

Pecyn Dogfennau Cyhoeddus

Y Cyngor Sir (C)

Man Cyfarfod
**Siambwr y Cyngor - Neuadd y Sir,
Llandrindod**

Dyddiad y Cyfarfod
Dydd Mercher, 20 Ebrill 2016

Amser y Cyfarfod
10.30 am



Neuadd Y Sir
Llandrindod
Powys
LD1 5LG

I gael rhagor o wybodaeth cysylltwch â
Stephen Boyd
01597 826374
steve.boyd@powys.gov.uk

Dyddiad Cyhoeddi

AGENDA

1.	YMDDIHEURIADAU	CC37- 2016
-----------	-----------------------	-------------------

Derbyn ymddiheuriadau am absenoldeb.

2.	COFNODION	CC38- 2016
-----------	------------------	-------------------

Awdurdodi'r Cadeirydd i lofnodi cofnodion y cyfarfod blaenorol fel cofnod cywir.
([Tudalennau 5 - 68](#))

3.	DATGANIADAU O DDIDDORDEB	CC39- 2016
-----------	---------------------------------	-------------------

Derbyn unrhyw ddatganiadau o fuddiant oddi wrth Aelodau yn ymwneud â'r eitemau sydd i'w hystyried ar yr agenda.

4.	CYHOEDDIADAU'R CADEIRYDD	CC40- 2016
-----------	---------------------------------	-------------------

Derbyn unrhyw gyhoeddiadau gan Gadeirydd y Cyngor.

5.	CYHOEDDIADAU'R ARWEINYDD	CC41- 2016
-----------	---------------------------------	-------------------

Derbyn unrhyw gyhoeddiadau oddi wrth yr Arweinydd.

6.	NEGES BRÏFFIO'R PRIF WEITHREDWR	CC42- 2016
-----------	--	-------------------

Derbyn neges briffio oddi wrth y Prif Weithredwr.

7.	TROSGLWYDDIADAU	CC43- 2016
-----------	------------------------	-------------------

Ystyried trosglwyddiadau y mae angen i'r Cyngor eu cymeradwyo.
(Tudalennau 69 - 70)

8.	Y CYFANSODDIAD NEWYDD	CC44- 2016
-----------	------------------------------	-------------------

Ystyried adroddiad Cyfreithiwr y Cyngor.
(Tudalennau 71 - 392)

9.	AELODAETH PWYLLGORAU	CC45- 2016
-----------	-----------------------------	-------------------

Ystyried adroddiad Cyfreithiwr y Cyngor.
(Tudalennau 393 - 400)

10.	CADEIRYDDION PWYLLGORAU CRAFFU	CC46- 2016
------------	---------------------------------------	-------------------

Ystyried adroddiad Cyfreithiwr y Cyngor.
(Tudalennau 401 - 404)

11.	RHYBUDD O GYNIGIAD - Y CYNGHORYDD SIR MYFANWY ALEXANDER A'R CYNGHORYDD SIR GARETH RATCLIFFE	CC47- 2016
------------	--	-------------------

Mae galw ar y Cyngor hwn i wneud sawl penderfyniad, ond ychydig yn unig fydd â'r canlyniadau pellgyrhaeddol a dramatig sy'n deillio o newidiadau mawr I Ysgolion Uwchradd yr Awdurdod. Mae angen i'r penderfyniadau hyn gael eu gwneud mewn modd agored, gan ddilyn y drafodaeth ehangaf bosibl, ac i'r perwyl yma, cynigir bod pob newid sylweddol i Ysgolion Uwchradd Powys yn cael eu trafod gan y cyngor Llawn. Mae'r newidiadau sylweddol i'w diffinio fel newid yn yr oed derbyn i'r ysgol (gan gynnwys dileu darpariaeth ôl-16 a chreu Ysgolion Pob Oed), newidiadau yn statws ieithyddol neu ffydd (ac eithrio lle bydd y statws wedi newid yn organig trwy estyniad graddol o ddarpariaeth cwricwlwm), uno neu gyd-reoli neu gau. Dylai trafodaeth o'r fath gael digon o amser i gyfrannu'n llawn ati, ac os n bosibl, dylid ei gweddarlleu i ganiatáu i aelodau o'r gymuned ddilyn y dadleuon. Yn dilyn y drafodaeth, dylid pasio cynnig yn rhoi cyfle i fynegi ewyllys democrataidd y Cyngor.

Cynigiwyd gan y Cynghorydd Sir Myfanwy Alexander

Eiliwyd gan y Cynghorydd Sir Gareth Ratcliffe

12.	CWESTIYNAU YN UNOL Â'R CYFANSODDIAD	CC48- 2016
------------	--	-------------------

12.1. **Cwestiynau i'r Aelod Portffolio â Chyfrifoldeb am Brydau Ysgol oddi wrth y Cyngorydd Sir Matthew Dorrance**

Beth mae'r Cyngor yn ei wneud i sicrhau bod bwyd sy'n cael ei dyfu'n lleol yn cael ei ddefnyddio mewn Cinio Ysgol?

(Tudalennau 405 - 406)

12.2. **Cwestiwn i'r Aelod Portffolio â Chyfrifoldeb am Dai oddi wrth y Cyngorydd Sir Matthew Dorrance**

Mae 'Safon Ansawdd Tai Cymru' Llywodraeth Lafur Cymru wedi trawsffurfio stoc oedd yn heneiddio yn gartrefi sy'n defnyddio ynni'n fwy effeithlon ac sy'n addas at y diben y gall trigolion fod yn falch ohonyn nhw. Ond mae ein stadau tai bob amser yn aros i'r Cyngor drin y gwaith sydd wedi ôl-gronni - fel rhoi wyneb newydd ar y llwybrau a'r ffyrdd pengaead; trwsio ffensys a thorri gwrychoedd; a chlirio graffiti a thipio anghyfreithlon.

Beth yw cynllun y Cyngor ar gyfer mynd i'r afael â'r materion yma?

(Tudalennau 407 - 408)

12.3. **Cwestiwn i'r Aelod Portffolio â Chyfrifoldeb am Addysg oddi wrth y Cyngorydd Sir Gareth Ratcliffe**

Fel y gwyddoch, bydd Estyn yn monitro cynnydd pob ysgol, ac mae hyn yn amrywio o fesurau arbennig i ysgolion ag anhawster i driniaeth ysgafn i'r ysgolion gorau, ac mae'r mwyafrif o'r ysgolion yn y canol mewn grŵp sy'n cael eu harolygu ar faterion penodol yn unig. Ar 16 Mawrth, cyhoeddodd Estyn na fyddai Ysgol Uwchradd Gwernyfed yn y grŵp canol bellach ond oherwydd y cynnydd a wnaeth bydd yn lle hynny'r un fath ag Ysgol Uwchradd megis y Drenewydd a Chrughywel nad oes angen unrhyw fonitro ychwanegol arnynt (nid monitro arbennig, fel yr oedd yr adroddiad wedi awgrymu). Alla' i wahodd y Cabinet i gynnig ei longyfarchiadau I Ysgol Uwchradd Gwernyfed High School ar y cyflawniad yma?

(Tudalennau 409 - 410)

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

CC38- 2016

MINUTES OF A MEETING OF THE COUNTY COUNCIL HELD AT COUNCIL CHAMBER - COUNTY HALL, LLANDRINDOD WELLS ON WEDNESDAY, 9 MARCH 2016

PRESENT

County Councillor PJ Ashton (Chair)

County Councillors MC Alexander, D Bailey, G R Banks, R G Brown, J H Brunt, L V Corfield, K W Curry, S C Davies, D E Davies, L R E Davies, A W Davies, M J Dorrance, V E Evans, W J Evans, D O Evans, J Gibson-Watt, M R Harris, S M Hayes, J C Holmes, G Hopkins, D C Jones, E M Jones, Eldrydd M Jones, D R Jones, J R Jones, W T Jones, F H Jump, P E Lewis, H Lewis, MC Mackenzie, D Mayor, S McNicholas, P J Medlicott, DW Meredith, R H Mills, ET Morgan, G Morgan, W J T Powell, GD Price, D R Price, P C Pritchard, K M Roberts-Jones, J G Shearer, K S Silk, D A Thomas, W B Thomas, A G Thomas, D G Thomas, R G Thomas, T J Van-Rees, G P Vaughan, J M Williams, G I S Williams and E A York

1.	APOLOGIES	CC22- 2016
-----------	------------------	-------------------

Apologies for absence were received from County Councillors GJ Bowker, ER Davies MJB Davies, L Fitzpatrick, RI George, EA Jones, GM Jones, MJ Jones, JG Morris, WD Powell, GW Ratcliffe, KF Tampin, TG Turner DH Williams and SL Williams.

2.	MINUTES	CC23- 2016
-----------	----------------	-------------------

The Chair was authorised to sign the minutes of the meeting held on 25th February 2016 as a correct record.

3.	DECLARATIONS OF INTEREST	CC24- 2016
-----------	---------------------------------	-------------------

County Councillors PJ Ashton, LV Corfield, DE Davies, LRE Davies, SC Davies, DO Evans, WJ Evans, MR Harris, SM Hayes, GG Hopkins, EM Jones, WT Jones, PE Lewis, DJ Mayor, PJ Medlicott, DW Meredith, RH Mills, ET Morgan, G Morgan, WJT Powell, DR Price, JG Shearer, RG Thomas, DA Thomas, WB Thomas, TJ Van-Rees, GSI Williams and EA York declared personal and prejudicial interests in CC31 – 2016 Housing (Wales) Act 2014 – Council Tax Premiums.

4.	CHAIR'S ANNOUNCEMENTS	CC25- 2016
-----------	------------------------------	-------------------

The Chair gave a summary of some of the events he had attended in recent weeks. He thanked those Members who had attended his charity dinner or who had made donations.

5.	LEADER'S ANNOUNCEMENTS	CC26- 2016
-----------	-------------------------------	-------------------

The Leader thanked everyone who had been involved in the budget and acknowledged the additional funding made available by Welsh Government and the support of Assembly Members in lobbying for this. He advised that consultations were underway on a number of primary schools and that consultations on the secondary schools in the Brecon and Gwernyfed and Builth Wells and Llandrindod Wells catchment areas would begin in April. He advised Council that along with his Deputy Leaders he had met Chris Davies MP and Alan Cairns MP to discuss strengthening cross border services and the need to improve transport links and mobile phone coverage. The Leader also welcomed the return of the Tour of Britain cycle race to the county.

6.	CHIEF EXECUTIVE'S BRIEFING	CC27- 2016
-----------	-----------------------------------	-------------------

The Chief Executive welcomed the news that work was starting on the Newtown bypass. He updated Council on integration with the Health Board with a colocation scheme operating in Ystradgynlais and work beginning in Machynlleth and Llanidloes on further colocation schemes. He advised that the Council was working in partnership with Severnside Extra Care Scheme to provide 48 affordable apartments for rent by people with care and support needs. He congratulated the Communications section who had won the staff engagement award at the Chartered Institute of PR Awards and who had been shortlisted for a second award. He was also pleased to report that the Council had been shortlisted for the Local Government Excellence in Procurement Awards for its work in the transfer of leisure services. Finally, he noted that the Council had retained its contract for the National Estate Agency Scheme.

7.	BUDGET VIREMENTS	CC28- 2016
-----------	-------------------------	-------------------

More than 10 members present called for all votes at the meeting to be recorded votes.

Council was advised that the virement was in respect of a replacement Social Care IT system which should have been in the revenue budget and not the capital budget.

Cllr Myfanwy Alexander	For
Cllr Paul Ashton	Abstain
Cllr Dawn Bailey	For
Cllr Garry Banks	Abstain
Cllr Gemma Bowker	Absent
Cllr Graham Brown	For
Cllr John Brunt	For
Cllr Linda Corfield	For
Cllr Kelvyn Curry	For
Cllr Aled Davies	Abstain
Cllr Dai Davies	For
Cllr Melanie Davies	Absent
Cllr Rachel Davies	Absent
Cllr Roche Davies	Did not vote

Cllr Sandra Davies	For
Cllr Stephen Davies	Absent
Cllr Matthew Dorrance	For
Cllr David Evans	For
Cllr John Evans	For
Cllr Viola Evans	Did not vote
Cllr Liam Fitzpatrick	Absent
Cllr Russell George	Absent
Cllr James Gibson-Watt	Did not vote
Cllr Peter Harris	Absent
Cllr Rosemarie Harris	Did not vote
Cllr Stephen Hayes	For
Cllr Ann Holloway	Absent
Cllr Jeff Holmes	Did not vote
Cllr Geraint Hopkins	For
Cllr Dai Jones	Did not vote
Cllr David Jones	For
Cllr E. Arwel Jones	Absent
Cllr Eldrydd Jones	For
Cllr E. Michael Jones	For
Cllr Graham Jones	Absent
Cllr Joy Jones	For
Cllr Michael John Jones	Absent
Cllr Wynne Jones	For
Cllr Francesca Jump	Did not vote
Cllr Hywel Lewis	For
Cllr Peter Lewis	For
Cllr Maureen Mackenzie	Did not vote
Cllr Darren Mayor	For
Cllr Susan McNicholas	For
Cllr Peter Medicott	For
Cllr David Meredith	For
Cllr Bob Mills	Did not vote
Cllr Evan Morgan	For
Cllr Gareth Morgan	Did not vote
Cllr John Morris	Absent
Cllr John Powell	For
Cllr William Powell	Absent
Cllr David Price	For
Cllr Gary Price	Against
Cllr Phil Pritchard	For
Cllr Gareth Ratcliffe	Absent
Cllr Kath Roberts-Jones	For
Cllr Joy Shearer	For
Cllr Kathryn Silk	Did not vote
Cllr Keith Tampin	Absent
Cllr Barry Thomas	For
Cllr David Thomas	For
Cllr Gillian Thomas	For
Cllr Gwynfor Thomas	For
Cllr Tony Thomas	For

Cllr Tom Turner	Absent
Cllr Timothy Van-Rees	For
Cllr Gwilym Vaughan	For
Cllr Gwilym Williams	Abstain
Cllr Huw Williams	Absent
Cllr Michael Williams	For
Cllr Sarah Williams	Absent
Cllr Avril York	For

The recommendation was passed by 39 votes to 1 with 4 abstentions.

RESOLVED	Reason for Decision:
To approve the virement set out in the schedule filed with the signed minutes.	As required by financial standing orders.

8.	REVISED MINIMUM REVENUE PROVISION ANNUAL STATEMENT 2015/16	CC29- 2016
-----------	---	-------------------

The Portfolio Holder explained that this recommendation was in respect of capital financing the 2015/16 budget and proposed the same methodology for repayment as approved by Council at its previous meeting in respect of the 2016/17 budget. It shortened the period over which loans were repaid and gave absolute certainty to the period of repayment. Council was advised that the Housing Revenue Account's Minimum Revenue Provision would still be based on the specified methods set out in the Item 8 Determination. There was less scope for variation with the HRA as the authority must follow the methods set by the Determination rather than viewing these as just guidance. The authority would comply with the determination.

Cllr Myfanwy Alexander	Against
Cllr Paul Ashton	Abstain
Cllr Dawn Bailey	For
Cllr Garry Banks	Abstain
Cllr Gemma Bowker	Absent
Cllr Graham Brown	For
Cllr John Brunt	For
Cllr Linda Corfield	For
Cllr Kelvyn Curry	For
Cllr Aled Davies	Abstain
Cllr Dai Davies	For
Cllr Melanie Davies	Absent
Cllr Rachel Davies	Absent
Cllr Roche Davies	For
Cllr Sandra Davies	For
Cllr Stephen Davies	Absent
Cllr Matthew Dorrance	For
Cllr David Evans	For
Cllr John Evans	For
Cllr Viola Evans	Did not vote

Cllr Liam Fitzpatrick	Absent
Cllr Russell George	Absent
Cllr James Gibson-Watt	For
Cllr Peter Harris	Absent
Cllr Rosemarie Harris	Did not vote
Cllr Stephen Hayes	For
Cllr Ann Holloway	Absent
Cllr Jeff Holmes	For
Cllr Geraint Hopkins	For
Cllr Dai Jones	For
Cllr David Jones	For
Cllr E. Arwel Jones	Absent
Cllr Eldrydd Jones	Did not vote
Cllr E. Michael Jones	For
Cllr Graham Jones	Absent
Cllr Joy Jones	For
Cllr Michael John Jones	Absent
Cllr Wynne Jones	For
Cllr Francesca Jump	For
Cllr Hywel Lewis	For
Cllr Peter Lewis	Abstain
Cllr Maureen Mackenzie	For
Cllr Darren Mayor	For
Cllr Susan McNicholas	For
Cllr Peter Medicott	For
Cllr David Meredith	For
Cllr Bob Mills	Against
Cllr Evan Morgan	For
Cllr Gareth Morgan	For
Cllr John Morris	Absent
Cllr John Powell	For
Cllr William Powell	Absent
Cllr David Price	For
Cllr Gary Price	Abstain
Cllr Phil Pritchard	For
Cllr Gareth Ratcliffe	Absent
Cllr Kath Roberts-Jones	For
Cllr Joy Shearer	For
Cllr Kathryn Silk	For
Cllr Keith Tampin	Absent
Cllr Barry Thomas	For
Cllr David Thomas	For
Cllr Gillian Thomas	For
Cllr Gwynfor Thomas	Abstain
Cllr Tony Thomas	For
Cllr Tom Turner	Absent
Cllr Timothy Van-Rees	For
Cllr Gwilym Vaughan	For
Cllr Gwilym Williams	For
Cllr Huw Williams	Absent
Cllr Michael Williams	For

Cllr Sarah Williams	Absent
Cllr Avril York	For

The recommendation was passed by 44 votes to 2 with 6 abstentions.

RESOLVED	Reason for Decision:
To use a 2% straight line calculation for MRP in relation to Supported Borrowing.	Statutory Requirement

9.	COUNCIL TAX RESOLUTION FOR 2016-2017	CC30- 2016
-----------	---	-------------------

The Portfolio Holder for Finance reminded Council that the budget agreed on 25th February 2016 was based on a proposed Council Tax increase of 4.25%. He agreed to let Members have a list of precepts from Town and Community Councils.

The Labour Group explained that although they had voted against the budget because what they felt that the SIAs were inadequate, they were prepared to support the recommended rise in Council Tax to protect services from further cuts.

A number of members expressed disappointment at the proposed rise in Council Tax. The Portfolio Holder for Finance, whilst sympathising, reminded Council that every 2% reduction in Council Tax equated to £3m further savings to be cut from services. A member expressed frustration over community delivery saying that Town and Community Councils had not been given information in a timely manner to allow them to set their precepts accordingly. In response to questions about the Library service the Portfolio Holder for Commissioning, Procurement and Children's Services advised that there was a review underway and that the service wanted to work with Town and Community Councils to find local solutions.

The Council Tax calculation was as follows:

At a meeting of the Cabinet on the 24th November 2015, the following amounts for the year 2016/2017 in accordance with Regulations made under Section 33 (5) of the Local Government Finance Act, 1992.

