

Pwyllgor Gwasanaethau Democrataidd

Man Cyfarfod
**Ystafell Bwyllgor A - Neuadd y Sir,
Llandrindod, Powys**

Dyddiad y Cyfarfod
Dydd Iau, 14 Ionawr 2016

Amser y Cyfarfod
10.00 am



Neuadd Y Sir
Llandrindod
Powys
LD1 5LG

I gael rhagor o wybodaeth cysylltwch â
Carol Johnson
01597 826206
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08/01/2016

AGENDA

1.	YMDDIHEURIADAU AM ABSENOLDEB	DSC1 - 2016
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Derbyn ymddiheuriadau am absenoldeb.

2.	COFNODION Y CYFARFOD BLAENOROL	DSC2 - 2016
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Awdurdodi'r Cadeirydd i lofnodi cofnodion cyfarfod blaenorol y Pwyllgor a gynhaliwyd ar 9 Gorffennaf 2015 fel cofnod cywir.
(Tudalennau 3 - 6)

3.	DATGANIADAU O DDIDDORDEB	DSC3 - 2016
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Derbyn ac ystyried datganiadau o ddiddordeb gan Aelodau yn ymwneud ag eitemau i'w hystyried ar yr agenda.

4.	MATERION YN YMWNEUD Â MATERION GWASANAETHAU DEMOCRATAIDD	DSC4 - 2016
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Ystyried adroddiad y Pennaeth Gwasanaethau Democrataidd.
(Tudalennau 7 - 270)

5.	GWEITHGOR DATBLYGU AELODAU	DSC5 - 2016
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Derbyn nodiadau'r Gweithgor a gynhaliwyd 8 Mehefin, 2015, er gwybodaeth.
(Tudalennau 271 - 274)

6.	GRWP LLYWIO CYD-GADEIRYDDION AC IS-	DSC6 - 2016
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	GADEIRYDDION - PWYLLGORAU CRAFFU, ARCHWILIO A GWASANAETHAU DEMOCRATAIDD	
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Derbyn nodiadau'r Grwp Llywio Cyd-Gadeiryddion ac Is-Gadeiryddion a gynhaliwyd ar 20 Mai, 2015.

(Tudalennau 275 - 280)

DSC2 - 2016

MINUTES OF A MEETING OF THE DEMOCRATIC SERVICES COMMITTEE HELD AT COUNTY HALL, LLANDRINDOD WELLS ON 9TH JULY, 2015

PRESENT: County Councillor Sandra Davies [Chair]

County Councillors P.J. Ashton, D. Bailey, G.R. Banks, G.J. Bowker, L.V. Corfield, D.O. Evans, D.C. Jones, P.E. Lewis, P.C. Pritchard, K. Roberts-Jones, D.G. Thomas and T. Turner.

1.	APOLOGIES	DSC23-2015
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Apologies for absence were received from County Councillor J Holmes who was on other Council business.

2.	MINUTES	DSC24-2015
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The Chairman was authorised to sign as a correct record the minutes of the meeting held on 15th April, 2015 subject to the following:

4 – Member Development – Mandatory and Non-mandatory Development [DSC15-2015] - Mandatory Development sessions would be on two dates on “two different days in different weeks” to facilitate Members’ attendance.

8 – Diversifying Democracy Project [DSC19-2015] – the final paragraph to read “Members interested in becoming mentors...”.

11 Joint Chairs and Vice Chairs Steering Group [DSC22-2015] – noted of the meeting of 14th November 2014 rather than 2015 were received.

3.	DECLARATIONS OF INTEREST	DSC25-2015
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There were no declarations of interest.

4.	MEMBER DEVELOPMENT – MANDATORY AND NON-MANDATORY DEVELOPMENT	DSC26-2015
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The Committee received the report from the Head of Democratic Services [copy filed with the minutes].

The Council considered the previous report from the Democratic Services Committee [DSC] regarding Mandatory and Non-mandatory Development, at its meeting on 24th April, 2015 and asked the DSC to look at this again. The Member Development Working Group considered the issues at its last meeting. Mandatory development for specific committees was detailed in Appendix 1. Mandatory development for all Members was detailed in Appendix 2 and it was noted that two mandatory topics are provided at induction and mid-term and three topics are provided at induction and on an annual basis. If such development was undertaken via another Council or organisation such as a school governor training this could be recorded as completed if it was to the required standard.

RESOLVED:	REASON FOR DECISION:
<p>To recommend to Council that:</p> <ol style="list-style-type: none"> 1. Mandatory Development would be provided as detailed in the report. 2. In future Council diaries, Mandatory Development sessions would be identified and each session would be provided twice per annum, so giving Members options for attendance. 3. Details of the cost of Mandatory Development sessions would be provided to Members. 4. Attendance at Non-Mandatory Development sessions would be recorded but would not be monitored. Members would be expected to attend sessions to support them in their roles. 	<p>To support the continuous professional development of Members and encourage them to see this as part of their councillor role.</p>

5.	SCRUTINY COMMITTEES – AMENDMENT TO CURRENT CONSTITUTION	DSC27-2015
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The Committee received the report from the Head of Democratic Services [copy filed with the minutes].

After discussion, it was agreed that as the establishment of a Local Service Board Scrutiny Committee would not take place until September 2015 there was no requirement to amend the current Constitution. It was noted that this would not prevent officers from discussing its establishment with interested parties, prior to this date.

The Appendix to the report “Arrangements for the Scrutiny of the Local Service Board/Public Service Board in Powys would be added to Section 7 – Scrutiny Committees of the new Constitution.

6.	NEW CONSTITUTION	DSC28-2015
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The Committee considered the following sections of the New Constitution [copy filed with signed minutes].

As the Council’s Constitution is a “living document” the Committee noted a number of changes to the previously agreed new Constitution, as detailed in the report subject to the following amendments:

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

- “Local Representative” - has the meaning set out in Rules 19.82 to 19.89 rather than 19.67 to 19.73 (Planning Protocol).
- “Scrutiny Committees” – to read - Local Service Board Scrutiny Committee/Powys Service Board Scrutiny Committee

Section 4 – Full Council

- Filming, Audio Recording and Use of Social Media During Meetings – to read - 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,

and noted the amendments to:

Section 19 – Code of Conduct for Members and Officers Dealing with Planning Matters.

RECOMMENED TO COUNCIL:	REASON FOR RECOMMENDATION:
<p>i. the approval of the amendments to the Sections 2 and 4 of the new Constitution set out in the report subject to the amendments detailed above</p> <p>ii. the approval of the revised Section 19 as detailed in the report filed with the minutes.</p>	<p>To agree sections of the new Constitution.</p>

The Committee considered the following;

Section 7 - Scrutiny Committees –

- Insert reference to Public Service Board as required
- Page 2 – delete Regeneration and Procurement (Joint working with the Environment, Infrastructure and Crime and Disorder Scrutiny Committee)
- Page 15/16 – insert a statement that the Chair of the Local Service Board/Public Service Board would not be a member of the Joint Chairs and Vice Chairs Steering Group

Section 12 - Finance, Contracts and Legal Matters

Section 13 - Responsibility for Functions

County Councillor P. Lewis left the meeting.

Section 17 - Contract Procedures Rules

Section 20 - Code of Conduct for Employees

Section 21 - Protocol on Member/Officer relations

RECOMMENED TO COUNCIL:	REASON FOR RECOMMENDATION:
<p>the approval of Sections 7,12,13,17,20 and 21 of the new Constitution as amended above.</p>	<p>To agree sections of the new Constitution.</p>

The Committee noted that the new Constitution would come into full force on 1st September, 2015 so enabling officers time to implement the changes.

RECOMMENED TO COUNCIL:	REASON FOR RECOMMENDATION:
the approval of the implementation of the new Constitution to take effect from 1st September, 2015.	To agree sections of the new Constitution.

The Chair thanked the Constitution Working Group and officers for their work in producing the new Constitution.

7.	MEMBER DEVELOPMENT WORKING GROUP	DSC29-2015
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The Committee received the notes of the Member Development Working Group held on 10th March, 2015 [copies filed with the signed minutes].

The Head of Democratic Services advised that at the last Member Development Working Group it was noted that some Member Development dates were being used for seminars. It was acknowledged that this then caused confusion as to whether Members were expected to attend. In response to the need for flexibility on the use of diarised dates and the need to add extra dates for sessions it was considered that from 2016 Non-Mandatory Member Development sessions would be referred to as “Members’ Seminars” and again shown in future Council diaries.

Resolved:	Reason for Decision:
that from 2016 Non-Mandatory Member Development sessions would be referred to as “Members’ Seminars” and shown as such in future Council diaries.	To support the continuous professional development of Members and encourage them to see this as part of their councillor role.

8.	JOINT CHAIRS AND VICE CHAIRS STEERING GROUP – SCRUTINY, AUDIT AND DEMOCRATIC SERVICES COMMITTEES	DSC30-2015
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The Committee received the notes of the Joint Chairs and Vice Chairs Steering Group held on 20th February and 13th March, 2015 [copies filed with the signed minutes].

County Councillor S.C. Davies
Chair

CYNGOR SIR POWYS COUNTY COUNCIL.

**Democratic Services Committee [DSC]
14th January, 2016**

REPORT BY: Head of Democratic Services

SUBJECT: Matters relating to Democratic Services issues

REPORT FOR: Decision, Information and Discussion

1 Constitution

Following the introduction of the Council's new Constitution as from 1st September, 2015, the requirement for a number of amendments has become apparent. Accordingly those amended sections are included for the Committee's consideration as follows. The tracked changes are shown on each document:

Section 4 – Full Council [Appendix A]
Section 5 – The Cabinet [Appendix B]
Section 7 – Scrutiny Committees [Appendix C]
Section 9 – Regulatory Committees [Appendix D]
Section 13 – Responsibility for Functions [Appendix E]
Section 16 – Financial Procedure Rules [Appendix F]

It may be necessary to arrange meetings of the Constitution Working Group to consider the more complicated amendments. It is suggested that the simpler amendments be brought directly to the Committee.

2 Guidance regarding the future appointment of Vice Chair

In respect of provisions in the Local Government Bill 2 the following Guidance has been provided from Welsh Government relating to the above:

In the case of the Democratic Services Committee (DSC), section 14 of the Measure provides that the local authority, not the committee, shall appoint the chair – and that this person may not be a member of an executive group. There are no provisions for the appointment of a vice-chair, but that does not prevent an authority – or the DSC - deciding it wants one. They could decide to appoint a vice-chair who is a member of an executive group and there is nothing to stop them chairing a DSC meeting if the chair is absent. It would, however, not be in keeping with the "spirit" of the Measure and could lead to internal protest if the chair was absent for any period of time. So we would advise against it."

The Committee will need to bear this advice in mind when appointing a Vice-Chair.

3 Payment and support to Councillors

3.1 Payments to Chairs of Joint Overview and Scrutiny Committees

To note the draft proposals recommended by the Independent Remuneration Panel [IRP] for Wales on the arrangements for the remuneration of chairs of Joint Overview and Scrutiny Committees and Sub-committees [extract from the IRP's draft Annual Report 2016] [Appendix G], following a question at a previous meeting regarding whether any payments could be made to Chairs of such Committees.

3.2 Family responsibilities

To receive an oral presentation by the Head of Democratic Services and County Councillor Gemma Bowker.

3.3 Support to Councillors

The Standards Committee has asked that "the Democratic Services Committee consider what would be acceptable for Members to claim for support in their role as Councillor including telephone, postage and IT equipment."

Information is currently being sought and collated from other Welsh Authorities and will be reported to the next meeting.

3.4 Payments to Minority opposition group leaders

At the DSC meeting on 3rd October, 2014 the following was agreed:

RECOMMENDED to Group Leaders that the Council make representations to the Independent Remuneration Panel Wales that there be a single allocation for opposition group leaders which the Council could choose either to:

- a). split equally between all group leaders with groups over 10% membership of Council or
- b). split equally between all opposition group leaders irrespective of group size.

The response from the Independent Remuneration Panel for Wales is attached [Appendix H].

3.5 The future size of Committees

The issue of the size of Committees has been discussed at a Group Leaders meeting on 5th January, 2016. An oral report will be made to the DSC.

4 2017 Council Elections

4.1 Candidate information, Councillor Information Pack and Induction Programme

The Member Development Working Group will be undertaking a review of the following information, produced in 2012, during 2016 in preparation for the 2017 County Council elections:

- Candidate information
- Member Information pack
- Induction Programme.

This work will be completed to ensure that information is available at key times.

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

SECTION 4 – FULL COUNCIL

Introduction

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

The Policy Framework

4.2 The Policy Framework means the following plans and strategies:

Plan, Scheme and Strategy	Reference
• Children and Young People's Plan;	• Regulations made under Section 26 of the Children Act 2004 (c.31)
• Best Value Performance Plan;	• Section 6(1) of the Local Government Act 1999 9c.27)
• Community Strategy;	• Section 4 of the Local Government Act 2000 (c.22)
• Crime and Disorder Reduction Strategy;	• Sections 5 and 6 of the Crime and Disorder Act 1998 9c.37)
• Health and Well-Being Strategy;	• Section 24 of the National Health Service Reform and Health Care professions Act 2002 9c.17)
• Local Transport Plan;	• Section 108 of the Transport Act 2000 (c.38)
• Plans and alterations which together comprise the Development Plan;	• Section 10A of the Town and Country Planning Act 1990 (c.8)
• Welsh Language Scheme;	• Section 5 of the Welsh Language Act 1993 (c.38)
• Youth Justice Plan;	• Section 40 of the Crime and Disorder Act 1998 (c.37)
• Powers to approve a Young People's Partnership Strategic Plan and a Children and Young Peoples Framework Partnership	• Section 123, 124 and 125 of the Learning and Skills Act 2000 (c.21)
• Housing Strategy;	• Section 87 of the Local Government Act 2003 (c.26)
• Rights of Way Improvement Plan;	• Section 60 of the Countryside and Rights of Way Act 2000 (c.37)
• Pay Policy	• Section 38(1) of the Localism Act 2011
• Single Integrated Plan	• Part 2 – Local Government (Wales)

SECTION 4 – FULL COUNCIL

Measure 2009 ¹

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
 - 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

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

- 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

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Role and Function of the Chair

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

Ceremonial Role

4.12.1 The Chair of the Council:

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

Responsibilities of the Chair

4.12.2 The Chair of the Council will:

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

Political Neutrality

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

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

Council Meetings

4.13 There are three types of Council meeting:

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

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Rules of Procedure and Debate

4.14 The Council Procedure Rules contained in Rule 4.15 to Rule 4.95 will apply to meetings of the Full Council and those rules marked “▲” will also apply to committee meetings (excluding Area (Shire) Committee meetings) and sub-committee meetings, but not to meetings of the Cabinet and Cabinet Committees. Those rules marked “◆” will apply to Area (Shire) Committee meetings.

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;
- 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 Constitution³ 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
- 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

³ Any amendment to the committees of the Council including their size and terms of reference as set out in the Council's Constitution are subject to any statutory constraints or limitations and provided that the Council shall appoint at least one scrutiny committee, a Standards Committee and such other committees as the Council considers appropriate to deal with matters which are neither reserved to the Council nor are executive functions under this Constitution;

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- 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 approve the appointments to those Chairs made by the political groups
- 4.15.15 appoint the Chair of the Democratic Services Committee⁴
- 4.15.16 elect or appoint Members where vacancies occur in respect of:
- Independent Member of Standards Committee; and
 - Lay Member of the Audit Committee; 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
- 4.16 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 **;
- 4.17.3 Appoint Councillors to the Standards Committee **;
- 4.17.4 Appoint Councillors to the Area (Shire) Committees **;
- 4.17.5 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.

⁴ Regulation 14(1) of Local Government Measure (Wales) 2011

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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;
- 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 Committee⁵
- 4.18.7 where required to elect, or appoint, or remove Members where vacancies occur in respect of the following positions:
 - 4.18.7.1 Chair, Vice-Chair, Assistant Vice-Chair of Council;
 - 4.18.7.2 Leader;
 - 4.18.7.3 Independent Member of Standards Committee;
 - 4.18.7.4 Appoint Lay Member of the Audit Committee and Co-Opted Members of the Scrutiny Committee;
 - 4.18.7.5 Chair of a Scrutiny Committee (excluding Chair of Audit) or Democratic Services Committee.
- 4.18.8 (if required due to the formation of a new political group or due to a Councillor joining a political group):
 - 4.18.8.1 decide on the allocation of seats on politically balanced committees to political groups in accordance with the requirements 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

⁵ Any amendment to the committees of the Council including their size and terms of reference as set out in the Council's Constitution subject to any statutory constraints or limitations and provided that the Council shall appoint at least one scrutiny committee, a Standards Committee and such other committees as the Council considers appropriate to deal with matters which are neither reserved to the Council nor are executive functions under this Constitution

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- 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 he / she has made in accordance with the authority delegated to him / her to make such appointments which accords with the wishes of a political group to whom the committee seat or position on the outside body has been allocated
 - 4.18.11 receive written statements from the Leader and / or members of the Cabinet (which statements shall be taken as read) and any questions and answers on any of the statements;
 - 4.18.12 receive reports from the Cabinet, Leader, Cabinet member, and any questions, answers and observations on any of those reports;
 - 4.18.13 receive reports from any of the Council's Committees introduced by the relevant Committee Chair, and any questions, answers and observations on any of those reports;
 - 4.18.14 receive reports from any of the Council's statutory officers, or Chief Officers and any questions, answers and observations on any of those reports
 - 4.18.15 receive any other report that the Chief Executive considers is required to be placed before the Council and any questions, answers and observations on any of those reports
 - 4.18.16 receive reports about and receive questions and answers on the business of joint arrangements and external organisations;
 - 4.18.17 consider any other business specified in the summons to the meeting, including consideration of proposals from the Cabinet in relation to the Council's Budget and Policy Framework;
 - 4.18.18 receive any petitions
 - 4.18.19 deal with any outstanding business from the last Council meeting
 - 4.18.20 receive and consider recommendations from the Cabinet and the Council's committees
 - 4.18.21 consider motions of which appropriate notice has been given;
 - 4.18.22 receive questions submitted in accordance with Rule 4.30 (Questions on Notice), and answers in response to those questions.
 - 4.18.23 consider and debate any major issue which is relevant to the Council and its functions, for example a "state of the county" debate
 - 4.18.24 to receive the report of the Monitoring Officer setting out any changes by the Leader in the scheme of delegation and executive functions
 - 4.18.25 consider any business set out in the notice convening the meeting
 - 4.18.26 other business, not specified in the summons as the Chair considers urgent, subject to the nature of the urgency being specified in the minutes
 - 4.18.27 to exclude the public for the consideration of any item in accordance with the Access to Information Procedure Rules in Section 14.
 - 4.18.28 The order of business, with the exception of Rule 4.18.1 may be altered by the Chair or decision of Council
 - 4.18.29 No meetings of the Council, or its committees (other than Committees, Sub-Committees or Panels dealing with planning, licensing and employment matters), shall be held in the month of August, unless circumstances so require.

SECTION 4 – FULL COUNCIL

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 he / she 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

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

Duration of Meetings

⁶▲⁷◆4.22 At ordinary meetings, when 8 hours have elapsed after the commencement of the meeting, the Chair shall adjourn immediately after the disposal of the item of business being considered at the time. Remaining business will be considered at a time and dated fixed by the Chair. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting.

Notice of and Summons to Meetings

▲◆4.23 The Chief Executive will give notice to the public of the time and place of any meeting in accordance with the Access to Information Procedure Rules in Section 14. 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

⁶ ▲ Denotes application to Committees as well as Full Council (excluding Cabinet)

⁷ ◆ Denotes application to Area (Shire) Committees.

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including a link to the Members' website and / or by CD. The summons will give the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by such reports and other documents as are available.

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.

⁸▲⁹◆4.24.2 At the first meeting of Committees or Sub-Committees (save the Standards Committee) in each municipal year the Committee / Sub-Committee will elect a Chair and Vice-Chair for the forthcoming 12 month period save 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.

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

Conduct of Meeting

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

▲◆4.25.1 calling for more time to allow the speaker to properly explain the matter;

▲◆4.25.2 permitting a Member to speak more than once;

▲◆4.25.3 allowing employees of the Council to advise the meeting as appropriate, having regard to the provisions of Rules 4.94 and 4.95 below;

▲◆4.25.4 allowing a full discussion of reports and matters for decision;

Quorum

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

⁸ ▲ Denotes application to Committees as well as Full Council (excluding Cabinet)

⁹ ◆ Denotes application to Area (Shire) Committees.

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Remote Attendance

¹⁰ ▲¹¹ ◆ 4.27 Pursuant to Section 4 of the Local Government (Wales) Measure 2011, the County Council on 22nd October, 2014 decided not to allow any Council meetings to be held in accordance with the provisions of Section 4.

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 on Notice at Full Council

4.29 Subject to Rule 4.30, a Councillor may ask:

- 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.

Notice of Questions

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

- 4.30.1 they have given at least 10 Clear Days' notice in writing of the question to the Monitoring Officer; 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 given to the Monitoring Officer by 5 p.m. on the day prior to the meeting.

Maximum Number of Questions

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

Order of Questions

¹⁰ ▲ Denotes application to Committees as well as Full Council (excluding Cabinet)

¹¹ ◆ Denotes application to Area (Shire) Committees.

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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,

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.

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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 delivered to 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 a Member to propose and second the motion and the proposer and seconder must either sign the motion or otherwise confirm by email or in writing 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 application of the Call-In rules set out in Section 7.

Motion to Remove the Leader

4.40.1 In order for such a motion to be carried it must have the support of a simple majority of those Councillors voting and present in the room at the time the question was put.

4.40.2 A motion to remove the Leader cannot be moved more than once in any rolling 6 month period.

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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

¹² ▲ ¹³ ◆ 4.42 The following motions may be moved without notice:

- ▲◆4.42.1 to appoint a Chair of the meeting at which the motion is moved;
- ▲◆4.42.2 in relation to the accuracy of the minutes;
- ▲◆4.42.3 to change the order of business in the agenda;
- ▲◆4.42.4 to refer something to an appropriate committee, body or individual for consideration or reconsideration;
- ▲◆4.42.5 to appoint a committee or Member arising from an item on the summons for the meeting;
- ▲◆4.42.6 to receive reports and / or adopt and / or amend recommendations of the Cabinet, committees or Officers and any resolutions following from them;
- ▲◆4.42.7 to withdraw a motion;
- ▲◆4.42.8 to amend a motion;
- ▲◆4.42.9 to proceed to the next business;
- ▲◆4.42.10 that the question be now put;
- ▲◆4.42.11 to adjourn a debate;
- ▲◆4.42.12 to adjourn a meeting;
- ▲◆4.42.13 to suspend a particular Council Procedure Rule (provided that at least one half of the whole number of Members are present)¹⁴;
- ▲◆4.42.14 to exclude the public and press in accordance with the Access to Information Procedure Rules;
- ▲◆4.42.15 to not hear further a Member named under Rule 4.86 or to exclude them from the meeting under Rule 4.87; and
- ▲◆4.42.16 to give the consent of the Council where its consent is required by this Constitution.
- ▲◆4.42.17 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 notified to 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:

¹² ▲ Denotes application to Committees as well as Full Council (excluding Cabinet)

¹³ ◆ Denotes application to Area (Shire) Committees.

¹⁴ See Rule 2.7.2

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- 4.43.3.1 the matter dealt with in the motion has arisen between the deadline for the submission of motions and the date of the meeting; and
- 4.43.3.2 the motion requires an urgent decision in the public interest which cannot be dealt with by other means (including referring the motion for consideration and decision to the Cabinet or a committee), or left to be decided at a subsequent meeting.

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

Rules of Debate

No Speeches until Motion Seconded

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

Right to Require Motion in Writing

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

Secunder's Speech

▲◆4.46 When seconding a motion or amendment, a Member may reserve their speech until later in the debate.

Content and Length of Speeches

▲◆4.47 Speeches must be directed to the question under discussion or to a personal explanation or point of order. 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

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

- ▲◆4.48.1 to speak once on an amendment moved by another Member;
- ▲◆4.48.2 to move a further amendment if the motion has been amended since he last spoke;
- ▲◆4.48.3 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);
- ▲◆4.48.4 in exercise of a right of reply;
- ▲◆4.48.5 on a point of order; and

¹⁵ ▲ Denotes application to Committees as well as Full Council (excluding Cabinet)

¹⁶ ◆ Denotes application to Area (Shire) Committees.

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¹⁷ ▲¹⁸ ◆ 4.48.6 by way of personal explanation.

Amendments to Motions

▲◆4.49.1 An amendment to a motion must be relevant to the motion and will either be:

- ▲◆4.49.1.1 to refer the matter to an appropriate committee, body or individual for consideration or reconsideration;
- ▲◆4.49.1.2 to leave out words;
- ▲◆4.49.1.3 to leave out words and insert or add others; or
- ▲◆4.49.1.4 to insert or add words;
- ▲◆4.49.1.5 to substitute another proposition

as long as the effect of Rules 4.49.1.2 to 4.49.1.4 is not to negate the motion.

- ▲◆4.49.2 Each amendment will be proposed and seconded;
- ▲◆4.49.3 Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been decided.
- ▲◆4.49.4 If an amendment is not carried, other amendments to the original motion may be moved.
- ▲◆4.49.5 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.
- ▲◆4.49.6 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

- ▲◆4.50.1 A Member may alter a motion which he has moved without notice with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion.
- ▲◆4.50.2 Only alterations which could be made as an amendment pursuant to Rule 4.49 may be made.

Withdrawal of Motion

- ▲◆4.51 A Member may withdraw a motion which he has moved with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion. No Member may speak on the motion after the mover has asked permission to withdraw it unless permission is refused.

Right of Reply

- ▲◆4.52.1 If an amendment is moved, the mover of the original motion has the right of reply at the close of the debate on the amendment, but may not otherwise speak on it.

¹⁷ ▲ Denotes application to Committees as well as Full Council (excluding Cabinet)

¹⁸ ◆ Denotes application to Area (Shire) Committees.

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¹⁹▲²⁰◆4.52.2 The mover of the amendment has no right of reply to the debate on his amendment.

▲◆4.52.3 A Member exercising a right of reply will not introduce any new matter and after the reply, a vote shall be taken without further discussion. Members may not speak after the owner of a motion has exercised a right of reply, except to seek clarification of a particular matter before the owner of the motion concludes his or her speech. A Member may not speak after a proposition has been voted on except on a point of order relating to it.

Procedural Motions which may be Moved During Debate

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

▲◆4.53.1 to withdraw a motion;

▲◆4.53.2 to amend a motion;

▲◆4.53.3 to proceed to the next business;

▲◆4.53.4 that the question be now put;

▲◆4.53.5 to adjourn a debate;

▲◆4.53.6 to adjourn a meeting;

▲◆4.53.7 to exclude the public and press in accordance with the Access to Information Procedure Rules; and

▲◆4.53.8 to not hear further a Member named under Rule 4.86 or to exclude them from the meeting under Rule 4.87.

▲◆4.53.9 to suspend a particular council procedure rule (provided that at least one half of the whole number of Members are present).

Closure Motions

▲◆4.54.1 to proceed to the next business;

▲◆4.54.2 to ask that the question be now put;

▲◆4.54.3 to adjourn a debate; or

▲◆4.54.4 to adjourn a meeting.

▲◆4.54.5 If a motion to proceed to next business is seconded and 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.

▲◆4.54.6 If a motion that the question be now put is seconded and 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.

▲◆4.54.7 If a motion to adjourn the debate or to adjourn the meeting is seconded and the Chair thinks the item has not 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.

¹⁹ ▲ Denotes application to Committees as well as Full Council (excluding Cabinet)

²⁰ ◆ Denotes application to Area (Shire) Committees.

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Point of Order

²¹▲²²◆4.55 A point of order is a request from a Member to the Chair to rule on an alleged irregularity in the procedure of the meeting. A Member may raise a point of order at any time. The Chair will hear them immediately. A point of order may only relate to an alleged breach of these Council Rules of Procedure or the law. The Member must indicate the rule or law and the way in which s/he considers it has been broken. The ruling of the Chair on the matter will be final.

Personal Explanation

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

- ▲◆4.56.1 some material part of an earlier speech by the Member in the present debate which may appear to have been misunderstood;
- ▲◆4.56.2 to reply to an allegation of misconduct made against the Member giving the explanation; or
- ▲◆4.56.3 to make an apology to the Council.

▲◆4.57 The ruling of the Chair on the admissibility of a personal explanation will be final.

▲◆4.58 Points of personal explanation will only be recorded in the minutes if the Monitoring Officer considered that such an inclusion would provide greater clarity to the minutes.

Declarations of Interest

▲◆4.59 A Member may at any time declare a personal interest under the Members' Code of Conduct and when a Member makes a declaration he / she shall be heard immediately and shall be allowed to make the declaration without interruption.

Previous Decisions and Motions

Motion to Rescind a Previous Decision

▲◆4.60.1 A motion or amendment to rescind a decision made at a meeting within the past six months cannot be moved unless the notice of motion is signed by at least 10 Members.

4.60.2 ~~Rule 4.37.2 does not apply to a motion under Rule 4.60.1.~~

4.60.23 For the sake of clarity rule 4.60.1 does not apply to decisions taken by the Cabinet.²³

²¹ ▲ Denotes application to Committees as well as Full Council (excluding Cabinet)

²² ◆ Denotes application to Area (Shire) Committees.

²³ N.B. Meetings of Cabinet are not committee meetings of the Council.

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Motion Similar to One Previously Rejected

²⁴▲²⁵◆4.61.1 A motion or amendment in similar terms to one that has been rejected at a meeting in the past six months cannot be moved unless the notice of motion or amendment is signed by at least 10 Members. Once the motion or amendment is dealt with, no one can propose a similar motion or amendment for six months.

4.61.2 Rule 4.37.2 does not apply to a motion under Rule 4.61.1.

Voting

Majority

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

Chair's Casting Vote

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

Method of Voting

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

Ballots

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

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

Recorded Vote

4.66.1 In respect of Full Council if 10 Councillors 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 Council.~~

▲◆4.66.2 In respect of committees 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

Comment [WR1]: Ask DSC – if this is needed in full Council when the electronic voting system is used i.e. will all votes become recorded votes.

²⁴ ▲ Denotes application to Committees as well as Full Council (excluding Cabinet)

²⁵ ◆ Denotes application to Area (Shire) Committees.

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minutes. A demand for a recorded vote together with a demand for a ballot will be voted upon by the committee.

Right to Require Individual Vote to be Recorded

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

Voting on Appointments

Voting on appointments to external bodies and organisations

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

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

Voting on employee appointments

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

Voting on Internal Councillor Appointments

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

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

²⁶ ▲ Denotes application to Committees as well as Full Council (excluding Cabinet)

²⁷ ◆ Denotes application to Area (Shire) Committees.

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

Minutes

Signing the Minutes

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

No Requirement to Sign Minutes of Previous Meeting at Extraordinary Meeting

- ▲ ◆ 4.76 Where in relation to any meeting, the next meeting for the purpose of signing the minutes is an extraordinary meeting³⁰, then the next following meeting will be treated as a suitable meeting for the purposes of signing of minutes³¹.

²⁸ ▲ Denotes application to Committees as well as Full Council (excluding Cabinet)

²⁹ ◆ Denotes application to Area (Shire) Committees.

³⁰ a meeting called under paragraph 3 of Schedule 12 to the Local Government Act 1972

³¹ paragraph 41(1) and (2) of Schedule 12 to the Local Government Act 1972

SECTION 4 – FULL COUNCIL

Form of Minutes

³²▲³³◆4.77 Save as provided below the form of the minutes will be a matter for the Chief Executive:

- ▲◆4.77.1 Minutes will contain all motions and amendments in the exact form and order the Chair put them.
- ▲◆4.77.2 Replies given to questions of which notice has been given under Rule 4.30 will be recorded in the minutes.

Record of Attendance

- ▲◆4.78 All Members present during the whole or part of a meeting must sign their names on the attendance sheets before the conclusion of every meeting to assist with the record of attendance.
- ▲◆4.79 Members permanently leaving a meeting shall advise the Chair or the clerk of their departure so that this can be formally recorded in the minutes, including the time of departure and the committee clerk shall so record in the minutes of that meeting.
- ▲◆4.80 Before Members leave a meeting room before the conclusion of business the Chair shall advise that Member of the above requirement.

Exclusion of Public

- ▲◆4.81 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).

Members' Conduct

Declarations of Interest

- ▲◆4.82 Members must in all matters consider whether they have a personal interest (within the meaning within the Members' Code of Conduct) in a 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.
- ▲◆4.83 A 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.

³² ▲ Denotes application to Committees as well as Full Council (excluding Cabinet)

³³ ◆ Denotes application to Area (Shire) Committees.

SECTION 4 – FULL COUNCIL

Speaking at Meetings

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

Chair Standing

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

Member not to be Heard Further

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

Member to Leave the Meeting

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

General Disturbance

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

Disturbance by Public

Removal of Member of the Public

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

Clearance of Part of Meeting Room

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

³⁴ ▲ Denotes application to Committees as well as Full Council (excluding Cabinet)

³⁵ ◆ Denotes application to Area (Shire) Committees.

SECTION 4 – FULL COUNCIL

Filming, Audio Recording and Use of Social Media During Meetings

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

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

Suspension

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

Amendment

▲◆4.93 Any motion to add to, vary or revoke these Council Rules of Procedure will, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the 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

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

4.95 Further officer advice will only be available at the meeting of Council with the consent of the Chair, in consultation with the Chief Executive. If there is a need for further detailed legal or financial advice to be provided, the meeting should be adjourned.

Attendance of Cabinet Members at Council Meetings

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

Petitions

4.97 Where a Councillor delivers a petition to the Council in accordance with Rule 4.18.18 the Councillor may outline the request by the petitioners, the reason for the request and the number of the signatories **PROVIDED THAT** in any

³⁶ ▲ Denotes application to Committees as well as Full Council (excluding Cabinet)

³⁷ ◆ Denotes application to Area (Shire) Committees.

SECTION 4 – FULL COUNCIL

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.

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

SECTION 5 – THE CABINET

Introduction

5.1 The Cabinet is appointed to carry out all of the Council's functions which are not the responsibility of any other part of the Council, whether by Law or under this Constitution.

Form and Composition of the Cabinet

5.2 The Cabinet will consist of:

5.2.1 the Leader of the Council (the "Leader"); and

5.2.2 at least two but not more than nine other Councillors appointed to the Cabinet by the Leader.

Election

5.3 The Leader will be a Councillor elected to the position of Leader by the Council.

Term of Office

5.4 The Leader is appointed for a period of 4 years or for such other period as is prescribed from time to time in legislation or until s/he leaves office pursuant to Rules 6.4 to 6.7.

Role of the Leader

5.5 The Leader will Chair meetings of the Cabinet and determine the portfolios of Members of the Cabinet.

Other Cabinet Members

5.6 Other Cabinet Members will be Councillors appointed to the position of Cabinet Member by the Leader. Each Cabinet Member shall hold office until:

5.6.1 s/he resigns from that office; or

5.6.2 s/he is removed either individually or collectively from office by the Leader who must give written notice of any removal to the Monitoring Officer. The removal will take effect two Clear Days after receipt of the notice by the Monitoring Officer; or

5.6.3 s/he ceases to be a Councillor; or

5.6.4 s/he is suspended from being a Councillor under Part III of the Local Government Act 2000 (although s/he may resume office at the end of the period of suspension).

5.7 The Leader may at any time appoint a Cabinet Member to fill any vacancies.

5.8 The Cabinet shall not include the Chair, the Vice-Chair, the Assistant Vice-Chair of the Council, a member of a Scrutiny Committee, the Chair of any other Committee or Sub-Committee of the authority (save for the Pensions and Investments Committee and Chair of Area (Shire) Committees).

SECTION 5 – THE CABINET

Delegation of Functions

5.9 The Leader may exercise Executive Functions himself/herself or may otherwise make arrangements to delegate responsibility for their discharge. The Leader may delegate Executive Functions to:

- 5.9.1 the Cabinet as a whole;
- 5.9.2 a committee of the Cabinet (comprising Cabinet Members only);
- 5.9.3 an individual Cabinet Member;
- 5.9.4 a joint committee;
- 5.9.5 another local authority or the executive of another local authority;
- 5.9.6 a delegated Officer.
- 5.9.7 an Area (Shire) Committee.

Responsibility for Functions When There is No Cabinet

5.10 During any period when there is no Cabinet, any functions which are the responsibility of the Cabinet shall be allocated to and discharged by the Head of Paid Service or in his/her absence the Strategic Directors acting singularly or collectively **PROVIDED THAT** in discharging such functions the Head of the Paid Service or the Strategic Directors shall have regard to and comply with any protocol applying to the exercise of delegated powers in so far as that is reasonably practicable, and in consultation with all the Leaders of political groups in accordance with the Local Government (Committees and Political Groups) Regulations 1990.

Rules of Procedure and Debate

5.11 The proceedings of the Cabinet shall take place in accordance with the Cabinet Procedure Rules in Rules 5.12 to 5.29 below.

Cabinet Procedure Rules

Delegation by the Leader

5.12 The Monitoring Officer, at the direction of the Leader, will draw up a written record of executive delegations made by the Leader for inclusion in the Council's scheme of delegation at Section 13 to this Constitution. This will contain the following information about Executive Functions:

- 5.12.1 the extent of any authority delegated to Cabinet Members individually, including details of the limitation on their authority;
- 5.12.2 the terms of reference and constitution of such Cabinet committees as the Leader appoints and the names of Cabinet Members appointed to them;
- 5.12.3 the nature and extent of any delegation of Executive Functions to any other authority or any joint arrangements;
- 5.12.4 the nature and extent of any delegation to Officers with details of any limitation on that delegation, and the title of the Officer to whom the delegation is made

Sub-Delegation of Executive Functions

5.13.1 Where the Cabinet is responsible for an Executive Function, they may

SECTION 5 – THE CABINET

delegate further to joint arrangements, or an Area (Shire) Committee or an Officer.

5.13.2 Where a committee of the Cabinet or an individual Member of the Cabinet is responsible for an Executive Function, they may delegate further to an Area (Shire) Committee or an Officer.

5.13.3 Unless otherwise stated in the delegation, where Executive Functions have been delegated, that fact does not prevent the discharge of delegated functions by the person or body who made the delegation.

The Council's Scheme of Delegation and Executive Functions

5.14.1 The Leader may amend the scheme of delegation relating to Executive Functions at any time. In doing so the Leader will give written notice to the Monitoring Officer and wherever practicable to the person, body or committee concerned. The notice must set out the extent of the amendment to the scheme of delegation, and whether it entails the withdrawal of delegation from any person, body or committee. The Monitoring Officer will present a report for information purposes to the next ordinary meeting of the Council setting out the changes made by the Leader. Where the Leader withdraws any delegation from any person, body or committee the delegated powers revert back to the Leader with immediate effect from the time of receipt of the notice by the Monitoring Officer.

5.14.2 Where the Leader seeks to withdraw delegation from a committee of the Cabinet, notice will be deemed to be served on that committee when it is served on its chair.

Conflicts of Interest

5.15.1 Where the Leader has a conflict of interest this should be dealt with as set out in the Council's Code of Conduct for Members in Section 18 of this Constitution.

5.15.2 If any Member of the Cabinet has a conflict of interest this should be dealt with as set out in the Council's Code of Conduct for Members in Section 18 of this Constitution.

5.15.3 If the exercise of an Executive Function has been delegated to a committee of the Cabinet, an individual Member or an Officer, and should a conflict of interest arise, then the function will be exercised in the first instance by the person or body by whom the delegation was made and otherwise as set out in the Council's Code of Conduct for Members in Section 18 of this Constitution.

Cabinet Meetings

5.16.1 The frequency and timing of meetings of the Cabinet will be determined by the Leader. The Cabinet will meet at the Council's main offices or another location to be agreed by the Leader.

5.16.2 Those listed below may ask the Monitoring Officer to call Cabinet meetings in addition to those agreed by the Leader:

5.16.2.1 the Head of Paid Service;

5.16.2.2 the Section 151 Officer

SECTION 5 – THE CABINET

- 5.16.2.3 the Monitoring Officer
- 5.16.2.4 any three members of the Cabinet.

5.16.3 Any request presented in accordance with Rule 5.16.2 above must be in writing and must specify the business to be transacted at the meeting.

Public or Private Meetings of the Cabinet?

5.17 The Cabinet will hold its meetings in public, except in the circumstances set out in the Access to Information Procedure Rules in Section 14, for example where confidential or exempt information is being discussed.

