and easements of or over any land (including buildings) whether by way of valuable consideration or exchange; and / or
 - 13.13.2 Save as provided in Rules 13.13.3. and 13.13.4 the Council's Chief Officers and Deputy Chief Officers may authorise and approve the granting or variation in granting of leases, licences, or dedications of or over any land, where the annual payment does not exceed £10,000; and / or
 - 13.13.3 in the case of the grant of tenancies of smallholdings, the Head of Highways, Transportation and Recycling will exercise the power referred to in Rule 13.13.2.
 - 13.13.4 in the case of the grant of tenancies of workspace premises the Head of Regeneration, Property and Commissioning will exercise the power referred to in Rule 13.13.2.
- 13.14 The Council's Chief Officers and Deputy Chief Officers may arrange for the session lettings of premises for periods of less than twenty-four hours.
- 13.15 The Head of Housing is authorised to issue and sign documents in relation to both secure tenancies and the right to buy provisions of the Housing Act 1985.

General Delegations – Legal and Procedural

- 13.16 The Head of Legal and Democratic Services is authorised:-
- 13.16.1 to serve statutory notices;
 - 13.16.2 to institute, defend or settle legal proceedings (either in the name of the Council or an individual officer of the Council), at common law or under any enactment, statutory instrument, order or bye-law conferring functions upon the Council or in respect of functions undertaken by them and to lodge an appeal against any decision affecting the Council. For the avoidance of doubt, this authority shall extend to the taking of all procedural steps, including the service of notices, statutory or otherwise, counter-notices and notices to quit and to compromise and settle disputes involving the Council which are not yet the subject of legal or other formal proceedings;

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

13.16.3 to authorise officers of the Council to prosecute or defend or appear in any legal proceedings by virtue of the provisions of Section 223 of the Local Government Act 1972.

13.17 Without prejudice to the generality of the powers of the Head of Legal and Democratic Services to institute proceedings, the Council's Chief Officers and Deputy Chief Officers, shall have power to institute proceedings either in the name of the Council or in the name of an officer under those statutory provisions which relate to their respective service areas, a list of which enabling statutory provisions shall be supplied to and recorded by the Head of Legal and Democratic Services.

DELEGATION TO CABINET PORTFOLIO HOLDERS.

SPECIFIC RESPONSIBILITY FOR CABINET FUNCTIONS (PORTFOLIOS)

General Provisions

- 13.18 As indicated in Schedule 1 of Rule 13.3 above certain functions cannot be undertaken by the Cabinet or can only be undertaken to a limited extent or in specified circumstances.
- 13.19 Subject to this, any relevant provisions in other legislation, and any contrary provisions in this Constitution, all other functions of the Local Authority are to be the responsibility of the Cabinet and the Leader is responsible for the delegation of those functions to other Cabinet members.
- 13.20 The Leader has determined that the individual Cabinet Members (including the Leader) are to have responsibility for specific functions (portfolios) allotted to them as amended from time to time and published on the Council's website.
- 13.21 The Leader has authorised the individual Cabinet Members allocated the portfolios amended from time to time and published on the Council's website to take decisions personally (or may sub-delegate in accordance with Rule 5.13) in respect of such portfolios subject to any provision in legislation or this Constitution requiring functions to be undertaken by the Council or any of its committees and subject to the powers, duties and responsibilities of officers in the exercise of functions pursuant to their Statutory and Proper Officer posts and the general and specific delegation of functions to officers above. It is to be expected that as many decisions as possible are taken by Cabinet Members with only strategic and important decisions to be made at Cabinet meetings.

Decision-Making by Cabinet Members.

- 13.22 In taking such decisions personally Executive (Cabinet) Members must comply with:

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

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- 13.22.1 Any legal or statutory restrictions;
 - 13.22.2 Any specific provisions or limitations in this Constitution including:
 - 13.22.2.1 powers delegated to officers;
 - 13.22.2.2 the Financial Procedure Rules;
 - 13.22.2.3 the Contracts Procedure Rules;
 - 13.22.2.4 the Policy and Budget Framework set by the Council (subject to the regulations relating to the taking of urgent decisions);
 - 13.22.2.5 the Access to Information Rules;
 - 13.22.3 The Members' Code of Conduct. The advice of the Monitoring Officer should always be sought in cases of doubt;
 - 13.22.4 The requirement to consult with the local member(s) if the issue being considered is of a local nature;
 - 13.22.5 The requirement to consider whether referral to one or more scrutiny committees where the issue, in the view of the Leader and the Joint Chairs Steering Group, is one which warrants a pre-decision review by such a committee or committees;
 - 13.22.6 Advice given by the Chief Executive, Monitoring Officer, Section 151 Officer, Strategic Director, Director or Head of Service ;
 - 13.22.7 The requirement to consult with another Cabinet Member(s) where the issue involves two or more portfolio areas and / or those Cabinet Members share responsibility;
 - 13.22.8 The requirement always to consider whether in all the circumstances the decision should be one for the Cabinet as a whole to take.
- 13.23 An individual member of the Cabinet in taking any decision within his/her portfolio shall:
- 13.23.1 ensure that wherever possible and appropriate the subject matter is included within the forward work programme approved by the Cabinet;
 - 13.23.2 comply fully with the Access to Information Rules with respect to the preparation of written reports, recording and implementing decisions.
- 13.24 Nothing in this Scheme of Delegation prevents the Cabinet from exercising functions which under this Scheme would otherwise be exercised by an individual Member of the Cabinet.

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

Decision Notices.

13.25 A Decision Notice cannot be made unless an individual Cabinet Member has received a report in accordance with Rules 14.34 and 14.35 and where ever practicable the Decision Notice should be published within 2 working days of the decision being taken. Decision Notices will be circulated to all Members of the County Council in accordance with the Council's current practice and will be published on the Council's Internet Site save where they contain confidential or exempt information.

Call-in

13.26 Decisions taken by an individual Cabinet Member are subject to the same provisions relating to call in as apply to ordinary Cabinet decisions as set out Section 7 (Scrutiny Committees).

Cabinet Committees.

13.27 The Leader has not established any Cabinet Committees.

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SECTION 14 – ACCESS TO INFORMATION PROCEDURE RULES

Scope

- 14.1 These Rules apply to all meetings of a Member Body.
- 14.2 The Monitoring Officer shall be the proper officer for the purposes of all statutory and regulatory provisions relating to the identification listing and availability of background papers for any report where such report is within the scope of these Rules.
- 14.3 The Monitoring Officer shall be responsible for securing compliance with the requirements of the Data Protection Act 1998 and of the Freedom of Information Act 2000 in relation to the data and information within the purview of those Acts appearing in agendas, reports and minutes to which these Rules apply.

Additional Rights to Information

- 14.4 These Rules do not affect any more specific rights to information contained elsewhere in this Constitution or the law.

Rights to Attend Meetings

- 14.5 Members of the public and the press may attend all meetings subject only to the exceptions set out in Rule 14.14. Save for meetings or parts of meetings which are held in confidential session pursuant to Section 14 filming, audio recording and use of social media is permitted during meetings so long as there is no disturbance to the conduct of the meeting, and provided that children and / or vulnerable adults are not participating in the debate by way of a presentation. The right to attend meetings is subject to the Council's right to exclude persons if their conduct is disorderly or if they misbehave at the meeting.

Notices of Meeting

- 14.6 Unless a meeting is convened at short notice in accordance with Rule 14.7, the Council will give at least 3 clear days' notice of any meeting by posting details of the meeting at County Hall Llandrindod Wells Powys LD1 5LG and on its website. Where a meeting is held other than in County Hall the Council will also give at least 3 clear days' notice of that meeting by posting details at the venue.
- 14.7 If a matter is considered by the Monitoring Officer to be so significantly urgent and unexpected that a decision must be taken and that it is not possible to provide three clear days notice of the date of the meeting at which the decision must be taken, then with the agreement of the Chair of the meeting, the Monitoring Officer may call a meeting at short notice, subject to the agenda and reports being available to the public on the same day that they are made available to Members.

Access to Agenda and Reports Before the Meeting

- 14.8 The Council will make copies of the agenda and reports open to the public available for inspection at County Hall and on its website at least 3 clear days before the meeting. If an item is added to the agenda later, or where reports are prepared after the summons has

SECTION 14 – ACCESS TO INFORMATION PROCEDURE RULES

been sent out, the Monitoring Officer shall make each revised agenda or report available to the public as soon as the agenda or report is completed and sent to Members.

Supply of Copies

14.9 The Council will ~~supply copies of~~ publish on the website:

14.9.1 ~~any agenda and reports which are open to public inspection;~~

14.9.2 any report connected with an agenda which are not exempt pursuant to Rules 14.15 to 14.24 below

~~14.9.2 any further statements or particulars necessary to indicate the nature of the items in the agenda; and~~

14.9.3 if the Monitoring Officer thinks fit, copies of any other documents supplied to Members in connection with ~~an item~~ a decision

14.9.4 Where a member of the public is not able to access documents published on the website, those document will be available for inspection or copies provided upon payment of a charge for postage and any other printing and handling costs.