- (a) Being the amount calculated by the Council, in accordance with the Local Authorities (Calculation of Council Tax Base) (Wales) Regulations 1995, as amended, as its Council Tax Base for the year 2016/2017.
- (b) Part of the Council's area

Community of:

Abbeycwmhir	125.29
Aberedw	133.27
Aberhafesp	218.77
Abermule with Llandyssil	719.64

Banwy	317.56
Bausley with Criggion	359.43
Beguildy	375.78
Berriew	734.61
Betws Cedewain	230.98
Brecon	3441.49
Bronllys	424.73
Builth Wells	1070.10
Cadfarch	446.80
Caersws	704.77
Carno	351.15
Carreghofa	306.24
Castle Caereinion	287.13
Churchstoke	840.50
Cilmery	229.90
Clyro	409.17
Cray	133.76
Crickhowell	1073.65
Cwmdu and District	557.21
Disserth & Trecoed	545.39
Duhonw	154.25
Dwyrhiw	277.87
Erwood	252.16
Felinfach	383.85
Forden	779.73
Gladestry	231.87
Glantwymyn	656.01
Glasbury	546.28
Glascwm	266.74
Glyn Tarrell	297.77
Guilsfield	860.99
Gwernyfed	488.36
Hay-on-Wye	843.06
Honddu Isaf	223.99
Kerry	940.77
Knighton	1312.32
Llanafanfawr	238.57
Llanbadarn Fawr	334.11
Llanbadarn Fynydd	143.12
Llanbister	198.87
Llanbrynmair	488.76
Llanddew	118.10
Llanddewi Ystradenny	141.05
Llandinam	437.14
Llandrindod Wells	2320.27
Llandrinio & Arddleen	702.80
Llandysilio	533.77
Llanelwedd	190.40
Llanerfyl	217.78
Llanfair Caereinion	789.08
Llanfechain	274.42
Llanfihangel	272.94
Llanfihangel Rhydithon	116.72
Llanfrynach	319.34
Llanfyllin	700.83
Llangammarch	255.41

Llangattock	567.75
Llangedwyn	196.21
Llangorse	553.37
Llangunllo	196.90
Llangurig	390.65
Llangynidr	583.51
Llangyniew	304.96
Llangynog	195.23
Llanidloes	1159.74
Llanidloes Without	313.43
Llanigon	286.44
Llanrhaeadr ym Mochnant	583.22
Llansantffraid	697.48
Llansilin	348.49
Llanwddyn	122.83
Llanwrthwl	105.30
Llanwrtyd Wells	391.54
Llanyre	572.29
Llywel	249.30
Machynlleth	874.48
Maescar	470.78
Manafon	178.97
Meifod	680.73
Merthyr Cynog	136.92
Mochdre with Penstrowed	246.94
Montgomery	715.70
Nantmel	335.89
New Radnor	222.51
Newtown & Llanllwchaiarn	4273.32
Old Radnor	387.70
Painscastle	284.17
Pen Y Bont Fawr	252.16
Penybont & Llandegley	204.58
Presteigne & Norton	1265.63
Rhayader	903.15
St Harmon	310.96
Talgarth	719.15
Talybont-on-Usk	388.42
Tawe Uchaf	591.69
Trallong	200.84
Trefeglwys	449.06
Treflys	222.61
Tregynon	377.85
Trewern	651.18
Vale of Grwyney	484.03
Welshpool	2618.26
Whitton	206.85
Yscir	257.87
Ystradfelte	250.88
Ystradgynlais	2856.92

61,185.66

being the amounts calculated by the Council in accordance with the Regulations, as the amounts of its Council Tax Base for the year 2016/2017 for dwellings in those parts of its area to which one or more special items relate.

2. THE CALCULATION

2.1. THAT the following amounts be now calculated by the Council for the year 2016/2017 in accordance with Sections 32 to 36 of the Local Government Finance Act, 1992:

- (a) £449,624,392.39 being the aggregate of the amounts which the Council estimates for the items set out in Section 32 (2) (a) to (e) of the Act
- (b) £209,919,880.07 being the aggregate of the amounts which the Council estimates for the items set out in Section 32 (3) (a) to (c) of the Act
- (c) £239,704,512.32 being the amount by which the aggregate at 2.1(a) above exceeds the aggregate at 2.1(b) above, calculated by the Council, in accordance with Section 32 (4) of the Act, as its budget requirement for the year
- (d) £170,293,773.00 being the aggregate of the sums which the Council estimates will be payable for the year into its General Fund in respect of re-distributed Non Domestic Rates, Revenue Support Grant, special grant or additional grant
- (e) £1,134.43 being the amount at 2.1(c) above less the amount at 2.1(d) above, all divided by the amount at 1.3(a) above, calculated by the Council, in accordance with Section 33 (1) of the Act, as the basic amount of its Council Tax for the year
- (f) £2,714,698.32 being the aggregate amount of all special items referred to in Section 34 (1) of the Act
- (g) £1,090.06 being the amount at 2.1(e) above less the result given by dividing the amount at 2.1(f) above by the amount at 1.3(a) above, calculated by the Council, in accordance with Section 34 (2) of the Act, as the basic amount of its Council Tax for the year for dwellings in those parts of its area to which no special item relates.

BRECKNOCK

<u>COMMUNITY</u>	<u>COUNTY & COMMUNITY COUNCIL TAX BAND D</u>
Brecon	£1,173.41
Bronllys	£1,118.31
Builth Wells	£1,164.08
Cilmery	£1,102.57
Cray	£1,119.96
Crickhowell	£1,132.90
Duhonw	£1,097.52
Erwood	£1,101.56
Felinfach	£1,108.30
Glyn Tarrell	£1,116.93
Gwernymfed	£1,109.09
Hay-on-Wye	£1,137.74
Honddu Isaf	£1,091.06
Llanafan Fawr	£1,102.63
Llanddew	£1,111.23
Cwmdu and District	£1,108.01
Llanfrynach	£1,128.32
Llangammarch	£1,116.68
Llangattock	£1,122.97
Llangorse	£1,112.65
Llangynidr	£1,104.18
Llanigon	£1,104.02
Llanwrthwl	£1,110.00
Llanwrtyd Wells	£1,132.20
Llywel	£1,115.03
Maescar	£1,121.07
Merthyr Cynog	£1,117.45
Talgarth	£1,163.76
Talybont-on-Usk	£1,123.53
Tawe Uchaf	£1,123.86
Trallong	£1,101.51
Treflys	£1,105.78
Vale of Grwyney	£1,104.52
Yscir	£1,105.06
Ystradfellte	£1,125.93
Ystradgynlais	£1,173.89

MONTGOMERYSHIRE

<u>COMMUNITY</u>	<u>COUNTY & COMMUNITY COUNCIL TAX BAND D</u>
Aberhafesp	£1,106.06
Banwy	£1,108.95
Bausley with Criggion	£1,106.89
Berriew	£1,105.52
Betws Cedewain	£1,117.40
Cadfarch	£1,101.78
Caersws	£1,115.60
Carno	£1,124.34
Carreghofa	£1,129.28
Castle Caereinion	£1,116.04
Churchstoke	£1,111.95
Dwyrhiw	£1,104.46
Fordeu	£1,121.00
Glantwymyn	£1,105.91
Guilsfield	£1,103.98
Kerry	£1,118.12
Llanbrynmair	£1,111.67
Llandinam	£1,114.92
Llandrinio and Arddleen	£1,112.06
Llandysilio	£1,119.27
Abermule with Llandyssil	£1,127.93
Llanerfyl	£1,108.60
LLanfair Caereinion	£1,128.65
Llanfechain	£1,112.86
Llanfihangel	£1,115.93
Llanfyllin	£1,117.70
Llangedwyn	£1,100.25
Llangurig	£1,097.74
Llangyniew	£1,108.56
Llangynog	£1,120.79
Llanidloes	£1,199.03
Llanidloes Without	£1,112.39
Llanrhaeadr ym Mochnant	£1,105.49
Llansantffraid	£1,113.00
Llansilin	£1,095.80
Llanwddyn	£1,126.27
Machynlleth	£1,198.01
Manafon	£1,110.18
Meifod	£1,101.81
Mochdre with Penstrowed	£1,113.55
Montgomery	£1,125.67
Newtown & Llanllwchaiarn	£1,168.35
Pen Y Bont Fawr	£1,124.99
Trefeglwys	£1,092.95
Tregynon	£1,113.09
Trewern	£1,116.06
Welshpool	£1,212.28

RADNORSHIRE

<u>COMMUNITY</u>	<u>COUNTY & COMMUNITY COUNCIL TAX BAND D</u>
Abbeycwmhir	£1,109.02
Aberedw	£1,096.81
Beguildy	£1,113.06
Clyro	£1,099.84
Disserth & Trecoed	£1,109.18
Gladestry	£1,103.00
Glasbury	£1,113.86
Glascwm	£1,102.92
Knighton	£1,133.08
Llanbadam Fawr	£1,105.03
Llanbadam Fynydd	£1,113.06
Llanbister	£1,103.89
Llanddewi Ystradenny	£1,099.99
Llandrindod Wells	£1,153.37
Llanelwedd	£1,103.19
Llanfihangel Rhydithon	£1,112.34
Llangunllo	£1,102.76
Llanyre	£1,110.06
Nantmel	£1,109.59
New Radnor	£1,115.06
Old Radnor	£1,105.97
Paincastle	£1,096.04
Penybont & Llandegley	£1,110.83
Presteigne & Norton	£1,134.06
Rhayader	£1,127.15
St Harmon	£1,113.70
Whitton	£1,100.06

being the amounts given by adding to the amount at 2.1(g) above the amounts of the special item or items relating to dwellings in those parts of the Council's area mentioned above divided in each case by the amount at 1.3(b) above, calculated by the Council, in accordance with Section 34 (3) of the Act, as the basic amounts of its Council Tax for the year for dwellings in those parts of its area to which one or more special items relate

- (i) Part of the Council's area

BRECKNOCK

COMMUNITYCOUNTY & COMMUNITY
COUNCIL TAX BANDS

	<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>	<u>E</u>	<u>F</u>	<u>G</u>	<u>H</u>	<u>I</u>
Brecon	£782.27	£912.65	£1,043.03	£1,173.41	£1,434.17	£1,694.93	£1,955.68	£2,346.82	£2,737.96
Bronllys	£745.54	£869.80	£994.05	£1,118.31	£1,366.82	£1,615.34	£1,863.85	£2,236.62	£2,609.39
Builth Wells	£776.05	£905.40	£1,034.74	£1,164.08	£1,422.76	£1,681.45	£1,940.13	£2,328.16	£2,716.19
Cilmery	£735.05	£857.55	£980.06	£1,102.57	£1,347.59	£1,592.60	£1,837.62	£2,205.14	£2,572.66
Cray	£746.64	£871.08	£995.52	£1,119.96	£1,368.84	£1,617.72	£1,866.60	£2,239.92	£2,613.24
Crickhowell	£755.27	£881.14	£1,007.02	£1,132.90	£1,384.66	£1,636.41	£1,888.17	£2,265.80	£2,643.43
Duhonw	£731.68	£853.63	£975.57	£1,097.52	£1,341.41	£1,585.31	£1,829.20	£2,195.04	£2,560.88
Erwood	£734.37	£856.77	£979.16	£1,101.56	£1,346.35	£1,591.14	£1,835.93	£2,203.12	£2,570.31
Felinfach	£738.87	£862.01	£985.16	£1,108.30	£1,354.59	£1,600.88	£1,847.17	£2,216.60	£2,586.03
Glyn Tarrell	£744.62	£868.72	£992.83	£1,116.93	£1,365.14	£1,613.34	£1,861.55	£2,233.86	£2,606.17
Gwernyfed	£739.39	£862.63	£985.86	£1,109.09	£1,355.55	£1,602.02	£1,848.48	£2,218.18	£2,587.88
Hay-on-Wye	£758.49	£884.91	£1,011.32	£1,137.74	£1,390.57	£1,643.40	£1,896.23	£2,275.48	£2,654.73
Honddu Isaf	£727.37	£848.60	£969.83	£1,091.06	£1,333.52	£1,575.98	£1,818.43	£2,182.12	£2,545.81
Llanafanfawr	£735.09	£857.60	£980.12	£1,102.63	£1,347.66	£1,592.69	£1,837.72	£2,205.26	£2,572.80
Llanddew	£740.82	£864.29	£987.76	£1,111.23	£1,358.17	£1,605.11	£1,852.05	£2,222.46	£2,592.87
Cwmdu and District	£738.67	£861.79	£984.90	£1,108.01	£1,354.23	£1,600.46	£1,846.68	£2,216.02	£2,585.36
Llanfrynach	£752.21	£877.58	£1,002.95	£1,128.32	£1,379.06	£1,629.80	£1,880.53	£2,256.64	£2,632.75
Llangammarch	£744.45	£868.53	£992.60	£1,116.68	£1,364.83	£1,612.98	£1,861.13	£2,233.36	£2,605.59
Llangattock	£748.65	£873.42	£998.20	£1,122.97	£1,372.52	£1,622.07	£1,871.62	£2,245.94	£2,620.26
Llangorse	£741.77	£865.39	£989.02	£1,112.65	£1,359.91	£1,607.16	£1,854.42	£2,225.30	£2,596.18
Llangynidr	£736.12	£858.81	£981.49	£1,104.18	£1,349.55	£1,594.93	£1,840.30	£2,208.36	£2,576.42
Llanigon	£736.01	£858.68	£981.35	£1,104.02	£1,349.36	£1,594.70	£1,840.03	£2,208.04	£2,576.05
Llanwrthwl	£740.00	£863.33	£986.67	£1,110.00	£1,356.67	£1,603.33	£1,850.00	£2,220.00	£2,590.00
Llanwrtyd Wells	£754.80	£880.60	£1,006.40	£1,132.20	£1,383.80	£1,635.40	£1,887.00	£2,264.40	£2,641.80
Llywel	£743.35	£867.25	£991.14	£1,115.03	£1,362.81	£1,610.60	£1,858.38	£2,230.06	£2,601.74
Maescar	£747.38	£871.94	£996.51	£1,121.07	£1,370.20	£1,619.32	£1,868.45	£2,242.14	£2,615.83
Merthyr Cynog	£744.97	£869.13	£993.29	£1,117.45	£1,365.77	£1,614.09	£1,862.42	£2,234.90	£2,607.38
Talgarth	£775.84	£905.15	£1,034.45	£1,163.76	£1,422.37	£1,680.99	£1,939.60	£2,327.52	£2,715.44
Talybont-on-Usk	£749.02	£873.86	£998.69	£1,123.53	£1,373.20	£1,622.88	£1,872.55	£2,247.06	£2,621.57
Tawe Uchaf	£749.24	£874.11	£998.99	£1,123.86	£1,373.61	£1,623.35	£1,873.10	£2,247.72	£2,622.34
Trallong	£734.34	£856.73	£979.12	£1,101.51	£1,346.29	£1,591.07	£1,835.85	£2,203.02	£2,570.19
Treflys	£737.19	£860.05	£982.92	£1,105.78	£1,351.51	£1,597.24	£1,842.97	£2,211.56	£2,580.15
Vale of Grwyney	£736.35	£859.07	£981.80	£1,104.52	£1,349.97	£1,595.42	£1,840.87	£2,209.04	£2,577.21
Yscir	£736.71	£859.49	£982.28	£1,105.06	£1,350.63	£1,596.20	£1,841.77	£2,210.12	£2,578.47
Ystradfellte	£750.62	£875.72	£1,000.83	£1,125.93	£1,376.14	£1,626.34	£1,876.55	£2,251.86	£2,627.17
Ystradgynlais	£782.59	£913.03	£1,043.46	£1,173.89	£1,434.75	£1,695.62	£1,956.48	£2,347.78	£2,739.08

MONTGOMERYSHIRE

COMMUNITY

COUNTY & COMMUNITY COUNCIL TAX BANDS

	<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>	<u>E</u>	<u>F</u>	<u>G</u>	<u>H</u>	<u>I</u>
Aberhafesp	£737.37	£860.27	£983.16	£1,106.06	£1,351.85	£1,597.64	£1,843.43	£2,212.12	£2,580.81
Banwy	£739.30	£862.52	£985.73	£1,108.95	£1,355.38	£1,601.82	£1,848.25	£2,217.90	£2,587.55
Bausley with Criggion	£737.93	£860.91	£983.90	£1,106.89	£1,352.87	£1,598.84	£1,844.82	£2,213.78	£2,582.74
Berriew	£737.01	£859.85	£982.68	£1,105.52	£1,351.19	£1,596.86	£1,842.53	£2,211.04	£2,579.55
Betws Cedewain	£744.93	£869.09	£993.24	£1,117.40	£1,365.71	£1,614.02	£1,862.33	£2,234.80	£2,607.27
Cadfarch	£734.52	£856.94	£979.36	£1,101.78	£1,346.62	£1,591.46	£1,836.30	£2,203.56	£2,570.82
Caersws	£743.73	£867.69	£991.64	£1,115.60	£1,363.51	£1,611.42	£1,859.33	£2,231.20	£2,603.07
Carno	£749.56	£874.49	£999.41	£1,124.34	£1,374.19	£1,624.05	£1,873.90	£2,248.68	£2,623.46
Carreghofa	£752.85	£878.33	£1,003.80	£1,129.28	£1,380.23	£1,631.18	£1,882.13	£2,258.56	£2,634.99
Castle Caereinion	£744.03	£868.03	£992.04	£1,116.04	£1,364.05	£1,612.06	£1,860.07	£2,232.08	£2,604.09
Churchstoke	£741.30	£864.85	£988.40	£1,111.95	£1,359.05	£1,606.15	£1,853.25	£2,223.90	£2,594.55
Dwyrhiw	£736.31	£859.02	£981.74	£1,104.46	£1,349.90	£1,595.33	£1,840.77	£2,208.92	£2,577.07
Fordeu	£747.33	£871.89	£996.44	£1,121.00	£1,370.11	£1,619.22	£1,868.33	£2,242.00	£2,615.67
Glantwymyn	£737.27	£860.15	£983.03	£1,105.91	£1,351.67	£1,597.43	£1,843.18	£2,211.82	£2,580.46
Guilfield	£735.99	£858.65	£981.32	£1,103.98	£1,349.31	£1,594.64	£1,839.97	£2,207.96	£2,575.95
Kerry	£745.41	£869.65	£993.88	£1,118.12	£1,366.59	£1,615.06	£1,863.53	£2,236.24	£2,608.95
Llanbrynmair	£741.11	£864.63	£988.15	£1,111.67	£1,358.71	£1,605.75	£1,852.78	£2,223.34	£2,593.90
Llandinam	£743.28	£867.16	£991.04	£1,114.92	£1,362.68	£1,610.44	£1,858.20	£2,229.84	£2,601.48
Llandrinio and Arddleen	£741.37	£864.94	£988.50	£1,112.06	£1,359.18	£1,606.31	£1,853.43	£2,224.12	£2,594.81
Llandysilio	£746.18	£870.54	£994.91	£1,119.27	£1,368.00	£1,616.72	£1,865.45	£2,238.54	£2,611.63
Abermule with Llandyssil	£751.95	£877.28	£1,002.60	£1,127.93	£1,378.58	£1,629.23	£1,879.88	£2,255.86	£2,631.84
Llanerfyl	£739.07	£862.24	£985.42	£1,108.60	£1,354.96	£1,601.31	£1,847.67	£2,217.20	£2,586.73
LLanfair Caereinion	£752.43	£877.84	£1,003.24	£1,128.65	£1,379.46	£1,630.27	£1,881.08	£2,257.30	£2,633.52
Llanfechain	£741.91	£865.56	£989.21	£1,112.86	£1,360.16	£1,607.46	£1,854.77	£2,225.72	£2,596.67
Llanfihangel	£743.95	£867.95	£991.94	£1,115.93	£1,363.91	£1,611.90	£1,859.88	£2,231.86	£2,603.84
Llanfyllin	£745.13	£869.32	£993.51	£1,117.70	£1,366.08	£1,614.46	£1,862.83	£2,235.40	£2,607.97
Llangedwyn	£733.50	£855.75	£978.00	£1,100.25	£1,344.75	£1,589.25	£1,833.75	£2,200.50	£2,567.25
Llangurig	£731.83	£853.80	£975.77	£1,097.74	£1,341.68	£1,585.62	£1,829.57	£2,195.48	£2,561.39
Llangyniew	£739.04	£862.21	£985.39	£1,108.56	£1,354.91	£1,601.25	£1,847.60	£2,217.12	£2,586.64
Llangynog	£747.19	£871.73	£996.26	£1,120.79	£1,369.85	£1,618.92	£1,867.98	£2,241.58	£2,615.18
Llanidloes	£799.35	£932.58	£1,065.80	£1,199.03	£1,465.48	£1,731.93	£1,998.38	£2,398.06	£2,797.74
Llanidloes Without	£741.59	£865.19	£988.79	£1,112.39	£1,359.59	£1,606.79	£1,853.98	£2,224.78	£2,595.58
Llanrhaeadr ym Mochnant	£736.99	£859.83	£982.66	£1,105.49	£1,351.15	£1,596.82	£1,842.48	£2,210.98	£2,579.48
Llansantffraid	£742.00	£865.67	£989.33	£1,113.00	£1,360.33	£1,607.67	£1,855.00	£2,226.00	£2,597.00

