

Pecyn Dogfennau Cyhoeddus

Cyngor Sir

Man Cyfarfod
By Teams

Dyddiad y Cyfarfod
Dydd Iau, 23 Medi 2021

Amser y Cyfarfod
11.30 am

I gael rhagor o wybodaeth cysylltwch â
Stephen Boyd
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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.	COFNODION
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Awdurdodi'r Cadeirydd i lofnodi cofnodion y cyfarfod diwethaf fel cofnod cywir.
([Tudalennau 1 - 32](#))

3.	DATGANIADAU O FUDD
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Derbyn unrhyw ddatganiadau buddiant gan Aelodau mewn perthynas ag eitemau i'w hystyried ar yr agenda.

4.	CYHOEDDIADAU'R CADEIRYDD
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Derbyn unrhyw gyhoeddiadau gan Gadeirydd y Cyngor.

5.	CYHOEDDIADAU'R ARWEINYDD
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Derbyn unrhyw gyhoeddiadau gan yr Arweinydd.

6.	BRIFF GAN Y PRIF WEITHREDWR
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Derbyn briff gan y Prif Weithredwr.

7.	CYFANSODDIAD
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Ystyried adroddiad gan Bennaeth y Gwasanaethau Cyfreithiol a Democrataidd.
(Tudalennau 33 - 126)

8.	PENODI AELODAU ANNIBYNNOL (LLEYG) AR Y PWYLLGOR SAFONAU E
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Ystyried adroddiad gan Bennaeth y Gwasanaethau Cyfreithiol a Democrataidd.
(Tudalennau 127 - 130)

9.	CYNGOR CYMUNED LLANDEW – DIFFYG CWORWM
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Ystyried adroddiad gan y Prif Swyddog Etholiadau.
(Tudalennau 131 - 134)

10.	LWFANSAU CADEIRYDD Y PWYLLGOR PENSIYNAU A BUDDSODDI
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Ystyried adroddiad gan y Pennaeth Cyllid a'r Swyddog Adran 151.
(Tudalennau 135 - 138)

11.	HYSBYSIADAU O GYNNIG
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11.1. Cynigion a gyflwynir i'r Cyngor yn y dyfodol

Yn ystod y blynyddoedd diwethaf, mae nifer o gynigion wedi cael eu cyflwyno i gyfarfodydd cyngor llawn i'w hystyried, gan grwpiau'r gwrthbleidiau, heb unrhyw ddadansoddiad o'r gost ariannol neu'r adnoddau sy'n angenrheidiol.

Mae Cyngorwyr Sir Etholedig Powys yn cydnabod pwysigrwydd cyfrifo ac ystyried y costau o ran arian ac adnoddau a ysgwyddir gan y cyngor hwn, wrth ystyried neu gynnig cynnig, neu welliant, i'w gyflwyno i'r cyngor hwn.

Mae Cyngorwyr Sir Etholedig Powys yn cydnabod pwysigrwydd gwario arian trethdalwyr y cyngor neu gyllid a ddyrennir i'r cyngor hwn yn ddarbodus gan lywodraethau canolog, ar wasanaethau'r cyngor sir a rhwymedigaethau statudol, neu anstatudol eraill.

Mae Cyngorwyr Sir Etholedig Powys yn sylweddoli y byddai'n anghyfrifol

cyflwyno unrhyw gynnig, neu welliant, heb roi ystyriaeth ddyledus i'r costau ariannol neu'r adnoddau y byddai'n rhaid i'r cyngor hwn eu darparu pe bai'r cynnig, neu'r gwelliant hwnnw yn cael ei gymeradwyo.

Cyfrifoldeb y cynigydd fyddai ceisio'r cymorth priodol i werthuso'r goblygiadau o ran cost ac adnoddau o fewn y cyngor.

Felly mae'r cyngor hwn yn penderfynu:

Bod yn rhaid i bob rhybudd o gynnig, neu unrhyw welliant i gynnig, a gyflwynir i'r cyngor hwn i'w ystyried, fod â dadansoddiad wedi'i gostio o'r goblygiadau ariannol a'r goblygiadau o ran adnoddau y byddai'r cynnig hwnnw, neu welliant i gynnig, yn eu cael ar y cyngor hwn, pe bai'n cael ei gymeradwyo.

Cynigydd: Y Cyngorydd Sir Iain McIntosh

Eilydd: Y Cyngorydd Sir Lucy Roberts

11.2. Datgan Argyfwng Ecolegol a Chefnogi'r Mesur Argyfwng Hinsawdd ac Ecolegol

Y Datganiad ynghylch yr Argyfwng Hinsawdd, a basiwyd o'r diwedd gan Gyngor Powys union 12 mis yn ôl, oedd y cam cyntaf ar daith i ddarparu gwasanaethau a chamau gweithredu ym Mhowys a fyddai'n cyrraedd targed uchelgeisiol Sero-Net erbyn 2030. Mae'r Gweithgor Trawsbleidiol a'r Cyngorwyr i gyd wedi cael eu briffio am y cynnydd a wnaed hyd yma tuag at atal gweithredoedd trychinebus y gorffennol a gwneud gwahaniaeth i'r dyfodol, ond mae angen mwy o hyd. Mae adroddiad diweddaraf IPPC y Cenhedloedd Unedig "Crynodeb ar gyfer Gwneuthurwyr Polisi", a lanswyd cyn COP26, yn "god coch i ddynoliaeth" yn ôl Ysgrifennydd y Cenhedloedd Unedig. Mae Llywydd COP26, Alok Sharma, yn cydnabod y bydd y degawd nesaf yn "dyngedfennol" wrth i Lywodraeth y DU baratoi cynlluniau i gyrraedd sero net erbyn 2050. I aralleirio Jeremy Clarkson, "anghofiwch am newid yn yr hinsawdd, os bydd pryfed yn diflannu, diflannu hefyd fydd pob ffurf ar fywyd ar y Blaned hon". Mae'r ddau, fodd bynnag, wedi'u cysylltu'n annatod; rydym yn wynebu dau argyfwng, y cynnydd mewn tymereddau a dirywiad mewn natur ac eto dim ond 15% o Gynghorau (gan gynnwys Swydd Henffordd gyfagos) sydd wedi datgan argyfwng ecolegol / bioamrywiaeth wrth ymateb i'r bygythiad i fywyd gwyllt ac ecosystemau. Fel enghraifft o natur yr argyfwng hwn, mae Adroddiad Cyflwr Bywyd Gwyllt Sir Faesyfed (2017) yn nodi bod 40 o rywogaethau planhigion, 95% o'n poblogaeth frodorol o lyswennod Ewropeaidd a 63% o loynnod byw Cymru wedi'u colli'n barod.

Bellach mae gan y Mesur Argyfwng Hinsawdd ac Ecolegol, a gyflwynwyd i'r Senedd i ddechrau ym mis Medi 2020, gefnogaeth dros 100 o AS ar draws wyth plaid wleidyddol. Mae'r Mesur yn gofyn i'r DU gymryd

cyfrifoldeb am ei chyfran deg o allyriadau nwyon tŷ gwydr, adfer cynefinoedd bioamrywiol yn y DU ac atal difrod i'r amgylchedd trwy gynhyrchu, cludo a chael gwared ar y nwyddau rydyn ni'n eu defnyddio.

Felly mae'r Cyngor hwn yn penderfynu:

1. Datgan argyfwng ecolegol i ddangos ymrwymiad y Cyngor i warchod amgylchedd naturiol, bioamrywiaeth a bywyd gwylt Powys;
2. Datgan ei gefnogaeth i'r Mesur Argyfwng Hinsawdd ac Ecolegol (CEE);
3. Rhoi gwybod i'r cyfryngau lleol am y penderfyniad hwn, gan gynnwys rhannu gwybodaeth ar y cyfryngau cymdeithasol;
4. Ysgrifennu at ein Haelodau Seneddol lleol yn gofyn iddynt gefnogi'r Mesur CEE wrth iddo fynd trwy'r Senedd; ac
4. Ysgrifennu at Gynghrair Mesur CEE, trefnwyr yr ymgyrch ar gyfer y Mesur, yn mynegi ein cefnogaeth (campaign@ceebill.uk).

Cynigydd: Y Cynghorydd Sir Jake Berriman

Eilydd: Y Cynghorydd Sir Jackie Charlton

11.3. Cefnogi Trwydded Syml ar gyfer Tân Gwylt

Yn ystod y pandemig ychydig iawn o dân gwylt a welwyd, os gwelwyd rhai o gwbl. Mae hyn wedi rhoi llonydd mawr ei angen i anifeiliaid a bodau dynol na allant fwynhau tân gwylt.

Efallai fod ein barn yn amrywio o ran a ddylid gwahardd tân gwylt yn llwyr ond gallwn i gyd gytuno, os cânt eu defnyddio, y dylid gwneud hyn yn gyfrifol. Mae'r cynnig hwn yn nodi rhai mesurau y gallwn eu rhoi ar waith i ganiatáu arddangosfeydd tân gwylt trwyddedig, rheoledig a diogel.

Derbyniodd Pwyllgor Dethol Deisebau Tŷ'r Cyffredin ddeiseb yn 2019 a ddenodd dros 750,000 o lofnodion ac o ganlyniad fe wnaethant argymhell tri pheth: -

- Dylid grymuso awdurdodau lleol i gyfyngu ar nifer yr arddangosfeydd tân gwylt yn eu hardaloedd
- Y Llywodraeth i ariannu a chydlynu ymgyrch ymwybyddiaeth genedlaethol ar ddefnydd cyfrifol o dân gwylt a ddylai gynnwys gwybodaeth benodol am yr effaith y gallai tân gwylt ei chael ar gyn-filwyr a'r rhai â PTSD
- Gofalu nad yw cynhyrchion â chyfyngiadau oedran arnynt yn cael eu pecynnu mewn ffordd sy'n denu ac yn apelio at blant.

Mae'r Cyngor hwn yn nodi:

- Dywed y Gymdeithas Frenhinol er Atal Creulondeb i Anifeiliaid (RSPCA) fod y gyfraith yn methu. Nid yw'n atal nac yn lleihau'r risg yn ddigonol y bydd tân gwyllt yn achosi trallod, anaf neu bryder i bobl, yn ogystal â marwolaeth, anaf neu drallod i anifeiliaid.
- Mae angen ymchwil bellach i ddeall effaith sŵn ar anifeiliaid a phobl yn iawn. Yn y cyfamser, gellir gwneud sawl peth i wella'r sefyllfa i fywyd gwyllt a phobl sydd mewn perygl o gael eu heffeithio gan ffrwydradau tân gwyllt.
- Mae angen adolygu'r mesurau presennol ac annog trwyddedu pob ARDDANGOSFA TÂN GWYLLT GYHOEDDUS, gan sicrhau bod arddangosfeydd yn cael eu hysbysebu'n well i'r cyhoedd gan roi gwybod iddynt am lefelau sŵn a sut y gallai hyn effeithio ar bobl ac anifeiliaid. Sylwch ar y cynnig a wnaed gan Gabinet Rhondda Cynon Taf ar 13 Hydref 2020. Mae hwn yn canolbwyntio ar dir sy'n eiddo i'r cyngor ond y mae'n ymrwymiad i reoleiddio a hysbysu.
- Codi ymwybyddiaeth am y niwed a'r trallod y gallai tân gwyllt ei achosi gyda lefel sŵn a llygredd tân gwyllt llawer mwy pwerus yn cael eu gwerthu ar gyfer arddangosfeydd preifat a chyhoeddus.

Mae'r Cyngor hwn yn penderfynu:

1. Hyrwyddo ymgyrch ymwybyddiaeth y cyhoedd am effaith tân gwyllt ar les anifeiliaid a phobl agored i niwed - gan gynnwys y rhagofalon y gellir eu cymryd i liniaru risgiau fel canlyniadau anfwriadol tân gwyllt cyfreithiol.
2. Cefnogi'r RSPCA yn y gwaith sy'n cael ei wneud i newid y ddeddfwriaeth ar arddangosfeydd tân gwyllt i alluogi a sicrhau bod yr holl arddangosfeydd tân gwyllt cyhoeddus yn cael eu hysbysebu cyn y digwyddiad, gyda gwybodaeth briodol mewn perthynas â maint yr arddangosfa, gan ganiatáu i breswylwyr gymryd rhagofalon ar gyfer pobl ac anifeiliaid anwes.
3. Annog, trwy godi ymwybyddiaeth, cyflenwyr tân gwyllt lleol i wahanu tân gwyllt 'tawelach' oddi wrth y rhai swniog fel y gallai pobl ddewis pa rai sy'n well ganddyn nhw er mwyn rhoi sylw i ddiogelwch anifeiliaid a phobl.

Cynigydd: Y Cynghorydd Sir Jackie Charlton

Eilydd: Y Cynghorydd Sir Jake Berriman

(Tudalennau 139 - 142)

11.4. **Credyd Cynhwysol: Canslo'r Cwtogi**

Mae'r Cyngor hwn yn nodi:

Bydd cynlluniau Llywodraeth y DU i gwtogi ar Gredyd Cynhwysol yn taro'r rhai ar y cyflog isaf galetaf ac yn amharu ar ein hadferiad economaidd.

Bydd mwy nag wyth mil o deuluoedd ym Mhowys yn colli £1,000 y flwyddyn tra bydd cefnogaeth ar gyfer bod allan o waith yn cael ei gadael ar ei lefel isaf mewn degawdau.

Ym Mhowys, mae mwy na 40% o'r bobl sy'n derbyn Credyd Cynhwysol mewn gwaith.

Mae elusennau, undebau llafur, a'r gweinyddiaethau datganoledig i gyd yn gwrthwynebu'r cwtogiad arfaethedig ar Gredyd Cynhwysol.

Bydd y cwtogiad arfaethedig ar Gredyd Cynhwysol yn cymryd mwy nag £8 miliwn allan o economi Powys.

Mae'r cyngor hwn yn penderfynu:

1. Ysgrifennu at Ganghellor y Trysorlys, yr Ysgrifennydd Gwaith a Phensiynau a'r Prif Weinidog i wrthwynebu'r cwtogiad arfaethedig i Gredyd Cynhwysol;
2. Galw ar Fay Jones AS a Craig Williams AS i sefyll dros deuluoedd ym Mhowys a gwrthwynebu'r gostyngiad i Gredyd Cynhwysol; a
3. Gweithio mewn partneriaeth ag asiantaethau cynghori i gefnogi preswylwyr y mae'r cwtogi ar Gredyd Cynhwysol yn effeithio arnynt.

Cynigydd: Y Cynghorydd Liz Rijnenberg

Eilydd: Y Cynghorydd Sir Matthew Dorrance

11.5. Ehangu argaeledd ac ymwybyddiaeth Diffibrilwyr ym Mhowys

Mae'r Cyngor yn nodi bod 30,000 o bobl bob blwyddyn yn dioddef ataliad sydyn ar y galon y tu allan i'r ysbyty, a bod 20% o'r digwyddiadau hyn yn digwydd mewn mannau cyhoeddus. Mae'r Cyngor yn nodi ymhellach mai dim ond 10% o ddiodefwrwr ataliadau ar y galon sy'n goroesi pan fydd y digwyddiad yn digwydd y tu allan i'r ysbyty.

Gall Diffibrilwyr Allanol Awtomataidd (AEDs) chwarae rhan sylweddol wrth achub bywydau pobl sy'n dioddef trawiadau ar y galon yn gyhoeddus. Amcangyfrifir bod sioc o AED, ochr yn ochr â thriniaeth CPR, yn cynyddu cyfraddau goroesi i 75-80%.

Mae'r Cyngor yn nodi'r digwyddiadau trasig ym Machynlleth ac mewn mannau eraill yng Nghymru yr haf hwn lle gallai unigolion fod wedi cael eu hachub trwy ddefnydd diffibriliwr ond nad oedd dyfeisiau naill ai ar

gael neu nid oedd pobl yn gwybod amdanynt.

Mae'r Cyngor yn nodi nad yw'r gwefannau presennol heartsafe.org.uk, calonhearts.org, 111.wales.nhs.uk a'r ap symudol "staying alive" yn gweithio ar draws Powys gyfan neu nid oes ganddynt gyfleuster chwilio yn seiliedig ar leoliad.

Mae'r Cyngor yn canmol gwaith Cyngor Tref Llandrindod, y grŵp lleol yn Rhaeadr Gwy ac eraill ledled y sir wrth sefydlu diffibrilwyr newydd ar draws eu hardaloedd a darparu cypyrddau i sefydliadau i'w galluogi i osod diffibrilwyr presennol mewn mannau sy'n hygyrch i'r cyhoedd.

Mae'r Cyngor yn croesawu symudiadau gan Alun Davies AoS i gyflwyno Bil trawsbleidiol i'r Senedd i ddarparu diffibrilwyr ym mhob man yng Nghymru a fyddai'n ymdrin â rhai o'r problemau hyn gan gynnwys mater hanfodol y rhwymedigaethau cynnal a chadw ynghylch AEDs ledled Cymru.

Ond mae'r Cyngor yn pryderu er bod diffibrilwyr cyhoeddus ar gael mewn sawl man ledled y sir, gan gynnwys llawer o adeiladau ac asedau'r cyngor, bod yna fylchau yn y ddarpariaeth o AEDs sy'n hygyrch i'r cyhoedd ac ar hyn o bryd nid oes system fapio gyfannol yn rhestru'r holl AEDs ym Mhowys.

Felly mae'r Cyngor yn gofyn i'r Cabinet ystyried y canlynol:

- Llunio rhestr ac yna ei chyhoeddi a'i diweddarau o'r holl ddiffibrilwyr sy'n cael eu cynnal ar safle'r cyngor gyda gwybodaeth am sut i gael mynediad atynt.
- Gwneud adolygiad o, a lle bo hynny'n briodol, cynyddu hygyrchedd cyhoeddus diffibrilwyr sydd wedi'u lleoli mewn safleoedd sy'n eiddo i'r cyngor gan gynnwys parciau cyhoeddus, canolfannau cymunedol, ysgolion, cyfleusterau hamdden, ac ardaloedd y mae llawer o'r cyhoedd yn eu defnyddio.
- Gofyn i Gadeirydd y Cyngor anfon llythyr ar ran y Cyngor at yr Ysgrifenyddion lechyd ac Addysg yn y Senedd yn eu hannog i gefnogi symudiadau i ehangu argaeledd AEDs a hyrwyddo eu defnydd, ac yn arbennig trwy hyfforddiant o fewn y system addysg.

Cynigydd: Y Cynghorydd Sir Pete Roberts

Eilydd: Y Cynghorydd Sir Gareth Ratcliffe

12.1. **Cwestiwn i'r Aelod Portffolio ar faterion Gofal Cymdeithasol i Oedolion, yr Aelod Portffolio ar faterion Tai, Cynllunio ac Adfywio Economaidd a'r Aelod Portffolio ar faterion Addysg ac Eiddo gan y Cynghorydd Sir Timothy Van-Rees**

Ar ôl elwa ar gymorth cyfieithwyr a phersonél eraill a ymrestrwyd yn lleol yn ystod fy ngwasanaeth dramor, byddwn yn canmol y Cabinet am benderfynu cynnig llety i chwe theulu o ffoaduriaid o Afghanistan.

O ystyried y sefyllfa yn y wlad drist honno mae'n debygol y bydd gofyn am lety i nifer sylweddol fwy o ffoaduriaid ac yn wir ddarpariaeth ar gyfer addysg eu plant. Pa gynlluniau wrth gefn y mae'r Cabinet wedi'u gwneud pe bai Llywodraeth EM / Llywodraeth Cymru yn gofyn am gymorth ychwanegol?

(Tudalennau 143 - 144)

12.2. **Cwestiwn i'r Aelod Portffolio ar faterion Pobl Ifanc a Diwylliant gan y Cynghorydd Sir James Gibson-Watt**

A allai'r Aelod Portffolio roi ffigurau mewn termau gwirioneddol ac o ran canrannau ar gyfer cyfanswm y gostyngiadau blynyddol yng nghyllid grant Cyngor Sir Powys i sefydliadau celfyddydol a diwylliannol a gynhwyswyd yng Nghyllideb y Cyngor ym mhob blwyddyn rhwng 2017/18 a 2021/22?

(I Ddilyn)

12.3. **Cwestiwn i'r Aelod Portffolio ar faterion Tai, Cynllunio ac Adfywio Economaidd gan y Cynghorydd Sir William Powell**

A wnaiff yr Aelod Portffolio ar faterion Tai ddiweddarau'r Cyngor ynghylch y cynigion diweddaraf ar gyfer ad-drefnu Gwasanaeth Tai Cyngor Sir Powys, sy'n destun ymgynghoriad ar hyn o bryd?

Ar adeg o bwysau dwys ynghylch y sefyllfa o ran tai - ac o ystyried y pwyslais o'r newydd gan Weinidog Newid Hinsawdd Llywodraeth Cymru, Julie James AoS, ynghylch pwysigrwydd adfer Eiddo Gwag ar fyrder, a allai'r Aelod Portffolio dawelu meddwl yr Aelodau na fydd Tîm y Tai Sector Preifat sydd wedi ennill gwobrau, yn cael ei ddiddymu na'i erydu mewn unrhyw ffordd?

(Tudalennau 145 - 146)

12.4. **Cwestiwn i'r Aelod Portffolio ar faterion Gofal Cymdeithasol i Oedolion gan y Cynghorydd Sir Jon Williams**

Fel cynghorwyr dywedir wrthym yn gyson bod staff yn cael eu secondio i feysydd gwasanaeth eraill oherwydd Covid. Oherwydd y llwyth gwaith

ychwanegol y mae'n rhaid i wasanaethau cymdeithasol oedolion ddelio ag ef a'r pwysau enfawr y maent yn eu hwynebu o ddydd i ddydd, a allai'r Aelod Portffolio ddweud wrtha' i faint o staff sydd wedi'u secondio i gefnogi gwasanaethau cymdeithasol oedolion, faint o staff o'r maes gwasanaeth hwn sydd ar ffyrlo a pha gamau y mae'r cyngor yn eu cymryd i sicrhau lles y staff yn y maes gwasanaeth hwn?

(Tudalennau 147 - 148)

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

Mae gan Fargen Twf Canolbarth Cymru y potensial i fod yn sbardun enfawr i economi Canolbarth Cymru yn y blynyddoedd heriol sydd i ddod ac mae angen cydnabod ymdrechion Aelodau a Swyddogion, sy'n gweithio gyda chyfranogwyr o fewn Llywodraeth y DU a Chymru.

Ond mae profiad Cymru o fentrau Bargen Twf eraill yn ystod y blynyddoedd diwethaf, yn enwedig yn Rhanbarth Bae Abertawe, wedi dangos pwysigrwydd hanfodol craffu wrth brofi cadernid a hyfywedd strategaethau penodol.

Gyda hyn mewn golwg, pa ystyriaeth y mae'r Arweinydd wedi'i rhoi i hyrwyddo craffu ar y cyd gan Aelodau, a dynnir o Gynghorau Sir Ceredigion a Powys, er mwyn rhoi sicrwydd a darparu tryloywder, a thrwy hynny sicrhau mwy o gefnogaeth gan y cyhoedd

(Tudalennau 149 - 150)

12.6. **Cwestiwn i'r Aelod Portffolio dros yr Amgylchedd gan y Cyngorydd Pete Roberts.**

Hynt a helynt y cynllun trwsio tyllau yn y ffordd – Cronfa Adfer Covid
Gan ein bod ni nawr bron i hanner ffordd twy'r flwyddyn ariannol ac felly cyfnod cylch ariannu adfer Covid. All yr aelod portffolio roi manylion yn ôl pob ward o gostau a sgôp y cynlluniau trwsio tyllau yn y ffordd sydd wedi'u gwneud hyd yma o ganlyniad i'r buddsoddiad hwn a rhoi manylion tebyg o'r gwaith a fydd yn cael ei wneud dros weddill y flwyddyn.

(I Ddilyn)

Cymerir yr eitem ganlynol am 2.00 y pryhawn

13. YMDDIRIEDOLAETH GIG GWASANAETH AMBIWLANS CYMRU

Briff gan Jason Killens, Prif Weithredwr Ymddiriedolaeth GIG Gwasanaeth Ambiwllans Cymru.

**MINUTES OF A MEETING OF THE COUNTY COUNCIL HELD AT BY TEAMS ON
THURSDAY, 15 JULY 2021**

PRESENT

County Councillor R G Thomas (Chair)

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

1. APOLOGIES

Apologies for absence were received from County Councillors E Durrant and P Pritchard.

2. MINUTES

The Chair was authorised to sign the minutes of the meetings held on 25th February, 4th March, 19th March, 30th April and 13th May 2021 as correct records.

3. DECLARATIONS OF INTEREST

All Members had personal, non-prejudicial interests in item 7 Members' Schedule of Remuneration. The Monitoring Officer advised that there was a general dispensation but that Members should complete a declaration of interest form.

County Councillor David Thomas declared a personal interest in the notice of motion on the ambulance service as his brother worked for the Welsh Ambulance Service.

4. CHAIR'S ANNOUNCEMENTS

The Chair advised that a tracker for notices of motion had been developed by the business intelligence unit and that details on how to access it would be circulated to Members.

He advised that he had awarded Silver Kites to Lesley Alexander-Carter, Jennifer Coppell, Mairwen Price and Amanda Edwards.

5.	LEADER'S ANNOUNCEMENTS
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The Leader welcomed the First Minister's decision to lift restrictions on outdoor events. She noted that the number of cases was rising again but that Powys was leading the way in the percentage of people vaccinated.

She was pleased to report that innovation in Children's Services had been shortlisted as a finalist for the Municipal Journal awards and that a commendation had been received in the digital transformation category and that the Transformation and Communications team had received an award for the best use of data.

She reported that the Secretary of State for Wales who along with the MP and MS for Montgomeryshire and the MP for North Shropshire had visited the Montgomery Canal which was part of the Council's Levelling Up grant application. The bid if successful would be an important catalyst for economic development in the north of the county. She was also pleased to join the Prince of Wales on his visit to Riversimple who were developing eco-friendly hydrogen powered cars in Llandrindod Wells.

6.	CHIEF EXECUTIVE'S BRIEFING
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The Chief Executive reported on the rising number of Covid cases in the county with the highest increases amongst the 10 – 19 and 20 – 29 age groups. She urged everyone to take up the offer of vaccinations.

She advised Council about ongoing investigations into allegations of fraud and theft which were being investigated by Dyfed Powys Police. She assured Council and the public that the Authority took a zero tolerance approach towards fraud and theft.

7.	VISION 2025: OUR CORPORATE IMPROVEMENT PLAN ANNUAL PERFORMANCE REPORT
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Council considered the Vision 2025: Our Corporate Improvement Plan annual performance report. The report presented the Council's performance during 2020-21 against the well-being objectives published in Vision 2025: Our Corporate Improvement Plan and, for the first time, included the Strategic Equality Objectives.

The report had been considered and endorsed the Cabinet and by the Scrutiny Working Group. The report had been amended to reflect the comments and recommendations made by the Working Group.

A Member asked about the climate emergency which had been declared by Council and whether it should be embedded in all the Council's objectives. Members were advised that the report dealt with performance against the original plan. The updated Annual Improvement Plan approved by Council in March had strengthened some of the content on climate change, but further work was going on in the background which would inform the next iteration of the plan. In

addition, Heads of Service would be required to consider climate change when bringing forward budget proposals.

A Member asked if there could be a workforce champion and was advised that the Democratic Services Committee would be reviewing champion roles. A member asked for numbers of people with disabilities employed by the Council to be measured and to be included in the report.

Members also asked about the gender pay gap. It was confirmed that the Head of Workforce and Organisational Development led on an action plan addressing the gender pay gap. This would be brought to the appropriate Scrutiny Committee to consider whether there were any aspects which could be strengthened. The Head of Legal and Democratic Services advised that there was a rigorous job evaluation process should protect against equal pay claims.

A Member asked about the project to develop the Automobile Palace and was advised that the Council had just commissioned the design work and had put in a bid to the Levelling Up Fund to acquire the land next to the Automobile Palace.

The recommendations in the report were moved by County Councillor Michael Williams and seconded by County Councillor Rosemarie Harris and by 54 votes to 10 with 1 abstention it was

RESOLVED that County Council consider the content of the Vision 2025: Our Corporate Improvement Plan Annual Performance Report 2020-2021 (including integrated Strategic Equality Plan Objectives) and approve for publication in line with statutory reporting duties.

County Councillor David Price left the meeting at 12.04.

8. REVENUE AND CAPITAL VIREMENTS

Council considered Revenue virements to set up three new specific reserves, utilising the year end outturn underspend of £4.241 million, transferred into the General Reserve:

- £1 million set aside to assist council services with Covid recovery.
- £1m set aside for match funding for large economic growth/recovery capital schemes.
- The remaining balance of the surplus, £2.241 million, into a specific Capital Financing Reserve to support the Council's Capital Programme, reducing borrowing requirements and easing the pressure on the revenue budget.

Council was also asked to consider approving the carry forward of two year end underspends for a Transport fund of £730,000 and a Flood Recovery Reserve of £950,000.

The Portfolio Holder for Finance and Transportation confirmed that all grants had been utilised in accordance with the terms and conditions of the grant.

Responding to queries raised by Members he advised that the Capital Financing Reserve replaced borrowing rather than funded borrowing. It was more effective to utilise it for one off funding, limiting the ongoing cost of borrowing.

The recommendations in the report were moved by County Councillor Aled Davies and seconded by County Councillor Rosemarie Harris and by 58 votes to 5 it was

RESOLVED to approve the virements set out in section 2 of the report and set out above transferring the amounts from the General Fund Reserve into the appropriate specific reserves.

County Councillor James Evans left the meeting.

9. DIVERSITY IN DEMOCRACY DECLARATION
--

Council considered a Diversity in Democracy Declaration which the WLGA had asked every Council to approve ahead of the local elections in 2022 to give a clear, public commitment to improving diversity and demonstrate an open and welcoming culture to all. The draft declaration had been considered and recommended by the Democratic Services Committee. If approved by Council, an action plan to deliver the objectives would be developed and brought to Democratic Services Committee for approval later in the year. A member expressed the hope that future iterations of the declaration would include a statement expressing a zero tolerance approach to racism as well as bullying.

The recommendations in the report were moved by County Councillor Elwyn Vaughan and seconded by County Councillor Beverley Baynham and 61 votes to 1 with 1 abstention it was

RESOLVED

- 1. That the draft Diversity in Democracy Declaration as amended, and attached as Appendix 1 to the report be approved;**
- 2. That an action plan be prepared setting out the measures to deliver the declaration by May 2022, for approval by the Democratic Services Committee and Council.**

Council adjourned from 12.50 to 1.15 pm

County Councillors MJ Jones, K Lewis, P Lewis and Tim Van Rees left the meeting.

PRESENT

County Councillor R G Thomas (Chair)

County Councillors MC Alexander, M Barnes, B Baynham, J Berriman, G Breeze, J Charlton, L V Corfield, K W Curry, A W Davies, B Davies, D E Davies, P Davies, S C Davies, M J Dorrance, D O Evans, L George, J Gibson-Watt, M R Harris, S M Hayes, H Hulme, A Jenner, E A Jones, D R Jones, E Jones, G Jones, J R Jones,

E M Jones, D Jones-Poston, F H Jump, K Laurie-Parry, H Lewis, MC Mackenzie, I McIntosh, S McNicholas, DW Meredith, C Mills, G Morgan, R Powell, WD Powell, G Pugh, J Pugh, G W Ratcliffe, L Rijnenberg, L Roberts, P Roberts, K M Roberts-Jones, E Roderick, D Rowlands, K S Silk, D Selby, L Skilton, D A Thomas, E Vaughan, M Weale, J Wilkinson, A Williams, G I S Williams, D H Williams, J Williams, J M Williams, R Williams and S L Williams

10. CONSTITUTION

Council was asked to consider making amendments to the Constitution in respect of Section 7 Scrutiny Committees, Section 9 Regulatory Committees and Section 2 Purpose, Definition, Interpretation. The amendments had been considered and recommended by the Democratic Services Committee. IN response to a question from a Member, the Head of Legal and Democratic Services confirmed that if any Member wished to add an item to the Scrutiny forward work programme they should raise that with the Chair of the relevant committee. He further advised that Audit Wales had given verbal feedback on their report on Scrutiny in Powys but that the final report had not yet been received.