Quorum

5.18 The quorum for a meeting of the Cabinet, or a committee of the Cabinet, shall be 3 members of the Cabinet. During any meeting if the person presiding counts the number of members present and declares there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the person presiding. If s/he does not fix a date, the remaining business will be considered at the next ordinary meeting of the Cabinet.

How are Decisions to be Taken by the Cabinet

5.19.1 All decisions taken by the following need to follow the Access to Information Procedure Rules set out in Section 14:

- 5.19.1.1 Cabinet;
- 5.19.1.2 Cabinet Committee;
- 5.19.1.3 Individual Members of the Cabinet

5.19.2 All decisions taken by the Executive, a Committee of the Executive, or an Individual Member of the Executive shall comply with the Budget and Framework Procedure Rules (so far as appropriate) as set out in Section 15.

5.19.3 All decisions taken by the Executive and / or a Committee of the Executive will be taken by a majority vote of those present at the meeting with the person Chairing the meeting having a second or casting vote.

How are Cabinet Meetings Conducted?

Who Chairs?

5.20 The Leader will chair at any meeting of the Cabinet or its committees at which s/he is present. In his absence, a Deputy Leader will chair. In his/her absence, then a person appointed by the meeting to do so by those present shall chair the meeting.

SECTION 5 – THE CABINET

Who May Attend?

5.21 These details are set out in the Access to Information Procedure Rules in Section 14 of this Constitution. See also Rule 3.28 in relation to Member participation in meetings.

What Business?

5.22 At each meeting of the Cabinet the following business will be conducted:

- 5.22.1 elect a person to chair if the Leader or a Deputy Leader is not present;
- 5.22.2 receive apologies for absence
- 5.22.3 approval of the minutes of the last meeting;
- 5.22.4 declarations of interest, if any;
- 5.22.5 matters referred to the Cabinet by a Scrutiny Committee for reconsideration by the Cabinet in accordance with the provisions contained in the Overview and Scrutiny Procedure Rules or the Budget and Policy Framework Procedure Rules set out in Sections 7 and 15 of this Constitution;
- 5.22.6 consideration of reports from a Scrutiny Committee or other committees;
- 5.22.7 consideration of reports from Cabinet Committees;
- 5.22.8 reports from Cabinet Members
- 5.22.9 reports from Officers of the Authority.
- 5.22.10 make recommendations to the Council or a scrutiny or other committee
- 5.22.11 consider such other business specified in the summons to the meeting;
- 5.22.12 consider other business, not specified in the summons as the Leader considers urgent, subject to the nature of the urgency being specified in the minutes
- 5.22.13 exclude the public for the consideration of any item in accordance with the Access to Information Procedure Rules

Consultation

5.23 All reports to the Cabinet from any Member of the Cabinet or an Officer on proposals relating to the Budget and Policy Framework must contain details of the nature and extent of consultation undertaken and the outcome of that consultation. Reports about other matters will set out the details and outcome of consultation as appropriate. The level of consultation required will be appropriate to the nature of the matter under consideration.

Who can put Items on the Cabinet Agenda?

- 5.24.1 The Leader will decide upon the schedule for meetings of the Cabinet. S/he may put any matter on the agenda of any Cabinet meeting whether or not authority has been delegated to the Cabinet, a committee of it or any Member or Officer in respect of that matter.
- 5.24.2 Any Member of the Cabinet may require the Monitoring Officer to make sure that an item is placed on the agenda of the next available meeting of the Cabinet for consideration.
- 5.24.3 The Head of Paid Service, the Monitoring Officer and/or the Chief Financial Officer may include an item for consideration on the agenda of a Cabinet meeting and may require that such a meeting be convened.

SECTION 5 – THE CABINET

- 5.24.4 The Leader will make sure that an item is placed on the agenda of the next available meeting of the Cabinet and / or Cabinet Committee where a Scrutiny Committee or the Full Council have resolved that an item be considered by the Cabinet and / or Cabinet Committee.
- 5.24.5 Any member of the Council may ask the Leader to put an item on the agenda of a Cabinet and / or Cabinet Committee meeting for consideration, and if the Leader agrees the item will be considered at the next available meeting of the Cabinet and / or Cabinet Committee. The notice of the meeting will give the name of the Councillor who asked for the item to be considered. This individual will be invited to attend the meeting, whether or not it is a public meeting, and, at the discretion of the Leader or person presiding, be permitted to speak.

Speaking at Meetings

- 5.25.1 Subject to Rules [5.25.23](#) and [5.26](#) below only Cabinet Members, employees or persons asked to or with a duty to advise Cabinet or other persons asked by the Cabinet to do so may speak at an Cabinet meeting
- 5.25.2 Subject to rule 5.25.3 below a Member may attend any meeting of the Cabinet or a Cabinet Committee (whether or not they are a member of the Cabinet or of the Cabinet Committee) and with the permission of the person chairing may speak. Members wishing to speak should wherever possible notify the Chair in advance of the meeting. [Members speaking pursuant to Rule 5.25.2 will be allowed a maximum of 5 minutes, subject to the discretion of the person chairing the meeting.](#)
- 5.25.3 The right to speak pursuant to rule 5.25.2 will not apply in the following cases:
- 5.25.3.1 where the Member is required to declare an interest and withdraw from the meeting under the Code of Conduct;
 - 5.25.3.2 where the Cabinet or a Committee of the Cabinet (as the case may be) is exercising functions of a quasi-judicial nature and have asked the members of the public and the parties to withdraw whilst they deliberate before reaching a decision;
 - 5.25.3.3 where the Monitoring Officer or his/her representative advises that as a matter of law non-members of the Cabinet or Cabinet committee (as the case may be) should withdraw.

PROVIDED THAT nothing in this rule shall prevent the Chair of the meeting exercising his/her powers to ensure the orderly conduct of the proceedings.

Rights of Leaders of Political Groups, Chairs of Scrutiny Committees to Speak at Meetings.

- 5.26 A Councillor being the leader of a political group in accordance with the Local Government (Committees and Political Groups) Regulations 1990, shall have the right (such right to be exercised reasonably and not so as to interfere with the proper conduct of business) to speak once on any item at any meeting of the Cabinet or a Committee of the Cabinet even though s/he is not a member of the Cabinet or Cabinet Committee as the case may be. In

SECTION 5 – THE CABINET

the absence of the leader of such political group the Councillor designated as the leader's deputy may exercise this right. **Wherever possible, questions to be posed at the meeting should be provided in writing to the report author at least 24 hours before the start of the Cabinet meeting.**

Comment [WR1]: MAJOR CHANGE

These ~~above rights~~ also apply to the Chairs (or in their absence Vice-Chairs) of the Scrutiny Committees.

This right may not be exercised in the following cases:

- 5.26.1 where the Councillor is required to declare an interest and withdraw from the meeting under the Members' Code of Conduct;
- 5.26.2 where the Cabinet or any Committee of the Cabinet exercising a quasi judicial function have asked the members of the public and the parties to withdraw whilst they deliberate before reaching a decision;
- 5.26.3 where the Monitoring Officer or his/her representative advises that as a matter of law or to protect the Council's interest non-members of the Cabinet or the Committee of the Cabinet (as the case may be) should withdraw;
- 5.26.4 in relation to Scrutiny Committees any matter outside the remit of that committee.

PROVIDED THAT nothing in this rule shall prevent the Chair of the meeting exercising his/her powers to ensure the orderly conduct of the proceedings

Disturbance by the Public, Filming, Audio Recording and Use of Social Media

- 5.27.1 The provisions in Council Procedure Rules in Rules 4.89 to 4.90 in relation to disturbance by the public apply to meetings of the Cabinet.
- 5.27.2 The provisions in Council Procedure Rules in Rule 4.91 relating to filming, audio recording and use of social media apply to meetings of the Cabinet.

Format of Reports for Cabinet Decisions

- 5.28 Reports prepared by Cabinet Members and / or officers on which it is intended that Cabinet decisions are taken whether by the Leader, the Cabinet, a Cabinet Committee, Individual Cabinet Members or an officer shall comply with a report template protocol provided by the Monitoring Officer.

Call-In of Decisions

- 5.29 A decision of the Cabinet, a Committee of the Cabinet, or an Individual Member of the Cabinet is subject to the Call-In provisions set out in the scrutiny procedure rules in Section 7 of this Constitution.

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

SECTION 7 – SCRUTINY COMMITTEES

Introduction

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

Scrutiny Committees

- 7.3 In order to achieve this, the Council have appointed four Scrutiny Committees 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
Audit 21 Councillors – Politically Balanced At least 1 Co-opted Lay Member with voting rights (See Rule 7.5.2 below)	<ul style="list-style-type: none"> • Approve statement of accounts, income and expenditure and balance sheet; • Commissioning and Procurement Working Group (Joint Working Group with the People Scrutiny Committee) • External Audit Reports; • Finance Monitoring – Council wide; • Internal Audit Reports; • Oversee the authority's internal and external audit arrangements; • Performance Monitoring – Council wide, including workforce; • Review and assess risk management, internal control and corporate governance arrangements and make reports and

SECTION 7 – SCRUTINY COMMITTEES

	<ul style="list-style-type: none"> recommendations on the adequacy and effectiveness of those arrangements; • Review and scrutinise the authority's financial affairs and make reports and recommendations on the authority's financial affairs; • Review the financial statements prepared by the authority. •
<p>Place Scrutiny Committee 21 Councillors – Politically Balanced 1 Non-Voting Co-optee for crime and disorder functions</p>	<ul style="list-style-type: none"> • Building and Engineering; • Built Heritage grants • Car parks • Catering; • Cleaning; • Climate Change; • Community Grants. • Council buildings and Property including Maintenance; • Council fleet; • County Farms; • Crime and Disorder – delivering safer communities, road safety; • Customer Services; • Environmental Health; • European matters and RDP • Grounds and Woodlands; • Homes for Older People • Housing Stock; • ICT infrastructure; • Leisure Centres and Sports Centres, Outdoor Recreation, Sports Pitches, Countryside Services/Rights of Way. • Licensing; • Markets • Planning and Development Control; • Regeneration – Grants and Job Creation / Business support (inc. grants) • Regeneration and Procurement (Joint working with the People Scrutiny Committee) • Roads; • Street cleaning, public conveniences; • Street Lighting; • Tourism: • Trading Standards; • Transportation; • Village Halls; • Waste; Refuse and Re-cycling. • Workshops

SECTION 7 – SCRUTINY COMMITTEES

	<ul style="list-style-type: none"> • Youth Offending
<p>People Scrutiny Committee Membership: 21 Councillors – Politically Balanced; 3 parent governor representatives; 1 Church in Wales Diocese representative; 1 Roman Catholic Church Diocese representative,</p>	<ul style="list-style-type: none"> • Adults’ Social Services; • Arts & Culture • Children’s Social Services; • Commissioning and Procurement Working Group (Joint Working Group with the Audit Committee) • Education & Learning; • Equalities and Welsh Language; • Finance – Revenues, Benefits; • Gypsies • Housing-Tenancies and Homelessness. • Libraries, Museums and Archive Services. • Mental Health; • Older People and Health; • Substance Misuse; • Voluntary Sector • Workforce /HR • Youth Services;
<p>Local Service Board Scrutiny Committee (with immediate effect)</p> <ul style="list-style-type: none"> • 4 Elected Members of Powys County Council (the 4 Chairs on the Joint Chairs Steering Group with the 4 Vice-Chairs to be substitute representatives in the absence of a Chair); • 1 non-executive representative of Powys teaching Local Health Board; • 1 non-executive representative from PAVO; • 1 representative of the Police and Crime Commissioner; • 1 non-County Councillor representative from Powys Community Health Council; <p><u>Substitutes:</u> Nominated substitutes will be allowed for the representatives listed above.</p>	<ul style="list-style-type: none"> • To provide a ‘critical friend’ challenge to the Local Service Board; • To scrutinise, evaluate and actively promote improvement in work carried out in line with Local Service Board priorities and its terms of reference and not that of those individual constituent organisations represented on the Local Service Board; • To develop and deliver a forward work programme which seeks to contribute to the performance management and governance arrangements of the Local Service Board, and its projects; • To commission Research & Evaluation Group investigations into areas identified on its forward work programme. • To submit reports to the Local Service Board (as appropriate) and make recommendations for consideration and adoption; • To ensure through the Joint Chairs and Vice-Chairs Steering Group that there is no duplication of work between the County Council scrutiny committees, the LSB Scrutiny Committee and any other joint scrutiny arrangements with other authorities;

SECTION 7 – SCRUTINY COMMITTEES

<p>Public Service Board Scrutiny Committee (from 1st April, 2016)</p> <ul style="list-style-type: none"> • 4 Elected Members of Powys County Council as follows: <ul style="list-style-type: none"> • Chair of the People Scrutiny Committee; • Chair of the Place Scrutiny Committee; • Chair of the Audit Committee; • Chair of the Democratic Services Committee. • 1 non-executive, non-Councillor representative of Powys teaching Local Health Board; • 1 non-executive representative from PAVO and is not a representative on the LSB; • 1 representative of the Police and Crime Commissioner; • 1 non-County Councillor representative from Powys Community Health Council; • 1 non executive and non-Powys County Councillor representative from the Mid and West Wales Fire and Rescue Authority; • 1 non-executive representative from the Natural Resources Wales Board. <p><u>Substitutes:</u> Nominated substitutes will be allowed for the representatives listed above.</p>	<ul style="list-style-type: none"> • To provide a ‘critical friend’ challenge to the Public Service Board; • To scrutinise, evaluate and actively promote improvement in work carried out in line with Public Service Board priorities and its terms of reference and not that of those individual constituent organisations represented on the Public Service Board; • To develop and deliver a forward work programme which seeks to contribute to the performance management and governance arrangements of the Public Service Board, and its projects; • To commission Research & Evaluation Group investigations into areas identified on its forward work programme. • To submit reports to the Public Service Board (as appropriate) and make recommendations for consideration and adoption; • To ensure through the Joint Chairs and Vice-Chairs Steering Group that there is no duplication of work between the County Council scrutiny committees, the PSB Scrutiny Committee and any other joint scrutiny arrangements with other authorities;
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Membership of the Audit Committee.

7.5.1 The Audit Committee will comprise 21 Councillors, appointed to achieve as far as reasonably practicable a political balance on the committee plus 1 voting Lay Member plus such other co-optees as may be appointed by the Council (subject to the total number of co-optees being less than one third of

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the total membership).¹

7.5.2 In accordance with Section 82 of The Measure:

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

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

7.5.2.3 The Chair of the Audit Committee is appointed by it and the Chair:

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

7.5.2.4 The Measure does not require a Cabinet Member to be a member of the Audit Committee but a maximum of one member of Cabinet (but not the Leader) may be a member of the Audit Committee;

7.5.3 The Vice-Chair of the Audit Committee will be appointed annually by the Committee who may appoint a Councillor, the Lay Member or a Co-Opted Member. (see Rule 7.5.4 below)

7.5.4 A person presiding at an Audit Committee can only be a member of an executive group if there are no opposition groups.

General Functions

7.6 Within their terms of reference, Scrutiny Committees will:

7.6.1 review and / or scrutinise decisions made, or other action taken in connection with the discharge of any function of the authority;

7.6.2 make reports and / or recommendations to the Full Council and / or the Cabinet, and / or any joint committee or Area (Shire) Committee in connection with the discharge of any function of the authority;

7.6.3 consider any matter affecting the area or its inhabitants;

7.6.4 exercise the right to call-in, for reconsideration, decisions made but not yet implemented, by the Cabinet, a committee of the Cabinet, a member of the Cabinet, an officer exercising functions delegated by the Cabinet, and / or any Area (Shire) Committee exercising functions delegated by the Cabinet.(See Call-In Procedure – Rule 7.37);

Specific Functions

Policy Development and Review

7.7 The Scrutiny Committees may:

7.7.1 assist the Council and the Cabinet in the development of its Budget and Policy Framework by in depth analysis of policy issues, including pre-scrutiny of draft or amended policies;

¹ See Section 82 of The Measure.

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- 7.7.2 conduct research, site visits, community and other consultation in the analysis of policy issues and possible options;
- 7.7.3 question members of the Cabinet and/or Committees and Chief Officers from the Council about their views on issues and proposals affecting the area;
- 7.7.4 liaise with other external organisations operating in the area, whether national, regional or local, to ensure that the interest of local people are enhanced by collaborative working;
- 7.7.5 consider the impact of policies to assess if they have made a difference;
- 7.7.6 consider and implement mechanisms to encourage and enhance community participation in the scrutiny of the development of policy options; and
- 7.7.7 investigate or review a particular matter in depth, reporting their conclusions and making any recommendations to the Council or Cabinet as appropriate.

Scrutiny

7.8 Scrutiny Committees may:

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

Finance

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

Annual Report

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

Head of Democratic Services

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

Who May Sit on Scrutiny Committees ?

7.12.1 Subject to Rule 7.12.2. below all Councillors (except members of the Cabinet) may be members of the Scrutiny Committees. However, no Member may be involved in scrutinising on decisions in which s/he has been directly involved.

7.12.2 In accordance with Section 82 of The Measure no more than one member of the Cabinet may be a member of the Audit Committee (but there is no requirement for Full Council to appoint a member of the Cabinet to the Audit Committee). The Leader cannot be a member of the Audit Committee.

Co-Optees

7.13.1 The People Scrutiny Committee shall include in its membership the following voting representatives:

7.13.1.1 One Church in Wales diocese representative;

7.13.1.2 One Roman Catholic diocese representative; and

7.13.1.3 Three parent governor representatives (covering so far as practicable the primary, secondary and special needs sectors)

7.13.2 When matters which are not education matters, which are the responsibility of the Cabinet, fall to be considered by the People Scrutiny Committee, the co-opted representatives specified in rule 7.13.1 shall not vote, although they may stay in the meeting and speak.

7.13.3 The Place Scrutiny Committee shall include in its membership in a non-voting capacity 1 representative from the Police and Crime Panel (or from such other body which replaces the Panel), subject to that representative not being a Powys County Council representative on the Police and Crime Panel.

7.13.4 In addition to co-optees appointed under rules 7.13.1.1 to 7.13.1.3 above, Scrutiny Committees may recommend to Full Council the co-option of other persons as voting or non-voting representatives. In exercising or deciding whether to exercise a co-option, the Authority must, under section 76 of The Measure, have regard to guidance given by the Welsh Ministers and comply with directions given by them

7.13.5 The total number of co-optees on each Scrutiny Committee may not exceed more than one third the membership of the committee.²

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

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

7.14 The arrangements included in sections 66-75 of The Measure will be followed for appointing persons to chair Scrutiny Committees (other than the Chair of the Audit Committee who will be appointed in accordance with Rule 7.5.2.3)³.

Role of the Chair of Scrutiny Committees

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

7.15.2 In summary, therefore, the Chair will:

7.15.2.1 be accountable for delivering effective scrutiny;

7.15.2.2 will regularly monitor the work programmes for their Scrutiny Committee; and

7.15.2.3 will liaise with the Cabinet on issues affecting the scrutiny work programme.

Work Programme

7.16 The Scrutiny Committees will be responsible for setting their own work programme and in doing so they should take into account wishes of members of that Scrutiny Committee who are not members of the largest political group on the Council. It may also consider urgent and unforeseen matters not included in the work programme.

Meetings

7.17.1 The Scrutiny Committees will have at least 4 meetings a year.

7.17.2 The Audit Committee must also meet if:

(a) the Full Council resolves that the Committee should meet; or

(b) at least one third of the members of the Audit Committee requisition a meeting by one or more notices in writing to the chair.

7.17.3 Extraordinary meetings may be called from time to time where the chair of a Scrutiny Committee considers it is necessary to do so.

Joint Scrutiny Committees

7.18 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”)

7.19 Rules 7.19 to 7.37 (inclusive) shall be known as the Scrutiny Procedure Rules and will apply to meetings of the Scrutiny Committees.

What will be the Number and Arrangements for Scrutiny Committees ?

7.20.1 The Council will have four Scrutiny Committees set out in the table in Rule 7.3 and will appoint to them as it considers appropriate from time to time.

³ For provisions relating to the Chair of the Audit Committee See Rule 7.3.2(b)(ii) above.

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The Scrutiny Committees 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.

- 7.20.2 The terms of reference / areas of responsibility of the various Scrutiny Committees will be as set out in Rule 7.4 above.
- 7.20.3 Each Scrutiny Committee (with the exception of the Audit Committee and the Local 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

- 7.21.1 Subject to Rule 7.17 above the Full Council may determine a cycle of meetings for scrutiny committees . If the Full Council does not set the cycle, each Scrutiny Committee shall determine their own cycle of meetings. The chair, or in their absence the vice chair, may change the date or cancel meetings, or call additional meetings as they consider necessary to deal with the Scrutiny Committee's work programme.
- 7.21.2 In addition, extraordinary meetings may be called from time to time by:
- 7.21.2.1 the Full Council by resolution; or
 - 7.21.2.2 the relevant Scrutiny Committee by resolution; or
 - 7.21.2.3 the chair of the relevant Scrutiny Committee; or
 - 7.21.2.4 any 5 members of the relevant Scrutiny Committee; or
 - 7.21.2.5 the Head of Paid Service; or
 - 7.21.2.6 the Monitoring Officer; or
 - 7.21.2.7 the Section 151 Officer;

as s/he / they considers necessary or appropriate.

Quorum

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

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

- 7.23 The first meeting of a scrutiny committee following the Annual Meeting of the County Council will (as may be appropriate):
- 7.23.1 elect a chair of the Audit Committee;
 - 7.23.2 elect a person to preside if the chair of the Committee is not present;
 - 7.23.3 elect the vice-chair of the Committee

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- 7.23.4 (unless the committee decides unanimously to dis-apply the political balance requirements) allocate seats to political groups on sub-committees authorised by the Full Council.
- 7.23.5 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;
- 7.23.6 establish or re-establish Member and Officer Task and Finish Working Groups and make appointments thereto as appropriate;
- 7.23.7 to approve the committee's work programme for the forthcoming year;
- 7.23.8 deal with those items of business listed in Rule 7.24 below as may be appropriate.

The order of business, with the exception of items 7.23.1 and 7.23.2 may be altered by the chair.

Business at Other Meetings

- 7.24 At all other meetings of committee, the committee will (as may be appropriate)
 - 7.24.1 elect a person to preside if the chair and vice-chair of the Committee are not present;
 - 7.24.2 elect the chair of the Audit Committee in the event of there being a vacancy
 - 7.24.3 elect a vice-chair of the Committee in the event of there being a vacancy;
 - 7.24.4 receive declarations of interest (including whipping declarations);
 - 7.24.5 make appointments to sub-committees and Member and Officer Task and Finish Groups in the event of there being a vacancy;
 - 7.24.6 receive apologies for absence;
 - 7.24.7 approve the minutes of the last meeting;
 - 7.24.8 receive any announcements from the chair;
 - 7.24.9 receive reports from the Cabinet and / or from any other committees, and / or from officers;
 - 7.24.10 make recommendations to the Cabinet or Full Council;
 - 7.24.11 deal with any business outstanding from the last meeting;
 - 7.24.12 (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;
 - 7.24.13 put questions to the chair or relevant officers of the Council where appropriate on items of business before the committee and to receive responses.
 - 7.24.14 receive reports from sub-committees and Member and Officer Task and Finish Groups;
 - 7.24.15 to consider requests from members of the committee for items of business to be considered at a future meeting or at the meeting when the request is made if the chair is satisfied that the matter is

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- 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;
- 7.24.16 consider motions without notice as set out in the Full Council Procedure Rules in Section 4 of this Constitution;
 - 7.24.17 review the Committee's Work Programme for the forthcoming year and make such alterations as are necessary;
 - 7.24.18 consider such other business specified in the summons to the meeting;
 - 7.24.19 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;
 - 7.24.20 to exclude the public for the consideration of any item in accordance with the Access to Information Procedure Rules;
 - 7.24.21 receive notes of meetings of the Joint Chairs and Vice-Chairs Steering Group.

The order of business, with the exception of items 7.24.1 to 7.24.4 may be altered by the chair.

Agenda Items

- 7.25.1 Any member of a Scrutiny Committee shall be entitled to give notice to the chair of the Scrutiny Committee that s/he wishes an item relevant to the functions of that Scrutiny Committee to be included on the agenda for the next available meeting. The chair will decide in his / her absolute discretion whether or not the matter will be placed on the agenda for the next meeting.
- 7.25.2 Scrutiny Committees shall also respond, as soon as their work programme permits, to requests from the Full Council and/or the Cabinet to review particular areas of Council activity. Where they do so, the particular Scrutiny Committee shall report their findings and any recommendations back to the Cabinet and/or Council as appropriate. The Council and/or the Cabinet shall consider the report of the Scrutiny Committee and respond (if appropriate) within 6 weeks of its consideration

Policy Review and Development

- 7.26.1 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.
- 7.26.2 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.
- 7.26.3 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

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witnesses a reasonable fee and expenses for doing so.

Reports from Scrutiny Committees

- 7.27.1 All formal reports from Scrutiny Committees will be submitted to the Monitoring Officer 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).
- 7.27.2 If a Scrutiny Committee cannot agree on one single final report to the Council or Cabinet as appropriate, one minority report may be prepared and submitted for consideration by Full Council or Cabinet with the majority report.
- 7.27.3 A Scrutiny Committee may publish any non-confidential report.

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

- 7.28.1 The reports of Scrutiny Committees shall be referred to the Cabinet (as determined by the Scrutiny Committee) within one month or to the next meeting of Full Council (where applicable). Where an item is not considered by Full Council or Cabinet within the period specified above, the Full Council or Cabinet will give an explanation of the reasons to the chair of the relevant Scrutiny Committee as soon as practicable.
- 7.28.2 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 Portfolio Holder(s) and senior officers will respond and if requested to do so by the Scrutiny Committee they will attend a future meeting of that Scrutiny Committee to present their response.

Rights of Members of Scrutiny Committees to Documents

- 7.29.1 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.
- 7.29.2 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

- 7.30.1 Scrutiny Committees 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:
- 7.30.1.1 any particular decision or series of decisions; and / or
- 7.30.1.2 the extent to which the actions taken implement Council policy; and/or
- 7.30.1.3 the implementation of decision(s) and or Council policy

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

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- 7.30.2 Where there are concerns about the appropriateness of the Officer who should attend, the relevant chief Officer shall discuss this with the appropriate Scrutiny Chair or Vice Chair with a view to achieving consensus.
- 7.30.3 Where any Member or Officer is required to attend Scrutiny Committees under this provision, the Chair of that Committee will inform the Monitoring Officer. The Monitoring Officer (or officers nominated by him / her) shall inform the Member or 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). Any 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.
- 7.30.4 For the purposes of attendances of members or Officers at the Audit Committee only, in accordance with Section 83(6) of The Measure, a person is not obliged to answer any question which the person would be entitled to refuse to answer in, or for the purposes of, proceedings in a court in England and Wales.
- 7.30.5 Where the account to be given to a Scrutiny Committee will require the production of a report, then the Member or Officer concerned will be given sufficient notice to allow for its preparation.
- 7.30.6 Where, in exceptional circumstances, the Member or Officer is unable to attend on the required date, then the Scrutiny Committee shall in consultation with the Member or Officer arrange an alternative date for attendance.

Attendance by Others

Attendance of Leader or Cabinet Member

- 7.31 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

- 7.32.1 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.
- 7.32.2 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.
- 7.32.3 Such right of attendance is subject to the Councillor not having a Prejudicial Interest in the matter under discussion under the Members' Code of Conduct and subject to any legal provisions and any limitations or restrictions within this Constitution.

Others

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- 7.33 Scrutiny Committees may invite people other than those people referred to in Rules 7.30 and 7.31 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

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

Procedure at Scrutiny Committee Meetings

- 7.35.1 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.
- 7.35.2 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:
- 7.35.2.1 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;
 - 7.35.2.2 that those assisting by giving evidence be treated with respect and courtesy;
 - 7.35.2.3 that the business be conducted as efficiently as possible.
- 7.35.3 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

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

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

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Call-In Procedure Rules

- 7.37 The Call-In Procedure Rules set out in this Rule 7.37 do not apply to the Local Services Board Scrutiny Committee. For the sake of clarity the Local Service Board Scrutiny Committee does not have the ability to call-in decisions / recommendations made by the Local Service Board.
- 7.37.1 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.
- 7.37.2 The communication to Councillors sending them the decision will (a) bear the date on which the decision is published and (b) will specify the date when the decision will come into force (subject to Rule 7.37.3) and may then be implemented, on the expiry of five clear days (the “Call-in Period”) after the date of publication of the decision, unless the appropriate Scrutiny Committee objects to it and calls it in for review within the Call-in Period.
- 7.37.3 During the Call-in Period the Monitoring Officer shall call-in a decision for scrutiny by ~~a~~ **the relevant** Scrutiny Committee if so requested in the specified format (“the Call-In Request”⁵) by the chair or 5 members of a Scrutiny Committee PROVIDED THAT the Monitoring Officer and / or the Chief Finance Officer are satisfied that the following conditions are met:
- 7.37.3.1 the decision or action was contrary to the policy framework or budget, or fell outside the functions of the Cabinet; or
- 7.37.3.2 the Cabinet or decision maker had not followed agreed procedures or failed to consult (where required) before reaching its decision; or
- 7.37.3.3 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.
- 7.37.4 Where the Monitoring Officer and / or the Chief Finance Officer are satisfied that one or more of the conditions set out in rule 7.37.3 above have been met, they shall produce a written report setting out the reasons for coming to this conclusion and the Monitoring Officer will then arrange for a “Call-In Notice”⁶ to be issued in accordance with Rule 7.37.5 below.
- 7.37.5 A Call-In Notice must contain the following:
- 7.37.5.1 details of the condition set out in rule 7.37.3 above being relied upon;
- 7.37.5.2 the reasons why it is believed one or more of the conditions are

⁵ See Appendix 1 to this Section.

⁶ See Appendix 2 to this Section.

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satisfied;

- 7.37.6 The Monitoring Officer shall call a meeting of that Scrutiny Committee on such a date as s/he may determine, where possible after consultation with the chair or vice chair of that the 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).
- 7.37.7 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.
- 7.37.8 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 7.37.6 as the case may be).
- 7.37.9 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.
- 7.37.10 If a Scrutiny Committee refers the matter to Full Council, the Monitoring Officer 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).
- 7.37.11 If, having considered the decision, the Full Council remains concerned about the decision, then the Full Council may refer it back to the decision making body for reconsideration, setting out in writing the nature of its concerns. If the decision is referred back to the decision maker, the decision maker shall then reconsider the decision within 10 clear days of the date of the reference. That decision making body or person shall choose whether to amend the decision or not before reaching a final decision and implementing it. The final decision cannot be the subject of a further call-in.
- 7.37.12 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.
- 7.37.13 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.
- 7.37.14 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:

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- 7.37.14.1 each Scrutiny Committee may only call-in a total of five decisions per year;
 - 7.37.14.2 where a Call-in Request has been made by five members of a Scrutiny Committee in accordance with Rule 7.37.3 those five members must come from at least two political groups, or one political group and / or one or more non-aligned Councillor(s);
 - 7.37.14.3 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.
 - 7.37.14.4 no Education Co-opted members may request a decision be called in.
 - 7.37.14.5 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.
 - 7.37.14.6 the decision being called-in, or broadly the same decision, has been called in during the last 6 months.
 - 7.37.14.7 the provisions of Rule 7.38.1 apply (Urgency)
- 7.37.15 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.
- 7.37.16 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.
- 7.37.17 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

- 7.38.1 The call-in procedure set out in Rule 7.37 above shall not apply where the decision being taken is urgent. A decision will be urgent if:
- 7.38.1.1 any delay likely to be caused by the call-in process would seriously prejudice the Council's or other public interests; and
 - 7.38.1.2 the Head of Paid Service and / or the Monitoring Officer and / or the Chief Finance Officer certifies in writing that any delay likely to be caused by the call-in process could seriously prejudice the Council, or the public interest; and
 - 7.38.1.3 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
 - 7.38.1.4 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 and by the chair of the relevant Scrutiny Committee or Scrutiny vice-chair or the chair of Council.

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- 7.38.2 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.

Joint Chairs and Vice-Chairs Steering Group – Scrutiny and Democratic Services Committees (“the Steering Group”).

Role, Scope and Membership.

7.39

- 7.39.1 Membership: Chairs and Vice-Chairs of the following committees:
People Scrutiny Committee;
Place Scrutiny Committee;
Audit Committee;
Democratic Services Committee.
- 7.39.2 Chair : For the sake of clarity the Chair of the Local Service Board / Public Service Board Scrutiny Committee will not be a member of the Joint Chairs steering Group.
Elected annually in rotation by the Steering Group from the Chairs of the Committees detailed in “Membership” above.
- 7.39.3 Vice-Chair: Elected annually in rotation by the Steering Group from the Chairs of the Committees detailed in “Membership” above.
- 7.39.4 Meetings: Meetings of the Steering Group will be held bi-monthly. Additional meetings of the Steering Group can be called with the consent of the Chair.
- 7.39.5 Notes of Meetings: Notes of the meetings of the Steering Group will be considered by the Scrutiny Committees and the Democratic Services Committees.

Terms of Reference:

7.40 The Steering Group will:

- 7.40.1 co-ordinate the work programmes of the Scrutiny Committees;
- 7.40.2 assess potential items for their suitability for a scrutiny review, and allocate those items if suitable to the appropriate scrutiny committee for review;
- 7.40.3 consider items referred from the Scrutiny Committees;
- 7.40.4 ensure the co-ordination of the Scrutiny Committees’ Work Programmes with the Cabinet Work Programme;
- 7.40.5 receive a summary report on the progress being made by scrutiny working groups in relation to their reviews;
- 7.40.6 discuss with the Chief Executive and Strategic Directors / Directors any items for inclusion on Scrutiny Committees’ Work programmes;
- 7.40.7 undertake an annual review of the Draft One Powys Plan and make recommendations to the Cabinet;

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- 7.40.8 undertake an annual review of the draft budget proposals and make recommendations to the Cabinet;
- 7.40.9 review the Cabinet's Statement of Intent and make recommendations to the Cabinet;
- 7.40.10 review the draft Annual Governance Statement and make recommendations;
- 7.40.11 review as appropriate the performance evaluation grids which form the basis of the draft Annual Improvement Report;
- 7.40.12 review the draft Annual Improvement Report and make recommendations to the Cabinet;
- 7.40.13 consider the Wales Audit Office Annual Improvement Report and consider any matters for inclusion in the Scrutiny Committees' Work Programmes;
- 7.40.14 to ensure in conjunction with the Local Service Board Scrutiny Committee that there is no duplication of work between the County Council scrutiny committees, the Local Service Board Scrutiny Committee and any other joint scrutiny arrangements with other authorities;
- 7.40.15 such other matters which relate to or affect the operation of the Scrutiny Committees.

Councillor Call for Action

- 7.41.1 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".
- 7.41.2 Any Councillor may request that an item is placed on the agenda of the relevant Scrutiny Committee for consideration.
- 7.41.3 The procedure for dealing with a Call for Action is set out in the Councillor Call for Action - Guidance for Councillors attached to this section of the Rules at 7.42 to 7.46

Councillor Call for Action - Guidance for Councillors

Introduction

- 7.42.1. The Local Government Wales Measure 2011 introduced a number of new provisions aimed at strengthening local democracy. Section 63 of the Measure introduced a provision for "Councillor Calls for Action" (CCfA) which enables Councillors to refer issues of local importance to Scrutiny Committees .
- 7.42.2 CCfAs are intended to enable local Councillors and their electors to obtain a response from their Council Leadership on issues of local importance. CCfAs should be regarded as one of a series of tools which Councillors have at their disposal to resolve local issues and make a positive difference in their community. Previously in Wales, only local Crime and Disorder issues could be referred by the local Councillor to the designated Place Scrutiny Committee for action and it should be noted that these local crime and

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disorder referrals will remain in place under separate legislation.

- 7.42.3 As part of their community leadership role, Councillors have always attempted to resolve issues on behalf of their local residents and CCfAs provide an additional avenue for Councillors to follow if the normal ways of resolving an issue have not been successful and the issue meets the criteria for a referral. It should be noted that a referral under this process should be seen as a last resort after all other avenues have been exhausted.
- 7.42.4 CCfAs have been introduced alongside other powers for scrutiny, including powers to scrutinise a wide range of bodies not previously subject to local authority scrutiny. CCfAs are intended to enable any Councillor to refer to a Scrutiny Committee, “a local government matter” which falls within the Scrutiny Committee’s remit.

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

- 7.42.5 Local issues can be resolved in a number of ways by Councillors on behalf of their residents as listed in the Welsh Government’s Statutory Guidance from the Local Government Measure 2011:

- 7.42.5.1 informal discussions with Officers or other Councillors;
- 7.42.5.2 informal discussions with partner representatives;
- 7.42.5.3 referral to other “scrutiny” bodies such as Community Health Councils or internal audit committee;
- 7.42.5.4 formal discussions with Officers and Councillors;
- 7.42.5.5 formal letters to the Cabinet members;
- 7.42.5.6 asking questions at Full Council;
- 7.42.5.7 submitting a motion to Full Council;
- 7.42.5.8 organising public meetings;
- 7.42.5.9 use of petitions;
- 7.42.5.10 making a complaint;
- 7.42.5.11 freedom of information requests;
- 7.42.5.12 communication with local AMs or MPs;
- 7.42.5.13 use of social media or email based campaigns.

- 7.42.6 This is not an exhaustive list and Councillors may choose different routes for specific issues. If an issue has not been resolved after exhausting all possible alternative routes, then a local Councillor can refer it to the appropriate Scrutiny Committee as a CCfA.

What is a Councillor Call For Action?

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

How and When Should I Make a CCfA?

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

Criteria To Be Followed By A Scrutiny Committee Dealing With CCfAs

- 7.42.9 It is up to the chair of a Scrutiny Committee in consultation with the Monitoring Officer to decide whether, and in what form, to take the matter further. The chair will use the following criteria to decide whether or not the referral is appropriate to be considered by its Scrutiny Committee :
- 7.42.9.1 does the matter fall within the remit of that Scrutiny Committee?
NB: Crime and Disorder referrals should be directed to the Place Scrutiny Committee.
 - 7.42.9.2 is that Scrutiny Committee satisfied that all reasonable attempts have been made to resolve the issue by the local Councillor? Do the responses received by the referring Councillor demonstrate that the matter is not being progressed?
 - 7.42.9.3 has that Scrutiny Committee considered a similar issue recently? If so, have the circumstances or evidence changed?
 - 7.42.9.4 is there a similar or related issue which is the subject of a review on the current work programme? It may be more appropriate to link the new issue to an existing review, rather than hold a separate CCfA hearing. Relevant time pressures on resolving the CCfA should be taken into account.
 - 7.42.9.5 have all relevant service areas or partner organisations been informed and been given enough time to resolve the issue? What response has the Councillor received?
 - 7.42.9.6 is this a case that is being or should be pursued via the Council's corporate complaints procedure?
 - 7.42.9.7 is it relating to a "quasi-judicial" matter or decision such as planning or licensing?
 - 7.42.9.8 is the matter an issue of genuine local concern which impacts on the local community rather than a personal matter?
 - 7.42.9.9 is this an issue currently being looked at by another form of external scrutiny?
 - 7.42.9.10 and, as with all scrutiny, does the matter have the potential for scrutiny to produce recommendations which could realistically be implemented and lead to improvements for anyone living or working in the Councillor's electoral division?

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- 7.42.10 If a Scrutiny Committee decides not to accept the CCfA it must inform the Councillor of the decision and the reasons for it.
- 7.42.11 If a Scrutiny Committee decides to accept the CCfA the Councillor will be informed and advised of the agreed Protocol, e.g. the Councillor will be given adequate notice (a minimum of 10 clear days) of the date of the Scrutiny Committee’s meeting. The Councillor will be requested to attend the Scrutiny Committee and informed that s/he will have five minutes in which to address the Scrutiny Committee . The Scrutiny Committee may then wish to question the Councillor further before deciding how it intends to take the matter forward. This could include:
- 7.42.11.1 asking the relevant responsible authorities to respond to the CCfA;
 - 7.42.11.2 setting up a research or task and finish group to undertake a more in-depth review;
 - 7.42.11.3 asking for further evidence and/or witnesses to be brought to a future meeting. The Scrutiny Committee has the power to request “designated persons” ⁷ such as representatives from other public bodies/agencies to attend, where relevant, and to request information.