COMMUNITYCOUNTY & COMMUNITY
COUNCIL TAX BANDS

	A	B	C	D	E	F	G	H	I
Llansilin	£730.53	£852.29	£974.04	£1,095.80	£1,339.31	£1,582.82	£1,826.33	£2,191.60	£2,556.87
Llanwddyn	£750.85	£875.99	£1,001.13	£1,126.27	£1,376.55	£1,626.83	£1,877.12	£2,252.54	£2,627.96
Machynlleth	£798.67	£931.79	£1,064.90	£1,198.01	£1,464.23	£1,730.46	£1,996.68	£2,396.02	£2,795.36
Manafon	£740.12	£863.47	£986.83	£1,110.18	£1,356.89	£1,603.59	£1,850.30	£2,220.36	£2,590.42
Meifod	£734.54	£856.96	£979.39	£1,101.81	£1,346.66	£1,591.50	£1,836.35	£2,203.62	£2,570.89
Mochdre with Penstrowed	£742.37	£866.09	£989.82	£1,113.55	£1,361.01	£1,608.46	£1,855.92	£2,227.10	£2,598.28
Montgomery	£750.45	£875.52	£1,000.60	£1,125.67	£1,375.82	£1,625.97	£1,876.12	£2,251.34	£2,626.56
Newtown & Llanllwchaiarn	£778.90	£908.72	£1,038.53	£1,168.35	£1,427.98	£1,687.62	£1,947.25	£2,336.70	£2,726.15
Pen Y Bont Fawr	£749.99	£874.99	£999.99	£1,124.99	£1,374.99	£1,624.99	£1,874.98	£2,249.98	£2,624.98
Trefeglwys	£728.63	£850.07	£971.51	£1,092.95	£1,335.83	£1,578.71	£1,821.58	£2,185.90	£2,550.22
Tregynon	£742.06	£865.74	£989.41	£1,113.09	£1,360.44	£1,607.80	£1,855.15	£2,226.18	£2,597.21
Trewern	£744.04	£868.05	£992.05	£1,116.06	£1,364.07	£1,612.09	£1,860.10	£2,232.12	£2,604.14
Welshpool	£808.19	£942.88	£1,077.58	£1,212.28	£1,481.68	£1,751.07	£2,020.47	£2,424.56	£2,828.65

RADNORSHIRE

COMMUNITY

COUNTY & COMMUNITY COUNCIL TAX BANDS

	A	B	C	D	E	F	G	H	I
Abbeycwmhir	£739.35	£862.57	£985.80	£1,109.02	£1,355.47	£1,601.92	£1,848.37	£2,218.04	£2,587.71
Aberedw	£731.21	£853.07	£974.94	£1,096.81	£1,340.55	£1,584.28	£1,828.02	£2,193.62	£2,559.22
Beguildy	£742.04	£865.71	£989.39	£1,113.06	£1,360.41	£1,607.75	£1,855.10	£2,226.12	£2,597.14
Clyro	£733.23	£855.43	£977.64	£1,099.84	£1,344.25	£1,588.66	£1,833.07	£2,199.68	£2,566.29
Disserth & Trecoed	£739.45	£862.70	£985.94	£1,109.18	£1,355.66	£1,602.15	£1,848.63	£2,218.36	£2,588.09
Gladestry	£735.33	£857.89	£980.44	£1,103.00	£1,348.11	£1,593.22	£1,838.33	£2,206.00	£2,573.67
Glasbury	£742.57	£866.34	£990.10	£1,113.86	£1,361.38	£1,608.91	£1,856.43	£2,227.72	£2,599.01
Glascwm	£735.28	£857.83	£980.37	£1,102.92	£1,348.01	£1,593.11	£1,838.20	£2,205.84	£2,573.48
Knighton	£755.39	£881.28	£1,007.18	£1,133.08	£1,384.88	£1,636.67	£1,888.47	£2,266.16	£2,643.85
Llanbadarn Fawr	£736.69	£859.47	£982.25	£1,105.03	£1,350.59	£1,596.15	£1,841.72	£2,210.06	£2,578.40
Llanbadarn Fynydd	£742.04	£865.71	£989.39	£1,113.06	£1,360.41	£1,607.75	£1,855.10	£2,226.12	£2,597.14
Llanbister	£735.93	£858.58	£981.24	£1,103.89	£1,349.20	£1,594.51	£1,839.82	£2,207.78	£2,575.74
Llanddewi Ystradenny	£733.33	£855.55	£977.77	£1,099.99	£1,344.43	£1,588.87	£1,833.32	£2,199.98	£2,566.64
Llandrindod Wells	£768.91	£897.07	£1,025.22	£1,153.37	£1,409.67	£1,665.98	£1,922.28	£2,306.74	£2,691.20
Llanelwedd	£735.46	£858.04	£980.61	£1,103.19	£1,348.34	£1,593.50	£1,838.65	£2,206.38	£2,574.11
Llanfihangel Rhydithon	£741.56	£865.15	£988.75	£1,112.34	£1,359.53	£1,606.71	£1,853.90	£2,224.68	£2,595.46
Llangunllo	£735.17	£857.70	£980.23	£1,102.76	£1,347.82	£1,592.88	£1,837.93	£2,205.52	£2,573.11
Llanyre	£740.04	£863.38	£986.72	£1,110.06	£1,356.74	£1,603.42	£1,850.10	£2,220.12	£2,590.14
Nantmel	£739.73	£863.01	£986.30	£1,109.59	£1,356.17	£1,602.74	£1,849.32	£2,219.18	£2,589.04
New Radnor	£743.37	£867.27	£991.16	£1,115.06	£1,362.85	£1,610.64	£1,858.43	£2,230.12	£2,601.81
Old Radnor	£737.31	£860.20	£983.08	£1,105.97	£1,351.74	£1,597.51	£1,843.28	£2,211.94	£2,580.60
Painscastle	£730.69	£852.48	£974.26	£1,096.04	£1,339.60	£1,583.17	£1,826.73	£2,192.08	£2,557.43
Penybont & Llandegley	£740.55	£863.98	£987.40	£1,110.83	£1,357.68	£1,604.53	£1,851.38	£2,221.66	£2,591.94
Presteigne & Norton	£756.04	£882.05	£1,008.05	£1,134.06	£1,386.07	£1,638.09	£1,890.10	£2,268.12	£2,646.14
Rhayader	£751.43	£876.67	£1,001.91	£1,127.15	£1,377.63	£1,628.11	£1,878.58	£2,254.30	£2,630.02
St Harmon	£742.47	£866.21	£989.96	£1,113.70	£1,361.19	£1,608.68	£1,856.17	£2,227.40	£2,598.63
Whitton	£733.37	£855.60	£977.83	£1,100.06	£1,344.52	£1,588.98	£1,833.43	£2,200.12	£2,566.81

Tudalen 20

being the amounts given by multiplying the amounts at 3(h) above by the number which, in the proportion set out in Section 5 (1) of the Act, is applicable to dwellings listed in a particular Valuation Band divided by the number which in that proportion is applicable to dwellings listed in Valuation Band D, calculated by the Council, in accordance with Section 36 (1) of the Act, as the amounts to be taken into account for the year in respect of categories of dwellings listed in different Valuation Bands.

- 2.2. THAT it be noted for the year 2016/2017 the Police and Crime Commissioner for Dyfed-Powys Police has stated the following amounts in precepts issued to the Council, in accordance with Section 40 of the Local Government Finance Act, 1992, for each of the categories of dwellings shown below:**

Valuation Bands

A	B	C	D	E	F	G	H	I
£ 133.38	£ 155.61	£ 177.84	£ 200.07	£ 244.53	£ 288.99	£ 333.45	£ 400.14	£ 466.83

- 2.3. THAT, having calculated the aggregate in each case of the amounts at 2.1(i) and 2.2 above, the Council in accordance with Section 30 (2) of the Local Government Finance Act, 1992, hereby sets the following amounts as the amounts of Council Tax for the year 2016/2017 for each of the categories of dwellings shown below.

BRECKNOCKSHIRE/SIR FRYCHEINIOG

COMMUNITY/CYMUNED

COUNCIL TAX BANDS/TRETH CYNGOR BAND

	A	B	C	D	E	F	G	H	I
Brecon	£915.65	£1,068.26	£1,220.87	£1,373.48	£1,678.70	£1,983.92	£2,289.13	£2,746.96	£3,204.79
Bronllys	£878.92	£1,025.41	£1,171.89	£1,318.38	£1,611.35	£1,904.33	£2,197.30	£2,636.76	£3,076.22
Builth Wells	£909.43	£1,061.01	£1,212.58	£1,364.15	£1,667.29	£1,970.44	£2,273.58	£2,728.30	£3,183.02
Cilmery	£868.43	£1,013.16	£1,157.90	£1,302.64	£1,592.12	£1,881.59	£2,171.07	£2,605.28	£3,039.49
Cray	£880.02	£1,026.69	£1,173.36	£1,320.03	£1,613.37	£1,906.71	£2,200.05	£2,640.06	£3,080.07
Crickhowell	£888.65	£1,036.75	£1,184.86	£1,332.97	£1,629.19	£1,925.40	£2,221.62	£2,665.94	£3,110.26
Duhonw	£865.06	£1,009.24	£1,153.41	£1,297.59	£1,585.94	£1,874.30	£2,162.65	£2,595.18	£3,027.71
Erwood	£867.75	£1,012.38	£1,157.00	£1,301.63	£1,590.88	£1,880.13	£2,169.38	£2,603.26	£3,037.14
Felinfach	£872.25	£1,017.62	£1,163.00	£1,308.37	£1,599.12	£1,889.87	£2,180.62	£2,616.74	£3,052.86
Glyn Tarrell	£878.00	£1,024.33	£1,170.67	£1,317.00	£1,609.67	£1,902.33	£2,195.00	£2,634.00	£3,073.00
Gwernyfed	£872.77	£1,018.24	£1,163.70	£1,309.16	£1,600.08	£1,891.01	£2,181.93	£2,618.32	£3,054.71
Hay-on-Wye	£891.87	£1,040.52	£1,189.16	£1,337.81	£1,635.10	£1,932.39	£2,229.68	£2,675.62	£3,121.56
Honddu Isaf	£860.75	£1,004.21	£1,147.67	£1,291.13	£1,578.05	£1,864.97	£2,151.88	£2,582.26	£3,012.64
Llanafanfawr	£868.47	£1,013.21	£1,157.96	£1,302.70	£1,592.19	£1,881.68	£2,171.17	£2,605.40	£3,039.63
Llanddew	£874.20	£1,019.90	£1,165.60	£1,311.30	£1,602.70	£1,894.10	£2,185.50	£2,622.60	£3,059.70
Cwmdu and District	£872.05	£1,017.40	£1,162.74	£1,308.08	£1,598.76	£1,889.45	£2,180.13	£2,616.16	£3,052.19
Llanfrynach	£885.59	£1,033.19	£1,180.79	£1,328.39	£1,623.59	£1,918.79	£2,213.98	£2,656.78	£3,099.58
Llangammarch	£877.83	£1,024.14	£1,170.44	£1,316.75	£1,609.36	£1,901.97	£2,194.58	£2,633.50	£3,072.42
Llangattock	£882.03	£1,029.03	£1,176.04	£1,323.04	£1,617.05	£1,911.06	£2,205.07	£2,646.08	£3,087.09
Llangorse	£875.15	£1,021.00	£1,166.86	£1,312.72	£1,604.44	£1,896.15	£2,187.87	£2,625.44	£3,063.01
Llangynidr	£869.50	£1,014.42	£1,159.33	£1,304.25	£1,594.08	£1,883.92	£2,173.75	£2,608.50	£3,043.25
Llanigon	£869.39	£1,014.29	£1,159.19	£1,304.09	£1,593.89	£1,883.69	£2,173.48	£2,608.18	£3,042.88
Llanwrthwl	£873.38	£1,018.94	£1,164.51	£1,310.07	£1,601.20	£1,892.32	£2,183.45	£2,620.14	£3,056.83
Llanwrtyd Wells	£888.18	£1,036.21	£1,184.24	£1,332.27	£1,628.33	£1,924.39	£2,220.45	£2,664.54	£3,108.63
Llywel	£876.73	£1,022.86	£1,168.98	£1,315.10	£1,607.34	£1,899.59	£2,191.83	£2,630.20	£3,068.57
Maescar	£880.76	£1,027.55	£1,174.35	£1,321.14	£1,614.73	£1,908.31	£2,201.90	£2,642.28	£3,082.66
Merthyr Cynog	£878.35	£1,024.74	£1,171.13	£1,317.52	£1,610.30	£1,903.08	£2,195.87	£2,635.04	£3,074.21
Talgarth	£909.22	£1,060.76	£1,212.29	£1,363.83	£1,666.90	£1,969.98	£2,273.05	£2,727.66	£3,182.27
Talybont-on-Usk	£882.40	£1,029.47	£1,176.53	£1,323.60	£1,617.73	£1,911.87	£2,206.00	£2,647.20	£3,088.40
Tawe Uchaf	£882.62	£1,029.72	£1,176.83	£1,323.93	£1,618.14	£1,912.34	£2,206.55	£2,647.86	£3,089.17
Trallong	£867.72	£1,012.34	£1,156.96	£1,301.58	£1,590.82	£1,880.06	£2,169.30	£2,603.16	£3,037.02
Treflys	£870.57	£1,015.66	£1,160.76	£1,305.85	£1,596.04	£1,886.23	£2,176.42	£2,611.70	£3,046.98
Vale of Grwyney	£869.73	£1,014.68	£1,159.64	£1,304.59	£1,594.50	£1,884.41	£2,174.32	£2,609.18	£3,044.04
Yscir	£870.09	£1,015.10	£1,160.12	£1,305.13	£1,595.16	£1,885.19	£2,175.22	£2,610.26	£3,045.30
Ystradfellte	£884.00	£1,031.33	£1,178.67	£1,326.00	£1,620.67	£1,915.33	£2,210.00	£2,652.00	£3,094.00
Ystradgynlais	£915.97	£1,068.64	£1,221.30	£1,373.96	£1,679.28	£1,984.61	£2,289.93	£2,747.92	£3,205.91

MONTGOMERYSHIRE/SIR DREFALDWYN

COMMUNITY/CYMUNED

COUNCIL TAX BANDS/TRETH CYNGOR BAND

	A	B	C	D	E	F	G	H	I
Aberhafesp	£870.75	£1,015.88	£1,161.00	£1,306.13	£1,596.38	£1,886.63	£2,176.88	£2,612.26	£3,047.64
Banwy	£872.68	£1,018.13	£1,163.57	£1,309.02	£1,599.91	£1,890.81	£2,181.70	£2,618.04	£3,054.38
Bausley with Criggion	£871.31	£1,016.52	£1,161.74	£1,306.96	£1,597.40	£1,887.83	£2,178.27	£2,613.92	£3,049.57
Berriew	£870.39	£1,015.46	£1,160.52	£1,305.59	£1,595.72	£1,885.85	£2,175.98	£2,611.18	£3,046.38
Betws Cedewain	£878.31	£1,024.70	£1,171.08	£1,317.47	£1,610.24	£1,903.01	£2,195.78	£2,634.94	£3,074.10
Cadfarach	£867.90	£1,012.55	£1,157.20	£1,301.85	£1,591.15	£1,880.45	£2,169.75	£2,603.70	£3,037.65
Caersws	£877.11	£1,023.30	£1,169.48	£1,315.67	£1,608.04	£1,900.41	£2,192.78	£2,631.34	£3,069.90
Carno	£882.94	£1,030.10	£1,177.25	£1,324.41	£1,618.72	£1,913.04	£2,207.35	£2,648.82	£3,090.29
Carreghofa	£886.23	£1,033.94	£1,181.64	£1,329.35	£1,624.76	£1,920.17	£2,215.58	£2,658.70	£3,101.82
Castle Caereinion	£877.41	£1,023.64	£1,169.88	£1,316.11	£1,608.58	£1,901.05	£2,193.52	£2,632.22	£3,070.92
Churchstoke	£874.68	£1,020.46	£1,166.24	£1,312.02	£1,603.58	£1,895.14	£2,186.70	£2,624.04	£3,061.38
Dwyrhiw	£869.69	£1,014.63	£1,159.58	£1,304.53	£1,594.43	£1,884.32	£2,174.22	£2,609.06	£3,043.90
Fordeu	£880.71	£1,027.50	£1,174.28	£1,321.07	£1,614.64	£1,908.21	£2,201.78	£2,642.14	£3,082.50
Glantwymyn	£870.65	£1,015.76	£1,160.87	£1,305.98	£1,596.20	£1,886.42	£2,176.63	£2,611.96	£3,047.29
Guilsfield	£869.37	£1,014.26	£1,159.16	£1,304.05	£1,593.84	£1,883.63	£2,173.42	£2,608.10	£3,042.78
Kerry	£878.79	£1,025.26	£1,171.72	£1,318.19	£1,611.12	£1,904.05	£2,196.98	£2,636.38	£3,075.78
Llanbrynmaur	£874.49	£1,020.24	£1,165.99	£1,311.74	£1,603.24	£1,894.74	£2,186.23	£2,623.48	£3,060.73
Llandinam	£876.66	£1,022.77	£1,168.88	£1,314.99	£1,607.21	£1,899.43	£2,191.65	£2,629.98	£3,068.31
Llandrinio and Arddleen	£874.75	£1,020.55	£1,166.34	£1,312.13	£1,603.71	£1,895.30	£2,186.88	£2,624.26	£3,061.64
Llandysilio	£879.56	£1,026.15	£1,172.75	£1,319.34	£1,612.53	£1,905.71	£2,198.90	£2,638.68	£3,078.46
Abermule with Llandyssil	£885.33	£1,032.89	£1,180.44	£1,328.00	£1,623.11	£1,918.22	£2,213.33	£2,656.00	£3,098.67
Llanerfyl	£872.45	£1,017.85	£1,163.26	£1,308.67	£1,599.49	£1,890.30	£2,181.12	£2,617.34	£3,053.56
LLanfair Caereinion	£885.81	£1,033.45	£1,181.08	£1,328.72	£1,623.99	£1,919.26	£2,214.53	£2,657.44	£3,100.35
Llanfechain	£875.29	£1,021.17	£1,167.05	£1,312.93	£1,604.69	£1,896.45	£2,188.22	£2,625.86	£3,063.50
Llanfihangel	£877.33	£1,023.56	£1,169.78	£1,316.00	£1,608.44	£1,900.89	£2,193.33	£2,632.00	£3,070.67
Llanfyllin	£878.51	£1,024.93	£1,171.35	£1,317.77	£1,610.61	£1,903.45	£2,196.28	£2,635.54	£3,074.80
Llangedwyn	£866.88	£1,011.36	£1,155.84	£1,300.32	£1,589.28	£1,878.24	£2,167.20	£2,600.64	£3,034.08
Llangurig	£865.21	£1,009.41	£1,153.61	£1,297.81	£1,586.21	£1,874.61	£2,163.02	£2,595.62	£3,028.22
Llangyniew	£872.42	£1,017.82	£1,163.23	£1,308.63	£1,599.44	£1,890.24	£2,181.05	£2,617.26	£3,053.47
Llangynog	£880.57	£1,027.34	£1,174.10	£1,320.86	£1,614.38	£1,907.91	£2,201.43	£2,641.72	£3,082.01
Llanidloes	£932.73	£1,088.19	£1,243.64	£1,399.10	£1,710.01	£2,020.92	£2,331.83	£2,798.20	£3,264.57
Llanidloes Without	£874.97	£1,020.80	£1,166.63	£1,312.46	£1,604.12	£1,895.78	£2,187.43	£2,624.92	£3,062.41

COMMUNITY/CYMUNED**COUNCIL TAX BANDS/TRETH CYNGOR BAND**

	A	B	C	D	E	F	G	H	I
Llanrhaeadr ym Mochnant	£870.37	£1,015.44	£1,160.50	£1,305.56	£1,595.68	£1,885.81	£2,175.93	£2,611.12	£3,046.31
Llansantffraid	£875.38	£1,021.28	£1,167.17	£1,313.07	£1,604.86	£1,896.66	£2,188.45	£2,626.14	£3,063.83
Llansilin	£863.91	£1,007.90	£1,151.88	£1,295.87	£1,583.84	£1,871.81	£2,159.78	£2,591.74	£3,023.70
Llanwddyn	£884.23	£1,031.60	£1,178.97	£1,326.34	£1,621.08	£1,915.82	£2,210.57	£2,652.68	£3,094.79
Machynlleth	£932.05	£1,087.40	£1,242.74	£1,398.08	£1,708.76	£2,019.45	£2,330.13	£2,796.16	£3,262.19
Manafon	£873.50	£1,019.08	£1,164.67	£1,310.25	£1,601.42	£1,892.58	£2,183.75	£2,620.50	£3,057.25
Meifod	£867.92	£1,012.57	£1,157.23	£1,301.88	£1,591.19	£1,880.49	£2,169.80	£2,603.76	£3,037.72
Mochdre with Penstrowed	£875.75	£1,021.70	£1,167.66	£1,313.62	£1,605.54	£1,897.45	£2,189.37	£2,627.24	£3,065.11
Montgomery	£883.83	£1,031.13	£1,178.44	£1,325.74	£1,620.35	£1,914.96	£2,209.57	£2,651.48	£3,093.39
Newtown & Llanllwchaiarn	£912.28	£1,064.33	£1,216.37	£1,368.42	£1,672.51	£1,976.61	£2,280.70	£2,736.84	£3,192.98
Pen Y Bont Fawr	£883.37	£1,030.60	£1,177.83	£1,325.06	£1,619.52	£1,913.98	£2,208.43	£2,650.12	£3,091.81
Trefeglwys	£862.01	£1,005.68	£1,149.35	£1,293.02	£1,580.36	£1,867.70	£2,155.03	£2,586.04	£3,017.05
Tregynon	£875.44	£1,021.35	£1,167.25	£1,313.16	£1,604.97	£1,896.79	£2,188.60	£2,626.32	£3,064.04
Trewern	£877.42	£1,023.66	£1,169.89	£1,316.13	£1,608.60	£1,901.08	£2,193.55	£2,632.26	£3,070.97
Welshpool	£941.57	£1,098.49	£1,255.42	£1,412.35	£1,726.21	£2,040.06	£2,353.92	£2,824.70	£3,295.48