The recommendations were moved by County Councillor Elwyn Vaughan and seconded by County Councillor Stephen Hayes and by 52 votes to 1 with 2 abstentions it was

RESOLVED

- 1. That the amendments to Section 7 of the Constitution (Scrutiny Committees) are approved as set out in the draft Section 7 in Appendix A of the report.**
- 2. That the Monitoring Officer is authorised to make such other changes to the Constitution as may be required to reflect the change set out in Recommendation 1 above.**
- 3. That the amendments to Section 9 of the Constitution (Regulatory Committees) are approved as set out in the draft Section 9 in Appendix B of the report.**
- 4. That the Monitoring Officer is authorised to make such changes to the Constitution as may be required to reflect the change set out in Recommendation 3 above.**
- 5. That the amendments to Section 2 of the Constitution (Purpose, Definition, Interpretation) are approved as set out in the draft Section 2 in Appendix C of the report.**
- 6. 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 5 above.**

County Councillors E Michael Jones, Joy Jones, Les George, Roger Williams and Maureen McKenzie abstained from voting having missed part of the debate.

County Councillor S Hayes left the meeting at 13.30. County Councillor D Price rejoined the meeting.

11. MEMBER ALLOWANCES AND EXPENSES 2020/21

The Head of Legal and Democratic Services reminded Members that they had a personal interest in this item but that there was a general dispensation which allowed Members to speak and vote.

Council received for information details of the salaries, allowances and expenses received by Members and Co-opted Members in 2020-21. Council was advised that the amount claimed for travel had reduced by £77.8k (97.08%) from £80.2k in 2019/20 to £2.3k in 2020/21, which was attributed to the pandemic, with all Council meetings being conducted virtually through the year and limited other business mileage claimed. The recommendation was proposed by County Councillor Michael Williams and seconded by County Councillor Edwin Roderick and it was

RESOLVED to note the report.

12. APPOINTMENTS TO OUTSIDE BODIES AND COMMITTEES
--

12.1. Appointment to Powys Community Health Council

County Councillors Hywel Lewis and Maureen McKenzie were nominated. Following a ballot it was

RESOLVED that County Councillor Hywel Lewis be nominated to Powys Community Health Council.

12.2. Appointments made by Political Groups and approved by the Monitoring Officer

Council noted the appointments made by political groups since the last meeting and approved by the Monitoring Officer under delegated authority:

County Councillor Graham Breeze appointed to the Democratic Services Committee and the Governance and Audit Committee in place of County Councillor Beverley Baynham.

County Councillors D Evans and D Price left the meeting at 13.50.

13. NOTICE OF MOTION - AMBULANCE SERVICES
--

County Councillor Claire Mills left the meeting at 14.11.

County Councillor David Thomas did not take part in this part of the meeting having declared an interest.

Council debated the following notice of motion proposed by County Councillor Elwyn Vaughan and seconded by County Councillor Bryn Davies.

“Far too often our ambulances are stuck outside our major hospitals such as Telford, Shrewsbury or Wreccsam, resulting in ambulances being drafted in from

other parts of Montgomeryshire to relieve the pressures in Welshpool or Newtown, but in doing so undermine the cover in places such as Machynlleth, Llanfyllin or Llanidloes.

This is a particular problem at night where a crew from Machynlleth will be called to Newtown only to then end up in Telford or even Hereford hospitals to cover cases from Knighton or Presteigne.

We already have a situation where Llanfyllin and Llanidloes stations are closed at night, we understand there's a real threat that will happen also in due course at Machynlleth meaning that most of Montgomeryshire will have hardly any cover at night. Bearing in mind that Tywyn and Bala stations are also closed at night and that the Dolgellau ambulance is often drawn towards the northern half of Gwynedd, it means that most of South Gwynedd and North Powys could have hardly any cover at night.

We are therefore calling on the Ambulance Trust for:

- all Ambulance stations in Powys to be 24hr this to include:
- extending Llanidloes and Llanfyllin stations to 24hr
- keep Machynlleth 24hr and not cut it as threatened
- provide extra ambulance for Newtown and Welshpool

We want a coordinated, sensible approach that ensure all our rural communities can have the same level of service as urban settings. This doesn't involve a huge cost, but it does ensure that lives will be saved."

Councillors noted that this was an issue affecting the whole of the county with several relating personal experiences affecting family members and neighbours. The Portfolio Holder for Adult Social Care noted that the upcoming roll out of home support would help reduce demand for ambulance services and she suggested that the issue be raised at the Regional Partnership Board which she chaired and which was attended by representatives of the Welsh Ambulance Service Trust. A Member suggested that the Council assist the Community Health Council with surveying Powys residents with their views on ambulance services. Members felt that it would be useful for a representative of the Welsh Ambulance Service Trust to attend a Council meeting to talk about ambulance coverage in the county and answer Members' questions. The mover of the motion indicated that he supported the suggestions made in the debate but would like to put the motion as drafted.

By 40 votes to 3 with 6 abstentions it was

RESOLVED to call on the Ambulance Trust for

- **all Ambulance stations in Powys to be 24 hour this to include:**
- **extending Llanidloes and Llanfyllin stations to 24 hours**
- **keep Machynlleth 24 hours and not cut it as threatened and**
- **provide extra ambulances for Newtown and Welshpool.**

Councillor David Thomas returned to the meeting.

14. NOTICE OF MOTION - PEST CONTROL
--

Council considered the following motion proposed by County Councillor Sandra Davies and seconded by County Councillor Matthew Dorrance:

1. "Rats and pests can carry diseases, cause damage to property and problems will only get worse if left untreated;
2. Powys County Council is best placed to deliver a county wide Pest Control Service and
3. The 2014 decision to cease delivery of a Pest Control Service was a mistake.
4. Residential areas often experience significant problems with rats and pests;
5. The role of Environmental Health Officers in providing advice and guidance to communities and
6. Hiring a private contractor to deal with rats and pests is unaffordable for too many people.

This Council resolves:

1. That a Powys County Council run pest control service should be established to serve our communities and
2. Cabinet should be advised of the will of Council and asked to consider implementing its decision."

The mover and seconder of the motion advised that they were increasingly receiving calls about pests and vermin in people's homes. They noted that other Councils still had a pest control service with some providing a free service and some charging for the service. Several members noted that the proposal had not been costed nor there had been any assessment of the impact on small businesses now providing the service in the county. The Portfolio holder noted that this was a non-statutory service and that the Council no longer had trained staff or equipment and that it would therefore require significant outlay to reintroduce the service.

The motion was put to the vote and by 29 votes to 23 with 2 abstentions it was

RESOLVED

- 1. That a Powys County Council run pest control service should be established to serve our communities and**
- 2. Cabinet should be advised of the will of Council and asked to consider implementing its decision.**

15. QUESTIONS IN ACCORDANCE WITH THE CONSTITUTION
--

County Councillor G Ratcliffe left the meeting at 14.53.
County Councillor G Breeze left the meeting at 14.57.
County Councillor D Rowlands left the meeting at 14.58.
County Councillor S McNicholas left the meeting at 15.05.
County Councillor A Williams left the meeting at 15.08.
County Councillor L George left the meeting at 15.08.

15.1. Question to the Portfolio Holder for Education and Property from County Councillor Sandra Davies

Language in schools is currently being considered and consultations for changes to be made.

It appears Powys County Council does not have a clear policy regarding pupil numbers and dual stream schools.

Might consideration of drawing up a policy to clarify how many children (of either English language or Welsh language) in a school are required before a school is classed a Dual stream school?

Response

The definitions of schools according to their language provision are outlined within the Welsh Government's document 'Defining Schools According to Welsh Medium Provision' 2007. A primary dual-stream school is defined as follows:

- *Dual Stream Primary School Curriculum - Two types of provision exist side-by-side in these schools. Parents/pupils opt either for the mainly Welsh-medium or mainly English-medium provision which is usually delivered as in categories 1 and 5 respectively.*
- *Language of the School - Both Welsh and English are used in the day to day business of the school. The language of communication with the pupils is determined by the nature of the curricular provision, but in some schools high priority is given to creating a Welsh-language ethos throughout the school. The school communicates with parents in both languages.*
- *Outcomes - for pupils in the Welsh stream, normal expectations are as for category 1. For pupils in the English medium stream, normal expectations are as for category 5.*

The guidance does not state that there needs to be a specific number of pupils in either streams to be classed as a dual-stream school.

There was no supplementary question.

15.2. Question to Powys Members of the Police and Crime Panel from County Councillor Matthew Dorrance

I am aware of an increase in crime, anti-social behaviour and drug related incidents in my community.

How are you as Powys members of the Police and Crime Panel holding the Commissioner and his police and crime plan to account to ensure that communities like mine are properly resourced and prioritised by Dyfed Powys Police?

Response

As members of the Police and Crime Panel we scrutinise how the Police and Crime Commissioner holds the Chief Constable to account for ensuring that

policing in local communities is properly resourced and prioritised in the following ways:

- Scrutinising the Commissioner's Police and Crime Plan, which sets the priorities for the police force. The commissioner is currently consulting on his new plan following the elections in May and we understand it will be placed before the Panel for consideration at the end of July.
- Scrutinising the annual police precept, which contribute approximately 50% of the police budget. This includes scrutiny of the Commissioners annual accounts and mid-term financial plan.
- Attending meetings of the Policing Accountability Board every quarter to observe how the Commissioner holds the Chief Constable to account across the whole range of his functions, including policing in local communities.
- Questioning the Commissioner at Police and Crime Panel meetings. This includes not just questions on reports that appear on the agenda, but also on any issue that Panel members wish to raise, provided they fall within the remit of the Panel.
- Requiring the Commissioner to provide reports to the Panel on any issue within its remit.

The Panel specifically identified how the Commissioner held the Chief Constable to account as one of its priorities in 2018/2019 and was satisfied that the Commissioner carried out that function in an appropriate and robust way.

As you may be aware the Chief Constable Mark Collins retired in March 2021, to take up a post in the British Virgin Islands. A temporary Chief Constable has been appointed pending the Police and Crime Commissioner elections in May and the process of recruiting a permanent replacement is currently underway.

A report on anti-social behaviour considered by the Police and Crime Panel on 4 November 2020 and a response provided by the Police and Crime Commissioner on 19 February 2021 are attached for information and can be seen here:

[Dyfed Powys Police And Crime Panel \(dppoliceandcrimepanel.wales\)](https://www.dyfedpowys.gov.uk/dppoliceandcrimepanel.wales)

[Dyfed Powys Police And Crime Panel \(dppoliceandcrimepanel.wales\)](https://www.dyfedpowys.gov.uk/dppoliceandcrimepanel.wales)

In response to Councillor Dorrance's question as to how the Police and Crime Panel could ensure that the Commissioner delivered on the commitments in the Police and Crime Plan, Councillor William Powell advised that the Panel regularly raised the issue of anti-social behaviour with the Commissioner. He had also arranged for the Commissioner to meet Councillor Dorrance and residents particularly affected by anti-social behaviour.

15.3. Question for the Portfolio Holder with responsibility for Community Safety from County Councillor Matthew Dorrance

How is the Cabinet Member for Community Safety ensuring the Council is responding to the needs of people in Brecon, St John Ward and taking action to deal with the impact of crime and anti-social behaviour.

Response

Powys County Council is an active part of the Powys Community Safety Partnership. The Community Safety Partnership is a statutory (Crime & Disorder Act 1998) multi-disciplinary partnership. Organisations work together with a

common aim to tackle crime and disorder in the county and to maintain Powys' position as one of the safest places to live.

Councillor Dorrance's supplementary question was to ask the Portfolio Holder if she would commit to reassessing the priorities of the Community Safety Partnership to ensure that tackling anti-social behaviour was given greater focus and resource and to reporting back to Council. The Portfolio Holder advised that she would review Councillor Dorrance's request and to report back to Council on the work of the Community Safety Partnership.

15.4. Question for the Portfolio Holder for Education and Property from County Councillor Gwilym Williams

With regard to Dolau School the last inspection by Estyn put the school in green, which means it's of a high standard in education. The two nearest primary schools are not in green, therefore can the Cabinet member for education tell me and members is it illegal for children from Dolau School to be sent to either of these primary schools that are not in the green?

Response

It is important to understand that there is a difference between Estyn inspections and National Categorisation.

In the last Estyn inspection for Llanfihangel Rhydithon in 2019, the school was judged to be good for standards, provision and leadership.

Llanbister Primary School was inspected by Estyn in 2019 and was also judged to be good for standards, provision and leadership.

Crossgates School was inspected in 2016, and was placed in Estyn review. However, within a year they had addressed the recommendations and were removed from any form of follow up.

National Categorisation identifies the amount of support a school will receive on an annual basis. The last categorisation took place in the autumn term 2019. Since that period, Welsh Government have suspended categorisation. There are four colours for categorisation (Green and Yellow are seen as self-improving schools; Amber and Red are schools in need of significant support).

Llanfihangel Rhydithon was classified as Green, Llanbister and Crossgates were categorised as Yellow in 2019.

However, although there is no National Categorisation for schools, the local authority has continued to work closely to support these schools. All three schools are strong schools for standards, provision and leadership and have responded well to the challenges of providing education over the pandemic period. This has reinforced the view of the local authority that the schools are self-improving schools and provide education that is equitable.

Pupils would not be disadvantaged by attending other schools in the area.

In response to Councillor Williams' supplementary question as to whether Estyn would be recommence inspections or national categorisation continue the Portfolio Holder advised that Estyn hoped to recommence inspections in September and the authority carried out its own monitoring visits.

15.5. Question to the Portfolio Holder for Housing, Planning and Economic Regeneration from County Councillor Gwilym Williams

With regard to the current pandemic evictions from peoples homes have been suspended, this is going to come to an end shortly.

Can the portfolio holder inform me and members what provisions including numbers of properties that are available for the likely increase when this restriction is lifted? Do not include in the numbers properties that are under repair or improvement.

Response

Housing Services uses a range of options to try and help people avoid the loss of their home. This includes advice and support; for example, maximising income from the social security system to help make rent payments, the payment of Discretionary Housing Payments to help pay rent, and direct intervention and negotiation with landlords. When it is simply not possible to prevent the loss of a home, the Council is able to draw upon a range of resources to secure accommodation for people who may become homeless as a consequence of their landlord evicting them from their home. This includes Council-owned properties, homes owned by housing associations and helping people find accommodation provided by private landlords.

It is difficult to predict how many homes will be available to let at any moment in time, as the availability of such properties is dependent upon existing tenants moving to different homes. On average, based on figures for 2020-2021, circa 58 social housing properties are let each month, including to people who are or at risk of becoming homeless. In addition, a further 170 properties are currently being used as temporary accommodation for people while they wait for permanent homes that suit their long term needs to become available.

Each month the Council itself, based on data for the past year, has circa forty tenancy terminations creating void properties available to relet. At present (28.06.21) the Council has thirty-eight void homes available for letting to new tenants on either an introductory or secure tenancy and six void homes held for use as emergency temporary accommodation by homeless households.

Increasing the number of homes available to people who may become homeless is challenging, as there is high demand for all homes across all tenures and of all types in Powys. The majority of homeless demand is from smaller households needing homes with one bedroom. Just 6% of all homes in Powys have one bedroom – that figure includes homes designated for accommodation by older people.

The Council and housing associations have a confirmed development programme of 401 additional affordable homes 'in plan' (with a further 188 'in reserve') due to start work over the next two years, with the Council alone on target to add 250 new homes by 2025. A combination of new development, acquisition of properties for social rent, and enhanced resources for homelessness prevention will help the Council meet the challenges that may arise following the ending of the eviction moratorium.

Councillor Williams' supplementary question was on the number of empty properties under repair not available to rent. The Portfolio Holder agreed to let Councillor Williams the information.

15.6. Question to the Portfolio Holder for Education and Property from County Councillor Roger Williams

What assessment has the Portfolio Holder for Education made of the new Post 16 Education Policy in retaining Post 16 pupils in Powys Schools and Colleges?

Response

The post-16 report presented to Cabinet on the 18th May 2021 included an assessment of a number of different options for the governance of post-16 in Powys which were fully evaluated, as can be seen in the appendices to the Cabinet report.

There was no supplementary question.

15.7. Question to the Portfolio Holder for Education and Property from County Councillor Martin Weale

If learner entitlements are an important factor to this process, why is it acceptable to move children that are already receiving a higher level of learner entitlement producing children that are all well rounded, lifting the standard at Ysgol Calon Cymru to alternative schools? How is this improving learner entitlement, surely learner entitlements should be looked upon as education standards using standardised judgements by ESTYN and ERW and not subjective and unsubstantiated phone calls to headteachers.

Response

I assume that the question is related to the current consultation on small schools, and in particular Llanfihangel Rhydithon CP School. The vision for education in Powys is about improving learner entitlement and experience, aligning with the new curriculum from September 2022 – this is about more than standards of education.

In the last Categorisation exercise in 2019, Llanfihangel Rhydithon was classified as Green, Llanbister and Crossgates were categorised as Yellow. However, although there is no National Categorisation for schools, the local authority has continued to work closely to support these schools. All three schools are strong schools for standards, provision and leadership and have responded well to the challenges of providing education over the pandemic period. This has reinforced the view of the local authority that the schools are self-improving schools and provide education that is equitable.

In the last Estyn inspection for Llanfihangel Rhydithon in 2019, the school was judged to be good for standards, provision and leadership.

Llanbister Primary School were inspected by Estyn in 2019 and were also judged to be good for standards, provision and leadership.

Crossgates School were inspected yn 2016, and were placed in Estyn review. However, within a year they had addressed the recommendations and were removed from any form of follow up.

There was no supplementary question.

15.8. Question to the Portfolio Holder for Education and Property from County Councillor Martin Weale

There is a surplus amount in the local authority budget, Why are we putting our communities through this, especially with Covid. It has been said that the last 18 months have been MOST stressful time not only for pupils but teachers and parents. Why are the transformation and education teams not listening to the clear messages given by local MS/ MP, councillors and the Welsh government?

Response

It is recognised that school reorganisation is always an emotive issue for schools and their communities. However, Welsh Government recognised that local authorities needed to continue with reorganisation plans during the pandemic and issued non-statutory guidance, which has been followed.

In terms of why the authority is progressing with the Transforming Education Programme: In 2019, Estyn reviewed the Council's education service and found it in need of significant improvement. The following is an extract from the Estyn Report:

- *However, there are many areas of the authority's work causing significant concern, such as those relating to school organisation, financial management, school governance, lack of action regarding schools causing concern and the co-ordination of provision for pupils with special educational needs or who may require extra support. These issues affect school leadership, staffing structures, curriculum planning and staff morale, which in turn limit the impact of challenge advisers and other school improvement staff.*

Following this inspection, the Council carried out an extensive engagement exercise with schools and other stakeholders, which highlighted a number of challenges facing education in the county and the need for transformational change.

There was no supplementary question.

15.9. Questions to the Portfolio Holder for Education and Property from County Councillor William Powell

Would the Portfolio Holder please outline the steps taken by Powys County Council to ensure that any property within the Authority's estate subject to heritage designation by Cadw is regularly monitored?

In the light of the findings of such monitoring, how is investment allocated to protect the asset, for this and future generations, in line with Welsh Government legislation on heritage and the built environment?

Response

The recent implementation of the Corporate Landlord model has allowed Strategic Property Services to employ an asset surveyor. The asset survey will be tasked with undertaking regular condition inspections of council properties, including heritage assets. This will ensure all properties, including those subject to a heritage designation are appropriately reviewed and managed on a cyclical basis. Capital and revenue funding will be allocated on the basis of this asset review to ensure that all assets are appropriately managed and protected for future generations.

In response to Councillor Powell's supplementary question the Portfolio Holder confirmed that the asset surveyor appointed was an experienced officer with the relevant qualifications. He would provide a more detailed response to Councillor Powell's question insofar as it related to Gwernyfed manor house.

16. EXEMPT ITEMS

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

All officers except the Chief Executive, the Head of Legal and Democratic Services, the Scrutiny Manager and the Cabinet Manager left the meeting.

17. STAFFING MATTERS

Council considered the confidential report of the Chief Executive. The purpose of the report was to formally note changes to the Senior Leadership Team structure that had taken place since the start of the pandemic period that did not require Council approval and to reflect other changes due to a review of the Senior Management structure and to regularise some anomalies in salaries.

By 40 votes to 1 with 1 abstention it was

RESOLVED to approve recommendation 1 in the report.

By 30 votes to 8 with 1 abstention it was

RESOLVED to approve recommendation 2 in the report.

By 38 votes to 1 with 1 abstention it was

RESOLVED to approve recommendation 3 in the report.

County Councillor R G Thomas (Chair)

**COFNODION CYFARFOD Y CYNGOR SIR A GYNHALIWYD DRWY TEAMS AR
DDYDD IAU 15 GORFFENNAF**

YN BRESENNOL

Y Cynghorydd Sir R G Thomas (Cadeirydd)

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

1. YMDDIHEURIADAU

Derbyniwyd ymddiheuriadau am absenoldeb gan y Cynghorwyr Sir E Durrant a P Pritchard.

2. COFNODION

Awdurdodwyd y Cadeirydd i lofnodi bod cofnodion y cyfarfodydd a gynhaliwyd ar 25 Chwefror, 4 Mawrth, 19 Mawrth, 30 Ebrill a 13 Mai 2021 yn gywir.

3. DATGAN BUDD

Roedd gan bob Aelod fudd personol diragfarn yn Eitem 7 Atodlen Cydnabyddiaeth Ariannol yr Aelodau. Dywedodd y Swyddog Monitro fod goddefiad cyffredinol ond y dylai'r Aelodau lenwi ffurflen datgan budd.

Fe wnaeth y Cynghorydd Sir David Thomas ddatgan budd personol yn y rhybudd o gynnig ar y gwasanaeth ambiwlans oherwydd bod ei frawd yn gweithio i Wasanaeth Ambiwylans Cymru.

4. CYHOEDDIADAU'R CADEIRYDD

Dywedodd y Cadeirydd fod traciwr rhybuddion o gynnig wedi'i ddatblygu gan yr uned gwybodaeth fusnes, a manylion am sut i'w ddefnyddio'n cael eu cylchredeg i'r Aelodau.

Dywedodd ei fod wedi dyfarnu Barcutiaid Arian i Lesley Alexander-Carter, Jennifer Coppell, Mairwen Price ac Amanda Edwards.

5. CYHOEDDIADAU'R ARWEINYDD

Croesawodd yr Arweinydd benderfyniad y Prif Weinidog i godi'r cyfyngiadau ar ddigwyddiadau awyr agored. Nododd fod nifer yr achosion ar gynnydd unwaith eto ond bod Powys yn arwain y ffordd ar ganran y bobl oedd wedi eu brechu.

Roedd yn falch o adrodd bod arloesi mewn Gwasanaethau Plant wedi cyrraedd y rhestr fer yn rownd derfynol gwobrau'r *Municipal Journal* a bod clod wedi'i roi yn y categori trawsnewid digidol a bod y tîm Trawsnewid a Chyfathrebu wedi derbyn gwobr am y defnydd gorau o ddata.

Dywedodd fod Ysgrifennydd Gwladol Cymru ynghyd â'r Aelod Seneddol a'r Aelod o'r Senedd dros Sir Drefaldwyn, a'r Aelod Seneddol ar gyfer Gogledd Sir Amwythig, wedi ymweld â Chamlas Trefaldwyn oedd yn rhan o gais y Cyngor am grant o Gronfa Codi'r Gwastad. Byddai'r bid, pe bai'n llwyddo, yn gatalydd pwysig ar gyfer datblygu economaidd yng ngogledd y Sir. Roedd hefyd yn falch o ymuno â Thywysog Cymru ar ei ymweliad â Riversimple oedd yn datblygu ceir pŵer hydrogen ecogyfeillgar yn Llandrindod.

6. BRIFF Y PRIF WEITHREDWR

Cyfeiriodd y Prif Weinidog at y cynnydd yn nifer yr achosion Covid yn y Sir gyda'r cynnydd mwyaf i'w weld yn y grwpiau 10-19 a 20-29 oed. Pwysodd yn gryf ar bawb i gael eu brechu.

Cyfeiriodd at yr ymchwiliadau parhaus i honiadau o dwyll a dwyn oedd yn cael eu hymchwilio gan Heddlu Dyfed Powys. Fe sicraodd y Cyngor a'r cyhoedd bod gan yr Awdurdod bolisi o ddim goddefgarwch tuag at dwyll a dwyn.

7. YR ADRODDIAD PERFFORMIAD BLYNYDDOL AR GWELEDIGAETH 2025: EIN CYNLLUN GWELLA CORFFORAETHOL

Fe ystyriodd y Cyngor yr Adroddiad Perfformiad Blynyddol ar Gweledigaeth 2025: Ein Cynllun Gwella Corfforaethol. Roedd yr adroddiad yn cyflwyno perfformiad y Cyngor yn 2020-21 yn erbyn yr amcanion lles yn Gweledigaeth 2025: Ein Cynllun Gwella Corfforaethol gan gynnwys, am y tro cyntaf, yr Amcanion Cydraddoldeb Strategol.

Roedd yr adroddiad wedi cael ei ystyried a'i gymeradwyo gan y Cabinet a'r Gweithgor Craffu. Roedd yr adroddiad wedi'i ddiwygio i adlewyrchu sylwadau ac argymhellion y Gweithgor.

Gofynnodd un o'r Aelodau am yr argyfwng hinsawdd oedd wedi'i ddatgan gan y Cyngor ac oni ddylai gael ei wreiddio yn holl amcanion y Cyngor. Rhoddwyd gwybod i'r Aelodau fod yr adroddiad yn ymdrin â pherfformiad yn erbyn y cynllun gwreiddiol. Roedd y Cynllun Gwella Blynyddol diweddaraf a gymeradwywyd gan y Cyngor fis Mawrth wedi cryfhau peth o'r cynnwys ar newid hinsawdd ond roedd gwaith pellach yn digwydd yn y cefndir a fyddai'n goleuo fersiwn nesaf y cynllun. Byddai hefyd angen i'r Penaethiaid Gwasanaeth ystyried newid hinsawdd wrth gyflwyno eu cynigion cyllideb.

Gofynnodd un o'r Aelodau oni ellid cael pencampwr gweithlu a'r ateb oedd y byddai'r Pwyllgor Gwasanaethau Democrataidd yn adolygu rolau pencampwyr. Gofynnodd un o'r aelodau am fesur faint o bobl ag anableddau a gyflogir gan y Cyngor, a chynnwys hyn yn yr adroddiad.

Gofynnodd yr Aelodau hefyd am y bwch cyflog rhwng y rhywiau. Cadarnhawyd bod Pennaeth y Gweithlu a Datblygu Sefydliadol yn arwain ar gynllun gweithredu i fynd i'r afael â'r bwch cyflog rhwng y rhywiau. Byddai hwn yn dod o flaen y Pwyllgor Craffu priodol i ystyried a oedd unrhyw agweddau arno y gellid eu cryfhau. Dywedodd Pennaeth y Gwasanaethau Cyfreithiol a Democrataidd fod yna broses drylwyr o werthuso swyddi a ddylai warchod rhag hawliadau cyflog cyfartal.

Holodd un o'r Aelodau am y prosiect i ddatblygu'r *Automobile Palace* a chafodd wybod bod y Cyngor newydd gomisiynu'r gwaith dylunio ac wedi cyflwyno bid i Gronfa Codi'r Gwastad i brynu'r tir drws nesaf i'r *Automobile Palace*.

Cynigiwyd yr argymhellion yn yr adroddiad gan y Cynghorydd Sir Michael Williams, a eiliwyd gan y Cynghorydd Sir Rosemarie Harris, ac o 54 pleidlais i 10 gydag 1 yn ymatal,

PENDERFYNWYD bod y Cyngor Sir yn ystyried cynnwys Adroddiad Perfformiad Blynyddol 2020-2021 ar Gweledigaeth 2025: Ein Cynllun Gwella Corfforaethol (gan gynnwys Amcanion y Cynllun Cydraddoldeb Strategol integredig) a chymeradwyo ei gyhoeddi'n unol â dyletswyddau adrodd statudol.

Gadawodd y Cynghorydd Sir David Price y cyfarfod am 12.04.

8. TROSLWYDDIADAU REFENIW A CHYFALAF

Fe ystyriodd y Cyngor y trosglwyddiadau Refeniw i sefydlu tair cronfa newydd benodol, gan ddefnyddio'r tanwariant o £4.241m ar ddiwedd y flwyddyn, a drosglwyddwyd i'r Gronfa Gyffredinol:

- £1m i'w neilltuo i gynorthwyo gwasanaethau'r Cyngor i adfer o Covid.
- £1m i'w neilltuo fel arian cyfatebol ar gyfer cynlluniau cyfalaf twf / adferiad economaidd.
- Rhoi gweddill y gwarged, £2.241m, mewn Cronfa Cyllid Cyfalaf benodol i gynorthwyo Rhaglen Gyfalaf y Cyngor, gan leihau gofynion benthyca ac ysgafnu'r pwysau ar y gyllideb refeniw.

Gofynnwyd i'r Cyngor hefyd ystyried cymeradwyo cario dau danwariant diwedd blwyddyn drosodd ar gyfer Cronfa Trafnidiaeth o £730,000, a Chronfa Adferiad Llifogydd o £950,000.

Cadarnhaodd Daliwr y Portffolio Cyllid a Thrafnidiaeth fod yr holl grantiau wedi eu defnyddio'n unol â thelerau ac amodau'r grantiau. Gan ateb cwestiynau a ofynnwyd gan Aelodau, dywedodd fod y Gronfa Cyllid Cyfalaf yn disodli arian

wedi'i fenthycu'n hytrach na'n ariannu benthyciadau. Roedd yn fwy effeithiol ei ddefnyddio ar gyfer cyllid untro, gan leihau cost barhaus unrhyw fenthyciadau.

Cynigiwyd yr argymhellion yn yr adroddiad gan y Cynghorydd Sir Aled Davies, a eiliwyd gan y Cynghorydd Sir Rosemarie Harris, ac o 58 pleidlais i 5,

PENDERFYNWYD cymeradwyo'r trosglwyddiadau yn adran 2 yr adroddiad a mynd ati i drosglwyddo'r symiau o'r Gronfa Gyllid Gyffredinol i'r cronfeydd penodol priodol.

Gadawodd y Cynghorydd Sir James Evans y cyfarfod.

9. DATGANIAD AR AMRYWIAETH MEWN DEMOCRATIAETH

Fe ystyriodd y Cyngor Ddatganiad ar Amrywiaeth mewn Democratiaeth yr oedd Cymdeithas Llywodraeth Leol Cymru wedi gofyn i bob Cyngor ei gymeradwyo cyn yr etholiadau lleol yn 2022 i wneud ymrwymiad clir a chyhoeddus i wella amrywiaeth a dangos diwylliant agored a chroesawus i bawb. Roedd y datganiad drafft wedi cael ei ystyried a'i argymhell gan y Pwyllgor Gwasanaethau Democratiaidd. Pe bai'r Cyngor yn ei gymeradwyo, byddai cynllun gweithredu i ddarparu'r amcanion yn cael ei ddatblygu a'i roi gerbron y Pwyllgor Gwasanaethau Democratiaidd i'w gymeradwyo nes ymlaen yn y flwyddyn. Dywedodd un o'r aelodau y gobeithiai y byddai fersiynau o'r datganiad yn y dyfodol yn datgan polisi o ddim goddefgarwch tuag at hiliaeth na bwlio.