~~to any person either electronically or on payment of a charge for postage and any other printing and handling costs.~~

Access to Minutes etc after the Meeting

14.10 The Council will make available either electronic or hard copies of the following for a period of at least six years after the date of a meeting:

14.10.1 the minutes of the meeting or record of decisions taken by the Cabinet, excluding any part of the minutes of proceedings when the meeting was not open to the public because Exempt or Confidential Information was being considered;

14.10.2 a summary of any proceedings not open to the public, where the minutes open to inspection would not provide a reasonably fair and coherent record;

14.10.3 the agenda for the meeting; and

14.10.4 reports relating to items when the meeting was open to the public.

Background Papers

List of Background Papers

14.11 The officer preparing the report will set out in every report a list of those documents (called background papers) relating to the subject matter of the report which in his/her opinion:

14.11.1 disclose any facts or matters on which the report or an important part of the report is based; and

14.11.2 which have been relied on to a material extent in preparing the report

SECTION 14 – ACCESS TO INFORMATION PROCEDURE RULES

but does not include published works or those which disclose Exempt or Confidential Information as defined in Rule 14.16.

SECTION 14 – ACCESS TO INFORMATION PROCEDURE RULES

Public Inspection ~~Retention~~ of Background Papers

14.12 Any background papers published on the website will remain accessible electronically by members of the public for a period of six years.

14.13 Where it is not reasonably practicable to publish a background paper on the website, those papers shall be retained and be available for inspection by members of the public for a period of six years beginning with the date on which the decision, to which the background papers relate, was made. ~~The Council will make available for public inspection for at least four years after the date of the meeting one copy of each of the documents on the list of background papers.~~

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~~Summary of Public's Rights~~

~~14.13 A written summary of the public's rights to attend meetings and to inspect and copy documents will be kept at, and made available to the public, at County Hall and on the website.¹~~

Exclusion of Access by the Public to Meetings

Confidential Information – Requirement to Exclude Public

14.14 The public must be excluded from those parts of meetings whenever it is likely in view of the nature of the business to be transacted, or the nature of the proceedings, that Confidential Information would be disclosed.

Exempt Information – Discretion to Exclude Public

14.15.1 The public may be excluded from those parts of meetings whenever it is likely in view of the nature of the business to be transacted, or the nature of the proceedings, that Exempt Information would be disclosed.

14.15.2 Where the meeting will determine any person's civil rights or obligations, or adversely affect their possessions, article 6 of the Human Rights Act 1998 establishes a presumption that the meeting will be held in public, unless a private hearing is necessary for one of the reasons specified in article 6. Due regard will be had to the wishes of the individual should they elect that the hearing be held in private where the law so permits.

Meaning of Confidential Information

14.16 Confidential Information means information given to the Council by a Government Department (including Welsh Government) on terms which forbid its public disclosure, or information which cannot be publicly disclosed by Court Order.

¹ ~~Part Va and Part Xi and Schedule 12a of the Local Government Act 1972 (as amended)~~

SECTION 14 – ACCESS TO INFORMATION PROCEDURE RULES

Meaning of Exempt Information

14.17 Exempt Information means information falling within the following eight categories (subject to any condition):

NOTE: Information is not Exempt Information if it relates to proposed development for which the local planning authority may grant itself planning permission pursuant to regulation 3 of the Town and Country Planning General Regulations 1992.²

Category No.	Category of Exempt Information	Condition
1.	Information relating to any individual. ³	Public interest test applies (see below).
2.	Information which is likely to reveal the identity of an individual. ⁴	Public interest test applies (see below).
3.	Information relating to the financial or business affairs of any particular person (including the authority holding that information). ⁵	Information falling within paragraph 14 is not exempt information by virtue of that paragraph if it is required to be registered under: <ul style="list-style-type: none"> • The Companies Act 1985; • The Friendly Societies Act 1974; • The Friendly Societies Act 1992; • The Industrial and Provident Societies Acts 1965 to 1978; • The Building Societies Act 1986; or • The Charities Act 1993. Public interest test applies (see below).
4.	Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and	Public interest test applies (see below).