RADNORSHIRE/SIR FAESYFED

COMMUNITY/CYMUNED

COUNCIL TAX BANDS/TRETH CYNGOR BAND

	A	B	C	D	E	F	G	H	I
Abbecwmmhir	£872.73	£1,018.18	£1,163.64	£1,309.09	£1,600.00	£1,890.91	£2,181.82	£2,618.18	£3,054.54
Aberedw	£864.59	£1,008.68	£1,152.78	£1,296.88	£1,585.08	£1,873.27	£2,161.47	£2,593.76	£3,026.05
Beguildy	£875.42	£1,021.32	£1,167.23	£1,313.13	£1,604.94	£1,896.74	£2,188.55	£2,626.26	£3,063.97
Clyro	£866.61	£1,011.04	£1,155.48	£1,299.91	£1,588.78	£1,877.65	£2,166.52	£2,599.82	£3,033.12
Disserth & Trecoed	£872.83	£1,018.31	£1,163.78	£1,309.25	£1,600.19	£1,891.14	£2,182.08	£2,618.50	£3,054.92
Gladestry	£868.71	£1,013.50	£1,158.28	£1,303.07	£1,592.64	£1,882.21	£2,171.78	£2,606.14	£3,040.50
Glasbury	£875.95	£1,021.95	£1,167.94	£1,313.93	£1,605.91	£1,897.90	£2,189.88	£2,627.86	£3,065.84
Glascwm	£868.66	£1,013.44	£1,158.21	£1,302.99	£1,592.54	£1,882.10	£2,171.65	£2,605.98	£3,040.31
Knighton	£888.77	£1,036.89	£1,185.02	£1,333.15	£1,629.41	£1,925.66	£2,221.92	£2,666.30	£3,110.68
Llanbadarn Fawr	£870.07	£1,015.08	£1,160.09	£1,305.10	£1,595.12	£1,885.14	£2,175.17	£2,610.20	£3,045.23
Llanbadarn Fynydd	£875.42	£1,021.32	£1,167.23	£1,313.13	£1,604.94	£1,896.74	£2,188.55	£2,626.26	£3,063.97
Llanbister	£869.31	£1,014.19	£1,159.08	£1,303.96	£1,593.73	£1,883.50	£2,173.27	£2,607.92	£3,042.57
Llanddewi Ystradenny	£866.71	£1,011.16	£1,155.61	£1,300.06	£1,588.96	£1,877.86	£2,166.77	£2,600.12	£3,033.47
Llandrindod Wells	£902.29	£1,052.68	£1,203.06	£1,353.44	£1,654.20	£1,954.97	£2,255.73	£2,706.88	£3,158.03
Llanelwedd	£868.84	£1,013.65	£1,158.45	£1,303.26	£1,592.87	£1,882.49	£2,172.10	£2,606.52	£3,040.94
Llanfihangel Rhydithon	£874.94	£1,020.76	£1,166.59	£1,312.41	£1,604.06	£1,895.70	£2,187.35	£2,624.82	£3,062.29
Llangunllo	£868.55	£1,013.31	£1,158.07	£1,302.83	£1,592.35	£1,881.87	£2,171.38	£2,605.66	£3,039.94
Llanyre	£873.42	£1,018.99	£1,164.56	£1,310.13	£1,601.27	£1,892.41	£2,183.55	£2,620.26	£3,056.97
Nantmel	£873.11	£1,018.62	£1,164.14	£1,309.66	£1,600.70	£1,891.73	£2,182.77	£2,619.32	£3,055.87
New Radnor	£876.75	£1,022.88	£1,169.00	£1,315.13	£1,607.38	£1,899.63	£2,191.88	£2,630.26	£3,068.64
Old Radnor	£870.69	£1,015.81	£1,160.92	£1,306.04	£1,596.27	£1,886.50	£2,176.73	£2,612.08	£3,047.43
Painscastle	£864.07	£1,008.09	£1,152.10	£1,296.11	£1,584.13	£1,872.16	£2,160.18	£2,592.22	£3,024.26
Penybont & Llandegley	£873.93	£1,019.59	£1,165.24	£1,310.90	£1,602.21	£1,893.52	£2,184.83	£2,621.80	£3,058.77
Presteigne & Norton	£889.42	£1,037.66	£1,185.89	£1,334.13	£1,630.60	£1,927.08	£2,223.55	£2,668.26	£3,112.97
Rhayader	£884.81	£1,032.28	£1,179.75	£1,327.22	£1,622.16	£1,917.10	£2,212.03	£2,654.44	£3,096.85
St Harmon	£875.85	£1,021.82	£1,167.80	£1,313.77	£1,605.72	£1,897.67	£2,189.62	£2,627.54	£3,065.46
Whitton	£866.75	£1,011.21	£1,155.67	£1,300.13	£1,589.05	£1,877.97	£2,166.88	£2,600.26	£3,033.64

Council voted on the recommendation proposed by County Councillor Wynne Jones and seconded by County Councillor John Powell.

Cllr Myfanwy Alexander	Abstain
Cllr Paul Ashton	Abstain
Cllr Dawn Bailey	For
Cllr Garry Banks	Abstain
Cllr Gemma Bowker	Absent
Cllr Graham Brown	For
Cllr John Brunt	For
Cllr Linda Corfield	For
Cllr Kelvyn Curry	Against
Cllr Aled Davies	Against
Cllr Dai Davies	For
Cllr Melanie Davies	Absent
Cllr Rachel Davies	Absent
Cllr Roche Davies	For
Cllr Sandra Davies	For
Cllr Stephen Davies	Absent
Cllr Matthew Dorrance	For
Cllr David Evans	For
Cllr John Evans	For
Cllr Viola Evans	For
Cllr Liam Fitzpatrick	Absent
Cllr Russell George	Absent
Cllr James Gibson-Watt	Against
Cllr Rosemarie Harris	For
Cllr Peter Harris	Absent
Cllr Stephen Hayes	For
Cllr Ann Holloway	Absent
Cllr Jeff Holmes	Against
Cllr Geraint Hopkins	For
Cllr Dai Jones	For
Cllr David Jones	For
Cllr E. Arwel Jones	Absent
Cllr Eldrydd Jones	For
Cllr E. Michael Jones	For
Cllr Graham Jones	Absent
Cllr Joy Jones	For
Cllr Michael John Jones	Absent
Cllr Wynne Jones	For
Cllr Francesca Jump	Against
Cllr Hywel Lewis	For
Cllr Peter Lewis	Against
Cllr Maureen Mackenzie	Against
Cllr Darren Mayor	For
Cllr Susan McNicholas	For
Cllr Peter Medicott	For
Cllr David Meredith	For
Cllr Bob Mills	Against

Cllr Evan Morgan	For
Cllr Gareth Morgan	For
Cllr John Morris	Absent
Cllr John Powell	For
Cllr William Powell	Absent
Cllr David Price	For
Cllr Gary Price	Against
Cllr Phil Pritchard	For
Cllr Gareth Ratcliffe	Absent
Cllr Kath Roberts-Jones	For
Cllr Joy Shearer	For
Cllr Kathryn Silk	Against
Cllr Keith Tampin	Absent
Cllr Barry Thomas	For
Cllr David Thomas	For
Cllr Gillian Thomas	For
Cllr Gwynfor Thomas	Against
Cllr Tony Thomas	For
Cllr Tom Turner	Absent
Cllr Timothy Van-Rees	For
Cllr Gwilym Vaughan	For
Cllr Gwilym Williams	Against
Cllr Huw Williams	Absent
Cllr Michael Williams	For
Cllr Sarah Williams	Absent
Cllr Avril York	For

The recommendation was passed by 40 votes to 12 with 3 abstentions.

RESOLVED	Reason for Decision:
<p>1. THAT the amounts contained in paragraph 2.1 above be accepted by the Council for the year 2016/2017 in accordance with Sections 32 to 36 of the Local Government Finance Act, 1992</p> <p>2. THAT, the Council in accordance with Section 30 (2) of the Local Government Finance Act, 1992, hereby sets the amounts contained in paragraph 2.3 as the amounts of Council Tax for the year 2016/2017 for each of the categories of dwellings shown.</p>	<p>To meet the legal requirements of the Council to set an amount of Council Tax.</p>

10.	HOUSING (WALES) ACT 2014 - COUNCIL TAX PREMIUMS	CC31- 2016
------------	--	-------------------

County Councillors PJ Ashton, LV Corfield, DE Davies, LRE Davies, SC Davies, DO Evans, WJ Evans, MR Harris, SM Hayes, GG Hopkins, EM Jones, WT Jones, PE Lewis, DJ Mayor, PJ Medicott, DW Meredith, RH Mills, ET Morgan, G Morgan, WJT Powell, DR Price, JG Shearer, RG Thomas, DA Thomas, WB Thomas, TJ Van-Rees, GSI Williams and EA York left the Chamber while this matter was discussed having declared personal and prejudicial interests.

In the absence of the Chair, Vice-Chair and Assistant Vice-Chair County Councillor DR Jones was appointed to the Chair for this item.

Council was asked to consider proposals to introduce a Council Tax premium on long-term empty dwellings (both unoccupied and substantially unfurnished) and dwellings occupied periodically (second homes/holiday homes that are furnished and not a main residence).

Cllr Myfanwy Alexander	For
Cllr Paul Ashton	Declared interest
Cllr Dawn Bailey	For
Cllr Garry Banks	For
Cllr Gemma Bowker	Absent
Cllr Graham Brown	For
Cllr John Brunt	For
Cllr Linda Corfield	Declared interest
Cllr Kelvyn Curry	For
Cllr Aled Davies	Against
Cllr Dai Davies	Declared interest
Cllr Melanie Davies	Absent
Cllr Rachel Davies	Absent
Cllr Roche Davies	Declared interest
Cllr Sandra Davies	Declared interest
Cllr Stephen Davies	Absent
Cllr Matthew Dorrance	For
Cllr David Evans	Declared interest
Cllr John Evans	Declared interest
Cllr Viola Evans	For
Cllr Liam Fitzpatrick	Absent
Cllr Russell George	Absent
Cllr James Gibson-Watt	For
Cllr Rosemarie Harris	Declared interest
Cllr Peter Harris	Absent
Cllr Stephen Hayes	Declared interest
Cllr Ann Holloway	Absent
Cllr Jeff Holmes	For
Cllr Geraint Hopkins	Declared interest
Cllr Dai Jones	For
Cllr David Jones	Did not vote
Cllr E. Arwel Jones	Absent

Cllr Eldrydd Jones	For
Cllr E. Michael Jones	Declared interest
Cllr Graham Jones	Absent
Cllr Joy Jones	For
Cllr Michael John Jones	Absent
Cllr Wynne Jones	Declared interest
Cllr Francesca Jump	For
Cllr Hywel Lewis	For
Cllr Peter Lewis	Declared interest
Cllr Maureen Mackenzie	For
Cllr Darren Mayor	Declared interest
Cllr Susan McNicholas	For
Cllr Peter Medicott	Declared interest
Cllr David Meredith	Declared interest
Cllr Bob Mills	Declared interest
Cllr Evan Morgan	Declared interest
Cllr Gareth Morgan	Declared interest
Cllr John Morris	Absent
Cllr John Powell	Declared interest
Cllr William Powell	Absent
Cllr David Price	Declared interest
Cllr Gary Price	Against
Cllr Phil Pritchard	For
Cllr Gareth Ratcliffe	Absent
Cllr Kath Roberts-Jones	For
Cllr Joy Shearer	Declared interest
Cllr Kathryn Silk	For
Cllr Keith Tampin	Absent
Cllr Barry Thomas	Declared interest
Cllr David Thomas	Declared interest
Cllr Gillian Thomas	Did not vote
Cllr Gwynfor Thomas	Declared interest
Cllr Tony Thomas	For
Cllr Tom Turner	Absent
Cllr Timothy Van-Rees	Declared interest
Cllr Gwilym Vaughan	For
Cllr Gwilym Williams	Declared interest
Cllr Huw Williams	Absent
Cllr Michael Williams	For
Cllr Sarah Williams	Absent
Cllr Avril York	Declared interest

The recommendation was passed by 23 votes to 2.

RESOLVED	Reason for Decision:
<p>1. To determine, that in accordance with Section 139 Housing (Wales) Act 2014 and Local Government Finance Act 1992 (as amended) Sections 12A & 12B, to charge a premium of 50% from 1st April</p>	<p>The council is required to make a determination in order to charge a premium and publish the decision under section 12 of the Local Government Finance Act 1992.</p>

<p>2017 for long-term empty properties and periodically occupied properties.</p> <p>2. Determine that this decision shall remain effective each financial year unless varied or revoked.</p> <p>3. To publish the determination within 21 days in at least one local newspaper in accordance with Section 12 of the Local Government Finance Act 1992.</p>	
---	--

11.	PAY POLICY STATEMENT	CC32- 2016
------------	-----------------------------	-------------------

All officers present declared an interest in this item and left the meeting while it was being considered. Elin Prysor the Monitoring Officer for Ceredigion County Council was Acting Monitoring Officer for this item.

Council considered the pay policy statement for 2016 – 17. Consideration of this item was deferred for advice from officers on a number of questions raised by members.

County Councillor PE Lewis left the meeting.

12.	APPOINTMENTS TO COMMITTEES MADE BY POLITICAL GROUPS AND APPROVED THE MONITORING OFFICER	CC33- 2016
------------	--	-------------------

Council noted the appointment of County Councillor Kathryn Silk by the Liberal Democrat group to the Standards Committee in place of County Councillor Maureen Mackenzie. The Monitoring Officer put on record his thanks to Councillor Mackenzie for her work on the Standards Committee.

13.	QUESTION TO THE PORTFOLIO HOLDER FOR HIGHWAYS FROM COUNTY COUNCILLOR KELVYN CURRY	CC34- 2016
------------	--	-------------------

I was recently contacted by a local cancer support charity, the Bracken Trust, concerned that PCC had increased its charges for temporary road closures from £130 to £330, an increase of over 150%. This makes the cost of running one of their most popular fund-raising events round the lake in Llandrindod Wells prohibitively expensive, and will similarly impact the fund-raising ability of other charities who run events of this type throughout Powys.

In reply to a number of questions I asked the Portfolio Holder recently, he admitted that “No impact assessment was undertaken when the cost of the

temporary orders was increased in October 2015”, so it is unclear whether the increase will actually result in more revenue as it may well deter charities from running these events at all. Furthermore, we do not know what the effect will be on the fund-raising ability of these charities at a time when PCC is relying increasingly on local community groups and the Third Sector to take over functions previously operated by the Council.

The Portfolio Holder has stated that he anticipates the new fees will generate an income of £12,920 this year as opposed to £6,120 last year. However, without an impact assessment, this is impossible to know. £6,120 may not even be achieved! As it stands, PCC may very well have a decrease in income as local community groups and the Third Sector decide not to organise this type of fund raising event, and the organisations themselves will certainly lose income by this type of fund raising activity becoming uneconomic (costing more to run than it will generate). In fact, a double whammy, everyone loses!

In light of this, and the fact that many (but not all) Welsh councils do not charge for road closures relating to community or non-profit events, would it not be prudent for the Portfolio Holder to revert to the previous charging structure of fees for temporary road closures until a full impact assessment has been carried out? At that time a reasoned way forward could be developed, based on evidence, not a hunch.

Charges for Traffic Regulation Orders are permitted under the Local Authorities (Transport Charges) Regulations 1998. Section 4 of these Regulations stipulate the Local Authority should have regard to the costs incurred with dealing with the matter when determining the charge to be levied. Table 2 Item 5 of the regulations places the onus on the Event Organiser to pay the charges for ‘Anything done by the Local Authority in connection with or in consequence of an order made or to be made by them under section 16A’

The Town Police Clauses Act 1874 does permit this Authority to close roads however this is not appropriate legislation to close roads for sporting events such as the run and cycle event that the Bracken Trust organises. These types of event require a closure under section 16A of the Road Traffic Regulation Act 1984.

An Order is needed in the first place because the Police will not place an officer on the highway for a planned event without one.

As Members will be aware we are facing difficult times going ahead and where possible, departments should seek to fully cost recover for the services they provide. Clearly the legislation allows this Authority to do this for making Traffic Regulation Orders for events upon the highway. The cost of a temporary traffic order was last set in 2003, some 13 years ago and since then the charge remained the same until the review was undertaken in October 2015. Costs are worked out based on average time spent drafting notices etc and placing them on site (there are also significant costs associated with advertising Orders). The review formed part of a full Fees and Charges review for Highways Transport and Recycling in October 2015.

Looking at some of the other Local Authorities in Wales, charges range from £2157 to no charge being raised. There is no consistent approach across Wales. However it is evident that this Authority does not charge as significantly as some other Councils and it is therefore considered our charging is proportionate for the work involved.

Since the two events the Trust organises propose to use the same section of highway it is possible to combine the events into one order this minimising the costs as much as possible, this would attract a single repeat order fee of £330. The only other alternative would be for the Trust to consider their options on whether to hold such event upon a highway or make any necessary changes to permit the event on the highway without requiring the closure. We will work with the Trust and other charitable organisations to support them the best we can with their arrangements in this regard.

In response to Councillor Curry's supplementary question the Portfolio Holder refuted any suggestion that the Highways Service was looking to penalise charities but was treating all applications in the same way and was seeking to recover costs.

14.	TREASURY MANAGEMENT STRATEGY	CC35- 2016
------------	-------------------------------------	-------------------

12.57 p.m. County Councillor JG Shearer left the meeting.

Council considered the Treasury Management Strategy Statement and Annual Investment Strategy.

Cllr Myfanwy Alexander	For
Cllr Paul Ashton	Abstain
Cllr Dawn Bailey	For
Cllr Garry Banks	For
Cllr Gemma Jane Bowker	Absent
Cllr Graham Brown	Abstain
Cllr John Brunt	For
Cllr Linda Corfield	For
Cllr Kelvyn Curry	For
Cllr Aled Davies	For
Cllr Dai Davies	For
Cllr Melanie Davies	Absent
Cllr Rachel Davies	Absent
Cllr Roche Davies	For
Cllr Sandra Davies	For
Cllr Stephen Davies	Absent
Cllr Matthew Dorrance	For
Cllr David Evans	For
Cllr John Evans	For
Cllr Viola Evans	For
Cllr Liam Fitzpatrick	Absent
Cllr Russell George	Absent
Cllr James Gibson-Watt	For
Cllr Rosemarie Harris	Did not vote

Cllr Peter Harris	Absent
Cllr Stephen Hayes	For
Cllr Ann Holloway	Absent
Cllr Jeff Holmes	For
Cllr Geraint Hopkins	For
Cllr Dai Jones	For
Cllr David Jones	For
Cllr E. Arwel Jones	Absent
Cllr Eldrydd Jones	Abstain
Cllr E. Michael Jones	For
Cllr Graham Jones	Absent
Cllr Joy Jones	For
Cllr Michael John Jones	Absent
Cllr Wynne Jones	For
Cllr Francesca Jump	For
Cllr Hywel Lewis	For
Cllr Peter Lewis	Absent
Cllr Maureen Mackenzie	For
Cllr Darren Mayor	For
Cllr Susan McNicholas	For
Cllr Peter Medicott	For
Cllr David Meredith	For
Cllr Bob Mills	Against
Cllr Evan Morgan	For
Cllr Gareth Morgan	Did not vote
Cllr John Morris	Absent
Cllr John Powell	For
Cllr William Powell	Absent
Cllr David Price	Did not vote
Cllr Gary Price	Did not vote
Cllr Phil Pritchard	For
Cllr Gareth Ratcliffe	Absent
Cllr Kath Roberts-Jones	For
Cllr Joy Shearer	Absent
Cllr Kathryn Silk	For
Cllr Keith Tampion	Absent
Cllr Barry Thomas	For
Cllr David Thomas	For
Cllr Gillian Thomas	Did not vote
Cllr Gwynfor Thomas	For
Cllr Tony Thomas	For
Cllr Tom Turner	Absent
Cllr Timothy Van-Rees	Did not vote
Cllr Gwilym Vaughan	Did not vote
Cllr Michael Williams	For
Cllr Gwilym Williams	Abstain
Cllr Sarah Williams	Absent
Cllr Huw Williams	Absent
Cllr Avril York	For

The recommendation was passed by 41 votes to 1 with 4 abstentions. County Councillor RG Brown abstained having missed part of the debate.