Cynigiwyd yr argymhellion yn yr adroddiad gan y Cynghorydd Sir Elwyn Vaughan, a eiliwyd gan y Cynghorydd Sir Beverley Baynham, ac o 61 pleidlais i 1 gydag 1 yn ymatal,

PENDERFYNWYD

- 1. Cymeradwyo'r Datganiad Amrywiaeth mewn Democratiaeth drafft fel y'i diwygiwyd, ac a oedd ynghlwm fel Atodiad 1 i'r adroddiad;**
- 2. Paratoi cynllun gweithredu'n disgrifio'r mesurau i weithredu'r Datganiad erbyn Mai 2022, i'w gymeradwyo gan y Pwyllgor Gwasanaethau Democratiaidd a'r Cyngor.**

Gohiriwyd y Cyngor rhwng 12.50pm ac 1.15pm.

Gadawodd y Cynghorwyr Sir MJ Jones, K Lewis, P Lewis a Tim Van Rees y cyfarfod.

YN BRESENNOL

Y Cynghorydd Sir R G Thomas (Cadeirydd)

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

G Pugh, J Pugh, G W Ratcliffe, L Rijnenberg, L Roberts, P Roberts, K M Roberts-Jones, E Roderick, D Rowlands, K S Silk, D Selby, L Skilton, D A Thomas, E Vaughan, M Weale, J Wilkinson, A Williams, G I S Williams, D H Williams, J Williams, J M Williams, R Williams ac S L Williams

10. CYFANSODDIAD

Gofynnwyd i'r Cyngor ystyried diwygio'r Cyfansoddiad ynglŷn ag Adran 7 Pwyllgorau Craffu, Adran 9 Pwyllgorau Rheoleiddio ac Adran 2 Pwrpas, Diffiniad, Dehongliad. Cafodd y diwygiadau eu hystyried a'u hargymell gan y Pwyllgor Gwasanaethau Democraidd. Mewn ymateb i gwestiwn gan Aelod, cadarnhaodd Pennaeth y Gwasanaethau Cyfreithiol a Democraidd pe bai unrhyw Aelod yn dymuno ychwanegu eitem i'r flaenraglen waith Craffu y dylent godi hynny gyda Chadeirydd y pwyllgor perthnasol. Dywedodd hefyd fod Archwilio Cymru wedi rhoi adborth llafar ar eu hadroddiad ar Graffu ym Mhowys ond nad oedd yr adroddiad terfynol wedi dod i law eto.

Cynigiwyd yr argymhellion gan y Cynghorydd Sir Elwyn Vaughan, a eiliwyd gan y Cynghorydd Sir Stephen Hayes, ac o 52 pleidlais i 1 gyda 2 yn ymatal,

PENDERFYNWYD

1. Cymeradwyo'r diwygiadau i Adran 7 y Cyfansoddiad (Pwyllgorau Craffu) fel yr amlinellir hwynt yn Adran 7 ddrafft Atodiad A yr adroddiad.
2. Awdurdodi'r Swyddog Monitro i wneud unrhyw newidiadau eraill i'r Cyfansoddiad ag y bo angen i adlewyrchu'r newid a ddisgrifir yn Argymhelliad 1 uchod.
3. Cymeradwyo'r diwygiadau i Adran 9 y Cyfansoddiad (Pwyllgorau Rheoleiddio) fel y disgrifir hwynt yn Adran 9 ddrafft Atodiad B yr adroddiad.
4. Awdurdodi'r Swyddog Monitro i wneud unrhyw newidiadau i'r Cyfansoddiad ag y bo angen i adlewyrchu'r newid a ddisgrifir yn Argymhelliad 3 uchod.
5. Cymeradwyo'r diwygiadau i Adran 2 y Cyfansoddiad (Pwrpas, Diffiniad, Dehongliad) fel y disgrifir hwynt yn Adran 2 ddrafft Atodiad C yr adroddiad.
6. Awdurdodi'r Swyddog Monitro i wneud unrhyw newidiadau i'r Cyfansoddiad ag y bo angen i adlewyrchu'r newidiadau a ddisgrifir yn Argymhelliad 5 uchod.

Fe wnaeth y Cynghorwyr Sir E Michael Jones, Joy Jones, Les George, Roger Williams a Maureen McKenzie ymatal o'r bleidlais ar ôl colli rhan o'r drafodaeth.

Gadawodd y Cynghorydd Sir S Hayes y cyfarfod am 13.30. Ail-ymunodd y Cynghorydd Sir D Price â'r cyfarfod.

11. LWFANSAU A THREULIAU AELODAU 2020/21

Atgoffodd Pennaeth y Gwasanaethau Cyfreithiol a Democraidd yr Aelodau fod ganddynt fudd personol yn yr eitem hon ond bod goddefeb gyffredinol yn caniatáu i Aelodau siarad a phleidleisio.

Derbyniodd y Cyngor, er gwybodaeth, fanylion am y cyflogau, lwfansau a'r treuliau a dderbyniodd yr Aelodau a'r Aelodau Cyfetholedig yn 2020-21. Rhoddwyd gwybod i'r Cyngor fod y swm a hawliwyd am deithio i lawr o £77.8k (97.08%), o £80.2k yn 2019/20, i £2.3k yn 2020/21, oherwydd y pandemig, gyda holl gyfarfodydd y Cyngor wedi eu cynnal yn rhithiol drwy'r flwyddyn a fawr ddim milltiroedd busnes eraill wedi eu hawlio. Cynigiwyd yr argymhelliad gan y Cynghorydd Sir Michael Williams ac eiliwyd gan y Cynghorydd Sir Edwin Roderick a

PHENDERFYNWYD nodi'r adroddiad.

12. PENODIADAU I BWYLLGORAU A CHYRFF ALLANOL

12.1. Penodiad i Gyngor Iechyd Cymuned Powys

Enwebwyd y Cynghorwyr Sir Hywel Lewis a Maureen McKenzie. Yn dilyn pleidlais,

PENDERFYNWYD enwebu'r Cynghorydd Sir Hywel Lewis i Gyngor Iechyd Cymuned Powys.

12.2. Penodiadau gan Grwpiau Gwleidyddol a gymeradwywyd gan y Swyddog Monitro

Nododd y Cyngor y penodiadau a wnaed gan grwpiau gwleidyddol ers y cyfarfod diwethaf a gymeradwywyd gan y Swyddog Monitro o dan awdurdod dirprwyedig:

Penodwyd y Cynghorydd Sir Graham Breeze i'r Pwyllgor Gwasanaethau Democrataidd a'r Pwyllgor Llywodraethu ac Archwilio yn lle'r Cynghorydd Sir Beverley Baynham.

Gadawodd y Cynghorwyr Sir D Evans a D Price y cyfarfod am 13.50.

13. RHYBUDD O GYNNIG – GWASANAETHAU AMBIWLANS
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Gadawodd y Cynghorydd Sir Claire Mills y cyfarfod am 14.11.

Ni chymrodd y Cynghorydd Sir David Thomas ran yn y rhan yma o'r cyfarfod oherwydd ei fod wedi datgan budd.

Bu'r Cyngor yn trafod y rhybudd o gynnig canlynol a gynigiwyd gan y Cynghorydd Sir Elwyn Vaughan ac a eiliwyd gan y Cynghorydd Sir Bryn Davies:

"Yn llawer rhy aml, mae ein cerbydau ambiwlans yn gorfod aros y tu allan i'n prif ysbytai fel Telford, Amwythig neu Wreccsam ac ambiwlansys eraill felly'n gorfod cael eu tynnu mewn o rannau eraill o Sir Drefaldwyn i ysgafnu'r pwysau yn y Trallwng neu'r Drenewydd, ond wrth wneud hynny'n tanseilio'r gwasanaeth mewn trefi fel Machynlleth, Llanfyllin neu Lanidloes.

Mae hyn yn broblem arbennig wedi nos lle gall criw o Fachynlleth gael eu galw i'r Drenewydd ond yna'n gorfod mynd i ysbyty Telford, neu Henffordd hyd yn oed, i gludo achosion o Drefyclo neu Lanandras.

Mae gennym eisoes sefyllfa lle mae gorsafoedd Llanfyllin a Llanidloes ar gau wedi nos, ac fel y deallwn mae gwir fygythiad y bydd hyn yn digwydd hefyd ym Machynlleth maes o law ac ni fydd gan y rhan fwyaf o Sir Drefaldwyn fawr ddim gwasanaeth wedi nos wedyn. O gofio bod gorsafoedd Tywyn a'r Bala hefyd ar gau wedi nos a bod ambiwlans Dolgellau'n aml yn cael ei alw i ogledd Gwynedd, mae'n golygu na fydd gan y rhan fwyaf o dde Gwynedd a gogledd Powys fawr ddim gwasanaeth wedi nos wedyn.

Rydym felly'n galw ar yr Ymddiriedolaeth Ambiwllans i sicrhau:

- bod holl orsafoedd Ambiwllans Powys yn rhai 24 awr, i gynnwys:
- gwneud gorsafoedd Llanidloes a Llanfyllin yn 24 awr
- cadw Machynlleth yn 24 awr a pheidio torri ei horiau fel sy'n cael ei fygwth
- rhoi ambiwlans ychwanegol i'r Trallwng a'r Drenewydd.

Rydym eisiau gweld dull cydlynus a synhwyrol sy'n sicrhau bod gan ein holl gymunedau gwledig yr un lefel o wasanaeth ag ardaloedd trefol. Nid yw hyn yn golygu cost enfawr, ond bydd yn sicr yn achub bywydau."

Nododd y Cyngorwyr fod hyn yn broblem oedd yn effeithio ar y Sir gyfan gyda nifer yn adrodd profiadau personol a effeithiodd ar aelodau teulu a chymdogion. Nododd Daliwr y Portffolio Gofal Cymdeithasol Oedolion y byddai'r cynlluniau arfaethedig i gyflwyno cymorth cartref yn helpu i leihau'r galw am wasanaethau ambiwlans ac awgrymodd y dylid codi'r mater yn y Bwrdd Partneriaeth Rhanbarthol lle'r oedd yn gadeirydd a hefyd yn cael ei fynychu gan gynrychiolwyr o Ymddiriedolaeth Gwasanaeth Ambiwllans Cymru. Awgrymodd un o'r Aelodau y dylai'r Cyngor gynorthwyo'r Cyngor Iechyd Cymuned i gynnal arolwg a holi barn preswylwyr Powys am wasanaethau ambiwlans. Teimlai'r Aelodau y byddai'n ddefnyddiol pe bai cynrychiolydd o Ymddiriedolaeth Gwasanaeth Ambiwllans Cymru yn mynychu cyfarfod o'r Cyngor i siarad am y gwasanaeth ambiwlans yn y Sir ac ateb cwestiynau'r Aelodau. Dywedodd y cynigydd ei fod yn cytuno â'r awgrymiadau a wnaed yn y drafodaeth ond am roi'r cynnig gerbron fel yr oedd wedi'i ddrafftio.

O 40 pleidlais i 3 gyda 6 yn ymatal

PENDERFYNWYD galw ar yr Ymddiriedolaeth Ambiwllans i sicrhau

- **bod holl orsafoedd Ambiwllans Powys yn rhai 24 awr, i gynnwys:**
- **gwneud gorsafoedd Llanidloes a Llanfyllin yn 24 awr**
- **cadw Machynlleth yn 24 awr a pheidio torri ei horiau fel sy'n cael ei fygwth, a**
- **rhoi ambiwlansys ychwanegol i'r Trallwng a'r Drenewydd.**

Daeth y Cyngorwydd David Thomas yn ôl i'r cyfarfod.

Fe ystyriodd y Cyngor y cynnig canlynol a gynigiwyd gan y Cynghorydd Sir Sandra Davies ac a eiliwyd gan y Cynghorydd Sir Matthew Dorrance:

1. "Gall llygod mawr a phlâu gario clefydau, achosi difrod i eiddo a bydd problemau ond yn gwaethygu heb eu trin;
2. Cyngor Sir Powys sydd yn y sefyllfa orau i ddarparu Gwasanaeth Rheoli Pla traws-sirol, a
3. Roedd y penderfyniad yn 2014 i roi'r gorau i ddarparu Gwasanaeth Rheoli Pla yn gamgymeriad.
4. Mae ardaloedd preswyl yn aml yn cael problemau sylweddol gyda llygod mawr a phlâu;
5. Rôl Swyddogion Iechyd yr Amgylchedd gyda rhoi cyngor ac arweiniad i gymunedau, a
6. Mae llogi contractwr preifat i ddelio â llygod mawr a phlâu yn anfforddiadwy i ormod o bobl.

Mae'r Cyngor hwn yn penderfynu:

1. Y dylid sefydlu gwasanaeth rheoli pla wedi'i redeg gan Gyngor Sir Powys i wasanaethu ein cymunedau, a
2. Y dylid hysbysu'r Cabinet o ewyllys y Cyngor a gofyn iddynt ystyried gweithredu ei benderfyniad."

Dyweddodd gynigydd ac eilydd y cynnig eu bod yn derbyn galwadau cynyddol am blâu a llygod mawr yng nghartrefi pobl. Fe wnaethant nodi bod gan Gynghorau eraill wasanaeth rheoli pla o hyd, gyda rhai'n darparu gwasanaeth am ddim ac eraill yn codi tâl. Dywedodd nifer o'r Aelodau nad oedd y cynnig wedi'i gostio ac nad oedd unrhyw asesiad ychwaith o'r effaith ar fusnesau bach sy'n darparu'r gwasanaeth yn y Sir erbyn hyn. Dywedodd Daliwr y Portffolio fod hwn yn wasanaeth anstatudol ac nad oedd gan y Cyngor erbyn hyn unrhyw staff hyfforddedig na chyfarpar ac felly y byddai angen gwariant cychwynnol sylweddol i ailgyflwyno'r gwasanaeth.

Rhodddwyd y cynnig i'r bleidlais ac o 29 pleidlais i 23 gyda 2 yn ymatal,

PENDERFYNWYD

1. **Y dylid sefydlu gwasanaeth rheoli pla wedi'i redeg gan Gyngor Sir Powys i wasanaethu ein cymunedau, a**
2. **Y dylid hysbysu'r Cabinet o ewyllys y Cyngor a gofyn iddynt ystyried gweithredu ei benderfyniad.**

15. CWESTIYNAU'N UNOL Â'R CYFANSODDIAD

Gadawodd y Cynghorydd Sir G Ratcliffe y cyfarfod am 14.53.
Gadawodd y Cynghorydd Sir G Breeze y cyfarfod am 14.57.
Gadawodd y Cynghorydd Sir D Rowlands y cyfarfod am 14.58.
Gadawodd y Cynghorydd Sir S McNicholas y cyfarfod am 15.05.
Gadawodd y Cynghorydd Sir A Williams y cyfarfod am 15.08.
Gadawodd y Cynghorydd Sir L George y cyfarfod am 15.08.

15.1. Cwestiwn i Ddaliwr y Portffolio Addysg ac Eiddo gan y Cynghorydd Sir Sandra Davies

Mae iaith mewn ysgolion yn cael ei ystyried ar hyn o bryd ac ymgynghori'n digwydd ar newidiadau i'w gwneud.

Mae'n ymddangos nad oes gan Gyngor Sir Powys bolisi clir ar nifer y disgyblion ac ysgolion dwy ffrwd.

Oni fyddai'n syniad llunio polisi i gadarnhau faint o blant (naill ai iaith Saesneg neu iaith Gymraeg) mewn ysgol sy'n ofynnol, cyn dosbarthu ysgol yn ysgol dwy ffrwd?

Ymateb

Amlinellir diffiniadau o ysgolion yn ôl eu darpariaeth iaith yn nogfen Llywodraeth Cymru 'Diffinio Ysgolion yn ôl y Ddarpariaeth Cyfrwng Cymraeg' 2007. Diffinnir ysgol gynradd ddwy ffrwd fel a ganlyn:

- *Cwricwlwm ysgol gynradd dwy ffrwd – lle mae dau fath o ddarpariaeth yn bodoli ochr yn ochr. Mae rhieni / disgyblion naill ai'n dewis darpariaeth cyfrwng Cymraeg yn bennaf neu ddarpariaeth cyfrwng Saesneg yn bennaf, sydd fel arfer wedi'i ddarparu fel yng nghategoriâu 1 yn y naill achos a 5 yn y llall.*
- *Iaith yr ysgol – defnyddir y Gymraeg a'r Saesneg wrth redeg busnes yr ysgol o ddydd i ddydd. Penderfynir ar iaith y cyfathrebu â'r disgyblion yn ôl natur y ddarpariaeth gwricwlaidd, ond mewn rhai ysgolion rhoddir blaenoriaeth uchel i greu ethos iaith Gymraeg ar draws yr ysgol. Mae'r ysgol yn cyfathrebu â'r rhieni yn y ddwy iaith.*
- *Canlyniadau – ar gyfer disgyblion yn y ffrwd Gymraeg, mae'r disgwyliadau arferol fel ar gyfer categori 1. Ar gyfer disgyblion yn y ffrwd cyfrwng Saesneg, mae'r disgwyliadau arferol fel ar gyfer categori 5.*

Nid yw'r canllawiau'n nodi bod angen cael nifer benodol o ddisgyblion yn y naill ffrwd neu'r llall i ddosbarthu ysgol yn un ddwy ffrwd.

Nid oedd unrhyw gwestiwn ychwanegol.

15.2. Cwestiwn i aelodau Powys o'r Panel Heddlu a Throseddu gan y Cynghorydd Sir Matthew Dorrance

Rwy'n ymwybodol o gynnydd mewn troseddu, ymddygiad gwrthgymdeithasol a digwyddiadau'n gysylltiedig â chyffuriau yn fy nghymuned. Sut yr ydych chi, fel aelodau Powys o'r Panel Heddlu a Throseddu'n dal y Comisiynydd a'i gynllun heddlu a throseddu i gyfrif i sicrhau bod gan gymunedau fel fy un i ddigon o adnoddau ac yn cael blaenoriaeth gan Heddlu Dyfed Powys?

Ymateb

Fel aelodau o'r Panel Heddlu a Throseddu, rydym yn craffu sut y mae'r Comisiynydd Heddlu a Throseddu'n dal y Prif Gwnstabl i gyfrif am sicrhau bod gan blismona mewn cymunedau lleol ddigon o adnoddau ac yn cael blaenoriaeth yn y ffyrdd canlynol:

- Drwy graffu Cynllun Heddlu a Throseddu'r Comisiynydd, sy'n nodi beth yw blaenoriaethau'r heddlu Mae'r Comisiynydd ar hyn o bryd yn ymgynghori ar ei gynllun newydd yn dilyn yr etholiadau ym mis Mai a deallwn y bydd yn dod o flaen y Panel am ystyriaeth ddiwedd Gorffennaf.
- Drwy graffu ar braesept blynyddol yr heddlu, sy'n cyfrannu tua 50% o gyllideb yr heddlu. Mae hyn yn cynnwys craffu cyfrifon blynyddol a chynllun ariannol tymor canolig y Comisiynydd.
- Drwy fynychu cyfarfodydd y Bwrdd Atebolrwydd Plismona bob chwarter i weld sut y mae'r Comisiynydd yn dal y Prif Gwnstabl i gyfrif ar draws ei holl swyddogaethau, gan gynnwys plismona mewn cymunedau lleol.
- Drwy holi'r Comisiynydd yng nghyfarfodydd y Panel Heddlu a Throseddu. Mae hyn yn cynnwys gofyn cwestiynau nid yn unig am adroddiadau ar yr agenda ond hefyd am unrhyw fater y dymuna aelodau'r Panel ei godi, ar yr amod eu bod yn rhan o gylch gwaith y Panel.
- Drwy ofyn bod y Comisiynydd yn rhoi adroddiad i'r Panel ar unrhyw fater sy'n rhan o'i gylch gwaith.

Roedd y Panel yn benodol wedi nodi rôl y Comisiynydd yn dal y Prif Gwnstabl i gyfrif fel un o'i flaenoriaethau yn 2018/2019 ac yn fodlon bod y Comisiynydd wedi cyflawni'r swyddogaeth honno'n briodol a thrylwyr.

Fel y gwyddoch efallai, fe wnaeth y Prif Gwnstabl Mark Collins ymddeol ym mis Mawrth 2021 i dderbyn swydd yn Ynysoedd Prydeinig y Wryf. Penodwyd Prif Gwnstabl dros dro hyd nes y cynhelir etholiadau'r Comisiynwyr Heddlu a Throseddu ym mis Mai ac mae'r broses o recriwtio Prif Gwnstabl parhaol ar y gweill ar hyn o bryd.

Mae adroddiad ar ymddygiad gwrth-gymdeithasol a ystyriwyd gan y Panel Heddlu a Throseddu ar 4 Tachwedd 2020, ac ymateb y Comisiynydd Heddlu a Throseddu ar 19 Chwefror 2021, ynghlwm er gwybodaeth ac i'w gweld yma:

<https://www.panelheddluathroseddudp.cymru/cartref/cyfarfodydd/2020/4-tachwedd-2020/>

<https://www.panelheddluathroseddudp.cymru/cartref/cyfarfodydd/2021/19-chwefror-2021/>

Mewn ymateb i gwestiwn y Cynghorydd Dorrance am sut y gallai'r Panel Heddlu a Throseddu sicrhau bod y Comisiynydd yn cyflawni'r ymrwymadau yn y Cynllun Heddlu a Throseddu, dywedodd y Cynghorydd William Powell fod y Panel yn codi'r mater o ymddygiad gwrth-gymdeithasol gyda'r Comisiynydd yn rheolaidd. Roedd hefyd wedi trefnu i'r Comisiynydd gael cyfarfod y Cynghorydd Dorrance a phreswylwyr a effeithiwyd yn arbennig gan ymddygiad gwrth-gymdeithasol.

15.3. Cwestiwn i Ddaliwr y Portffolio sy'n gyfrifol am Ddiogelwch Cymunedol, gan y Cynghorydd Sir Matthew Dorrance

Sut y mae'r Aelod Cabinet dros Ddiogelwch Cymunedol yn sicrhau bod y Cyngor yn ymateb i anghenion pobl yn Ward Sant Ioan, Aberhonddu, ac yn gweithredu i ddelio ag effaith troseddu ac ymddygiad gwrth-gymdeithasol.

Ymateb

Mae Cyngor Sir Powys yn chwarae rhan weithredol ym Mhartneriaeth Diogelwch Cymunedol Powys. Mae'r Bartneriaeth Diogelwch Cymunedol yn bartneriaeth amlddisgyblaethol statudol (Deddf Troseddu ac Anrhefn 1998). Mae sefydliadau'n gweithio gyda'i gilydd i gyflawni nod cyffredin o fynd i'r afael â

throseddu ac anrhefn yn y Sir a chadw enw Powys fel un o'r ardaloedd mwyaf diogel i fyw.

Cwestiwn ategol y Cynghorydd Dorrance oedd gofyn i Ddaliwr y Portffolio a fyddai'n ymrwymo i ailasesu blaenoriaethau'r Bartneriaeth Diogelwch Cymunedol i sicrhau bod delio ag ymddygiad gwrth-gymdeithasol yn derbyn mwy o ffocws ac adnoddau ac yn adrodd yn ôl i'r Cyngor. Dywedodd Ddaliwr y Portffolio y byddai'n adolygu cais y Cynghorydd Dorrance ac yn adrodd yn ôl i'r Cyngor ar waith y Bartneriaeth Diogelwch Cymunedol.

15.4. **Cwestiwn i'r Aelod Portffolio ar Addysg ac Eiddo gan y Cynghorydd Sir Gwilym Williams**

O ran Ysgol Dolau, roedd yr arolygiad diwethaf gan Estyn wedi bandio'r ysgol yn wyrdd, sy'n golygu bod yr addysg o safon uchel.

Nid yw'r ddwy ysgol gynradd agosaf yn wyrdd, felly a all yr Aelod Cabinet dros Addysg ddweud wrthyf fi a'r Aelodau oni fyddai'n anghyfreithlon i blant o Ysgol Dolau gael eu hanfon i'r naill neu'r llall o'r ddwy ysgol gynradd yma a hwythau ddim yn wyrdd?

Ymateb

Mae'n bwysig deall bod gwahaniaeth rhwng arolygiadau Estyn a Chategoreiddio Cenedlaethol. Yn yr arolygiad diwethaf gan Estyn ar gyfer Llanfihangel Rhydithon yn 2019, barnwyd bod yr ysgol yn dda o ran safonau, darpariaeth ac arweinyddiaeth.

Arolygwyd Ysgol Gynradd Llanbister gan Estyn yn 2019 a barnwyd bod yr ysgol hon hefyd yn dda o ran safonau, darpariaeth ac arweinyddiaeth.

Arolygwyd Ysgol Crossgates yn 2016 a'i rhoi yn y categori Adolygu gan Estyn. Fodd bynnag, o fewn blwyddyn roedd yr ysgol wedi rhoi sylw i'r argymhellion ac ni fu angen unrhyw fesurau ôl-ddilyn.

Mae Categori Cenedlaethol yn nodi faint o gymorth y bydd ysgol yn ei dderbyn yn flynyddol. Cynhaliwyd y categori diwethaf yn nhymor yr hydref 2019. Ers hynny, mae Llywodraeth Cymru wedi gohirio categori. Mae pedwar lliw i'r broses gategori (ystyrir bod Gwyrdd a Melyn yn ysgolion hunan-wella; ystyrir bod Oren a Choch yn ysgolion sydd angen cymorth sylweddol).

Dosbarthwyd Llanfihangel Rhydithon yn wyrdd a dosbarthwyd Llanbister a Crossgates yn felyn yn 2019.

Fodd bynnag, er nad oes Categori Cenedlaethol ar gyfer ysgolion, mae'r awdurdod lleol wedi parhau i weithio'n agos i roi cymorth i'r ysgolion hyn. Mae'r tair ysgol yn ysgolion cryf o ran safonau, darpariaeth ac arweinyddiaeth ac wedi ymateb yn dda i'r her o ddarparu addysg dros gyfnod y pandemig. Mae hyn wedi atgyfnerthu barn yr awdurdod lleol bod yr ysgolion yn hunan-wella ac yn darparu addysg gyfartal.

Ni fyddai disgyblion o dan anfantais o fynychu ysgolion eraill yn yr ardal.

Mewn ymateb i gwestiwn ategol y Cynghorydd Williams a fyddai Estyn yn ail-ddechrau arolygiadau neu a fyddai categori cenedlaethol yn parhau, dywedodd Ddaliwr y Portffolio fod Estyn yn gobeithio ail-ddechrau arolygiadau ym mis Medi ac roedd yr awdurdod yn cyflawni ei ymweliadau monitro ei hun.

15.5. Cwestiwn i Ddaliwr y Portffolio Tai, Cynllunio ac Adfywio Economaidd gan y Cynghorydd Sir Gwilym Williams

Oherwydd y pandemig presennol, mae troi pobl allan o'u cartrefi wedi'i ohirio, a bydd hyn yn dod i ben cyn bo hir.

A all Daliwr y Portffolio ddweud wrthyf i a'r Aelodau pa ddarpariaethau, a nifer yr eiddo, sydd ar gael ar gyfer y cynnydd tebygol unwaith y codir y cyfyngiadau ar hyn? Ni ddylid cynnwys nifer yr eiddo sydd ar ganol eu hatgyweirio neu wella.

Ymateb

Mae'r Gwasanaethau Tai'n defnyddio ystod o opsiynau i geisio helpu pobl i osgoi colli eu cartrefi. Mae hyn yn cynnwys cyngor a chefnogaeth; er enghraifft drwy hawlio gymaint o incwm â phosib drwy'r system nawdd cymdeithasol i helpu i dalu'r rhent, drwy Daliadau Tai Disgresiynol i helpu i dalu'r rhent, a thrwy ymyrryd yn uniongyrchol a negodi gyda landlordiaid. Os nad yw'n bosib atal bod rhywun yn colli cartref, mae gan y Cyngor ystod o adnoddau i ddod o hyd i rywle i fyw ar gyfer pobl a allai fod yn ddigartref ar ôl i'w landlord eu troi allan o'u cartref. Mae hyn yn cynnwys tai y mae'r Cyngor yn berchen arnynt, cartrefi cymdeithasau tai a thrwy helpu pobl i ddod o hyd i lety gan landlordiaid preifat.

Mae'n anodd rhagweld faint o gartrefi fydd ar gael i'w gosod ar unrhyw adeg oherwydd, er mwyn i'r tai hyn fod ar gael, rhaid i'r tenantiaid presennol symud i gartrefi gwahanol. Ar gyfartaledd, ar sail ffigurau 2020-21, gosodir tua 58 eiddo tai cymdeithasol pob mis, gan gynnwys i bobl sydd eisoes neu mewn perygl o fod yn ddigartref. Hefyd, mae 170 eiddo arall yn cael eu defnyddio ar hyn o bryd fel llety dros dro i bobl sy'n aros i gartrefi parhaol, sy'n addas i anghenion hirdymor y bobl hyn, ddod ar gael.

Pob mis mae tua 40 o denantiaethau'r Cyngor, ar sail data am y flwyddyn ddiwethaf, yn cael eu terfynu gan greu cartrefi gwag sydd ar gael i'w hail-osod. Ar hyn o bryd (28.06.21), mae gan y Cyngor 38 o gartrefi gwag ar gael i'w gosod i denantiaid newydd naill ai fel tenantiaeth ragarweiniol neu sicr, a 6 cartref gwag a gedwir i'w defnyddio fel llety argyfwng dros dro ar gyfer aelwydydd digartref.

Mae cynyddu nifer y cartrefi a fyddai ar gael i bobl a allai ddod yn ddigartref yn anodd oherwydd mae galw uchel am gartrefi o bob math, ac ar draws pob math o denantiaeth ym Mhowys. Mae'r rhan fwyaf o'r galw digartref yn alw gan aelwydydd llai sydd angen cartrefi ag un llofft. Dim ond 6% o'r holl gartrefi ym Mhowys sydd ag un llofft – mae'r ffigur hwn yn cynnwys cartrefi wedi eu dynodi'n llety i bobl hyn.

Mae gan y Cyngor a chymdeithasau tai raglen ddatblygu wedi'i chadarnhau o godi 401 o gartrefi fforddiadwy ychwanegol 'mewn cynllun' (a 188 o gartrefi eraill 'wrth gefn') sydd i ddechrau dros y ddwy flynedd nesaf, gyda'r Cyngor yn unig ar darged i ychwanegu 250 o gartrefi newydd erbyn 2025. Bydd cyfuniad o ddatblygiadau tai newydd, prynu eiddo ar gyfer rhenti cymdeithasol, a mwy o adnoddau i atal digartrefedd, yn helpu'r Cyngor i ateb yr heriau a allai godi pan ddaw'r moratoriwm ar droi pobl allan o'u cartrefi i ben.

Roedd cwestiwn ategol y Cynghorydd Williams yn gofyn faint o gartrefi gwag ar ganol eu hatgyweirio nad oedd ar gael i'w rhentu. Cytunodd Daliwr y Portffolio i roi'r wybodaeth hon i'r Cynghorydd Williams.

15.6. Cwestiwn i Ddaliwr y Portffolio Addysg ac Eiddo gan y Cynghorydd Sir Roger Williams

Pa asesiad y mae Daliwr y Portffolio Addysg wedi'i wneud o'r Polisi Addysg Ôl-16 newydd gyda chadw disgyblion ôl-16 oed yn ysgolion a cholegau Powys?

Ymateb

Roedd yr adroddiad Ôl-16 a gyflwynwyd i'r Cabinet ar 18 Mai 2021 yn cynnwys asesiad o nifer o wahanol opsiynau ar gyfer llywodraethu'r ddarpariaeth Ôl-16 ym Mhowys, a oedd wedi eu gwerthuso'n llawn, fel y gwelir yn yr atodiadau i adroddiad y Cabinet.

Nid oedd unrhyw gwestiwn ychwanegol.