Potential Outcomes From a CCfA

- 7.43.1 A Scrutiny Committee could:
- 7.43.1.1 determine that it is a complex issue that requires further investigation and commission a scrutiny review of the issue;
 - 7.43.1.2 write a response and make recommendations on the CCfA to a relevant responsible authority;
 - 7.43.1.3 decide that further action is not appropriate giving its reasons.
- 7.43.2 Once a Scrutiny Committee has completed its work, the Councillor who made the referral will receive a copy of any response or recommendations made.

Timescales for Dealing With a CCfA

- 7.44.1 Within 10 working days of receipt of a CCfA the chair of the relevant Scrutiny Committee will consult with the Monitoring Officer to determine if the criteria set out in Rule 7.42.9 above have been met so as to ensure that it is appropriate for the CCfA to be dealt with at the next meeting of the Scrutiny Committee.
- 7.44.2 In exceptional circumstances, for example where there are unavoidable time constraints, the chair may convene a special meeting of the Scrutiny Committee.
- 7.44.3 Should a CCfA result in recommendations to the Cabinet or other responsible authorities, they will be requested to make a response to the recommendations within 28 days and two months respectively.
- 7.44.4 The Scrutiny Committee will monitor implementation of any recommendations as part of its Forward Work Programme.

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

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7.45

Councillor Call for Action Referral Form

7.46

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

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

Administration only.

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

Notes for Councillors:

7.46.1 The following criteria will be taken into consideration when a Scrutiny Committee decide whether to progress with your CCfA:

- 7.46.1.1 have all reasonable attempts been made to resolve the issue? Do the responses received by you demonstrate that the matter is not being progressed?
- 7.46.1.2 has the committee considered a similar issue recently – if yes have the circumstances or evidence changed?
- 7.46.1.3 is there a similar or related issue which is the subject of a review on the current work programme? It may be more appropriate to link the new issue to an existing review, rather than hold a separate CCfA hearing. Relevant time pressures on resolving

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

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Appendix 1 – "Call-In Request"

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

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

TO: The Monitoring Officer.

I County Councillor _____ Chair of the

People Scrutiny Committee.	YES / NO
Place Scrutiny Committee.	YES / NO

We 5 County Councillors being Members of the

People Scrutiny Committee.	YES / NO
Place Scrutiny Committee.	YES / NO

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

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

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

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

Date: _____

Name:	Signature:

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IMPORTANT NOTE TO CHAIRS AND MEMBERS OF A SCRUTINY COMMITTEE:

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

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

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

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

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

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

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

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

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SCHEDULE 1.

TO BE COMPLETED BY THE CHAIR OR 5 MEMBERS REQUESTING THE CALL-IN.

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

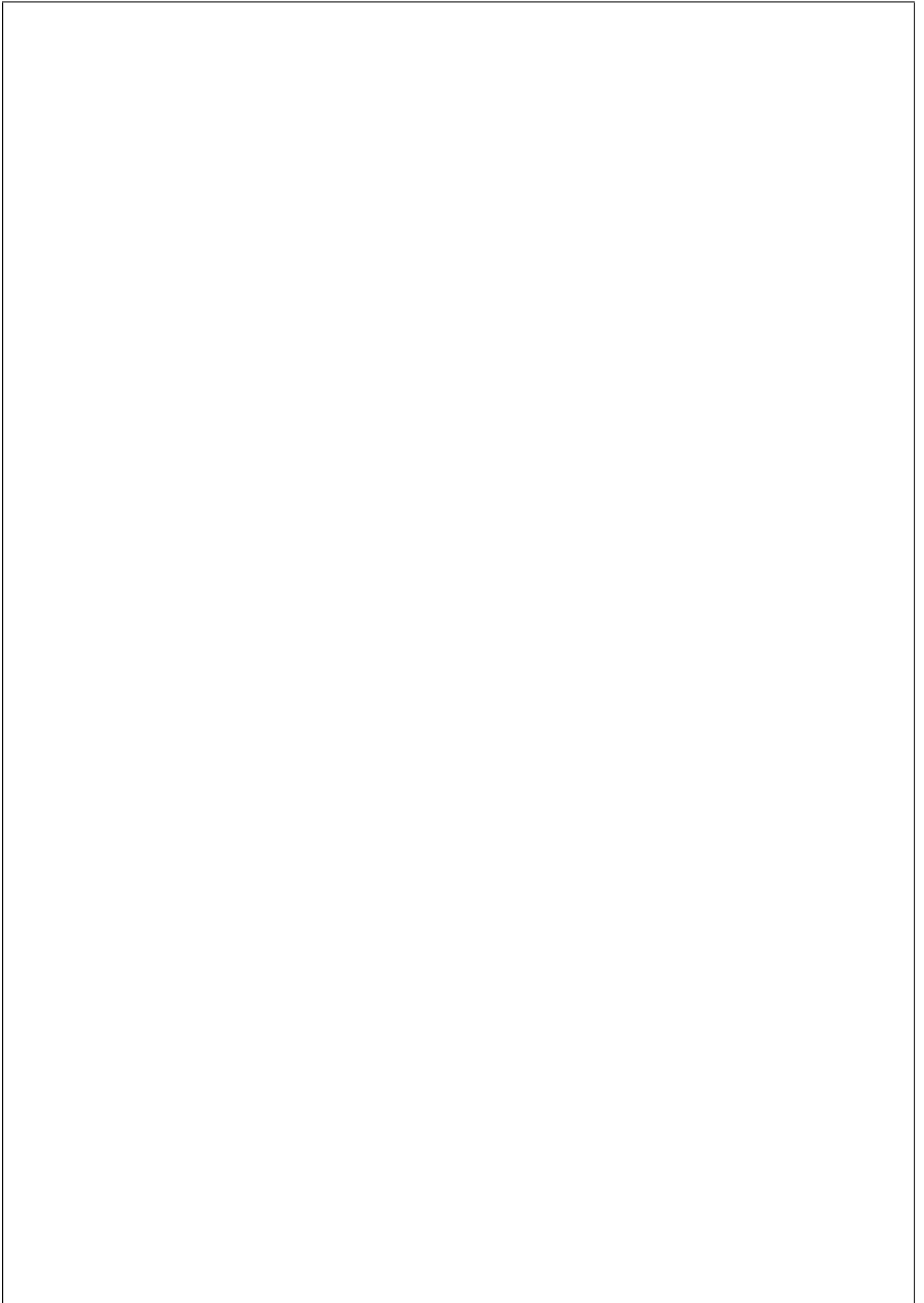
2. Reason for Call-In:

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

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

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

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(Please continue on a separate sheet if necessary)

SCHEDULE 2.

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

1. Chief Finance Officer's Advice.

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

(Please continue on a separate sheet if necessary)

Date: _____

Signature: _____

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2. Monitoring Officer's Advice.

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

(Please continue on a separate sheet if necessary)

Date: _____

Signature: _____

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FOR INTERNAL USE ONLY:

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

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

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Appendix 2 – “Call-In Notice”

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

1. Chief Finance Officer.

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

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

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

(Please continue on a separate sheet if necessary)

Date: _____

Signature: _____

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2. Monitoring Officer.

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

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

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

(Please continue on a separate sheet if necessary)

Date: _____

Signature: _____

Arrangements for the Scrutiny of the Local Service Board / Public Service Board in Powys.

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1. Background.

- 1.1 Local Service Boards (LSBs) represent a new approach to the delivery of public services. They are a Welsh Assembly Government initiative to encourage public sector partners to work collaboratively.
- 1.2 Each partner organisation of the LSB brings a different contribution and perspective to the table, including their particular form of accountability and unique professional and service expertise. The aim is to create strong synergy by combining these in a public services team model, building on strengths and tackling barriers where they exist.
- 1.3 There are a number of different models of LSB scrutiny across Wales. One scrutiny model recognised by the Welsh Assembly Government as demonstrating best practice in this area is that used by Cardiff City and County Council. This model is led but not controlled by the City Council and includes appropriate representatives from all sectors included within the LSB's portfolio.
- 1.4 Any model of LSB scrutiny needs to ensure that there is no duplication of individual forms of partner accountability. Therefore the role of any group scrutinising the LSB will not be to scrutinise any individual service, but to ensure an effective whole-system response to the needs of citizens. To be clear the scrutiny of an individual person / organisation falls within the remit of the definition of "Designated Persons" under Section 61 of the Local Government (Wales) Measure 2011 which is a different form of scrutiny to that which is to be undertaken for the LSB.

2. National Context

2.1 Beyond Boundaries – Citizen Centred Local Services for Wales

- 2.1.1 Beyond Boundaries was launched on 10th July 2006. The review was commissioned by the Welsh Assembly Government as part of the action plan for implementing its *Making the Connections* strategy for improving public service delivery in Wales.
- 2.1.2 The report sets out that the role of Scrutiny should be *"to provide effective challenge to organisational culture and examine whether public services together are achieving desired outcomes"*.
- 2.1.3 The report made a number of recommendations, of particular relevance to LSB scrutiny are:
 - Raising the profile of scrutiny, making it a strong vehicle for service improvement and citizen engagement, by involving a wide range of stakeholders and developing scrutiny skills across sectors;
 - Developing scrutiny mechanisms for jointly organised services.
- 2.1.4 The review drew from the Welsh Assembly's previously advocated citizen model as the driver for public service reform. The citizen model recognises that the public have both rights and responsibilities: rights to receive services but also responsibilities to be concerned about the services available to everyone else.

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2.2 Making the Connections - Local Service Boards in Wales: A prospectus for the first phase 2007-2008

2.2.1 In January 2007, the Assembly Government published its consultation paper regarding their vision for LSBs in Wales. In considering arrangements for LSB scrutiny the Assembly stated that LSBs should:

- *Act as a catalyst for the development of a more citizen-focused approach to scrutiny and improvement at local level, as envisaged in Delivering Beyond Boundaries. The aim is to move to a multi-disciplinary scrutiny process which examines the effectiveness of the public service response to citizens, in a fundamental, constructive and improvement-focused way. Local elected members will be at the heart of this process, reflecting their community leadership role, but they will need to involve other stakeholders, depending on the subject for scrutiny – both to ensure sufficiently cross-cutting expertise and to encourage an even-handed and objective approach.*
- *Contribute to policy review and strategy development, and consider real-time and retrospective reporting of performance. The process should involve citizens, service users, advocates and other stakeholders and be tailored to the issue under scrutiny. The governance and accountability arrangements of each of the public service partners must be respected.*

2.3 Local Government Policy Statement – A Shared Responsibility

2.3.1 In March 2007, the Assembly Government published 'A Shared Responsibility', the response to the Beecham Review in the area of local government.

2.3.2 Chapter six details commitments to a number of reforms including:

- Local authority scrutiny to cover all public services in an area;
- Introduction of joint scrutiny committees between two or more authorities;
- A power to co-opt non-Councillors as full members;
- Giving scrutiny committees the power to require public service providers to provide information and/or attend;
- Prohibition of whipping;
- Proportionate allocation of committee chairs.

2.4 Police and Justice Act 2006

2.4.1 From 1 October 2009, legislation requires Local Authorities to have an Overview & Scrutiny Committee with power to:

- *Review or scrutinise decisions made or action taken by the Responsible Authorities in connection with the discharge of crime and disorder functions;*
- *Make reports or recommendations to Council or Cabinet, as determined by responsibility for function, in connection with the discharge of those functions.*

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2.4.2 The legislation also requires the Local Authority to:

- *Enable any Member of the Authority to raise a local crime and disorder matter and have the matter included as an agenda item and discussed at the meeting of the Scrutiny Committee exercising the Crime and Disorder Scrutiny functions, to facilitate the “Councillor Call for Action”.*

2.4.3 Draft Guidance defines a crime and disorder matter as including anti-social behaviour, behaviour adversely affecting the local environment, or the misuse of drugs, alcohol or other substances. To qualify as a local matter, the issue must affect either all or part of the electoral area for which that particular Member is elected, or it must affect a person who lives or work in that area.

2.5 The Well-Being of Future Generations (Wales) Act 2015.

2.5.1 The Act requires the establishment of a public services board (PSB) for each local authority area in Wales. These boards are also a statutory body whereas the LSB is not a statutory body. The membership of the public service board will also differ from that of the current LSB as set out below.

2.5.2 LSB and PSB Structures.

LSB	PSB
<u>Board:</u> PCC PtLHB PAVO Police Police and Crime Commissioner Welsh Government Representative.	<u>Board:</u> PCC PtLHB Fire and Rescue Natural Resources Wales
	<u>Invitees:</u> Chief Constable Police and Crime Commissioner Probation County Voluntary Council

2.5.3 PSBs will need to be established by 1st April, 2016.

3. The LSB / PSB Scrutiny Committee in Powys.

3.1 In establishing a committee to scrutinise the LSB, those arrangements must take account of the need to move to the scrutiny of the PSB as from 1st April, 2016. Therefore the membership of that committee must be transferrable and flexible to account for both requirements.

3.2 It also makes practical sense that any committee established should include representatives from each of the partner agencies, whilst recognising that those representatives could not be drawn from the “executives” of any of the

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organisations to ensure the split of responsibilities between those who are the “executive” of the organisation and those who undertake a “scrutiny” function. Having representation from the organisations who form the LSB / PSB should also provide “buy-in” to the scrutiny process.

3.3 Format of the Committee.

3.3.1 It is suggested that the Committee be composed as follows:

Local Service Board Scrutiny Committee (from July 2015 to April 2016)	Public Service Board Scrutiny Committee (from 1st April, 2016)
<ul style="list-style-type: none"> • 4 Elected Members of Powys County Council as follows: <ul style="list-style-type: none"> • Chair of the People Scrutiny Committee; • Chair of the Place Scrutiny Committee; • Chair of the Audit Committee; • Chair of the Democratic Services Committee. • 1 non-executive, non-Councillor representative of Powys teaching Local Health Board; • 1 non-executive representative from PAVO and is not a representative on the LSB; • 1 representative of the Police and Crime Commissioner; • 1 non-County Councillor representative from Powys Community Health Council; <p><u>Substitutes:</u> Nominated substitutes will be allowed for the representatives listed above.</p>	<ul style="list-style-type: none"> • 4 Elected Members of Powys County Council as follows: <ul style="list-style-type: none"> • Chair of the People Scrutiny Committee; • Chair of the Place Scrutiny Committee; • Chair of the Audit Committee; • Chair of the Democratic Services Committee. • 1 non-executive, non-Councillor representative of Powys teaching Local Health Board; • 1 non-executive representative from PAVO and is not a representative on the LSB; • 1 representative of the Police and Crime Commissioner; • 1 non-County Councillor representative from Powys Community Health Council; • 1 non executive and non-County Councillor representative from the Mid and West Wales Fire and Rescue Authority; • 1 non-executive representative from the Natural Resources Wales Board. <p><u>Substitutes:</u> Nominated substitutes will be allowed for the representatives listed above.</p>

3.3.2 The Committee will be supported by the Powys County Council Scrutiny Services.

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3.3.3 The Committee can invite any other persons with a particular interest / expertise to support the Committee work on an ad-hoc basis.

3.3.4 The Committee should develop a forward work programme for a 12 month basis.

3.4 Terms of Reference of the Committee.

3.4.1 The Terms of Reference describe the purpose and structure of the Committee. The Terms of Reference should assist in developing a common understanding of the scope among stakeholders.

3.4.2 The Terms of Reference for the Scrutiny Committee are:

- To provide a 'critical friend' challenge to the Local Service Board / Public Service Board;
- To scrutinise, evaluate and actively promote improvement in work carried out in line with Local Service Board / Public Service Board priorities and its terms of reference and not that of those individual constituent organisations represented on the Local Service Board / Public Service Board;
- To develop and deliver a forward work programme which seeks to contribute to the performance management and governance arrangements of the Local Service Board / Public Service Board, and its projects;
- To commission Research & Evaluation Group investigations into areas identified on its forward work programme.
- To submit reports to the Local Service Board / Public Service Board (as appropriate) and make recommendations for consideration and adoption;
- To ensure through the Joint Chairs and Vice-Chairs Steering Group that there is no duplication of work between the County Council scrutiny committees, the LSB / PSB Scrutiny Committee and any other joint scrutiny arrangements with other authorities;

3.5 Meetings of the Committee.

3.5.1 Election of Chair – The Committee will elect a Chair from the membership of the Committee. Substitute Members will not be eligible for election as the Chair. The Chair will be appointed for a 12 month period. The appointment of Chair will rotate between the membership of the Committee.

3.5.2 It is suggested that meetings of the Committee will be held on a quarterly cycle to mirror the cycle of the LSB / PSB. However a degree of flexibility should be incorporated in line with the wishes of the Committee e.g. members may wish to consider issues on an ad-hoc basis.

3.5.3 The nature of Scrutiny work is such that ad-hoc meetings are also held to consider issues as and when appropriate. For example, the investigative work of the Committee may require the holding of interview sessions, site visits or seminars to discuss individual issues.

3.5.4 Notes of meetings will usually be brief, containing a summary of discussions and action points arising from them.

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- 3.5.5 Where invitees are invited to address the Committee, draft notes will be sent to invitees to ensure accuracy prior to the notes being finalised and circulated.
- 3.5.6 A representative of Scrutiny Services will always be present at meetings to support the Chair and members of the Committee with advice and guidance.
- 3.5.7 The Committee may request any member of the LSB / PSB to attend a Committee meeting to assist with issues under consideration.
- 3.5.8 Initially meetings of the Committee will not be held in public but this will be kept under review as the work of the Committee develops. If meetings are held in public in future there may be occasions when the nature of the matters being discussed mean that the Committee will need to move into a private session at which point the press and the public will be excluded from the meeting.
- 3.5.9 The quorum of the Committee will be when at least 2 County Councillors and at least 2 representatives of other organisations are present at a meeting.

3.6 Work Programme.

- 3.6.1 The Committee will establish a rolling forward work programme and Committee members will be asked to identify issues for consideration during the year.
- 3.6.2 The Committee may also receive requests for items to be included on the work programme from the LSB / PSB, individual organisations who sit on the LSB / PSB or from the County Council's scrutiny committees. Any such requests should include sufficient information for the Committee to understand the issues underlying the request, what outcome is being sought so that the Committee can assess the suitability of that item being included on the work programme. A representative of the body / organisation making the request may be invited by the Chair of the Committee to address the Committee to outline the request and respond to questions.
- 3.6.3 Items for inclusion on the work programme will be assessed using the criteria used by the Powys County Council scrutiny committees to determine whether an item should be included on the work programme.
- 3.6.4 If a request for an item to be included on the work programme is considered in line with paragraph 3.6.2 above, the requestor will be advised in writing of the Committee's determination as to whether the item is to be included on the work programme or not.

3.7 Reports by the Committee.

- 3.7.1 The Committee itself will prepare reports based on work undertaken by the Committee as a whole, or by Research and Evaluation Groups who will submit their finalised reports to the full Committee for consideration.
- 3.7.2 Reports once approved by the Committee will be submitted to the LSB / PSB for consideration.
- 3.7.3 Draft reports will be circulated to relevant individuals / groups to ensure accuracy before being finalised.
- 3.7.4 The LSB / PSB will be required to consider the report of the Committee and to determine:
 - (a) to accept the report and / or the recommendations contained within it;
 - or

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- (b) to not accept the report and / or the recommendations contained within it; and
- (c) to advise Scrutiny Services of the outcome of the deliberations of the Board, who will make that determination known to members of the Scrutiny Committee.

3.7.5 The LSB / PSB will be required to:

- (a) Where the Board accepts the recommendations of the Scrutiny Committee, to provide the Scrutiny Committee with an action plan to address the recommendations made; or
- (b) Where the Board does not accept the recommendations to advise the Scrutiny Committee as to the reasons why the recommendations are not accepted.

3.7.6 The Scrutiny Committee (or a Research and Evaluation Group as appropriate) will / may:

- (a) Where an action plan has been prepared, monitor progress in implementation of the action plan and request periodic updates from the LSB / PSB, until such time as the action plan has been completed;
- (b) Where recommendations have not been accepted, call representatives of the LSB / PSB to discuss the reasons why the recommendations were not accepted with the Scrutiny Committee or a Research and Evaluation Group.

4. Research and Evaluation Groups.

4.1 The Scrutiny Committee can undertake a review itself of any matters within its remit.

4.2 The Scrutiny Committee can establish Research and Evaluation Groups to undertake a review of any matters within the remit of the Scrutiny Committee.

4.3 The Research and Evaluation Group will establish and agree terms of reference for any reviews it undertakes as well as identifying the intended outcomes of the review.

4.4 Reviews.

4.4.1 A Scrutiny investigation will be a detailed study of a subject, involving the gathering of evidence from a variety of sources. This will usually include an analysis of relevant documentation, interview sessions with invitees, consultation with relevant stakeholders and consideration of best practice. An investigation may take place over a period of a few months or even longer.

4.4.2 Arising from an investigation, the Group will produce a report that will be presented to the Scrutiny Committee for approval.

4.4.3 Once approved by the Scrutiny Committee, the Group's report will be submitted to the LSB / PSB. The relevant Board will then provide a formal response to the Committee's report outlining what recommendations have been approved or rejected with accompanying explanation.

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- 4.5 The Research and Evaluation Group will usually consist of between 3 and 5 members of the Committee with the membership being determined by the Committee. The Lead Member of the Group will be determined when the Group is established by the Committee.
- 4.6 Research and Evaluation Groups can invite other persons with the relevant knowledge / expertise either as a co-opted member of the Group for the duration of the investigation or on an ad-hoc basis. Otherwise such persons can be invited to give evidence to the Group. If the Group decides to co-opt additional members for an investigation, the numbers of those co-opted should not exceed one third of the membership of the Group established by the Scrutiny Committee (e.g. one third of 3 or 5 members)
- 4.6 Research and Evaluation Group meetings are confidential to allow for flexibility, openness and transparency.
- 4.7 The Chair of the Committee will always be able to attend meetings of a Group, even if he / she is not a member of that Group.
- 4.8 A Research and Evaluation Group should where possible be comprised of representatives from individual organisations rather than multiple representatives from a single organisation.
- 4.9 Procedures.
- 4.9.1 The Scrutiny Committee should not have more than 1 Research and Evaluation Group in operation at the same time to ensure sufficient resources are available to undertake the review both in terms of membership and also in terms of scrutiny officer support.
- 4.9.2 Whilst the Scrutiny Committee will determine the broad area that a Research and Evaluation Group will investigate, the Group will determine the detailed terms of reference and expected outcomes for the investigation. The project plan and the approach to be adopted will include details of the evidence to be gathered, including invitees to be interviewed, documents to be considered, any consultation that will be undertaken and any other information that will be examined as part of the process, such as benchmarking information, consideration of best practice etc.
- 4.9.3 Once the terms of reference and project plan have been agreed by the Research and Evaluation Group, the work can commence.
- 4.10 Reports.
- 4.10.1 The Research and Evaluation Group will prepare a report of its findings as a result of its investigation to include recommendations to address the issues highlighted.
- 4.10.2 The draft report will be circulated to those consulted at part of the review to ensure accuracy.
- 4.10.3 The final report will be presented by the Group to the Scrutiny Committee for approval and onward transmission to the LSB / PSB for consideration.
- 4.11 The Research and Evaluation Group may have a role in monitoring any action plans from the LSB / PSB resulting from a review report prepared by that Group.

SECTION 7 – SCRUTINY COMMITTEES

The Use of Invitees in the Scrutiny Process

Examples of Invitees

1. Relevant Chief/Executive Officers
2. Relevant Cabinet Member(s)
3. Chairs of other internal bodies, such as quasi-judicial bodies
4. Members and Officers from other local authorities
5. Senior representatives from external local public agencies e.g. Directors of health trusts, Chairs of NHS bodies etc.
6. Senior Officers from external regional public agencies e.g. WAG Officers, Environmental Health Agency Wales, National Public Health Service etc.
7. Representatives from local voluntary sector organisations, regional organisations and national organisations
8. Representatives from professional associations
9. Representatives from trade unions
10. Representatives from the private sector (Chamber of Commerce, Business in Focus)
11. Representatives of user groups (local, regional, national)
12. Community representatives
13. Recognised experts in the subject area (academics, public or private sector managers)

SECTION 9 – REGULATORY AND OTHER COMMITTEES

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

The Democratic Services Committee

- 9.2.1 The Council will appoint a Democratic Services Committee to discharge the functions described in Section 13 of this Constitution.¹
- 9.2.2 The Committee shall consist of 15 Members to achieve so far as reasonably practicable a political balance.
- 9.2.3 No more than one Member of the Cabinet may be a member of the Committee and that Cabinet Member cannot be the Leader.
- 9.2.4 The Chair of the Democratic Services Committee is appointed by Full Council. The Chair must not be a member of an Executive Group (meaning a political group some or all of whose members comprise, or are included in, the Cabinet of the Authority, unless there are no opposition groups [meaning a political group none of whose members are included in the Cabinet of the Authority] in which case the Chair may be a member of an Executive Group but must not be a member of the Cabinet).
- 9.2.5 The Committee may appoint one or more sub-committees and may arrange for the discharge of any of its functions by such a sub-committee.
- 9.2.6 The Committee is to appoint the Chair of any Sub-Committee.
- 9.2.7 The Vice-Chair of the Committee is appointed by the Committee and the Vice-Chair of any Sub-Committee is appointed by the Sub-Committee

Regulatory Committees and Sub-Committees

- 9.3.1 The Council will appoint such Regulatory Committees as it considers appropriate to the exercise of its functions. These will include a Planning, Taxi Licensing and Rights of Way Committee, the Licensing Act 2003 Committee, the Employment and Appeals Committee, and the Pensions and Investments Committee.
- 9.3.2 Any Regulatory Committee appointed by the Council may at any time appoint additional Sub-Committees and panels throughout the year. The terms of reference and delegation of powers to them shall be explicit and within the Regulatory Committee's terms of reference.
- 9.3.3 Subject to Rule 9.3.4 below, Cabinet Members cannot be members of Regulatory Committees and / or their Sub-Committees.
- 9.3.4 Cabinet Members may be members of the following Regulatory Committees and / or their Sub-Committees in the manner described below:
- 9.3.4.1 Pensions and Investment Committee;
- 9.3.4.2 Employment and Appeals Committee where dealing with shortlisting and appointments in accordance with Rules 11.45, 11.52, and 11.56.

Rules of Procedure and Debate

9.4 The Council Procedure Rules in Section 4 will apply.

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

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

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

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

Who can be Decision Makers?

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

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

Principles of Decision Making

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

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

13.3 Functions fall into the following categories:

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

Index:

Schedule 1 – Functions NOT to be the responsibility of the Cabinet	Pages 3 - 43
Schedule 2 – Council functions may be delegated to the Executive and other Member Bodies pursuant to Regulation 4 of the 2007 Regulations	Pages 44 - 69
Schedule 3 – Functions Not to be the Sole Responsibility of Cabinet	Pages 70 - 78
Schedule 4 – Circumstances in Which Functions are not to be the responsibility of Cabinet	Pages 79 - 81
Delegation to Officers	Pages 82 - 89
Delegation to Cabinet Portfolio Holders	Pages 90 - 100

Colour Code:

Pages:

Planning, Taxi Licensing Rights of Way and Taxi Licensing Rights of Way Committee	Schedule 1 – Pages 4 – 11; 14 – 25; Schedule 2 – Pages 59 – 67;
Full Council	Schedule 1 – Pages 12; 26 – 27; 29; 30 – 32; 38 – 43 Schedule 2 – Pages 44 – 46; Schedule 3 – Pages 70 – 76; 78; Schedule 4 – Pages 79 - 81
Licensing Act 2003 Committee	Schedule 1 – Page 13; Schedule 2 – Pages 57 – 58;
Officers	Schedule 1 – Pages 28; 38;
Pensions and Investment Committee	Schedule 1 – Page 30;
Audit Committee	Schedule 1 – Pages 33 – 36;
Democratic Services Committee	Schedule 1 – Page 36;
Employment and Appeals Committee	Schedule 1 – Page 37;
Cabinet	Schedule 2 – Pages 47 – 56; Schedule 3 – Page 77;
Area (Shire) Committees	Schedule 2 – Pages 68 – 69;

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SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

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

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

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

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

Column 1	Column 2	Column 3	Column 4	Column 5
Function (including): ¹	Provision of Act or Statutory Instrument	Delegated to	Sub-Delegation	Conditions and / or Limitations on Delegation and Sub-Delegation
A Functions relating to town and country planning and development control				
A1 Power to determine applications for planning permission.	Sections 70(1)(a) and (b) and 72 of the Town and Country Planning Act 1990 (c 8).	<u>Planning, Taxi Licensing and Rights of Way Committee</u> Planning, Rights of Way and Taxi Licensing Committee	Subject to column 5 Delegated to the Strategic Director – Place, and / or the Head of Regeneration, Property and Commissioning and / or the Lead Professional – Development Management (“Relevant Planning Officer”) with the ability to further sub-delegate.	In the following circumstances the responsibility will lie with the <u>Planning, Taxi Licensing and Rights of Way Committee</u> Planning, Rights of Way and Taxi Licensing Committee and not the Relevant Planning Officer.
A2 Power to determine applications to develop land without compliance with conditions previously attached.	Section 73 of the Town and Country Planning Act 1990.	<u>Planning, Taxi Licensing and Rights of Way Committee</u> Planning, Rights of Way and Taxi Licensing Committee	Subject to column 5 Delegated to Relevant Planning Officer with the ability to further sub-delegate unless the original permission was granted by the Planning, Rights of Way and Taxi Licensing Committee (including one of the previous Shire Planning Sub-Committees) save where the condition relates to the time limits imposed on the permission.	A. Where the Relevant Planning Officer considers that the planning function should be dealt with by the <u>Planning, Taxi Licensing and Rights of Way Committee</u> Planning, Rights of Way and Taxi Licensing Committee and not by a Relevant Planning Officer. B. Where the planning application in question constitutes a material
A3 Power to grant planning permission for	Section 73A of the Town and Country Planning Act	<u>Planning, Taxi Licensing and Rights of Way</u>	Subject to column 5 Delegated to Relevant	

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

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	development already carried out.	1990.	Committee <u>Planning, Rights of Way and Taxi Licensing Committee</u>	Planning Officer with the ability to further sub-delegate	<p>departure from the Development Plan and the view of the Relevant Planning Officer is that the planning application should be approved;</p> <p>C. Where the planning application is made by or on behalf of the County Council or relates to or affects Council land or premises (whether or not actually occupied by the Council) ;</p> <p>D. Where the planning application is required to be accompanied by an Environmental Statement under the EIA Regulations;</p> <p>E. Where the planning application is submitted by or on behalf of any Member or any member of staff employed in Development Control, the Chief Executive, Strategic Directors and Directors, Heads of Service, or officers who are in regular contact with Development Control.</p> <p>F. Where a Councillor</p>
A4	Power to decline to determine application for planning permission.	Section 70A of the Town and Country Planning Act 1990.	Committee <u>Planning, Taxi Licensing and Rights of Way</u> Committee <u>Planning, Rights of Way and Taxi Licensing Committee</u>	Subject to column 5 Delegated to Relevant Planning Officer with the ability to further sub-delegate	
A5	Duties relating to the making of determinations of planning applications.	Sections 69, 76 and 92 of the Town and Country Planning Act 1990 and Articles 8, 10 to 13, 15 to 22 and 25 and 26 of the Town and Country Planning (General Development Procedure) Order 1995 (SI 1995/419) and directions made there under.	Committee <u>Planning, Taxi Licensing and Rights of Way</u> Committee <u>Planning, Rights of Way and Taxi Licensing Committee</u>	Subject to column 5 Delegated to Relevant Planning Officer with the ability to further sub-delegate	
A6	Power to determine applications for planning permission made by a local authority, alone or jointly with another person.	Section 316 of the Town and Country Planning Act 1990 and the Town Country Planning General Regulations 1992 (SI 1992/1492).	Committee <u>Planning, Taxi Licensing and Rights of Way</u> Committee <u>Planning, Rights of Way and Taxi Licensing Committee</u>	No delegation	
A7	Power to make determinations, give approvals and agree certain other matters relating to the exercise of permitted development rights.	Parts 6, 7, 11, 17, 19, 20, 21 to 24, 30 and 31 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 (SI 1995/418).	Committee <u>Planning, Taxi Licensing and Rights of Way</u> Committee <u>Planning, Rights of Way and Taxi Licensing Committee</u>	Subject to column 5 Delegated to Relevant Planning Officer with the ability to further sub-delegate	
A8	Power to enter into planning obligation, regulating development or use of land.	Section 106 of the Town and Country Planning Act 1990.	Committee <u>Planning, Taxi Licensing and Rights of Way</u> Committee <u>Planning, Rights of Way and Taxi Licensing Committee</u>	Subject to column 5 Delegated to Relevant Planning Officer with the ability to further sub-delegate	

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			<p>PROVIDED ALWAYS that when exercising this power the Relevant Planning Officer (and the Planning, Rights of Way and Taxi Licensing Committee in the event of that committee exercising that power) shall stipulate the time limit within which such agreement shall be concluded. In the event that it is not concluded within such time limit, the Relevant Planning Officer (or as the case may be the Planning, Rights of Way and Taxi Licensing Committee) shall refuse any related Planning Application, unless satisfied that the delay is unavoidable and that there is sufficient evidence for him / her / the committee to conclude that the matter will be concluded within a further reasonable time period, whereupon a fresh time limit shall be imposed.</p>	<p>registers a request in accordance with the Planning Call-In Procedure set out in the Planning Protocol in Section 19 that a planning application be referred to the <u>Planning, Taxi Licensing and Rights of Way Committee</u> Planning, Rights of Way and Taxi Licensing Committee for decision and not determined by the Relevant Planning Officer;</p>	
A9	Power to issue a certificate of existing or proposed lawful use or development.	Sections 191(4) and 192(2) of the Town and Country Planning Act 1990.	<u>Planning, Taxi Licensing and Rights of Way Committee</u> Planning, Rights of Way and Taxi Licensing Committee	Subject to column 5 Delegated to Relevant Planning Officer with the ability to further sub-delegate	(See conditions at the top of the column)
A10	Power to serve a completion notice.	Section 94(2) of the Town and Country Planning Act 1990.	<u>Planning, Taxi Licensing and Rights of Way Committee</u> Planning, Rights of Way and Taxi Licensing	Subject to column 5 Delegated to Relevant Planning Officer with the ability to further sub-delegate	(See conditions at the top of the column)

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		<u>Committee</u>		(See conditions at the top of the column)
A11 Power to grant consent for the display of advertisements.	Section 220 of the Town and Country Planning Act 1990 and the Town and Country Planning (Control of Advertisements) Regulations 1992.	<u>Planning, Taxi Licensing and Rights of Way Committee</u> Planning, Rights of Way and Taxi Licensing Committee	Subject to column 5 Delegated to Relevant Planning Officer with the ability to further sub-delegate	(See conditions at the top of the column)
A12 Power to authorise entry onto land.	Section 196A of the Town and Country Planning Act 1990.	<u>Planning, Taxi Licensing and Rights of Way Committee</u> Planning, Rights of Way and Taxi Licensing Committee	Subject to column 5 Delegated to Relevant Planning Officer with the ability to further sub-delegate	(See conditions at the top of the column)
A13 Power to require the discontinuance of a use of land.	Section 102 of the Town and Country Planning Act 1990.	<u>Planning, Taxi Licensing and Rights of Way Committee</u> Planning, Rights of Way and Taxi Licensing Committee	No delegation	(See conditions at the top of the column)
A14 Power to serve a planning contravention notice, breach of condition notice or stop notice.	Sections 171C, 187A and 183(1) of the Town and Country Planning Act 1990.	<u>Planning, Taxi Licensing and Rights of Way Committee</u> Planning, Rights of Way and Taxi Licensing Committee	Subject to column 5 Delegated to Relevant Planning Officer with the ability to further sub-delegate PROVIDED ALWAYS that the Relevant Planning Officer before and during the exercise of this power shall have appropriate discussions with the Local Representative for the electoral division affected so that the Councillor may be fully appraised and have a proper opportunity of making his / her views known.	(See conditions at the top of the column)
A15 Power to issue an enforcement notice.	Section 172 of the Town and Country Planning Act 1990.	<u>Planning, Taxi Licensing and Rights of Way Committee</u> Planning, Rights of Way and Taxi Licensing Committee	Subject to column 5 Delegated to Relevant Planning Officer with the	

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		of Way and Taxi Licensing Committee	<p>ability to further sub-delegate</p> <p>PROVIDED ALWAYS that the Relevant Planning Officer before and during the exercise of this power shall have appropriate discussions with the Councillor for the electoral division affected so that the Local Representative may be fully appraised and have a proper opportunity of making his / her views known.</p>	(See conditions at the top of the column)
A16 Power to apply for an injunction restraining a breach of planning control.	Section 187B of the Town and Country Planning Act 1990.	Planning, Taxi Licensing and Rights of Way Committee Planning, Rights of Way and Taxi Licensing Committee	<p>Subject to column 5 Delegated to Relevant Planning Officer with the ability to further sub-delegate.</p> <p>PROVIDED ALWAYS that the Relevant Planning Officer before and during the exercise of this power shall have appropriate discussions with the Local Representative for the electoral division affected so that the Councillor may be fully appraised and have a proper opportunity of making his / her views known.</p>	(See conditions at the top of the column)
A17 Power to determine applications for hazardous substances consent, and related	Sections 9(1) and 10 of the Planning (Hazardous Substances) Act 1990 (c 10).	Planning, Taxi Licensing and Rights of Way Committee Planning, Rights of Way and Taxi Licensing	Subject to column 5 Delegated to Relevant Planning Officer with the ability to further sub-delegate	(See conditions at the top of the column)

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	powers.		<u>Committee</u>		
A18	Duty to determine conditions to which old mining permissions, relevant planning permissions relating to dormant sites or active Phase I or II sites, or mineral permissions relating to mining sites, as the case may be, are to be subject.	Paragraph 2(6)(a) of Schedule 2 to the Planning and Compensation Act 1991, paragraph 9(6) of Schedule 13 to the Environment Act 1995 (c 25) and paragraph 6(5) of Schedule 14 to that Act.	<u>Planning, Taxi Licensing and Rights of Way Committee</u> Planning, Rights of Way and Taxi Licensing Committee	Subject to column 5 Delegated to Relevant Planning Officer with the ability to further sub-delegate PROVIDED ALWAYS that the Relevant Planning Officer before and during the exercise of this power shall have appropriate discussions with the Councillor for the electoral division affected so that the Local Representative may be fully appraised and have a proper opportunity of making his / her views known.	(See conditions at the top of the column) (See conditions at the top of the column) (See conditions at the top of the column)
A19	Power to require proper maintenance of land.	Section 215(1) of the Town and Country Planning Act 1990.	<u>Planning, Taxi Licensing and Rights of Way Committee</u> Planning, Rights of Way and Taxi Licensing Committee	Subject to column 5 Delegated to Relevant Planning Officer with the ability to further sub-delegate	(See conditions at the top of the column)
A20	Power to determine applications for listed building consent, and related powers.	Sections 16(1) and (2), 17 and 33(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (c 9).	<u>Planning, Taxi Licensing and Rights of Way Committee</u> Planning, Rights of Way and Taxi Licensing Committee	Subject to column 5 Delegated to Relevant Planning Officer with the ability to further sub-delegate.	
A21	Power to determine applications for conservation area consent.	Section 16(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, as applied by section 74(3) of that Act).	<u>Planning, Taxi Licensing and Rights of Way Committee</u> Planning, Rights of Way and Taxi Licensing Committee	Subject to column 5 Delegated to Relevant Planning Officer with the ability to further sub-delegate	(See conditions at the top of the column)
A22	Duties relating to applications for listed building consent and conservation area	Section 13(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and regulations 3	<u>Planning, Taxi Licensing and Rights of Way Committee</u> Planning, Rights of Way and Taxi Licensing	Subject to column 5 Delegated to Relevant Planning Officer with the ability to further sub-delegate	

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	consent.	to 13 of the Planning (Listed Buildings and Conservation Areas) Regulations 1990 and paragraph 127 of the Welsh Office circular 61/96: Planning and the Historic Environment: Historic Buildings and Conservation Areas.	<u>Committee</u>		(See conditions at the top of the column)
A23	Power to serve a building preservation notice, and related powers.	Sections 3(1) and 4(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.	<u>Planning, Taxi Licensing and Rights of Way Committee</u> Planning, Rights of Way and Taxi Licensing Committee	Subject to column 5 Delegated to Relevant Planning Officer with the ability to further sub-delegate	(See conditions at the top of the column)
A24	Power to issue a listed building enforcement notice.	Section 38 of the Planning (Listed Buildings and Conservation Areas) Act 1990.	<u>Planning, Taxi Licensing and Rights of Way Committee</u> Planning, Rights of Way and Taxi Licensing Committee	Subject to column 5 Delegated to Relevant Planning Officer with the ability to further sub-delegate. PROVIDED ALWAYS that the Relevant Planning Officer before and during the exercise of this power shall have appropriate discussions with the Councillor for the electoral division affected so that the Local Representative may be fully appraised and have a proper opportunity of making his / her views known.	(See conditions at the top of the column) (See conditions at the top of the column)
A25	Powers to acquire a listed building in need of repair and to serve a repairs notice.	Sections 47 and 48 of the Planning (Listed Buildings and Conservation Areas) Act 1990.	<u>Planning, Taxi Licensing and Rights of Way Committee</u> Planning, Rights of Way and Taxi Licensing Committee	No delegation	(See conditions at the top of the column)

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A26 Power to apply for an injunction in relation to a listed building.	Section 44A of the Planning (Listed Buildings and Conservation Areas) Act 1990.	<u>Planning, Taxi Licensing and Rights of Way Committee</u> Planning, Rights of Way and Taxi Licensing Committee	Subject to column 5 Delegated to Relevant Planning Officer with the ability to further sub-delegate. PROVIDED ALWAYS that the Relevant Planning Officer before and during the exercise of this power shall have appropriate discussions with the Councillor for the electoral division affected so that the Local Representative may be fully appraised and have a proper opportunity of making his / her views known.	(See conditions at the top of the column) (See conditions at the top of the column) (See conditions at the top of the column) (See conditions at the top of the column)
A27 Power to execute urgent works.	Section 54 of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990.	<u>Planning, Taxi Licensing and Rights of Way Committee</u> Planning, Rights of Way and Taxi Licensing Committee	Subject to column 5 Delegated to Relevant Planning Officer with the ability to further sub-delegate.	(See conditions at the top of the column)
A28 Power related to mineral working.	Schedule 9 of the Town and Country Planning Act 1990.	<u>Planning, Taxi Licensing and Rights of Way Committee</u> Planning, Rights of Way and Taxi Licensing Committee	No delegation	
A29 Power related to footpaths and bridleways.	Section 257 of the Town and Country Planning Act 1990.	<u>Planning, Taxi Licensing and Rights of Way Committee</u> Planning, Rights of Way and Taxi Licensing Committee	The Rights of Way Officer or his / her duly authorised representative subject to consultation with Development Management.	
A30 Power as to certification of appropriate alternative development.	Section 17 of the Land Compensation Act 1961 (c 33).	<u>Planning, Taxi Licensing and Rights of Way Committee</u> Planning, Rights of Way and Taxi Licensing Committee	Subject to column 5 Delegated to Relevant Planning Officer with the ability to further sub-delegate	

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		<u>Committee</u>		
A31 Duties in relation to purchase notices.	Sections 137-144 of the Town and Country Planning Act 1990.	<u>Planning, Taxi Licensing and Rights of Way Committee</u> Planning, Rights of Way and Taxi Licensing Committee	No delegation	
A32 Powers related to blight notices.	Sections 149-171 of the Town and Country Planning Act 1990.	<u>Planning, Taxi Licensing and Rights of Way Committee</u> Planning, Rights of Way and Taxi Licensing Committee	No delegation	

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

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

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

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

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

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

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

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

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Column 1	Column 2	Column 3	Column 4	Column 5
B Licensing and registration functions (in so far as not covered by any other paragraph of this Schedule) including: ⁵	Provision of Act or Statutory Instrument	Delegated to	Sub-Delegation	Conditions and / or Limitations on Delegation and Sub-Delegation
B3 Power to license hackney carriages and private hire vehicles.	(a) as to hackney carriages, the Town Police Clauses Act 1847 (10 & 11 Vict c 89), as extended by section 171 of the Public Health Act 1875 (38 & 39 Vict c 55), and section 15 of the Transport Act 1985 (c 67); and sections 47, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976 (c 57); (b) as to private hire vehicles, sections 48, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976.	<u>Planning, Taxi Licensing and Rights of Way Committee</u> <u>Planning, Rights of Way and Taxi Licensing Committee</u>	(i) In respect of unfit vehicles, power is delegated to the relevant officer to suspend the use of the vehicle. (ii) Issues relating to the suitability of a vehicle are to be considered by a Sub-Committee. (iii) Issues relating to the use of a vehicle contrary to the Intended Use Policy for Hackney Carriages are to be considered by a Sub-Committee.	