RESOLVED:	Reason for Decision:
That Council approves the Treasury Management Strategy Statement and Annual Investment Strategy.	Statutory Requirement

Council adjourned for lunch from 13.00 to 13.45.

PRESENT

County Councillor PJ Ashton (Chair)

County Councillors D Bailey, G R Banks, R G Brown, J H Brunt, L V Corfield, K W Curry, S C Davies, D E Davies, L R E Davies, A W Davies, M J Dorrance, V E Evans, W J Evans, D O Evans, S M Hayes, J C Holmes, D C Jones, E M Jones, Eldrydd M Jones, D R Jones, J R Jones, W T Jones, F H Jump, H Lewis, D Mayor, S McNicholas, P J Medicott, DW Meredith, W J T Powell, GD Price, P C Pritchard, K M Roberts-Jones, K S Silk, D A Thomas, W B Thomas, R G Thomas, T J Van-Rees, J M Williams, G I S Williams and E A York and EA York

11.	PAY POLICY STATEMENT	CC32 - 2016
------------	-----------------------------	--------------------

All officers present declared an interest in this item and left the meeting while it was being considered. Elin Prysor the Monitoring Officer for Ceredigion County Council was Acting Monitoring Officer for this item.

Council considered the pay policy statement for 2016 – 17.

Cllr Myfanwy Alexander	Absent
Cllr Paul Ashton	For
Cllr Dawn Bailey	For
Cllr Garry Banks	Abstain
Cllr Gemma Jane Bowker	Absent
Cllr Graham Brown	For
Cllr John Brunt	For
Cllr Linda Corfield	For
Cllr Kelvyn Curry	For
Cllr Aled Davies	Against
Cllr Dai Davies	For
Cllr Melanie Davies	Absent
Cllr Rachel Davies	Absent
Cllr Roche Davies	For
Cllr Sandra Davies	For
Cllr Stephen Davies	Absent
Cllr Matthew Dorrance	For
Cllr David Evans	For
Cllr John Evans	Absent
Cllr Viola Evans	For

Cllr Liam Fitzpatrick	Absent
Cllr Russell George	Absent
Cllr James Gibson-Watt	Absent
Cllr Peter Harris	Absent
Cllr Rosemarie Harris	Absent
Cllr Stephen Hayes	For
Cllr Ann Holloway	Absent
Cllr Jeff Holmes	For
Cllr Geraint Hopkins	Absent
Cllr Dai Jones	For
Cllr David Jones	For
Cllr E. Arwel Jones	Absent
Cllr Eldrydd Jones	For
Cllr E. Michael Jones	For
Cllr Graham Jones	Absent
Cllr Joy Jones	For
Cllr Michael J. Jones	Absent
Cllr Wynne Jones	For
Cllr Francesca Jump	For
Cllr Hywel Lewis	For
Cllr Peter Lewis	Absent
Cllr Maureen Mackenzie	Absent
Cllr Darren Mayor	For
Cllr Susan McNicholas	For
Cllr Peter Medicott	For
Cllr David Meredith	For
Cllr Bob Mills	Absent
Cllr Evan Morgan	For
Cllr Gareth Morgan	Absent
Cllr John Morris	Absent
Cllr John Powell	For
Cllr William Powell	Absent
Cllr David Price	Absent
Cllr Gary Price	Against
Cllr Phil Pritchard	For
Cllr Gareth Ratcliffe	Absent
Cllr Kath Roberts-Jones	For
Cllr Joy Shearer	Absent
Cllr Kathryn Silk	For
Cllr Keith Tampin	Absent
Cllr Barry Thomas	For
Cllr David Thomas	For
Cllr Gillian Thomas	Absent
Cllr Gwynfor Thomas	Against
Cllr Tony Thomas	Absent
Cllr Tom Turner	Absent
Cllr Timothy Van-Rees	For
Cllr Gwilym Vaughan	Absent
Cllr Gwilym Williams	Against
Cllr Huw Williams	Absent
Cllr Michael Williams	For

Cllr Sarah Williams	Absent
Cllr Avril York	For

The recommendation was passed by 36 votes to 4 with 1 abstention.

RESOLVED:	Reason for Decision:
To approve the pay policy statement attached to the report and filed with the signed minutes.	Ensure compliance with section 38 (1) of the Localism Act 2011.

15.	PRESENTATION BY SIMON PRINCE, CHIEF CONSTABLE OF DYFED POWYS POLICE	CC36- 2016
------------	--	-------------------

Simon Prince, Chief Constable of Dyfed Powys Police, gave a presentation to Council. The Chief Constable and Superintendent Robyn Mason answered questions from Members.

County Councillor PJ Ashton (Chair)

**COFNODION CYFARFOD Y CYNGOR SIR A GYNHALIWD YN SIAMBR NEUADD
Y SIR, LLANDRINDOD DDYDD MERCHER, 9 MAWRTH 2016**

YN BRESENNOL

County Councillor PJ Ashton (Cadeirydd)

Cynghorwyr Sir MC Alexander, D Bailey, G R Banks, R G Brown, J H Brunt, L V Corfield, K W Curry, S C Davies, D E Davies, L R E Davies, A W Davies, M J Dorrance, V E Evans, W J Evans, D O Evans, J Gibson-Watt, M R Harris, S M Hayes, J C Holmes, G Hopkins, D C Jones, E M Jones, Eldrydd M Jones, D R Jones, J R Jones, W T Jones, F H Jump, P E Lewis, H Lewis, MC Mackenzie, D Mayor, S McNicholas, P J Medicott, DW Meredith, R H Mills, ET Morgan, G Morgan, W J T Powell, GD Price, D R Price, P C Pritchard, K M Roberts-Jones, J G Shearer, K S Silk, D A Thomas, W B Thomas, A G Thomas, D G Thomas, R G Thomas, T J Van-Rees, G P Vaughan, J M Williams, G I S Williams ac E A York

1.	YMDDIHEURIADAU	CC22- 2016
-----------	-----------------------	-------------------

Derbyniwyd ymddiheuriadau am absenoldeb oddi wrth y Cynghorwyr Sir GJ Bowker, ER Davies MJB Davies, L Fitzpatrick, RI George, EA Jones, GM Jones, MJ Jones, JG Morris, WD Powell, GW Ratcliffe, KF Tampin, TG Turner DH Williams ac SL Williams.

2.	COFNODION	CC23- 2016
-----------	------------------	-------------------

Awdurdodwyd y Cadeirydd i arwyddo Cofnodion cyfarfodydd a gynhaliwyd ar 25 Chwefror 2016 fel rhai cywir.

3.	DATGANIADAU O DDIDDORDEB	CC24- 2016
-----------	---------------------------------	-------------------

Gwnaeth y Cynghorwyr Sir PJ Ashton, LV Corfield, DE Davies, LRE Davies, SC Davies, DO Evans, WJ Evans, MR Harris, SM Hayes, GG Hopkins, EM Jones, WT Jones, PE Lewis, DJ Mayor, PJ Medicott, DW Meredith, RH Mills, ET Morgan, G Morgan, WJT Powell, DR Price, JG Shearer, RG Thomas, DA Thomas, WB Thomas, TJ Van-Rees, GSI Williams ac EA York ddatganiad o ddiddordeb personol diragfarn o ran Deddf Tai (Cymru) CC31 – 2016 2014 – Premiwm Treth y Cyngor.

4.	CYHOEDDIADAU'R CADEIRYDD	CC25- 2016
-----------	---------------------------------	-------------------

Rhoddodd y Cadeirydd fanylion am rai o'r digwyddiadau yr oedd wedi eu mynychu dros yr wythnosau diwethaf. Diolchodd i'r Aelodau hynny a oedd wedi mynychu ei ginio elusennol neu a oedd wedi cyfrannu ato.

5.	CYHOEDDIADAU'R ARWEINYDD	CC26- 2016
-----------	---------------------------------	-------------------

Diolchodd yr Arweinydd i bawb a oedd wedi cyfrannu at drefnu'r gyllideb a chydabu'r arian ychwanegol yr oedd Llywodraeth Cymru wedi ei roi a chymorth Aelodau'r Cynulliad wrth lobbio dros yr arian hwn. Dywedodd fod ymgynghoriadau ar y gweill ar nifer o ysgolion cynradd ac y byddai'r ymgynghoriadau ar ysgolion uwchradd yn nalgylchoedd Aberhonddu a Gwernyfed a Llanfair-ym-Muallt a Llandrindod yn dechrau fis Ebrill. Rhoddodd wybod i'r Cyngor ei fod, ynghyd â'i Ddirprwy Arweinwyr, wedi cyfarfod â Chris Davies AS ac Alun Cairns AS i drafod cryfhau gwasanaethau trawsffiniol, a'r angen i wella'r cysylltiadau teithio a chwmpas ffonau symudol. Hefyd fe groesawodd yr Arweinydd y ffaith y byddai ras seiclo Taith Prydain yn dychwelyd i'r sir.

6.	BRÏFF Y PRIF WEITHREDWR	CC27- 2016
-----------	--------------------------------	-------------------

Croesawodd y Prif Weithredwr y newyddion bod y gwaith ar fin cychwyn ar ffordd osgoi'r Drenedydd. Rhoddodd y newyddion diweddaraf i'r Cyngor ynglŷn ag integreiddio'r Bwrdd Iechyd gyda chynllun cydleoli yn Ystradgynlais a'r gwaith a oedd ar fin cychwyn ym Machynlleth a Llanidloes ynglŷn â rhagor o gynlluniau cydleoli. Dywedodd fod y Cyngor yn gweithio mewn partneriaeth â Chynllun Severnside Extra Care i ddarparu 48 o fflatiau fforddiadwy i'w rhentu gan bobl ag anghenion gofal a chymorth. Llongyfarchodd yr adran Gyfathrebu a oedd wedi ennill y dyfarniad ymgysylltu staff yng Ngwobrau Sefydliad Siartredig Cysylltiadau Cyhoeddus a oedd hefyd wedi bod ar y rhestr fer am wobwr ychwanegol. Roedd hefyd yn falch gallu dweud bod y Cyngor wedi'i gynnwys ar restr fer Gwobrau Rhagoriaeth wrth Gaffael Llywodraeth Leol am ei waith wrth drosglwyddo'r gwasanaethau hamdden. Yn olaf, fe nododd fod y Cyngor wedi llwyddo i gadw ei gontract ar gyfer y cynllun Asiantaeth Tai Cenedlaethol.

7.	TROSGLWYDDIADAU YN Y GYLLIDEB	CC28- 2016
-----------	--------------------------------------	-------------------

Gwnaeth dros 10 o'r aelodau a oedd yn bresennol gais i'r holl bleidleisiau yn y cyfarfod gael eu cofnodi.

Rhoddwyd gwybod i'r Cyngor bod y trosglwyddiad yn ymwneud â system TG Gofal Cymdeithasol a ddylai fod yn y gyllideb refeniw ac nid yn y gyllideb cyfalaf.

Cyng Myfanwy Alexander	O Blaid
Cyng Paul Ashton	Ymatal
Cyng Dawn Bailey	O Blaid
Cyng Garry Banks	Ymatal
Cyng Gemma Bowker	Absennol
Cyng Graham Brown	O Blaid
Cyng John Brunt	O Blaid
Cyng Linda Corfield	O Blaid
Cyng Kelvyn Curry	O Blaid
Cyng Aled Davies	Ymatal
Cyng Dai Davies	O Blaid
Cyng Melanie Davies	Absennol
Cyng Rachel Davies	Absennol
Cyng Roche Davies	Heb Bleidleisio

Cyng Sandra Davies	O Blaid
Cyng Stephen Davies	Absennol
Cyng Matthew Dorrance	O Blaid
Cyng David Evans	O Blaid
Cyng John Evans	O Blaid
Cyng Viola Evans	Heb Bleidleisio
Cyng Liam Fitzpatrick	Absennol
Cyng Russell George	Absennol
Cyng James Gibson-Watt	Heb Bleidleisio
Cyng Peter Harris	Absennol
Cyng Rosemarie Harris	Heb Bleidleisio
Cyng Stephen Hayes	O Blaid
Cyng Ann Holloway	Absennol
Cyng Jeff Holmes	Heb Bleidleisio
Cyng Geraint Hopkins	O Blaid
Cyng Dai Jones	Heb Bleidleisio
Cyng David Jones	O Blaid
Cyng E. Arwel Jones	Absennol
Cyng Eldrydd Jones	O Blaid
Cyng E. Michael Jones	O Blaid
Cyng Graham Jones	Absennol
Cyng Joy Jones	O Blaid
Cyng Michael John Jones	Absennol
Cyng Wynne Jones	O Blaid
Cyng Francesca Jump	Heb Bleidleisio
Cyng Hywel Lewis	O Blaid
Cyng Peter Lewis	O Blaid
Cyng Maureen Mackenzie	Heb Bleidleisio
Cyng Darren Mayor	O Blaid
Cyng Susan McNicholas	O Blaid
Cyng Peter Medlicott	O Blaid
Cyng David Meredith	O Blaid
Cyng Bob Mills	Heb Bleidleisio
Cyng Evan Morgan	O Blaid
Cyng Gareth Morgan	Heb Bleidleisio
Cyng John Morris	Absennol
Cyng John Powell	O Blaid
Cyng William Powell	Absennol
Cyng David Price	O Blaid
Cyng Gary Price	Yn Erbyn
Cyng Phil Pritchard	O Blaid
Cyng Gareth Ratcliffe	Absennol
Cyng Kath Roberts-Jones	O Blaid
Cyng Joy Shearer	O Blaid
Cyng Kathryn Silk	Heb Bleidleisio
Cyng Keith Tampin	Absennol
Cyng Barry Thomas	O Blaid
Cyng David Thomas	O Blaid
Cyng Gillian Thomas	O Blaid
Cyng Gwynfor Thomas	O Blaid
Cyng Tony Thomas	O Blaid

Cyng Tom Turner	Absennol
Cyng Timothy Van-Rees	O Blaid
Cyng Gwilym Vaughan	O Blaid
Cyng Gwilym Williams	Ymatal
Cyng Huw Williams	Absennol
Cyng Michael Williams	O Blaid
Cyng Sarah Williams	Absennol
Cyng Avril York	O Blaid

Cafodd yr argymhelliad ei basio o 39 pleidlais i 1 gyda 1 yn ymatal.

PENDERFYNWYD	Rheswm dros y Penderfyniad:
Cymeradwyo'r trosglwyddiad y manylwyd arno yn yr atodlen sydd wedi'i ffeilio gyda'r cofnodion a lofnodwyd.	Yn unol â gofynion gorchmynion sefydlog ariannol.

8.	DATGANIAD BLYNYDDOL AR Y DDARPARIAETH REFENIW SYLFAENOL DDIWYGIEDIG 2015/16	CC29- 2016
-----------	--	-------------------

Esboniodd yr Aelod Portffolio fod yr argymhelliad dan sylw yn ymwneud â chyllido cyfalaf y gyllideb ar gyfer 2015/16, ac fe gynigodd yr un fethodoleg ar gyfer ad-dalu â'r un a gymeradwywyd gan y Cyngor yn ei gyfarfodydd blaenorol ar gyfer cyllideb 2016/17. Roedd hyn yn cwtdogi ar y cyfnod a oedd ar gael i'r benthyciadau gael eu had-dalu, ac yn ei gwneud yn gwbl sicr beth oedd cyfnod yr ad-dalu. Rhoddwyd gwybod i'r cyngor y byddai Darpariaeth Refeniw Sylfaenol ar gyfer y Cyfrif Refeniw Tai yn dal i gael ei seilio ar y dulliau penodol a nodwyd yn Eitem 8 ar Benderfyniad. Roedd llai o gyfle ar gyfer amrywiaeth yn y Cyfrif Refeniw Tai gan fod yn rhaid i'r awdurdod ddilyn y dulliau a osodir gan y Penderfyniad yn hytrach nag ystyried y rhain fel canllawiau yn unig. Byddai'r awdurdod yn cydymffurfio gyda'r penderfyniad.

Cyng Myfanwy Alexander	Yn Erbyn
Cyng Paul Ashton	Ymatal
Cyng Dawn Bailey	O Blaid
Cyng Garry Banks	Ymatal
Cyng Gemma Bowker	Absennol
Cyng Graham Brown	O Blaid
Cyng John Brunt	O Blaid
Cyng Linda Corfield	O Blaid
Cyng Kelvyn Curry	O Blaid
Cyng Aled Davies	Ymatal
Cyng Dai Davies	O Blaid
Cyng Melanie Davies	Absennol
Cyng Rachel Davies	Absennol
Cyng Roche Davies	O Blaid
Cyng Sandra Davies	O Blaid
Cyng Stephen Davies	Absennol
Cyng Matthew Dorrance	O Blaid
Cyng David Evans	O Blaid

Cyng John Evans	O Blaid
Cyng Viola Evans	Heb Bleidleisio
Cyng Liam Fitzpatrick	Absennol
Cyng Russell George	Absennol
Cyng James Gibson-Watt	O Blaid
Cyng Peter Harris	Absennol
Cyng Rosemarie Harris	Heb Bleidleisio
Cyng Stephen Hayes	O Blaid
Cyng Ann Holloway	Absennol
Cyng Jeff Holmes	O Blaid
Cyng Geraint Hopkins	O Blaid
Cyng Dai Jones	O Blaid
Cyng David Jones	O Blaid
Cyng E. Arwel Jones	Absennol
Cyng Eldrydd Jones	Heb Bleidleisio
Cyng E. Michael Jones	O Blaid
Cyng Graham Jones	Absennol
Cyng Joy Jones	O Blaid
Cyng Michael John Jones	Absennol
Cyng Wynne Jones	O Blaid
Cyng Francesca Jump	O Blaid
Cyng Hywel Lewis	O Blaid
Cyng Peter Lewis	Ymatal
Cyng Maureen Mackenzie	O Blaid
Cyng Darren Mayor	O Blaid
Cyng Susan McNicholas	O Blaid
Cyng Peter Medlicott	O Blaid
Cyng David Meredith	O Blaid
Cyng Bob Mills	Yn Erbyn
Cyng Evan Morgan	O Blaid
Cyng Gareth Morgan	O Blaid
Cyng John Morris	Absennol
Cyng John Powell	O Blaid
Cyng William Powell	Absennol
Cyng David Price	O Blaid
Cyng Gary Price	Ymatal
Cyng Phil Pritchard	O Blaid
Cyng Gareth Ratcliffe	Absennol
Cyng Kath Roberts-Jones	O Blaid
Cyng Joy Shearer	O Blaid
Cyng Kathryn Silk	O Blaid
Cyng Keith Tampin	Absennol
Cyng Barry Thomas	O Blaid
Cyng David Thomas	O Blaid
Cyng Gillian Thomas	O Blaid
Cyng Gwynfor Thomas	Ymatal
Cyng Tony Thomas	O Blaid
Cyng Tom Turner	Absennol
Cyng Timothy Van-Rees	O Blaid
Cyng Gwilym Vaughan	O Blaid
Cyng Gwilym Williams	O Blaid

Cyng Huw Williams	Absennol
Cyng Michael Williams	O Blaid
Cyng Sarah Williams	Absennol
Cyng Avril York	O Blaid

Cafodd yr argymhelliad ei basio o 44 pleidlais i 2 gyda 6 yn ymatal.

PENDERFYNWYD	Rheswm dros y Penderfyniad:
Defnyddio cyfrifiad llinell syth 2% ar gyfer MRP mewn perthynas â Benthycia â Chymorth.	Gofynion Statudol

9.	PENDERFYNIAD TRETH GYNGOR AR GYFER 2016-2017	CC30- 2016
-----------	---	-------------------

Atgoffodd y Deiliad Portffolio Cyllid y Cyngor fod penderfyniad y Dreth Gyngor yn seiliedig ar gynnydd Treth Gyngor arfaethedig o 4.25% fel y cytunwyd yn y cyfarfod Cyngor ar 25 Chwefror 2016. He agreed to let Members have a list of precepts from Town and Community Councils.