15.7. Cwestiwn i Ddaliwr y Portffolio Addysg ac Eiddo gan y Cynghorydd Sir Martin Weale

Os yw hawliau dysgwyr yn ffactor pwysig yn y broses hon, pam yw'n dderbyniol symud plant sydd eisoes yn derbyn lefel uwch o hawliau dysgwyr ac yn cynhyrchu plant 'cyflawn eu datblygiad', gan godi'r safon yn Ysgol Calon Cymru, i ysgolion eraill?0} Sut y mae hyn yn gwella hawliau dysgwyr, oni ddylid gweld hawliau dysgwyr fel safonau addysg yn defnyddio dyfarniadau safonedig gan ESTYN ac ERW ac nid galwadau ffôn goddrychol a disail i benaethiaid.

Ymateb

Cymeraf fod y cwestiwn yn ymwneud â'r ymgynghoriad presennol ar ysgolion bach, ac yn benodol ag Ysgol Gynradd Llanfihangel Rhydithon. Mae'r weledigaeth ar gyfer addysg ym Mhowys yn ymwneud â gwella hawliau a phrofiad dysgwyr, yn unol â'r cwricwlwm newydd o fis Medi 2022 ymlaen – mae hyn yn fwy na safonau addysg yn unig.0}

Yn yr ymarfer Categoriiddio diwethaf yn 2019, dosbarthwyd Llanfihangel Rhydithon yn wyrdd a chategoriiddiwyd Llanbister a Crossgates yn felyn. Fodd bynnag, er nad oes Categoriiddio Cenedlaethol ar gyfer ysgolion, mae'r awdurdod lleol wedi parhau i weithio'n agos i roi cymorth i'r ysgolion hyn. Mae'r tair ysgol yn ysgolion cryf o ran safonau, darpariaeth ac arweinyddiaeth ac wedi ymateb yn dda i'r her o ddarparu addysg dros gyfnod y pandemig. Mae hyn wedi atgyfnerthu barn yr awdurdod lleol bod yr ysgolion yn hunan-wella ac yn darparu addysg gyfartal.

Yn yr arolygiad diwethaf gan Estyn ar gyfer Llanfihangel Rhydithon yn 2019, barnwyd bod yr ysgol yn dda o ran safonau, darpariaeth ac arweinyddiaeth.

Arolygwyd Ysgol Gynradd Llanbister gan Estyn yn 2019 a barnwyd bod yr ysgol hon hefyd yn dda o ran safonau, darpariaeth ac arweinyddiaeth.

Arolygwyd Ysgol Crossgates yn 2016 a'i rhoi yn y categori Adolygu gan Estyn. Fodd bynnag, o fewn blwyddyn roedd yr ysgol wedi rhoi sylw i'r argymhellion ac ni fu angen unrhyw fesurau ôl-ddilyn.

Nid oedd unrhyw gwestiwn ychwanegol.

15.8. Cwestiwn i Ddaliwr y Portffolio Addysg ac Eiddo gan y Cyngorydd Sir Martin Weale

Mae gwarged yng nghyllideb yr awdurdod lleol felly pam ein bod yn rhoi ein cymunedau drwy hyn, yn enwedig o ystyried Covid. Clywsom fod y 18 mis diwethaf wedi bod yn straen OFNADWY, nid yn unig i ddisgyblion ond hefyd i athrawon a rhieni. Pam nad yw'r timau trawsnewid ac addysg yn gwrandao ar negeseuon clir Aelodau o'r Senedd / Aelodau Seneddol lleol, cyngorwyr a Llywodraeth Cymru?

Ymateb

Rydym yn cydnabod bod ad-drefnu ysgolion bob amser yn fater emosiynol i ysgolion a'u cymunedau. Fodd bynnag, roedd Llywodraeth Cymru'n cydnabod bod angen i awdurdodau lleol barhau â'u cynlluniau ad-drefnu yn ystod y pandemig gan gyhoeddi canllawiau anstatudol, sydd wedi eu dilyn.

O ran pam fod yr awdurdod yn symud ymlaen gyda'r Rhaglen Trawsnewid Addysg: Yn 2019, adolygodd Estyn wasanaeth addysg y Cyngor a barnu bod angen ei wella'n sylweddol. Dyma ddyfynnu o Adroddiad Estyn:

- *Fodd bynnag mae nifer o feysydd gwaith yr awdurdod yn destun cryn bryder, fel trefniadaeth ysgolion, rheolaeth ariannol, llywodraethu ysgolion, diffyg gweithredu ynglŷn ag ysgolion sy'n achosi pryder a chydgyssylltu addysg i ddisgyblion ag anghenion addysgol arbennig neu sydd efallai angen cymorth ychwanegol arnynt. Mae'r materion hyn yn effeithio ar arweinyddiaeth, strwythurau staffio, cynllunio'r cwricwlwm a morâl staff, sydd yn ei dro'n cyfyngu ar effaith y cyngorwyr her a staff gwella ysgolion eraill.*

Yn dilyn yr arolygiad hwn, cynhaliodd y Cyngor ymarfer ymgysylltu helaeth ag ysgolion a rhanddeiliaid eraill a amlygodd nifer o heriau'n wynebu addysg yn y Sir a bod angen trawsnewid llwyr.

Nid oedd unrhyw gwestiwn ychwanegol.

15.9. Cwestiwn i Ddaliwr y Portffolio Addysg ac Eiddo gan y Cyngorydd Sir William Powell

A fyddai Daliwr y Portffolio cystal ag amlinellu'r camau a gymerwyd gan Gyngor Sir Powys i sicrhau bod unrhyw eiddo yn ystâd yr Awdurdod, sydd â dynodiad treftadaeth gan Cadw, yn cael ei fonitro'n rheolaidd?

Yng ngoleuni canfyddiadau monitro o'r fath, sut y mae buddsoddiad yn cael ei ddyrannu i ddiogelu'r ased, ar gyfer y genhedlaeth hon a rhai'r dyfodol, yn unol â deddfwriaeth Llywodraeth Cymru ar dreftadaeth a'r amgylchedd adeiledig?

Ymateb

Fel rhan o weithrediad diweddar y model Landlord Corfforaethol, mae'r Gwasanaethau Eiddo Strategol wedi gallu cyflogi syrfëwr asedau. Gwaith y syrfëwr asedau fydd archwilio cyflwr eiddo'r Cyngor, gan gynnwys asedau treftadaeth, yn rheolaidd. Bydd hyn yn sicrhau bod pob eiddo, gan gynnwys rhai gyda dynodiad treftadaeth, yn cael eu hadolygu'n briodol a'u rheoli'n gylchol. Bydd arian cyfalaf a referiw'n cael ei ddyrannu ar sail yr adolygiad asedau hwn i sicrhau bod holl asedau'r Cyngor yn cael eu rheoli a'u diogelu'n briodol ar gyfer cenedlaethau'r dyfodol.

Mewn ymateb i gwestiwn ategol y Cynghorydd Powell, cadarnhaodd Daliwr y Portffolio fod y syrfëwr asedau a benodwyd yn swyddog profiadol gyda'r cymwysterau perthnasol. Byddai'n rhoi ymateb mwy manwl i gwestiwn y Cynghorydd Powell yng nghyswllt maenordy Gwernyfed.

16. EITEMAU ESEMPT

PENDERFYNWYD cau allan y cyhoedd ar gyfer yr eitem fusnes ganlynol ar y sail y byddai gwybodaeth esempt, o dan gategori 1 Gorchymyn Awdurdodau Lleol (Mynediad at Wybodaeth) (Amrywiad) (Cymru) 2007, yn cael ei datgelu.

Gadawodd yr holl swyddogion, heblaw am y Prif Weithredwr, Pennaeth y Gwasanaethau Cyfreithiol a Democrataidd, y Rheolwr Craffu a'r Rheolwr Cabinet, y cyfarfod.

17. MATERION STAFFIO

Fe ystyriodd y Cyngor adroddiad cyfrinachol y Prif Weithredwr. Pwrpas yr adroddiad oedd nodi'n ffurfiol y newidiadau a wnaed i strwythur yr Uwch Dîm Arweinyddiaeth ers dechrau'r pandemig nad oedd angen i'r Cyngor eu cymeradwyo, ac adlewyrchu newidiadau eraill yn dilyn adolygu strwythur yr Uwch Dîm Rheoli ynghyd â chysoni rhai anghysondebau mewn cyflogau.

O 40 pleidlais i 1 gydag 1 yn ymatal

CYTUNWYD i gymeradwyo argymhelliad 1 yn yr adroddiad.

O 30 pleidlais i 8 gydag 1 yn ymatal

CYTUNWYD i gymeradwyo argymhelliad 2 yn yr adroddiad.

O 38 pleidlais i 1 gydag 1 yn ymatal

CYTUNWYD i gymeradwyo argymhelliad 3 yn yr adroddiad.

Y Cynghorydd Sir R G Thomas (Cadeirydd)

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

CYNGOR SIR POWYS COUNTY COUNCIL.

County Council
23 September, 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. The following recommendations were considered and approved at the meeting of the Democratic Services Committee on 14 September, 2021.

2. Possible Revisions to the Constitution

2.1 Section 4 – Full Council.

The following amendment is proposed to this section of the Constitution:

- The Standards Committee is required to make an annual report to Full Council from May 2022 in accordance with the Local Government and Elections Act 2021. (Rule 4.18.28)

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

2.2 Section 11 – Officers.

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

- Updating Section 11 to correspond to the decision taken by Full Council in July 2021 in relation to the staffing structure proposed by the Chief Executive.
- Updating the functions and areas of responsibilities for Chief Officers and Deputy Chief Officers. (Rules 11.2 and 11.35)
- Updating the details of Statutory Officer. (Rule 11.3)
- The Monitoring Officer being able to make minor amendments in the Constitution. (Rule 11.16)

- Addition of the Functions of the Data Protection Officer. (Rule 11.33)
- Amendments to the appointment of Proper Officers. (Rules 11.36 to 11.39)
- Updating the format and details of Proper Officers. (Rule 11.40)
- Amendments to the Officer Employment Procedure Rules) (Rules 11.46 to 11.73 together with Appendices A and B)

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

2.3 **Governance and Audit Committee – Section 9 (Regulatory Committees).**

2.3.1 Members are asked to consider an amendment to the membership of the Governance and Audit Committee from May 2022 arising from the Local Government and Elections (Wales) Act 2021.

Background

2.3.2 Section 116 of the Act makes requires the following amendments to the membership of the Committee with effect from May 2022:

- One third of the membership of the Governance and Audit Committee must be lay persons (Independent Members);
- The person appointed as Chair of the Governance and Audit Committee must be a lay person (Independent Members).

2.3.3 Whilst this change does not come into effect until May 2022, it is necessary for the Council to begin the process of recruiting Independent Members for the Governance and Audit Committee from May 2022. The Council needs to ensure that it starts the process sufficiently early to be able to draw from a wide pool of potential candidates for the role. It is hoped to commence the recruitment process during the Autumn if the proposed amendments to the Constitution are approved by Full Council in September 2021.

2.3.4 The reasoning for the Welsh Government's changes are set out in Paragraph 14.47 of the Explanatory Memorandum to the Local Government and Elections (Wales) Bill as follows:

"14.47 Lay members also bring a range of skills, perspectives, and experiences, which can strengthen the scrutiny an Audit Committee can provide. Welsh Government considers that Audit Committees with the statutory minimum of one lay member are less likely to gain these benefits".

- 2.3.5 Currently the Governance and Audit Committee comprises 14 Members plus and 1 Independent Member. To comply with the requirement for one third of members to Independent Members, we can either have a Committee of 3 (i.e. 2 Members plus 1 Independent members), a Committee of 6 (i.e. 4 Members plus 2 Independent members), a Committee of 9 (i.e. 6 Members plus 3 Independent, a Committee of 12 (i.e. 8 Members plus 4 Independent members) or a Committee of 15 (i.e. 10 Members plus 5 Independent members).
- 2.3.6 It is considered that a Committee of only 3 or 6 are wholly inappropriate due to the limited number of Council Members being on such a Committee. Similarly, having a committee of 12 or 15 would mean the Council would need to attract 4 or 5 new Independent Members as the current Independent Members term of office expires in May 2022 and his position cannot be renewed. The recruitment of 4 or 5 new Independent Members with the required skills set may prove to be difficult, if not impossible.
- 2.3.7 It is therefore recommended that the Constitution is amended to provide for a Governance and Audit Committee consisting of 9 (6 Councillors and 3 Independent Members) which would satisfy the one third requirement of the 2021 Act.
- 2.3.8 The above recommendation has been considered and approved by Group Leaders, the Governance and Audit Committee and the Democratic Services Committee.

2.3.9 Recommendation:

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

2.4 Finance Panel and Section 7 (Scrutiny Procedure Rules)

2.4.1 Members are asked to consider proposed revisions to the way that Finance Panel meetings are held until May 2022 and also revisions to the composition of the Panel from May 2022.

Background

- 2.4.2 A review of Scrutiny was undertaken by Audit Wales in 2021. One of the recommendations was that the Council should clarify the role and membership of the Finance Panel in relation to the Portfolio Holder for Finance being a member of the Panel rather than being an invitee.
- 2.4.3 Members will recall that in January 2019 when the scrutiny committee structure was revised, it was decided that meetings of the Finance Panel should be held in public. It is widely accepted that in hindsight this has not been helpful and in fact has hindered a full and open debate especially around the budget development process. In view of the Audit Wales recommendation, it is timely to review the composition of the Finance Panel and consider whether an alternative approach is appropriate.
- 2.4.4 Discussions have taken place with the Chair of the Finance Panel and the Chair of the Governance and Audit Committee it is suggested that a two phased approach be taken to improve the effectiveness of the Panel and address the concerns of Audit Wales.

The Way Forward.

- 2.4.5 Phase One would include the following to be implemented from September 2021:
- Splitting meetings of the Finance Panel between public meetings, to review budget monitoring reports for Revenue and Capital and any other monitoring and performance reports as appropriate, and closed confidential meetings to discuss the development of the budget, future planning and finance transformation, allowing a more frank, open and honest discussion, and providing an opportunity to consider proposals in closed session prior to formal inclusion in the budget and public engagement. These would be scheduled as separate meetings.
 - Introduction of Meetings between Finance and Opposition Group Leaders during the budget setting process, to keep them updated on funding information and offer advice and guidance should they wish to develop an alternative budget for consideration by Council
 - There would be no change to the current composition of the Panel other than the Portfolio Holder for Finance would be required to attend all meetings and other Portfolio Holders together with relevant officers would be invited to attend meetings as necessary. Portfolio Holders will not be formal Members of the Finance Panel and will not have voting rights.
- 2.4.6 Phase 2 would include the following to be implemented from May 2022:

- The Finance Panel should consist of 9 Members politically balanced plus an Independent Member nominated by the Governance and Audit Committee and having the best skills for the Finance Panel.
- As such, political groups would decide who is best placed to be on the Panel, considering the skills set of members to fulfil this role.
- Based on the current membership of the political groups the revised membership would be 3 Independent ; 2 Conservative ; 2 Liberal Democrats / Greens; 1 Labour ; 1 Action for Powys plus an Independent Member of the Governance and Audit Committee = 10 Members. However, this could change with changes in the Membership after the May 2022 elections.
- Public and private meetings of the Panel as set out on para 2.4.5 above to continue.
- Meetings between Finance and Opposition Group Leaders during the budget setting process to continue.
- The Portfolio Holder for Finance would be required to attend all meetings and other Portfolio Holders together with relevant officers would be invited to attend meetings as necessary. Portfolio Holders will not be formal Members of the Finance Panel and will have not have voting rights.

2.4.7 Recommendation:

Proposed Recommendation to the County Council:	Reason for Recommendation:
<p>8. That the revisions to the operation and composition of the Finance Panel in two phases as set out in Paragraphs 2.4.5 and 2.4.6 above be supported.</p> <p>9. That the revised Terms of Reference of the Finance Panel as set out in Rules 7.37 and 7.38 is approved and implemented with immediate effect.</p> <p>10. That the Monitoring Officer is authorised to make such changes to Section 7 of the Constitution as may be required to reflect the changes set out in Recommendations 8 & 9 above.</p>	<p>To review and amend the Constitution so that it aligns with the current requirements of the Council.</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:

SECTION 4 – FULL COUNCIL

Introduction

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

The Policy Framework

4.2 The Policy Framework means the following plans and strategies:

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

SECTION 4 – FULL COUNCIL

• Single Integrated Plan

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

The Single Integrated Plan (The One Powys Plan)

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

The Budget

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

Housing Land Transfer

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

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

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

Functions of the Full Council

4.6 Only the Full Council will exercise the following functions:

4.6.1 adopting and changing the Constitution;

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

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

4.6.4 appointing and removing the Leader;

4.6.5 making appointments to the committees of the Council

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

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

SECTION 4 – FULL COUNCIL

- remove to Council which is put on the agenda pursuant to Rule 4.38.1.
- 4.6.7 agreeing and/or amending the terms of reference for Committees, deciding on their composition and making appointments to them (in accordance with the Local Government and Housing Act 1989) unless the appointments have been delegated by the Council;
 - 4.6.8 changing the name of the area or conferring the title of freedom of the County;
 - 4.6.9 making or confirming the appointment of the 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 Governance and Audit Committee; and
 - Co-Opted Members of the Scrutiny Committee;
- 4.15.17 receive from the Leader any changes to the scheme of delegations (as set out in Section 13 of this Constitution);
- 4.15.18 to approve a Schedule of Members' Remuneration for the next ensuing financial year
- 4.15.19 consider any business set out in the notice convening the meeting.
- 4.15.20 other business, not specified in the summons as the Chair considers urgent, subject to the nature of the urgency being specified in the minutes PROVIDED ALWAYS that in allowing such urgent business the Chair shall have regard to the fact that the Annual Meeting of the Council is normally a civic / ceremonial occasion;
- 4.15.21 receive from political groups nominations of Councillors to serve on the Brecon Beacons National Park Authority and to make appointments accordingly
- 4.15.22 appoint 3 Councillors to the Welsh Local Government Association.
- 4.15.23 appoint 1 Councillor to the Welsh Local Government Association Co-Ordinating Committee
- 4.15.24 approve the Council's Pay Policy. Full Council has granted a dispensation for an officer nominated by the Section 151 Officer to be present during the course of the debate to answer any matters raised by members in the debate. Dispensation is also given for an officer to be present during the course of the debate to run the congress system.
- 4.16 The order of business, with the exception of Rule 4.15.1 may be altered by the Chair or decision of Council
- 4.17 Additional agenda items for the Annual Meeting next following the ordinary election of Councillors:
- 4.17.1 Receive a report from the Returning Officer as to the Councillors elected;
- 4.17.2 Elect the Leader **;

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

SECTION 4 – FULL COUNCIL

- 4.17.3 Appoint Councillors to the Standards Committee **;
- 4.17.4 Make appointments of Councillors in accordance with the political balance requirements to:
- Police and Crime Panel **;
 - Mid and West Wales Fire and Rescue Authority **;

** Unless terminated earlier in accordance with this Constitution, this election / appointment will be for a term expiring at the next ordinary council elections.

Ordinary Meetings

4.18 Ordinary meetings of the Council will take place in accordance with a programme decided by the Council provided that the Chief Executive and Monitoring Officer shall have authority, subject to consultation with the Chair of Council, to change the date or time of any meeting, if such change is necessary in the interest of the convenient or efficient dispatch of the Council's business. The order of business at ordinary meetings will be as follows:

- 4.18.1 elect a person to preside if the Chair, Vice Chair and Assistant Vice-Chair are not present. A member of the Cabinet cannot preside at a meeting of the Council⁶;
- 4.18.2 receive any declarations of interest from Councillors;
- 4.18.3 receive apologies for absence;
- 4.18.4 approve as a correct record the minutes of the last meeting;
- 4.18.5 receive any announcements from the Chair, Leader or Chief Executive
- 4.18.6 decide on any amendments to the Constitution recommended by the Democratic Services Committee⁷
- 4.18.7 where required to elect, appoint, or note the appointment, or remove Members to / from the following positions:
- 4.18.7.1 Chair, Vice-Chair, Assistant Vice-Chair of Council;
 - 4.18.7.2 Leader;
 - 4.18.7.3 Independent Member of Standards Committee;
 - 4.18.7.4 Appoint Lay Member of the Governance and Audit Committee and Co-Opted Members of the Scrutiny Committee;
 - 4.18.7.5 Chair of a Scrutiny Committee (excluding Chair of Audit) or Democratic Services Committee.
- 4.18.8 (if required due to the formation of a new political group or due to a Councillor joining a political group):
- 4.18.8.1 decide on the allocation of seats on politically balanced committees to political groups in accordance with the

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

- 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
- 4.18.25 consider any business set out in the notice convening the meeting

SECTION 4 – FULL COUNCIL

- 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 To consider annual reports received from the Standards Committee within three months of receipt.
- 4.18.28⁹ The order of business, with the exception of Rule 4.18.1 may be altered by the Chair or decision of Council
- 4.18.29³⁰ 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

⁹ See Rule 4.14

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disposal of the item of business being considered at the time. Remaining business will be considered at a time and date fixed by the Chair. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting.

Notice, Summons and Agenda of Meetings

- ♣ ▲ ■¹¹4.23.1 The Chief Executive will give notice to the public (Notice) of the time and place by publishing it on the Council's website at least 3 clear days before a meeting. The Chief Executive will send a summons signed by him/her to every Councillor by post and / or by leaving it at their usual place of residence and / or by electronic means including a link to the Members' website.
- 4.23.2 Where the meeting or part of the meeting is open to the public and is held through remote means only the Notice, will give details of the time of the meeting and how to access it;
- 4.23.3 Where the meeting or part of the meeting is open to the public and is held partly through remote means or is not held through remote means, the Notice will give details of the time and place of the meeting and how to access it;
- 4.23.4 Where the meeting is not open to the public and is held partly through remote means or is not held through remote means, the Notice will give details of the time and place of the meeting and the fact that it is not open to the public;
- 4.23.5 Where the meeting is not open to the public and is held through remote means only, the Notice will give details of the time of the meeting, and the fact that it is being held through remote means only and is not open to the public.¹²
- 4.23.6 The agenda and connected reports (which are not exempt pursuant to Section 14) for all Council meetings will be published on the Council's website and where an item is added to an agenda which has been published on the website, the item (or the revised agenda), and any report for the meeting relating to the item, must be published on the website from the time the item is added to the agenda.¹³

Chair of Meeting

- 4.24.1 Whenever present the Chair of Council will chair meetings of the Council. In his / her absence the Vice-Chair of Council, or in his / her absence the Assistant Vice-Chair of Council or in his/her absence the Councillor elected to preside over the meeting in accordance with Rule 4.18.1, will take the chair. The person presiding at the meeting may exercise any power or duty of the Chair. A member of the Cabinet cannot preside at a meeting of the Council
- ▲ ■¹⁴4.24.2 At the first meeting of Committees or Sub-Committees (save the Standards Committee) in each municipal year the Committee / Sub-Committee will elect a Chair and Vice-Chair for the forthcoming 12 month period save

¹⁰ See Rule 4.14

¹¹ See Rule 4.14

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

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

¹⁴ See Rule 4.14

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where the Chair of Committee has been appointed by Council by the Full Council in accordance with Rules 4.15.14, 4.15.15 or Rule 4.18.7.5.

- ▲ ■¹⁵4.23.3 Whenever present the Chair of a Committee / Sub-Committee elected in accordance with Rule 4.24.2 above will chair meetings. In his / her absence the Vice-Chair of the Committee / Sub-Committee will take the chair. In the absence of the Chair and Vice-Chair the Committee / Sub-Committee will elect a Councillor to preside over the meeting. The person presiding at the meeting may exercise any power or duty of the Chair.

Conduct of Meeting

- ♣ ▲ ■¹⁶4.25 The Chair shall conduct the meeting to secure a proper, full and effective debate of business items where a decision is required and a committee or sub-committee has not previously considered the matter. The steps the Chair may take include:

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

Quorum

- ♣ ▲ ■²¹ ²²4.26 The quorum of a meeting will be one quarter of the whole number of Members. During any meeting if the Chair counts the number of Members present and declares there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the Chair. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting.

Remote Attendance

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

- 4.27.2²⁴ For the purposes of Rule 4.27.1 above ““remote means” has the following meaning namely a meeting held by means of any equipment or other facility which enables persons who are not in the same place to

¹⁵ See Rule 4.14

¹⁶ See Rule 4.14

¹⁷ See Rule 4.14

¹⁸ See Rule 4.14

¹⁹ See Rule 4.14

²⁰ See Rule 4.14

²¹ See Rule 4.14

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

²³ See Rule 4.14

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

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Speak to and be heard by each other (whether or not the equipment or facility enables those persons to see or be seen by each other)

Questions by Councillors

On Minutes, Reports or Statements of the Cabinet or Committees

4.28 A Member of the Council may ask the Leader, Cabinet member or the Chair of a Committee / Sub-Committee any question without notice directly **arising from an item in the minutes** (whether or not that minute has been approved as a true record at a subsequent meeting of the Cabinet or Committee / Sub-Committee), report or statements of the Cabinet / Cabinet member or a Committee / Sub-Committee, when that item is being received or is under consideration by the Council.

Questions from Members

4.29A Subject to Rule 4.30, a Councillor may ask on Notice at Full Council:

4.29.1 the Chair;

4.29.2 a member of the Cabinet;

4.29.3 the chair of any committee or sub-committee;

4.29.4 nominated Councillors of the Fire and Rescue Authority or the Brecon Beacons National Park Authority or the Police and Crime Panel

a question on any matter in relation to which the Council has powers or duties or which affects the Council other than operational matters which must be addressed as set out in Rule 4.29C

4.29B In addition to questions put under Rule 4.29A above a Councillor may ask the Leader or a Portfolio Holder a written question on any matter in relation to which the Council has powers or duties or which affects the Council other than operational matters which must be addressed as set out in Rule 4.29C at any time which must be responded to within 10 working days. All such questions and responses will be published on the council's website.

4.29C In addition to questions put under Rules 4.29A and 4.29B above a Councillor may ask the relevant Head of Service a written question on any operational matter at any time which must be responded to within 10 working days. All such questions and responses will be published on the council's website.

Notice of Questions

4.30 A Councillor may ask a question under Rule 4.29 if either:

4.30.1 written notice of the question has been received by the Monitoring Officer not later than 5.00 p.m. 10 Clear Days before the date of the Council meeting at which it is to be considered; or

4.30.2 the question relates to urgent matters, they have the consent of the Chair and the Councillor to whom the question is to be put and the content of the question is received by the Monitoring Officer by 5 p.m. on the day prior to the meeting.

Maximum Number of Questions

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4.31 A Councillor may ask only two questions (including any urgent question(s)) under Rule 4.29 except with the consent of the Chair of the Council. With the consent of the Chair of Council a Member may substitute an urgent question for a question that has already been raised provided that the urgent question complies with Rule 4.30.2.

Order of Questions

4.32 Questions of which notice has been given under Rule 4.29 will be listed on the agenda in the order determined by the Chair of the Council.

Rejection of Questions

4.33 Questions under Rule 4.29 may be rejected if, in the opinion of the Monitoring Officer and the Chair they:

- 4.33.1 are not about a matter for which the Council has a responsibility and which affects the administrative area of the Council;
- 4.33.2 are defamatory, frivolous or offensive;
- 4.33.3 are substantially the same as a question which has been put at a meeting of the Council in the past six months and there has been no material change in the answer which would be given;
- 4.33.4 concern an item of business which is the subject of a report to the meeting;
- 4.33.5 disclose confidential or exempt information where there is no demonstrable need to know;
- 4.33.6 are based on opinion where the factual basis for the opinion is not detailed in the question
- 4.33.7 relate to personal and confidential information of an employee (or former employee) in the view of the Monitoring Officer and / or the Section 151 Officer.

Withdrawal of Questions

- 4.34.1 A question of which notice has been given can only be withdrawn with the consent of the person asking the question;
- 4.34.2 If the Monitoring Officer considers that a response to a submitted question could be provided by a senior officer prior to the relevant Council meeting, then the Monitoring Officer may contact the Councillor concerned to ascertain whether the Councillor agrees that the question could be withdrawn.
- 4.34.3 A question which has been withdrawn under Rule 4.34.1 may only be reinstated provided that Rule 4.30 has been adhered to.

Responses

- 4.35 A response to a question or supplementary question may take the form of:
 - 4.35.1 a direct oral answer at the meeting or if it is more appropriate to supply the answer in written form, a written answer should be circulated at the meeting or later to the questioner and other Councillors (if requested). Where an oral answer is given the response shall last for no longer than 5 minutes.
 - 4.35.2 where the desired information is in a publication of the Council or other published work, by reference to that publication,

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Supplementary Question

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

Motions on Notice

Notice

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

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

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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.
- 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;

²⁵ See Rule 4.14

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- ♣ ▲ ■²⁶4.42.2 in relation to the accuracy of the minutes;
- ♣ ▲ ■²⁷4.42.3 to change the order of business in the agenda;
- ♣ ▲ ■²⁸4.42.4 to refer something to an appropriate committee, body or individual for consideration or reconsideration;
- ♣ ▲ ■²⁹4.42.5 to appoint a committee or Member to perform a function or duty arising from an item on the summons for the meeting;
- ♣ ▲ ■³⁰4.42.6 to receive reports and / or adopt and / or amend recommendations of the Cabinet, committees or Officers and any resolutions following from them;
- ♣ ▲ ■³¹4.42.7 to withdraw a motion;
- ♣ ▲ ■³²4.42.8 to amend a motion;
- ♣ ▲ ■³³4.42.9 a closure motion under Rule 4.54
- 4.42.10 to suspend a particular Council Procedure Rule (provided that at least one half of the whole number of Members are present)³⁴;
- ♣ ▲ ■³⁵4.42.11 to exclude the public and press in accordance with the Access to Information Procedure Rules;
- ♣ ▲ ■³⁶4.42.12 to not hear further a Member named under Rule 4.86 or to exclude them from the meeting under Rule 4.87; and
- 4.42.13 to give the consent of the Council where its consent is required by this Constitution.
- ♣ ▲ ■³⁷4.42.14 urgent motions, provided the requirements of Rule 4.43 is satisfied.

Urgent Motions

- 4.43.1 An urgent motion complying with Rule 4.37.2 may be presented, with the permission of the Chair, provided it has been received by the Monitoring Officer by 5.00 p.m. on the day prior to the Council meeting
- 4.43.2 Subject to Rule 4.43.3 below, the Chair has general authority to agree to take an urgent motion which is not on the agenda, and the discretion is entirely that of the Chair who alone needs to be satisfied as to the need for urgency;
- 4.43.3 The general authority referred to above is qualified in that an urgent motion should not be taken unless:
- 4.43.3.1 the matter dealt with in the motion has arisen between the deadline for the submission of motions and the date of the meeting; and
 - 4.43.3.2 the motion requires an urgent decision in the public interest which 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.

²⁶ See Rule 4.14

²⁷ See Rule 4.14

²⁸ See Rule 4.14

²⁹ See Rule 4.14

³⁰ See Rule 4.14

³¹ See Rule 4.14

³² See Rule 4.14

³³ See Rule 4.14

³⁴ See Rule 2.10

³⁵ See Rule 4.14

³⁶ See Rule 4.14

³⁷ See Rule 4.14

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4.43.4 In all cases, the reason for the urgency shall be clearly stated on the motion, and the Chair will explain to the Council the reason why he or she has accepted a motion not listed on the agenda as urgent

Rules of Debate

No Speeches until Motion Seconded

♣ ▲ ■³⁸4.44 No speeches may be made after the mover has moved a proposal and explained the purpose of it until the motion has been seconded. The proposer of the motion shall have the right to make the first speech in relation to the motion which s/he has moved by notice.

Right to Require Motion in Writing

♣ ▲ ■³⁹4.45 Unless notice of the motion has already been given, the Chair may require it to be written down and handed to him before it is discussed.

Secunder's Speech

♣ ▲ ■⁴⁰4.46 When seconding a motion or amendment, a Member may reserve their speech until later in the debate.

Content and Length of Other Speeches

4.47.1 Non aligned Members and a nominated principal speaker from each Political Group will be able to speak on each motion with all Members having a right to speak to raise additional or different issues in the debate.