² Paragraph 20 of Schedule 12A – Local Government Act 1972 (as amended)

³ Paragraph 12 of Schedule 12A – Local Government Act 1972 (as amended)

⁴ Paragraph 13 of Schedule 12A – Local Government Act 1972 (as amended)

⁵ Paragraphs 14 and 19 of Schedule 12A – Local Government Act 1972 (as amended)

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	employees of, or office holders under, the authority. ⁶	
5.	Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings. ⁷	
6.	Information which reveals that the authority proposes: ⁸ <ul style="list-style-type: none"> • to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or • to make an order or direction under any enactment. 	Public interest test applies (see below).
7.	Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime. ⁹	Public interest test applies (see below).
8.	In relation to a meeting of a Standards Committee, or a Sub-Committee of a Standards Committee, which is convened to consider a matter referred under the provisions of section 70(4) or (5) or 71(2) of the Local Government Act 2000: <ul style="list-style-type: none"> • Information which is subject to any obligations of confidentiality. • Information which relates in any way to matters concerning national security. • The deliberations of a Standards Committee or of a Sub-Committee of a Standards Committee established under the provisions of Part 3 of the Local Government Act 2000 in 	Public interest test applies (see below).

⁶ Paragraph 15 of Schedule 12A – Local Government Act 1972 (as amended)

⁷ Paragraph 16 of Schedule 12A – Local Government Act 1972 (as amended)

⁸ Paragraph 17 of Schedule 12A – Local Government Act 1972 (as amended)

⁹ Paragraph 18 of Schedule 12A – Local Government Act 1972 (as amended)

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	reaching any finding on a matter referred to it. ¹⁰	
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Public Interest Test

14.18 Information which:

14.18.1 falls within any category numbers 1 to 4, 6,7 and 8 of the table in Rule 14.10.4 above; and

14.18.2 is not prevented from being exempt by virtue of the “qualifications” in the table in Rule 14.10.4 above,

is Exempt Information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

Assessment of Public Interest.

14.19 The starting point is that there is a general public interest in release and the public authority has to decide whether in any particular case it would serve the interest of the public better to either disclose or withhold the information.

14.20 There is a distinction between public interest and what merely interests the public.

14.21 There is no legal definition of what the public interest is, but the following have been identified as some of the relevant considerations:

14.21.1 further the understanding of and participation in debating issues of the day;

14.21.2 facilitate transparency and accountability in and enhance scrutiny of decisions taken by the Council;

14.21.3 facilitate transparency and accountability in the spending of public money;

14.21.4 help individuals understand the decisions made by the Council affecting their lives;

14.21.5 bring to light information affecting public safety or danger to the environment;

14.21.6 contribute to the administration of justice and enforcement of the law, or the prevention or detection of crime, or the apprehension or prosecution of offenders;

14.21.7 protect the public from unsafe products or rogue traders or practices.

14.22 In making such an assessment the following factors shall be regarded as irrelevant:

14.22.1 possible embarrassment to the Council or its officers;

14.22.2 possible loss of confidence in the Council or another public

¹⁰ Local Government Act 1972 as amended by the Local Authorities (Executive Arrangements)(Decisions, Documents and Meetings) and the Standards Committees (Wales) (Amendment) Regulations 2007

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body;

14.22.3 the seniority of persons involved in the subject matter;

14.22.4 the risk of the public misinterpreting the information.

14.23 Account may be taken of whether disclosure would breach any obligation of confidence, or the rights of any individual under the Data Protection Act 1998 or the Human Rights Act 1998.

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Exclusion of Access by the Public to Reports

14.24 If the Solicitor to the Council thinks fit, the Council may exclude access by the public to reports which, in his or her opinion, relate to items during which, in accordance with Rule 14.14, the meeting is likely not to be open to the public. Such reports will be marked “Not for Publication”, together with the category of information likely to be disclosed and, if applicable, why it is considered in the public interest it is that the information should not be disclosed. After the meeting access to the report is subject to Rule 14.10.

The Forward Work Programmes

Period of Forward Work Programmes

14.25 The Forward Work Programmes will be prepared by the Solicitor to the Council to cover a period of 4 months.

Contents of Forward Work Programmes

14.26 The Forward Work Programmes will contain matters which the Cabinet, Scrutiny Committees and Full Council are likely to consider. It will contain information on:

14.26.1 the timetable for considering the budget and any plans forming part of the Policy Framework and requiring Council approval, and which body is to consider them;

14.26.2 the timetable for considering any plans which are the responsibility of the Cabinet;

14.26.3 any individual matters on which the Cabinet intends to consult in advance of taking a decision, and the timetable for consultation and decision;

14.26.4 the work programmes of the Scrutiny Committees .

14.27 The Forward Work Programmes will be published on the website at least 14 days before the start of the period covered.

Consultation on Proposals to be Considered by the Cabinet

14.28 Each item in the Cabinet’s Forward Work Programme will contain details as to the consultation (if any) which will be undertaken prior to a decision being taken.