Esboniodd y grŵp Llafur eu bod yn barod i gefnogi'r cynnydd a argymhellwyd yn Nhreth y Cyngor er mwyn ceisio diogelu gwasanaethau rhag rhagor o doriadau, er eu bod wedi pleidleisio yn erbyn y gyllideb oherwydd nad oeddent yn credu bod yr SIAs yn ddigonol.

Mynegodd nifer o aelodau eu siom o weld cynnydd arfaethedig yn Nhreth y Cyngor. Er bod yr Aelod Portffolio â chyfrifoldeb am Gyllid yn cydymdeimlo ar y mater, atgoffodd y Cyngor bod pob 2% o ostyngiad yn Nhreth y Cyngor yn golygu £3m o arbedion pellach y byddai angen eu tocio o'r gwasanaethau. Mynegodd un aelod ei rwystredigaeth ynghylch darpariaeth gymunedol, gan ddweud na chafodd Cynghorau Tref a Chymuned wybodaeth yn ddigon prydlon i allu gosod eu praeseptiau i gyd-fynd â hyn. Mewn ymateb i gwestiynau am y gwasanaethau llyfrgell, dywedodd yr Aelod Portffolio â chyfrifoldeb am Gomisiynu, Caffael a Gwasanaethau fod adolygiad ar y gweill a bod y gwasanaeth yn awyddus i weithio gyda Chynghorau Tref Cymuned i ddod o hyd i atebion lleol.

Roedd cyfrifiad Treth y Cyngor fel a ganlyn:

Mewn cyfarfod o'r Cabinet ar 24 Tachwedd 2014, cyfrifodd y Cyngor y symiau canlynol ar gyfer y flwyddyn 2016/2017 yn unol â Rheoliadau a wnaed o dan Adran 33(5) Deddf Cyllid Llywodraeth Leol, 1992

- (a) Sef y swm a gyfrifwyd gan y Cyngor yn unol â Rheoliadau'r Awdurdod Lleol (Cyfrifiad Sylfaen y Dreth Gyngor) (Cymru) 1995, fel y'u diwygiwyd, fel Sail y Dreth Gyngor ar gyfer y flwyddyn 2016/2017.
- (b) Rhan o ardal y Cyngor

Cymuned:

Abbeycwmhir	125.29
Aberedw	133.27
Aberhafesp	218.77
Abermule with Llandyssil	719.64
Banwy	317.56
Bausley with Criggion	359.43
Beguildy	375.78
Berriew	734.61
Betws Cedewain	230.98
Brecon	3441.49
Bronllys	424.73
Builth Wells	1070.10
Cadfarch	446.80
Caersws	704.77
Carno	351.15
Carreghofa	306.24
Castle Caereinion	287.13
Churchstoke	840.50
Cilmery	229.90
Clyro	409.17
Cray	133.76
Crickhowell	1073.65
Cwmdu and District	557.21
Disserth & Trecoed	545.39
Duhonw	154.25
Dwyrhiw	277.87
Erwood	252.16
Felinfach	383.85
Forden	779.73
Gladestry	231.87
Glantwymyn	656.01
Glasbury	546.28
Glascwm	266.74
Glyn Tarrell	297.77
Guilsfield	860.99
Gwernyfed	488.36
Hay-on-Wye	843.06
Honddu Isaf	223.99
Kerry	940.77
Knighton	1312.32
Llanafanfawr	238.57
Llanbadarn Fawr	334.11
Llanbadarn Fynydd	143.12
Llanbister	198.87
Llanbrynmair	488.76
Llanddew	118.10
Llanddewi Ystradenny	141.05
Llandinam	437.14
Llandrindod Wells	2320.27
Llandrinio & Arddleen	702.80
Llandysilio	533.77
Llanelwedd	190.40
Llanerfyl	217.78
Llanfair Caereinion	789.08
Llanfechain	274.42
Llanfihangel	272.94

Llanfihangel Rhydithon	116.72
Llanfrynach	319.34
Llanfyllin	700.83
Llangammarch	255.41
Llangattock	567.75
Llangedwyn	196.21
Llangorse	553.37
Llangunllo	196.90
Llangurig	390.65
Llangynidr	583.51
Llangyniew	304.96
Llangynog	195.23
Llanidloes	1159.74
Llanidloes Without	313.43
Llanigon	286.44
Llanrhaeadr ym Mochnant	583.22
Llansantffraid	697.48
Llansilin	348.49
Llanwddyn	122.83
Llanwrthwl	105.30
Llanwrtyd Wells	391.54
Llanyre	572.29
Llywel	249.30
Machynlleth	874.48
Maescar	470.78
Manafon	178.97
Meifod	680.73
Merthyr Cynog	136.92
Mochdre with Penstrowed	246.94
Montgomery	715.70
Nantmel	335.89
New Radnor	222.51
Newtown & Llanllwchaiarn	4273.32
Old Radnor	387.70
Paincastle	284.17
Pen Y Bont Fawr	252.16
Penybont & Llandegley	204.58
Presteigne & Norton	1265.63
Rhayader	903.15
St Harmon	310.96
Talgarth	719.15
Talybont-on-Usk	388.42
Tawe Uchaf	591.69
Trallong	200.84
Trefeglwys	449.06
Treflys	222.61
Tregynon	377.85
Trewern	651.18
Vale of Grwyney	484.03
Welshpool	2618.26
Whitton	206.85
Yscir	257.87
Ystradfelte	250.88
Ystradgynlais	2856.92

61,185.66

sef y symiau a gyfrifwyd gan y Cyngor yn unol â'r Rheoliadau, fel sail i'w Sylfaen Treth Gyngor ar gyfer y flwyddyn 2016/2017 ar gyfer anheddau yn y rhannau hynny o'i ardal y mae un neu fwy o eitemau'n berthnasol iddynt.

2. Y CYFRIFIAD

2.1. BOD y symiau canlynol bellach yn cael eu cyfrifo gan y Cyngor ar gyfer y flwyddyn 2016/2017 n unol ag Adrannau 32 i 36 Deddf Cyllid Llywodraeth Leol, 1992:

- | | |
|---------------------|---|
| (a) £449,624,392.39 | sef cyfran y symiau y mae'r Cyngor yn eu hamcangyfrif ar gyfer eitemau a osodwyd allan yn Adran 32 (2) (a) i (e) y Ddeddf |
| (b) £209,919,880.07 | sef cyfran y symiau y mae'r Cyngor yn eu hamcangyfrif ar gyfer yr eitemau a osodwyd allan yn Adran(3) (a) i (c) y Ddeddf |
| (c) £239,704,512.32 | sef y swm y mae'r gyfran yn 2.1(a) uchod yn uwch na'r gyfran yn 2.1(b) uchod, a gyfrifwyd gan y Cyngor yn unol ag Adran 32 (4) y Ddeddf, fel ei ofyniad cyllidebol ar gyfer y flwyddyn |
| (d) £170,293,773.00 | sef cyfran y symiau y mae'r Cyngor yn ei amcangyfrif fydd yn daladwy ar gyfer y flwyddyn i mewn i'r Gronfa Gyffredinol mewn perthynas â Threthi Annomestig a ail-ddosbarthwyd, Grant Cymorth refeniw, grant arbennig neu grant ychwanegol |
| (e) £1,134.43 | sef y swm ar 2.1(c) uchod, heb y swm yn 2.1(d) uchod, yr oll wedi eu rhannu â'r swm yn 1.3(a) uchod, a gyfrifwyd gan y Cyngor yn unol ag Adran 33 (1) y Ddeddf, fel swm sylfaenol ei Dreth y Cyngor am y flwyddyn |
| (f) £2,714,698.32 | sef swm cyfran yr holl eitemau arbennig y cyfeirir atynt yn Adran 34 (1) y Ddeddf |
| (g) £1,090.06 | sef y swm yn 2.1(e) uchod heb y canlyniad a roddwyd drwy rannu'r swm yn 2.1(f) uchod â'r swm yn 1.3(a) uchod, yn unol ag Adran 34 (2) y Ddeddf, fel y swm sylfaenol o'i Dreth y Cyngor ar gyfer y flwyddyn i anheddau yn y rhannau hynny o'i ardal lle nad oes eitem arbennig yn berthnasol iddynt. |

BRECKNOCK

<u>COMMUNITY</u>	<u>COUNTY & COMMUNITY COUNCIL TAX BAND D</u>
Brecon	£1,173.41
Bronllys	£1,118.31
Builth Wells	£1,164.08
Cilmery	£1,102.57
Cray	£1,119.96
Crickhowell	£1,132.90
Duhonw	£1,097.52
Erwood	£1,101.56
Felinfach	£1,108.30
Glyn Tarrell	£1,116.93
Gwernyfed	£1,109.09
Hay-on-Wye	£1,137.74
Honddu Isaf	£1,091.06
Llanafan Fawr	£1,102.63
Llanddew	£1,111.23
Cwmdu and District	£1,108.01
Llanfrynach	£1,128.32
Llangammarch	£1,116.68
Llangattock	£1,122.97
Llangorse	£1,112.65
Llangynidr	£1,104.18
Llanigon	£1,104.02
Llanwrthwl	£1,110.00
Llanwrtyd Wells	£1,132.20
Llywel	£1,115.03
Maescar	£1,121.07
Merthyr Cynog	£1,117.45
Talgarth	£1,163.76
Talybont-on-Usk	£1,123.53
Tawe Uchaf	£1,123.86
Trallong	£1,101.51
Treflys	£1,105.78
Vale of Grwyney	£1,104.52
Yscir	£1,105.06
Ystradfellte	£1,125.93
Ystradgynlais	£1,173.89

MONTGOMERYSHIRE

<u>COMMUNITY</u>	<u>COUNTY & COMMUNITY COUNCIL TAX BAND D</u>
Aberhafesp	£1,106.06
Banwy	£1,108.95
Bausley with Criggion	£1,106.89
Berriew	£1,105.52
Betws Cedewain	£1,117.40
Cadfarch	£1,101.78
Caersws	£1,115.60
Carno	£1,124.34
Carreghofa	£1,129.28
Castle Caereinion	£1,116.04
Churchstoke	£1,111.95
Dwyrhiw	£1,104.46
Fordeu	£1,121.00
Glantwymyn	£1,105.91
Guilsfield	£1,103.98
Kerry	£1,118.12
Llanbrynmair	£1,111.67
Llandinam	£1,114.92
Llandrinio and Arddleen	£1,112.06
Llandysilio	£1,119.27
Abermule with Llandyssil	£1,127.93
Llanerfyl	£1,108.60
LLanfair Caereinion	£1,128.65
Llanfechain	£1,112.86
Llanfihangel	£1,115.93
Llanfyllin	£1,117.70
Llangedwyn	£1,100.25
Llangurig	£1,097.74
Llangyniew	£1,108.56
Llangynog	£1,120.79
Llanidloes	£1,199.03
Llanidloes Without	£1,112.39
Llanrhaeadr ym Mochnant	£1,105.49
Llansantffraid	£1,113.00
Llansilin	£1,095.80
Llanwddyn	£1,126.27
Machynlleth	£1,198.01
Manafon	£1,110.18
Meifod	£1,101.81
Mochdre with Penstrowed	£1,113.55
Montgomery	£1,125.67
Newtown & Llanllwchaiarn	£1,168.35
Pen Y Bont Fawr	£1,124.99
Trefeglwys	£1,092.95
Tregynon	£1,113.09
Trewern	£1,116.06
Welshpool	£1,212.28

RADNORSHIRE

<u>COMMUNITY</u>	<u>COUNTY & COMMUNITY COUNCIL TAX BAND D</u>
Abbeycwmhir	£1,109.02
Aberedw	£1,096.81
Beguildy	£1,113.06
Clyro	£1,099.84
Disserth & Trecoed	£1,109.18
Gldestry	£1,103.00
Glasbury	£1,113.86
Glascwm	£1,102.92
Knighton	£1,133.08
Llanbadam Fawr	£1,105.03
Llanbadam Fynydd	£1,113.06
Llanbister	£1,103.89
Llanddewi Ystradenny	£1,099.99
Llandrindod Wells	£1,153.37
Llanelwedd	£1,103.19
Llanfihangel Rhydithon	£1,112.34
Llangunllo	£1,102.76
Llanyre	£1,110.06
Nantmel	£1,109.59
New Radnor	£1,115.06
Old Radnor	£1,105.97
Paincastle	£1,096.04
Penybont & Llandegley	£1,110.83
Presteigne & Norton	£1,134.06
Rhayader	£1,127.15
St Harmon	£1,113.70
Whitton	£1,100.06

sef y symiau a roddwyd drwy adio at y swm yn 2.1(g) uchod, symiau'r eitem neu eitemau arbennig sy'n berthnasol i anheddau yn y rhannau hynny o ardal y Cyngor a enwyd uchod, wedi eu rhannu ym mhob achos gan y swm yn 1.3(b) uchod, wedi ei gyfrifo gan y Cyngor, yn unol ag Adran 34 (3) y Ddeddf, fel swm sylfaenol ei Threth y Cyngor ar gyfer y flwyddyn ar gyfer anheddau yn y rhannau hynny o'i ardal y mae un neu fwy o eitemau arbennig yn berthnasol iddynt

- (i) Rhan o Ardal y Cyngor

BRECKNOCK

COMMUNITY**COUNTY & COMMUNITY
COUNCIL TAX BANDS**

	A	B	C	D	E	F	G	H	I
Brecon	£782.27	£912.65	£1,043.03	£1,173.41	£1,434.17	£1,694.93	£1,955.68	£2,346.82	£2,737.96
Bronllys	£745.54	£869.80	£994.05	£1,118.31	£1,366.82	£1,615.34	£1,863.85	£2,236.62	£2,609.39
Builth Wells	£776.05	£905.40	£1,034.74	£1,164.08	£1,422.76	£1,681.45	£1,940.13	£2,328.16	£2,716.19
Cilmery	£735.05	£857.55	£980.06	£1,102.57	£1,347.59	£1,592.60	£1,837.62	£2,205.14	£2,572.66
Cray	£746.64	£871.08	£995.52	£1,119.96	£1,368.84	£1,617.72	£1,866.60	£2,239.92	£2,613.24
Crickhowell	£755.27	£881.14	£1,007.02	£1,132.90	£1,384.66	£1,636.41	£1,888.17	£2,265.80	£2,643.43
Duhonw	£731.68	£853.63	£975.57	£1,097.52	£1,341.41	£1,585.31	£1,829.20	£2,195.04	£2,560.88
Erwood	£734.37	£856.77	£979.16	£1,101.56	£1,346.35	£1,591.14	£1,835.93	£2,203.12	£2,570.31
Felinfach	£738.87	£862.01	£985.16	£1,108.30	£1,354.59	£1,600.88	£1,847.17	£2,216.60	£2,586.03
Glyn Tarrell	£744.62	£868.72	£992.83	£1,116.93	£1,365.14	£1,613.34	£1,861.55	£2,233.86	£2,606.17
Gwernyfed	£739.39	£862.63	£985.86	£1,109.09	£1,355.55	£1,602.02	£1,848.48	£2,218.18	£2,587.88
Hay-on-Wye	£758.49	£884.91	£1,011.32	£1,137.74	£1,390.57	£1,643.40	£1,896.23	£2,275.48	£2,654.73
Honddu Isaf	£727.37	£848.60	£969.83	£1,091.06	£1,333.52	£1,575.98	£1,818.43	£2,182.12	£2,545.81
Llanafanfawr	£735.09	£857.60	£980.12	£1,102.63	£1,347.66	£1,592.69	£1,837.72	£2,205.26	£2,572.80
Llanddew	£740.82	£864.29	£987.76	£1,111.23	£1,358.17	£1,605.11	£1,852.05	£2,222.46	£2,592.87
Cwmdu and District	£738.67	£861.79	£984.90	£1,108.01	£1,354.23	£1,600.46	£1,846.68	£2,216.02	£2,585.36
Llanfrynach	£752.21	£877.58	£1,002.95	£1,128.32	£1,379.06	£1,629.80	£1,880.53	£2,256.64	£2,632.75
Llangammarch	£744.45	£868.53	£992.60	£1,116.68	£1,364.83	£1,612.98	£1,861.13	£2,233.36	£2,605.59
Llangattock	£748.65	£873.42	£998.20	£1,122.97	£1,372.52	£1,622.07	£1,871.62	£2,245.94	£2,620.26
Llangorse	£741.77	£865.39	£989.02	£1,112.65	£1,359.91	£1,607.16	£1,854.42	£2,225.30	£2,596.18
Llangynidr	£736.12	£858.81	£981.49	£1,104.18	£1,349.55	£1,594.93	£1,840.30	£2,208.36	£2,576.42
Llanigon	£736.01	£858.68	£981.35	£1,104.02	£1,349.36	£1,594.70	£1,840.03	£2,208.04	£2,576.05
Llanwrthwl	£740.00	£863.33	£986.67	£1,110.00	£1,356.67	£1,603.33	£1,850.00	£2,220.00	£2,590.00
Llanwrtyd Wells	£754.80	£880.60	£1,006.40	£1,132.20	£1,383.80	£1,635.40	£1,887.00	£2,264.40	£2,641.80
Llywel	£743.35	£867.25	£991.14	£1,115.03	£1,362.81	£1,610.60	£1,858.38	£2,230.06	£2,601.74
Maescar	£747.38	£871.94	£996.51	£1,121.07	£1,370.20	£1,619.32	£1,868.45	£2,242.14	£2,615.83
Merthyr Cynog	£744.97	£869.13	£993.29	£1,117.45	£1,365.77	£1,614.09	£1,862.42	£2,234.90	£2,607.38
Talgarth	£775.84	£905.15	£1,034.45	£1,163.76	£1,422.37	£1,680.99	£1,939.60	£2,327.52	£2,715.44
Talybont-on-Usk	£749.02	£873.86	£998.69	£1,123.53	£1,373.20	£1,622.88	£1,872.55	£2,247.06	£2,621.57
Tawe Uchaf	£749.24	£874.11	£998.99	£1,123.86	£1,373.61	£1,623.35	£1,873.10	£2,247.72	£2,622.34
Trallong	£734.34	£856.73	£979.12	£1,101.51	£1,346.29	£1,591.07	£1,835.85	£2,203.02	£2,570.19
Treflys	£737.19	£860.05	£982.92	£1,105.78	£1,351.51	£1,597.24	£1,842.97	£2,211.56	£2,580.15
Vale of Grwyney	£736.35	£859.07	£981.80	£1,104.52	£1,349.97	£1,595.42	£1,840.87	£2,209.04	£2,577.21
Yscir	£736.71	£859.49	£982.28	£1,105.06	£1,350.63	£1,596.20	£1,841.77	£2,210.12	£2,578.47
Ystradfellte	£750.62	£875.72	£1,000.83	£1,125.93	£1,376.14	£1,626.34	£1,876.55	£2,251.86	£2,627.17
Ystradgynlais	£782.59	£913.03	£1,043.46	£1,173.89	£1,434.75	£1,695.62	£1,956.48	£2,347.78	£2,739.08