▲ ■⁴¹4.47.2 Speeches in accordance with 4.47.1 above must be directed to the motions under discussion or to a personal explanation, point of order or right of reply. The proposer of a motion may speak for no more than 10 minutes; otherwise no speech may exceed 5 minutes without the consent of the Chair.

When a Member may Speak Again

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

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

³⁸ See Rule 4.14

³⁹ See Rule 4.14

⁴⁰ See Rule 4.14

⁴¹ See Rule 4.14

⁴² See Rule 4.14

⁴³ See Rule 4.14

⁴⁴ See Rule 4.14

⁴⁵ See Rule 4.14

⁴⁶ See Rule 4.14

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- ▲ ■⁴⁷4.48.5 on a point of order; and
- ▲ ■⁴⁸4.48.6 by way of personal explanation.

Amendments to Motions

♣ ▲ ■⁴⁹4.49.1 Subject to Rules 4.49.2 to 4.49.9 below an amendment to a motion must be relevant to the motion and will either be:

- ♣ ▲ ■⁵⁰4.49.1.1 to refer the matter to an appropriate committee, body or individual for consideration or reconsideration;
- ♣ ▲ ■⁵¹4.49.1.2 to leave out words;
- ♣ ▲ ■⁵²4.49.1.3 to leave out words and insert or add others; or
- ♣ ▲ ■⁵³4.49.1.4 to insert or add words or additional recommendations;
- ♣ ▲ ■⁵⁴4.49.1.5 to substitute another proposition which is committed to writing and received by the Head of Legal and Democratic Services and / or the Head of Democratic Services no later than 5 p.m. on the day prior to the meeting.

as long as the effect of Rules 4.49.1.2 to 4.49.1.4 is not to negate or would otherwise change the material substance of the original motion.

- ♣ ▲ ■4.49.2 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
- ♣ ▲ ■4.49.3 Any amendments received in accordance with these rules will be automatically circulated to all Members as soon as reasonably practicable.
- ♣ ▲ ■4.49.4 The Chair will have a general discretion to allow any amendments which do not have the effect of negating or would otherwise change the material substance of the original motion, in circumstances where the Chair in his / her absolute discretion considers the amendment has arisen out of the debate.
- ▲ ■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

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

⁵⁵ See Rule 4.14

⁵⁶ See Rule 4.14

⁵⁷ See Rule 4.14

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- 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

- ♣ ▲ ■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;

⁵⁸ See Rule 4.14

⁵⁹ See Rule 4.14

⁶⁰ See Rule 4.14

⁶¹ See Rule 4.14

⁶² See Rule 4.14

⁶³ See Rule 4.14

⁶⁴ See Rule 4.14

⁶⁵ See Rule 4.14

⁶⁶ See Rule 4.14

⁶⁷ See Rule 4.14

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- ♣ ▲ ■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.
- ♣ ▲ ■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:

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

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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- 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 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.

⁸¹ See Rule 4.14

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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.

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.

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

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

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

⁹³ See Rule 4.14

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Voting

Majority

♣ ▲ ■⁹⁴4.62 Unless this Constitution provides otherwise, any matter will be decided by a simple majority of those Members voting and present in the room at the time the question was put.

Chair's Casting Vote

♣ ▲ ■⁹⁵4.63 If there are equal numbers of votes for and against, the Chair will have a second or casting vote. There will be no restriction on how the Chair chooses to exercise a casting vote.

Method of Voting

♣ ▲ ■⁹⁶4.64 Unless a recorded vote is demanded under Rule 4.66 the Chair will take the vote by show of hands, or by use of the Council's electronic voting system if any, or if there is no dissent, by the affirmation of the meeting.

Ballots

4.65.1 In respect of Full Council the vote will take place by ballot if 10 Councillors present at the meeting demand it. The Chair will announce the numerical result of the ballot immediately the result is known.

♣ ▲ ■⁹⁷4.65.2 In respect of committees the vote will take place by ballot if a majority of the Members present at the meeting demand it. The Chair will announce the numerical result of the ballot immediately the result is known.

Recorded Vote

4.66.1 Subject to 4.66.2 below, whenever an electronic voting system is available voting at Full Council meetings shall take place by means of that electronic voting system and the votes cast by each Councillor will be made available on the Council's website upon publication of the draft minutes for that meeting.

4.66.2 In respect of Full Council if 10 Councillors present at the meeting demand it, before a vote is taken, the details of the votes cast by each Councillor will be made available to the meeting.

♣ ▲ ■⁹⁸4.66.3 In respect of committees and the Cabinet if a majority of Members present at the meeting demand it, the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes. A demand for a recorded vote together with a demand for a ballot will be voted upon by the committee.

⁹⁴ See Rule 4.14

⁹⁵ See Rule 4.14

⁹⁶ See Rule 4.14

⁹⁷ See Rule 4.14

⁹⁸ See Rule 4.14

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Right to Require Individual Vote to be Recorded

♣ ▲ ■⁹⁹4.67 Where any Member requests it immediately after the vote is taken, their vote will be so recorded in the minutes to show whether they voted for or against the motion or abstained from voting.

Voting on Appointments

Voting on appointments to external bodies and organisations

♣ ▲ ■¹⁰⁰4.68.1 If there is one position (in an external body or organisation) to be filled by a nominee or representative of the Council and more than one person is nominated for that position then the position will be filled by the person with the greatest number of votes. If there are equal numbers of votes for and against, the Chair will have a second or casting vote. There will be no restriction on how the Chair chooses to exercise a casting vote.

♣ ▲ ■¹⁰¹4.68.2 If there are two or more positions (in an external body or organisation) to be filled by nominees or representatives of the Council and the number of nominations exceeds the number of such positions, each Councillor of the Council will be able to exercise one vote for each such position (but may vote only once for each nominee) and the persons to whom more votes have been given than other persons up to the number of positions to be filled, shall be appointed. If there are equal numbers of votes for and against, the Chair will have a second or casting vote. There will be no restriction on how the Chair chooses to exercise a casting vote.

Voting on employee appointments

♣ ▲ ■¹⁰²4.69 In the event of there being more than two candidates for an appointment and no candidate receives the required majority on the first vote, the candidate with the least number of votes will be eliminated and a further vote will be taken. This procedure will be repeated until a candidate receives the required majority. If more than one candidate has the same number of votes and that is the lowest number of votes cast, a vote will be taken to decide the candidate to be eliminated from future votes. In the event of an equal number of votes being cast at this stage, the Chair will have a casting vote.

Voting on Internal Councillor Appointments

♣ ▲ ■¹⁰³4.70 This Rule applies to the appointment of Councillors to positions within the Local Authority or to joint committees with other authorities including:

4.70.1 the Chair / Vice-Chair / Assistant Vice-Chair of Council;

4.70.2 Leader;

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

⁹⁹ See Rule 4.14

¹⁰⁰ See Rule 4.14

¹⁰¹ See Rule 4.14

¹⁰² See Rule 4.14

¹⁰³ See Rule 4.14

¹⁰⁴ See Rule 4.14

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- ♣ ▲ ■¹⁰⁵4.70.4 Member of a Committee or Sub-Committee or Panel;
- ♣ ▲ ■¹⁰⁶4.70.5 Member of any other internal Council board, panel or group with or without officers;
- ♣ ▲ ■¹⁰⁷4.70.6 Member of any joint committee, board, panel or group involving the Council and one or more local authorities, and / or other public bodies.
- ♣ ▲ ■¹⁰⁸4.71 If there are more than two Councillors nominated for any position to be filled and there is not a clear majority of votes in favour of one person, then the name of the person with the least number of votes will be taken off the list and a new vote taken. The process will continue until there is a majority of votes for one person. Voting under this paragraph will normally be conducted by ballot paper.
- ♣ ▲ ■¹⁰⁹4.72 Where there is a tie with two or more candidates receiving the least number of votes they both be eliminated from the voting where the addition of all the votes cast for the tied candidates would not equal or exceed the candidate with the next number of lowest votes. If the total number of votes cast for the candidates who tied would equal or exceed the next candidate, then only one of those candidates be eliminated and that decision be determined by ballot between the two.
- ♣ ▲ ■¹¹⁰4.73 Where there is a tie, at the end of the voting process between two candidates the Chairman shall either use his / her second or casting vote, or require the appointment to be determined by the drawing of lots.
- ♣ ▲ ■¹¹¹4.74 This procedure may be varied by agreement of the meeting.

Minutes

Signing the Minutes

- ♣ ▲ ■¹¹²4.75 The Chair will sign the minutes of the proceedings at the next suitable meeting. The Chair will move that the minutes of the previous meeting be signed as a correct record. The only part of the minutes that can be discussed is their accuracy.

No Requirement to Sign Minutes of Previous Meeting at Extraordinary Meeting

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

¹⁰⁵ See Rule 4.14

¹⁰⁶ See Rule 4.14

¹⁰⁷ See Rule 4.14

¹⁰⁸ See Rule 4.14

¹⁰⁹ See Rule 4.14

¹¹⁰ See Rule 4.14

¹¹¹ See Rule 4.14

¹¹² See Rule 4.14

¹¹³ See Rule 4.14

¹¹⁴ a meeting called under paragraph 3 of Schedule 12 to the Local Government Act 1972

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meeting will be treated as a suitable meeting for the purposes of signing of minutes¹¹⁵.

Form of Minutes

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

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

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

Record of Attendance

♣ ▲ ■¹¹⁹4.78 All Members present during the whole or part of a meeting must sign their names on the attendance sheets before the conclusion of every meeting to assist with the record of attendance.

♣ ▲ ■¹²⁰4.79 Members permanently leaving a meeting shall advise the Chair or the clerk of their departure so that this can be formally recorded in the minutes, including the time of departure and the committee clerk shall so record in the minutes of that meeting.

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

Exclusion of Public

♣ ▲ ■¹²²4.81.1 Members of the public and press may only be excluded either in accordance with the Access to Information Procedure Rules in Section 14 of this Constitution or Rules 4.89 and 4.90 (Disturbance by the Public).

♣ ▲ ■¹²³4.81.2 Where members of the public have been excluded pursuant to Rule 4.81.1, Members may nevertheless remain in the meeting (with the exception of confidential meetings of the Standards Committee) unless they have a personal and prejudicial interest.

Members' Conduct

Declarations of Interest

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

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

¹¹⁶ See Rule 4.14

¹¹⁷ See Rule 4.14

¹¹⁸ See Rule 4.14

¹¹⁹ See Rule 4.14

¹²⁰ See Rule 4.14

¹²¹ See Rule 4.14

¹²² See Rule 4.14

¹²³ See Rule 4.14

¹²⁴ See Rule 4.14

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matter to be discussed at a meeting, and whether that Code of Conduct requires them to disclose that interest and if they conclude that it does, must disclose the existence and nature of the interest at the commencement of the discussion or when the interest becomes apparent and decide whether they should withdraw from consideration of the matter as required by the Code.

- ♣ ▲ ■¹²⁵4.83A Member who is under the Members' Code of Conduct required to disclose the existence and nature of such an interest must complete the requisite form provided for that purpose at meetings.

Speaking at Meetings

- ♣ ▲ ■¹²⁶4.84 When a Member speaks at a meeting he/she must address the meeting through the Chair. If more than one Member signifies their intention to speak, the Chair will ask one to speak. Other Members must remain silent whilst a Member is speaking unless they wish to make a point of order or a point of personal explanation.

Chair Standing

- ♣ ▲ ■¹²⁷4.85 When the Chair stands during a debate, or otherwise indicates that the meeting must be silent, any Member speaking at the time must stop and all Members must be seated.

Member not to be Heard Further

- ♣ ▲ ■¹²⁸4.86 If a Member persistently disregards the ruling of the Chair by behaving improperly or offensively or deliberately obstructs business, the Chair may move that the Member be not heard further. If seconded, the motion will be voted on without discussion. If the motion is passed the named Member may not discuss or debate any further business whilst it is transacted at the meeting.

Member to Leave the Meeting

- ♣ ▲ ■¹²⁹4.87 If the Member continues to behave improperly after a motion under Rule 4.86 is carried, the Chair may move that either the Member leaves the meeting or that the meeting is adjourned for a specified period. If seconded, the motion will be voted on without discussion. If the motion is passed the named Member must leave the room forthwith.

General Disturbance

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

¹²⁵ See Rule 4.14

¹²⁶ See Rule 4.14

¹²⁷ See Rule 4.14

¹²⁸ See Rule 4.14

¹²⁹ See Rule 4.14

¹³⁰ See Rule 4.14

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Disturbance by Public

Removal of Member of the Public

♣ ▲ ■¹³¹4.89 If a member of the public interrupts proceedings, the Chair will warn the person concerned. If they continue to interrupt, the Chair will order their removal from the meeting room.

Clearance of Part of Meeting Room

♣ ▲ ■¹³²4.90 If there is a general disturbance in any part of the meeting room open to the public, the Chair may call for that part to be cleared.

Filming, Audio Recording and Use of Social Media During Meetings

♣ ▲ ■¹³³4.91 Filming, audio recording and use of social media is permitted during meetings except (a) where children and / or vulnerable adults are participating in the debate by way of a presentation, or (b) where meetings or parts of meetings which are held in confidential session pursuant to Section 14, or (c) where a meeting is being webcast.

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

Suspension

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

Amendment

♣ ▲ ■¹³⁴4.93 Any motion to add to, vary or revoke these Council Rules of Procedure will, stand adjourned without discussion and be automatically referred to the Democratic Services Committee which will make a recommendation to Council PROVIDED ALWAYS that this Rule will not apply to any recommendations or report by the Democratic Services Committee concerning the variation, revocation or amendment of these Council Rules of Procedure.

Officer Advice

♣ ▲ ■¹³⁵4.94 Any report placed for decision before Council should contain all necessary advice to enable Councillors to take a decision. Reports will be circulated in advance of the meeting and if a Councillor requires clarification on an issue related to the report, this should be sought prior to the meeting.

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

¹³¹ See Rule 4.14

¹³² See Rule 4.14

¹³³ See Rule 4.14

¹³⁴ See Rule 4.14

¹³⁵ See Rule 4.14

¹³⁶ See Rule 4.14

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with the consent of the Chair, in consultation with the Chief Executive. If there is a need for further detailed legal or financial advice to be provided, the meeting should be adjourned.

Attendance of Cabinet Members at Council Meetings

4.96 The Leader and Cabinet members in attendance at meetings of Full Council will not sit with the other Councillors but shall sit alongside the Chair, Vice-Chair and Assistant Vice-Chair of the County Council. The only officers to sit alongside the Chair shall be the Chief Executive, Monitoring Officer and Clerk unless otherwise authorised to do so by the Chief Executive.

Petitions

4.97 Where a Councillor delivers a petition to the Council in accordance with Rule 4.18.18 the Councillor may outline the request by the petitioners, the reason for the request and the number of the signatories **PROVIDED THAT** in any event the Councillor may not speak under this Rule for more than 5 minutes.

4.98 Where a member of the public delivers a petition to the Council the procedure for the receipt of that petition will be determined by the Chair of the Council.

All Council Seminars / Member Development Sessions

4.99 The Chair, Vice-Chair or Assistant Vice-Chair of the Council will preside at all Council Seminars or Member Development Sessions. Cabinet members with responsibility for portfolios which are the subject of the Council Seminar / Member Development Session may assist the Chair / Vice-Chair or Assistant Vice-Chair in facilitating the seminar / development session but may not preside over such a seminar / development session unless authorised by the Chair of the Council.

SECTION 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 style="text-align: center;">Economy, Residents, and Communities Scrutiny Committee</p> <p>14 Councillors – Politically Balanced; 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 <p>Residents and Community:</p>

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

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

SECTION 7 – SCRUTINY COMMITTEES

General Functions

7.5 Within their terms of reference, Scrutiny Committees will:

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

Specific Functions

Policy Development and Review

7.6 The Scrutiny Committees may:

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

Scrutiny

7.7 Scrutiny Committees may:

- 7.7.1 review and scrutinise the decisions by and performance of the Cabinet and / or Cabinet Committees and Council Officers in relation to individual decisions and over time;
- 7.7.2 review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas;
- 7.7.3 question members of the Cabinet and / or Cabinet Committees and Chief Officers from the Council about their decisions and performance,

SECTION 7 – SCRUTINY COMMITTEES

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

Finance

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

Annual Report

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

Head of Democratic Services

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

Who May Sit on Scrutiny Committees ?

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

Co-Optees

- 7.12.1 The Learning and Skills Scrutiny Committee shall include in its membership the following voting representatives:
 - 7.12.1.1 One Church in Wales diocese representative;
 - 7.12.1.2 One Roman Catholic diocese representative; and
 - 7.12.1.3 Three parent governor representatives (covering so far as practicable the primary, secondary and special needs sectors)
- 7.12.2 When matters which are not education matters, which are the responsibility of the Cabinet, fall to be considered by the Learning and Skills Scrutiny Committee, the co-opted representatives specified in rule 7.12.1 shall not vote, although they may stay in the meeting and speak.

SECTION 7 – SCRUTINY COMMITTEES

- 7.12.3 The Economy, Residents and Communities Scrutiny Committee shall include in its membership in a non-voting capacity 1 representative from the Police and Crime Panel (or from such other body which replaces the Panel), subject to that representative not being a Powys County Council representative on the Police and Crime Panel.
- 7.12.4 In addition to co-optees appointed under rules 7.12.1.1 to 7.12.1.3 above, Scrutiny Committees may recommend to Full Council the co-option of other persons as voting or non-voting representatives. In exercising or deciding whether to exercise a co-option, the Authority must, under section 76 of The Measure, have regard to guidance given by the Welsh Ministers and comply with directions given by them
- 7.12.5 The total number of co-optees on each Scrutiny Committee may not exceed more than one third the membership of the committee.¹

Who Chairs Scrutiny Committees?

- 7.13 The arrangements included in sections 66-75 of The Measure will be followed for appointing persons to chair².

Role of the Chair of Scrutiny Committees

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

Work Programme

- 7.15 The Chair in consultation with the Committee and officers will be responsible for setting the work programme for each scrutiny committee and in doing so they should take into account the Cabinet Forward Work Programme and focus on strategic and important issues.

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

SECTION 7 – SCRUTINY COMMITTEES

Joint Scrutiny Committees

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

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

7.17 Rules 7.17 to 7.36 (inclusive) shall be known as the Scrutiny Procedure Rules and will apply to meetings of the Scrutiny Committees.

What will be the Number and Arrangements for Scrutiny Committees ?

- 7.18.1 Subject to Rules 7.39 to 7.41 the Council will have three Scrutiny Committees set out in the table in Rule 7.3 and will appoint to them as it considers appropriate from time to time. The Committee may appoint smaller groups (Member and Officer Working Groups) to carry out detailed examination of particular topics for report back to the committee. Such groups may be appointed for a fixed period on the expiry of which they shall cease to exist or may be appointed on a task and finish basis. Such Member and Officer Working Groups should work on a non-political basis and wherever possible should comprise as many political groups as practicable.
- 7.18.2 The terms of reference / areas of responsibility of the various Scrutiny Committees will be as set out in Rule 7.4 above.
- 7.18.3 Each Scrutiny Committee (with the exception of the Public Service Board Scrutiny Committee) will be Chaired by a chair appointed by the Full Council from the membership of that Scrutiny Committee and there will be cross party membership of all Scrutiny Committees.

Meetings of the Scrutiny Committees

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

as s/he / they considers necessary or appropriate.

Quorum

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

SECTION 7 – SCRUTINY COMMITTEES

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

7.21 The first meeting of a scrutiny committee following the Annual Meeting of the County Council will (as may be appropriate):

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

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

Business at Other Meetings

7.22 At all other meetings of committee, the committee will (as may be appropriate)

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

SECTION 7 – SCRUTINY COMMITTEES

when the request is made if the chair is satisfied that the matter is urgent (the reason for the urgency being recorded in the minutes), and that the committee is able to have the necessary professional advice of officers;

- 7.22.16 consider motions without notice as set out in the Full Council Procedure Rules in Section 4 of this Constitution;
- 7.22.17 review the Committee's Work Programme for the forthcoming year;
- 7.22.18 consider such other business specified in the summons to the meeting;
- 7.22.19 consider other business, not specified in the summons as the chair considers urgent, subject to the nature of the urgency being specified in the minutes;
- 7.22.20 to exclude the public for the consideration of any item in accordance with the Access to Information Procedure Rules;

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

Agenda Items

- 7.23.1 Any member of a Scrutiny Committee shall be entitled to give notice to the chair of the Scrutiny Committee that s/he wishes an item relevant to the functions of that Scrutiny Committee for inclusion on the agenda for the next available meeting.
- 7.23.2 Scrutiny Committees shall also respond, as soon as their work programme permits, to requests from the Full Council and/or the Cabinet to review particular areas of Council activity. Where they do so, the particular Scrutiny Committee shall report their findings and any recommendations back to the Cabinet and / or Council as appropriate. The Cabinet and / or the Council shall consider the report of the Scrutiny Committee and respond (if appropriate) as soon as possible or at the latest within 2 months of the date of the meeting.

Policy Review and Development

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

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Reports from Scrutiny Committees

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

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

- 7.26.1 The reports of Scrutiny Committees shall be referred to the Cabinet (as determined by the Scrutiny Committee) within one month or to the next meeting of Full Council (where applicable). Where an item is not considered by Cabinet or Council within the period specified above, the Chair of Council or the Leader or Portfolio Holder will give an explanation of the reasons to the chair of the relevant Scrutiny Committee as soon as practicable.
- 7.26.2 Where a scrutiny report is referred to the Cabinet the relevant Portfolio Holder(s) and senior officers will attend the meeting of the Cabinet wherever possible. The Cabinet will prepare a written response to the scrutiny report, including an action plan where appropriate, as soon as possible or at the latest within 2 months of the date of the meeting. The Portfolio Holder(s) and senior officers if requested to do so will attend a future meeting of that Scrutiny Committee to present the Cabinet's response.

Rights of Members of Scrutiny Committees to Documents

- 7.27.1 Members of Scrutiny Committees have the additional right to documents, and to notice of meetings as set out in the Access to Information Procedure Rules in Section 14 of this Constitution.
- 7.27.2 Nothing in this paragraph prevents more detailed liaison between the Cabinet and the Scrutiny Committees as appropriate depending on the particular matter under consideration.

Members and Senior Officers Giving Account

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

SECTION 7 – SCRUTINY COMMITTEES

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

Attendance by Others

Attendance of Leader or Cabinet Member

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

Attendance of Members at Committee Meetings

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

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Others

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

The Party Whip in Scrutiny

7.32 If a member of a Scrutiny Committee is subject to a party whip in respect of an issue to be considered by it, that member must declare the existence of the whip and the nature of it before the commencement of deliberations on the matter. The declaration, and the detail of the whipping arrangements, shall be recorded in the minutes of the meeting. The member declaring the existence of a whip may speak at the meeting but is not entitled to vote on the question.³

Procedure at Scrutiny Committee Meetings

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

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

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

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

7.33.2.3 that the business be conducted as efficiently as possible.

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

Matters within the Remit of more than one Scrutiny Committee

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

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

SECTION 7 – SCRUTINY COMMITTEES

Call-In Procedure Rules

- 7.35A The Call-In Procedure Rules set out in this Rule 7.35 do not apply to the Public Services Board Scrutiny Committee. For the sake of clarity the Public Service Board Scrutiny Committee does not have the ability to call-in decisions / recommendations made by the Public Service Board.
- 7.35B For the purpose of Rule 7.35, where the Monitoring Officer and / or the Chief Finance Officer is the author of the report which is the subject of a potential Call-In to scrutiny, that officer cannot undertake the decisions described in Rules 7.35.3 and 7.35.15 in which event, the decision will be taken by the Chief Executive in consultation with the Deputy Monitoring Officer and / or Deputy Chief Finance Officer as appropriate.
- 7.35.1 Where a decision is made by the Cabinet or an individual member of the Cabinet or a Committee of the Cabinet or under joint arrangements with other public bodies, the decision shall be published by the Monitoring Officer, including where possible by electronic means, and shall be available at the main offices of the Council normally within 2 working days of it being made. All Councillors will be sent copies of the records of all such decisions within the same time scale.
- 7.35.2 The communication to Councillors sending them the decision will (a) bear the date on which the decision is published and (b) will specify the date when the decision will come into force (subject to Rule 7.36.3) and may then be implemented, on the expiry of five clear days (the “Call-in Period”) after the date of publication of the decision, unless the appropriate Scrutiny Committee objects to it and calls it in for review within the Call-in Period.
- 7.35.3 Subject to Rule 7.35B above, and during the Call-in Period the Monitoring Officer shall call-in a decision for scrutiny by the relevant Scrutiny Committee if so requested in the specified format (“the Call-In Request”⁴) by the chair or 4 members of a Scrutiny Committee PROVIDED THAT the Monitoring Officer and / or the Chief Finance Officer are satisfied that the following conditions are met:

Appendix 1 - Call In Request

- 7.35.3.1 the decision or action was contrary to the policy framework or budget, or fell outside the functions of the Cabinet; or
- 7.35.3.2 the Cabinet or decision maker had not followed agreed procedures or failed to consult (where required) before reaching its decision; or
- 7.35.3.3 the Cabinet had not followed, or had failed to take account of, any legal obligations, including regulations or statutory guidance governing the Council’s actions, or other guidance adopted by the Council.
- 7.35.4 Where the Monitoring Officer and / or the Chief Finance Officer are satisfied that one or more of the conditions set out in rule 7.35.3 above have been

⁴ See Appendix 1 to this Section.

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met, they shall produce a written report setting out the reasons for coming to this conclusion and the Monitoring Officer (subject to Rule 7.35B above) will then arrange for a “Call-In Notice”⁵ to be issued in accordance with Rule 7.35.5 below.

Appendix 2 - Call In Notice

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

⁵ See Appendix 2 to this Section.

SECTION 7 – SCRUTINY COMMITTEES

the decision, then the Full Council may refer it back to the decision making body for reconsideration, setting out in writing the nature of its concerns. If the decision is referred back to the decision maker, the decision maker shall then reconsider the decision within 10 clear days of the date of the reference. That decision making body or person shall choose whether to amend the decision or not before reaching a final decision and implementing it. The final decision cannot be the subject of a further call-in.

- 7.35.12 If the Full Council does not meet within 10 clear days of the date of the reference (“the Council Scrutiny Period”), the decision shall take effect on the day after the expiry of the Council Scrutiny Period.
- 7.35.13 If the Full Council does not refer the matter back to the decision making person or body, the decision shall take effect on the date of the Full Council meeting.
- 7.35.14 In order to ensure that call-in is not abused, nor causes unreasonable delay, certain limitations are to be placed on its use. These are:
- 7.35.14.1 each Scrutiny Committee may only call-in a total of five decisions per year;
 - 7.35.14.2 where a Call-in Request has been made by four members of a Scrutiny Committee in accordance with Rule 7.35.3 those four members must come from at least two political groups, or one political group and / or one or more non-aligned Councillor(s);
 - 7.35.14.3 once a Member (the chair of the Scrutiny Committee excepted) has signed a Call-in Request s/he may not do so again until the period of six months has expired.
 - 7.35.14.4 no Education Co-opted members may request a decision be called in.
 - 7.35.14.5 only decisions involving expenditure or reduction in service over the threshold value for tenders set out in Section 17 of this Constitution may be called-in.
 - 7.35.14.6 the decision being called-in, or broadly the same decision, has been called in during the last 6 months.
 - 7.35.14.7 the provisions of Rule 7.36.1 apply (Urgency)
- 7.35.15 Subject to Rule 7.35B above, the Monitoring Officer and / or the Chief Finance Officer may veto any request for call-in if it falls outside the remit of this scheme.
- 7.35.16 Save in exceptional circumstances all members of a Scrutiny Committee requesting a matter be called in must attend the meeting at which the matter is being considered.
- 7.35.17 For the avoidance of doubt a Call-In remains valid even if one or more of the members who have signed the Call-in Request do not attend the Scrutiny Meeting at which the Call-in is debated.

Call-In and Urgency

- 7.36.1 The call-in procedure set out in Rule 7.35 above shall not apply where the decision being taken is urgent. A decision will be urgent if:
- 7.36.1.1 any delay likely to be caused by the call-in process would seriously

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- prejudice the Council's or other public interests; and
- 7.36.1.2 Subject to Rule 7.36.3 below the Head of Paid Service and / or the Monitoring Officer and / or the Chief Finance Officer certifies in writing the reasons why any delay caused by a call-in process could seriously prejudice the Council, or the public interest; and
- 7.36.1.3 the chair of the relevant Scrutiny Committee agrees in writing to the decision being treated as a matter of urgency. In the absence of the Scrutiny chair then either the Scrutiny vice chair or the chair of Council may agree to the decision being treated as a matter of urgency; and
- 7.36.1.4 the record of the decision, and notice by which it is made public, shall state that the decision is an urgent one, and that the urgency of the matter has been approved by the Head of Paid Service and / or the Monitoring Officer and / or the Chief Finance Officer (subject to Rule 7.35B above) and by the chair of the relevant Scrutiny Committee or Scrutiny vice-chair or the chair of Council.
- 7.36.2 Decisions taken as a matter of urgency can be implemented forthwith but must be reported at the next available meeting of the relevant Scrutiny Committee, together with the reasons for urgency, such report to the scrutiny committee must contain the written certification as required in Rule 7.36.1.2 above.
- 7.36.3 For the purposes of Rules 7.36.1.2 above the officer certifying the reasons why any delay caused by a call-in process could seriously prejudice the Council, or the public interest cannot be an officer whose report is being considered under the Rule 7.36 procedure.

Finance Panel.

Role, Scope and Membership.

7.37

- 7.37.1 Membership: The Panel should be no larger than 10 Members to include the following:
- Chairs of the scrutiny committees (excluding the PSB Scrutiny Committee).
 - ~~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 Governance and Audit Committee one of which should be the Independent "Lay" Member appointed by the Governance and Audit Committee.
 - The Portfolio Holder for Finance will be required to attend

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all meetings, but will not have any voting rights.

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

Terms of Reference:

7.38 The Panel will concentrate on strategic financial matters including the following:

~~7.38.1 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;~~

~~7.38.2 consider the robustness of the evidence base upon which the MTFS and Council budget are predicated;~~

7.38.31 review and scrutinise in private session:

- assist with the delivery of financial plans to support change and the Medium Term Financial Strategy to inform policy changes, and providing robust challenge and accountability;
- consider the robustness of the evidence base upon which the MTFS and Council budget are predicated
- Assumptions underlying the budget strategy;
- The Medium Terms Financial Strategy / Finance Resource Model;
- Budget Assumptions;
- ~~Annual Local Government Settlement and any legislative changes affecting local government;~~
- Draft Budget and Impact Assessments;
- Development of the budget, future planning and finance transformation
- ~~Financial aspects of the Risk Register;~~
- ~~Financial Monitoring;~~
- provide evidence based recommendations to the Cabinet on its findings;
- develop a forward work programme based on the budget timetable and the Council's medium term financial strategy;

7.38.42 to review and scrutinise in public session:

- ~~Annual Local Government Settlement and any legislative changes affecting local government;~~
- Financial aspects of the Risk Register;
- Financial Monitoring;
- to review budget monitoring reports for Revenue and Capital
- any other monitoring and performance reports as appropriate

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- provide evidence based recommendations to the Cabinet on its findings
- develop a forward work programme

~~provide evidence based recommendations to the Cabinet on its findings;
7.38.5—develop a forward work programme based on the budget timetable
and the Council's medium term financial strategy;~~

Public Service Board Scrutiny Committee.

- 7.39 The Chairs of the Scrutiny Committees shall appoint two Members from the Scrutiny Committees to act as representatives of the Council on the Public Service Board Scrutiny Committee.
- 7.40 The Chairs of the Scrutiny Committees shall appoint a substitute for each of the two Members of the Public Service Board Scrutiny Committee appointed under Rule 7.39 above from the Scrutiny Committees, such substitute shall not be a member of the Public Service Board.
- 7.41 The Terms of Reference and Membership of the Public Service Board Scrutiny Committee are set out in the “Arrangements for the Scrutiny of the Public Service Board in Powys” document approved by Full Council from time to time.