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⁵ Regulation 3 of the Local Authorities (Executive Arrangements)(Functions and Responsibilities)(Wales)Regulations 2007

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

Column 1	Column 2	Column 3	Column 4	Column 5
B Licensing and registration functions (in so far as not covered by any other paragraph of this Schedule) including:⁶	Provision of Act or Statutory Instrument	Delegated to	Sub-Delegation	Conditions and / or Limitations on Delegation and Sub-Delegation
B4 Power to license drivers of hackney carriages and private hire vehicles.	Sections 51, 53, 54, 59, 61 and 79 of the Local Government (Miscellaneous Provisions) Act 1976.	<u>Planning, Taxi Licensing and Rights of Way Committee</u> <u>Planning, Rights of Way and Taxi Licensing Committee</u>	Delegated to the relevant officer (with the ability to further sub-delegate) save where there is consideration as to whether the applicant has satisfied the “Fit and Proper Criteria” in general and in particular to the Council’s Policy on Treatment of Convictions, Cautions and Charges and the DVLA medical fitness criteria.	
B5 Power to license operators of private hire vehicles.	Sections 55 to 58, 62 and 79 of the Local Government (Miscellaneous Provisions) Act 1976.	<u>Planning, Taxi Licensing and Rights of Way Committee</u> <u>Planning, Rights of Way and Taxi Licensing Committee</u>	Delegated to the relevant officer (with the ability to further sub-delegate) save where there is consideration as to whether the applicant has satisfied the “Fit and Proper Criteria” in general and in particular to the Council’s Policy on Treatment of Convictions, Cautions and Charges.	

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⁶ Regulation 3 of the Local Authorities (Executive Arrangements)(Functions and Responsibilities)(Wales)Regulations 2007

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Column 1	Column 2	Column 3	Column 4	Column 5
B Licensing and registration functions (in so far as not covered by any other paragraph of this Schedule) including: ⁷	Provision of Act or Statutory Instrument	Delegated to	Sub-Delegation	Conditions and / or Limitations on Delegation and Sub-Delegation
B12 Power to issue entertainments licences.	Section 12 of the Children and Young Persons Act 1933 (c 12)	<u>Planning, Taxi Licensing and Rights of Way Committee</u> <u>Planning, Rights of Way and Taxi Licensing Committee</u>	Delegated to the relevant officer with the ability to further sub-delegate.	
B13 Power to license sex shops and sex cinemas.	The Local Government (Miscellaneous Provisions) Act 1982, section 2 and Schedule 3.	<u>Planning, Taxi Licensing and Rights of Way Committee</u> <u>Planning, Rights of Way and Taxi Licensing Committee</u>	Uncontested applications delegated to the relevant officer with the ability to further sub-delegate. Contested applications will be considered by a Sub-Committee.	
B14 Power to license performances of hypnotism.	The Hypnotism Act 1952 (c 46).	<u>Planning, Taxi Licensing and Rights of Way Committee</u> <u>Planning, Rights of Way and Taxi Licensing Committee</u>	Delegated to the relevant officer with the ability to further sub-delegate.	
B15 Power to license premises for acupuncture, tattooing, ear-piercing and electrolysis.	Sections 13 to 17 of the Local Government (Miscellaneous Provisions) Act 1982.	<u>Planning, Taxi Licensing and Rights of Way Committee</u> <u>Planning, Rights of Way and Taxi Licensing Committee</u>	Delegated to the relevant officer with the ability to further sub-delegate.	
B16 Power to license pleasure boats and pleasure vessels.	Section 94 of the Public Health Acts Amendment Act 1907 (c 53).	<u>Planning, Taxi Licensing and Rights of Way Committee</u> <u>Planning, Rights of Way and Taxi Licensing Committee</u>	Delegated to the relevant officer with the ability to further sub-delegate.	
B17 Power to license market and street	Part III of, and Schedule 4 to, the Local Government	<u>Planning, Taxi Licensing and Rights of Way</u>	Delegated to the relevant officer with the ability to	

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⁷ Regulation 3 of the Local Authorities (Executive Arrangements)(Functions and Responsibilities)(Wales)Regulations 2007

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trading.	(Miscellaneous Provisions) Act 1982.	Committee Planning, Rights of Way and Taxi Licensing Committee	further sub-delegate.	
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SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

Column 1	Column 2	Column 3	Column 4	Column 5
B Licensing and registration functions (in so far as not covered by any other paragraph of this Schedule) including: ⁸	Provision of Act or Statutory Instrument	Delegated to	Sub-Delegation	Conditions and / or Limitations on Delegation and Sub-Delegation
B19 Power to license dealers in game and the killing and selling of game.	Sections 5, 6, 17, 18 and 21 to 23 of the Game Act 1831 (c 32); sections 2 to 16 of the Game Licences Act 1860 (c 90), section 4 of the Customs and Inland Revenue Act 1883 (c 10), section 27 of the Local Government Act 1894 (c 73), and section 213 of the Local Government Act 1972 (c 70).	<u>Planning, Taxi Licensing and Rights of Way Committee</u> <u>Planning, Rights of Way and Taxi Licensing Committee</u>	Delegated to the relevant officer with the ability to further sub-delegate.	
B20 Power of register and license premises for the preparation of food.	Section 19 of the Food Safety Act 1990 (c 16).	<u>Planning, Taxi Licensing and Rights of Way Committee</u> <u>Planning, Rights of Way and Taxi Licensing Committee</u>	Delegated to the relevant officer with the ability to further sub-delegate.	

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⁸ Regulation 3 of the Local Authorities (Executive Arrangements)(Functions and Responsibilities)(Wales)Regulations 2007

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

Column 1	Column 2	Column 3	Column 4	Column 5
B Licensing and registration functions (in so far as not covered by any other paragraph of this Schedule) including: ⁹	Provision of Act or Statutory Instrument	Delegated to	Sub-Delegation	Conditions and / or Limitations on Delegation and Sub-Delegation
B21 Power to license scrap yards.	Scrap Metal Dealers Act 2013.	Planning, Taxi Licensing and Rights of Way Committee Planning, Rights of Way and Taxi Licensing Committee	Sub-delegation to the relevant officer with the ability to further sub-delegate unless the applicant has relevant convictions under the Scrap Metal Dealers Act 2013 (Prescribed Offences and Relevant Enforcement Action) Regulations 2013 when such applications are to be determined by a Sub-Committee.	
B22 Power to issue, amend or replace safety certificates (whether general or special) for sports grounds.	The Safety of Sports Grounds Act 1975 (c 52).	Planning, Taxi Licensing and Rights of Way Committee Planning, Rights of Way and Taxi Licensing Committee	Delegated to the relevant officer with the ability to further sub-delegate.	
B23 Power to issue, cancel, amend or replace safety certificates for regulated stands at sports grounds.	Part III of the Fire Safety and Safety of Places of Sport Act 1987 (c 27).	Planning, Taxi Licensing and Rights of Way Committee Planning, Rights of Way and Taxi Licensing Committee	Delegated to the relevant officer with the ability to further sub-delegate.	

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⁹ Regulation 3 of the Local Authorities (Executive Arrangements)(Functions and Responsibilities)(Wales)Regulations 2007

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

Column 1	Column 2	Column 3	Column 4	Column 5
B Licensing and registration functions (in so far as not covered by any other paragraph of this Schedule) including:¹⁰	Provision of Act or Statutory Instrument	Delegated to	Sub-Delegation	Conditions and / or Limitations on Delegation and Sub-Delegation
B25 Power to license premises for the breeding of dogs.	The Animal Welfare (Breeding of Dogs) (Wales) Regulations 2014.	<u>Planning, Taxi Licensing and Rights of Way Committee</u> <u>Planning, Rights of Way and Taxi Licensing Committee</u>	Delegated to the relevant officer with the ability to further sub-delegate.	
B26 Power to license pet shops and other establishments where animals are bred or kept for the purposes of carrying on a business.	Section 1 of the Pet Animals Act 1951 (c 35); section 1 of the Animal Boarding Establishments Act 1963 (c 43); the Riding Establishments Acts 1964 and 1970 (1964 c 70 and 1970 c 70); section 1 of the Breeding of Dogs Act 1973 (c 60), and sections 1 and 8 of the Breeding and Sale of Dogs (Welfare) Act 1999.	<u>Planning, Taxi Licensing and Rights of Way Committee</u> <u>Planning, Rights of Way and Taxi Licensing Committee</u>	Delegated to the relevant officer with the ability to further sub-delegate.	
B27 Power to register animal trainers and exhibitors.	Section 1 of the Performing Animals (Regulation) Act 1925 (c 38).	<u>Planning, Taxi Licensing and Rights of Way Committee</u> <u>Planning, Rights of Way and Taxi Licensing Committee</u>	Delegated to the relevant officer with the ability to further sub-delegate.	
B28 Power to license zoos.	Section 1 of the Zoo Licensing Act 1981 (c 37)	<u>Planning, Taxi Licensing and Rights of Way Committee</u> <u>Planning, Rights of Way and Taxi Licensing Committee</u>	Delegated to the relevant officer with the ability to further sub-delegate.	

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¹⁰ Regulation 3 of the Local Authorities (Executive Arrangements)(Functions and Responsibilities)(Wales)Regulations 2007

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Column 1	Column 2	Column 3	Column 4	Column 5
B Licensing and registration functions (in so far as not covered by any other paragraph of this Schedule) including: ¹¹	Provision of Act or Statutory Instrument	Delegated to	Sub-Delegation	Conditions and / or Limitations on Delegation and Sub-Delegation
B29 Power to license dangerous wild animals.	Section 1 of the Dangerous Wild Animals Act 1976 (c 38).	Planning, Taxi Licensing and Rights of Way Committee Planning, Rights of Way and Taxi Licensing Committee	Delegated to the relevant officer with the ability to further sub-delegate.	
B30 Power to enforce regulations in relation to animal by-products	Regulation 49 of the Animal By-products (Wales) Regulations 2006 (SI 1292 (W 127))	Planning, Taxi Licensing and Rights of Way Committee Planning, Rights of Way and Taxi Licensing Committee	Delegated to the relevant officer with the ability to further sub-delegate.	
B31 Power to license the employment of children.	Part II of the Children and Young Persons Act 1933 (c 12), byelaws made under that Part, and Part II of the Children and Young Persons Act 1963 (c 37).	Planning, Taxi Licensing and Rights of Way Committee Planning, Rights of Way and Taxi Licensing Committee	No delegation	
B32 Power to approve premises for the solemnisation of marriages and the registration of civil partnerships.	Section 46A of the Marriage Act 1949 (c 76), section 6A of the Civil Partnership Act 2004 (c 33) and the Marriages and Civil Partnerships (Approved Premises) Regulations 2005 (SI 2005/3168).	Planning, Taxi Licensing and Rights of Way Committee Planning, Rights of Way and Taxi Licensing Committee	Delegated to the Solicitor to the Council with the ability to further sub-delegate.	

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¹¹ Regulation 3 of the Local Authorities (Executive Arrangements)(Functions and Responsibilities)(Wales)Regulations 2007

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Column 1	Column 2	Column 3	Column 4	Column 5
B Licensing and registration functions (in so far as not covered by any other paragraph of this Schedule) including: ¹²	Provision of Act or Statutory Instrument	Delegated to	Sub-Delegation	Conditions and / or Limitations on Delegation and Sub-Delegation
B33 Power to register common land or town or village greens, except where the power is exercisable solely for the purpose of giving effect to-- (a) an exchange of lands effected by an order under section 19(3) or paragraph 6(4) of Schedule 3 to, the Acquisition of Land Act 1981 (c 67); or (b) an order under section 7 of the Commons Act 2006.	Regulation 6 of the Commons Registration (New Land) Regulations 1969 (SI 1969/1843). The Commons Deregulation and Exchange Orders (Interim Arrangements) (Wales) Regulations 2012	Planning, Taxi Licensing and Rights of Way Committee Planning, Rights of Way and Taxi Licensing Committee	No delegation	
B34 Power to register variation of rights of common.	Regulation 29 of the Commons Registration (General) Regulations 1966 (SI 1966/1471).	Planning, Taxi Licensing and Rights of Way Committee Planning, Rights of Way and Taxi Licensing Committee	No delegation	
B35 Power to issue a permit to conduct charitable collections.	Section 68 of the Charities Act 1992.	Planning, Taxi Licensing and Rights of Way Committee Planning, Rights of Way and Taxi Licensing Committee	Delegated to the relevant officer with the ability to further sub-delegate.	

¹² Regulation 3 of the Local Authorities (Executive Arrangements)(Functions and Responsibilities)(Wales)Regulations 2007

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Column 1	Column 2	Column 3	Column 4	Column 5
B Licensing and registration functions (in so far as not covered by any other paragraph of this Schedule) including: ¹³	Provision of Act or Statutory Instrument	Delegated to	Sub-Delegation	Conditions and / or Limitations on Delegation and Sub-Delegation
B36 Power to grant consent for the operation of a loudspeaker.	Schedule 2 to the Noise and Statutory Nuisance Act 1993 (c 40).	Planning, Taxi Licensing and Rights of Way Committee Planning, Rights of Way and Taxi Licensing Committee	Delegated to the relevant officer with the ability to further sub-delegate.	
B37 Power to grant a street works licence.	Section 50 of the New Roads and Street Works Act 1991 (c 22).	Cabinet	Delegated to the relevant officer with the ability to further sub-delegate.	
B38 Duty to register the movement of pigs.	Regulations 21(3) and (4) of the Pigs (Records Identification and Movement) (Wales) Order 2004 (SI 2004/996 (W 104).	Planning, Taxi Licensing and Rights of Way Committee Planning, Rights of Way and Taxi Licensing Committee	Delegated to the relevant officer with the ability to further sub-delegate.	
B39 Power to enforce regulations in relation to the movement of pigs.	Regulation 27(1) of the Pigs (Records, Identification and Movement) (Wales) Order 2004/996 (W 104).	Planning, Taxi Licensing and Rights of Way Committee Planning, Rights of Way and Taxi Licensing Committee	Delegated to the relevant officer with the ability to further sub-delegate.	
B40 Power to issue a licence to move cattle from a market.	Article 5(2) of the Cattle Identification Regulations 1998 (SI 1998/871).	Planning, Taxi Licensing and Rights of Way Committee Planning, Rights of Way and Taxi Licensing Committee	Delegated to the relevant officer with the ability to further sub-delegate.	
B41 Power to sanction use of parts of buildings for storage of celluloid.	Section 1 of the Celluloid and Cinematograph Film Act 1922 (c 35).	Planning, Taxi Licensing and Rights of Way Committee Planning, Rights of Way and Taxi Licensing Committee	Delegated to the relevant officer with the ability to further sub-delegate.	

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¹³ Regulation 3 of the Local Authorities (Executive Arrangements)(Functions and Responsibilities)(Wales)Regulations 2007

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		of Way and Taxi Licensing Committee		
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Column 1	Column 2	Column 3	Column 4	Column 5
B Licensing and registration functions (in so far as not covered by any other paragraph of this Schedule) including: ¹⁴	Provision of Act or Statutory Instrument	Delegated to	Sub-Delegation	Conditions and / or Limitations on Delegation and Sub-Delegation
B42 Duty to enforce and execute Regulations (EC) No 852/2004 and 853/2004 in relation to food business operators as further specified in regulation 5 of the Food (Hygiene) (Wales) Regulations 2006.	Regulation 5 of the Food (Hygiene) (Wales) Regulations 2006.	<u>Planning, Taxi Licensing and Rights of Way Committee</u> <u>Planning, Rights of Way and Taxi Licensing Committee</u>	Delegated to the relevant officer with the ability to further sub-delegate.	

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¹⁴ Regulation 3 of the Local Authorities (Executive Arrangements)(Functions and Responsibilities)(Wales)Regulations 2007

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Column 1	Column 2	Column 3	Column 4	Column 5	
C	Functions relating to health and safety at work	Provision of Act or Statutory Instrument	Delegated to	Sub-Delegation	Conditions and / or Limitations on Delegation and Sub-Delegation
C1	Functions under any of the "relevant statutory provisions" within the meaning of Part I (health, safety and welfare in connection with work, and control of dangerous substances) of the Health and Safety at Work etc Act 1974, to the extent that those functions are discharged otherwise than in the authority's capacity as an employer.	Part I of the Health and Safety at Work etc Act 1974 (c 37).	Planning, Taxi Licensing and Rights of Way Committee Planning, Rights of Way and Taxi Licensing Committee	Delegated to the relevant officer with the ability to further sub-delegate.	

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

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Column 1	Column 2	Column 3	Column 4	Column 5	
D	Functions relating to elections	Provision of Act or Statutory Instrument	Delegated to	Sub-Delegation	Conditions and / or Limitations on Delegation and Sub-Delegation
D10	Powers in respect of holding of elections.	Section 39(4) of the Representation of the People Act 1983.	Full Council	No delegation	
D12	Power to fill vacancies in the event of insufficient nominations.	Section 21 of the Representation of the People Act 1985.	Full Council	No delegation	
D15	Power to make temporary appointments to community councils.	Section 91 of the Local Government Act 1972.	Full Council	No delegation	
D17	Power to submit proposals to the Secretary of State for an order under section 10 (pilot schemes for local elections in England and Wales) of the Representation of the People Act 2000.	Section 10 of the Representation of the People Act 2000 (c 2).	Full Council	No delegation	

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SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

Column 1	Column 2	Column 3	Column 4	Column 5
D Functions relating to elections	Provision of Act or Statutory Instrument	Delegated to	Sub-Delegation	Conditions and / or Limitations on Delegation and Sub-Delegation
D2 Power to assign officers in relation to requisitions of the registration officer.	Section 52(4) of the Representation of the People Act 1983.	Head of Paid Service	No delegation	
D13 Duty to declare vacancy in office in certain cases.	Section 86 of the Local Government Act 1972.	Head of Paid Service	No delegation	
D14 Duty to give public notice of a casual vacancy.	Section 87 of the Local Government Act 1972.	Head of Paid Service	No delegation	
D16 Power to determine fees and conditions for supply of copies of, or extracts from, elections documents.	Rule 48(3) of the Local Elections (Principal Areas) Rules 1986 (SI 1986/2214) and rule 48(3) of the Local Elections (Parishes and Communities) Rules 1986 (SI 1986/2215).	Head of Paid Service	No delegation	
D11 Power to pay expenses properly incurred by electoral registration officers.	Section 54 of the Representation of the People Act 1983.	Section 151 Officer	No delegation	

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SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

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

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

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

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

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

Column 1	Column 2	Column 3	Column 4	Column 5
I Miscellaneous functions	Provision of Act or Statutory Instrument	Delegated to	Sub-Delegation	Conditions and / or Limitations on Delegation and Sub-Delegation
I5 Power to make standing orders.	Section 106 of, and paragraph 42 of Schedule 12 to, the Local Government Act 1972.	Full Council	No delegation	
I6A Appointment and dismissal of Chief Executive, Head of Paid Service, Strategic Directors.	Section 112 of the Local Government Act 1972 and sections 7 and 8 of the Local Government and Housing Act 1989.	Full Council	No delegation	The exercise of functions relating to the recruitment, appointment and dismissal of, and taking disciplinary action against staff must be undertaken in accordance with Section 11 (Officers).
I7 Power to make standing orders as to contracts.	Section 135 of the Local Government Act 1972.	Full Council	No delegation	

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SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

Column 1	Column 2	Column 3	Column 4	Column 5
I Miscellaneous functions	Provision of Act or Statutory Instrument	Delegated to	Sub-Delegation	Conditions and / or Limitations on Delegation and Sub-Delegation
I8 Power to consider reports from the Public Services Ombudsman for Wales.	Section 19 of the Public Services Ombudsman (Wales) Act 2005 (c 10).	Full Council	No delegation	
I9 Power to make an order identifying a place as a designated public place for the purposes of police powers in relation to alcohol consumption.	Section 13(2) of the Criminal Justice and Police Act 2001 (c 16).	Full Council	No delegation	
I10 Powers in respect of registration of motor salvage operators.	Part 1 of the Vehicles (Crime) Act 2001 (c 3).	Full Council	No delegation	
I11 Power to appoint officers for particular purposes (appointment of "proper officers").	Section 270(3) of the Local Government Act 1972 (c 42).	Full Council	No delegation	
I12 Duty to designate an officer as the head of the authority's paid service, and to provide staff, etc.	Section 4(1) of the Local Government and Housing Act 1989 (c 42).	Full Council	No delegation	
I13 Duty to designate an officer as the monitoring officer and to provide staff, etc.	Section 5(1) of the Local Government and Housing Act 1989.	Full Council	No delegation	

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SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

Column 1	Column 2	Column 3	Column 4	Column 5
I Miscellaneous functions	Provision of Act or Statutory Instrument	Delegated to	Sub-Delegation	Conditions and / or Limitations on Delegation and Sub-Delegation
I14 Duty to determine affordable borrowing limit.	Section 3 of the Local Government Act 2003 (c 22).	Full Council	No delegation	
I15 Approval of annual investment strategy in accordance with guidance.	Section 15 of the Local Government Act 2003.	Full Council	No delegation	
I17 Power to make or revoke an order designating a locality as an alcohol disorder zone.	Section 16 of the Violent Crime Reduction Act 2006 (c 38).]	Full Council	No delegation	

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SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

Column 1	Column 2	Column 3	Column 4	Column 5
I Miscellaneous functions	Provision of Act or Statutory Instrument	Delegated to	Sub-Delegation	Conditions and / or Limitations on Delegation and Sub-Delegation
I1 Duty to approve authority's statement of accounts, income and expenditure and balance sheet or record of receipts and payments (as the case may be).	The Accounts and Audit (Wales) Regulations 2005.	Audit Committee ¹⁵	No delegation	
Risk and Control I19A Ensure the risk management strategy guides the programme of internal and external work, to address the controls and risk related issues identified I19B Oversee the production of the annual governance statement, recommend its adoption to County Council and ensure appropriate action is taken to address the issues raised	County Council meeting 16 th May, 2013	Audit Committee	No delegation	

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¹⁵ Regulation 9(3) of the The Accounts and Audit (Wales) Regulations 2005

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

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

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SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

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

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SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

Column 1	Column 2	Column 3	Column 4	Column 5
I Miscellaneous functions	Provision of Act or Statutory Instrument	Delegated to	Sub-Delegation	Conditions and / or Limitations on Delegation and Sub-Delegation
Other I22A (i) Assess and approve the annual statement of accounts, external audit opinion and management representation in relation to annual audit findings (ii) Promote effective relationships between external and internal audit, inspection agencies and other relevant bodies to ensure the value of audit and inspection is enhanced and actively promoted (iii) regularly monitor treasury management reports	County Council meeting 16 th May, 2013	Audit Committee	No delegation	

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Column 1	Column 2	Column 3	Column 4	Column 5
I Miscellaneous functions	Provision of Act or Statutory Instrument	Delegated to	Sub-Delegation	Conditions and / or Limitations on Delegation and Sub-Delegation
I18 Functions relating to family absence of Local Authority Members	The Family Absence for Members of Local Authorities (Wales) Regulations 2013	Democratic Services Committee	No delegation	

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

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

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SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

Column 1	Column 2	Column 3	Column 4	Column 5
I Miscellaneous functions	Provision of Act or Statutory Instrument	Delegated to	Sub-Delegation	Conditions and / or Limitations on Delegation and Sub-Delegation
I16 Duty to make arrangements for proper administration of financial affairs.	Section 151 of the Local Government Act 1972 (c 11).	Section 151 Officer	No delegation	

Column 1	Column 2	Column 3	Column 4	Column 5
J Functions Relating to Highways	Provision of Act or Statutory Instrument	Delegated to	Sub-Delegation	Conditions and / or Limitations on Delegation and Sub-Delegation
J1 Power to consent to temporary deposits or excavation in streets.	County Council meeting 15 th July, 2015	Full Council	Delegated to the relevant officer with the ability to further sub-delegate.	
J2 Power to dispense with obligation to erect hoarding or fence.	County Council meeting 15 th July, 2015	Full Council	Delegated to the relevant officer with the ability to further sub-delegate.	
J3 Power to consent to construction of cellars etc. under street.	County Council meeting 15 th July, 2015	Full Council	Delegated to the relevant officer with the ability to further sub-delegate.	
J4 Power to consent to the making of openings into cellars etc. under streets, and pavement lights and ventilators.	County Council meeting 15 th July, 2015	Full Council	Delegated to the relevant officer with the ability to further sub-delegate.	
J5 Powers relating to the removal of things so deposited on highways as to be a nuisance.	County Council meeting 15 th July, 2015	Full Council	Delegated to the relevant officer with the ability to further sub-delegate.	
J6 Power to license planting, retention and maintenance of trees etc. in part of metalled highway.	County Council meeting 15 th July, 2015	Full Council	Delegated to the relevant officer with the ability to further sub-delegate.	

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SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

Column 1	Column 2	Column 3	Column 4	Column 5
J Functions Relating to Highways	Provision of Act or Statutory Instrument	Delegated to	Sub-Delegation	Conditions and / or Limitations on Delegation and Sub-Delegation
J7 Power to license works in relation to buildings etc. which obstruct the metalled highway.	County Council meeting 15 th July, 2015	Full Council	Delegated to the relevant officer with the ability to further sub-delegate.	
J8 Power to restrict the placing of rails, beams etc. over metalled highways.	County Council meeting 15 th July, 2015	Full Council	Delegated to the relevant officer with the ability to further sub-delegate.	
J9 Duty to assert and protect the rights of the public to use and enjoyment of metalled highways.	County Council meeting 15 th July, 2015	Full Council	Delegated to the relevant officer with the ability to further sub-delegate.	

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SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

Column 1	Column 2	Column 3	Column 4	Column 5
K. Regulation 3 Matters	Provision of Act or Statutory Instrument	Delegated to	Sub-Delegation	Conditions and / or Limitations on Delegation and Sub-Delegation
3(5) The functions of making any scheme authorised or required by regulations under (schemes for basic, attendance and special responsibility allowances for local authority members), or of amending, revoking or replacing any such scheme is not to be the responsibility of an executive of the authority.	section 18 of the Local Government and Housing Act 1989	Full Council	No delegation - Section 101 of the Local Government Act 1972 (Discharge by Committee, Sub-Committee, Officer or other Local Authority etc) shall not apply to this function.	
3(6) (a)the amount of any allowance payable under:		Full Council	No delegation - Section 101 of the Local Government Act 1972 (Discharge by Committee, Sub-Committee, Officer or other Local Authority etc) shall not apply to this function.	

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SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

Column 1	Column 2	Column 3	Column 4	Column 5
K. Regulation 3 Matters	Provision of Act or Statutory Instrument	Delegated to	Sub-Delegation	Conditions and / or Limitations on Delegation and Sub-Delegation
(i) chairman's expenses; (ii) vice-chairman's expenses; (iii) financial loss allowance; (iv) allowances for attending conferences and meetings;	(i) subsection (5) of section 22 of the Local Government Act 1972 (ii) subsection (4) of section 24 of the Local Government Act 1972 (iii) subsection (4) of section 173 of the Local Government Act 1972 (iv) section 175 of the Local Government Act 1972	Full Council	No delegation - Section 101 of the Local Government Act 1972 (Discharge by Committee, Sub-Committee, Officer or other Local Authority etc) shall not apply to this function.	
(b) the rates at which payments are to be made under (travelling and subsistence allowances);	section 174 of the Local Government Act 1972	Full Council	No delegation - Section 101 of the Local Government Act 1972 (Discharge by Committee, Sub-Committee, Officer or other Local Authority etc) shall not apply to this function.	
(c) the amount of any allowances payable pursuant to a scheme under or regulations made under, or the rates at which payments by way of any such allowances are to be made;	section 18 of the Local Government and Housing Act 1989 section 100 of the Local Government Act 2000	Full Council	No delegation - Section 101 of the Local Government Act 1972 (Discharge by Committee, Sub-Committee, Officer or other Local Authority etc) shall not apply to this function.	

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SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

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

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SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

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

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SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

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

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

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

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

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

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

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SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

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

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SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

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

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SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

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

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SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

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

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SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

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

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SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

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

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SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

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

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SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

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

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SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

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

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SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

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

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Column 1	Column 2	Column 3	Column 4	Column 5
	Provision of Act or Statutory Instrument	Delegated to	Sub-Delegation	Conditions and / or Limitations on Delegation and Sub-Delegation
(c) the determination of an amount required for determining an amount for the item mentioned in paragraph (a) or (b) above.		Cabinet	The Executive Leader may delegate the function to the appropriate Portfolio Holder.	
2B.(1) The making of <u>Temporary</u> Traffic Regulation Orders relating to all highways other than those specified in 2B(2) below. (Temporary)	<u>Road Traffic Regulation Act 1984</u>	Cabinet	The Head of Highways, Transportation and Recycling and the Service Manager (Place) or persons authorised to act on their behalf.	Subject to: (i) The period of the temporary traffic regulation order not exceeding 128 months. (ii) Any extensions to the time limit for a Traffic Regulation Order being determined by the relevant Area (Shire) Committee require the permission of the relevant Welsh Government Minister. N.B. Permanent Traffic Regulation Orders are the responsibility of the Area (Shire) Committees in accordance with J 2A below.
2B (2) The making of <u>Temporary Traffic Regulation Orders relating to cycle tracks, footpaths, bridleways,</u>	<u>Road Traffic Regulation Act 1984 – Section 15</u>	<u>Cabinet</u>	<u>The Leisure and Recreation Services Manager (Place) or persons authorised to act on their behalf.</u>	Such temporary orders can be given by the Authority for up to 6 months and extensions require the permission of the relevant

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<u>restricted byways and byways open to all traffic.</u>				<u>Welsh Government Minister.</u>
4. Provision, operation and maintenance of on-street and off-street car parking, including charging.		Cabinet	The Executive Leader may delegate the function to the appropriate Portfolio Holder.	

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Column 1	Column 2	Column 3	Column 4	Column 5
	Provision of Act or Statutory Instrument	Delegated to	Sub-Delegation	Conditions and / or Limitations on Delegation and Sub-Delegation
5. All matters relating to Municipal Services, namely : (a) street cleaning and litter; (b) verge maintenance; (c) markets (livestock, produce and street), other than regulatory aspects; (d) land drainage; (e) allotments; (f) other minor miscellaneous municipal services		Cabinet	Delegated to the relevant officer with the ability to further sub-delegate.	

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Column 1	Column 2	Column 3	Column 4	Column 5
	Provision of Act or Statutory Instrument	Delegated to	Sub-Delegation	Conditions and / or Limitations on Delegation and Sub-Delegation
23	Licensing functions in accordance with Part 2 of the Licensing Act 2003 except section 6.	Licensing Act 2003 Committee	The Licensing Committee has authority to appoint 3 Member Sub-Committees to hear and determine applications under the Licensing Act 2003 (Liquor Licensing).	
24	Functions in respect of gambling under the following provisions of the Gambling Act 2005:	Licensing Act 2003 Committee	No delegation	
	(a) section 29--licensing authority information;	Licensing Act 2003 Committee	Delegated to the relevant officer with the ability to further sub-delegate.	
	(b) section 30--other exchange of information;	Licensing Act 2003 Committee	Delegated to the relevant officer with the ability to further sub-delegate.	
	(c) section 166--resolution not to issue casino licences;	Licensing Act 2003 Committee	No delegation	
	(d) section 212 and regulations made under that section--fees;	Licensing Act 2003 Committee	No delegation	
	(e) section 284--removal of exemption;	Licensing Act 2003 Committee	The Licensing Committee has authority to appoint 3 Member Sub-Committees to hear and determine applications under the Licensing Act 2003 (Liquor Licensing).	

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SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

Column 1	Column 2	Column 3	Column 4	Column 5
	Provision of Act or Statutory Instrument	Delegated to	Sub-Delegation	Conditions and / or Limitations on Delegation and Sub-Delegation
(f) section 304-- authorised persons;	Gambling Act 2005 – Section 304	Licensing Act 2003 Committee	Delegated to the relevant officer with the ability to further sub-delegate.	
(g) section 346-- prosecutions by licensing authority;	Gambling Act 2005 – Section 346	Licensing Act 2003 Committee	Delegated to the relevant officer with the ability to further sub-delegate.	
(h) section 349--three-year licensing policy <u>and other relevant policies</u> ;	Gambling Act 2005 – Section 349	Licensing Act 2003 Committee	No delegation	
(i) section 350-- exchange of information;	Gambling Act 2005 – Section 350	Licensing Act 2003 Committee	Delegated to the relevant officer with the ability to further sub-delegate.	
(j) Part 5 of Schedule 11--registration with local authority.	Gambling Act 2005 – Part 5 of Schedule 11	Licensing Act 2003 Committee	Delegated to the relevant officer with the ability to further sub-delegate.	