Record of Decisions

The Decision Record

14.29 A written record will be made of every decision made by the Full Council, Cabinet and its Committees (if any) and by individual Cabinet Members, and Joint Committees and Joint Sub-Committees whose Members are all Members of a local authority executive.

14.30 This decision record will include a statement, for each decision, of:

14.30.1 the decision made;

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- 14.30.2 the date the decision was made;
- 14.30.3 the reasons for that decision;
- 14.30.4 any personal interest declared;
- 14.30.5 any dispensation to speak granted by the Standards Committee;
- 14.30.6 any consultation undertaken prior to the decision.
- 14.30.7 a record of the name or names of the members of the decision making body who attended the meeting and of any apologies for absence

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Preparing the Decision Record

- 14.31 The Solicitor to the Council or his or her representative shall attend any meeting of the Full Council, Cabinet, a committee of the Cabinet or a Joint Committee or joint sub-committee where all its Members are Members of a local authority executive, and shall, as soon as reasonably practicable after the meeting, produce a decision record.
- 14.32 Where an individual Cabinet Member has made a Cabinet decision:
 - 14.32.1 that Member shall as soon as reasonably practicable instruct the Solicitor to the Council to produce a decision record; and
 - 14.32.2 subject to Rule 14.33 below, the decision shall not be implemented until the provisions of Rule 7.37.2 (Call-In) have been complied with (the expiry of 5 clear days after the date of publication of the decision notice) and that decision record has been produced.
- 14.33 Where the urgency of the implementation of the decision makes compliance with Rule 14.32.2 impracticable, the decision may be implemented provided that the provisions of Rule 7.38 have been complied with (exclusion of Call-In for urgency).

Decisions by An Individual Member of the Cabinet

Reports Must Be Taken Into Account

- 14.34 Where an individual Member of the Cabinet intends to make any decision, then s/he will not make the decision until taking into account the contents of an officer report.
- 14.35. Where an individual member of the Cabinet receives a report which s/he
1 intends to take into account in making any decision, then s/he will not make the decision until at least 3 clear days after publication of that report.
 - 14.35.2 Where a report contains confidential or Exempt Information as set out in these Rules, the report must be published to Councillors (but not to the public) at least 3 clear days before the decision can be made.
 - 14.35.3 An individual member of the Cabinet can take an urgent decision as set out in Rule 7.38.

Record of Individual Decision by Cabinet Members

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14.36 Rules 14.29 to 14.33 will apply. Wherever practicable the Solicitor to the Council shall publish a decision of an individual Member of the Cabinet within two days of it being made.

Members Access to Documents

Rights of Access

14.37 Subject to Rules 14.38 to 14.39 below, Members will be entitled to access to any document which is in the possession or control of the Cabinet or its Committees and which contains material relating to:

- 14.37.1 any business transacted at a meeting of the Cabinet or its Committees; or
- 14.37.2 any decision taken by an individual Member of the Cabinet.

Limit on Rights

14.38 Members will not be entitled to any part of a document that contains advice provided by a political advisor or assistant unless that information is relevant to an action or decision that is being reviewed or scrutinised or any review contained in a programme of work of the Scrutiny Committee.

14.39 No Member shall be entitled to 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.

Nature of Rights

14.40 The rights of Members under Rule 14.37 are additional to any other right s/he may have, including:

- 14.40.1 the common law right to inspect documents where this is necessary for a Member to perform his or her duties. Any Member asserting a 'need to know' in relation to documents not otherwise available under these Rules should request the documents from the appropriate Head of Service only and not individual officers, and should take into account the reasonableness of an individual request and of cumulative requests and the impact upon officer time.
- 14.40.2 the statutory rights available to any person under the Freedom of Information Act 2000 and the Environmental Information Regulations 2005.
- 14.40.3 Members' right, under Section 228 of the Local Government Act 1972, to inspect the accounts of the Council and of any proper officer of the Council.

14.41 In exercising rights of access to information Members shall have regard to any guidance issued by the Solicitor to the Council.

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Information Given in Confidence

Disclosure

- 14.42 Exempt or Confidential Information supplied to a Member in accordance with Rule 14.37 remains exempt or confidential.
- 14.43 Under Part 2, paragraph 5 of the Members' Code of Conduct Members must not disclose information given in confidence, without the express consent of a person authorised to give such consent, or unless required by law to do so.
- 14.44 Members will not make public Confidential or Exempt Information without the consent of the Authority or divulge information given in confidence to anyone other than a Member or officer entitled to know it unless otherwise authorised by law.