Councillor Call for Action

- 7.42.1 The Councillor Call for Action is a mechanism for enabling Councillors to bring matters of local concern to the attention of the Council via the Scrutiny process. It should be an option of “last resort”.
- 7.42.2 Any Councillor may request that an item is placed on the agenda of the relevant Scrutiny Committee for consideration.
- 7.42.3 The procedure for dealing with a Call for Action is set out in the Councillor Call for Action - Guidance for Councillors which can be found on the Council's website as follows:

[Councillor Call for Action - Guidance for Members](#)

SECTION 11 – OFFICERS

Management Structure

General

11.1 The Council may engage such staff (referred to as Officers) as it considers necessary to carry out its functions.

Chief Officers

11.2 The Full Council will engage persons for the following posts, who will be designated Chief Officers¹, which designation includes persons acting temporarily in such capacity:

Post	Functions and Areas of Responsibility
Chief Executive	<p>The Chief Executive will be the Head of Paid Service and will have the responsibility for the following:</p> <ul style="list-style-type: none">• Leading and managing the Executive and Senior Leadership Teams• Delivery of Vision 2025• Overall performance of the Council• With S151 officer, the oversight of the Medium Term Financial Strategy• With Monitoring Officer, the smooth running of democracy• Leadership of strategic partnerships and major structural collaborations/service mergers• Performance management of Executive Directors, Section 151 Officer and Monitoring Officer.

Post	Functions and Areas of Responsibility
Executive Director – Economy and Environment	<p>The Executive Director – Economy and Environment will share be responsible for leading and managing the Corporate Portfolio as follows:</p> <ul style="list-style-type: none">• Leadership of aspects of Vision 2025 (to be agreed with Chief Executive);• Development of the Mid-Wales Growth Deal;• Leadership of the Council's overall approach to commercialisation;• Emergencies and business continuity;• Performance management of relevant Heads of Service.

¹ Defined in Section 2, 2.2

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Executive Director – People and Organisational Development	<p>The Executive Director – People and Organisational Development will be responsible for leading and managing the Corporate Portfolio as follows:</p> <ul style="list-style-type: none"> • This Executive Director will also be the Council’s statutory Director of Social Services and the lead Director for Children and Young People; • Leadership of aspects of Vision 2025 (to be agreed with Chief Executive); • Outcomes for all children and young people and vulnerable adults; • Leadership of the Regional Partnership Board (RPB) and working with key strategic partners especially Education and Health; • Performance management of relevant Heads of Service; • Leading the Council’s Workforce and Organisational Development, including Health and Safety and Welfare. • As Director of Social Services this post holder will be the Council’s senior lead on Safeguarding.
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Statutory Officers

11.3 The Council will designate the following posts as shown:

<u>Designation</u>	<u>Post</u>
Head of Paid Service ²	Chief Executive
Monitoring Officer ³	Solicitor to the Council Head of Legal and Democratic Services <u>Head of Legal and Democratic Services</u>
Chief Finance Officer (Section 151 Officer) ⁴	Strategic Executive – Director – Resources <u>Head of Finance</u>
Director of Social Services	Strategic Executive – Director – People ⁵ <u>Executive Corporate Director – Children and Adults</u> People and Organisational Development
Chief Education Officer	Chief Executive Head of Education Interim Chief Education Officer <u>Director of Education</u> ⁶
⁷ Lead Director for Children and Young People’s Services	Strategic Executive – Director – People Corporate Executive Director – eChildren and Adults People and Organisational Development

² Section 4 – Local Government and Housing Act 1989.

³ Section 5 – Local Government and Housing Act 1989.

⁴ Section 151 – Local Government Act 1972.

⁵ Section 6 – Local Authority Social Services Act 1970

⁶ Section 532 – Education Act 1996

⁷ Section 27 – Children Act 2004.

SECTION 11 – OFFICERS

<u>Head of Democratic Services</u>	Scrutiny Manager
Professional Lead – Data Protection Officer	Professional Lead – Data Protection Data Protection Officer

11.4 The posts set out in Rule 11.3 above will have the functions described in Rules 11.5 to 11.3~~2~~3.

Functions of the Head of Paid Service

Discharge of Functions by the Council

11.5 Section 4 of the Local Government and Housing Act 1989 imposes a duty on authorities to designate one of their officers as Head of Paid Service. The Head of Paid Service will report to Full Council on the manner in which the discharge of the Council's functions is co-ordinated, the number and grade of Staff required for the discharge of functions, the organisation of the authority's staff and the appointment and proper management of the authority's staff.

Restrictions on Functions

11.6 The Head of Paid Service may not be the Monitoring Officer or the Head of Democratic Services but may hold the post of Chief Finance Officer if a qualified accountant.

Functions of the Monitoring Officer

11.7 These are set out in section 5 of the Local Government and Housing Act 1989 as amended.

Maintaining the Constitution

11.8 The Monitoring Officer will maintain an up-to-date version of the Constitution and will ensure that it is available to Members, staff and the public.

Ensuring Lawfulness and Fairness of Decision Making

11.9 After consulting with the Head of Paid Service and Chief Finance Officer, the Monitoring Officer will report to the Full Council or to the Cabinet in relation to any function if s/he considers that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission has given rise to maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.

Supporting the Standards Committee

11.10 The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct through provision of support to the Standards Committee.

Receiving Reports

11.11 The Monitoring Officer will receive and act on reports made by the Public Services Ombudsman for Wales ("the Ombudsman") and decisions of the case tribunals.

Conducting Investigations

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11.12 The Monitoring Officer will conduct investigations into matters referred by the Ombudsman and make reports or recommendations in respect of them to the Standards Committee.

Proper Officer for Access to Information

11.13 The Monitoring Officer will ensure that Cabinet decisions, together with the reasons for those decisions and ~~relevant Officer~~officer under investigation reports and background papers are made publicly available as soon as possible.

Advising whether decisions of the Cabinet are within the Budget and Policy Framework

11.14 The Monitoring Officer will, in conjunction with the Chief Finance Officer, advise whether decisions of the Cabinet are in accordance with the Budget and Policy Framework.

Providing Advice

11.15 The Monitoring Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and Budget and Policy Framework issues to the Councillors.

Power to Appoint to Committees and Outside Bodies and Amendments to the Constitution.

11.16.1 The Council has authorised the Monitoring Officer to make an appointment to fill a vacancy on a committee or outside body where the appointment must reflect the wishes of a political group and the appointment reflects such wishes of that political group to whom the committee seat or position on the outside body remains allocated.

11.16.2 The Council has authorised the Monitoring Officer to make minor amendments to the Constitution in accordance with Rule 2.7 and Council confirms that changes to the titles and roles of the Senior Leadership Team and Proper Officers are minor changes which can be made by the Monitoring Officer provided that they are reported to the Democratic Services Committee and the next Full Council meeting for information.

Restrictions on Posts

11.17 The Monitoring Officer cannot be the Chief Finance Officer, the Head of Paid Service or the Head of Democratic Services.

Functions of the Chief Finance Officer (Section 151 Officer)

11.18 These are set out in section 6 of the Local Government and Housing Act 1989.

Ensuring Lawfulness and Financial Prudence of Decision Making

11.19 After consulting with the Head of Paid Service and the Monitoring Officer, the Chief Finance Officer will report to the Full Council or to the Cabinet in relation to an Executive Function and the Council's external auditor if s/he considers that

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any proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss or deficiency or if the Council is about to enter an item of account unlawfully.

Administration of Financial Affairs

11.20 The Chief Finance Officer will have responsibility for the administration of the financial affairs of the Council.

Contributing to Corporate Management

11.21 The Chief Finance Officer will contribute to the corporate management of the Council, in particular through the provision of professional financial advice.

Providing Advice

11.22 The Chief Finance Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and Budget and Policy Framework issues to all Councillors and will support and advise Councillors and Officers in their respective roles and in particular will advise whether decisions of the Cabinet or Full Council are in accordance with the budget.

Give Financial Information

11.23 The Chief Finance Officer will provide financial information to the media, members of the public and the community.

Advising whether Decisions of the Cabinet are within the Budget and Policy Framework

11.24 The Chief Finance Officer will, in conjunction with the Monitoring Officer, advise whether decisions of the Cabinet are in accordance with the Budget and Policy Framework.

Restrictions on Posts

11.25 The Chief Finance Officer cannot be the Monitoring Officer or the Head of Democratic Services.

Functions of the Director of Social Services

Protocol – Responsibility for Social Services Functions

11.26 The areas of responsibility of the Director of Social Services are detailed in the protocol contained in Section 25 of this Constitution.

Lead Director for Children and Young People's Services

11.27 Strategic management responsibility for ensuring that the Authority meets the requirements of Section 27 of the Children Act 2004.

Functions of the Chief Education Officer

11.28 Strategic management responsibility and provision of the Council's education services in accordance with Section 532 of the Education Act 1996.

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Functions of the Head of Democratic Services

11.29 These are set out in section 9 of the Measure. The functions of the Head of Democratic Services are:

- 11.29.1 to provide support and advice to the authority in relation to its meetings, subject to Rule 11.31;
- 11.29.2 to provide support and advice to committees of the authority (other than the committees mentioned in Rule 11.29.5) and the members of those committees (subject to Rule 11.31);
- 11.29.3 to provide support and advice to any joint committee which a local authority is responsible for organising and the members of that committee, subject to Rule 11.31;
- 11.29.4 to promote the role of the Scrutiny Committees;
- 11.29.5 to provide support and advice to:
 - 11.29.5.1 the authority's Scrutiny Committees ; and
 - 11.29.5.2 the authority's Democratic Services Committee;
- 11.29.6 to provide support and advice in relation to the functions of the authority's Scrutiny Committees to each of the following:
 - 11.29.6.1 Members and officers of the authority;
 - 11.29.6.2 members of the Cabinet of the authority;
- 11.29.7 to provide support and advice to each Member of the authority in carrying out the role of Member of the authority, subject to Rule 11.32;
- 11.29.8 to make reports and recommendations in respect of any of the following:
 - 11.29.8.1 the number and grades of staff required to discharge democratic services functions;
 - 11.29.8.2 the appointment of staff to discharge democratic services functions;
 - 11.29.8.3 the organisation and proper management of staff discharging democratic services functions;
- 11.29.9 such other functions as may be prescribed by law.

Restrictions on Posts

- 11.30 The Head of Democratic Services cannot be the Head of Paid Service, the Monitoring Officer or the Chief Finance Officer.
- 11.31 The function of providing advice about whether or how the authority's functions should be, or should have been exercised, only applies to advice concerning the functions of the Scrutiny Committees and Democratic Services Committee.
- 11.32 Advice to a Member does not include advice in connection with their role as a Cabinet Member and does not include advice about a matter being or to be considered at a meeting (other than a meeting of a Scrutiny Committee or Democratic Services Committee).

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Functions of the Data Protection Officer.

11.33.1 To monitor internal compliance with GDPR, to inform and advise the Council on its data protection obligations, to provide advice regarding Data Protection Impact Assessments (DPIAs) and act as a contact point for data subjects and the supervisory authority.

11.33.2 To monitor compliance with the GDPR and other data protection laws, the Council's data protection policies, awareness-raising, training, and audits.

11.33.3 To act as the contact point for the ICO, and to co-operate with the ICO in all matters.

Duty to Provide Sufficient Resources to the Head of Paid Service, Monitoring Officer, Chief Finance Officer, ~~and~~ Head of Democratic Services and Data Protection Officer

11.33.4 The Council will provide the Head of Paid Service, the Monitoring Officer, the Chief Finance Officer, ~~and~~ the Head of Democratic Services and the Data Protection Officer with such officers, accommodation and other resources as are in their opinion sufficient to allow their duties to be performed.

Deputy Chief Officers.

11.34.5 The Employment and Appeals Committee will engage persons for the following Director and Heads of Service posts within the directorates indicated, who will be designated Deputy Chief Officers and such posts will have the functions and areas of responsibility set out below.

Post	Functions and Areas of Responsibility
Director of Education	<ul style="list-style-type: none"> • Statutory Director of Education and will be accountable for the effective and efficient delivery of educational services to young people across Powys • Lead and Manage Education Services providing educational leadership and oversight of major strategic priorities • Strategic Responsibility for: <ul style="list-style-type: none"> • Adult and Community Learning • ALN / SEN • Cross networking with Powys Teaching Local Health Board • Schools Service • School Transformation • Standards in schools and School Improvement • Regional and National Partnerships • Youth Services

Post	Functions and Areas of Responsibility
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Head of Finance	<ul style="list-style-type: none"> ▪ Council's statutory s151 officer, the statutory officer for all financial matters and the proper administration of the Council's financial affairs, as defined by section 151 of the Local Government Act 1972 ▪ Section 151 Officer for the Powys Pension Fund ▪ Income and Awards ▪ Commercial Services ▪ Risk
Head of Legal and Democratic Services	<ul style="list-style-type: none"> ▪ Monitoring Officer, the statutory officer with the specific duty to ensure that the Council, and its Elected Members and officers, maintain the highest standards of conduct in all they do, as set out in section 5 of the Local Government and Housing Act 1989, as amended by the Local Government Act 2000 ▪ Corporate Legal Team ▪ Electoral Registration ▪ Members' Standards and Ethical Issues. ▪ Ombudsman. ▪ Registration of Births, Deaths and Marriages ▪ Scrutiny, Democratic Services and Member Support
Head of Transformation, and Communications	<ul style="list-style-type: none"> • Lead on improvement, performance and transformation • Lead delivery of the 21st Century Schools programme • Lead development of Corporate strategies, and plans including the Corporate Improvement Plan, the Strategic Equality Plan and the Public Service Board Wellbeing Plan • Lead Communications and Welsh Language Services • Lead the development and overall strategic Programme Management of the Council's Transformation
Head of Economy and Digital Services	<ul style="list-style-type: none"> ▪ Customer Services ▪ Digital Transformation of Council's services ▪ Economic Growth ▪ ICT Support Services and Cyber Security ▪ Information Governance
Head of Workforce and Organisational Development	<ul style="list-style-type: none"> ▪ Workforce strategy, planning and development ▪ Health and Safety ▪ Employment Services ▪ Human Resources advice, guidance and support ▪ Leadership, management and corporate development programme
Head of Property, Planning and Public Protection	<ul style="list-style-type: none"> ▪ Building Control. ▪ Community Safety ▪ County Farms Estate ▪ Corporate Property ▪ Emergency Planning ▪ Environmental Health

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	<ul style="list-style-type: none"> ▪ National Estate and Lettings Agency ▪ Planning ▪ Trading Standards
Head of Highways, Transport and Recycling	<ul style="list-style-type: none"> ▪ Active Travel ▪ Car parks ▪ Countryside Services ▪ Fleet Management ▪ Grounds Maintenance ▪ Home to School / College Transport ▪ Highways ▪ Local Lead Flood Authority, Sustainable Approval Body & Land Drainage ▪ Markets ▪ Public Conveniences ▪ Public rights of way management and enforcement; ▪ Public Transport ▪ Road safety ▪ Street Cleaning (▪ TraCC (Trafnidiaeth Canolbarth Cymru / Mid Wales Transportation) ▪ Traffic Management ▪ Waste & Recycling Services
Head of Housing and Community Services	<ul style="list-style-type: none"> ▪ Archives and Information Management ▪ Arts ▪ Catering and Cleaning ▪ Housing ▪ Leisure ▪ Libraries ▪ Museums ▪ Sports Development
Head of Education	<ul style="list-style-type: none"> ▪ Chief Education Officer ▪ Overall strategic responsibility for: <ul style="list-style-type: none"> ▪ Developing and maintaining strong relationships with school leaders ▪ School improvement and effectiveness ▪ Additional learning needs (ALN) and inclusion (0-25) ▪ School transformation and organisation ▪ School standards and school provision ▪ Pupil attainment ▪ Pupil exclusions and attendance ▪ Central Support Services relating to education and Powys schools ▪ Development of educational strategies and operating arrangements

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	<ul style="list-style-type: none"> ▪ School improvement aspects of 21st Century Schools (delivery lead of 21st Century Schools is Head of Transformation and Communications) ▪ Education welfare and educational psychology ▪ Education other than at school, including Pupil Referral Units ▪ Children looked after's (CLA) educational needs ▪ English as an additional language ▪ Education provision for migrant and traveller children ▪ Pupil admissions and links with school transport policy ▪ School governance and Governor support ▪ Early years education ▪ Post – 16 provision ▪ Youth Services ▪ Adult continuing learning, training and skills ▪ Relations with strategic partners
Head of Children Services	<ul style="list-style-type: none"> ▪ Early Help Services ▪ Children's Services Front Door ▪ Assessment Services ▪ The local authority's care and support provision for children with disabilities ▪ Services for children in need of Care and Support ▪ Services for children in need of Protection ▪ Services for children in the care of Powys County Council ▪ Care Leaver Services ▪ Adoption Services ▪ Fostering Services ▪ RISCA regulated services ▪ Intervention and Prevention Services ▪ Youth Justice Services ▪ Workforce Development for Adult and Children's Social Services ▪ Safeguarding Services ▪ Emergency Duty Team for Adult and Children's Social Services ▪ Responsibility for delegated budget across Children's Services ▪ Systems to ensure children and young people in Powys are safeguarded and the management of associated risks ▪ System leadership for the safety and wellbeing of children across the Startwell agencies ▪ Strategic Oversight of the delivery of the Health and Care Strategy
Head of Adult Services	<ul style="list-style-type: none"> ▪ Bodlondeb extra care support ▪ Day services and day centres

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	<ul style="list-style-type: none"> ▪ Front Door (Assist) ▪ Home support ▪ Housing Wardens ▪ Occupational Therapy ▪ Provider services ▪ Reablement and Domiciliary Care ▪ Sensory Loss ▪ Shared Lives ▪ Social Services Emergency Duty Team ▪ Social Work Assessment Teams (Older Peoples, Disabilities and Mental Health) ▪ Supported Living
<p>Head of Commissioning and Partnerships</p>	<ul style="list-style-type: none"> • Carers Services • Childcare and Support • Contract monitoring • Health and Care Equipment and Technology Enabled Care • Long-term support and care for children, adults, and older people • Partnership with the Powys Teaching Health Board and other external partners • Social care focussed accommodation and homelessness prevention • Social care emergency planning and social care business continuity • Strategic planning and Commissioning for adults and children's services • Welsh language Champion for social services

Departmental Structure.

11.36~~5~~ The Head of Paid Service will recommend to Cabinet and publicise a description of the overall departmental structure of the Council showing the management structure and deployment of officers.

Appointment of Proper Officers

11.36~~7~~ The posts set out below ~~shall be~~ have been designated to the ~~the designated~~ Proper Officer Posts for the Council and those posts shall undertake the specific responsibilities attached to the role of the specific Proper Officer.

11.37~~8~~ In the event of any Officers mentioned below being unable to act in their post or the post becoming vacant, the Chief Executive or in his/her absence, the Monitoring Officer, and in the absence of both, the Chief Finance Officer, shall nominate an Officer to act in their stead.

11.38~~9~~ Until the Council decides otherwise the Chief Executive is appointed the Proper Officer for the purpose of all statutory provisions, whether existing or future, in respect of which no express Proper Officer appointment has been made as set out in rule Rule 11.39~~40~~ below. In the absence of the Chief Executive, or

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otherwise being unable to act, the Monitoring Officer will act as the proper Officer.

11.3940 The Council has designated the following Proper Officer Posts:

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Proper Officers

<u>Any reference to any enactment passed before or during the 1971-72 session of Parliament other than the Local Government Act 1972 or in any instrument made before 26th October 1972 to the Town Clerk of a Borough which, by virtue of any provision of the said Act, is to be construed as a reference to the Proper Officer of the Council.</u>	<u>Chief Executive</u>
<u>Any reference in any local statutory provision to the Clerk of the Council or similar which, by virtue of an order made under the Local Government Act 1972 or the Local Government Act 1992, is to be construed as a reference to the Proper Officer of the Council.</u>	<u>Chief Executive</u>

Building Act 1984:

Section	Provision	Proper Officer
S61(2)	To exercise the right to have free access to work undertaken in relation to emergency repairs of drains.	Head of Highways, Transport and Recycling
All (except S61(2))		Head of Property, Planning and Public Protection

Council Tax (Administration and Enforcement) Regulations 1992:

Section	Provision	Proper Officer
Reg 7	Service of Attachment of Earnings Orders	Chief Financial Officer

Elections:

Section	Provision	Proper Officer
N/A	Registration Officer for any constituency or part of a constituency coterminus with or contained in the County of Powys	Chief Executive
N/A	Returning Officer for the election of Councillors for the County Council of Powys	Chief Executive
N/A	Returning Officer for the election of Town and Community Councillors for Town and Community Councils in the County of Powys	Chief Executive

Environmental Protection Act 1990:

Section	Provision	Proper Officer

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All		Head of Property, Planning and Public Protection
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Estate Agent's Act 1979 as amended -and ancillary legislation:

Section	Provision	Proper Officer
<u>Sections 3 (Prohibition Orders);</u> <u>4 (Warning Orders);</u> <u>6 (Revocation / Variation of Orders);</u> <u>8 (Register of Orders);</u> <u>9 (Information for the Lead Enforcement Authority);</u> <u>21 (Personal Interests);</u> <u>23 (Bankrupts);</u> <u>23A (Redress Schemes);</u> <u>23B (Enforcement);</u> <u>25 (General Duties);</u> <u>29 (Service of Notices)</u> All	National Trading Standards Estate and Letting Agency Team ("the Lead Enforcement Authority")	<u>Professional Lead</u> Senior Manager – National Trading Standards Estate and Letting Agency Team

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Health Protection (Notification)(Wales) Regulations 2010:

Section	Provision	Proper Officer
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<u>All</u>	<u>Infectious Diseases</u>	<u>Head of Property, Planning and Public Protection</u>
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Health Protection (Part 2A Orders)(Wales) Regulations 2010:

<u>Section</u>	<u>Provision</u>	<u>Proper Officer</u>
<u>All</u>	<u>Infectious Diseases</u>	<u>Head of Property, Planning and Public Protection</u>

Highways Act 1980:

<u>Section</u>	<u>Provision</u>	<u>Proper Officer</u>
<u>All</u>		<u>Head of Highways, Transport and Recycling</u>

Local Authorities Cemeteries Order 1977:

<u>Section</u>	<u>Provision</u>	<u>Proper Officer</u>
<u>All</u>		<u>Head of Property, Planning and Public Protection</u>

Local Authorities (Standing Orders) (Wales) Regulations 2005

<u>Section</u>	<u>Provision</u>	<u>Proper Officer</u>
<u>Regs 6 and Schedule 3, Part 4</u>	<u>Provisions relating to the appointment and dismissal of, and taking disciplinary action against, staff</u>	<u>Chief Executive or by an officer(s) nominated by the Chief Executive</u>

Local Elections (Parish and Communities) (England and Wales) Rules 2006:

<u>Section</u>	<u>Provision</u>	<u>Proper Officer</u>
<u>Rule 44</u>	<u>Receipt from Returning Officer of names of persons elected to Council</u>	<u>Chief Executive</u>
<u>Rule 46, 47</u>	<u>Receipt from Returning Officer of election documents</u>	<u>Chief Executive</u>
<u>Rule 48, 49, 51</u>	<u>Retention of election documents and making them available for public inspection</u>	<u>Chief Executive</u>
	<u>Receipt from Returning Officer of names of persons elected to Town and Community Councils in the County of Powys</u>	<u>Chief Executive</u>

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	<u>Receipt from Returning Officer of election documents</u>	<u>Chief Executive</u>
	<u>Retention of election documents and making them available for public inspection</u>	<u>Chief Executive</u>

Local Government Act 1972:

Section	Provision	Proper Officer
<u>N/A</u>	<u>Any reference in any local statutory provision to the Treasurer of a specified Council or the Treasurer of a specified Borough which, by virtue of order made under Section 254 of the Local Government Act 1972, or the Local Government Act 1992, is to be construed as a reference to the Proper Officer of the Council</u>	<u>Chief Financial Officer</u>
<u>N/A</u>	<u>Any reference in any enactment passed before or during the 1971/72 session of Parliament other than the Local Government Act 1972 or in any instrument made before 26th October 1972 to the Treasurer or a Treasurer of a Borough which virtue of any provision of the said Act is to be construed as a reference to the Proper Officer of the Council</u>	<u>Chief Financial Officer</u>
<u>S83(1)-(4)</u>	<u>Witness and receipt of declaration of acceptance of office</u>	<u>Monitoring Officer</u>
<u>S84</u>	<u>Receipt of declaration of resignation of office</u>	<u>Monitoring Officer</u>
<u>S88(2)</u>	<u>Convening of meeting of Council to fill casual vacancy in office of Chair/Mayor</u>	<u>Monitoring Officer</u>
<u>S89(1)(b)</u>	<u>Receipt of notice of casual vacancy from two local government electors</u>	<u>Chief Executive</u>
<u>S94 & 96(2)</u>	<u>Keeping of record of disclosures and notice of pecuniary interests</u>	<u>Monitoring Officer</u>
<u>S96(1)</u>	<u>Receipt of notices of pecuniary interests</u>	<u>Monitoring Officer</u>
<u>S100(B)(2)</u>	<u>Circulation of reports and agendas</u>	<u>Monitoring Officer</u>
<u>S100(B)(7)</u>	<u>Supply of papers to press</u>	<u>Monitoring Officer</u>
<u>S100(C)(2)</u>	<u>Summary of minutes</u>	<u>Monitoring Officer</u>
<u>S100(D)(1)(a)</u>	<u>Compilation of background papers</u>	<u>Monitoring Officer</u>
<u>S100(D)(5)(a)</u>	<u>Identification of background papers</u>	<u>Monitoring Officer</u>
<u>S100(F)</u>	<u>Identification of confidential documents not open to Members</u>	<u>Monitoring Officer</u>
<u>S115(2)</u>	<u>Receipt of money due from Officers</u>	<u>Chief Financial Officer</u>
<u>S146(1) (a) & (b)</u>	<u>Declarations and certificates with regard to securities</u>	<u>Chief Financial Officer</u>
<u>S210(6) & (7)</u>	<u>Charity functions of holders of offices with existing authorities transferred to holders of equivalent office with new authorities, or if there is no such office, to the Proper Officer</u>	<u>Chief Financial Officer</u>
<u>S225(1)</u>	<u>Deposit of documents</u>	<u>Monitoring Officer</u>
<u>S228(3)</u>	<u>Accounts - to be open for inspection</u>	<u>Chief Financial Officer</u>

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S229(5)	<u>Deposit of documents - certification</u>	<u>Monitoring Officer</u>
S234(1)	<u>Authentication of documents</u>	<u>Monitoring Officer</u>
S236(9) & (10)	<u>Service of Byelaws on other Authorities</u>	<u>Monitoring Officer</u>
S238	<u>Certification of Byelaws</u>	<u>Monitoring Officer</u>
S248 (2)	<u>Keeping roll of Freeman</u>	<u>Monitoring Officer</u>
Schedule 12 Para 4(2)(b)	<u>Signature of summons to Council</u>	<u>Monitoring Officer</u>
Schedule 12 Para 4(3)	<u>Receipt of notices regarding addresses which Summons to meeting are to be sent</u>	<u>Monitoring Officer</u>
Schedule 14 Para 25(7)	<u>Certification of resolutions - Para 25</u>	<u>Monitoring Officer</u>
S191	<u>Functions in respect of Ordnance Survey</u>	<u>Head of Highways, Transport and Recycling</u>

Local Government Act 1974:

Section	Provision	Proper Officer
S30(5)	<u>Notice of Local Government Ombudsman report</u>	<u>Monitoring Officer</u>

Local Government (Miscellaneous Provisions) Act 1976

Section	Provision	Proper Officer
S41	<u>Certification of copies of resolutions, Minutes, other documents</u>	<u>Monitoring Officer</u>

Local Government and Housing Act 1989:

Section	Provision	Proper Officer
S2	<u>Receipt of list of Politically Restricted Posts</u>	<u>Chief Executive</u>
S15, 16, 17	<u>Receipt of notices relating to Political Groups</u>	<u>Monitoring Officer</u>
S19	<u>Members interests - notification</u>	<u>Monitoring Officer</u>

Local Government Finance Act 1988:

Section	Provision	Proper Officer
S114	<u>Powers to prevent unlawful expenditure and an unbalanced budget</u>	<u>Chief Financial Officer</u>

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National Assistance Act 1948

Section	Provision	Proper Officer
All	Public Health (misc)	Head of Property, Planning and Public Protection

National Assistance (Amendment) Act 1951:

Section	Provision	Proper Officer
All	Public Health (misc)	Head of Property, Planning and Public Protection

Proceeds of Crime Act 2002, Part 7 (Money Laundering):

Section	Provision	Proper Officer
S331	Money Laundering Reporting Officer	Head of Finance (Section 151 Officer)

Public Health (Control of Diseases) Act 1984 (as amended by the Social Care Act 2008 and associated regulations):

Section	Provision	Proper Officer
All	Control of Diseases (various)	Head of Property, Planning and Public Protection

Registration Services Act 1953:

Section	Provision	Proper Officer
S9(1) S3(b) S13(2)(h) S20(b)	Registration of Births, Deaths and Marriages	Monitoring Officer
	Registration of Births, Deaths and Marriages Regulations 1968 - 1994	Monitoring Officer

Weights and Measures Act 1985:

Section	Provision	Proper Officer

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<u>All</u> Section 72	Chief Inspector (Weights and Measures)	Professional Lead – Trading Standards or s Such other person(s) with the relevant qualifications under the Act as nominated by the Chief Executive.
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Conduct

11.40~~1~~ Officers will comply with the Code of Conduct for Employees (Section 20) and the Protocol on Officer/Member Relations (Section 21) set out in this Constitution.

Employment

11.41~~2~~ The recruitment, selection and dismissal of Officers will comply with the Officer Employment Procedure Rules set out below and the relevant employment policies contained on the Council's intranet..

Indemnities for Officers

11.42~~3~~ The former Board and the County Council⁸ has under the Local Government Act 2000 and the Local Authorities (Indemnities for Members and Officers) (Wales) Order 2006 approved a form of indemnity for both Members and officers as set out in Section 26 of this Constitution.

Officer Employment Procedure Rules

Recruitment and Appointment

Declarations

11.43~~4~~.1 A candidate for an appointment as an Officer must state in writing whether they have any relationship with any Councillor or Senior Officer (i.e. Senior Management Grade or above) of the Council.

11.43~~4~~.2 No candidate so related to a Councillor or a Senior Officer will be appointed without the authority of the relevant Chief Officer or an Officer nominated by him / her.

Seeking Support for Appointment

11.44~~5~~.1 The Council will disqualify any applicant who directly or indirectly seeks the support of any Councillor for any appointment with the Council. The content of this paragraph will be included in any recruitment information.

11.44~~5~~.2 No Councillor or employee of the Council will seek support for any person for any appointment with the Council.

Recruitment and Appointment (Including Shortlisting) of Head of Paid Service, other Chief Officers,

11.45~~6~~ Subject to Rule 11.58 below, ~~the~~ Full Council will appoint the Head of Paid Service and any other Chief Officer as defined in Rule 11.2 above, from a shortlist of candidates prepared by the Employment and Appeals Committee or a Sub-Committee of that committee. The Employment and Appeals Committee or a Sub-Committee of that committee must include at least one Member of the Cabinet.

~~11.46 — For the purposes of Rules 11.47 to 11.50~~1~~ (inclusive) apply to the following posts — only Chief Officer means the Head of Paid Service, the Monitoring Officer, the Chief Education Officer or Director of Education, the Director of~~

⁸ Board Meeting 11th October, 2006 and Council Meeting 26th October, 2006.