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Column 1	Column 2	Column 3	Column 4	Column 5
	Provision of Act or Statutory Instrument	Delegated to	Sub-Delegation	Conditions and / or Limitations on Delegation and Sub-Delegation
18 Any of the following functions in respect of highways:				
(b) the functions contained in the following provisions of Part III of the Highways Act 1980 (creation of highways):	Part III of the Highways Act 1980 (c.66)	<u>Planning, Taxi Licensing and Rights of Way Committee</u> Planning, Rights of Way and Taxi Licensing Committee	No delegation	
(i) section 25-- creation of footpath, bridleway or restricted byway by agreement;	Part III of the Highways Act 1980 (creation of highways) – Section 25	<u>Planning, Taxi Licensing and Rights of Way Committee</u> Planning, Rights of Way and Taxi Licensing Committee	The Rights of Way Officer or his / her duly authorised representative.	<p>Conditions for Sub-Delegation (failing which matter must be referred to the <u>Planning, Taxi Licensing and Rights of Way Committee</u> Planning, Rights of Way and Taxi Licensing Committee):</p> <ul style="list-style-type: none"> (a) consent of local member(s); (b) consent of community council; (c) consent of landowner;

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

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

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Column 1	Column 2	Column 3	Column 4	Column 5
	Provision of Act or Statutory Instrument	Delegated to	Sub-Delegation	Conditions and / or Limitations on Delegation and Sub-Delegation
(v) section 118A-- stopping up of footpaths, bridleways and restricted byways crossing railways;	Section 47 of, and Schedule 2 to, the Transport and Works Act 1992 (c.42)	<u>Planning, Taxi Licensing and Rights of Way Committee</u> Planning, Rights of Way and Taxi Licensing Committee	The Rights of Way Officer or his / her duly authorised representative.	Conditions for Sub-Delegation (failing which matter must be referred to the <u>Planning, Taxi Licensing and Rights of Way Committee</u> Planning, Rights of Way and Taxi Licensing Committee): (a) consent of local member(s); (b) consent of community council; (c) consent of landowner;
(vi) section 118B-- stopping up of certain highways for purposes of crime prevention etc;	Section 57 of, and Part 1 of Schedule 6 to, the Countryside and Rights of way Act 2000 (c.37)	<u>Planning, Taxi Licensing and Rights of Way Committee</u> Planning, Rights of Way and Taxi Licensing Committee	The Rights of Way Officer or his / her duly authorised representative.	Conditions for Sub-Delegation (failing which matter must be referred to the <u>Planning, Taxi Licensing and Rights of Way Committee</u> Planning, Rights of Way and Taxi Licensing Committee): (a) consent of local member(s); (b) consent of community council; (c) consent of landowner;

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Column 1	Column 2	Column 3	Column 4	Column 5
	Provision of Act or Statutory Instrument	Delegated to	Sub-Delegation	Conditions and / or Limitations on Delegation and Sub-Delegation
(vii) section 118C-- application by proprietor of school for special extinguishment order;	Section 57 of, and Part 1 of Schedule 6 to, the Countryside and Rights of way Act 2000 (c.37)	<u>Planning, Taxi Licensing and Rights of Way Committee</u> Planning, Rights of Way and Taxi Licensing Committee	The Rights of Way Officer or his / her duly authorised representative.	Conditions for Sub-Delegation (failing which matter must be referred to the <u>Planning, Taxi Licensing and Rights of Way Committee</u> Planning, Rights of Way and Taxi Licensing Committee): (a) consent of local member(s); (b) consent of community council; (c) consent of landowner;
(viii) section 119-- diversion of footpaths, bridleways and restricted byways;	Part VIII of the Highways Act 1980 (stopping up and diversion of highways etc) – Section 119	<u>Planning, Taxi Licensing and Rights of Way Committee</u> Planning, Rights of Way and Taxi Licensing Committee	The Rights of Way Officer or his / her duly authorised representative.	Conditions for Sub-Delegation (failing which matter must be referred to the <u>Planning, Taxi Licensing and Rights of Way Committee</u> Planning, Rights of Way and Taxi Licensing Committee): (a) consent of local member(s); (b) consent of community council; (c) consent of landowner;

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Column 1	Column 2	Column 3	Column 4	Column 5
	Provision of Act or Statutory Instrument	Delegated to	Sub-Delegation	Conditions and / or Limitations on Delegation and Sub-Delegation
(ix) section 119ZA-- application for a public path diversion order;	Section 57 of, and Part 1 of Schedule 6 to, the Countryside and Rights of way Act 2000 (c.37)	<u>Planning, Taxi Licensing and Rights of Way Committee</u> Planning, Rights of Way and Taxi Licensing Committee	The Rights of Way Officer or his / her duly authorised representative.	Conditions for Sub-Delegation (failing which matter must be referred to the <u>Planning, Taxi Licensing and Rights of Way Committee</u> Planning, Rights of Way and Taxi Licensing Committee): (a) consent of local member(s); (b) consent of community council; (c) consent of landowner;
(x) section 119A-- diversion of footpaths, bridleways and restricted byways crossing railways;	Section 47 of, and Schedule 2 to, the Transport and Works Act 1992 (c.42)	<u>Planning, Taxi Licensing and Rights of Way Committee</u> Planning, Rights of Way and Taxi Licensing Committee	The Rights of Way Officer or his / her duly authorised representative.	Conditions for Sub-Delegation (failing which matter must be referred to the <u>Planning, Taxi Licensing and Rights of Way Committee</u> Planning, Rights of Way and Taxi Licensing Committee): (a) consent of local member(s); (b) consent of community council; (c) consent of landowner;

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Column 1	Column 2	Column 3	Column 4	Column 5
	Provision of Act or Statutory Instrument	Delegated to	Sub-Delegation	Conditions and / or Limitations on Delegation and Sub-Delegation
(xi) section 119B--diversion of certain highways for purposes of crime prevention etc;	Section 57 of, and Part 1 of Schedule 6 to, the Countryside and Rights of way Act 2000 (c.37)	<u>Planning, Taxi Licensing and Rights of Way Committee</u> Planning, Rights of Way and Taxi Licensing Committee	The Rights of Way Officer or his / her duly authorised representative.	Conditions for Sub-Delegation (failing which matter must be referred to the <u>Planning, Taxi Licensing and Rights of Way Committee</u> Planning, Rights of Way and Taxi Licensing Committee): (a) consent of local member(s); (b) consent of community council; (c) consent of landowner;
(xii) section 119C--application by proprietor of school for special diversion order;	Section 57 of, and Part 1 of Schedule 6 to, the Countryside and Rights of way Act 2000 (c.37)	<u>Planning, Taxi Licensing and Rights of Way Committee</u> Planning, Rights of Way and Taxi Licensing Committee	The Rights of Way Officer or his / her duly authorised representative.	Conditions for Sub-Delegation (failing which matter must be referred to the <u>Planning, Taxi Licensing and Rights of Way Committee</u> Planning, Rights of Way and Taxi Licensing Committee): (a) consent of local member(s); (b) consent of community council; (c) consent of landowner;

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

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

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Column 1	Column 2	Column 3	Column 4	Column 5
J Area (Shire) Committees	Provision of Act or Statutory Instrument	Delegated to	Sub-Delegation	Conditions and / or Limitations on Delegation and Sub-Delegation
Miscellaneous functions relating to Highways				
Within a framework agreed by the Executive, and within an annual budget to be allocated by the Executive, and subject to an individual project limit of £50,000 :		Cabinet	the relevant Area (Shire) Committee	
1. All decisions in relation to highway maintenance within the overall plans determined by the Executive relating to : (a) Local Improvement Programmes; (b) The general Highway Maintenance Programme; (c) Non-structural Bridge Maintenance.		Cabinet	the relevant Area (Shire) Committee	
2A. The making of Traffic Regulation Orders		Cabinet	the relevant Area (Shire) Committee save for those Traffic Regulation Orders numbered (i) to (ii) specified in column 5 which must be made by Cabinet and to Traffic Regulation Order numbered (iii) in column 5 which are delegated to the relevant Portfolio Holder.	Traffic Regulation Orders relating to: (i) Water Break It's Neck (ii) Moelfre City (iii) car parks and car park charging. <i>N.B. Temporary Traffic Regulation Orders are the</i>

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				responsibility of the Cabinet (but subject to delegation) in accordance with 2B(1) above.
3.	Promoting and developing local road safety initiatives.	Cabinet	the relevant Area (Shire) Committee	
Miscellaneous functions relating to Local Grants				
(i)	the determination of Built Heritage Grants funded from the town specific allocations of Local Regeneration Fund and Basic Credit Approval in accordance with policy and budget set by the Executive.	Cabinet	the relevant Area (Shire) Committee	
(ii)	administering Built Heritage Grants for Montgomeryshire to the Montgomeryshire Area (Shire) Committee.	Cabinet	the relevant Area (Shire) Committee who in turn have delegated these to the Montgomeryshire Built Heritage Grants Sub-Committee	

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Schedule 3 – Functions Not to be the Sole Responsibility of Cabinet.¹⁶

Column 1	Column 2	Column 3	Column 4	Column 5
Plans, schemes and strategies	Provision of Act or Statutory Instrument	Delegated to	Sub-Delegation	Conditions and / or Limitations on Delegation and Sub-Delegation
Children and Young People's Plan (part of the One Powys Plan)	Regulations made under section 26 of the Children Act 2004.	Full Council	<p>Cabinet is hereby instructed to prepare draft plan, scheme or strategy (or amendment thereof) for Full Council to approve.</p> <p>N.B. Pursuant to Regulation 5(8), this function cannot be delegated to a committee, sub-committee, an officer, or another local authority.</p>	<p>N.B. Amendments, modifications, variations or revocations to the plan, scheme or strategy can be made by the Cabinet only if either:</p> <p>(i) they are required by the National Assembly for Wales or a Minister of the Crown; or</p> <p>(ii) Full Council has delegated such power to the Cabinet at the time when arrangements for the approval of the plan, scheme or strategy were made.¹⁷</p>

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¹⁶ Schedule 3 – Local Authorities (Executive Arrangements) (Functions and Responsibilities) (Wales) Regulations 2007 (as amended).

¹⁷ Regulation 5(4) of the Local Authorities (Executive Arrangements)(Functions and Responsibilities)(Wales)Regulations 2007

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

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

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

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SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

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

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SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

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

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

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

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

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

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

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

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

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

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

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

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DELEGATION TO OFFICERS

Management Structure – Section 11

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

Specific Delegation to Officers

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

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

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

13.7.1 in accordance with any legal requirement;

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

13.7.3 in accordance with this Constitution including:

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

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

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

13.7.3.4 the Code of Conduct for Employees in Section 20, and

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13.7.3.5 the Protocol on Member and Officer Relations in Section 21.

13.7.4 taken following consultation, as appropriate with:

- 13.7.4.1 officers from any other services who may be affected;
- 13.7.4.2 relevant Cabinet Members;
- 13.7.4.3 relevant scrutiny or other committee members;
- 13.7.4.4 relevant local Members;

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

13.8 Any powers conferred upon any of the officers referred to above may be exercised by an authorised officer in his / her absence or at other times in accordance with any general directions of that officer. In the absence of that officer, any officer designated to deputise for that officer in his / her absence may authorise similarly the exercise of those powers.

General Delegations – Staff

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

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

General Delegations – Property

13.13 Where either the capital payment does not exceed £100,000 or the annual rental does not exceed £10,000, provided that such sums are within the current budget head and relevant policies:

- 13.13.1 the Council's Chief Officers and Deputy Chief Officers may, subject to the consent of the Solicitor to the Council, authorise and approve the acquisition of land and the taking of leases, licences, dedications and easements of or over any land (including buildings) whether by way of valuable consideration or exchange; and / or
- 13.13.2 the Council's Chief Officers and Deputy Chief Officers may, with the consent of the Solicitor to the Council authorise and approve the granting or variation in granting of leases, licences, or dedications of or over any land, where the annual payment does not exceed £10,000; and / or
- 13.13.3 in the case of the grant of tenancies of smallholdings, the Head of Highways, Transportation and Recycling will exercise the power referred to in Rule 13.13.2.
- 13.13.4 in the case of the grant of tenancies of workspace premises the Head of Regeneration, Property and Commissioning will exercise the power referred to in Rule 13.13.2.

13.14 The Council's Chief Officers and Deputy Chief Officers may arrange for the session lettings of premises for periods of less than twenty-four hours.

13.15 The Head of Housing is authorised to issue and sign documents in relation to both secure tenancies and the right to buy provisions of the Housing Act 1985.

General Delegations – Legal and Procedural

13.16 The Solicitor to the Council is authorised:-

- 13.16.1 to serve statutory notices to ascertain the legal interest of any person in land;
- 13.16.2 to institute, defend or settle legal proceedings (either in the name of the Council or an individual officer of the Council), at common law or under any enactment, statutory instrument, order or bye-law conferring functions upon the Council or in respect of functions undertaken by them and to lodge an appeal against any decision affecting the Council. For the avoidance of doubt, this authority shall extend to the taking of all procedural steps, including the service of notices, statutory or otherwise, counter-notices and notices to quit and to compromise and settle disputes involving the Council which are not yet the subject of legal or other formal proceedings;
- 13.16.3 to authorise officers of the Council to prosecute or defend or appear in any legal proceedings by virtue of the provisions of Section 223 of the Local Government Act 1972.

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

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

Delegation to Specific Officers

13.18 Without prejudice to the general delegation described above, the following specific functions and powers are delegated to the following officers.

A. Head of Regeneration, Property and Commissioning

Development Management

- 13.19 To exercise those planning functions delegated to the Head of Regeneration, Property and Commissioning by the Planning Protocol adopted by the Council contained in Section 19 of this Constitution.
- 13.20 To determine the need or otherwise, for a formal Environmental Assessment and decide what data should be contained in environmental statements;
- 13.21 To determine (whether through formal "application" or otherwise) the need for specific planning permission;
- 13.22 To determine the need for publicity and the form of such;
- 13.23 To request applicants to provide more detailed information where needed to enable a proper consideration of an application;
- 13.24 To determine applications for prior approval in relation to permitted development proposals for agricultural, forestry and telecommunications permitted development in accordance with General Development Orders;
- 13.25 To respond objectively to consultations from neighbouring planning authorities in respect of development proposals outside the Council's area of responsibility;
- 13.26 To respond positively to consultations in respect of crown development where there are no written objections from any party;
- 13.27 To respond to consultations from the Forestry Commission in respect of forestry proposals;
- 13.28 To approve details reserved by condition;
- 13.29 To approve minor amendments to approved developments; (minor defined as any amendment not necessitating the requirement for a fresh application to be made);
- 13.30 To determine the form and content of conditions to be recommended to the Secretary of State or Inspector in cases where an application is taken to appeal or an application has been deemed to have been made following the issue of an Enforcement Notice;

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- 13.31 To issue "Breach of Condition Notices" and "Contravention Notices" under the Town and Country Planning Acts.
- 13.32 Following consultation with the Chair and/or Vice Chair of the planning committee to issue emergency Tree Preservation Orders and Enforcement and Stop Notices under the Town and Country Planning Acts (with a report to Committee thereafter);
- 13.33 To determine applications for "Certificates of Lawfulness";
- 13.34 To decline to accept repetitive applications for planning permission under the Town and Country Planning Act 1990 pursuant to the Planning and Compensation Act 1991 where the receipt involves a second re submission following two previous refusals and there being no change in planning circumstances;
- 13.35 Following consultation with the Chair and/or Vice Chair of the planning committee, to serve Building Preservation Notices in respect of buildings which are not listed as buildings of special architectural or historic interest but which the Council considers are of such interest (with a report to Committee thereafter);
- 13.36 The non-discretionary elements of the process in relation to the Hedgerow Regulations 1997 subject to report for information to the planning committee.

Building Control

- 13.37 Administration of the Building Regulations function under the Building Regulations 2010 (Processing of Full Plans, Building Notice and Regularisation Applications)
- 13.38 Land Charges CON29
- 13.39 Administration of the Building and Approved Inspectors (Amendment) Regulations 2010
- 13.40 Administration of the Competent Persons registers under the Building Regulations 2010
- 13.41 Enforcement of the Building Regulations under the Building Act 1984
- 13.42 Dealing with dangerous structures and demolitions of buildings under the Building Act 1984
- 13.43 Administration of Street Naming and Numbering of new Developments/Streets under the Public Health Act 1925
- 13.44 Administration of Local Government (Miscellaneous Provisions) Act 1982 (Dangerous Trees)
- 13.45 Street Name Plates Maintenance & Repair Public Health Act 1925 – Section 17-19

Regulatory Services

- 13.46 Authority to vary licensing conditions under the Petroleum (Consolidation) Act 1928, as necessary to take account of local circumstances in individual cases.
- 13.47 Authority in consultation with Executive Leader and relevant Executive Member to appoint a Proper Officer and alternative Proper Officers under the Public Health (Control of Disease) Act 1984.
- 13.48 Authority to issue notices, consents and licenses under the statutory provisions relating to environmental health and housing and in accordance with any appropriate policies of the Council.

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B. Head of Housing

- 13.49 Authority to allocate council housing in accordance with Council policies.
- 13.50 Authority to deal with all matters in relation to Home Renovation Grants, including determinations, in accordance with the overall framework and policy established by the Council and the Executive.
- 13.51 Authority to appoint inspectors under the Health and Safety at Work Act 1974.

C. Head of Professional Services and Commissioning

Finance – General

- 13.52 All matters relating to billing, collection and recovery of revenue payable to the Council, and also administration and payment of Housing Benefit and Council Tax Benefit.
- 13.53 To exercise discretion over the payment of death grants from the Pension Fund in accordance with the Local Government Pension Scheme Regulations 1995.
- 13.54 To make the following determinations (not later than the 30th September in the financial year following that in which the transaction in question occurred):
 - 13.54.1 that expenditure for capital purposes which is to be reimbursed by another person is capitalised;
 - 13.54.2 that a credit approval is to be used as authorisation either to capitalise expenditure or to enter into or vary a credit arrangement;
 - 13.54.3 that a credit approval is in whole or in part to be transferred to another authority;
 - 13.54.4 that usable capital receipts are to be applied either to meet expenditure for capital purposes or as voluntary provision for credit liabilities (including credit cover for credit arrangements);
 - 13.54.5 that an amount not less than Minimum Revenue Provision (and any voluntary amounts as credit cover for credit arrangements) is to be set aside from the revenue account as provision for credit liabilities.

D. Head of Children's Services

- 13.55 Power to institute or defend legal proceedings, on the Council's behalf, brought under the Children Act 1989, Adoption Act 1976, the courts' inherent jurisdiction, and any other statute relevant to the welfare of children in force to date and in the future, and to appear before the Court.
- 13.56 Decisions regarding the functions of the Adoption Panel of Powys.
- 13.57 Responsibility for the promotion of claims under the Criminal Injuries Compensation scheme for Looked After Children.

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

- 13.58 Representation at, and organisation of, the Area Child Protection Social Services Strategic Group and any duties or responsibilities arising therefrom, i.e. Case Reviews and accountability for the investigation of complaints relating to children in Local Authority care.
- 13.59 Decision-making in respect of the Placement with Parents Regulations.
- 13.60 Decision-making in respect of issues arising from the Powys Foster Panel.
- 13.61 Responsibilities for the implementation of rights and responsibilities under statute for Children With Disabilities and Young Carers under the Carers Recognition Act.
- 13.62 Responsibility for the promotion and organisation of the Youth Offending Team and any duties arising from its work and activities.
- 13.63 Taking decisions on the application for Secure Accommodation under Section 25 of the Children Act 1989.
- 13.64 Health and Safety Regulations for staff employed within the Group.
- 13.65 Implementation of the Council's Improvement Review Programme and subsequent action plans.
- 13.66 Ensuring compliance with the maintenance of standards in Local Authority-run Children's Homes, Day Centres, Family Centres and Voluntary Sector resources used by the Authority. Ensuring that such placements meet the standards set by the Director of Social Services, in accordance with the appropriate legislation or regulations.
- 13.67 Providing a forum for users to assist the Authority in its strategic planning and providing a detailed report to the Director of Social Services.
- 13.68 Taking decisions on Out-of-County Placements, on both social, educational and health grounds. Ensuring that such placements meet standards set by the Director of Social Services in accordance with the appropriate legislation.
- 13.69 Taking decisions on the payment of residence allowances under the Council's current policy in respect of children in the care of the Council who are subject to Residence Orders.
- 13.70 Approving foster care allowances and approving changes to the rates in accordance with current Council policy.
- 13.71 Refusing contact for a child in care under Section 34 (6) of the Children Act 1989.
- 13.72 Approving the payment of monies under Section 17 or 24 of the Children Act 1989.
- 13.73 Purchasing accommodation and / or services for children assessed as in need or at risk which met the standards set by the Director of Social Services, in accordance with statute and regulation.
- 13.74 Decisions regarding control, allocation, virement, and monitoring of revenue budget provision and associated resources for Children's Services.
- 13.75 Taking decisions relating to disputes on Ordinary Residence.
- 13.76 Decisions on entering into recognisance or surety for release on bail of any child accommodated in a Council home.
- 13.77 Commissioning, purchasing and procuring appropriate services.
- 13.78 Ensuring compliance with the objectives and requirements of the National Assembly's Children First initiative.

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- 13.79 Preparing the Children’s Services Plan, in accordance with National Assembly requirements.
- 13.80 Implementing and processing data from the National Framework for Assessment of Children in Need and their families, in accordance with National Assembly requirements.
- E. Head of Adult Social Care**
- 13.81 Appointment of Approved Social Workers under the Mental Health Act 1983.
- 13.82 Undertaking any applications necessary under the Mental Health Act.
- 13.83 Undertaking the financial and property management for adults deemed incapable by virtue of disability or mental illness.
- 13.84 Provision of Disability Services.
- 13.85 Acting as Receiver for the Court of Protection, in respect of a person incapable of managing their own affairs.
- 13.86 Approving special expenditure on funerals for those in Local Authority Homes
- 13.87 Approving applications for aids and adaptations under the various Health and Disability Acts in force at the relevant time.
- 13.88 Approving financial assistance for the purchase of television licences for those who qualify
- 13.89 Operating discretion on the enforcement of charges where applicable for services provided by the Authority, either in whole or in part.
- 13.90 Operating discretion on the provision of services under a Care Assessment.
- 13.91 Ensuring compliance with the Carers Recognition Act and the Carers and Disabled Children’s Act 2000.
- 13.92 Approving payments for grants for adaptations for the homes of those with a disability, in accordance with Council policy.
- 13.93 Purchasing services and accommodation for elderly disabled and mentally ill clients which meet the standards set by the Director of Social Services, in accordance with statute and regulations.
- 13.94 Health and Safety of the employees of the Group.
- 13.95 Implementation of the Council’s Improvement Review programme and subsequent action plans.
- 13.96 Implementation of the Vulnerable Adults policy and the operational issues flowing from that document.
- 13.97 Decisions regarding the control, allocation, virement and monitoring of revenue budget provision and other resources for Adult Services.
- 13.98 Providing a forum for users to assist the Authority in its strategic planning and providing a report to the Director of Social Services.
- 13.99 Taking decisions on disputes on Ordinary Residence.
- 13.100 Issuing Disabled Persons’ Badges under Section 21 of the Chronically Sick and Disabled Persons Act.
- 13.101 Commissioning, purchasing or procuring appropriate services.
- 13.102 Approval for payment of travel expenses of relatives visiting a patient in hospital in cases of financial hardship.

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

DELEGATION TO CABINET PORTFOLIO HOLDERS.

SPECIFIC RESPONSIBILITY FOR CABINET FUNCTIONS (PORTFOLIOS)

General Provisions

- 13.103 As indicated in Schedule 1 of Rule 13.3 above certain functions cannot be undertaken by the Cabinet or can only be undertaken to a limited extent or in specified circumstances.
- 13.104 Subject to this, any relevant provisions in other legislation, and any contrary provisions in this Constitution, all other functions of the Local Authority are to be the responsibility of the Cabinet and the Leader is responsible for the delegation of those functions to other Cabinet members.
- 13.105 The Leader has determined that the individual Cabinet Members (including the Leader) are to have responsibility for specific functions (portfolios) allotted to them as set out in Rule 13.111.
- 13.106 The Leader has authorised the individual Cabinet Members allocated the portfolios detailed in Rule 13.111 to take decisions personally in respect of such portfolios subject to any provision in legislation or this Constitution requiring functions to be undertaken by the Council or any of its committees and subject to the powers, duties and responsibilities of officers in the exercise of functions pursuant to their Statutory and Proper Officer posts and the general and specific delegation of functions to officers above.

Decision-Making by Cabinet Members.

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

13.107.1 Any legal or statutory restrictions;

13.107.2 Any specific provisions or limitations in this Constitution including:

13.107.2.1 powers delegated to officers;

13.107.2.2 the Financial Procedure Rules;

13.107.2.3 the Contracts Procedure Rules;

13.107.2.4 the Policy and Budget Framework set by the Council (subject to the regulations relating to the taking of urgent decisions);

13.107.2.5 the Access to Information Rules;

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- 13.107.3 The Members' Code of Conduct. The advice of the Monitoring Officer should always be sought in cases of doubt;
- 13.107.4 The requirement to consult with the local member(s) if the issue being considered is of a local nature;
- 13.107.5 The requirement to consider whether referral to one or more scrutiny committees where the issue, in the view of the Cabinet Member, is one which warrants a pre-decision review by such a committee or committees;
- 13.107.6 Advice given by the Chief Executive, Monitoring Officer, Section 151 Officer, Strategic Director, Director or Head of Service ;
- 13.107.7 The requirement to consult with another Cabinet Member(s) where the issue involves two or more portfolio areas and / or those Cabinet Members share responsibility;
- 13.107.8 The requirement always to consider whether in all the circumstances the decision should be one for the Cabinet as a whole to take.

13.108 An individual member of the Cabinet in taking any decision within his/her portfolio shall:

- 13.108.1 ensure that wherever possible and appropriate the subject matter is included within the forward work programme approved by the Cabinet;
- 13.108.2 comply fully with the Access to Information Rules with respect to the preparation of written reports, recording and implementing decisions.

13.109 Nothing in this Scheme of Delegation prevents the Cabinet from exercising functions which under this Scheme would otherwise be exercised by an individual Member of the Cabinet.

Decision Notices.

13.110 A Decision Notice recording decision(s) of an individual Cabinet Member shall where ever practicable be published within 2 working days of the decision being taken. Decision Notices will be circulated to all Members of the County Council in accordance with the Council's current practice and will be published on the Council's Internet Site save where they contain confidential or exempt information.

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13.111 Portfolios

Portfolio & Portfolio Holders	Portfolio Responsibilities
<p><u>Leader</u></p> <p>County Councillor Barry Thomas</p>	<p>LSB Chair Change Programme Business Manager Organisational development and partnership support (Shared with designated Portfolio holder) One Powys Plan To appoint and remove individuals to the Cabinet and to allocate Cabinet Portfolios. To determine any amendments to the content of Portfolios of individual Cabinet Members and to determine the scope of delegation of individual Cabinet Members. Partnership Management <u>Risk Management.</u></p>
<p><u>Portfolio Holder for Education</u></p> <p>County Councillor Arwel Jones</p>	<p>Education Special Educational Needs Exclusions Attendance Education other than at school Looked after children English as an additional language Migrant and Traveller Children Admissions Behaviour management Complementary education Education Psychology Monitoring, challenging and supporting schools and providing intervention when necessary Support for teaching and learning Support for leadership and management including governance Provision of and support for use of data</p>

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	<p>Early years education Welsh Medium/ Bilingual Education Welsh Education scheme 14-19 Learning Pathways Basic skills strategic intervention programme Workforce remodelling School Organisation Review Post 16 Education School Transport Policy Lifelong Learning (adult continuing education incl. Welsh for Adults) Welsh Language</p>
<p><u>Deputy Leader</u></p> <p><u>Portfolio Holder for Commissioning, and Procurement and Children's Services</u></p> <p>County Councillor Graham Brown</p>	<p>Commissioning Procurement Change Champion WHQS Housing Public Sector Housing (landlord function) Supporting People Homelessness Private Sector Housing</p> <p>Libraries Culture Libraries (Public Library Service & Schools Library Service) Arts and Culture (Theatres, Galleries, Museums, Arts Strategy, Arts Development, Theatr Powys / Powys Dance) Youth Service YFC</p> <p>Leisure Leisure (Recreation and Leisure policy, Leisure and Sports Centres, Outdoor Pursuits Centres,</p>

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	<p>Indoor Bowling Centre, Sports Development (Generic Sports Development, Sports Specific Sports Development – Football, Rugby, Cricket, Netball, Hockey, Disability Sport) Outdoor Recreation (Parks and Open Spaces, Playgrounds, Sports Pitches – Bowls, Football, Rugby)</p> <p>Town and Community Councils</p> <p><u>Children’s Services</u></p> <p><u>Lead Member for Children</u></p> <p><u>Partnership Coordination</u></p> <p><u>Youth Offending Service</u></p> <p><u>Child Protection</u></p> <p><u>Commissioning and Policy for Children’s Services</u></p> <p><u>Powys Executive Safeguarding Group</u></p> <p><u>Safeguarding</u></p> <p><u>Children with Disabilities including Residential Respite Unit</u></p> <p><u>Family Placement Teams</u></p> <p><u>Children’s Social Work Teams</u></p> <p><u>Children and Young People’s Partnership</u></p> <p><u>Childcare</u></p> <p><u>Adoption</u></p> <p><u>Fostering</u></p> <p><u>Leaving Care</u></p> <p><u>Out of Hours Service</u></p> <p><u>Corporate Parenting</u></p> <p><u>Looked after Children</u></p>
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SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

<p><u>Deputy Leader</u></p> <p><u>Portfolio Holder for Finance</u></p> <p>County Councillor Wynne Jones</p>	<p>Finance Welfare Reform Section 151 Officer Consultee on all grants made to individuals by portfolio holders</p> <p>Income and awards Pensions</p>
<p><u>Portfolio Holder for Adult Social Care and Children's Services</u></p> <p>County Councillor Darren Mayor Stephen Hayes</p>	<p>Adult Social Care</p> <p style="padding-left: 40px;">Lead on Strategic Social Services</p> <p style="padding-left: 40px;">Mental Health Older People Disabled People Learning Disabilities Carers Services Substance Misuse (Operational services covers both care management and provider services) Commissioning and Contracting Adult Social Services Policy Interpretation and Development. Domiciliary Care Health and Well Being Health Intervention Programme, Exercise on Prescription, Cardiac Rehabilitation).</p> <p style="padding-left: 40px;">Health, Social Care and Well-Being Partnership</p> <p style="padding-left: 40px;">Older Persons Champion</p> <p>Children's Services</p>

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SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

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	<p>Lead Member for Children Partnership Coordination Youth Offending Service Child Protection Commissioning and Policy for Children’s Services Powys Executive Safeguarding Group Safeguarding Children with Disabilities including Residential Respite Unit Family Placement Teams Children’s Social Work Teams Children and Young People’s Partnership Childcare Adoption Fostering Leaving Care Out of Hours Service Corporate Parenting Looked after Children</p>
<p><u>Portfolio Holder for Property, and Assets Buildings and Housing</u></p> <p><u>County Councillor Stephen Hayes Darren Mayor</u></p>	<p>Property and Assets Catering and Cleaning Workshops Building Design Gypsies & Travellers</p> <p>Anti-Poverty Champion</p> <p>Archives</p> <p>Ombudsman Members’ Standards and Ethical Issues Coroner’s Service</p>

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

	<p>Customer Services Complaints Management Information Management & Compliance Registration of Births, Deaths and Marriages</p> <p>Combined Central Wales Infrastructure Collaboration and Central Wales Partnership Board (Deputy to the Portfolio Holder for Environment and Sustainability)</p> <p><u>Welsh Housing Quality Standard</u> <u>Housing</u> <u>Public Sector Housing (landlord function)</u> <u>Supporting People</u> <u>Homelessness</u> <u>Private Sector Housing</u></p>
<p><u>Portfolio Holder for Regeneration and Planning</u></p> <p>County Councillor Avril York</p>	<p>Planning Development Management and Planning Control. and Enhancement of Conservation Areas. Listed Building control and advice. Built Heritage Conservation grants. Designation and safeguarding of trees the subject of Tree Preservation Orders. Planning Enforcement. Building Control, including health and safety of buildings, dangerous structures. Street naming and numbering service Development and Planning Policy, input into regional planning policy development. Minerals and Waste Planning. Designation Land Drainage associated with planning and land use</p> <p>Regeneration Community Regeneration</p>

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SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

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	<p>Community Enablement Fund/Welsh Church Acts Communities First Business Services Business Grants Business Advice. Opportunity Wales and other contracts Tourism Tourist Information Service</p> <p>Europe European funds Powys Regeneration Partnership European policy External funding</p> <p>Economic Development</p> <p>Land Charges Village Halls</p> <p>Affordable Housing</p> <p>Combined Central Wales Infrastructure Collaboration and Central Wales Partnership Board (Deputy to the Portfolio Holder for Highways)</p>
<p><u>Portfolio Holder for Highways</u></p> <p>County Councillor John Brunt</p>	<p>Highways Transport Planning and Policy Traffic management Road safety Development Control Transport Co-ordination Highway asset Management</p>

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

Tudalen 195

	<p>Network management TRACC Highways Engineering Design – Contract, Procurement, Administration & Supervision Highways Maintenance (Technical Advice). Highways Maintenance Operations (e.g. Winter Maintenance). Fleet Management (including Fuel Management). Car parks Trunk Road Agency</p> <p>Statutory Compliance Building Maintenance Operations Servicing Contracts and testing Street Cleaning Public Conveniences Grounds Maintenance Markets Land Drainage</p> <p>Combined Central Wales Infrastructure Collaboration and Central Wales Partnership Board</p>
<p><u>Portfolio Holder for HR and ICT</u></p> <p>County Councillor Phil Pritchard</p>	<p>Human Resources Human Resources Strategy, Advice and Policy Development Organisational Development (Equalities, Training, Pay and Policy) Occupational Health and Safety Powys Training Corporate Policy Equalities</p> <p>Business Services Employment Services Business Support</p>

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

Tudalen 196

	<p>ICT Central / Corporate Services Organisational development and partnership support Statistics and Analysis Research Design and Print</p> <p>Member Development & Support Legal Services Scrutiny Services Democratic Services Monitoring Officer Electoral Registration and Elections</p> <p>Communications</p> <p>Performance</p>
<p><u>Portfolio Holder for Environment and Sustainability</u></p> <p>County Councillor John Powell</p>	<p>County Farms Estate</p> <p>Waste Management Refuse Collection</p> <p>Environmental Health</p> <p>Trading Standards</p> <p>Emergency Planning Community Safety</p> <p>Woodland Management, Landscape Design</p> <p>Countryside Services (Countryside Rights of Way, Maintenance, Open Access, Biodiversity, Coed</p>

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

	Cymru, Commons Registration, National Trails). Sustainability Climate Change & Sustainable Development Sustainability, Green Dragon and Carbon Management Sustainability Strategy Combined Central Wales Infrastructure Collaboration and Central Wales Partnership Board
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Call-in

13.112 Decisions taken by an individual Cabinet Member but not implemented are subject to the same provisions relating to call in as apply to ordinary Cabinet decisions as set out Section 7 (Scrutiny Committees).

Cabinet Committees.

13.113 The Leader has not established any Cabinet Committees.

Area (Shire) Committees.

13.114 The Leader has also delegated functions to the Area (Shire) Committees is as set out in Schedule 1 of Rule 13.3.

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

SECTION 16 – FINANCIAL PROCEDURE RULES

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SECTION 16 – FINANCIAL PROCEDURE RULES

Introduction

- 16.1 This document contains 2 Parts:
- 16.1.1 PART 1 - Financial Regulations which provide the framework for managing the authority's financial affairs;
 - 16.1.2 PART 2 - Financial Procedures which provide more detailed guidance on various aspects of process.
- 16.2 Further advice on this section can be obtained from the Section 151 Officer (Section 151 Officer).
- 16.3 Authority is delegated to the Professional Lead (Finance) to act as Deputy Section 151 Officer on behalf of the Section 151 Officer in all respects in the absence of the Section 151 Officer or if requested by the Section 151 Officer to do so.
- 16.4 Section 151 of the Local Government Act 1972 requires that:
- “Every local authority shall make arrangements for the proper administration of their financial affairs”.
- The Financial Procedure Rules give effect to this requirement and control the way the Council manages its finances and safeguards its assets.
- 16.5 Good, sound financial management is a key part of the Council's Corporate governance framework. Good financial management secures value for money, controls spending, ensures probity of transactions and demonstrates to the wider public that there is effective use of public money.
- 16.6 Financial Regulations provide the overall framework for managing the authority's financial affairs. They apply to every member and officer of the authority and anyone acting on its behalf.
- 16.7 Financial Procedures should not be seen in isolation as they are part of the overall framework of the Council.
- 16.8 Financial Procedures must also strike a balance between oversight of financial resources and allowing the day to day running of the Council in a business like fashion.

PART 1 - Financial Regulations (“the Regulations”)

- 16.9 The Regulations identify the financial responsibilities of the Full Council, Cabinet and scrutiny members, the Head of Paid Service, the Chief Legal Officer (the Monitoring Officer), the Section 151 Officer (the Section 151 Officer) and other Strategic Directors / Director / Heads of Service.
- 16.10 Heads of Service should maintain a written record where decision making has been delegated to members of staff, including seconded staff.

SECTION 16 – FINANCIAL PROCEDURE RULES

- 16.11 Where decisions have been delegated or devolved to other responsible officers or individuals, such as school governors, references to the Heads of Service in the Regulations should be read as referring to them.
- 16.12 All members and staff have a general responsibility for taking appropriate action to provide for the security of the assets under their control, and for ensuring that the use of these resources is legal, in accordance with Council policies, is properly authorised, provides value for money and achieves best value.
- 16.13 The Section 151 Officer is responsible for maintaining a continuous review of the Financial Regulations. The Section 151 Officer will submit any additions or changes necessary to the Full Council for approval. The Section 151 Officer is also responsible for reporting, where appropriate, breaches of the Financial Procedure Rules to the Council and/or to the Cabinet members. The breach of Financial Regulations is grounds for disciplinary action in its own right.
- 16.14 Heads of Service are responsible for ensuring that all relevant staff in their Service areas are aware of the existence and content of the authority's Financial Regulations and other internal regulatory documents and that they comply with them. They must also ensure that all staff know where they can view an up to date copy of Financial Regulations.
- 16.15 The Section 151 Officer is responsible for issuing advice and guidance to underpin the Financial Procedure Rules that Members, officers and others acting on behalf of the authority are required to follow. The Section 151 Officer may delegate this requirement to the Deputy Section 151 Officer if required.
- 16.16 These Financial Regulations apply to schools except where Regulations issued by the Welsh Assembly Government take precedence.
- 16.17 Nothing in these Financial Regulations shall prevent expenditure required to meet immediate needs caused by a sudden emergency to which Section 138 of the Local Government Act 1972 applies, provided that such expenditure shall be reported as soon as possible to the Cabinet and, if appropriate, to the Council.

A: FINANCIAL MANAGEMENT

Introduction

- 16.18 Financial management covers all financial responsibilities in relation to the running of the authority, including the policy framework and budget. The responsibilities of the Council, its Committees, the Cabinet and specified officers are set out in Sections 11 and 13.

Audit Committee

- 16.19 The Council has established an Audit Committee. The Audit Committee will have the function set out in Section 13. It may also take on other Council functions as required by Welsh Government.

Strategic Directors/ Directors / Heads of Service

- 16.20 Strategic Directors / Directors / Heads of Service are responsible for:

SECTION 16 – FINANCIAL PROCEDURE RULES

- 16.20.1 ensuring that Cabinet Members are advised of the financial implications of all proposals and that the financial implications have been agreed by the Section 151 Officer
- 16.20.2 signing contracts on behalf of the authority in accordance with Section 17 – Contract Procedure Rules.
- 16.20.3 ensuring that delegated decisions are within policy and budget.
- 16.21 It is the responsibility of Strategic Directors / Director / Heads of Service to consult with the Section 151 Officer and seek approval on any matter liable to affect the authority's finances materially, before any commitments are incurred.

Other financial accountabilities

Treatment of year-end balances

- 16.22 All year-end balances are viewed as corporate rather than departmental. However, if appropriate, and on the advice of the Section 151 Officer, the Cabinet may agree the carry forward of departmental underspends of up to £500,000 and Full Council may agree to carry forward departmental underspends of £500,001 and above provided always that there is an overall underspend on the Council's reserve budget.
- 16.23 All requests to carry forward underspends in accordance with Rule 16.22 will need to be supported by a business case set out in a framework established by the Section 151 Officer in consultation with the Chief Executive and Strategic Directors. The decision to carry forward any underspend will take account of the need to support the Council's reserves compared with the service requirements to access any carry forward. In reaching any decision the Cabinet or Council will be supported by advice from the Section 151 Officer. Any decision to carry forward will be part of the report outlining the Council's annual financial performance as part of the closedown of accounts.

Maintenance of reserves

- 16.24 It is the responsibility of the Section 151 Officer to advise the Cabinet and the Full Council on prudent levels of reserves for the authority. If the Cabinet and Full Council do not follow the advice of the Section 151 Officer the reasons must be clearly indicated and recorded.

Accounting policies

- 16.25 The Section 151 Officer is responsible for determining accounting policies and ensuring that they are applied consistently.

Accounting records and returns

- 16.26 The Section 151 Officer is responsible for determining the accounting procedures and records for the authority.

SECTION 16 – FINANCIAL PROCEDURE RULES

The Annual Statement of Accounts

- 16.27 The Section 151 Officer is responsible for ensuring that the annual statement of accounts is prepared in accordance with the Code of Practice on Local Authority Accounting in the United Kingdom (CIPFA/LASAAC) (Chartered Institute of Public Finance and Accountancy / Local Authority (Scotland) Accounts Advisory Committee). The Council is responsible for approving the annual statement of accounts. It may do this by delegating this function to the Audit Committee.
- 16.28 The Section 151 Officer shall operate within the statutory timetable that includes any certification requirements prior to approval of the annual statement of accounts.

B: FINANCIAL PLANNING

Introduction

- 16.29 The Full Council is responsible for agreeing the authority's policy framework and budget, which will be proposed by the Cabinet and, where appropriate, the relevant Scrutiny Committees. In terms of financial planning, the key elements are:

- 16.29.1 the Powys One Plan
- 16.29.2 the revenue budget
- 16.29.3 the capital strategy
- 16.29.4 the Medium Term Financial Plan.

Policy framework

- 16.30 Full Council is responsible for approving the policy framework and budget.
- 16.31 Full Council is also responsible for approving procedures based on the advice of the Section 151 Officer for agreeing variations to approved budgets (in accordance with the Scheme of Virement set out in Rules 16.88 to 16.101), plans and strategies forming the policy framework and for determining the circumstances in which a decision will be deemed to be contrary to the budget or policy framework.
- 16.32 The Cabinet is responsible for taking in-year decisions on resources and priorities in order to deliver the budget policy framework within the financial limits set by the Council.

Preparation of the Corporate Improvement Plan (within the One Powys Plan)

- 16.33 The Strategic Director Resources is responsible for proposing the Council's overarching strategic plan (the One Powys Plan) to the Cabinet for consideration before its submission to the Full Council for approval.

Budgeting

SECTION 16 – FINANCIAL PROCEDURE RULES

Budget format

16.34 The format of the budget is a matter delegated to the Section 151 Officer who will use guidance and best practice to ensure sufficient detail is included. The budget will include allocations to services and projects, proposed Council Tax levels and contingency funds. It will also detail any adjustments being made to meet the statutory requirement to set a balanced budget.

Budget preparation

16.35 The Section 151 Officer is responsible for ensuring that a revenue budget is prepared on an annual basis and a medium term financial strategy for both revenue and capital on a rolling three-yearly basis for consideration by the Cabinet, before submission to Full Council. Full Council may amend the budget or ask the Cabinet to reconsider the budget before approving it. When considering the budget Full Council must take into account the advice of the Section 151 Officer.

16.36 It is the responsibility of Strategic Directors / Director / Heads of Service to ensure that budget estimates reflecting agreed service plans are submitted to the Cabinet and that these estimates are prepared in line with guidance issued by the Cabinet.