MONTGOMERYSHIRE

COMMUNITY

COUNTY & COMMUNITY COUNCIL TAX BANDS

	<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>	<u>E</u>	<u>F</u>	<u>G</u>	<u>H</u>	<u>I</u>
Aberhafesp	£737.37	£860.27	£983.16	£1,106.06	£1,351.85	£1,597.64	£1,843.43	£2,212.12	£2,580.81
Banwy	£739.30	£862.52	£985.73	£1,108.95	£1,355.38	£1,601.82	£1,848.25	£2,217.90	£2,587.55
Bausley with Criggion	£737.93	£860.91	£983.90	£1,106.89	£1,352.87	£1,598.84	£1,844.82	£2,213.78	£2,582.74
Berriew	£737.01	£859.85	£982.68	£1,105.52	£1,351.19	£1,596.86	£1,842.53	£2,211.04	£2,579.55
Betws Cedewain	£744.93	£869.09	£993.24	£1,117.40	£1,365.71	£1,614.02	£1,862.33	£2,234.80	£2,607.27
Cadfarch	£734.52	£856.94	£979.36	£1,101.78	£1,346.62	£1,591.46	£1,836.30	£2,203.56	£2,570.82
Caersws	£743.73	£867.69	£991.64	£1,115.60	£1,363.51	£1,611.42	£1,859.33	£2,231.20	£2,603.07
Carno	£749.56	£874.49	£999.41	£1,124.34	£1,374.19	£1,624.05	£1,873.90	£2,248.68	£2,623.46
Carreghofa	£752.85	£878.33	£1,003.80	£1,129.28	£1,380.23	£1,631.18	£1,882.13	£2,258.56	£2,634.99
Castle Caereinion	£744.03	£868.03	£992.04	£1,116.04	£1,364.05	£1,612.06	£1,860.07	£2,232.08	£2,604.09
Churchstoke	£741.30	£864.85	£988.40	£1,111.95	£1,359.05	£1,606.15	£1,853.25	£2,223.90	£2,594.55
Dwyrhiw	£736.31	£859.02	£981.74	£1,104.46	£1,349.90	£1,595.33	£1,840.77	£2,208.92	£2,577.07
Fordeu	£747.33	£871.89	£996.44	£1,121.00	£1,370.11	£1,619.22	£1,868.33	£2,242.00	£2,615.67
Glantwymyn	£737.27	£860.15	£983.03	£1,105.91	£1,351.67	£1,597.43	£1,843.18	£2,211.82	£2,580.46
Guilfield	£735.99	£858.65	£981.32	£1,103.98	£1,349.31	£1,594.64	£1,839.97	£2,207.96	£2,575.95
Kerry	£745.41	£869.65	£993.88	£1,118.12	£1,366.59	£1,615.06	£1,863.53	£2,236.24	£2,608.95
Llanbrynmaur	£741.11	£864.63	£988.15	£1,111.67	£1,358.71	£1,605.75	£1,852.78	£2,223.34	£2,593.90
Llandinam	£743.28	£867.16	£991.04	£1,114.92	£1,362.68	£1,610.44	£1,858.20	£2,229.84	£2,601.48
Llandrinio and Arddleen	£741.37	£864.94	£988.50	£1,112.06	£1,359.18	£1,606.31	£1,853.43	£2,224.12	£2,594.81
Llandysilio	£746.18	£870.54	£994.91	£1,119.27	£1,368.00	£1,616.72	£1,865.45	£2,238.54	£2,611.63
Abermule with Llandyssil	£751.95	£877.28	£1,002.60	£1,127.93	£1,378.58	£1,629.23	£1,879.88	£2,255.86	£2,631.84
Llanerfyl	£739.07	£862.24	£985.42	£1,108.60	£1,354.96	£1,601.31	£1,847.67	£2,217.20	£2,586.73
LLanfair Caereinion	£752.43	£877.84	£1,003.24	£1,128.65	£1,379.46	£1,630.27	£1,881.08	£2,257.30	£2,633.52
Llanfechain	£741.91	£865.56	£989.21	£1,112.86	£1,360.16	£1,607.46	£1,854.77	£2,225.72	£2,596.67
Llanfihangel	£743.95	£867.95	£991.94	£1,115.93	£1,363.91	£1,611.90	£1,859.88	£2,231.86	£2,603.84
Llanfyllin	£745.13	£869.32	£993.51	£1,117.70	£1,366.08	£1,614.46	£1,862.83	£2,235.40	£2,607.97
Llangedwyn	£733.50	£855.75	£978.00	£1,100.25	£1,344.75	£1,589.25	£1,833.75	£2,200.50	£2,567.25
Llangurig	£731.83	£853.80	£975.77	£1,097.74	£1,341.68	£1,585.62	£1,829.57	£2,195.48	£2,561.39
Llangyniew	£739.04	£862.21	£985.39	£1,108.56	£1,354.91	£1,601.25	£1,847.60	£2,217.12	£2,586.64
Llangynog	£747.19	£871.73	£996.26	£1,120.79	£1,369.85	£1,618.92	£1,867.98	£2,241.58	£2,615.18
Llanidloes	£799.35	£932.58	£1,065.80	£1,199.03	£1,465.48	£1,731.93	£1,998.38	£2,398.06	£2,797.74
Llanidloes Without	£741.59	£865.19	£988.79	£1,112.39	£1,359.59	£1,606.79	£1,853.98	£2,224.78	£2,595.58
Llanrhaeadr ym Mochnant	£736.99	£859.83	£982.66	£1,105.49	£1,351.15	£1,596.82	£1,842.48	£2,210.98	£2,579.48
Llansantffraid	£742.00	£865.67	£989.33	£1,113.00	£1,360.33	£1,607.67	£1,855.00	£2,226.00	£2,597.00

COMMUNITYCOUNTY & COMMUNITY
COUNCIL TAX BANDS

	A	B	C	D	E	F	G	H	I
Llansilin	£730.53	£852.29	£974.04	£1,095.80	£1,339.31	£1,582.82	£1,826.33	£2,191.60	£2,556.87
Llanwddyn	£750.85	£875.99	£1,001.13	£1,126.27	£1,376.55	£1,626.83	£1,877.12	£2,252.54	£2,627.96
Machynlleth	£798.67	£931.79	£1,064.90	£1,198.01	£1,464.23	£1,730.46	£1,996.68	£2,396.02	£2,795.36
Manafon	£740.12	£863.47	£986.83	£1,110.18	£1,356.89	£1,603.59	£1,850.30	£2,220.36	£2,590.42
Meifod	£734.54	£856.96	£979.39	£1,101.81	£1,346.66	£1,591.50	£1,836.35	£2,203.62	£2,570.89
Mochdre with Penstrowed	£742.37	£866.09	£989.82	£1,113.55	£1,361.01	£1,608.46	£1,855.92	£2,227.10	£2,598.28
Montgomery	£750.45	£875.52	£1,000.60	£1,125.67	£1,375.82	£1,625.97	£1,876.12	£2,251.34	£2,626.56
Newtown & Llanllwchaiarn	£778.90	£908.72	£1,038.53	£1,168.35	£1,427.98	£1,687.62	£1,947.25	£2,336.70	£2,726.15
Pen Y Bont Fawr	£749.99	£874.99	£999.99	£1,124.99	£1,374.99	£1,624.99	£1,874.98	£2,249.98	£2,624.98
Trefeglwys	£728.63	£850.07	£971.51	£1,092.95	£1,335.83	£1,578.71	£1,821.58	£2,185.90	£2,550.22
Tregynon	£742.06	£865.74	£989.41	£1,113.09	£1,360.44	£1,607.80	£1,855.15	£2,226.18	£2,597.21
Trewern	£744.04	£868.05	£992.05	£1,116.06	£1,364.07	£1,612.09	£1,860.10	£2,232.12	£2,604.14
Welshpool	£808.19	£942.88	£1,077.58	£1,212.28	£1,481.68	£1,751.07	£2,020.47	£2,424.56	£2,828.65

RADNORSHIRE

COMMUNITY

COUNTY & COMMUNITY COUNCIL TAX BANDS

A B C D E F G H I

Abbecwmhir	£739.35	£862.57	£985.80	£1,109.02	£1,355.47	£1,601.92	£1,848.37	£2,218.04	£2,587.71
Aberedw	£731.21	£853.07	£974.94	£1,096.81	£1,340.55	£1,584.28	£1,828.02	£2,193.62	£2,559.22
Beguildy	£742.04	£865.71	£989.39	£1,113.06	£1,360.41	£1,607.75	£1,855.10	£2,226.12	£2,597.14
Clyro	£733.23	£855.43	£977.64	£1,099.84	£1,344.25	£1,588.66	£1,833.07	£2,199.68	£2,566.29
Disserth & Trecoed	£739.45	£862.70	£985.94	£1,109.18	£1,355.66	£1,602.15	£1,848.63	£2,218.36	£2,588.09
Gladestry	£735.33	£857.89	£980.44	£1,103.00	£1,348.11	£1,593.22	£1,838.33	£2,206.00	£2,573.67
Glasbury	£742.57	£866.34	£990.10	£1,113.86	£1,361.38	£1,608.91	£1,856.43	£2,227.72	£2,599.01
Glascwm	£735.28	£857.83	£980.37	£1,102.92	£1,348.01	£1,593.11	£1,838.20	£2,205.84	£2,573.48
Knighton	£755.39	£881.28	£1,007.18	£1,133.08	£1,384.88	£1,636.67	£1,888.47	£2,266.16	£2,643.85
Llanbadarn Fawr	£736.69	£859.47	£982.25	£1,105.03	£1,350.59	£1,596.15	£1,841.72	£2,210.06	£2,578.40
Llanbadarn Fynydd	£742.04	£865.71	£989.39	£1,113.06	£1,360.41	£1,607.75	£1,855.10	£2,226.12	£2,597.14
Llanbister	£735.93	£858.58	£981.24	£1,103.89	£1,349.20	£1,594.51	£1,839.82	£2,207.78	£2,575.74
Llanddewi Ystradenny	£733.33	£855.55	£977.77	£1,099.99	£1,344.43	£1,588.87	£1,833.32	£2,199.98	£2,566.64
Llandrindod Wells	£768.91	£897.07	£1,025.22	£1,153.37	£1,409.67	£1,665.98	£1,922.28	£2,306.74	£2,691.20
Llanelwedd	£735.46	£858.04	£980.61	£1,103.19	£1,348.34	£1,593.50	£1,838.65	£2,206.38	£2,574.11
Llanfihangel Rhydithon	£741.56	£865.15	£988.75	£1,112.34	£1,359.53	£1,606.71	£1,853.90	£2,224.68	£2,595.46
Llangunllo	£735.17	£857.70	£980.23	£1,102.76	£1,347.82	£1,592.88	£1,837.93	£2,205.52	£2,573.11
Llanyre	£740.04	£863.38	£986.72	£1,110.06	£1,356.74	£1,603.42	£1,850.10	£2,220.12	£2,590.14
Nantmel	£739.73	£863.01	£986.30	£1,109.59	£1,356.17	£1,602.74	£1,849.32	£2,219.18	£2,589.04
New Radnor	£743.37	£867.27	£991.16	£1,115.06	£1,362.85	£1,610.64	£1,858.43	£2,230.12	£2,601.81
Old Radnor	£737.31	£860.20	£983.08	£1,105.97	£1,351.74	£1,597.51	£1,843.28	£2,211.94	£2,580.60
Painscastle	£730.69	£852.48	£974.26	£1,096.04	£1,339.60	£1,583.17	£1,826.73	£2,192.08	£2,557.43
Penybont & Llandegley	£740.55	£863.98	£987.40	£1,110.83	£1,357.68	£1,604.53	£1,851.38	£2,221.66	£2,591.94
Presteigne & Norton	£756.04	£882.05	£1,008.05	£1,134.06	£1,386.07	£1,638.09	£1,890.10	£2,268.12	£2,646.14
Rhayader	£751.43	£876.67	£1,001.91	£1,127.15	£1,377.63	£1,628.11	£1,878.58	£2,254.30	£2,630.02
St Harmon	£742.47	£866.21	£989.96	£1,113.70	£1,361.19	£1,608.68	£1,856.17	£2,227.40	£2,598.63
Whitton	£733.37	£855.60	£977.83	£1,100.06	£1,344.52	£1,588.98	£1,833.43	£2,200.12	£2,566.81

Sef y symiau a geir wrth luosi'r symiau yn 3(h) uchod â'r nifer sydd, yn ôl y gyfran a nodir yn Adran 5(1) y Ddeddf, yn berthnasol i anheddau a restrir mewn Band Prisio penodol, wedi'i rhannu â'r nifer sydd yn y gyfran honno yn gymwys ar gyfer anheddau a restrir ym Mand Prisio D, wedi'u cyfrifo gan y Cyngor yn unol ag Adran 36 (1) y Ddeddf, fel y symiau i'w hystyried ar gyfer y flwyddyn mewn perthynas â chategoriâu anheddau a restrir mewn gwahanol Fandiau Prisiau.

- 2.2. BOD Comisiynydd Heddlu a Throseddu Heddlu Dyfed-Powys wedi datgan ar gyfer y flwyddyn 2016/2017 y symiau canlynol mewn praeseptiau a gyflwynwyd i'r Cyngor, yn unol ag Adran 40 Deddf Cyllid Llywodraeth Leol 1992, ar gyfer pob un o'r categorïau anheddau a welir isod:**

Bandiau Prisio

A	B	C	D	E	F	G	H	I
£ 133.38	£ 155.61	£ 177.84	£ 200.07	£ 244.53	£ 288.99	£ 333.45	£ 400.14	£ 466.83

- 2.3. BOD y Cyngor, yn unol ag Adran 30 (2) Deddf Cyllid Llywodraeth Leol 1992, yn dilyn cyfrifo'r gyfran ym mhob achos o'r symiau yn 2.1(i) a 2.2 uchod, trwy hyn yn gosod y symiau canlynol yn Dreth y Cyngor ar gyfer y flwyddyn 2016/2017 am bob un o'r categorïau anheddau a ddangosir isod.**

BRECKNOCKSHIRE/SIR FRYCHEINIOG

COMMUNITY/CYMUNED

COUNCIL TAX BANDS/TRETH CYNGOR BAND

	A	B	C	D	E	F	G	H	I
Brecon	£915.65	£1,068.26	£1,220.87	£1,373.48	£1,678.70	£1,983.92	£2,289.13	£2,746.96	£3,204.79
Bronllys	£878.92	£1,025.41	£1,171.89	£1,318.38	£1,611.35	£1,904.33	£2,197.30	£2,636.76	£3,076.22
Builth Wells	£909.43	£1,061.01	£1,212.58	£1,364.15	£1,667.29	£1,970.44	£2,273.58	£2,728.30	£3,183.02
Cilmery	£868.43	£1,013.16	£1,157.90	£1,302.64	£1,592.12	£1,881.59	£2,171.07	£2,605.28	£3,039.49
Cray	£880.02	£1,026.69	£1,173.36	£1,320.03	£1,613.37	£1,906.71	£2,200.05	£2,640.06	£3,080.07
Crickhowell	£888.65	£1,036.75	£1,184.86	£1,332.97	£1,629.19	£1,925.40	£2,221.62	£2,665.94	£3,110.26
Duhonw	£865.06	£1,009.24	£1,153.41	£1,297.59	£1,585.94	£1,874.30	£2,162.65	£2,595.18	£3,027.71
Erwood	£867.75	£1,012.38	£1,157.00	£1,301.63	£1,590.88	£1,880.13	£2,169.38	£2,603.26	£3,037.14
Felinfach	£872.25	£1,017.62	£1,163.00	£1,308.37	£1,599.12	£1,889.87	£2,180.62	£2,616.74	£3,052.86
Glyn Tarrell	£878.00	£1,024.33	£1,170.67	£1,317.00	£1,609.67	£1,902.33	£2,195.00	£2,634.00	£3,073.00
Gwernyfed	£872.77	£1,018.24	£1,163.70	£1,309.16	£1,600.08	£1,891.01	£2,181.93	£2,618.32	£3,054.71
Hay-on-Wye	£891.87	£1,040.52	£1,189.16	£1,337.81	£1,635.10	£1,932.39	£2,229.68	£2,675.62	£3,121.56
Honddu Isaf	£860.75	£1,004.21	£1,147.67	£1,291.13	£1,578.05	£1,864.97	£2,151.88	£2,582.26	£3,012.64
Llanafanfawr	£868.47	£1,013.21	£1,157.96	£1,302.70	£1,592.19	£1,881.68	£2,171.17	£2,605.40	£3,039.63
Llanddew	£874.20	£1,019.90	£1,165.60	£1,311.30	£1,602.70	£1,894.10	£2,185.50	£2,622.60	£3,059.70
Cwmdu and District	£872.05	£1,017.40	£1,162.74	£1,308.08	£1,598.76	£1,889.45	£2,180.13	£2,616.16	£3,052.19
Llanfrynach	£885.59	£1,033.19	£1,180.79	£1,328.39	£1,623.59	£1,918.79	£2,213.98	£2,656.78	£3,099.58
Llangammarch	£877.83	£1,024.14	£1,170.44	£1,316.75	£1,609.36	£1,901.97	£2,194.58	£2,633.50	£3,072.42
Llangattock	£882.03	£1,029.03	£1,176.04	£1,323.04	£1,617.05	£1,911.06	£2,205.07	£2,646.08	£3,087.09
Llangorse	£875.15	£1,021.00	£1,166.86	£1,312.72	£1,604.44	£1,896.15	£2,187.87	£2,625.44	£3,063.01
Llangynidr	£869.50	£1,014.42	£1,159.33	£1,304.25	£1,594.08	£1,883.92	£2,173.75	£2,608.50	£3,043.25
Llanigon	£869.39	£1,014.29	£1,159.19	£1,304.09	£1,593.89	£1,883.69	£2,173.48	£2,608.18	£3,042.88
Llanwrthwl	£873.38	£1,018.94	£1,164.51	£1,310.07	£1,601.20	£1,892.32	£2,183.45	£2,620.14	£3,056.83
Llanwrtyd Wells	£888.18	£1,036.21	£1,184.24	£1,332.27	£1,628.33	£1,924.39	£2,220.45	£2,664.54	£3,108.63
Llywel	£876.73	£1,022.86	£1,168.98	£1,315.10	£1,607.34	£1,899.59	£2,191.83	£2,630.20	£3,068.57
Maescar	£880.76	£1,027.55	£1,174.35	£1,321.14	£1,614.73	£1,908.31	£2,201.90	£2,642.28	£3,082.66
Merthyr Cynog	£878.35	£1,024.74	£1,171.13	£1,317.52	£1,610.30	£1,903.08	£2,195.87	£2,635.04	£3,074.21
Talgarth	£909.22	£1,060.76	£1,212.29	£1,363.83	£1,666.90	£1,969.98	£2,273.05	£2,727.66	£3,182.27
Talybont-on-Usk	£882.40	£1,029.47	£1,176.53	£1,323.60	£1,617.73	£1,911.87	£2,206.00	£2,647.20	£3,088.40
Tawe Uchaf	£882.62	£1,029.72	£1,176.83	£1,323.93	£1,618.14	£1,912.34	£2,206.55	£2,647.86	£3,089.17
Trallong	£867.72	£1,012.34	£1,156.96	£1,301.58	£1,590.82	£1,880.06	£2,169.30	£2,603.16	£3,037.02
Treflys	£870.57	£1,015.66	£1,160.76	£1,305.85	£1,596.04	£1,886.23	£2,176.42	£2,611.70	£3,046.98
Vale of Grwyney	£869.73	£1,014.68	£1,159.64	£1,304.59	£1,594.50	£1,884.41	£2,174.32	£2,609.18	£3,044.04
Yscir	£870.09	£1,015.10	£1,160.12	£1,305.13	£1,595.16	£1,885.19	£2,175.22	£2,610.26	£3,045.30
Ystradfellte	£884.00	£1,031.33	£1,178.67	£1,326.00	£1,620.67	£1,915.33	£2,210.00	£2,652.00	£3,094.00
Ystradgynlais	£915.97	£1,068.64	£1,221.30	£1,373.96	£1,679.28	£1,984.61	£2,289.93	£2,747.92	£3,205.91