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- ~~Social Services, the Section 151 Officer, Strategic Directors, Directors, the Solicitor to the Council and the Senior Manager, Chief Executive and Member Services.~~
- 11.47.1 Where it is proposed to pay an Chief-Officer a remuneration of £100,000 or more per annum, the Full Council will determine the level, and any change in the level, of remuneration of such an Chief-Officer.
- 11.47.2 Rule 11.47.1 above does not apply if the Authority proposes to appoint ~~the an~~ Chief-Officer for a period of no longer than 12 months.
- 11.48 Subject to Rule 11.47.2 above, where the Council proposes to appoint an Chief-Officer and the remuneration it proposes to pay is £100,000 or more per annum the Full Council must–
- 11.48.1 draw up a statement specifying:
- (i) the duties of the officer concerned, and
 - (ii) any qualifications or qualities to be sought in the person to be appointed;
- 11.48.2 make arrangements for the post to be publically advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it; and
- 11.48.3 make arrangements for a copy of the statement mentioned in Rule 11.48.1 to be sent to any person on request.
- 11.49 Where a post has been advertised as provided in Rule 11.48.2, the Full Council must interview those qualified candidates included on a short list prepared by the Employment and Appeals Committee or a Sub- Committee of that committee as referred to in Rule 11.45 above.
- 11.50 Where no qualified person has applied, or if the Council decide to re-advertise the appointment, the Council may make further arrangements for advertisement in accordance with Rule 11.48.2.
- 11.51 The power to approve the appointment of the Head of Paid Service must be exercised by the Full Council and accordingly section 101 of the Local Government Act 1972 (arrangements for discharge of functions by local authorities) does not apply to the exercise of that power.

Recruitment and Appointment (Including Shortlisting) of ~~the non-Strategic Executive~~ Executive Directors of Change and Governance

- 11.52 ~~Subject to Rule 11.58 below, the~~ Subject to Rule 11.58 below, the Employment and Appeals Committee will appoint the ~~non-Executive Director of Change and Governance~~ Executive Director of Change and Governance from a shortlist of candidates prepared by the Employment and Appeals Committee or a Sub-Committee of that committee. The Employment and Appeals Committee or a Sub-Committee of that committee must include at least one Member of the Cabinet.
- 11.53 Where the Employment and Appeals Committee proposes to appoint the ~~non-Executive Director of Change and Governance~~ Executive Director of Change and Governance and it is not proposed that the appointment be made exclusively from among its existing officers, the Authority must:
- 11.53.1 draw up a statement specifying:

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- 11.53.1.1 the duties of the officer concerned, and
11.53.1.2 any qualifications or qualities to be sought in the person to be appointed;
- 11.53.2 make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it; and
- 11.53.3 make arrangements for a copy of the statement mentioned in Rule 11.53.1 to be sent to any person on request.
- 11.54 Where a post has been advertised as provided in Rule ~~6-11.5345.2~~, the Council must interview those qualified candidates included on a short list prepared by the Employment and Appeals Committee or a Sub-Committee of that committee as referred to in Rule ~~6-11.45~~ above.
- 11.55 Where no qualified person has applied, or if the Authority decides to re-advertise the appointment, the Authority may make further arrangements for advertisement in accordance with Rule 11.53.2.

Recruitment and Appointment (Including Shortlisting) of Heads of Service.

- 11.56 ~~Subject to Rule 11.5899 below.~~ The Employment and Appeals Committee will appoint Heads of Service from a shortlist of one or more candidates prepared by the Employment and Appeals Committee or a Sub-Committee of that committee. The Employment and Appeals Committee or a Sub-Committee of that committee must include at least one Member of the Cabinet.

Recruitment and Appointment (including Shortlisting) of Joint Appointments with other organisations.

~~11.5897~~ In respect of recruitment and employment of joint appointments with other organisations, Rules 11.45 to 11.5787 shall not apply and the method and process of recruitment and appointment (including shortlisting) shall be agreed between the Head of Paid Service and the Chair of the Employment and Appeals Committee so as to ensure that a post appropriate process is achieved.

~~11.5960~~58 The recruitment process agreed pursuant to Rule 11.589 shall be reported for information purposes to the next meeting of the Employment and Appeals Committee.

Recruitment and Appointment (Including Shortlisting) of the Monitoring Officer and Section 151 Officer (if not to be appointed under Rules 11.47 to 11.501 above)

- 11.5760159 The relevant Chief Officer or Deputy Chief Officer will appoint the Monitoring Officer and / or Section 151 Officer and Members must not be involved.
- 11.586120 Where the relevant Chief Officer or Deputy Chief Officer proposes to appoint the Monitoring Officer and / or Section 151 Officer and it is not proposed that the appointment be made exclusively from among its existing officers, the Authority must:

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11.5861.1 draw up a statement specifying:

- 11.586421.1.1 the duties of the officer concerned, and
- 11.586421.1.2 any qualifications or qualities to be sought in the person to be appointed;

11.586421.2 make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it; and

11.586421.3 make arrangements for a copy of the statement mentioned in Rule 11.586421.1 to be sent to any person on request.

11.596232 Where a post has been advertised as provided in Rule 11.586421.2, the Authority must interview those qualified candidates included on a short list prepared by the relevant Chief Officer or Deputy Chief Officer.

11.60343 Where no qualified person has applied, or if the Authority decides to re-advertise the appointment, the Authority may make further arrangements for advertisement in accordance with Rule 11.586421.2.

Recruitment and Appointment (Including Shortlisting) of staff below Head of Service (other than Monitoring Officer and Section 151 Officer)

11.64454 The function of the recruitment and appointment (including shortlisting) of officers below Heads of Service are the responsibility of the relevant Head of Service or his/her nominee and Members must not be involved.

Dismissals of Chief Officers and Deputy Chief Officers

11.62565 In Rules 11.62556 to 11.70334 and in Appendices A and B:

“the Investigatory Sub-Committee of the Employment and Appeals Committee as constituted in accordance with Appendix B; and

~~“the Proper Officer” means the Head of Paid Service or the Solicitor to the Council; Head of Legal and Democratic Services (as appropriate).~~

11.63676 The dismissal of the Head of Paid Service, Chief Finance Officer (Section 151 Officer), Monitoring Officer and Head of Democratic Services is the responsibility of the Full Council and the procedures set out in Appendix A to this Section of the Constitution shall apply.

11.64787 The dismissal of the Chief Officers as defined in Rule 11.2 (with the exception of those identified in Rule 11.6367 above) and Deputy Chief Officers as defined in Rule 11.34 is the responsibility of the Investigatory Committee and the procedures set out in Appendix B to this Section of the Constitution shall apply.

11.65898 Notice of the dismissal of an officer named in Rule 11.64454 and / or Rule 11.62565 above must not be given by the Employment and Appeals Committee or the Investigatory Committee or Full Council (as appropriate) until the Authority has complied with Schedule 3 of the Local Authorities (Standing Orders) (Wales) Regulations 2006.

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Other Officers

11.6697690 Appointment and dismissal of officers below Chief Officer is the responsibility of the Chief Executive, Head of Paid Service or his / her nominee, and may not be undertaken by Councillors.

11.677040 Councillors will not be involved in disciplinary action against any Officer below Chief Officer except where such involvement is necessary for any investigation or inquiry into alleged misconduct or where the Council's disciplinary, capability and related procedures, as adopted from time to time, allow a right of appeal to Councillors.

Disciplinary Action

11.687421 In Rules 11.62565 to 11.70343 and in Appendices A and B "disciplinary action" includes proposed dismissal for any reason other than redundancy, permanent ill health or failure to renew a fixed term contract, planned retirement and early retirement and unsatisfactory probationary periods.

Written Procedures

11.697232.1 Disciplinary action against the Head of Paid Service, the Monitoring Officer, the Chief Finance Officer and the Head of Democratic Services will be taken in accordance with Appendix A.

11.697232.2 Disciplinary action against all other Officers will be taken in accordance with the Disciplinary Policy (or such other document which supersedes the Disciplinary Policy).

Appeals

11.70343 None of the above shall prevent a Councillor serving as a member of an appeals committee or body established to consider an appeal in accordance with Appendices A and / or B.

APPENDIX A.

Procedure for dismissal of the Head of Paid Service, Chief Finance Officer (Section 151 Officer), Monitoring Officer and the Head of Democratic Services.

1. No disciplinary action (other than suspension under paragraphs 2 and 3) in respect of the Head of Paid Service, the Monitoring Officer, the Chief Finance Officer or the Head of Democratic Services, may be taken by the Full Council, other than in accordance with a recommendation in a report made by a designated independent person under regulation 9 of the Local Authorities (Standing Orders) (Wales) Regulations 2006 (investigation of alleged misconduct).
2. Suspension of officers to which this Appendix applies (other than the Head of Paid Service) for the purpose of investigating alleged misconduct may be undertaken by the ~~Proper Officer~~ Head of Paid Service or Monitoring Officer (as appropriate) ~~for the purposes of Rule 11.625~~ in conjunction with the ~~Professional Lead – Human Resources Management and Development~~ Head of Workforce and Organisational Development, and such suspension (subject to an extension in accordance with paragraph 4(6)(a)(ii) below) must terminate no later than the

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expiry of two months beginning on the day on which the suspension takes effect and will be on full pay⁹.

3. Suspension of the Head of Paid Service (Chief Executive) may be undertaken only by the Chair or Vice Chair of the Employment and Appeals Committee following consultation with the Leader.¹⁰
4.
 - 4(1) Where it appears to the Authority that an allegation of misconduct which may lead to disciplinary action has been made against:
 - (a) the Head of Paid Service; or
 - (b) the Monitoring Officer; or
 - (c) the Chief Finance Officer; or
 - (d) the Head of Democratic Services.
~~("the relevant officer"), as the case may be,~~ the Full Council must appoint an Investigation Committee ~~"an investigation committee"~~ to consider the alleged misconduct.
 - 4(2) The ~~i~~nvestigation ~~e~~Committee must:
 - (a) consist of a minimum of 3 Councillors; and
 - (b) be politically balanced in accordance with section 15 of the 1989 Act; andmust, within 1 month of its appointment, consider the allegation of misconduct and decide whether it should be further investigated.
 - 4(3) For the purpose of considering the allegation of misconduct, the ~~i~~nvestigation ~~e~~Committee:
 - (a) may make such enquiries of the ~~relevant officer~~officer under investigation or any other person it considers appropriate; and / or
 - (b) may request the ~~relevant officer~~officer under investigation or any other person it considers appropriate to provide it with such information, explanation or documents as it considers necessary within a specified time limit; and / or
 - (c) may receive written or oral representations from the ~~relevant officer~~officer under investigation or any other person it considers appropriate.
 - 4(4) Where it appears to the ~~investigation committee~~Investigation Committee that an allegation of misconduct by the ~~relevant officer~~officer under investigation should be further investigated, the ~~investigation committee~~Investigation Committee must appoint a person ("the designated independent person") for the purposes of paragraph 1 above.
 - 4(5) The designated independent person who is appointed:

⁹ Paragraph 3 of Schedule 4 of the Local Authority (Standing Orders) (Wales) Regulations 2006

¹⁰ County Council decision 4th March, 2013.

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- (a) must be such person as may be agreed between the ~~investigation committee~~ Investigation Committee and the ~~relevant officer~~ officer under investigation within 1 month of the date on which the requirement to appoint the designated independent person arose; or
 - (b) where there is no such agreement, must be such person as is nominated for the purpose by the Welsh Government.
- 4(6) Subject to paragraph 4(7) below, the ~~relevant officer~~ officer under investigation and the ~~investigation committee~~ Investigation Committee must consult with the designated independent person, and attempt to agree a timetable within which the designated independent person is to undertake the investigation.
- 4(7) Where there is no agreement under paragraph 4(6) above, the designated independent person must set a timetable as that person considers appropriate within which the investigation is to be undertaken.
- 4(8) The designated independent person:
- (a) may direct:
 - (i) that the Authority terminate any suspension of the ~~relevant officer~~ officer under investigation; or
 - (ii) that any such suspension is to continue after the expiry of the period referred to in paragraph 2¹¹; or
 - (iii) that the terms on which any such suspension has taken place are to be varied in accordance with the direction of the designated independent person; or
 - (iv) that no steps (whether by the Full Council) by way of disciplinary action or further disciplinary action against the ~~relevant officer~~ officer under investigation, (other than steps taken in the presence, or with the agreement, of the designated independent person), are to be taken before a report is made under sub-paragraph (d) below;
 - (b) may inspect any documents relating to the conduct of the ~~relevant officer~~ officer under investigation which are in the possession of the Authority, or which the Authority has power to authorise the designated independent person to inspect;
 - (c) may require any Member or member of staff of the Authority to answer questions concerning the conduct of the ~~relevant officer~~ officer under investigation;
 - (d) must make a report to the Full Council:
 - (i) stating an opinion as to whether (and, if so, the extent to which) the evidence obtained supports any allegation of misconduct against the ~~relevant officer~~ officer under investigation; and

¹¹ Regulation 9(6)(ii) of the Local Authority (Standing Orders) (Wales) Regulations 2006

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- (ii) recommending any disciplinary action which appears appropriate for the Full Council to take against the ~~relevant officer~~ officer under investigation, and
 - (e) must no later than the time at which the report is made under subparagraph (d) above, send a copy of the report to the ~~relevant officer~~ officer under investigation.
- 4(9) The Full Council must consider the report prepared under paragraph 4(8) (d) above within 1 month of receipt of that report.

Pre-Disciplinary Hearing Procedure

- 5.1 Within seven working days of receipt of the Investigation Report, the Chief Executive, or his nominee, shall send a copy to the ~~Relevant Chief Officer~~ officer under investigation. This shall be accompanied by a written indication if any further action is to be taken, and if so, notice of the specific allegations to be considered by the Investigating and Disciplinary Committee at the Disciplinary Hearing and any supporting documentation.
- 5.2 The officer under investigation ~~Relevant Chief Officer~~ shall, if they so wish, request further information and/or documents relating to the allegations within five working days of receipt of the Investigation Report.
- 5.3 Any additional information and documentation requested will be provided by the Investigator, where relevant, within ~~seven~~ five working days or such other time as appropriate in the circumstances.
- 5.4 Once the period for requesting further information has elapsed or once a response has been provided by the Investigator further to paragraph 5.3 above, the Chief Executive or a nominee shall give the officer under investigation ~~Relevant Chief Officer~~ not less than ten working days written notice of the date of the Disciplinary Hearing with the Investigating and Disciplinary Committee. The notice shall include:-
 - 5.4.1 the time (date) and place of the Disciplinary Hearing;
 - 5.4.2 who will be in attendance at the Disciplinary Hearing including the members of the Investigating and Disciplinary Committee, including any witnesses;
 - 5.4.3 a copy of the Investigator's Report and any supporting documentation (including any witness statements where relevant) and the allegations to be considered at the Disciplinary Hearing;
 - 5.4.4 confirmation that the Disciplinary Hearing is convened under this procedure and could result in disciplinary action, including dismissal (where appropriate);
 - 5.4.5 confirmation that the officer under investigation ~~Relevant Chief Officer~~ may be accompanied at the Disciplinary Hearing by a local trade union representative, an official employed by a trade union or a fellow work colleague (~~"Companion"~~) or professional representative ("Companion");
 - 5.4.6 confirmation that the officer under investigation ~~Relevant Chief Officer~~ may ask any person to be present as a witness or adduce any documents or written statements in support of his response, provided full details of such witnesses and details of the documents to be adduced at the hearing or

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witness statements are provided to the Chief Executive, or his nominee, at least five working days before the date of the Disciplinary Hearing, for distribution to all parties.

- 5.5 Within two working days of receipt of the notice under paragraph 9.4, the officer under investigation ~~Relevant Chief Officer~~ shall either agree the date for the Hearing or propose to the Chief Executive or a nominee, a postponement for the date of the Hearing for a period not exceeding ten working days setting out the reasons for the request. For the avoidance of doubt, the postponement includes any postponement due to the availability of the officer under investigation's ~~Relevant Chief Officer's~~ Companion. If the officer under investigation ~~Relevant Chief Officer~~ requests a postponement, the Chief Executive or a nominee and the officer under investigation ~~Relevant Chief Officer~~ (or his representative) shall agree the new date for the hearing. If they cannot agree the date within one working day, the Chair of the Investigating and Disciplinary Committee, having taken appropriate advice, shall determine the date of the Disciplinary Hearing.
- 5.6 The Chief Executive or a nominee shall then formally give notice to the Investigating and Disciplinary Committee (and the officer under investigation ~~Relevant Chief Officer~~ if the Hearing has been postponed) of the date for the Disciplinary Hearing. The Investigating and Disciplinary Committee will be sent a full copy of all relevant documentation including the Investigation Report and supporting evidence and any written representations and witness evidence provided by the officer under investigation ~~Relevant Chief Officer~~.
- 5.7 The officer under investigation ~~Relevant Chief Officer~~ and their Companion must make every effort to attend the Disciplinary Hearing (whether reconvened or otherwise). Failure to attend without good reason may be treated as misconduct in itself. If the officer under investigation ~~Relevant Chief Officer~~ fails to attend without good reason, or persistently fails to do so, the Disciplinary Hearing may proceed in their absence and a decision may be made based on the available evidence.
- 5.8 At least five working days before the date of the Disciplinary Hearing the officer under investigation ~~Relevant Chief Officer~~ shall give to the Chief Executive, or a nominee:-
- 5.8.1 Full details of any witnesses they wish to call together with copies of their witness statements (it shall be the responsibility of the officer under investigation ~~Relevant Chief Officer~~ to arrange for the attendance of their witnesses via the contact officer) ; and
 - 5.8.2 Copies of any documents which they wish to refer to in support of their response; and
 - 5.8.3 Any written statements or submissions which they wish to submit; and
 - 5.8.4 Details of the Companion they wish to bring to the Disciplinary Hearing. If the officer under investigation ~~Relevant Chief Officer~~'s choice of Companion is unreasonable, the Chief Executive or his nominee may request that another Companion be selected e.g. where the Companion may have a conflict of interest or prejudice the Disciplinary Hearing.
- 5.9 The Chief Executive or a nominee shall provide a copy of such documents and information to the Investigating and Disciplinary Committee as soon as

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reasonably practicable thereafter and no later than three working days prior to the Disciplinary Hearing.

The Investigating and Disciplinary Committee Hearing

- 6.1 The procedure for the Disciplinary Hearing will be as follows:-
- 6.1.1 the Chair of the Investigating and Disciplinary Committee will explain the purpose of the Hearing and the procedure to be followed;
 - 6.1.2 the Investigating Officer will present the Investigation Report and introduce the evidence relating to each allegation and/or complaint, including documents and witness evidence either in person or in writing as previously notified;
 - 6.1.3 the officer under investigation ~~Relevant Chief Officer~~ or his/her Companion, and the Investigating and Disciplinary Committee and Independent Adviser, will have the opportunity to ask questions of the Investigating Officer including direct questions to any witnesses;
 - 6.1.4 the officer under investigation ~~Relevant Chief Officer~~ or their Companion will introduce evidence in support of their response to the allegations, including documents and witnesses as previously notified;
 - 6.1.5 the Investigating Officer, the Investigating and Disciplinary Committee and the Independent Adviser will have the opportunity to ask questions of the officer under investigation ~~Relevant Chief Officer~~ and/or their Companion, including direct questions to any witnesses;
 - 6.1.6 both sides will sum-up their presentations, commencing with the Investigating Officer.
- 6.2 The Companion can address the hearing, put and sum up the officer under investigation ~~Relevant Chief Officer~~'s case, make representations on behalf of the officer under investigation ~~Relevant Chief Officer~~ to any views expressed at the Disciplinary Hearing and confer with the officer under investigation ~~Relevant Chief Officer~~ during the Disciplinary Hearing. The Companion does not, however, have the right to answer questions on the officer under investigation ~~Relevant Chief Officer~~'s behalf.
- 6.3 The Disciplinary Hearing may be adjourned if the Investigating and Disciplinary Committee need any further investigations to be carried out, such as re-interviewing witnesses in the light of any new points which are raised at the Disciplinary Hearing. The officer under investigation ~~Relevant Chief Officer~~ will be given a reasonable opportunity to consider any new information obtained before the Disciplinary Hearing is reconvened.
- 6.4 When the Investigating and Disciplinary Committee has heard all of the evidence submitted they will adjourn to consider what, if any, further action should be taken. The range of options available to them include:-
- 6.4.1 taking no further action;
 - 6.4.2 recommending informal resolution or other appropriate procedures be followed;
 - 6.4.3 referring back to the Investigator for further investigation and a further report;

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- 6.4.4 taking disciplinary action against the officer under investigation ~~Relevant Chief Officer~~ in accordance with paragraph 6.5.
- 6.5 In the case of disciplinary action, this can include the following:-
- 6.5.1 a recorded or oral warning;
- 6.5.2 a final written warning;
- 6.5.3 a final written warning accompanied by:-
- (a) suspension on half pay or no pay for a specified period; and/or
 - (b) relegation (i.e. reduction in salary) for a specified period and/or on specified terms; and/or
 - (c) demotion;
- 6.5.4 dismissal (whether summary dismissal or on notice); and
- 6.5.5 alternatively the Investigating and Disciplinary Committee may explore other alternatives such as but not limited to early retirement, secondment, or redeployment to a more junior post (provided that such a post is vacant) where there are issues relating to capability or loss of trust and confidence in the officer under investigation ~~Relevant Chief Officer~~ in their current role.
- 6.6 For the avoidance of doubt, the actions set out in paragraph 6.5.3 above shall only be applied in circumstances where the Investigating and Disciplinary Committee has decided that appropriate disciplinary action would include dismissal but that action short of dismissal would be more appropriate due to mitigating or other circumstances.
- 6.7 A Final Written warning will set out the nature of the misconduct, the change in behaviour required, the period for which the warning will remain active, and the likely consequences of further misconduct in that period.
- 6.8 All others present at the Disciplinary Hearing (other than the Independent Adviser) will withdraw while the Investigating and Disciplinary Committee consider their decision.
- 6.9 Where practicable, the decision of the Investigating and Disciplinary Committee will be delivered orally after an adjournment with full reasons for the decision being given by letter within five working days of the Disciplinary Hearing. However, in order to ensure that the Investigating and Disciplinary Committee shall be afforded sufficient time to fully consider their decision, their decision may be deferred and issued to the officer under investigation ~~Relevant Chief Officer~~ in writing within five working days of the Disciplinary Hearing, or as soon thereafter as is reasonably practicable.
- 6.10 The letter will outline the decision and the action, if any, to be taken and will set out the rights of appeal (“Decision Letter”).
7. The Authority must pay reasonable remuneration to a designated independent person appointed by the ~~investigation committee~~ Investigation Committee and any costs incurred by, or in connection with, the discharge of functions under this regulation.

APPENDIX B

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Procedure for the dismissal of the Chief Officers and Deputy Chief Officers with the exception of those identified in Appendix A.

DISCIPLINARY PROCEDURE FOR CHIEF OFFICERS

Scope of Procedure

- 1.1 This procedure applies to ~~“Relevant Chief Officers” which for the purposes of this Appendix B is defined as follows:~~
~~“Relevant Chief Officers” means~~ all Chief Officers (and Deputy Chief Officers) of the Authority other than the Head of Paid Service, the Monitoring Officer, the Chief Finance Officer (Section 151 Officer) and the Head of Democratic Services.
- 1.2 This procedure has been adopted by the Full Council for the purpose of dealing with disciplinary, capability and other similar issues in relation to an officer under investigation ~~Relevant Chief Officers~~ of the Authority under Appendix B.
- 1.3 Minor conduct issues can often be resolved informally. Formal steps will be taken under this procedure if the matter is not resolved, or if informal discussion is not appropriate (for example, because of the seriousness of the allegation).
- 1.4 The objective of this procedure is to:-
 - 1.4.1 encourage employees to achieve and maintain acceptable standards of behaviour;
 - 1.4.2 provide a fair and consistent method of dealing with alleged failure to maintain acceptable standards of behaviour;
 - 1.4.3 minimise disagreements about disciplinary matters; and
 - 1.4.4 reduce the need for disciplinary action and dismissals.
- 1.5 Save where alternative arrangements have been agreed in advance between the Chief Executive and the officer under investigation ~~Relevant Chief Officer~~ the steps set out in this procedure should be followed. It is recognised that it may be necessary to depart from the procedure, from time to time, according to particular circumstances of a case. In such circumstances, the Chief Executive and the officer under investigation ~~Relevant Chief Officer~~ involved will give fair consideration to reasonable proposals to modify the procedure accordingly, and such modifications will be recorded in writing.
- 1.6 This procedure does not form part of a officer under investigation ~~Relevant Chief Officer~~'s contract of employment and it may be amended at any time.
- 1.7 Any disciplinary matters will be dealt with sensitively and with due respect for the privacy of any individuals involved. All individuals involved must treat as confidential any information communicated to them in connection with an investigation or disciplinary matter.

Roles and Responsibilities

- 2.1 Where it appears that an issue has arisen which, if proven, could result in disciplinary action being taken against a officer under investigation ~~Relevant Chief Officer~~, the Chief Executive shall be responsible for conducting the preliminary investigation which is further referred to in paragraph 5 below. The Chief Executive may choose to appoint another Chief Officer or an independent person to carry out the preliminary investigation on his behalf and whosoever undertakes

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that role shall be referred to as the “Preliminary Independent Investigator” in this procedure.

- 2.2 The Chief Executive or nominee shall undertake a preliminary investigation into the allegations of conduct or capability, or other issues under investigation in order to determine whether a case to answer appears to exist which requires further consideration the Chief Executive will decide whether or not the investigation can be carried out by an officer of the same grade or above or by an independent person (“Investigating Officer”). ~~by an investigating and disciplinary committee as established as set out in paragraph 7 (“Investigating and Disciplinary Committee”). The Investigating and Disciplinary Committee shall be constituted in accordance with paragraph 7.2.~~
- 2.3 Save where the Chief Executive is satisfied, following a preliminary investigation, that the issue requires no further action or can be resolved informally, the matter must be referred to ~~the~~ an Investigating and Disciplinary Committee consisting of no fewer than three elected members made up of one member of the Cabinet plus members of the Employment and Appeals Committee and should not include any member with a direct personal involvement in the complaint or who has participated in the preliminary investigation. The Leader shall appoint the Cabinet Member and the members of the Employment and Appeals Committee shall be appointed in consultation with the Chair of that Committee. ~~The Investigating and Disciplinary Committee which shall be responsible for determining the matter.~~

Timescale

- 3.1 The procedure does not incorporate prescriptive timescales as it is recognised that these could be impracticable to achieve in the circumstances of a particular case. However, it is implicit that all stages of the procedure be operated expeditiously by all parties in order to avoid unnecessary delay and prejudice to the interests of all parties.

Suspension

- 4.1 Suspension is not regarded as disciplinary action under this procedure but as a neutral act which may be implemented where, in the opinion of the Chief Executive, it is believed that the officer under investigation ~~Relevant Chief Officer~~'s continuing presence at work might compromise the investigation or otherwise impair the efficient exercise of the Authority's functions.
- 4.2 Suspension may also be necessary if an allegation is such that, if proven, it would amount to gross misconduct.
- 4.3 Prior to imposing suspension in any case, the Chief Executive shall inform the officer under investigation ~~Relevant Chief Officer~~ in writing, of the reason for the proposed suspension and the officer under investigation ~~Relevant Chief Officer~~ shall have the opportunity to make written representations before a decision is taken.
- 4.4 The necessity for the officer under investigation ~~Relevant Chief Officer~~ to remain suspended should be reviewed at monthly intervals and where possible lengthy periods of suspension should be avoided. Further specific consideration should be given as to whether alternative working arrangements might be implemented which could avoid the need for the officer under investigation ~~Relevant Chief Officer~~'s suspension, whilst avoiding any compromise to the investigation or to the efficient exercise of the Authority's functions.

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- 4.5 Absence due to suspension shall be on full pay.
- 4.6 The Chief Executive will allocate a contact officer for the officer under investigation ~~Relevant Chief Officer~~. The contact officer should be another Chief Officer, with no direct relationship to the officer under investigation ~~Relevant Chief Officer~~ being suspended, and be someone whom the officer under investigation ~~Relevant Chief Officer~~ should use as a point of contact for accessing any witnesses etc.

Preliminary Investigation

- 5.1 The Chief Executive will be responsible for informing the officer under investigation ~~Relevant Chief Officer~~, in writing, of the nature of the allegations or other issues under investigation. The date of this notification shall be the “commencement date” for the purpose of this procedure.
- 5.2 The Chief Executive shall be responsible for determining the arrangements for conducting a preliminary investigation, as set out in paragraph 2.2 above.
- 5.3 The Chief Executive shall, when appointing another to conduct the preliminary investigation on ~~his~~ their behalf, determine the terms of appointment of the Preliminary Independent Investigator, agree any remuneration payable to the Preliminary Independent Investigator (if appropriate), provide facilities and all available information regarding allegations or other issues under investigation as are necessary to enable the Preliminary Independent Investigator to fulfil their role.
- 5.4 The Preliminary Independent Investigator will be entitled to interview witnesses and carry out such enquiries as they deem necessary. This may include examining the Authority’s email, internet, and other IT systems, including the accounts of the officer under investigation ~~Relevant Chief Officer~~ in line with GDPR Guidance. The officer under investigation ~~Relevant Chief Officer~~ shall fully cooperate with the Preliminary Independent Investigator and shall make themselves available for such interviews and meetings and provide any relevant documentation or information as the Preliminary Independent Investigator deems necessary.
- 5.5 The officer under investigation ~~Relevant Chief Officer~~ shall be given reasonable facilities and access to the Authority’s premises and systems as well as personal files/diary, etc. to allow them to prepare their responses on such terms as may be agreed by the Preliminary Independent Investigator.
- 5.6 The Preliminary Independent Investigator shall prepare a short report following their investigation which, save where the investigation is conducted by the Chief Executive, shall be submitted to the Chief Executive for consideration (“Preliminary Investigation Report”). A copy of the Preliminary Investigation Report shall be provided to the officer under investigation ~~Relevant Chief Officer~~ within seven working days of receipt by the Chief Executive or where completed by the Chief Executive within seven working days of its completion.
- 5.7 The officer under investigation ~~Relevant Chief Officer~~ shall, if they so wish, make written representations in relation to the Preliminary Investigation Report, within five working days of receipt by the officer under investigation ~~Relevant Chief Officer~~ of the Preliminary Investigation Report.
- 6.1 The Chief Executive will give careful consideration to the allegations or other issues, the Preliminary Investigator’s Report, supporting evidence and any written

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representations put forward by the officer under investigation ~~Relevant Chief Officer~~ before taking further action.

6.2 The Chief Executive shall decide whether:

6.2.1 The issue requires no further formal action under this procedure (in which case they will consider what other steps, if any, should be taken) and would ordinarily lift any suspension immediately; or

6.2.2 The issue should be referred to the Investigating and Disciplinary Committee, in which case paragraphs 7 to 11, shall apply.

6.3 The Chief Executive shall inform the officer under investigation ~~Relevant Chief Officer~~ of the decision, in writing, as soon as practicable.

The Role of the Investigating and Disciplinary Committee and appointing an Investigator

7.1 If the Chief Executive decides that the matter should be referred to the Investigating and Disciplinary Committee, the Chief Executive shall appoint another Chief Officer, or an independent person, to carry out any further investigation required into the allegations or other issues as soon as practicable (“the Investigator”). The Investigator can be the same person who carried out the preliminary investigation.

7.2 The Chief Executive shall determine the terms of appointment of the Investigator, agree the Investigator’s remuneration (if appropriate), procure the necessary facilities and provide all available information about the allegations or other issues under investigation as shall be necessary to enable them to fulfil their role.

7.3 The officer under investigation ~~Relevant Chief Officer~~ will be informed that the matter has been referred to the Investigating and Disciplinary Committee, the members of the Committee and that an Investigator has been appointed who, subject to availability, may be the same person who carried out the preliminary investigation.