Budget monitoring and control

16.37 The Section 151 Officer is responsible for providing appropriate financial information to enable budgets to be monitored effectively. He or she must monitor overall expenditure against budget allocations and independently report to the Cabinet on the overall position on a regular basis.

16.38 It is the responsibility of Strategic Directors / Director / Heads of Service to control income and expenditure within their service and to monitor performance against approved budget and relevant business plans taking account of financial information provided by the Section 151 Officer. They should report to the Cabinet on significant variances within their own service. They must consult with the Section 151 Officer before reporting to the Cabinet. They should also take any action necessary to avoid exceeding their budget allocation and alert the Section 151 Officer to any problems and indicate to the Section 151 Officer any corrective action to stay within the overall budget e.g. in meeting targets for income or expenditure over-runs.

Resource allocation

16.39 The Section 151 Officer is responsible for developing and maintaining a resource allocation process that ensures due consideration of the Full Council's policy framework.

Preparation of the capital programme

16.40 The Section 151 Officer is responsible for ensuring that a 3 year rolling capital strategy is prepared on an annual basis for consideration by the Cabinet before submission to the Full Council. The strategy must also

SECTION 16 – FINANCIAL PROCEDURE RULES

include the funding to deliver the projects put forward for consideration. The impact on the Council's revenue position must be included.

Guidelines

16.41 Guidelines on budget preparation are issued by the Cabinet following agreement with the Section 151 Officer. The guidelines will take account of:

- 16.41.1 legal requirements
- 16.41.2 medium-term planning prospects
- 16.41.3 the Powys Change Plan
- 16.41.4 available resources
- 16.41.5 spending pressures
- 16.41.6 best value and other relevant government guidelines
- 16.41.7 other internal policy documents
- 16.41.8 cross-cutting issues (where relevant).

C: RISK MANAGEMENT AND CONTROL OF RESOURCES

Introduction

16.42 It is essential that robust, integrated systems are developed and maintained for identifying and evaluating all significant operational risks to the authority. This should include the proactive participation of all those associated with planning and delivering services.

Risk Management

16.43 The Cabinet is responsible for approving the authority's risk management policy statement and strategy and for reviewing the effectiveness of risk management. The Cabinet is responsible for ensuring that proper insurance exists where appropriate.

16.44 The Section 151 Officer is responsible for preparing the authority's risk management policy statement, for promoting it throughout the authority and for advising the Cabinet on proper insurance cover where appropriate. The Section 151 Officer will have access to sufficient resources to carry out this function.

Internal Control

16.45 Internal control refers to the systems of control devised by management to help ensure the authority's objectives are achieved in a manner that promotes economical, efficient and effective use of resources and that the authority's assets and interests are safeguarded.

16.46 The Section 151 Officer is responsible for advising on effective systems of internal control. These arrangements need to ensure compliance with all applicable statutes and regulations, and other relevant statements of best practice. He or she should ensure that public funds are properly safeguarded and used economically, efficiently, and in accordance with the statutory and other authorities that govern their use.

16.47 It is the responsibility of Strategic Directors / Director / Heads of Service to establish sound arrangements for business planning, appraising,

SECTION 16 – FINANCIAL PROCEDURE RULES

authorising and controlling their operations in order to achieve continuous improvement, economy, efficiency and effectiveness and for achieving their financial performance targets. Internal Audit will evaluate and report on how effectively these arrangements are operating.

Audit Requirements

- 16.48 The Section 151 Officer is responsible for providing an adequate and effective Internal Audit function.. The Section 151 Officer will have access to sufficient resources to provide the function.
- 16.49 The Accounts and Audit (Wales) Regulations 2014 require every local authority to maintain an adequate and effective internal audit in accordance with audit practice which are defined in CIPFA's "Code of Practice for Internal Audit in Local Government in the UK".
- 16.50 The Wales Audit Office is responsible for appointing external auditors to each local authority. The basic duties of the external auditor are governed by the Public Audit (Wales) Act 2004.
- 16.51 The authority may, from time to time, be subject to audit, inspection or investigation by external bodies such as HM Revenues and Customs, Welsh Government and the European Union who have statutory rights of access.

Preventing Fraud and Corruption

- 16.52 The Section 151 Officer is responsible for the development and maintenance of an anti-fraud and anti-corruption policy and the publicity of this policy. The Section 151 Officer will have access to sufficient resources to carry out this function.

Assets

- 16.53 Strategic Directors / Director / Heads of Service should ensure that records and assets are properly maintained and securely held. They should also ensure that contingency plans for the security of assets and continuity of service in the event of disaster or system failure are in place.

Treasury Management

- 16.54 The authority has adopted CIPFA's Code of Practice for Treasury Management in the Public Services.
- 16.55 The Cabinet is responsible for approving the treasury management policy statement setting out the matters detailed in CIPFA's Code of Practice for Treasury Management in the Public Services. The Section 151 Officer has delegated responsibility for implementing and monitoring the statement.
- 16.56 All money in the hands of the authority is controlled by the Section 151 Officer. This will include grant funding and any bids for such resources must have the agreement of the Section 151 Officer who will require information on any on-going financial commitment that will have to be met by the revenue budget.

SECTION 16 – FINANCIAL PROCEDURE RULES

- 16.57 The Section 151 Officer is responsible for reporting to the Cabinet a proposed treasury management strategy for the coming financial year at or before the start of each financial year.
- 16.58 All Cabinet decisions on borrowing, investment or financing shall be delegated to the Section 151 Officer, who is required to act in accordance with CIPFA's Code of Practice for Treasury Management in the Public Services and the Welsh Government Guidance on Local Government Investments 2010. The Section 151 Officer will have access to sufficient resources to carry out this function.
- 16.59 The Section 151 Officer is responsible for reporting to Cabinet an annual report on the activities of the treasury management operation and the exercise of their delegated treasury management powers.

D: SYSTEMS AND PROCEDURES

Introduction

- 16.60 Sound systems and procedures are essential to an effective framework of accountability and control.

General

- 16.61 The Section 151 Officer is responsible for the operation of the authority's accounting systems, the form of accounts and the supporting financial records. Any changes made by Strategic Directors / Director / Heads of Service which impact on the existing financial systems or the establishment of new systems must be approved by the Section 151 Officer. However, Strategic Directors / Director / Heads of Service are responsible for the proper operation of financial processes in their own departments.
- 16.62 Any changes to agreed procedures by Strategic Directors / Director / Heads of Service to meet their own specific service needs must be agreed with the Section 151 Officer.
- 16.63 Strategic Directors / Director / Heads of Service should ensure that their staff receive relevant financial training that has been approved by the Section 151 Officer.
- 16.64 Strategic Directors / Director / Heads of Service must ensure that, where appropriate, computer and other systems are registered in accordance with data protection legislation and the Council's own data protection policies. Strategic Directors / Director / Heads of Service must ensure that staff are aware of their responsibilities under freedom of information and data protection legislation and seek the advice of the Information Management Unit when in doubt.

Income and expenditure

- 16.65 It is the responsibility of Strategic Directors / Director / Heads of Service to ensure that a proper scheme of delegation has been established within their area and is operating effectively. The scheme of delegation should identify staff authorised to act on the Strategic Directors / Director / Heads of Service's behalf, or on behalf of the Cabinet, in respect of

SECTION 16 – FINANCIAL PROCEDURE RULES

payments, income collection and placing orders, together with the limits of their authority. The Cabinet is responsible for approving procedures for writing off debts as part of the overall control framework of accountability and control (See Rule 16.381). These procedures are contained within Rules 16.377 to 16.397.

Payments to employees and members

16.66 The Head of Business Services is responsible for all payments of salaries and wages to all staff, including payments for overtime, and for payment of allowances to members.

Taxation

16.67 The Section 151 Officer is responsible for advising Strategic Directors / Director / Heads of Service, in the light of guidance issued by appropriate bodies and relevant legislation as it applies, on all taxation issues that affect the authority.

16.68 The Section 151 Officer is responsible for maintaining the authority's tax records, making all tax payments, receiving tax credits and submitting tax returns by their due date as appropriate.

Trading accounts/business units

16.69 It is the responsibility of the Section 151 Officer to advise on the establishment and operation of trading accounts and business units and to approve the accounting arrangements.

16.70 It is the responsibility of Strategic Directors / Director / Heads of Service to monitor the performance, financial and otherwise, of trading units and to take remedial action to ensure that financial objectives are met.

E: EXTERNAL ARRANGEMENTS

Introduction

16.71 The local authority provides a distinctive leadership role for the community and brings together the contributions of the various stakeholders. It must also act to achieve the promotion or improvement of the economic, social or environmental well-being of its area.

Partnerships

16.72 The Cabinet is responsible for approving delegations in respect of Cabinet functions, including frameworks for partnerships. The Cabinet is the focus for forming partnerships with other local public, private, voluntary and community sector organisations to address local needs.

16.73 The Cabinet can delegate functions – including those relating to partnerships – to officers. These are set out in the scheme of delegation in Rule 5.9. Where functions are delegated, the Cabinet remains accountable for them to the Full Council.

16.74 The Section 151 Officer will promote and seek to maintain the same high standards of conduct with regard to financial administration in partnerships that apply throughout the authority.

SECTION 16 – FINANCIAL PROCEDURE RULES

- 16.75 The Section 151 Officer, in conjunction with the Monitoring Officer, must ensure that the accounting arrangements to be adopted relating to partnerships and joint ventures are satisfactory. They must also consider the overall corporate governance arrangements and legal issues when arranging contracts with external bodies. They must ensure that the risks have been fully appraised before agreements are entered into with external bodies.
- 16.76 Strategic Directors / Director / Heads of Service are responsible for ensuring that appropriate approvals are obtained before any negotiations are concluded in relation to work with external bodies. The Section 151 Officer shall maintain a list of all officers able to commit the Council to work for external bodies.

External funding

- 16.77 The Section 151 Officer, in conjunction with Strategic Directors / Director / Heads of Service, is responsible for ensuring that all funding notified by external bodies is received and properly recorded in the authority's accounts.

PART 2 - FINANCIAL PROCEDURES

FINANCIAL MANAGEMENT STANDARDS

16.78 All staff and members have a duty to abide by the highest standards of probity in dealing with financial issues and the use of the public's money. This is facilitated by ensuring everyone is clear about the standards to which they are working and the controls that are in place to ensure that these standards are met.

Key controls

16.79 The key controls and control objectives for financial management standards are:

- 16.79.1 their promotion throughout the authority
- 16.79.2 a monitoring system to review compliance with financial standards.

Responsibilities of the Section 151 Officer

- 16.80 To ensure the proper administration of the financial affairs of the authority.
- 16.81 To set the financial management standards and to monitor compliance with them.
- 16.82 To ensure proper professional practices are adhered to and to act as head of profession in relation to the standards, performance and development of finance staff throughout the authority.
- 16.83 To advise on the key strategic controls necessary to secure sound financial management.
- 16.84 To ensure that financial information is available to enable accurate and timely monitoring and reporting of comparisons of national and local financial performance indicators. The Section 151 Officer will be provided with sufficient resources to carry out this activity.

Responsibilities of Strategic Directors / Director / Heads of Service

- 16.85 To promote the financial management standards set by the Section 151 Officer in their departments and to monitor adherence to the standards and practices, liaising as necessary with the Section 151 Officer.
- 16.86 To promote sound financial practices in relation to the standards, performance and development of staff in their departments.

SECTION 16 – FINANCIAL PROCEDURE RULES

MANAGING EXPENDITURE

Scheme of virement

Why is this important?

- 16.87 The scheme of virement (that is, switching resources between approved estimates or heads of expenditure) is intended to enable the Cabinet, Strategic Directors / Director / Heads of Service and their staff to manage budgets with flexibility within the overall policy framework determined by the Full Council, and therefore to optimise the use of resources. Any income or expenditure at variance from the approved budget and without virement authorisation shall be regarded as over or under spending for which the Head of Service of the service is responsible.
- 16.88 Where expenditure or income not in the approved budget is introduced it will be covered by the same rules.
- 16.89 The scheme of virement applies to the revenue budget and the capital programme.

Key controls

- 16.90 Key controls for the scheme of virement are:
- 16.90.1 it is administered by the Section 151 Officer within guidelines set by Full Council. Any variation from this scheme requires the approval of the Full Council
 - 16.90.2 the overall budget is proposed by the Cabinet and approved by Full Council. Strategic Directors / Director / Heads of Service and budget managers are therefore authorised to incur expenditure in accordance with the estimates that make up the budget. The rules below cover virement. For the purposes of this scheme, a budget head is considered to be a line in the approved Budget Book.
 - 16.90.3 the overall budget must stay in balance and virement does not create additional overall budget liability. Strategic Directors / Director / Heads of Service are expected to exercise their discretion in managing their budgets responsibly and prudently. For example, they should aim to avoid supporting recurring expenditure from one-off sources of savings or additional income, or creating future commitments, including full-year effects of decisions made part way through a year, for which they have not identified future resources. Heads of Service must plan to fund such commitments from within their own budgets.

Virement Responsibilities of the Section 151 Officer

- 16.91 To prepare jointly with the Head of Service a report to the Cabinet and/or Council where virements are required in accordance with Rule 16.93 below.

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Virement Responsibilities of Strategic Directors / Director / Heads of Service.

- 16.92 A Head of Service may exercise virement on budgets under their control for amounts in aggregate up to £25,000 on any one budget head during the year, following notification to the Section 151 Officer.
- 16.93 A Head of Service may exercise virement on budgets under their control for amounts between £25,001 and £100,000 on any one budget head during the year, following notification to the Section 151 Officer and in consultation with the appropriate Cabinet member .
- 16.94 Amounts between £100,001 and £500,000 require the approval of the Cabinet, following a report which contains the approval of the Section 151 Officer. The report must also specify the proposed expenditure and the source of funding, and must explain the implications in the current and future financial year. Amounts greater than £500,001 require the approval of the Full Council.
- 16.95 Where it is proposed to vire between budgets of different Service areas, such virements of up to £100,000 can be approved by agreement of the relevant Heads of Service; such virements of between £100,001 to £300,000 will require approval of Cabinet; such virements over £300,001 will require approval from Full Council. 16.96 Virements that are likely to impact on the level of service activity of another Head of Service should be implemented only after agreement with the relevant Head of Service and Portfolio Holder(s).
- 16.97 No virement relating to a specific financial year should be made after 31 March in that year.
- 16.98 A school's governing body may transfer budget provision above £10,000 or 1.5% of the delegated school budget, whichever is greater, between heads of expenditure within the delegated school budget following notification to the Head of Schools and Inclusion.
- 16.99 Where an approved budget is a lump-sum budget or contingency intended for allocation during the year, its allocation will not be treated as a virement, provided that:
- 16.99.1 the amount is used in accordance with the purposes for which it has been established
 - 16.99.2 the Cabinet has approved the basis and the terms, including financial limits, on which it will be allocated. Individual allocations in excess of the financial limits should be reported to the Cabinet.
- 16.100 The Cabinet shall be notified where the Authority receives an allocation of funding from another public body for a specified purpose, and that sum shall be incorporated into the revenue budget or capital programme as appropriate.

Treatment of year-end balances

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Why is this important?

16.101 Rules 16.102 to 16.104 below cover arrangements for the transfer of resources between accounting years, i.e. a carry-forward. For the purposes of this scheme, a budget heading is a line in the Budget Book.

Key controls

16.102 Net underspends on service budgets may only be carried forward with the approval of the Section 151 Officer, and subject to the following conditions:

16.102.1 the amount carried forward cannot exceed 5% of the annual service net expenditure; and

16.102.2 the carrying forward of underspends will only be considered if the overall position of the Council at year end is an underspend, and in determining whether or not this is the case the Section 151 Officer will take into account the Council's overall financial balances including the General Reserve.

16.102.3 Specific exceptions to Rules 16.102.1 and 16.102.2 above, may be agreed by the Cabinet from time to time e.g. the Winter Maintenance Reserve.

16.103 Internal trading unit surpluses may be retained by the Service area in which the trading unit resides provided that the overall position of the Council at year end is an underspend, and in determining whether or not this is the case the Section 151 Officer will take into account the Council's overall financial balances including the General Reserve.

16.104 Schools' balances shall be available for carry-forward to support the expenditure of the school concerned. Where an unplanned deficit occurs, the governing body shall prepare a detailed financial recovery plan for consideration by the Cabinet, following evaluation by the Head of Schools and Inclusion and the Section 151 Officer. Schools will normally be expected to agree a plan to recover the deficit within a defined period. The Scheme for the Financing of Schools is the framework covering school funding. Within this overall approach it is appropriate that unless a surplus above the policy guideline has a clear and demonstrable link to the School Improvement Plan, clawback arrangement of surplus amounts (as covered by School Funding (Wales) Regulations 2010) should be triggered.

Responsibilities of the Section 151 Officer

16.105 To administer the scheme of carry-forward in accordance with Rules 16.102 to 16.104 above.

16.106 To report any carried forward position to the Cabinet.

Responsibilities of Strategic Directors / Director / Heads of Service

16.107 The underlying position is that overspending is not generally permitted. However, where an overspend is approved these will be

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carried forward to the following year in total on budgets under the control of the Strategic Directors / Director / Heads of Service , and will constitute the first call on service estimates in that following year. The Section 151 Officer will advise the Cabinet on appropriate action and report the extent of overspendings to be carried forward to the Cabinet and to the Full Council.

MAINTENANCE OF RESERVES

Why is this important?

16.108 Corporate Reserves are maintained as a matter of prudence. They enable the authority to provide for unexpected events and thereby protect it from overspending, should such events occur. Reserves for specific purposes may also be maintained, such as the purchase or renewal of capital items.

Key controls

16.109 To maintain reserves in accordance with the Code of Practice on Local Authority Accounting in the United Kingdom (CIPFA/LASAAC) and agreed accounting policies.

16.110 For each reserve and provision established, the purpose, usage and basis of transactions should be clearly identified. All reserves will be corporate.

16.111 Authorisation and expenditure from reserves by the appropriate Strategic Directors / Director / Heads of Service in consultation with the Section 151 Officer.

Responsibilities of the Section 151 Officer

16.112 To advise the Cabinet and/or the Full Council on prudent levels of reserves and provisions for the authority.

Responsibilities of Strategic Directors / Director / Heads of Service

16.113 To ensure that resources are used only for the purposes for which they were intended.

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ACCOUNTING POLICIES

Why is this important?

16.114 The Section 151 Officer is responsible for the preparation of the authority's statement of accounts, in accordance with proper practices as set out in the format required by the Code of Practice on Local Authority Accounting in the United Kingdom (CIPFA/LASAAC), for each financial year ending 31 March.

Key controls

16.115 The key controls for accounting policies are:

- 16.115.1 systems of internal control are in place that ensure that financial transactions are lawful
- 16.115.2 suitable accounting policies are selected and applied consistently
- 16.115.3 proper accounting records are maintained
- 16.115.4 financial statements are prepared which present fairly the financial position of the authority and its expenditure and income.

Responsibilities of the Section 151 Officer

16.116 To select suitable accounting policies and to ensure that they are applied consistently. The accounting policies are set out in the statement of accounts.

16.117 To provide financial information to individuals and external organisations upon request, subject to any statutory constraints and to comply with statutory requirements to publicise the availability of the statement of accounts and the rights of inspection.

Responsibilities of Strategic Directors / Director / Heads of Service

16.118 To adhere to the accounting policies and guidelines approved by the Section 151 Officer and to consult with the Section 151 Officer before divulging financial information to third parties.

ACCOUNTING RECORDS AND RETURNS

Why is this important?

16.119 Maintaining proper accounting records is one of the ways in which the authority discharges its responsibility for stewardship of public resources. The authority has a statutory responsibility to prepare its annual accounts to present fairly its operations during the year. These are subject to external audit. This audit provides assurance that the accounts are prepared properly, that proper accounting practices have been followed and that arrangements have been made for securing economy, efficiency and effectiveness in the use of the authority's resources.

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Key controls

- 16.120 The key controls for accounting records and returns are:
- 16.120.1 all Cabinet members and officers operate within the required accounting standards and timetables
 - 16.120.2 all the authority's transactions, material commitments and contracts and other essential accounting information are recorded completely, accurately and on a timely basis
 - 16.120.3 procedures are in place to enable accounting records to be reconstituted in the event of systems failure
 - 16.120.4 reconciliation procedures are carried out to ensure transactions are correctly recorded
 - 16.120.5 prime documents are retained in accordance with legislative and other requirements
 - 16.120.6 procedures are documented.

Responsibilities of the Section 151 Officer

- 16.121 To determine the accounting procedures, systems and records for the authority and to ensure that staff are aware of them.
- 16.122 To arrange for the compilation of all accounts and accounting records under their direction on a timely basis.
- 16.123 To comply with the following principles when allocating accounting duties:
- 16.123.1 separating the duties of providing information about sums due to or from the authority and calculating, checking and recording these sums from the duty of collecting or disbursing them
 - 16.123.2 employees with the duty of examining or checking the accounts of cash transactions must not themselves be engaged in these transactions.
- 16.124 To make proper arrangements for the audit of the authority's accounts in accordance with the Accounts and Audit Regulations 2014.
- 16.125 To ensure that all claims for funds including grants are made by the due date.
- 16.126 To prepare and publish the audited accounts of the authority for each financial year, in accordance with the statutory timetable and with the requirement for Council to approve the statement of accounts no later than 30 September each year. The Section 151 Officer must no later than 30 June immediately following the end of the year, sign and date the statement of accounts, and certify that it presents a true and fair view of the year to which it relates and of the income and expenditure for that year.
- 16.127 To administer the authority's arrangements for under- and overspendings to be carried forward to the following financial year.
- 16.128 To ensure the proper retention of financial documents in accordance with the requirements set out in the authority's document retention schedule (see Rule 16.413.).

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Responsibilities of Strategic Directors / Director / Heads of Service

- 16.129 To consult and obtain the approval of the Section 151 Officer before making any changes to accounting records and procedures.
- 16.130 To comply with the principles outlined in Rule 16.120 when allocating accounting duties.
- 16.131 To maintain adequate records to provide an audit trail leading from the source of income/expenditure through to the accounting statements.
- 16.132 To supply information required to enable the statement of accounts to be completed in accordance with guidelines issued by the Section 151 Officer.
- 16.133 To ensure that all claims for funds including grants are made by the due date.

THE ANNUAL STATEMENT OF ACCOUNTS

Why is this important?

- 16.134 The authority has a statutory responsibility to prepare its own accounts to fairly present its operations during the year. The Full Council is responsible for approving the statutory annual statement of accounts.

Key controls

- 16.135 The key controls for the annual statement of accounts are:
- 16.135.1 the authority is required to make arrangements for the proper administration of its financial affairs and to secure that one of its officers has the responsibility for the administration of these affairs. In this authority, that officer is the Section 151 Officer.
 - 16.135.2 the authority's statement of accounts must be prepared in accordance with proper practices as set out in the Code of Practice on Local Authority Accounting in the United Kingdom (CIPFA/LASAAC).

Responsibilities of the Section 151 Officer

- 16.136 To select suitable accounting policies and to apply them consistently.
- 16.137 To make judgements and estimates that are reasonable and prudent.
- 16.138 To comply with the SORP (Statement of Recommended Practice).
- 16.139 To sign and date the statement of accounts, stating that it presents fairly the financial position of the authority at the accounting date and its income and expenditure for the year ended 31 March.
- 16.140 To draw up the timetable for final accounts preparation and to advise staff and external auditors accordingly.

Responsibilities of Strategic Directors / Director / Heads of Service

- 16.141 To comply with accounting guidance provided by the Section 151 Officer and to supply the Section 151 Officer with information when required and in the form required.

Financial Planning

PERFORMANCE PLANS

Why is this important?

16.142 Each local authority has a statutory responsibility to publish various performance plans, including Improvement Plans, crime reduction strategies, and community care plans. The purpose of performance plans is to explain overall priorities and objectives, current performance, and proposals for further improvement. The authority is required to publish annually the One Powys Plan, which summarises its performance and position in relation to continuous service improvement. The One Powys Plan is a key element in the authority's programme of engaging with the public. External audit is required to report on whether the authority has complied with statutory requirements in respect of the preparation and publication of the One Powys Plan.

Key controls

16.143 The key controls for performance plans are:

- 16.143.1 to ensure that all relevant plans are produced and that they are consistent
- 16.143.2 to produce plans in accordance with statutory requirements
- 16.143.3 to meet the timetables set
- 16.143.4 to ensure that all performance information is accurate, complete and up to date
- 16.143.5 to provide improvement targets which are meaningful, realistic and challenging
- 16.143.6 to ensure all plans are consistent with the Performance Management Framework.

Responsibilities of the Section 151 Officer

- 16.144 To advise and supply the financial information that needs to be included in performance plans in accordance with statutory requirements and agreed timetables.
- 16.145 To contribute to the development of corporate and service targets and objectives and financial performance information.
- 16.146 To ensure that systems are in place to measure activity and collect accurate information for use as performance indicators.

Responsibilities of the Strategic Director - Resources

- 16.147 To ensure that performance information is monitored sufficiently frequently to allow corrective action to be taken if targets are not likely to be met.
- 16.148 To provide an external challenge to service plans.

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- 16.149 To review performance management systems to ensure they are sufficiently robust.

Responsibilities of Strategic Directors / Director / Heads of Service

- 16.150 To contribute to the development of performance plans in line with statutory requirements.
- 16.151 To contribute to the development of corporate and service targets and objectives and performance information.
- 16.152 To comply with the Performance Management Framework.
- 16.153 To ensure that robust systems exist to gather performance indicators.

BUDGETING

Format of the budget

Why is this important?

- 16.154 The format of the budget determines the level of detail to which financial control and management will be exercised. The format shapes how the rules around virement operate, the operation of cash limits and sets the level at which funds may be reallocated within budgets.

Key controls

- 16.155 The key controls for the budget format are:
- 16.155.1 the format complies with all legal requirements
 - 16.155.2 the format reflects the accountabilities of service delivery.
 - 16.155.3 the format complies, as far as possible, with CIPFA's Service Reporting Code of Practice for Local Authorities.

Responsibilities of Strategic Directors / Director / Heads of Service

- 16.156 To comply with accounting guidance provided by the Section 151 Officer.

Revenue budget preparation, monitoring and control

Why is this important?

- 16.157 Budget management ensures that once the budget has been approved by the Full Council, resources allocated are used for their intended purposes and are properly accounted for. Budgetary management is a continuous process, enabling the authority to review and adjust its budget targets during the financial year. It also provides the mechanism that calls to account managers responsible for defined elements of the budget.
- 16.158 By continuously identifying and explaining variances against budgetary targets, the authority can identify changes in trends and resource requirements at the earliest opportunity. The authority itself operates within an annual cash limit, approved when setting the overall budget. To ensure that the authority in total does not

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overspend, each service is required to manage its own expenditure within the cash-limited budget allocated to it.

- 16.159 For the purposes of budgetary control by managers, a budget will normally be the planned income and expenditure for a service area or cost centre. However, budgetary control may take place at a more detailed level if this is required by the Strategic Directors / Director / Heads of Service's scheme of delegation.

Key controls

- 16.160 The key controls for managing and controlling the revenue budget are:

- 16.160.1 budget managers should be accountable only for income and expenditure for which they have responsibility.
- 16.160.2 there is a nominated budget manager for each cost centre heading
- 16.160.3 budget managers are accountable for their budgets and the level of service to be delivered and understand their financial responsibilities
- 16.160.4 budget managers follow an approved certification process for all expenditure, including internal recharges
- 16.160.5 income and expenditure are properly recorded and accounted for
- 16.160.6 performance levels/levels of service are monitored in conjunction with the budget and necessary action is taken to align service outputs and budget.

Responsibilities of the Section 151 Officer

- 16.161 To establish an appropriate framework of budgetary management and control that ensures that:

- 16.161.1 budget management is exercised within annual cash limits unless the Full Council agrees otherwise
- 16.161.2 each Strategic Directors / Director / Heads of Service has available timely information on receipts and payments on each budget which is sufficiently detailed to enable managers to fulfil their budgetary responsibilities
- 16.161.3 expenditure is committed only against an approved budget head
- 16.161.4 all officers responsible for committing expenditure comply with relevant guidance, and the Financial Regulations
- 16.161.5 each cost centre has a single named manager, determined by the relevant Strategic Directors / Director / Heads of Service. As a general principle, budget responsibility should be aligned as closely as possible to the decision-making processes that commits expenditure
- 16.161.6 significant variances from approved budgets are investigated and reported by budget managers regularly to their line managers or the Cabinet, as appropriate.

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- 16.162 To administer the authority's scheme of virement.
- 16.163 To submit reports to the Cabinet and to the Full Council, in consultation with the relevant Strategic Directors / Director / Heads of Service, where an Strategic Directors / Director / Heads of Service is unable to balance expenditure and resources within existing approved budgets under their control.
- 16.164 To prepare and submit reports on the authority's projected income and expenditure compared with the budget on a regular basis.

Responsibilities of Strategic Directors / Director / Heads of Service

- 16.165 To maintain budgetary control within their departments, in adherence to the principles in 2.19, and to ensure that all income and expenditure are properly accounted for, regardless of the budget provision.
- 16.166 To ensure that an accountable budget manager is identified for each item of income and expenditure under the control of the Strategic Directors / Director / Heads of Service (grouped together in a series of cost centres). As a general principle, budget responsibility should be aligned as closely as possible to the decision-making that commits expenditure.
- 16.167 To ensure that spending remains within the service's overall cash limit, and that individual budget heads are not overspent, by monitoring the budget and taking appropriate corrective action where significant variations from the approved budget are forecast.
- 16.168 To ensure that a monitoring process is in place to review performance levels/levels of service in conjunction with the budget and is operating effectively.
- 16.169 To prepare and submit to the Cabinet reports on the service's projected expenditure compared with its budget, in consultation with the Section 151 Officer.
- 16.170 To ensure prior approval by the Full Council or Cabinet (as appropriate) for new proposals, of whatever amount, that:
- 16.170.1 create financial commitments in future years
 - 16.170.2 change existing policies, initiate new policies or cease existing policies
 - 16.170.3 materially extend or reduce the authority's services.
- 16.171 To ensure compliance with the scheme of virement.
- 16.172 To agree with the relevant Head of Service where it appears that a budget proposal, including a virement proposal, may impact materially on another service area or Head of Service's level of service activity.

Budgets and medium-term planning

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Why is this important?

- 16.173 The authority is a complex organisation responsible for delivering a wide variety of services. It needs to plan effectively and to develop systems to enable scarce resources to be allocated in accordance with carefully weighted priorities. The budget is the financial expression of the authority's plans and policies.
- 16.174 The budget and capital programme must be constructed so as to ensure that resource allocation properly reflects the service plans and priorities of the Full Council. Budgets (spending plans) are needed so that the authority can plan, authorise, monitor and control the way money is allocated and spent. It is illegal for an authority to budget for a deficit.
- 16.175 Medium-term planning (or a three year planning system) involves a planning cycle in which managers develop their own plans. As each year passes, another future year will be added to the medium-term plan. This ensures that the authority is always preparing for events in advance.

Key controls

- 16.176 The key controls for budgets and medium-term planning are:
- 16.176.1 specific budget approval for all expenditure
 - 16.176.2 budget managers are consulted in the preparation of the budgets for which they will be held responsible and accept accountability within delegations set by the Cabinet for their budgets and the level of service to be delivered
 - 16.176.3 a monitoring process is in place to review regularly the effectiveness and operation of budget preparation and to ensure that any corrective action is taken.

Responsibilities of the Section 151 Officer

- 16.177 To prepare and submit reports on budget prospects for the Cabinet, including resource constraints set by the Government. Reports should take account of medium-term prospects, where appropriate.
- 16.178 To determine the detailed form of revenue and capital estimates and the methods for their preparation, consistent with the budget approved by the Full Council, and after consultation with the Cabinet and Strategic Directors / Director / Heads of Service.
- 16.179 To prepare and submit reports to the Cabinet on the aggregate spending plans of departments and on the resources available to fund them, identifying, where appropriate, the implications for the level of council tax to be levied.
- 16.180 To advise on the medium-term implications of spending decisions.
- 16.181 To encourage the best use of resources and value for money by working with Strategic Directors / Director / Heads of Service to identify opportunities to improve economy, efficiency and effectiveness, and by encouraging good practice in conducting

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- financial appraisals of development or savings options, and in developing financial aspects of service planning.
- 16.182 To advise the Full Council on Cabinet proposals in accordance with their responsibilities under section 151 of the Local Government Act 1972.

Responsibilities of Strategic Directors / Director / Heads of Service

- 16.183 To prepare estimates of income and expenditure, in consultation with the Section 151 Officer, to be submitted to the Cabinet.
- 16.184 To prepare budgets that are consistent with any relevant cash limits, with the authority's annual budget cycle and with guidelines issued by the Cabinet. The format should be prescribed by the Section 151 Officer in accordance with the Full Council's general directions.
- 16.185 To integrate financial and budget plans into service planning, so that budget plans can be supported by financial and non-financial performance measures.
- 16.186 In consultation with the Section 151 Officer and in accordance with the laid-down guidance and timetable, to prepare detailed draft revenue and capital budgets for consideration by the appropriate committee.
- 16.187 When drawing up draft budget requirements, to have regard to:
- 16.187.1 spending patterns and pressures revealed through the budget monitoring process
 - 16.187.2 legal requirements
 - 16.187.3 policy requirements as defined by the Full Council in the approved policy framework
 - 16.187.4 initiatives already under way
 - 16.187.5 specific external funding
 - 16.187.6 revenue implications of capital schemes
 - 16.187.7 income from fees and charges.

Resource allocation

Why is this important?

- 16.188 A mismatch often exists between available resources and required resources. A common scenario is that available resources are not adequate to fulfill need. It is therefore imperative that needs are carefully prioritised and that resources are fairly allocated, in order to fulfil all legal responsibilities. Resources may include staff, finance, equipment, goods and materials.

Key controls

- 16.189 The key controls for resource allocation are:
- 16.189.1 resources are acquired in accordance with the law and using an approved authorisation process

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- 16.189.2 resources are used only for the purpose intended, to achieve the approved policies and objectives, and are properly accounted for
- 16.189.3 resources are securely held for use when required
- 16.189.4 resources are used with the minimum level of waste, inefficiency or loss for other reasons.

Responsibilities of the Section 151 Officer

- 16.190 To advise on methods available for funding, such as grants from central government and borrowing requirements.
- 16.191 To assist in the allocation of resources to budget managers.

Responsibilities of Strategic Directors / Director / Heads of Service

- 16.192 To work within budget limits and to utilise resources allocated, and further allocate resources, in the most efficient, effective and economic way.
- 16.193 To identify opportunities to minimise or eliminate resource requirements or consumption without having a detrimental effect on service delivery.

Capital programmes

Why is this important?

- 16.194 Capital expenditure involves acquiring or enhancing fixed assets with a long-term value to the authority, such as land, buildings, and major items of plant, equipment or vehicles. Capital assets shape the way services are delivered in the long term and create financial commitments for the future in the form of financing costs and revenue running costs.
- 16.195 The Government places strict controls on the financing capacity of the authority. This means that capital expenditure should form part of an investment strategy and should be carefully prioritised in order to maximise the benefit of scarce resources.

Key controls

- 16.196 The key controls for capital programmes are:
 - 16.196.1 specific approval by the Full Council for the programme of capital expenditure
 - 16.196.2 expenditure on capital schemes is subject to the approval of the Section 151 Officer
 - 16.196.3 a scheme and estimate, including project plan, progress targets and associated revenue expenditure is prepared for each capital project, excluding minor works of improvement of less than £100,000, for approval by the Cabinet
 - ~~16.196.4 proposals for new buildings or improvements and alterations to existing buildings (excluding Council houses) must be approved by the Chief Legal Officer.~~

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- 16.196.54 schedules for individual schemes within the overall budget approved by the Full Council must be submitted to the Cabinet for approval (for example, minor works), or under other arrangements approved by the Full Council
- 16.196.65 the development and implementation of asset management plans
- 16.196.76 accountability for each proposal is accepted by a named manager
- 16.196.87 monitoring of progress in conjunction with expenditure and comparison with approved budget.

Responsibilities of the Section 151 Officer

- 16.197 To prepare capital estimates jointly with Strategic Directors / Director / Heads of Service and to report them to the Cabinet for approval. The Cabinet will make recommendations on the capital estimates and on any associated financing requirements to the Full Council. Cabinet member approval is required where an Strategic Directors / Director / Heads of Service proposes to bid for or exercise prudential borrowing approval not anticipated in the capital programme. This is because the extra borrowing will create future revenue commitments to financing costs.
- 16.198 To prepare and submit reports to the Cabinet on the projected income, expenditure and resources compared with the approved estimates.
- 16.199 To issue guidance concerning capital schemes and controls, for example, on project appraisal techniques. The definition of 'capital' will be determined by the Section 151 Officer, having regard to government regulations and accounting requirements.

Responsibilities of Strategic Directors / Director / Heads of Service

- 16.200 To comply with guidance concerning capital schemes and controls issued by the Section 151 Officer.
- 16.201 To ensure that all capital proposals have undergone a project appraisal and where appropriate a post completion audit undertaken, in accordance with guidance issued by the Section 151 Officer.
- 16.202 To prepare regular reports reviewing the capital programme provisions for their services. They should also prepare a quarterly return of estimated final costs of schemes in the approved capital programme for submission to the Section 151 Officer.
- 16.203 To ensure that adequate records are maintained for all capital contracts.
- 16.204 To proceed with projects only when there is adequate provision in the capital programme and with the agreement of the Section 151 Officer, where required.
- 16.205 To prepare and submit reports, jointly with the Section 151 Officer, to the Cabinet, of any variation in contract costs greater than the approved limits.
- 16.206 To prepare and submit reports, jointly with the Section 151 Officer, to the Cabinet, on completion of all contracts where the final

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- expenditure exceeds the approved contract sum by more than the specified amount.
- 16.207 To ensure that credit arrangements, such as leasing agreements, are not entered into without the prior approval of the Section 151 Officer and, if applicable, approval of the scheme through the capital programme.
- 16.208 To consult with the Section 151 Officer and to seek Cabinet approval where the Strategic Directors / Director / Heads of Service proposes to bid for capital grants issued by government departments to support expenditure that has not been included in the current year's capital programme.

Risk Management and Control of Resources

RISK MANAGEMENT

Why is this important?

- 16.209 All organisations, whether private or public sector, face risks to people, property and continued operations. Risk is the chance or possibility of loss, damage, injury or failure to achieve objectives caused by an unwanted or uncertain action or event. Risk management is the planned and systematic approach to the identification, evaluation and control of risk. Its objective is to support the delivery of the Council's strategic goals by ensuring the continued financial, operational and reputational well-being of the organisation. In essence it is, therefore, an integral part of good business practice.
- 16.210 Risk management is concerned with defining the position on risk appetite i.e. the amount of risk the Council is willing to accept, evaluating the measures an organisation already has in place to manage identified risks and then recommending the action the organisation needs to take to control these risks effectively.
- 16.211 It is the overall responsibility of the Cabinet to approve the Council's risk management strategy, and to promote a culture of risk management awareness throughout the authority.

Key controls

- 16.212 The key controls for risk management are:
- 16.212.1 managers know that they are responsible for managing relevant risks and are provided with a framework to allow risk management to be embedded as part of business operations
 - 16.212.2 robust integrated systems are developed and maintained for identifying, evaluating and managing all significant strategic and operational risks to the Council. This should include the proactive participation of all those associated with planning and delivering services.
 - 16.212.3 a reporting and monitoring process is in place to review regularly the effectiveness of risk reduction strategies and the operation of these controls. The risk management process should be conducted on a continuing basis
 - 16.212.4 the authority has identified business continuity plans for implementation in the event of disaster that results in significant loss or damage to its resources, in accordance with the Civil Contingencies Act 2004.

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Responsibilities of the Section 151 Officer

- 16.213 To prepare and promote the authority's risk management policy statement and strategy.
- 16.214 To collate and report collective risk registers to Strategic Directors, Directors, Heads of Service and the Cabinet/Audit Committee.

Responsibilities of Strategic Directors / Director / Heads of Service

- 16.215 To take responsibility for risk management, having regard to advice from the Section 151 Officer and other specialist officers (e.g. crime prevention, fire prevention, health and safety).
- 16.216 To ensure that there are regular reviews of risk within their departments.
- 16.217 To notify the Section 151 Officer promptly of all new risks, and any mitigating measures that have been implemented to reduce risk.

INSURANCE

Why is this important?

- 16.218 The Council will (where appropriate) make insurance provisions as a way of managing risk by protecting both financial and operational assets against loss, damage or injury from unwanted events.

Key Controls

- 16.219 The key controls for insurance are:
- 16.219.1 acceptable levels of risk are determined and insured against where appropriate;
 - 16.219.2 provision is made for losses that might result from the risks that remain;
 - 16.219.3 procedures are in place to investigate claims within required timescales.

Responsibilities of Section 151 Officer

- 16.220 To effect corporate insurance cover, through external insurance and the Council's internal Insurance Fund, and to negotiate all claims in consultation with other officers, where necessary.
- 16.221 To operate an internal insurance account(s) for some risks not covered by external insurance policies to charge the various Council Service budgets with the cost of contributions to this account.
- 16.222 To include all appropriate employees of the authority in a suitable fidelity guarantee insurance.
- 16.223 Offer insurance cover to schools in accordance with Fair Funding arrangements.

Responsibilities of Strategic Directors / Director / Heads of Service

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- 16.224 Advise the Section 151 Officer of all new risks, properties, vehicles or potential liabilities for which insurance may be required; and of any changes affecting existing risks or insurance cover required.
- 16.225 Notify the Section 151 Officer immediately of any loss, liability or damage that may lead to a claim against the authority, together with any information or explanation required by the Section 151 Officer or the authority's insurers.
- 16.226 Ensure that employees, or anyone covered by the authority's insurances act in such a way so that the Council's interests are protected. This includes being clear that an individual officer cannot admit liability or offer compensation that may prejudice the assessment of liability in respect of any insurance claim.
- 16.227 In the event of a claim the relevant department must take all reasonable actions to mitigate or avoid a claim being made against the Council's insurance policy.
- 16.228 Consult the Section 151 Officer and the Solicitor to the Council on the terms of any indemnity that the authority is requested to give.

INTERNAL CONTROLS

Why is this important?

- 16.229 The authority is complex and beyond the direct control of any one individual. It therefore requires internal controls to manage and monitor progress towards achieving strategic objectives.
- 16.230 The authority has statutory obligations, and, therefore, requires internal controls to identify, meet and monitor compliance with these obligations.
- 16.231 The authority faces a wide range of financial, administrative and commercial risks, both from internal and external factors, which threaten the achievement of its objectives. Internal controls are necessary to manage these risks.
- 16.232 The system of internal controls is established in order to provide measurable achievement of:
- 16.232.1 efficient and effective operations (including achieving value for money).
 - 16.232.2 reliable financial and performance reporting information;
 - 16.232.3 compliance with laws, regulations and other relevant statements of good practice.
 - 16.232.4 management of risk.

Key controls

- 16.233 The key controls and control objectives for internal control systems are:
- 16.233.1 the provision of an Annual Governance Statement in accordance with the Accounts and Audit (Wales) Regulations 2014. As part of this statement, the Chief

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Executive and the Leader of the Council are required to comment on the effectiveness of the entire internal control environment within the Council as this is a key indicator of good governance. This will require the advice of the Section 151 Officer who will be consulted before the statement is agreed.

- 16.233.2 managerial control systems, including defining policies, setting objectives and plans, monitoring financial and other performance and taking appropriate anticipatory and remedial action. The key objective of these systems is to promote ownership of the control environment by defining roles and responsibilities.
- 16.233.3 financial and operational control systems and procedures, which include physical safeguards for assets, segregation of duties, authorisation and approval procedures and information systems.
- 16.233.4 an effective internal audit function that is properly resourced. It should operate in accordance with the principles contained in the Public Sector Internal Audit Standards in the United Kingdom and the CIPFA Local Government Application Note 2013 with any other statutory obligations and regulations.

Responsibilities of the Section 151 Officer

- 16.234 To assist the authority to put in place an appropriate control environment and effective internal controls which provide reasonable assurance of effective and efficient operations, financial stewardship, probity and compliance with laws and regulations.

Responsibilities of Strategic Directors / Director / Heads of Service

- 16.235 Establish sound arrangements for planning, appraising, authorising and controlling their operations in order to achieve continuous improvement, value for money, effective use of resources and achieving their financial performance targets.
- 16.236 Manage processes to check that established controls are being adhered to and to evaluate their effectiveness, in order to be confident in the proper use of resources, achievement of objectives and management of risks.
- 16.237 Removing controls that are unnecessary or not cost or risk effective – for example, because of duplication.
- 16.238 Ensure staff have a clear understanding of the consequences of lack of control.

AUDIT REQUIREMENTS

Internal audit

SECTION 16 – FINANCIAL PROCEDURE RULES

Why is this important?

- 16.239 The requirement for an internal audit function for local authorities is implied by section 151 of the Local Government Act 1972, which requires that authorities “make arrangements for the proper administration of their financial affairs”. The Accounts and Audit (Wales) Regulations 2014 require the local authority to maintain an adequate and effective system of internal audit of their accounting records and control systems and review its effectiveness on an annual basis.
- 16.240 Accordingly, internal audit is an independent and objective appraisal function established by the authority for reviewing the system of internal control. It examines, evaluates and reports on the adequacy of internal control as a contribution to the proper, economic, efficient and effective use of resources.

Key controls

- 16.241 The key controls for internal audit are that:
- 16.241.1 it is independent in its planning and operation.
 - 16.241.2 the Head of Internal Audit has direct access to the Head of Paid Service, all levels of management and directly to elected members.
 - 16.241.3 the internal auditors comply with the requirements contained within the Public Sector Internal Audit Standards, in the UK 2013 as interpreted by CIPFA’s Local Government Application Note 2013.

Responsibilities of the Section 151 Officer

- 16.242 To ensure that internal auditors have the authority to:
- 16.242.1 access authority premises at reasonable times.
 - 16.242.2 access all assets, records, documents, correspondence and control systems.
 - 16.242.3 receive any information and explanation considered necessary concerning any matter under consideration.
 - 16.242.4 require any employee of the authority to account for cash, stores or any other authority asset under their control.
 - 16.242.5 as far as possible, access records belonging to third parties, such as contractors, when required.
 - 16.242.6 directly access the Head of Paid Service, the Cabinet and the Audit Committee.
- 16.243 To report annual audit plans prepared by the Head of Internal Audit to Audit Committee, which are aligned to business objectives and take account of the characteristics and relative risks of the activities involved.
- 16.244 To ensure that effective measures are in place to investigate promptly any fraud or irregularity.

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Responsibilities of Strategic Directors / Director / Heads of Service

- 16.245 To ensure that internal auditors are given access at all reasonable times to premises, personnel, documents and assets that the auditors consider necessary for the purposes of their work.
- 16.246 To ensure that auditors are provided with any information and explanations that they seek in the course of their work.
- 16.247 To consider and respond promptly in developing action plans to rectify weakness identified in audit reports. The action plans will be provided to the Head of Internal Audit.
- 16.248 To ensure that any agreed actions arising from audit recommendations are carried out in a timely and efficient fashion.
- 16.249 To notify the Section 151 Officer immediately of any suspected fraud, theft, irregularity, improper use or misappropriation of the authority's property or resources. Pending investigation and reporting, the Strategic Directors / Director / Heads of Service should take all necessary steps to prevent further loss and to secure records and documentation against removal or alteration.
- 16.250 To ensure that new systems for maintaining financial records, or records of assets, or changes to such systems, are discussed with the Head of Internal Audit prior to implementation.

External audit

Why is this important?

- 16.251 The Public Audit (Wales) Act 2004 requires the Auditor General for Wales to appoint an external auditor to each local government body in Wales. The external auditor has rights of access to all documents and information necessary for the purposes of the audit.
- 16.252 The general duties of the external auditor are specified in Section 17 of Chapter 1 to Part 2 of the Public Audit (Wales) Act 2004.
- 16.253 The authority's accounts are scrutinised by external auditors, who must be satisfied that the statement of accounts:
- 16.253.1 presents fairly the financial position of the authority and its income and expenditure for the year in question; and
 - 16.253.2 complies with the legislative and other applicable requirements.
- 16.254 The Council may from time to time, be subject to audit, inspection or investigation by external bodies such as HM Revenues and Customs, who have statutory rights of access.

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Key controls

16.255 Section 16 of the 2004 Act permits the Auditor General for Wales to prepare a code of audit practice, prescribing the way in which external auditors should carry out their functions. The Auditor General's Code of Audit and Inspection Practice, issued in May 2005, sets out the general principles governing the work of auditors as well as specific requirements in relation to:

16.255.1 audit of financial statements; and

16.255.2 evaluation of arrangements for securing economy, efficiency.

Responsibilities of the Section 151 Officer

16.256 To ensure that external auditors are given access at all reasonable times to premises, personnel, documents and assets that the external auditors consider necessary for the purposes of their work.

16.257 To ensure there is effective liaison between external and internal audit.

16.258 To work with the external auditor and advise the Full Council, Cabinet and Strategic Directors / Director / Heads of Service on their responsibilities in relation to external audit.

16.259 To report to Audit Committee and/or Cabinet where appropriate, the findings of any inspections by bodies such as HM Revenues and Customs and to take relevant action to implement recommendations either arising from national judgements or local inspections.

Responsibilities of Strategic Directors / Director / Heads of Service

16.260 To ensure that external auditors are given access at all reasonable times to premises, personnel, documents and assets which the external auditors consider necessary for the purposes of their work.

16.261 To ensure that all records and systems are up to date and available for inspection.

PREVENTING FRAUD AND CORRUPTION

Why is it this important?

16.262 The authority will not tolerate fraud and corruption in the administration of its responsibilities, whether from inside or outside the authority.

16.263 The authority's expectation of propriety and accountability is that members and staff at all levels will lead by example in ensuring adherence to legal requirements, rules, procedures, practices and expected standards of conduct.

16.264 The authority also expects that individuals and organisations (eg suppliers, contractors, service providers) with whom it comes into contact will act towards the authority with integrity and without thought or actions involving fraud and corruption.

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Key controls

- 16.265 The key controls regarding the prevention of financial irregularities are that:
- 16.265.1 the authority has an effective anti-fraud and anti-corruption policy and maintains a culture that will not tolerate fraud or corruption.
 - 16.265.2 all members and staff act with integrity and lead by example.
 - 16.265.3 senior managers are required to deal swiftly and firmly with those who defraud or attempt to defraud the authority or who are corrupt.
 - 16.265.4 high standards of conduct are promoted amongst members by the standards committee.
 - 16.265.5 the maintenance of a register of interests in which any hospitality or gifts accepted must be recorded.
 - 16.265.6 whistle blowing procedures are in place and operate effectively.
 - 16.265.7 legislation including the Public Interest Disclosure Act 1998 is adhered to.

Responsibilities of the Section 151 Officer

- 16.266 To develop and maintain an anti-fraud and anti-corruption policy.
- 16.267 The Head of Internal Audit will take whatever steps are considered necessary, on behalf of the Section 151 Officer, to investigate and report upon the potential cases of fraud and corruption.
- 16.268 To ensure that all irregularities are reported to the Audit Committee.

Responsibilities of Strategic Directors / Director / Heads of Service

- 16.269 To ensure that all suspected irregularities are reported to the Section 151 Officer.
- 16.270 Chief Officers are responsible for taking any appropriate action to prevent further loss and to secure records and documentation against removal or alteration.
- 16.271 To instigate the authority's disciplinary procedures where the outcome of an audit investigation indicates improper behaviour.
- 16.272 To ensure that all members of staff declare potential conflicts of interest in their work activities on a continual basis. These interests should be formally recorded by the department and actions should be taken to avoid situations where interests may be compromised.
- 16.273 To make staff aware of the Council's policy on accepting gifts and to maintain a register recording gifts offered and accepted.

ASSETS

Security (Including Inventories and Stocks and Stores)

Why is this important?

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- 16.274 The authority holds assets in the form of property, vehicles, equipment, furniture and other items worth many millions of pounds. It is important that assets are safeguarded and used efficiently in service delivery, and that there are arrangements for the security of both assets and information required for service operations.
- 16.275 An up-to-date asset register of items identified by the service as key to their service delivery or items of a value greater than £10,000, is a prerequisite for proper fixed asset accounting and sound asset management. The function of the asset registers is to provide the authority with information about fixed assets so that they are:
- 16.275.1 safeguarded
 - 16.275.2 used efficiently and effectively
 - 16.275.3 adequately maintained
 - 16.275.4 properly insured

Key controls

- 16.276 The key controls for the security of resources such as land, buildings, fixed plant machinery, equipment, software and information are:
- 16.276.1 resources are used only for the purposes of the authority and are properly accounted for
 - 16.276.2 resources are available for use when required
 - 16.276.3 resources no longer required are disposed of in accordance with the law and the regulations of the authority so as to maximise benefits
 - 16.276.4 an asset register is maintained by the Lead Professional (Finance) of key or valuable assets (as defined in Rule 16.275) as they are acquired by the authority and this record is updated as changes occur with respect to the location and condition of the asset. The assets recorded on the asset register will be determined by each Service, based upon Rule 16.276.
 - 16.276.5 all staff are aware of their responsibilities with regard to safeguarding the authority's assets and information, including the requirements of the Data Protection Act and software copyright legislation
 - 16.276.6 all staff are aware of their responsibilities with regard to safeguarding the security of the authority's computer systems, including maintaining restricted access to the information held on them and compliance with the authority's computer and internet security policies.

Responsibilities of the Professional Lead (Finance)

- 16.277 To maintain the asset register in accordance with good practice for all assets with a replacement value in excess of £10,000, or that are deemed essential to service provision, and all land and property, irrespective of value should be recorded. The Section 151 Officer will be responsible for ensuring that Services maintain appropriate

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- inventory registers. This register is to be maintained by each Service area and should be available upon request.
- 16.278 To receive the information required for accounting, costing and financial records from each Strategic Directors / Director / Heads of Service.
- 16.279 To ensure that assets are valued in accordance with the Code of Practice on Local Authority Accounting in the United Kingdom (CIPFA/LASAAC).

Responsibilities of Strategic Directors / Director / Heads of Service

- 16.280 To ensure that all land and properties irrespective of value are entered on the corporate database (Asset Terrier) by using the Corporate Property Section for all land and property related transactions, as laid out in the Corporate Asset Policy (CAP).
- 16.281 To ensure that lessees and other prospective occupiers of council land are not allowed to take possession or enter the land until a lease or agreement, has been drawn up by the Corporate Property Section and signed by Legal Services, as laid out in the Corporate Asset Policy (CAP).
- 16.282 To ensure the proper security of all buildings and other assets under their control.
- 16.283 To ensure that where land or buildings are surplus to requirements, the Service follows the Corporate Asset Policy (CAP) to ensure the Council's assets are either disposed of in an effective manner or used for an alternative purpose as covered by the Policy.
- 16.284 To arrange for title deeds to be passed to the Solicitor to the Council who is responsible for custody of all title deeds.
- 16.285 To ensure that no authority asset is subject to personal use by an employee without proper authority.
- 16.286 To ensure the safe custody of vehicles, equipment, furniture, stock, stores and other property belonging to the authority.
- 16.287 All plant and machinery and moveable assets currently owned or used by the authority with a replacement value in excess of £5,000 should be recorded by each Service in an inventory register. Any use of property by a department or establishment other than for direct service delivery can only to be agreed by the Corporate Property Section, as laid out in the Corporate Asset Policy (CAP).
- 16.288 To ensure that key work assets, (not including property or land) are identified in the inventory register, their location recorded and that they are appropriately marked and insured.
- 16.289 To ensure cash holdings on premises are kept to a minimum (see also Rule 16.391)
- 16.290 To ensure that keys to safes and similar receptacles are kept safe at all times; loss of any such keys must be reported to the Section 151 Officer as soon as possible.
- 16.291 To record all disposal or part exchange of assets. The sale or disposal of all goods belonging to the Authority should follow correct procedure and be recorded. This procedure is covered in the Corporate Asset Policy (CAP) or where covered by external guidance

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- for specific Service items, for example, libraries or museum collections.
- 16.292 To arrange for the valuation of assets for accounting purposes to meet requirements specified by the Section 151 Officer.
- 16.293 To ensure that all employees are aware that they have a personal responsibility with regard to the protection and confidentiality of information, whether held in manual or computerised records. Information may be sensitive or privileged, or may possess some intrinsic value, and its disclosure or loss could result in a cost to the authority in some way.
- 16.294 To maintain inventories and record an adequate description of fittings, equipment, plant and machinery above £5,000 in value.
- 16.295 To carry out an annual check of all items on the Service inventory in order to verify location, review, condition and to take action in relation to surpluses or deficiencies, annotating the inventory accordingly. Attractive and portable items such as computers, cameras and video recorders should be identified with security markings as belonging to the authority.
- 16.296 To make sure that property is only used in the course of the authority's business, unless the Strategic Directors / Director / Heads of Service concerned has given written permission in advance otherwise.
- 16.297 To make arrangements for the care and custody of stocks and stores in the department.
- 16.298 To ensure stocks are maintained at reasonable levels and are subject to a regular independent physical check and stock records accurately reflect stock transactions. All discrepancies should be investigated and pursued to a satisfactory conclusion.
- 16.299 To investigate and remove from the authority's records (ie write off) discrepancies as necessary, or to obtain Cabinet approval if they are in excess of the predetermined limit in Rule 16.301.
- 16.300 To authorise or write off disposal of redundant stocks and equipment. Procedures for disposal of such stocks and equipment should be by competitive quotations or auction, unless, following consultation with the Section 151 Officer, the Cabinet decides otherwise in a particular case. Specialist equipment may be disposed of by the service if agreed by the Head of Service and the sale adequately recorded and best value achieved. Sales via online auction sites (e.g. eBay) must be handled by the Corporate Property team on behalf of the service, as well as all internal disposals, via the Corporate Asset Policy (CAP).
- 16.301 To seek the Section 151 Officer's approval to the write-off of redundant stocks and equipment in excess of £1,000 and the Cabinet's approval to the write-off of redundant stocks and equipment in excess of £5,000.
- 16.302 To ensure that computer equipment and software are protected from loss and damage through theft, vandalism, etc.
- 16.303 To comply with the copyright, designs and patents legislation and, in particular, to ensure that:

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- 16.303.1 only software legally acquired and installed by the authority is used on its computers
- 16.303.2 staff are aware of legislative provisions
- 16.303.3 in developing systems, due regard is given to the issue of intellectual property rights.

Intellectual property

Why is this important?

- 16.304 Intellectual property is a generic term that includes inventions and writing. If these are created by the employee during the course of employment, then, as a general rule, they belong to the employer, not the employee. Various acts of Parliament cover different types of intellectual property.
- 16.305 Certain activities undertaken within the authority may give rise to items that may be patentable, for example, software development. These items are collectively known as intellectual property.
- 16.306 Partnerships, joint ventures and contractors may create valuable intellectual property or may make use of or build upon the Council's pre-existing intellectual property. The Council's interests in its pre-existing intellectual property must be protected and ownership of new intellectual property must be predetermined by contract and where appropriate protected.

Key controls

- 16.307 In the event that the authority decides to become involved in the commercial exploitation of inventions, the matter should proceed in accordance with the authority's approved intellectual property procedures.
- 16.308 The Council may make use of intellectual property (such as software and copyright materials) owned by others and must ensure that it does not breach the owners' rights in the intellectual property.
- 19.309 Staff members must be aware of intellectual property issues, including the consequences of breach of copyright or other intellectual property rights by the Council and the need to protect the Council's intellectual property through appropriate contractual arrangements.

Responsibilities of the Section 151 Officer

- 16.310 To develop and disseminate good practice through the authority's intellectual property procedures.

Responsibilities of Strategic Directors / Director / Heads of Service

- 16.311 To ensure that controls are in place to ensure that staff do not carry out private work in council time and that staff are aware of an employer's rights with regard to intellectual property.

Asset disposal

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Why is this important?

16.312 It would be uneconomic and inefficient for the cost of assets to outweigh their benefits. Obsolete, non-repairable or unnecessary resources should be disposed of in accordance with the law and the regulations of the authority. Capital receipts are corporate and will be allocated to services subject to the Corporate Asset Policy (CAP).

Key controls

16.313 Assets for disposal are identified and are disposed of at the most appropriate time, and only when it is in the best interests of the authority, in accordance with the Corporate Asset Policy (CAP).

16.314 Procedures protect staff involved in the disposal from accusations of personal gain.

Responsibilities of the Professional Lead (Finance)

16.315 To ensure appropriate accounting entries are made to remove the value of disposed assets from the authority's records and to include the sale proceeds if appropriate.

Responsibilities of Strategic Directors / Director / Heads of Service

16.316 To seek advice from Corporate Property on the disposal of surplus or obsolete materials, stores or equipment and to follow the proper procedures as laid out in the Corporate Asset Policy (CAP).

16.317 To ensure that income received for the disposal of non-property asset is properly banked and coded.

16.318 When property becomes surplus to operational requirements, Strategic Directors / Director / Heads of Service need to consider the Corporate Asset Policy (CAP) and consider the following:

16.318.1 Does the item belong to the Council or is it leased or loaned?;

16.318.2 How was the asset financed? In particular was the asset financed from a school's delegated budget, a trust fund, a grant or from capital. Many grants require a "clawback" if grant funded assets are disposed of within a given period;

16.318.3 If the asset to be disposed of is capital in nature, the receipt is likely to constitute a capital receipt if it exceeds the de minimus level, currently £10,000. Advice can be sought from the Section 151 Officer on the correct accounting treatment of capital receipts;

16.318.4 Where appropriate, seek professional advice on the likely value of the asset to be disposed of.

16.318.5 If the property was purchased from a school's delegated budget, approval for disposal rests with the school's governing body. In all other circumstances, approval rests with the relevant Strategic Directors / Director / Heads of Service, subject to the specific procedures relating to the disposal of land and buildings.

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- 16.318.6 Any Service wishing to make a property surplus will need to follow the Corporate Asset Policy (CAP).
- 16.318.7 Disposal of property to third parties may well be subject to VAT. Advice on this should be sought from the Section 151 Officer.
- 16.318.8 Following consideration of tenders, ensure payment is made before release to third parties.
- 16.318.9 Following the disposal of property, ensure Service asset (non-property) registers are adjusted accordingly.

TREASURY MANAGEMENT

Why is this important?

- 16.319 Local authorities deal with significant levels of cash and must operate within codes of practice. These aim to provide assurances that the authority's money is properly managed in a way that balances risk with return, but with the overriding consideration being given to the security of the authority's capital sum.

Key controls

- 16.320 That the authority's borrowings and investments comply with the CIPFA Code of Practice on Treasury Management and with the authority's treasury policy statement.

Responsibilities of Section 151 Officer – treasury management and banking

- 16.321 To arrange the borrowing and investments of the authority in such a manner as to comply with the CIPFA Code of Practice on Treasury Management and the authority's treasury management policy statement and strategy.
- 16.322 To report twice a year on treasury management activities to the Cabinet.
- 16.323 To operate bank accounts as are considered necessary, including weekly or monthly reconciliations. Opening or closing any bank account shall require the approval of the Section 151 Officer. Bank accounts shall be in the name of Powys County Council and not in any officer's name or designation.
- 16.324 Council cheques shall bear the facsimile signature of the Section 151 Officer and cheques in excess of either £9,975 or £19,950 shall bear the facsimile signature of the Deputy Section 151 Officer and the Finance Manager respectively.
- 16.325 Issuing purchase cards to budget holders in lieu of cheque or BACS (Bank Automated Clearing System) payments.

Responsibilities of Strategic Directors / Director / Heads of Service – treasury management and banking

- 16.326 To follow the instructions on banking issued by the Section 151 Officer.

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Responsibilities of Head of Schools and Inclusion, Governors, and Headteachers – treasury management and banking (Bank accounts operated under the local management of schools scheme)

- 16.327 All banking arrangements are to be decided by the Governing Body, who may open and operate such bank accounts from the approved list of Institutions included in the annual Treasury Management Policy Statement as are considered necessary, subject to the prior approval of the Head of School and Inclusion and the Section 151 Officer.
- 16.328 All cheques shall be ordered by the Headteacher. He or she shall make proper arrangements for their safe custody, including a proper division of duties in the ordering, custody and issue of cheques and the reconciliation of bank accounts.
- 16.329 All cheques shall be signed by at least two school officers who have been authorised by the school's Governing Body.
- 16.330 A cheque must not be signed by an officer who has either authorised the order(s) or certified the payment.
- 16.331 Cheques shall only be signed after having been completed (i.e. no pre-signed cheques), and any officer signing cheques should ensure that the regulations for Payment of Accounts (see section 4.38 below) have been satisfied.
- 16.332 No arrangements shall be made to make payments by Direct Debit, Standing Order or other automatic means.
- 16.333 Use of a debit card as a method of payment on the schools account in lieu of a cheque is permitted. Cards will be held in the name of the headteacher and business manager and will have an appropriate monthly limit. An appropriate invoice will be required for such payments. Cards should be locked in the school safe when not in use.
- 16.334 Cheques must be issued in strict numerical order and counterfoils fully completed.
- 16.335 All cancelled cheques should be marked as such and be retained.
- 16.336 The balance shown on the bank account must be reconciled with the school account every month. This reconciliation should be certified by a person not involved with the reconciliation or payment process.
- 16.337 The Head of School and Inclusion, the Section 151 Officer, or their representatives, may at any time demand an accounting of money expended from or paid into any school bank account. The Head of School and Inclusion or the Section 151 Officer may instruct the closure of any school bank account.
- 16.338 Surplus amounts may be invested in investment accounts held with approved Institutions (see 3.105 above) but should have minimal risk, or they may be invested via the Section 151 Officer. In no circumstances should any investment be made via a third party, e.g. a Broker.

Responsibilities of Section 151 Officer – investments and borrowing

- 16.339 To ensure that all investments of money are made in the name of the authority or in the name of nominees approved by the Full Council.

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- 16.340 To ensure that all securities that are the property of the authority or its nominees and the title deeds of all property in the authority's ownership are held in the custody of the Chief Legal Officer.
- 16.341 To effect all borrowings in the name of the authority.
- 16.342 To act as the authority's registrar of stocks, bonds and mortgages and to maintain records of all borrowing of money by the authority.

Responsibilities of Strategic Directors / Director / Heads of Service – investments and borrowing

- 16.343 To ensure that loans are not made to third parties and that interests are not acquired in companies, joint ventures or other enterprises without the approval of the Full Council, following consultation with the Section 151 Officer.

Responsibilities of Strategic Directors / Director / Heads of Service – trust funds and funds held for third parties

- 16.344 To arrange for all trust funds to be held, wherever possible, in the name of the authority. All officers acting as trustees by virtue of their official position shall deposit securities, etc relating to the trust with the Section 151 Officer, unless the deed otherwise provides.
- 16.345 To ensure that trust funds are operated within any relevant legislation and the specific requirements for each trust.
- 16.346 All officers of the Council shall inform their Strategic Directors / Director / Heads of Service of any involvement in any voluntary fund (as defined above) and state the position that they hold with regard to that fund.
- 16.347 The Strategic Directors / Director / Heads of Service shall record the name of the officer, the account details, the name of the fund and the purpose for which it has been set up. They shall satisfy themselves that:
- 16.347.1 proper accounts of the fund's activities (separate from those of the Council) are kept,
 - 16.347.2 and that an independent audit is carried out at annual intervals by a competent Auditor appointed by, and reporting to, the fund's controlling body or Cabinet of Governors, and to other interested parties (e.g. parents, clients, etc).
- 16.348 The officer concerned shall supply a copy of the audited accounts and balance sheet for each financial year to their Strategic Directors / Director / Heads of Service and to Managing Cabinet, Governing Body, etc, where relevant. Such accounts shall also be made available to all interested parties (e.g. parents).
- 16.349 Bank accounts shall be in the name of the establishment (e.g. school, home, etc) and not in any officer's name or designation.
- 16.350 At least two signatories should be required for the signing of cheques, and cheques shall not be pre-signed.

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- 16.351 Money due to the Council shall not be paid into any voluntary fund, permanently or temporarily.
- 16.352 The officer shall keep all money, goods, or property of the voluntary fund, separate from those of the Council.
- 16.353 The financial control of the fund and the physical security of assets shall reflect the standards required of official funds.
- 16.354 The Strategic Directors / Director / Heads of Service, Section 151 Officer, or their representatives may examine the accounts and records of the fund (where held by an officer), and ask for such records, explanations and information as they may require.
- 16.355 In the event of any loss in respect of voluntary funds the Council accepts no responsibility whatsoever, and no officer has any authority to bind the Council to accept such liability.

Responsibilities of the Section 151 Officer – imprest accounts (petty cash and cash floats)

- 16.356 To provide employees of the authority with cash or bank imprest accounts to meet minor expenditure on behalf of the authority and to prescribe rules for operating these accounts. Minor items of expenditure should not exceed the prescribed amount.
- 16.357 To determine the petty cash limit and to maintain a record of all transactions and petty cash advances made, and periodically to review the arrangements for the safe custody and control of these advances.
- 16.358 To reimburse imprest holders as often as necessary to restore the imprests, but normally not more than monthly.

Responsibilities of Strategic Directors / Director / Heads of Service – imprest accounts

- 16.359 To ensure that employees operating an imprest account:
- 16.359.1 obtain and retain vouchers to support each payment from the imprest account. Where appropriate, an official receipted VAT invoice must be obtained
 - 16.359.2 make adequate arrangements for the safe custody of the account
 - 16.359.3 produce upon demand by the Section 151 Officer cash and all vouchers to the total value of the imprest amount
 - 16.359.4 record transactions promptly
 - 16.359.5 reconcile and balance the account at least monthly; reconciliation sheets to be signed and retained by the imprest holder
 - 16.359.6 provide the Section 151 Officer with a certificate of the value of the account held at 31 March each year
 - 16.359.7 ensure that the imprest account is never used to cash personal cheques or to make personal loans and that the only payments into the account are the reimbursement of the imprest account and change relating to purchases where an advance has been made

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- 16.359.8 on leaving the authority's employment or otherwise ceasing to be entitled to hold an imprest advance, an employee shall account to the Section 151 Officer for the amount advanced to them.

Financial Systems and Procedures

GENERAL

Why is this important?

- 16.360 Departments must keep information that is accurate and supported by systems and procedures that are sound and well administered. They should ensure that transactions are properly processed and errors detected promptly.
- 16.361 The Section 151 Officer has a professional responsibility to ensure that the authority's financial systems are sound and should therefore be notified of any new developments or changes. Many of the following key controls are equally relevant to internal income.

Key controls

- 16.362 The key controls for systems and procedures are:
- 16.362.1 basic data exists to enable the authority's objectives, targets, budgets and plans to be formulated
 - 16.362.2 performance is communicated to the appropriate managers on an accurate, complete and timely basis
 - 16.362.3 early warning is provided of deviations from target, plans and budgets that require management attention
 - 16.362.4 operating systems and procedures are secure.

Responsibilities of the Section 151 Officer

- 16.363 To make arrangements for the proper administration of the authority's financial affairs, including to:
- 16.363.1 issue advice, guidance and procedures for officers and others acting on the authority's behalf
 - 16.363.2 determine the accounting systems, form of accounts and supporting financial records
 - 16.363.3 establish arrangements for audit of the authority's financial affairs
 - 16.363.4 approve any new financial systems to be introduced
 - 16.363.5 approve any changes to be made to existing financial systems.

Responsibilities of Strategic Directors / Director / Heads of Service

- 16.364 To ensure that accounting records are properly maintained and held securely.

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- 16.365 To ensure that vouchers and documents with financial implications are not destroyed, except in accordance with arrangements approved by the Section 151 Officer.
- 16.366 To ensure that a complete management trail, allowing financial transactions to be traced from the accounting records to the original document, and vice versa, is maintained.
- 16.367 To incorporate appropriate controls to ensure that, where relevant:
- 16.367.1 all input is genuine, complete, accurate, timely and not previously processed
 - 16.367.2 all processing is carried out in an accurate, complete and timely manner
 - 16.367.3 output from the system is complete, accurate and timely.
- 16.368 To ensure that the organisational structure provides an appropriate segregation of duties to provide adequate internal controls and to minimise the risk of fraud or other malpractice. If required the Head of Internal Audit will provide advice on this issue if requested to do so by Strategic Director/Director/Heads of Service.
- 16.369 To ensure there is a documented and tested disaster recovery plan to allow information system processing to resume quickly in the event of an interruption.
- 16.370 To ensure that all systems are properly documented and relevant staff trained in operations.
- 16.371 To obtain the approval of the Section 151 Officer before changing any existing system or introducing new systems which provide financial data.
- 16.372 To establish a scheme of delegation identifying officers authorised to act upon the Strategic Directors / Director / Heads of Service's behalf in respect of payments, income collection and placing orders, including variations, and showing the limits of their authority.
- 16.373 To supply lists of authorised officers, with specimen signatures and delegated limits, to the Section 151 Officer, together with any subsequent variations.
- 16.374 To ensure that effective contingency arrangements, including back-up procedures, exist for computer systems. Wherever possible, back-up information should be securely retained in a fireproof location, preferably off site or at an alternative location within the building.
- 16.375 To ensure that, where appropriate, computer systems are registered in accordance with data protection legislation and that staff are aware of their responsibilities under the legislation.
- 16.376 To ensure that relevant standards and guidelines for computer systems issued by the Strategic Directors / Director / Heads of Service, in consultation with the Strategic Director - Resources or his/her nominated officer with oversight of ICT systems, are observed.

INCOME AND EXPENDITURE

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Income

Why is this important?

16.377 Effective income collection systems are necessary to ensure that all income due is identified, collected, receipted and banked properly. Wherever possible income should be obtained in advance of supplying goods or services as this improves the authority's cashflow and also avoids the time and cost of administering debts.

Key controls

16.378 The key controls for income are:

- 16.378.1 all income due to the authority is identified and charged correctly, in accordance with an approved charging policy, which is regularly reviewed
- 16.378.2 all income is collected from the correct person, at the right time, using the correct procedures and the appropriate stationery
- 16.378.3 all money received by an employee on behalf of the authority is paid without delay to the Section 151 Officer or representative or, as they direct, to the authority's bank or National Giro account, and properly recorded by the issue of a receipt or controlled ticket or by direct entry in a receipting system. All methods of receipting must be approved by the Section 151 Officer. All transfers of monies between staff of the Full Council should be recorded. The responsibility for cash collection should be separated from that:
 - 16.378.3.1 for identifying the amount due
 - 16.378.3.2 for reconciling the amount due to the amount received
- 16.378.4 effective action is taken to pursue non-payment within defined timescales
- 16.378.5 formal approval for debt write-off is obtained
- 16.378.6 appropriate write-off action is taken within timescales defined
- 16.378.7 appropriate accounting adjustments are made following write-off action
- 16.378.8 all appropriate income documents are retained and stored for the defined period in accordance with the document retention schedule
- 16.378.9 money collected and deposited is reconciled to the bank account by a person who is not involved in the collection or banking process.

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Responsibilities of the Section 151 Officer

- 16.379 To agree arrangements for the collection of all income due to the authority and to approve the procedures, systems and documentation for its collection.
- 16.380 To agree the form of all receipt forms, books or tickets and similar items and to satisfy themselves regarding the arrangements for their control.
- 16.381 To agree the write-off of bad debts up to £1,000 and statute barred debts in each case and to refer larger sums to the Cabinet.
- 16.382 To approve all debts to be written off in consultation with the relevant Strategic Directors / Director / Heads of Service and to keep a record of all sums written off up to the approved limit and to adhere to the requirements of the Accounts and Audit (Wales) Regulations 2014.
- 16.383 To obtain the approval of the Cabinet in consultation with the relevant Strategic Directors / Director / Heads of Service for writing off debts in excess of the approved limit.
- 16.384 To ensure that appropriate accounting adjustments are made following write-off action.

Responsibilities of Strategic Directors / Director / Heads of Service

- 16.385 To establish a charging policy for the supply of goods or services, including the appropriate charging of VAT, and to review it regularly, in line with corporate policies.
- 16.386 To separate the responsibility for identifying amounts due and the responsibility for collection, as far as is practicable.
- 16.387 To establish and initiate appropriate recovery procedures, including legal action where necessary, for debts that are not paid promptly.
- 16.388 To issue official receipts or to maintain other documentation for income collection.
- 16.389 To ensure that at least two employees are present when post is opened so that money received by post is properly identified and recorded.
- 16.390 To hold securely receipts, tickets and other records of income for the appropriate period.
- 16.391 To lock away all income to safeguard against loss or theft, and to ensure the security of cash handling. Cash and cheques held in a locked safe or strongroom must not exceed £50,000 during business hours and £10,000 outside of business hours. Other money in the premises out of business hours, and not in a locked safe must not exceed £250. The money held within a safe must never exceed the value recommended by the Euro grade rating of the safe as follows:

Euro Grade	Maximum Value of Money to be held
Grade 0	£6,000
Grade 1	£10,000 *
Grade 2	£17,500 *
Grade 3	£35,000 *

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* The holding of money in excess of £6,000 should be notified to the Risk and Insurance Unit and Treasury management so that risk control and banking arrangements can be reviewed.

- 16.392 To ensure that income is paid fully and promptly into the appropriate authority bank account in the form in which it is received. Appropriate details should be recorded on to paying-in slips to provide an audit trail. Money collected and deposited must be reconciled to the bank account on a regular basis.
- 16.393 To ensure income is not used to cash personal cheques or other payments.
- 16.394 To supply the Section 151 Officer with details relating to work done, goods supplied, services rendered or other amounts due, to enable the Section 151 Officer to record correctly the sums due to the authority. To do this, Strategic Directors / Director / Heads of Service should use established performance management systems to monitor recovery of income and inform the Section 151 Officer of any matters of concern. Strategic Directors / Director / Heads of Service have a responsibility to assist the Section 151 Officer in collecting debts that they have originated, by providing any further information requested by the debtor, and in pursuing the matter on the authority's behalf.
- 16.395 To keep a record of every transfer of money between employees of the authority. The receiving officer must sign for the transfer and the transferor must retain a copy.
- 16.396 To recommend to the Section 151 Officer and Cabinet, as appropriate, all debts to be written off. Once raised, no bona fide debt may be cancelled, except by full payment or by its formal writing off. A credit note to replace a debt can only be issued to correct a factual inaccuracy or administrative error in the calculation and/or billing of the original debt.
- 16.397 To notify the Section 151 Officer of outstanding income relating to the previous financial year as soon as possible after 31 March in line with the timetable determined by the Section 151 Officer and not later than 30 April.

Ordering and paying for work, goods and services

Why is this important?

- 16.398 Public money should be spent with demonstrable probity and in accordance with the authority's policies. Authorities have a statutory duty to achieve best value in part through economy and efficiency. The authority's procedures should help to ensure that services obtain value for money from their purchasing arrangements and that articles purchased are fit for purpose and within budget. These procedures should be read in conjunction with the authority's Contract Standing Orders, Procurement Strategy and Purchasing Guide.

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General

- 16.399 Every officer and member of the authority has a responsibility to declare any links or personal interests that they may have with purchasers, suppliers and/or contractors if they are engaged in contractual or purchasing decisions on behalf of the authority, in accordance with appropriate codes of conduct (refer to Part 5 of the Constitution).
- 16.400 Official orders must be in a form approved by the Section 151 Officer. Official orders or contracts must be issued in advance for all work, goods or services to be supplied to the authority, except for supplies of utilities, periodic payments such as rent or rates, petty cash purchases or other exceptions specified by the Section 151 Officer.
- 16.401 Each order must conform to Contract Standing Orders. Standard terms and conditions must not be varied without the prior approval of the Section 151 Officer.
- 16.402 Apart from petty cash, schools' own bank accounts and other payments from advance accounts, the normal method of payment from the authority shall be by BACS, cheque or other instrument or approved method, drawn on the authority's bank account by the Section 151 Officer. The use of direct debit shall require the prior agreement of the Section 151 Officer.
- 16.403 Official orders must not be raised for any personal or private purchases, nor must personal or private use be made of authority contracts.

Key controls

- 16.404 The key controls for ordering and paying for work, goods and services are:
- 16.404.1 all goods and services are ordered only by approved persons and are correctly recorded
 - 16.404.2 All goods and services should be ordered using electronic ordering systems whenever possible
 - 16.404.3 all goods and services shall be ordered in accordance with Contract Standing Orders unless they are purchased from sources within the authority
 - 16.404.4 goods and services received are checked to ensure they are in accordance with the order. Goods should not be certified as received by the person who authorised the order
 - 16.404.5 payments are not made unless goods have been received by the authority to the correct price, quantity and quality standards unless terms of business of supplier require otherwise
 - 16.404.6 all payments are made to the correct supplier, for the correct amount (including discounts) and are properly recorded, regardless of the payment method

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- 16.404.7 all appropriate evidence of the transaction and payment documents are retained and stored for the defined period, in accordance with the document retention schedule
- 16.404.8 all expenditure, including VAT, is accurately recorded against the correct expenditure code and any exceptions are corrected
- 16.404.9 In addition, e-business/e-commerce and electronic purchasing (including ordering via the internet, purchasing cards and electronic purchase ordering systems) requires that processes are in place to maintain the security and integrity of data for transacting business. Such processes can only be used with the written prior approval of the Section 151 Officer.