7.4 The Investigating and Disciplinary Committee should include no fewer than three elected members made up of one member of the Cabinet plus members of the Employment and Appeals Committee and should not include any member with a direct personal involvement in the complaint or who has participated in the preliminary investigation. The Leader shall appoint the Cabinet Member and the members of the Employment and Appeals Committee shall be appointed in consultation with the Chair of that Committee.

7.5 The Investigating and Disciplinary Committee shall appoint a chair person to oversee the function of the Committee (“Chair”).

7.6 The Investigating and Disciplinary Committee shall be advised throughout by a suitable adviser who may be employed by or independent of the Authority, (“the Independent Adviser”) who shall ordinarily be accompanied by a member of the Council’s HR or Legal Teams, save in cases where a conflict of interest could arise, in which case the Chief Executive shall appoint a nominee.

Responsibilities of the Investigator

8.1 It will be the responsibility of the Investigator to carry out a further investigation into the allegations or other issues under investigation and to prepare a report (“Investigation Report”):

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- 8.1.1 stating in his/her opinion whether (and if so, the extent to which) the evidence they have obtained supports any allegation of misconduct, or incapability or supports a need for action under this procedure for some other substantial reason; and
- 8.1.2 recommending what, if any, disciplinary action or range of actions appears to be appropriate for the Authority, through its Investigating and Disciplinary Committee, to take against the officer under investigation ~~Relevant Chief Officer~~ having regard to all the circumstances of the case.

Pre-Disciplinary Hearing Procedure

- 9.1 Within seven working days of receipt of the Investigation Report, the Chief Executive, or his nominee, shall send a copy to the officer under investigation ~~Relevant Chief Officer~~. This shall be accompanied by a written indication if any further action is to be taken, and if so, notice of the specific allegations to be considered by the Investigating and Disciplinary Committee at the Disciplinary Hearing and any supporting documentation.
- 9.2 The officer under investigation ~~Relevant Chief Officer~~ shall, if they so wish, request further information and/or documents relating to the allegations within five working days of receipt of the Investigation Report.
- 9.3 Any additional information and documentation requested will be provided by the Investigator, where relevant, within seven working days or such other time as appropriate in the circumstances.
- 9.4 Once the period for requesting further information has elapsed or once a response has been provided by the Investigator further to paragraph 9.3 above, the Chief Executive or a nominee shall give the officer under investigation ~~Relevant Chief Officer~~ not less than ten working days written notice of the date of the Disciplinary Hearing with the Investigating and Disciplinary Committee. The notice shall include:-
 - 9.4.1 the time and place of the Disciplinary Hearing;
 - 9.4.2 who will be in attendance at the Disciplinary Hearing including the members of the Investigating and Disciplinary Committee;
 - 9.4.3 a copy of the Investigator's Report and any supporting documentation (including any witness statements where relevant) and the allegations to be considered at the Disciplinary Hearing;
 - 9.4.4 confirmation that the Disciplinary Hearing is convened under this procedure and could result in disciplinary action, including dismissal (where appropriate) ;
 - 9.4.5 confirmation that the officer under investigation ~~Relevant Chief Officer~~ may be accompanied at the Disciplinary Hearing by a local trade union representative, an official employed by a trade union or a fellow work colleague ("Companion");
 - 9.4.6 confirmation that the officer under investigation ~~Relevant Chief Officer~~ may ask any person to be present as a witness or adduce any documents or written statements in support of his response, provided full details of such witnesses and details of the documents to be adduced at the hearing or witness statements are provided to the Chief Executive, or his nominee, at

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least five working days before the date of the Disciplinary Hearing, for distribution to all parties.

- 9.5 Within two working days of receipt of the notice under paragraph 9.4, the officer under investigation~~Relevant Chief Officer~~ shall either agree the date for the Hearing or propose to the Chief Executive or a nominee, a postponement for the date of the Hearing for a period not exceeding ten working days setting out the reasons for the request. For the avoidance of doubt, the postponement includes any postponement due to the availability of the officer under investigation~~Relevant Chief Officer~~'s Companion. If the officer under investigation~~Relevant Chief Officer~~ requests a postponement, the Chief Executive or a nominee and the Relevant Chief Officer (or his representative) shall agree the new date for the hearing. If they cannot agree the date within one working day, the Chair of the Investigating and Disciplinary Committee, having taken appropriate advice, shall determine the date of the Disciplinary Hearing.
- 9.6 The Chief Executive or a nominee shall then formally give notice to the Investigating and Disciplinary Committee (and the officer under investigation~~Relevant Chief Officer~~ if the Hearing has been postponed) of the date for the Disciplinary Hearing. The Investigating and Disciplinary Committee will be sent a full copy of all relevant documentation including the Investigation Report and supporting evidence and any written representations and witness evidence provided by the Relevant Chief Officer.
- 9.7 The officer under investigation~~Relevant Chief Officer~~ and their Companion must make every effort to attend the Disciplinary Hearing (whether reconvened or otherwise). Failure to attend without good reason may be treated as misconduct in itself. If the officer under investigation~~Relevant Chief Officer~~ fails to attend without good reason, or persistently fails to do so, the Disciplinary Hearing may proceed in their absence and a decision may be made based on the available evidence.
- 9.8 At least five working days before the date of the Disciplinary Hearing the officer under investigation~~Relevant Chief Officer~~ shall give to the Chief Executive, or a nominee:
- 9.8.1 Full details of any witnesses they wish to call together with copies of their witness statements (it shall be the responsibility of the officer under investigation~~Relevant Chief Officer~~ to arrange for the attendance of their witnesses via the contact officer); and
 - 9.8.2 Copies of any documents which they wish to refer to in support of their response; and
 - 9.8.3 Any written statements or submissions which they wish to submit; and
 - 9.8.4 Details of the Companion they wish to bring to the Disciplinary Hearing. If the officer under investigation~~Relevant Chief Officer~~'s choice of Companion is unreasonable, the Chief Executive or his nominee may request that another Companion be selected e.g. where the Companion may have a conflict of interest or prejudice the Disciplinary Hearing.
- 9.9 The Chief Executive or a nominee shall provide a copy of such documents and information to the Investigating and Disciplinary Committee as soon as

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reasonably practicable thereafter and no later than three working days prior to the Disciplinary Hearing.

The Investigating and Disciplinary Committee Hearing

10.1 The procedure for the Disciplinary Hearing will be as follows:

10.1.1 the Chair of the Investigating and Disciplinary Committee will explain the purpose of the Hearing and the procedure to be followed;

10.1.2 the Investigating Officer will present the Investigation Report and introduce the evidence relating to each allegation and/or complaint, including documents and witness evidence either in person or in writing as previously notified;

10.1.3 the officer under investigation ~~Relevant Chief Officer~~ or his/her Companion, and the Investigating and Disciplinary Committee and Independent Adviser, will have the opportunity to ask questions of the Investigating Officer including direct questions to any witnesses;

10.1.4 the officer under investigation ~~Relevant Chief Officer~~ or their Companion will introduce evidence in support of their response to the allegations, including documents and witnesses as previously notified;

10.1.5 the Investigating Officer, the Investigating and Disciplinary Committee and the Independent Adviser will have the opportunity to ask questions of the officer under investigation ~~Relevant Chief Officer~~ and/or their Companion, including direct questions to any witnesses;

10.1.6 both sides will sum-up their presentations, commencing with the Investigating Officer.

10.2 The Companion can address the hearing, put and sum up the officer under investigation ~~Relevant Chief Officer~~'s case, make representations on behalf of the Relevant Chief Officer to any views expressed at the Disciplinary Hearing and confer with the officer under investigation ~~Relevant Chief Officer~~ during the Disciplinary Hearing. The Companion does not, however, have the right to answer questions on the officer under investigation ~~Relevant Chief Officer~~'s behalf.

10.3 The Disciplinary Hearing may be adjourned if the Investigating and Disciplinary Committee need any further investigations to be carried out, such as re-interviewing witnesses in the light of any new points which are raised at the Disciplinary Hearing. The officer under investigation ~~Relevant Chief Officer~~ will be given a reasonable opportunity to consider any new information obtained before the Disciplinary Hearing is reconvened.

10.4 When the Investigating and Disciplinary Committee has heard all of the evidence submitted they will adjourn to consider what, if any, further action should be taken. The range of options available to them include:

10.4.1 taking no further action;

10.4.2 recommending informal resolution or other appropriate procedures be followed;

10.4.3 referring back to the Investigator for further investigation and a further report;

10.4.4 taking disciplinary action against the officer under investigation ~~Relevant Chief Officer~~ in accordance with paragraph 10.5.

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10.5 In the case of disciplinary action, this can include the following:

10.5.1 a recorded or oral warning;

10.5.2 a final written warning;

10.5.3 a final written warning accompanied by:

- (a) suspension on half pay or no pay for a specified period; and/or
- (b) relegation (i.e. reduction in salary) for a specified period and/or on specified terms; and/or
- (c) demotion;

10.5.4 dismissal (whether summary dismissal or on notice); and

10.5.5 alternatively the Investigating and Disciplinary Committee may explore other alternatives such as but not limited to early retirement, secondment, or redeployment to a more junior post (provided that such a post is vacant) where there are issues relating to capability or loss of trust and confidence in the officer under investigation ~~Relevant Chief Officer~~ in their current role.

10.6 For the avoidance of doubt, the actions set out in paragraph 10.5.3 above shall only be applied in circumstances where the Investigating and Disciplinary Committee has decided that appropriate disciplinary action would include dismissal but that action short of dismissal would be more appropriate due to mitigating or other circumstances.

10.7 A Final Written warning will set out the nature of the misconduct, the change in behaviour required, the period for which the warning will remain active, and the likely consequences of further misconduct in that period.

10.8 All others present at the Disciplinary Hearing (other than the Independent Adviser) will withdraw while the Investigating and Disciplinary Committee consider their decision.

10.9 Where practicable, the decision of the Investigating and Disciplinary Committee will be delivered orally after an adjournment with full reasons for the decision being given by letter within five working days of the Disciplinary Hearing. However, in order to ensure that the Investigating and Disciplinary Committee shall be afforded sufficient time to fully consider their decision, their decision may be deferred and issued to the officer under investigation ~~Relevant Chief Officer~~ in writing within five working days of the Disciplinary Hearing, or as soon thereafter as is reasonably practicable.

10.10 The letter will outline the decision and the action, if any, to be taken and will set out the rights of appeal (“Decision Letter”).

Appeal Process

11.1 The officer under investigation ~~Relevant Chief Officer~~ shall have the right to appeal the Investigating and Disciplinary Committee’s decision, to an Appeals Committee consisting of no fewer than three elected members made up of one member of the Cabinet plus members of the Employment and Appeals Committee and should not include any member with a direct personal involvement in the complaint or who has participated in the preliminary investigation or the Disciplinary Hearing. The Leader shall appoint a Cabinet Member and the

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- members of the Employment and Appeals Committee shall be appointed in consultation with the Chair of that Committee.
- 11.2 Any appeal must be made in writing to the Chief Executive or his / her nominee as set out in the Decision Letter within ten working days of the date of the Decision Letter including the grounds of appeal (“Notice of Appeal”).
- 11.3 Within five working days of submitting a Notice of Appeal the officer under investigation~~Relevant Chief Officer~~ must inform the Chief Executive of the following details in relation to the Notice of Appeal and provide the following information:
- 11.3.1 whether the officer under investigation ~~Relevant Chief Officer~~ is to be accompanied at the appeal hearing by a Companion and if so by whom;
 - 11.3.2 whether they wish to call witnesses and if so, their names and copies of their statements if not already supplied for the purposes of the original Disciplinary Hearing;
 - 11.3.3 copies of any additional documents or information relevant to the appeal that was not provided at the Disciplinary Hearing;
- 11.4 Having considered the Notice of Appeal, the Appeals Committee in its absolute discretion will determine whether the appeal hearing will take the form of a full re-hearing or a review of the decision taken by the Investigating and Disciplinary Committee and will notify the officer under investigation ~~Relevant Chief Officer~~ of their decision in writing.
- 11.5 The Appeals Committee will consider the appeal as soon as reasonably practicable after the Notice of Appeal has been received. It will invite the following persons to be present at an appeal hearing:
- 11.5.1 the officer under investigation~~Relevant Chief Officer~~, who may be accompanied by a Companion; and
 - 11.5.2 the Chair of the Investigating and Disciplinary Committee or another members of the Committee if so nominated by the Chair, to explain their reasons for their decision and to answer any questions; and
 - 11.5.3 the Investigating Officer.
- 11.6 The procedure for convening the Appeal Hearing and the procedure at the Appeal Hearing will follow that set out above in relation to the Disciplinary Hearing.
- 11.7 The Appeals Committee shall be advised by an independent adviser who shall not usually be the same adviser who advised the Investigating and Disciplinary Committee.
- 11.8 The Appeals Committee in its absolute discretion shall decide the extent to which (if any) it will take into account any additional information which has become available in relation to the allegations or other issues under investigation since the Disciplinary Hearing.
- 11.9 The Appeals Committee may decide to uphold/dismiss the original decision of the Investigating and Disciplinary Committee or impose a different sanction within the range of penalties as set out in paragraphs 10.4 and 10.5.
- 11.10 Where practicable, the decision of the Appeals Committee will be delivered orally after an adjournment with full reasons for the decision being given by letter within five working days of the Appeal Hearing. However, in order to ensure that the

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Appeal Committee shall be afforded sufficient time to fully consider their decision, their decision may be deferred and issued to the officer under investigation ~~Relevant Chief Officer~~ in writing within five working days of the Appeal Hearing, or as soon thereafter as is reasonably practicable.

11.11 The letter will outline the decision and the action, if any, to be taken.

11.12 The decision reached will be final and there is no further right of appeal.

CYNGOR SIR POWYS COUNTY COUNCIL**COUNTY COUNCIL****23 September 2021**

REPORT BY: Head of Legal and Democratic Services (Monitoring Officer)

SUBJECT: Appointment of Independent (Lay) Members on the Standards Committee

REPORT FOR: Decision

1. The report covers a number of issues in respect of the appointment of Independent [Lay] Members of the Standards Committee.

Current vacancy [from June 2020]

2. At the meeting of the County Council on the 23 January 2020 arrangements were agreed to fill a vacancy of an Independent (Lay) Member on the Standards Committee. These included the establishment of an Appointment Panel to interview applicants and make appropriate recommendations to the County Council. Arrangements were made for interviews but these were postponed due to it being established that a member of the Appointments Panel knew an applicant. Arrangements were then put on hold due to the pandemic and the Council concentrating on business critical work.
3. The recruitment process has now been completed.
4. The Standards Committee and Standards Community Sub-Committee appointed the following to the Appointment Panel:
 - Independent (Lay) Members representatives – Jackie Evans and Claire Moore
 - County Councillor representative - County Councillor Kath Roberts-Jones
 - Community Sub Committee representative – Councillor Hugh PatrickA previous High Sheriff, Rhian Duggan, acted as Independent Panel Member and Chaired the Appointment Panel.
5. Following public advertisement of the vacancy in the local press and on the Powys County Council website and social media, expressions of interest were received from 22 members of the public.

6. Applications were received from 11 eligible candidates and these were considered at a shortlisting meeting of the Panel on 6 September 2021. Four applicants were invited to interview on 13 September 2021.
7. Since the suspension on the recruitment process described above, it has come to light that the term of office of another Independent [Lay] Member of the Standards Committee, Mrs Jackie Evans, will end on 2 March 2022. Mrs Evans will have completed one term of six years and a second term of four years and is therefore ineligible to be reappointed.
8. In order to save the cost and time of a second recruitment exercise in late 2021/early 2022, Council is asked to consider appointing 2 Independent [Lay] Members to the Standards Committee based upon the outcome of the Appointment Panel on 13th September 2021.
9. The Panel recommends that Mr Nigel Steward be appointed as Independent (Lay) Member for a period of 6 years from 23 September 2021 and that Mr Russell Stafford-Tolley be appointed as Independent (Lay) Member, for a period of 6 years from 3 March 2022.

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

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

- 10 The term of office of an Independent [Lay] Member of the Standards Committee, Mr Stephan Hays, expires on 25 January 2022. He will have completed his first term of office of 6 years on that date.
11. The Council is able to reappoint him for a further four year term of office which will expire on 25 January 2026. He has indicated that he would be willing to serve for this further term of four years.

RECOMMENDED	Reason for recommendation
2. That the Council reappoints Mr Stephan Hays as an Independent [Lay] Member of the Standards Committee for a term of four years, from 26 January 2022, expiring on 25 January 2026.	To fill the Independent Member vacancy on the Standards Committee.

Relevant Local Member(s):	N/A		
Person(s) To Implement Decision:	Solicitor to the Council (Monitoring Officer)		
Date By When Decision To Be Implemented:	Immediately following the Council meeting.		
Contact Officer Name:	Tel:	Fax:	Email:
Clive Pinney – Head of Legal and Democratic Services	01597 826746		clive.pinney@powys.gov.uk

Background Papers used to prepare Report:

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

CYNGOR SIR POWYS COUNTY COUNCIL.

23 September 2021

REPORT AUTHOR: Head of Legal and Democratic Services**SUBJECT:** Llanddew Community Council – Inquorate**REPORT FOR:** Decision**Introduction**

Llanddew Community Council has not met as a Council since before the pandemic. In that period the Council has experienced a number of resignations and has been left inquorate with just one Community Councillor remaining. The Council is no longer able to function without a quorum, the quorum is 3, ie one third of the total number of members of the council.

Under the Local Government Act 1972 Section 91, where there are so many vacancies in the office of community councillor that the community council is unable to act, Powys County Council as the Principal Council may by order appoint persons to fill all or any of the vacancies until other councillors are elected and take up office.

Proposal

To appoint temporary community councillors to act until a sufficient number of councillors have been elected to take up office to make the Llanddew Community Council quorate again. The local County Councillor of Felinfach and County Councillors of neighbouring electoral wards of St John and St Mary have agreed to act as such temporary members. A copy of the proposed Order is attached as Appendix A.

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

Person(s) To Action Decision:	Sandra Matthews, Principal Elections Officer
Date By When Decision To Be Actioned:	1st October 2021

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

Contact Officer Name:	Tel:	Fax:	Email:
Sandra Matthews	01597 826747	01597 826220	sandram@powys.gov.uk

Relevant Portfolio Member(s):	County Councillor Beverley Baynham
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Relevant Local Member(s):	County Councillor Roger Williams
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Background Papers used to prepare Report:

Tudalen 131

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

**POWYS COUNTY COUNCIL
LOCAL GOVERNMENT ACT 1972 SECTION 91**

Llanddew Community Council (Removal of Difficulty) Order 2021

1. Background

- 1.1** Llanddew Community Council has experienced a number of recent resignations and has been left inquorate with just one Community Councillor remaining.
- 1.2** Under the Local Government Act 1972 Section 91, where there are so many vacancies in the office of community councillor that the community council is unable to act, Powys County Council (hereinafter referred to as "The Council") as the principal council may by order appoint persons to fill all or any of the vacancies until other councillors are elected and take up office.

2 Operative provisions

- 2.1** Powys County Council, pursuant to the [Local Government Act 1972 Section 91](#) and the makes the following Order:

The following persons are appointed to act as community councillor on Llanddew Community Council until a sufficient number of elected community councillors have taken up office:

County Councillor Roger Williams, Powys County Hall, Llandrindod Wells
County Councillor Matthew Dorrance, Powys County Hall, Llandrindod Wells
County Councillor Liz Rijnenberg, Powys County Hall, Llandrindod Wells

- 2.2** This Order comes into force on the date given below.

Dated the 1 October 2021

(seal of council)
(signature of proper officer)

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

CYNGOR SIR POWYS COUNTY COUNCIL.**REPORT TO COUNCIL
23 September 2021****REPORT AUTHOR: Head of Finance and Section 151 Officer****REPORT TITLE: Pensions and Investment Committee Chair's Allowances**

REPORT FOR: Decision

1. Purpose

1.1 At the meeting of the Pensions and Investment Committee on the 9th of July, the Committee resolved to make the request to the County Council that it considers whether a payment equivalent to a Senior Responsibility Allowance (SRA) is paid to the Chair of the Pensions and Investment Committee and re-charged to the Pension Fund, to reflect the responsibilities placed on the chair of that Committee and the increasing demands being placed on the role.

2. Background

2.1 At the Council meeting on the 16th May 2019, council agreed to the recommendations presented in a report on Member's Salaries, Allowances and Expenses, following a review by the Democratic Services Committee, which ultimately decided not to award a SRA to the Chair of the Pensions and Investment Committee.

The report suggested that the reasons for this was;

- "that in view of the workload that the chair of the Pensions and Investment Committee should not be paid a senior salary"

2.2 The report presented in May 2019 may not have included full evidence of the workload of the chair of the Pensions and Investment Committee and did not reference the increasing demands placed upon the Chair as a result of the implementation of Wales Pension Partnership (WPP), following the Government's initiative to pool Local Government Pension Scheme assets for benefits of scale.

The chair of each Pension Committee in Wales is a member of the Joint Governance Committee (JGC) of the WPP. The WPP is a combined investment vehicle for the 8 LGPS Pension Funds in Wales to pool their investments and equates to approximately £18 billion in value (present value). The JGC acts very much like a local pensions committee and is responsible for decisions taken on behalf of the WPP.

In terms of the workload of the chair of the Pensions and Investment Committee (and in turn as a member of the WPP JGC), an approximate annual workload can be demonstrated as follows:

- Chairperson at an annual meeting of Powys Pension Fund employers.
- At least 4 formal meetings of the Powys Pensions and Investment Committee.
- Regular training obligations and attendance at various pension events.
- At least one annual meeting with the Section 151 Officer and Chair of the Pensions Board
- Numerous conversations and meetings with Officers

In addition to the bullet points above, the creation of the WPP has meant that the demand for the number of meetings (and preparation for those meetings) will at least double, with the pressure on the chair being somewhat more challenging at each of those meetings, as the Joint Governance Committee Member representative of the Powys Pension Fund.

2.3 Upon further investigations, it is confirmed that the Chairs of the other pension fund committees in Wales receive an additional allowance (or equivalent), via alternative means:

- via SRA from the allocated number to that Council
- via an alternative source due to them being Cabinet members or the Chair of another Committee
- via an alternative route, paid from the Pension Fund at the discretion of the Council.

It should be noted that it is just the additional responsibility allowance that is recharged to the pension fund (i.e. the equivalent of the Senior Responsibility Allowance). The main payment is made via the council in the same way as all the Councillors.

2.4 The costs would be the equivalent to the Senior Responsibilities Allowance and would attract the appropriate National Insurance and pension contributions. The Pension Committee have agreed that the costs would be borne by the pension fund.

3. Advice

3.1 It is proposed that Council reconsiders the allocation of a payment equivalent to a Senior Responsibility Allowance (SRA) to be paid to the Chair of the Pensions and Investment Committee, to reflect the responsibilities placed on the chair of that Committee and the increasing demands being placed on the role.

3.2 The Chair of the Powys Local Pension Board has considered this matter, together with Council Officers and makes the following observations:

Risk Analysis of Failure to Recruit, Retain and Motivate a Suitable Chair

a) Potential Financial Risks include:

- failure to effectively manage a £750+m Investment Fund would result in lower returns leading to higher employer contribution rates
- failure of the Fund maintaining opted up professional investor status under MiFID II (Markets in Financial Instruments Directive).
- Consequences of losing such status include:
 - being denied access to more complex asset classes, resulting in less diversification of assets, hence greater concentration risk
 - higher (retail) investment management fees
 - potentially be ineligible as a client for Investment Advisors if categorised as a retail investor

b) Potential Administration Risks and Compliance Risks include:

- failure to pay pensions accurately and on time
- poor performance statistics
- incorrect Triennial Valuation calculations and hence employer contribution rates
- Ombudsman cases

c) Reputational Risks would result from:

- Sanctions, e.g. Intervention Reports, or worse, from Pension Regulator
- The LGPS Scheme Advisory Board imposing external support to raise standards following a potential poor Independent Governance Review
- Critical external audit reports

4. Resource Implications

4.1 The additional payment equivalent to the senior responsibility allowance (SRA) would be recharged to the pension fund at a cost of £8793.00 plus on-costs per annum (totalling £10,530.00 after pension and national insurance contributions, based on the 2021/22 figure), increasing in line with the SRA paid by the council.

4.2 The Head of Finance (Section 151 Officer) notes the content of the report and can support the recommendation.

5. Legal implications

5.1 Legal : The recommendation can be supported from a legal point of view .

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

6. Data Protection

6.1 No data Protection implications

7. Comment from local member(s)

7.1 N/A

8. Impact Assessment

8.1 No impact assessment required

9. Recommendation

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

Contact Officer: Chris Hurst
Tel: 01597 827640
Email: chris.hurst@powys.gov.uk

Head of Service: Jane Thomas

Corporate Director:

NOTICE OF MOTION – SUPPORT A SIMPLE FIREWORK LICENCE

Background information

Link to the Cabinet Motion of Rhondda Cynon Taff:-

[Item3ResponsetoNoticeofMotionFireworks.pdf \(rctcbc.gov.uk\)](#)

Some other useful links:-

[How fireworks can affect your health and the ecosystem | CBC News](#)

[Fireworks legislation and impacts: international evidence review - gov.scot \(www.gov.scot\)](#)

[Festival fireworks celebrations' health impact on vulnerable people - study \(birmingham.ac.uk\)](#)

10 ways to avoid a firework frenzy

Big bangs and bright lights illuminating the sky on Bonfire Night can frighten even the most sensible horse. That's why we've asked the British Horse Society for some vital safety tips to make this time of year less stressful for you and your horse

- 1 Fireworks should not be set off near livestock or horses in fields or stables.
- 2 Try to keep your horse in his normal routine because this will mean one less thing for him to stress about.
- 3 Risk assess your stable yard. If your horse panics and gets out of control, you want as few objects in the way that could potentially cause injury. Also, make preparations to secure your yard in case your horse does manage to break out of his field or stable.
- 4 Find out if there are any displays planned near to where your horse is kept. Check with your local council to see if local commercial displays have been applied for and been granted the appropriate licence.
- 5 Be proactive and warn local organisers, councils and schools that there are horses in the area.
- 6 If you're around when the fireworks are being set off, remember to remain calm and positive as horses will sense your unease. Discuss and try to agree a strategy for dealing with fireworks with your yard owner and fellow liveries so that everyone has support.
- 7 In the lead up to Bonfire Night try desensitising your horse to loud bangs - there are various CDs available that can be played to your horse at a low level.
- 8 You can slowly increase the volume as he becomes more comfortable with the noise.
- 9 You could also play music in his stable to dull the sound of the bangs - again this would need to be introduced prior to the night so that he can acclimatise.
- 10 Leave stable or barn lights on - it could help to lessen the effect of bright lights and flashes. Meanwhile, if your horse is in a barn, close the main doors to limit the effects of the fireworks.
- 11 Remember, safety is key so don't put yourself in danger. Exchange full contact details with other horse owners for both yourself and your vets in case of emergency.

Know the facts on firework legislation

- It's illegal for anyone below the age of 18 to possess a firework in a public place
- Fireworks cannot be set off by a private individual between 11pm and 7am except on certain nights of the year
- It's an offence to cause unnecessary suffering to any captive or domestic animal
- Unless retailers possess a special licence they may only sell fireworks from 15 October to 10 November and 26 to 31 December
- Find out more about preparing your horse for Bonfire Night with the BHS Horses and Fireworks leaflet which can be found at www.horseaccidents.org.uk

Fireworks Safety for pets

Keep your pets secured INSIDE your home. Even dogs in fenced yards find ways to escape the scary sounds.

Give them a safe place to hide. Set up a comfortable room or crate in your house just for them.

Use ambient noise to mask the noise. A radio or TV playing comforting music works well.

Update their IDs & microchips (just in case).

Skip the celebration and stay home with them. Sometimes your presence makes all the difference.

Keep them busy. Treat toys, like Kongs, can help distract them during the display.

thatpetplace.com

Additional notes:-

Raise awareness and regulate use

It is important to promote a public awareness campaign positively and actively about the **unintended consequences of legal fireworks** which can be set off 365 days a year.

Local authorities can act to protect animals now and there is a fine of up to £20,000 and/or a six month prison sentence. There have been no convictions in Powys as far as I am aware but in our area we have seen an increase in the level of noise, the impact on animal welfare and the fear of unintended consequences happening more frequently.

Current legislation allows for **RANDOM** public use of fireworks 16 hours a day, every single day, making it impossible for vulnerable groups to take precautions against the distress they can cause.

1. There is a need to encourage local suppliers of fireworks to display signage endorsed by PCC, stating the law on fireworks and the unintended consequences of legal fireworks. It would further raise awareness and the necessity to buy the correct type of fireworks for all locations and use.
2. Horses are 'flight' animals and whilst it is very helpful to know **When, Where and What** firework displays might be happening to prepare a **reduced risk** for horse establishments and owners from sustaining a potentially fatal injury, the risk is still very high with large extravagant explosive noisy displays.

Animal Welfare Act

There is little or no monitoring of this. The noise of modern fireworks outstrips what was traditionally a family gathering celebrating the arrest and convictions of a plot in 1605.

The Animal Welfare Act 2006 states **it is an offence to cause any unnecessary suffering to any captive or domestic animal. Fireworks must not be set off near livestock or horses in fields or close to buildings housing livestock.** Anyone planning a firework display in a rural area should warn neighbouring farmers in

advance.

Section 4 of the AWA 2006 says

(1) A person commits an offence if:

- (a) an act of his, or a failure of his to act, causes an animal to suffer,
- (b) he knew, or ought reasonably to have known, that the act, or failure to act, would have that effect or be likely to do so,
- (c) the animal is a protected animal, and
- (d) the suffering is unnecessary. If the fireworks are near a road you can also contact the Highways division of your council and quote the following Source: Explosives Act 1875 Section 161

The offence carries a fine of up to £20,000 and/or a prison term of up to six months.

The Act is enforced by local councils, animal health officers and the police.

The Unintended Consequences of Fireworks:

- Distress and injury to humans especially those with conditions that are triggered by noise and flashing lights
- Distress, injury and death to animals
- Litter - what goes up must come down
- Fire risk to property
- Pollution – noise and environmental

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

12.1

CYNGOR SIR POWYS COUNTY COUNCIL

County Council
23 September 2021

REPORT AUTHOR: Portfolio Holders for Adult Social Care, Education & Property and Housing, Planning and Economic Regeneration

SUBJECT: Question from County Councillor Tim Van-Rees

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

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

Response

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

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

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

Schools are well prepared for accepting pupils from refugee families through the usual admissions process at the Local Authority. The Admissions Team are aware that refugee families will be settling in Powys, and are building on the already established link with the Vulnerable Groups team to ensure that they are notified of

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

12.3

CYNGOR SIR POWYS COUNTY COUNCIL

County Council
23 September 2021

REPORT AUTHOR: Portfolio Holder for Housing, Planning and Economic Regeneration

SUBJECT: Question from County Councillor William Powell

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

At a time of intense housing pressure - and given the renewed emphasis by Welsh Government Climate Change Minister, Julie James MS, on the importance of the timely reinstatement of Empty Properties, can the Portfolio Holder please reassure Members that the prize winning Private Sector Housing Team will not be disbanded or eroded in any way?

Response

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

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

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

With the work still in progress in terms of the Management of Change process, it is not possible to outline the impact on the Private Sector Housing team at this stage.

However, the work being undertaken by the team remains a priority and if there are changes it will be in order to build capacity in these key areas.

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

12.4

CYNGOR SIR POWYS COUNTY COUNCIL

County Council
23 September 2021

REPORT AUTHOR: Portfolio Holder for Adult Social Care

SUBJECT: Question from County Councillor Jon Williams

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

Response

Redeployment

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

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

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

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

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

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


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

Furlough

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

Steps taken to ensure staff welfare

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

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

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

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

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

12.5

CYNGOR SIR POWYS COUNTY COUNCIL

County Council
23 September 2021

REPORT AUTHOR: Leader

SUBJECT: Question from County Councillor William Powell

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

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

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

Response

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

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

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