Responsibilities of the Section 151 Officer

- 16.405 To ensure that all the authority's financial systems and procedures are sound and properly administered.
- 16.406 To approve any changes to existing financial systems and to approve any new systems before they are introduced.
- 16.407 To approve the form of official orders and associated terms and conditions.
- 16.408 To make payments from the authority's funds on the Strategic Directors' / Director's / Heads of Service's authorisation that the expenditure has been duly incurred in accordance with Financial Regulations.
- 16.409 To make payments, whether or not provision exists within the estimates, where the payment is specifically required by statute or is made under a court order.
- 16.410 To make payments to contractors on the certificate of the appropriate Strategic Directors / Director / Heads of Service, which must include details of the value of work, retention money (where appropriate), amounts previously certified and amounts now certified.
- 16.411 To provide advice and encouragement on making payments by the most economical means.
- 16.412 To ensure that a budgetary control system is established that enables commitments incurred by placing orders to be shown against the appropriate budget allocation so that they can be taken into account in budget monitoring reports.
- 16.413 To ensure that all appropriate payment records are retained and stored for the defined period, in accordance with the document retention schedule. The following records should be kept for a minimum of 12 years:

Official orders	Cheque counterfoils/stubs
Signed delivery notes	Paying in stubs & analysis records
Paid invoices	Receipts
Remittance advices	Bank statements
Bank reconciliation statements	Time sheets & payslips

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- 16.414 Insurance records are to be kept indefinitely. Grant files are to be retained in accordance with the retention rules for the particular grant scheme to which they relate.

Responsibilities of Strategic Directors / Director / Heads of Service

- 16.415 To ensure that unique pre-numbered official orders are used for all goods, services, and works other than the exceptions specified in Rule 16.400.
- 16.416 To ensure that orders are only used for goods, services, and works provided to the department. Individuals must not use official orders to obtain goods or services for their private use.
- 16.417 To ensure corporate contracts are used where appropriate in accordance with the Council's Contract Standing Orders.
- 16.418 To ensure that only those staff authorised by the Strategic Directors / Director / Heads of Service sign orders and to maintain an up-to-date list of such authorised staff, including specimen signatures identifying in each case the limits of their authority. The authoriser of the order should be satisfied that the goods and services ordered are appropriate and needed, that there is adequate budgetary provision and that quotations or tenders have been obtained if necessary and in accordance with the Council's Contract Standing Orders. Best value principles shall underpin the authority's approach to procurement through the application of the Council's Procurement Strategy. Value for money should always be achieved.
- 16.419 To ensure that goods and services are checked on receipt to verify that they are in accordance with the order. This check shall be carried out by a different officer from the person who authorised the order. Appropriate entries should then be made in inventories or stores records.
- 16.420 To ensure that payment is not made unless a proper VAT invoice has been received, checked, coded and certified for payment, confirming:
- 16.420.1 receipt of goods or services
 - 16.420.2 that the invoice has not previously been paid
 - 16.420.3 that expenditure has been properly incurred and is within budget provision
 - 16.420.4 that prices and arithmetic are correct and accord with quotations, tenders, contracts, the purchase order or catalogue prices
 - 16.420.5 correct accounting treatment of tax (VAT, Construction Industry Tax, Income Tax)
 - 16.420.6 that the invoice is correctly coded
 - 16.420.7 that discounts have been taken where available
 - 16.420.8 that appropriate entries will be made in accounting records.
- 16.421 To ensure that two authorised members of staff are involved in the ordering, receiving and payment process. If possible, a different officer from the person who signed the order, and in every case, a

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- different officer from the person checking a written invoice, should authorise the invoice.
- 16.422 To ensure that the department maintains and reviews periodically a list of staff approved to authorise invoices. Names of authorising officers together with specimen signatures and details of the limits of their authority shall be forwarded to the Section 151 Officer.
- 16.423 To ensure that payments are not made on a photocopied or faxed invoice, statement or other document other than the formal invoice. Any instances of these being rendered should be reported to the Head of Internal Audit. Invoices received electronically (e.g. via email) may be printed off and processed.
- 16.424 To ensure payments are processed promptly and paid by the due date except where there is a genuine matter of dispute.
- 16.425 To encourage suppliers of goods and services to receive payment by the most economical means for the authority. It is essential, however, that payments made by direct debit have the prior approval of the Section 151 Officer.
- 16.426 To ensure that the department obtains best value from purchases by taking appropriate steps to obtain competitive prices for goods and services of the appropriate quality, with regard to the best practice guidelines issued by the Section 151 Officer, which are in line with best value principles and contained in the Contract Standing Orders, Procurement Strategy and Purchasing Guide.
- 16.427 To utilise the central purchasing procedures established by the Professional Lead (Procurement) in putting purchases, where appropriate, out to competitive quotation or tender. These will comply with the code of practice on tenders and contracts and will cover:
- 16.427.1 authorised officers and the extent of their authority
 - 16.427.2 advertisement for tenders
 - 16.427.3 procedure for creating, maintaining and revising a standard list of contractors
 - 16.427.4 selection of tenderers
 - 16.427.5 compliance with UK and EC legislation and regulations
 - 16.427.6 procedures for the submission, receipt, opening and recording of tenders
 - 16.427.7 the circumstances where financial or technical evaluation is necessary
 - 16.427.8 procedures for negotiation
 - 16.427.9 acceptance of tenders
 - 16.427.10 the form of contract documentation
 - 16.427.11 cancellation clauses in the event of corruption or bribery
 - 16.427.12 contract records.
- 16.428 To ensure that employees are aware of the national code of conduct for local government employees (summarised in the procedures and conditions of employment manual).
- 16.429 To ensure that loans, leasing or rental arrangements are not entered into without prior agreement from the Section 151 Officer. This is

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- because of the potential impact on the authority's borrowing powers, to protect the authority against entering into unapproved credit arrangements and to ensure that value for money is being obtained.
- 16.430 To notify the Section 151 Officer of outstanding expenditure relating to the previous financial year as soon as possible after 31 March in line with the timetable determined by the Section 151 Officer and, in any case, not later than 30 April.
- 16.431 With regard to contracts for construction and alterations to buildings and for civil engineering works, to document and agree with the Section 151 Officer the systems and procedures to be adopted in relation to financial aspects, including certification of interim and final payments, checking, recording and authorising payments, VAT, the system for monitoring and controlling capital schemes and the procedures for validation of subcontractors' tax status.
- 16.432 To notify the Section 151 Officer immediately of any expenditure to be incurred as a result of statute/court order where there is no budgetary provision.

Payments to employees and members

Why is this important?

- 16.433 Staff costs are the largest item of expenditure for most local authority services. It is therefore important that payments are accurate, timely, made only where they are due for services to the authority and that payments accord with individuals' conditions of employment. It is also important that all payments are accurately and completely recorded and accounted for and that members' allowances are authorised in accordance with the scheme adopted by the Full Council.

Key controls

- 16.434 The key controls for payments to employees and members are:
- 16.434.1 proper authorisation procedures are in place and that there is adherence to corporate timetables in relation to:
 - 16.434.1.1 starters
 - 16.434.1.2 leavers
 - 16.434.1.3 variations
 - 16.434.1.4 enhancementsand that, where appropriate, payments are made on the basis of timesheets or claims
 - 16.434.2 frequent reconciliation of payroll expenditure against approved budget and bank account
 - 16.434.3 all appropriate payroll documents are retained and stored for the defined period in accordance with the document retention schedule
 - 16.434.4 that HM Revenues and Customs regulations are complied with.

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Responsibilities of the Head of Business Services

- 16.435 To arrange and control secure and reliable payment of salaries, wages, allowances and expenses, compensation or other emoluments to existing and former employees, on the due date.
- 16.436 To record and make arrangements for the accurate and timely payment of tax, superannuation and other deductions.
- 16.437 To make arrangements for payment of all travel and subsistence claims.
- 16.438 To make arrangements for paying members travel or other allowances upon receiving the prescribed form, duly completed and authorised.
- 16.439 To provide advice and encouragement to secure payment of salaries and wages by the most economical means.
- 16.440 To ensure that there are adequate arrangements for administering superannuation matters on a day-to-day basis.

Responsibilities of Strategic Directors / Director / Heads of Service

- 16.441 To ensure appointments are made in accordance with the regulations of the authority and approved establishments, grades and scale of pay and that adequate budget provision is available.
- 16.442 To notify the Section 151 Officer of all appointments, terminations or variations which may affect the pay or pension of an employee or former employee, in the form and to the timescale required by the Section 151 Officer. The Chief Legal Officer is responsible for notifying changes in the elected membership.
- 16.443 To ensure that adequate and effective systems and procedures are operated, so that:
 - 16.443.1 payments are only authorised to bona fide employees
 - 16.443.2 payments are only made where there is a valid entitlement
 - 16.443.3 conditions and contracts of employment are correctly applied
 - 16.443.4 employees' names listed on the payroll are checked at regular intervals to verify accuracy and completeness.
- 16.444 To send an up-to-date list of the names of officers authorised to sign records to the Head of Human Resources, together with specimen signatures. The payroll provider should have signatures of personnel officers and officers authorised to sign timesheets and claims.
- 16.445 To ensure that payroll transactions are processed only through the payroll system. Strategic Directors / Director / Heads of Service should give careful consideration to the employment status of individuals employed on a self-employed consultant or subcontract basis. The Inland Revenue applies a tight definition for employee status, and in cases of doubt, advice should be sought from the Head of Human Resources.
- 16.446 To certify travel and subsistence claims and other allowances. Certification is taken to mean that journeys were authorised and expenses properly and necessarily incurred, and that allowances are

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properly payable by the authority, ensuring that cost-effective use of travel arrangements is achieved. Due consideration should be given to tax implications and that the Head of Human Resources is informed where appropriate.

- 16.447 To ensure that the Head of Human Resources is notified of the details of any employee benefits in kind, to enable full and complete reporting within the income tax self-assessment system.
- 16.448 To ensure that all loan documents are signed before payment is made.
- 16.449 To ensure that no member of staff leaves the employ of the Full Council without all relevant loans and debts being identified and arrangements made for their repayment.
- 16.450 To ensure that all appropriate payroll documents are retained and stored for the defined period in accordance with the document retention schedule.

Responsibilities of Members

- 16.451 To submit claims for Members' travel and subsistence allowances on a monthly basis and claims should be made up to the end of the calendar month only. Claims should be made monthly and will not be paid if more than two months old.

Consultants and External Support

Why is this important?

- 16.452 As new models of working change the operation of Councils, there is a need for a flexible approach to sourcing expertise without employing staff on either fixed term or permanent contracts. As a result external support is increasingly used to carry out work which would have formerly have been carried by Council employees. It is therefore necessary to control the work and terms and conditions of such people (or companies) in order to ensure that value for money is obtained and that the Council's services are not compromised.

Key controls

- 16.453 In order to provide transparency and value for money when using consultants the following will apply:
 - 16.453.1 any expenditure above £10,001 will require a delegated decision by the relevant Portfolio Holder and Strategic Director.
 - 16.453.2 the report of the Portfolio holder in accordance with Rule 16.454.1 and will contain an assessment by the Section 151 Officer whether the use of the proposed consultant (or consultants) represents value for money.
 - 16.453.3 any expenditure below £10,000 is delegated to the relevant Strategic Director who will operate within the Contract Procedure Rules in Section 17 covering the

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- required number of quotes for any such work or seek an exemption if appropriate.
- 16.453.4 rules 16.453.1 to 16.453.3 above do not apply to:
- 16.453.4.1 situations where an interim staffing position is being covered (this is a management function to ensure service continuity).
 - 16.453.4.2 maintenance and support contracts to which the UK and the Contract Procedure Rules apply.

Responsibilities of Strategic Directors / Director / Heads of Service

16.454 When engaging consultants, Strategic Directors / Director / Heads of Service must consider the following:

- 16.454.1 each Strategic Directors / Director / Heads of Service is to ensure that all individuals who are appointed as "consultants" are either self employed or the employees of another organisation and that they are not legally employees of the Council. In cases of doubt advice should be sought from the Professional Lead for HR Services.
- 16.454.2 all creditor payments made to self employed consultants shall be covered by a certificate in a form approved by the Section 151 Officer, certified by the relevant line manager to the effect that the individual is not an employee of the Council.
- 16.454.3 existing contracts which may be in place with other directorates.
- 16.454.4 where consultants (including amongst others: architects, engineers, quantity surveyors, solicitors, accountants, and barristers) are engaged to carry out professional services for the Council, the relevant Strategic Directors / Director / Heads of Service shall be responsible for ensuring that a formal agreement or detailed letter of appointment, is sent to the consultant, setting out the terms on which they are engaged.
- 16.454.5 where an existing contract framework is in place for the public sector it may be appropriate to engage external support by this method.
- 16.454.6 amongst other things this formal agreement or letter of appointment shall specify:
 - 16.454.6.1 the precise scope of the commission, including time schedules;
 - 16.454.6.2 cost limits and controls;
 - 16.454.6.3 lines and levels of reporting, responsibility and authority;
 - 16.454.6.4 insurance cover (which must be verified by Council officers);

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- 16.454.6.5 the level of fees to be paid for which services;
- 16.454.6.6 the criteria for completion of work and payment thereof.

16.454.7 it shall be included as a condition of engagement for the services of all consultants that they shall:

- 16.454.7.1 comply with the Council's Standing Orders and Financial Regulations as though they were an officer of the Council;
- 16.454.7.2 allow the relevant Strategic Directors / Director / Heads of Service, Section 151 Officer, or their representatives, full rights of access at all times to all records (whether manual or on computer), cash, stores, land, premises and property of the Council;
- 16.454.7.3 produce for the relevant Strategic Directors / Director / Heads of Service, Section 151 Officer, or their representatives records, cash, stores or any other Council property under their control;
- 16.454.7.4 provide the relevant Strategic Directors / Director / Heads of Service, Section 151 Officer, or their representatives any information and explanations considered necessary by them to satisfy the correctness of any matter under examination.

16.455 Strategic Directors / Director / Heads of Service wishing to engage consultants or other specialisms available within the authority must allow the internal unit the opportunity to bid for the work. If the internal unit is not given the opportunity to bid, this will be a matter for report to the Cabinet.

TAXATION

Why is this important?

16.456 Like all organisations, the authority is responsible for ensuring its tax affairs are in order. Tax issues are often very complex and the penalties for incorrectly accounting for tax are severe. It is therefore very important for all officers to be aware of their role.

Key controls

16.457 The key controls for taxation are:

- 16.457.1 budget managers are provided with relevant information and kept up to date on tax issues
- 16.457.2 budget managers are instructed on required record keeping

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- 16.457.3 all taxable transactions are identified, properly carried out and accounted for within stipulated timescales
- 16.457.4 records are maintained in accordance with instructions
- 16.457.5 returns are made to the appropriate authorities within the stipulated timescale
- 16.457.6 changes in legislation are monitored and systems subsequently updated.

Responsibilities of the Section 151 Officer

- 16.458 To complete all Inland Revenue returns regarding PAYE and other taxes due or recoverable.
- 16.459 To complete a monthly return of VAT inputs and outputs to HM Revenues and Customs.
- 16.460 To provide details to the Inland Revenue regarding the construction industry tax deduction scheme.
- 16.461 To maintain up-to-date guidance for authority employees on taxation issues in the accounting manual and the tax manual.
- 16.462 To ensure that all payments including member and staff expenses follow relevant HMRC guidance.

Responsibilities of Strategic Directors / Director / Heads of Service

- 16.463 To ensure that the correct VAT liability is attached to all income due and that all VAT recoverable on purchases complies with HM Revenues and Customs.
- 16.464 To ensure that, where construction and maintenance works are undertaken, the contractor fulfills the necessary construction industry tax deduction requirements.
- 16.465 To ensure that all persons employed by the authority are added to the authority's payroll and tax deducted from any payments, except where the individuals are bona fide self-employed or are employed by a recognised staff agency.
- 16.466 To follow the guidance on taxation issued by the Section 151 Officer in the authority's accounting manual and VAT manual.
- 16.467 Schools must submit their claim for VAT to the Section 151 Officer within 5 working days of the end of the month in a form approved by the Section 151 Officer.
- 16.468 All payments relating to building works must be paid via the central Creditors Section. It is the responsibility of the Strategic Directors / Director / Heads of Service to obtain authenticated VAT receipts.
- 16.469 Schools operating their own bank accounts should send the invoice together with a cheque made payable to Powys Full Council for the total amount to the central Creditors Section with a copy of the invoice being kept on the school's file (marked "copy").

TRADING ACCOUNTS AND BUSINESS UNITS

Why is this important?

- 16.470 Trading accounts and business units have become more important as local authorities have developed a more commercial culture. Under

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best value, authorities are required to keep trading accounts for services provided on a basis other than straightforward recharge of cost. They are also required to disclose the results of significant trading operations Powys Change Plan to the Council's Management Team and Cabinet.

Responsibilities of the Section 151 Officer

16.471 To advise on the establishment and operation of trading accounts and business units and to act as an arbiter in the event of a dispute between internal service providers and users.

Responsibilities of Strategic Directors / Director / Heads of Service

16.472 To consult with the Section 151 Officer where a business unit wishes to enter into a contract with a third party where the contract expiry date exceeds the remaining life of their main contract with the authority. In general, such contracts should not be entered into unless they can be terminated within the main contract period without penalty.

16.473 To observe all statutory requirements in relation to business units, including the maintenance of a separate revenue account to which all relevant income is credited and all relevant expenditure, including overhead costs, is charged, and to produce an annual report in support of the final accounts.

16.474 To ensure that appropriate accounting principles are applied in relation to trading accounts.

16.475 To ensure that each business unit prepares an annual business plan, which includes the financial objective.

16.476 To monitor performance and to take corrective action where appropriate.

External Arrangements

PARTNERSHIPS

Why is this important?

16.477 Partnerships will play a key role in delivering the One Powys Plan, and in helping to promote and improve the well-being of the area. Local authorities are working in partnership with others – public agencies, private companies, community groups and voluntary organisations. The Council continues to deliver some services, but also provides a distinctive leadership role for the community bringing together the contributions of the various stakeholders. They therefore need to deliver a shared vision of services based on user wishes.

16.478 The Council will mobilise investment, bid for funds, champion the needs of their areas and harness the energies of local people and community organisations. The Council will be measured by what they achieve in partnership with others.

SECTION 16 – FINANCIAL PROCEDURE RULES

General

16.479 Partnerships can exist in varying forms:

- 16.479.1 Statutory Partnerships
- 16.479.2 Formal Partnerships
- 16.479.3 Joint Commissioning

16.480 The main reasons for entering into a partnership are:

- 16.480.1 the desire to find new ways to share risk
- 16.480.2 the ability to access new resources
- 16.480.3 to provide new and better ways of delivering services
- 16.480.4 to forge new relationships and strategic alliances.

16.481 A partner is defined as either:

- 16.481.1 an organisation (private or public) undertaking, part funding or participating as a beneficiary in a programme or project; or
- 16.481.2 a body whose nature or status give it a right or obligation to support the programme or project.

16.482 Partners participate in projects by:

- 16.482.1 acting as a programme/project deliverer or sponsor, solely or in concert with others
- 16.482.2 acting as a programme/project funder or part funder
- 16.482.3 being the beneficiary group of the activity undertaken in a programme/project.

16.483 Partners have common responsibilities:

- 16.483.1 to be willing to take on a role in the broader programme appropriate to the skills and resources of the partner organisation
- 16.483.2 to act in good faith at all times and in the best interests of the partnership's aims and objectives
- 16.483.3 be open about any conflict of interests that might arise
- 16.483.4 to encourage joint working and promote the sharing of information, resources and skills between public, private and community sectors
- 16.483.5 to hold confidentially any information received as a result of partnership activities or duties that is of a confidential or commercially sensitive nature
- 16.483.6 to act wherever possible as ambassadors for the project.

Key controls

16.484 The key controls for authority partners are:

SECTION 16 – FINANCIAL PROCEDURE RULES

- 16.484.1 if appropriate, to be aware of their responsibilities under the authority's Financial Regulations and the code of practice on tenders and contracts
- 16.484.2 to ensure that risk management processes are in place to identify and assess all known risks
- 16.484.3 to ensure that project appraisal processes are in place to assess the viability of the project in terms of resources, staffing and expertise
- 16.484.4 to agree and accept formally the roles and responsibilities of each of the partners involved in the project before the project commences
- 16.484.5 to communicate regularly with other partners throughout the project so that problems can be identified and shared to achieve their successful resolution.

Responsibilities of the Council

- 16.485 The Council provides the leadership role for the community and the strategic direction forming partnerships with other local, public, private, voluntary and community sector organisations.
- 16.486 The Council can delegate its functions relating to partnerships to officers.

Responsibilities of the Section 151 Officer

- 16.487 To advise on effective controls and to ensure that accounting arrangements are adopted relating to partnerships so that resources are not wasted.
- 16.488 To advise on the key elements of funding a programme or project. They include:
 - 16.488.1 how services should be costed
 - 16.488.2 a scheme appraisal for financial viability in both the current and future years
 - 16.488.3 risk appraisal and best practice on how risks can be shared
 - 16.488.4 resourcing, including taxation issues
 - 16.488.5 audit, security and control requirements
 - 16.488.6 carry-forward arrangements.
- 16.489 To ensure that the accounting arrangements are satisfactory.

Responsibilities of Strategic Directors / Director / Heads of Service

- 16.490 To ensure adequate governance arrangements are in place for each partnership.
- 16.491 To develop and maintain a register of partnerships developed, and to maintain a register of all contracts entered into with external bodies in accordance with procedures specified by the Section 151 Officer.
- 16.492 To ensure compliance with all partnership governance arrangements that have been agreed.

SECTION 16 – FINANCIAL PROCEDURE RULES

- 16.493 Ensure all services are appropriately costed, and contract lengths agreed do not exceed the duration of the Partnership without agreement of the Cabinet.
- 16.494 Ensure that the Council does not subsidise third parties without approval of Cabinet.
- 16.495 Ensure services have appropriate expertise to undertake partnership commitments.
- 16.496 To ensure that, before entering into agreements with external bodies, a risk management appraisal has been prepared for the Section 151 Officer, and VAT and other taxation implications have been considered.
- 16.497 To ensure that such agreements and arrangements do not impact adversely upon the services provided by the authority, including internal trading units.
- 16.498 To ensure that all agreements and arrangements are properly documented and approved by the Cabinet.
- 16.499 To provide appropriate information to the Section 151 Officer to enable a note to be entered into the authority's statement of accounts concerning material items.
- 16.500 Ensure each Partnership has a clear operational timescale with a clear exit strategy. If exit is not appropriate, a clear continuation strategy.

EXTERNAL FUNDING

Why is this important?

- 16.501 External funding is potentially a very important source of income, but funding conditions need to be carefully considered to ensure that they are compatible with the aims and objectives of the authority. Local authorities are increasingly encouraged to provide seamless service delivery through working closely with other agencies and private service providers. Funds from external agencies provide additional resources to enable the authority to deliver services to the local community. However, in some instances, although the scope for external funding has increased, such funding is linked to tight specifications and may not be flexible enough to link to the authority's overall plan.

Key controls

- 16.502 The key controls for external funding are:
 - 16.502.1 to ensure that key conditions of funding and any statutory requirements are complied with and that the responsibilities of the accountable body are clearly understood
 - 16.502.2 to ensure that funds are acquired only to meet the priorities approved in the policy framework by the Full Council
 - 16.502.3 to ensure that any match-funding requirements are given due consideration prior to entering into long-term agreements and that future revenue budgets reflect these requirements.

SECTION 16 – FINANCIAL PROCEDURE RULES

Responsibilities of the Section 151 Officer

- 16.503 To ensure that all funding notified by external bodies is received and properly recorded in the authority's accounts.
- 16.504 To ensure that audit requirements are met.

Responsibilities of Strategic Directors / Director / Heads of Service

- 16.505 To ensure that the match-funding requirements are considered prior to entering into the agreements and that future revenue budgets reflect these requirements.
- 16.506 To ensure that all claims for funds are made by the due date.
- 16.507 To ensure that the project progresses in accordance with the agreed project and that all expenditure is properly incurred and recorded.
- 16.508 To notify the Section 151 Officer of all external funding applications and approvals.

WORK FOR THIRD PARTIES

Why is this important?

- 16.509 Current legislation enables the authority to provide a range of services to other public bodies. Such work may enable a unit to maintain economies of scale and existing expertise. Arrangements should be in place to ensure that any risks associated with this work is minimised and that such work is intra vires and in compliance with Contract standing Orders.

Key controls

- 16.510 The key controls for working with third parties are:
- 16.510.1 to ensure that a robust business case exists with proposals that are financially sound.
 - 16.510.2 to ensure that contracts are drawn up using guidance provided by the Solicitor to the Council and that the formal approvals process is adhered to.
 - 16.510.3 to issue guidance with regard to the financial aspects of third party contracts and the maintenance of the contract register.

Responsibilities of Section 151 Officer

- 16.511 To make insurance provisions to cover services requiring professional indemnity.

Responsibilities of Strategic Directors / Director / Heads of Service

- 16.512 To ensure that the approval of the Cabinet is obtained before any negotiations are concluded to work for third parties.
- 16.513 To maintain a register of all contracts entered into with third parties.
- 16.514 To inform the insurance section of all third party work arrangements that require professional indemnity.
- 16.515 To ensure that the authority is not put at risk from any bad debts.
- 16.516 To ensure that no contract is subsidised by the authority.

SECTION 16 – FINANCIAL PROCEDURE RULES

- 16.517 To ensure that, wherever possible, payment is received in advance of the delivery of the service.
- 16.518 To ensure that the department/unit has the appropriate expertise and capacity to undertake the contract.
- 16.519 To ensure that such contracts do not impact adversely upon the services provided for the authority.
- 16.520 To ensure that all contracts are properly documented.
- 16.521 To provide appropriate information to the Section 151 Officer to enable a note to be entered into the statement of accounts.

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Independent Remuneration Panel for Wales

Annual Report

DRAFT

February 2016

4. Joint Overview and Scrutiny Committees (JOSC)

- 4.1 The Panel has set out the arrangements for the remuneration of chairs of Joint Overview and Scrutiny Committees and Sub-committees. The payments align with those of chairs of committees of principal councils set out in Section 3 (Level 2).

The following determinations apply:

Determination 15: The chair of a Joint Overview and Scrutiny Committee is eligible for a salary equivalent to that part of a Band 3 Level 2 senior salary that remunerates a committee chair of a principal authority (£6,700).

Determination 16: In cases where the chair is already in receipt of a senior salary for a Band 3, 4 or 5 role the payment will be £3,350.

Determination 17: The chair of a sub committee of a JOSC is eligible for a salary of £1,675.

Determination 18: In cases where the chair of the sub committee is already in receipt of a senior salary for a Band 3, 4 or 5 role the payment will be £837.

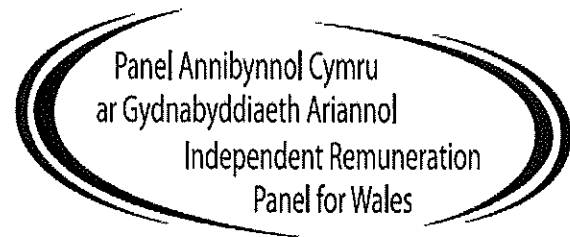
Determination 19: Payments to chairs of task and finish sub committees are to be pro-rated to the duration of the task.

Determination 20: Payments made to a chair of a JOSC, or a chair of a sub committee of a JOSC, are additional to the maximum proportion of the authority's membership eligible for a senior salary. It should be noted that the statutory limit of no more than 50% of a council's membership receiving a senior salary applies (Section 142 (5) of the Measure).

Determination 21: A deputy chair of a JOSC or sub committee is not eligible for payment.

Determination 22: Co-optees to a JOSC or to a sub committee are not eligible for a co-opted member fee unless they are appointed by an authority under Section 144(5) of the Measure.

- 4.2 The remuneration of chairs of JOSCs (or a sub-committee of JOSCs) is not prescribed and is a matter for the constituent councils to decide whether such a post will be paid. However, if a senior salary is paid, it must be at the level set out in section 4 of this report.



Eich cyf/ Your ref:GWR/
Ein cyf/Our ref:

Mr Wyn Richards
Scrutiny Manager & Head of Democratic Services
Powys County Council
County Hall
Llandrindod Wells
LD1 5LG

21 July 2015

Dear Mr Richards,

Thank you for providing the Independent Remuneration Panel for Wales with detailed information regarding the political group structures of your authority.

The Panel has considered your Council's request for a provision to split a senior salary between a number of minority opposition group leaders in the event that more than one minority group had more than 10% of the members of the authority. The Panel is not minded to grant such a provision as your authority already has the ability to pay an allowance to more than one minority opposition group leader, although such payment would count towards the authority's senior salary 'cap'.

Yours sincerely,

Richard Penn
Chair

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<p>provided to Members.</p> <p>iv. Attendance at Non-Mandatory Development sessions would be recorded but would not be monitored. Members would be expected to attend sessions to support them in their roles.</p>	
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The previous report would be amended and reconsidered by the Democratic Services Committee taking into account the above.

4. MEMBER DEVELOPMENT PROGRAMME JUNE – DECEMBER 2015

The Working Group received the draft programme for June – December 2015 and the topics suggested for sessions.

The Working Group noted that the Member Development session on 3 July, 2015 would now be a Transport seminar. The Working Group noted that the Leader and Portfolio Holders had asked that the date be used for this topic and that Members be advised. It was acknowledged that there needed to be flexibility in the programme but Officers agreed that the Chair should have been advised of this request and change. It was agreed that the Cabinet would be asked to look at when such seminars would be required, especially when major service changes were being considered, so that these could be programmed into the diary. It was noted that the Communications Team was reviewing with the Cabinet when press releases are made regarding potential major service changes. It was considered that the new equipment in the Chamber should be utilised to send out video messages to Members on important topics and changes.

It was noted that some Member Development dates were being used for seminars. It was acknowledged that this then caused confusion as to whether Members were expected to attend. In response to the need for flexibility on the use of diarised dates and the need to add extra dates it was considered that from 2016 Non-Mandatory Member Development sessions would be referred to as “Members’ Seminars” and again shown in future Council diaries.

<p>Recommendation to the Democratic Services Committee:</p>	<p>Reason for Recommendation:</p>
<p>that from 2016 Non-Mandatory Member Development sessions would be referred to as “Members’ Seminars” and shown as such in future Council diaries.</p>	<p>To support the continuous professional development of Members and encourage them to see this as part of their councillor role.</p>

<p>Resolved that:</p>	<p>Reason for Recommendation:</p>
<p>The June – December 2015 Member Development Programme and topics be noted.</p>	<p>To support the continuous development of Members.</p>

6. MEMBER DEVELOPMENT

The Working Group received the summary evaluation forms for the Member Development sessions as follows:

- ERW – Education through Regional Working 25th March, 2015 – ERW noted the feedback
- Powys Youth Forum – 25th March, 2015 – the Youth Forum noted the positive feedback and also its members gave positive feedback from their perspective to a Youth Forum meeting. The Forum was working with Councillors Mayor and M. Davies on developing a Youth Champion job description and appointing to this position.
- Social Services Wellbeing [Wales] Bill and Housing Bill – 24th April, 2015 – it was noted that the trainer used a session geared for staff, although it had been advertised as a session specifically for members.

The Working Group noted that the summary evaluation for the Equalities session held on 24th April had not been received from Show Racism the Red Card. However, verbal feedback was very positive.

6. MEMBERS APPOINTMENTS TO OUTSIDE ORGANISATIONS – MEMBERS' REVIEW

The Working Group noted that in 2014 it had agreed to review the appointments to outside bodies and seek the view from Members. The Working Group received the responses received to date from Members. A further email had been sent to the remaining Members asking them to check their membership details and provide feedback. A further report would be brought to the Working Group in due course.

The database would be updated as a result of the Members' feedback and would ensure that an accurate list is used when appointments are considered in the next new Council [likely to be 2017]. Where Members considered that there was no value to the County Council of membership, it would be recommended that the organisation be deleted from the database and no further appointments made. However, if an organisation subsequently requested for an appointment, by the Council, it would be asked to explain the value of such an appointment to the Council.

County Councillor Sandra C. Davies
Chair

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DSC6 - 2016

NOTES OF A MEETING OF THE JOINT CHAIRS AND VICE-CHAIRS STEERING GROUP – SCRUTINY, AUDIT AND DEMOCRATIC SERVICES COMMITTEES

20 MAY 2015 – COMMITTEE ROOM A, COUNTY HALL, LLANDRINDOD WELLS

PRESENT: County Councillor A.W. Davies (Chair).
County Councillors E.Michael Jones, R.G. Thomas, D.R. Jones.

Officers:

Jeremy Patterson (Chief Executive), Wyn Richards (Scrutiny Manager), Lisa Richards (Scrutiny Officer), Liz Patterson (Scrutiny Officer), Peter Jones (Programme Office Manager).

The Steering Group noted that in accordance with the rotation of Chair and Vice-Chair, County Councillor A.W. Davies was the Chair of the Steering Group for the forthcoming year with County Councillor D.R. Jones as the Vice-Chair.

1. Apologies

County Councillors - County Councillor L.V. Corfield, S.C. Davies, and J.G. Morris.
Officers –Paul Griffiths (Strategic Director – Place), David Powell (Strategic Director – Resources), Nick Philpott (Director – Change and Governance), Amanda Lewis (Strategic Director – People).

2. Draft Notes of Previous Meetings.

Documents Considered:

- Draft Notes – 20th February, 2015.
- Draft Notes – 13th March, 2015.

Issues Discussed:

- 20th February, 2015.
 - Community benefits Policy - Scrutiny Manager to speak to Portfolio Holder for Regeneration as to when the Community Benefits Policy would be presented to Cabinet.
- 13th March, 2015.
 - Scrutiny of Schools - The Chair of the People Scrutiny Committee updated the Steering Group regarding the work undertaken in preparation for undertaking the scrutiny of schools following the request from Estyn.
 - Service Improvement Plan Scrutiny – The learning from the process of scrutinising service improvement plans would be fed back into next year's process. There will also be a need to monitor what improvement has occurred as a result of the Service Improvement Plans. The Steering Group asked that all the information missing in the Service Improvement Plans should be included and that there should be an evaluation included in next year's Service Improvement Plan as to what had been achieved in the previous year. In addition there needed to be feedback on the comments made by scrutiny on the Service Improvement Plans as to what change was made as a result of the comment.

Outcomes:

- **Draft Notes Noted.**

3. Discussion with Chief Executive, Strategic Directors / Director Regarding Potential Scrutiny Items.

Documents Considered:

- None.

Issues Discussed:

- White Paper / Estyn and CSSIW – messages from the White Paper and from these inspectorates is to encourage scrutiny.
- The Chief Executive outlined the following matters which he suggested scrutiny might wish to include in its work programmes:
 - Support for Schools - Issue with schools in terms of Finance and HR support. Additional costs were being passed from the Local Education Authority to schools but no finance was being provided to fund this. Although Heads are paid to manage the school there is a level of support they should be receiving.
 - Adult Care – a Programme Board was being established to develop a new model and it was suggested that scrutiny should monitor what is happening. The BUPA contract is due to expire in April 2016 and scrutiny should review how the new contract is being planned e.g. is Social Care looking at which properties to Commission or not. Will smaller homes be included which are no longer viable. What are the commissioning plans, has Social Care assessed the market and has the market changed?
 - Agile Working – what is the responsiveness of the current ICT provisions to the needs of its customers? and does it support where the Council's services need to go? The Strategic director – resources is currently commissioning a review of ICT and it was suggested that scrutiny can assist with this.
 - Integration work with the Health Board – Plans are being drawn up for integration – are these the right plans for the Council?, are they ambitious enough?, are they too ambitious?, how are the plans developing? It was suggested that the Joint Chairs Steering Group should probably be considering this matter or the Adult Social Care Review Group. A Joint Partnership Board was overseeing this project and Terms of Reference were being reviewed. The question was asked if the regulators were signed up to this change, and it was acknowledged that the Council would need to take them with us to complete this project successfully.

Outcomes:

Action	Completion Date	Action By	Comment
3/1 Four items of work identified above to be sub-divided between the relevant existing scrutiny review groups to undertake	June, 2015	WR / LR / LP	Scrutiny Working Groups added to work programmes – Adult Social Care; Education, Corporate Matters Working Groups.

4. Risk Register.

Documents Considered:

- Copy of the current risk register.
- Risk Assessment Matrix.
- HEAT Map – Residual Risk.
- HEAT Map – Inherent Risk.

Issues Discussed:

- Risk management is a key principle for managing the Council's operation. The Strategic director – Resources has re-developed work in relation to the risk register.
- The aim is to get services to better control their risks which will mean that the number of corporate risks should be reduced. Therefore most risks should be dealt with by services.
- Inherent risks show the risks which have been identified. Residual risks show where control measures are in place for risks.
- The risks register had been considered by the Audit Committee, and it was suggested that the detailed risk register should be considered by the scrutiny working groups to assess whether all significant risks had been identified as well as challenging the risks which were currently identified.
- Some of the risks e.g. Adult Social Care need to be moderated to ensure that the controls are proportionate and sufficient to mitigate the risk.
- The register will also drive the Internal Audit work programme which will start with those risks already moderated and pick up others once they have been moderated.

Outcomes:

- **Noted.**

5. Annual Governance Statement.**Documents Considered:**

- Draft Annual Governance Statement 2014 / 2015.

Issues Discussed:

- The Steering Group made the following comments:
 - Page 6 – Para 2 – amend wording to read “The Audit Committee and the Scrutiny Committees are independent of the Cabinet, but the Audit Committee does undertake a ‘Scrutiny’ function”.
 - Page 16 – Para 3 – the Steering Group expressed concern regarding the forward vision of the Cabinet following the work undertaken by the Finance Scrutiny Panel.
 - Page 25 – Item 5.2 – Para 2 – was the Council's vision to create more employment opportunities for young people within the community too narrow? Should there be reference to other groups of people as well?

Outcomes:

Action	Completion Date	Action By	Comment
5/1 That the comments be taken into account for the next revision of the document	end May, 2015	PJ	Document amended where appropriate.

6. Scrutiny of the Local Service Board / Public Service Board.

Documents Considered:

- Draft Document – Arrangements for the Scrutiny of the Local Service Board / Public Service Board in Powys.
- 19th February, 2015 – Powys Local Service Board / Joint Scrutiny Meeting Notes.
- Shared Scrutiny Plan – Milestones.

Issues Discussed:

- The Steering Group made the following comments:
 - Page 5 – Item 3.3 – it was suggested:
 - that the 4 Chairs of the Scrutiny Committees be identified separately and that a question be inserted regarding the allowing of substitute Members.
 - that the representative from the Powys teaching Local Health Board should be a non-executive, non-Councillor representative.
 - that the representative from PAVO should in addition not be a Member of the Local Service Board.
 - Page 6 – Item 3.5 – it was suggested that the election of Chair should be included under this section.

Outcomes:

Action	Completion Date	Action By	Comment
6/1 That the document be amended for consideration by the Local Service Board	11 th June, 2015	WR	Document amended and considered by the Local Service Board on 11 th June, 2015.

7. Work Programme.

Documents Considered:

- Work Programme 2015 - 2016.

Issues Discussed:

- Consideration should be given to starting the meeting on 17th July later in the morning to facilitate the fact that it would run into the afternoon when the Steering Group was meeting the Leader and Portfolio Holder for Finance.

Outcomes:

Action	Completion Date	Action By	Comment
7/1 That the time for the commencement of the 17 th July meeting be amended to later in the morning.	17 th July, 2015	WR	

8. Local Service Board.

(a) Feedback on Last Meeting.

Documents Considered:

- Draft Notes of the meeting held on 5th March, 2015.

Issues Discussed:

- None.

Outcomes:

- **Noted.**

(b) LSB Dates – For Information.

- 11th June, 2015
- 24th September, 2015
- 3rd December, 2015

9. Dates of future meetings

- 17th July, 2015
- 18th September, 2015
- 20th November, 2015

**County Councillor A.W. Davies
Chair**

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