MONTGOMERYSHIRE/SIR DREFALDWYN

COMMUNITY/CYMUNED

COUNCIL TAX BANDS/TRETH CYNGOR BAND

	A	B	C	D	E	F	G	H	I
Aberhafesp	£870.75	£1,015.88	£1,161.00	£1,306.13	£1,596.38	£1,886.63	£2,176.88	£2,612.26	£3,047.64
Banwy	£872.68	£1,018.13	£1,163.57	£1,309.02	£1,599.91	£1,890.81	£2,181.70	£2,618.04	£3,054.38
Bausley with Criggion	£871.31	£1,016.52	£1,161.74	£1,306.96	£1,597.40	£1,887.83	£2,178.27	£2,613.92	£3,049.57
Berriew	£870.39	£1,015.46	£1,160.52	£1,305.59	£1,595.72	£1,885.85	£2,175.98	£2,611.18	£3,046.38
Betws Cedewain	£878.31	£1,024.70	£1,171.08	£1,317.47	£1,610.24	£1,903.01	£2,195.78	£2,634.94	£3,074.10
Cadfarach	£867.90	£1,012.55	£1,157.20	£1,301.85	£1,591.15	£1,880.45	£2,169.75	£2,603.70	£3,037.65
Caersws	£877.11	£1,023.30	£1,169.48	£1,315.67	£1,608.04	£1,900.41	£2,192.78	£2,631.34	£3,069.90
Carno	£882.94	£1,030.10	£1,177.25	£1,324.41	£1,618.72	£1,913.04	£2,207.35	£2,648.82	£3,090.29
Carreghofa	£886.23	£1,033.94	£1,181.64	£1,329.35	£1,624.76	£1,920.17	£2,215.58	£2,658.70	£3,101.82
Castle Caereinion	£877.41	£1,023.64	£1,169.88	£1,316.11	£1,608.58	£1,901.05	£2,193.52	£2,632.22	£3,070.92
Churchstoke	£874.68	£1,020.46	£1,166.24	£1,312.02	£1,603.58	£1,895.14	£2,186.70	£2,624.04	£3,061.38
Dwyrhiw	£869.69	£1,014.63	£1,159.58	£1,304.53	£1,594.43	£1,884.32	£2,174.22	£2,609.06	£3,043.90
Fordeu	£880.71	£1,027.50	£1,174.28	£1,321.07	£1,614.64	£1,908.21	£2,201.78	£2,642.14	£3,082.50
Glantwymyn	£870.65	£1,015.76	£1,160.87	£1,305.98	£1,596.20	£1,886.42	£2,176.63	£2,611.96	£3,047.29
Guilsfield	£869.37	£1,014.26	£1,159.16	£1,304.05	£1,593.84	£1,883.63	£2,173.42	£2,608.10	£3,042.78
Kerry	£878.79	£1,025.26	£1,171.72	£1,318.19	£1,611.12	£1,904.05	£2,196.98	£2,636.38	£3,075.78
Llanbrynmaur	£874.49	£1,020.24	£1,165.99	£1,311.74	£1,603.24	£1,894.74	£2,186.23	£2,623.48	£3,060.73
Llandinam	£876.66	£1,022.77	£1,168.88	£1,314.99	£1,607.21	£1,899.43	£2,191.65	£2,629.98	£3,068.31
Llandrinio and Arddleen	£874.75	£1,020.55	£1,166.34	£1,312.13	£1,603.71	£1,895.30	£2,186.88	£2,624.26	£3,061.64
Llandysilio	£879.56	£1,026.15	£1,172.75	£1,319.34	£1,612.53	£1,905.71	£2,198.90	£2,638.68	£3,078.46
Abermule with Llandyssil	£885.33	£1,032.89	£1,180.44	£1,328.00	£1,623.11	£1,918.22	£2,213.33	£2,656.00	£3,098.67
Llanerfyl	£872.45	£1,017.85	£1,163.26	£1,308.67	£1,599.49	£1,890.30	£2,181.12	£2,617.34	£3,053.56
LLanfair Caereinion	£885.81	£1,033.45	£1,181.08	£1,328.72	£1,623.99	£1,919.26	£2,214.53	£2,657.44	£3,100.35
Llanfechain	£875.29	£1,021.17	£1,167.05	£1,312.93	£1,604.69	£1,896.45	£2,188.22	£2,625.86	£3,063.50
Llanfihangel	£877.33	£1,023.56	£1,169.78	£1,316.00	£1,608.44	£1,900.89	£2,193.33	£2,632.00	£3,070.67
Llanfyllin	£878.51	£1,024.93	£1,171.35	£1,317.77	£1,610.61	£1,903.45	£2,196.28	£2,635.54	£3,074.80
Llangedwyn	£866.88	£1,011.36	£1,155.84	£1,300.32	£1,589.28	£1,878.24	£2,167.20	£2,600.64	£3,034.08
Llangurig	£865.21	£1,009.41	£1,153.61	£1,297.81	£1,586.21	£1,874.61	£2,163.02	£2,595.62	£3,028.22
Llangyniew	£872.42	£1,017.82	£1,163.23	£1,308.63	£1,599.44	£1,890.24	£2,181.05	£2,617.26	£3,053.47
Llangynog	£880.57	£1,027.34	£1,174.10	£1,320.86	£1,614.38	£1,907.91	£2,201.43	£2,641.72	£3,082.01
Llanidloes	£932.73	£1,088.19	£1,243.64	£1,399.10	£1,710.01	£2,020.92	£2,331.83	£2,798.20	£3,264.57
Llanidloes Without	£874.97	£1,020.80	£1,166.63	£1,312.46	£1,604.12	£1,895.78	£2,187.43	£2,624.92	£3,062.41

COMMUNITY/CYMUNED**COUNCIL TAX BANDS/TRETH CYNGOR BAND**

	A	B	C	D	E	F	G	H	I
Llanrhaeadr ym Mochnant	£870.37	£1,015.44	£1,160.50	£1,305.56	£1,595.68	£1,885.81	£2,175.93	£2,611.12	£3,046.31
Llansantffraid	£875.38	£1,021.28	£1,167.17	£1,313.07	£1,604.86	£1,896.66	£2,188.45	£2,626.14	£3,063.83
Llansilin	£863.91	£1,007.90	£1,151.88	£1,295.87	£1,583.84	£1,871.81	£2,159.78	£2,591.74	£3,023.70
Llanwddyn	£884.23	£1,031.60	£1,178.97	£1,326.34	£1,621.08	£1,915.82	£2,210.57	£2,652.68	£3,094.79
Machynlleth	£932.05	£1,087.40	£1,242.74	£1,398.08	£1,708.76	£2,019.45	£2,330.13	£2,796.16	£3,262.19
Manafon	£873.50	£1,019.08	£1,164.67	£1,310.25	£1,601.42	£1,892.58	£2,183.75	£2,620.50	£3,057.25
Meifod	£867.92	£1,012.57	£1,157.23	£1,301.88	£1,591.19	£1,880.49	£2,169.80	£2,603.76	£3,037.72
Mochdre with Penstrowed	£875.75	£1,021.70	£1,167.66	£1,313.62	£1,605.54	£1,897.45	£2,189.37	£2,627.24	£3,065.11
Montgomery	£883.83	£1,031.13	£1,178.44	£1,325.74	£1,620.35	£1,914.96	£2,209.57	£2,651.48	£3,093.39
Newtown & Llanllwchaiarn	£912.28	£1,064.33	£1,216.37	£1,368.42	£1,672.51	£1,976.61	£2,280.70	£2,736.84	£3,192.98
Pen Y Bont Fawr	£883.37	£1,030.60	£1,177.83	£1,325.06	£1,619.52	£1,913.98	£2,208.43	£2,650.12	£3,091.81
Trefeglwys	£862.01	£1,005.68	£1,149.35	£1,293.02	£1,580.36	£1,867.70	£2,155.03	£2,586.04	£3,017.05
Tregynon	£875.44	£1,021.35	£1,167.25	£1,313.16	£1,604.97	£1,896.79	£2,188.60	£2,626.32	£3,064.04
Trewern	£877.42	£1,023.66	£1,169.89	£1,316.13	£1,608.60	£1,901.08	£2,193.55	£2,632.26	£3,070.97
Welshpool	£941.57	£1,098.49	£1,255.42	£1,412.35	£1,726.21	£2,040.06	£2,353.92	£2,824.70	£3,295.48

RADNORSHIRE/SIR FAESYFED

COMMUNITY/CYMUNED

COUNCIL TAX BANDS/TRETH CYNGOR BAND

	A	B	C	D	E	F	G	H	I
Abbecymhir	£872.73	£1,018.18	£1,163.64	£1,309.09	£1,600.00	£1,890.91	£2,181.82	£2,618.18	£3,054.54
Aberedw	£864.59	£1,008.68	£1,152.78	£1,296.88	£1,585.08	£1,873.27	£2,161.47	£2,593.76	£3,026.05
Beguildy	£875.42	£1,021.32	£1,167.23	£1,313.13	£1,604.94	£1,896.74	£2,188.55	£2,626.26	£3,063.97
Clyro	£866.61	£1,011.04	£1,155.48	£1,299.91	£1,588.78	£1,877.65	£2,166.52	£2,599.82	£3,033.12
Disserth & Trecoed	£872.83	£1,018.31	£1,163.78	£1,309.25	£1,600.19	£1,891.14	£2,182.08	£2,618.50	£3,054.92
Gladestry	£868.71	£1,013.50	£1,158.28	£1,303.07	£1,592.64	£1,882.21	£2,171.78	£2,606.14	£3,040.50
Glasbury	£875.95	£1,021.95	£1,167.94	£1,313.93	£1,605.91	£1,897.90	£2,189.88	£2,627.86	£3,065.84
Glascwm	£868.66	£1,013.44	£1,158.21	£1,302.99	£1,592.54	£1,882.10	£2,171.65	£2,605.98	£3,040.31
Knighton	£888.77	£1,036.89	£1,185.02	£1,333.15	£1,629.41	£1,925.66	£2,221.92	£2,666.30	£3,110.68
Llanbadarn Fawr	£870.07	£1,015.08	£1,160.09	£1,305.10	£1,595.12	£1,885.14	£2,175.17	£2,610.20	£3,045.23
Llanbadarn Fynydd	£875.42	£1,021.32	£1,167.23	£1,313.13	£1,604.94	£1,896.74	£2,188.55	£2,626.26	£3,063.97
Llanbister	£869.31	£1,014.19	£1,159.08	£1,303.96	£1,593.73	£1,883.50	£2,173.27	£2,607.92	£3,042.57
Llanddewi Ystradenny	£866.71	£1,011.16	£1,155.61	£1,300.06	£1,588.96	£1,877.86	£2,166.77	£2,600.12	£3,033.47
Llandrindod Wells	£902.29	£1,052.68	£1,203.06	£1,353.44	£1,654.20	£1,954.97	£2,255.73	£2,706.88	£3,158.03
Llanelwedd	£868.84	£1,013.65	£1,158.45	£1,303.26	£1,592.87	£1,882.49	£2,172.10	£2,606.52	£3,040.94
Llanfihangel Rhydithon	£874.94	£1,020.76	£1,166.59	£1,312.41	£1,604.06	£1,895.70	£2,187.35	£2,624.82	£3,062.29
Llangunllo	£868.55	£1,013.31	£1,158.07	£1,302.83	£1,592.35	£1,881.87	£2,171.38	£2,605.66	£3,039.94
Llanyre	£873.42	£1,018.99	£1,164.56	£1,310.13	£1,601.27	£1,892.41	£2,183.55	£2,620.26	£3,056.97
Nantmel	£873.11	£1,018.62	£1,164.14	£1,309.66	£1,600.70	£1,891.73	£2,182.77	£2,619.32	£3,055.87
New Radnor	£876.75	£1,022.88	£1,169.00	£1,315.13	£1,607.38	£1,899.63	£2,191.88	£2,630.26	£3,068.64
Old Radnor	£870.69	£1,015.81	£1,160.92	£1,306.04	£1,596.27	£1,886.50	£2,176.73	£2,612.08	£3,047.43
Painscastle	£864.07	£1,008.09	£1,152.10	£1,296.11	£1,584.13	£1,872.16	£2,160.18	£2,592.22	£3,024.26
Penybont & Llandegley	£873.93	£1,019.59	£1,165.24	£1,310.90	£1,602.21	£1,893.52	£2,184.83	£2,621.80	£3,058.77
Presteigne & Norton	£889.42	£1,037.66	£1,185.89	£1,334.13	£1,630.60	£1,927.08	£2,223.55	£2,668.26	£3,112.97
Rhayader	£884.81	£1,032.28	£1,179.75	£1,327.22	£1,622.16	£1,917.10	£2,212.03	£2,654.44	£3,096.85
St Harmon	£875.85	£1,021.82	£1,167.80	£1,313.77	£1,605.72	£1,897.67	£2,189.62	£2,627.54	£3,065.46
Whitton	£866.75	£1,011.21	£1,155.67	£1,300.13	£1,589.05	£1,877.97	£2,166.88	£2,600.26	£3,033.64

Pleidleisiodd y Cyngor ar yr argymhelliad a gynigwyd gan y Cynghorydd Sir Wynne Jones ac a eiliwyd gan y Cynghorydd Sir John Powell.

Cyng Myfanwy Alexander	Ymatal
Cyng Paul Ashton	Ymatal
Cyng Dawn Bailey	O Blaid
Cyng Garry Banks	Ymatal
Cyng Gemma Bowker	Absennol
Cyng Graham Brown	O Blaid
Cyng John Brunt	O Blaid
Cyng Linda Corfield	O Blaid
Cyng Kelvyn Curry	Yn Erbyn
Cyng Aled Davies	Yn Erbyn
Cyng Dai Davies	O Blaid
Cyng Melanie Davies	Absennol
Cyng Rachel Davies	Absennol
Cyng Roche Davies	O Blaid
Cyng Sandra Davies	O Blaid
Cyng Stephen Davies	Absennol
Cyng Matthew Dorrance	O Blaid
Cyng David Evans	O Blaid
Cyng John Evans	O Blaid
Cyng Viola Evans	O Blaid
Cyng Liam Fitzpatrick	Absennol
Cyng Russell George	Absennol
Cyng James Gibson-Watt	Yn Erbyn
Cyng Rosemarie Harris	O Blaid
Cyng Peter Harris	Absennol
Cyng Stephen Hayes	O Blaid
Cyng Ann Holloway	Absennol
Cyng Jeff Holmes	Yn Erbyn
Cyng Geraint Hopkins	O Blaid
Cyng Dai Jones	O Blaid
Cyng David Jones	O Blaid
Cyng E. Arwel Jones	Absennol
Cyng Eldrydd Jones	O Blaid
Cyng E. Michael Jones	O Blaid
Cyng Graham Jones	Absennol
Cyng Joy Jones	O Blaid
Cyng Michael John Jones	Absennol
Cyng Wynne Jones	O Blaid
Cyng Francesca Jump	Yn Erbyn
Cyng Hywel Lewis	O Blaid
Cyng Peter Lewis	Yn Erbyn
Cyng Maureen Mackenzie	Yn Erbyn
Cyng Darren Mayor	O Blaid
Cyng Susan McNicholas	O Blaid
Cyng Peter Medlicott	O Blaid
Cyng David Meredith	O Blaid
Cyng Bob Mills	Yn Erbyn

Cyng Evan Morgan	O Blaid
Cyng Gareth Morgan	O Blaid
Cyng John Morris	Absennol
Cyng John Powell	O Blaid
Cyng William Powell	Absennol
Cyng David Price	O Blaid
Cyng Gary Price	Yn Erbyn
Cyng Phil Pritchard	O Blaid
Cyng Gareth Ratcliffe	Absennol
Cyng Kath Roberts-Jones	O Blaid
Cyng Joy Shearer	O Blaid
Cyng Kathryn Silk	Yn Erbyn
Cyng Keith Tampin	Absennol
Cyng Barry Thomas	O Blaid
Cyng David Thomas	O Blaid
Cyng Gillian Thomas	O Blaid
Cyng Gwynfor Thomas	Yn Erbyn
Cyng Tony Thomas	O Blaid
Cyng Tom Turner	Absennol
Cyng Timothy Van-Rees	O Blaid
Cyng Gwilym Vaughan	O Blaid
Cyng Gwilym Williams	Yn Erbyn
Cyng Huw Williams	Absennol
Cyng Michael Williams	O Blaid
Cyng Sarah Williams	Absennol
Cyng Avril York	O Blaid

Cafodd yr argymhelliad ei basio o 40 pleidlais i 12 gyda 3 yn ymatal.

PENDERFYNWYD	Rheswm dros y Penderfyniad:
<p>1. BOD y symiau a gaiff eu cynnwys ym mharagraff 2.1 uchod yn cael eu derbyn gan y Cyngor ar gyfer y flwyddyn 2015/2016 yn unol ag Adrannau 32 i 36 Deddf Cyllid Llywodraeth Leol, 1992</p> <p>2. BOD y Cyngor yn unol ag Adran 30 (2) o'r Ddeddf Cyllid Llywodraeth Leol, 1992, trwy hyn yn gosod y symiau a gaiff eu cynnwys ym mharagraff 2.3 fel y symiau Treth Cyngor ar gyfer y flwyddyn 2015/2016 am bob un o'r categorïau o anheddau a ddangosir.</p>	<p>Diwallu gofynion cyfreithiol y Cyngor i osod symiau Treth y Cyngor.</p>

10.	DEDDF TAI (CYMRU) 2014 – PREMIWM TRETH Y CYNGOR	CC31- 2016
------------	--	-------------------

Gadawodd y Cynghorwyr Sir PJ Ashton, LV Corfield, DE Davies, LRE Davies, SC Davies, DO Evans, WJ Evans, MR Harris, SM Hayes, GG Hopkins, EM Jones, WT Jones, PE Lewis, DJ Mayor, PJ Medicott, DW Meredith, RH Mills, ET Morgan, G Morgan, WJT Powell, DR Price, JG Shearer, RG Thomas, DA Thomas, WB Thomas, TJ Van-Rees, GSI Williams ac EA York y Siambr yn ystod y drafodaeth ar y mater yma, wedi iddynt ddatgan buddiannau personol sy'n rhagfarnu.

Yn absenoldeb y Cadeirydd, yr Is-Gadeirydd a'r Is-Gadeirydd Cynorthwyol, penodwyd y Cynghorydd Sir D R Jones i Gadeirio'r eitem hon.

Gofynnwyd i'r Cyngor ystyried cynigion i gyflwyno premiwm Treth y Cyngor ar anheddau sy'n wag am gyfnod hir (boed hynny'n rhai heb eu meddiannu neu rai heb fawr o ddodrefn ynddynt) ac anheddau sy'n cael eu meddiannu yn achlysurol yn unig (ail gartrefi/cartrefi gwyliau sydd wedi'u dodrefnu ond heb fod yn brif breswylfa).

Cyng Myfanwy Alexander	O Blaid
Cyng Paul Ashton	Datgan diddordeb
Cyng Dawn Bailey	O Blaid
Cyng Garry Banks	O Blaid
Cyng Gemma Bowker	Absennol
Cyng Graham Brown	O Blaid
Cyng John Brunt	O Blaid
Cyng Linda Corfield	Datgan diddordeb
Cyng Kelvyn Curry	O Blaid
Cyng Aled Davies	Yn Erbyn
Cyng Dai Davies	Datgan diddordeb
Cyng Melanie Davies	Absennol
Cyng Rachel Davies	Absennol
Cyng Roche Davies	Datgan diddordeb
Cyng Sandra Davies	Datgan diddordeb
Cyng Stephen Davies	Absennol
Cyng Matthew Dorrance	O Blaid
Cyng David Evans	Datgan diddordeb
Cyng John Evans	Datgan diddordeb
Cyng Viola Evans	O Blaid
Cyng Liam Fitzpatrick	Absennol
Cyng Russell George	Absennol
Cyng James Gibson-Watt	O Blaid
Cyng Rosemarie Harris	Datgan diddordeb
Cyng Peter Harris	Absennol
Cyng Stephen Hayes	Datgan diddordeb
Cyng Ann Holloway	Absennol
Cyng Jeff Holmes	O Blaid
Cyng Geraint Hopkins	Datgan diddordeb

Cyng Dai Jones	O Blaid
Cyng David Jones	Heb Bleidleisio
Cyng E. Arwel Jones	Absennol
Cyng Eldrydd Jones	O Blaid
Cyng E. Michael Jones	Datgan diddordeb
Cyng Graham Jones	Absennol
Cyng Joy Jones	O Blaid
Cyng Michael John Jones	Absennol
Cyng Wynne Jones	Datgan diddordeb
Cyng Francesca Jump	O Blaid
Cyng Hywel Lewis	O Blaid
Cyng Peter Lewis	Datgan diddordeb
Cyng Maureen Mackenzie	O Blaid
Cyng Darren Mayor	Datgan diddordeb
Cyng Susan McNicholas	O Blaid
Cyng Peter Medlicott	Datgan diddordeb
Cyng David Meredith	Datgan diddordeb
Cyng Bob Mills	Datgan diddordeb
Cyng Evan Morgan	Datgan diddordeb
Cyng Gareth Morgan	Datgan diddordeb
Cyng John Morris	Absennol
Cyng John Powell	Datgan diddordeb
Cyng William Powell	Absennol
Cyng David Price	Datgan diddordeb
Cyng Gary Price	Yn Erbyn
Cyng Phil Pritchard	O Blaid
Cyng Gareth Ratcliffe	Absennol
Cyng Kath Roberts-Jones	O Blaid
Cyng Joy Shearer	Datgan diddordeb
Cyng Kathryn Silk	O Blaid
Cyng Keith Tampin	Absennol
Cyng Barry Thomas	Datgan diddordeb
Cyng David Thomas	Datgan diddordeb
Cyng Gillian Thomas	Heb Bleidleisio
Cyng Gwynfor Thomas	Datgan diddordeb
Cyng Tony Thomas	O Blaid
Cyng Tom Turner	Absennol
Cyng Timothy Van-Rees	Datgan diddordeb
Cyng Gwilym Vaughan	O Blaid
Cyng Gwilym Williams	Datgan diddordeb
Cyng Huw Williams	Absennol
Cyng Michael Williams	O Blaid
Cyng Sarah Williams	Absennol
Cyng Avril York	Datgan diddordeb

Cafodd yr argymhelliad ei basio o 23 pleidlais i 2.

PENDERFYNWYD	Rheswm dros y Penderfyniad:
1. Yn unol ag Adran 139 Deddf Tai (Cymru) 2014 ac Adrannau 12A a 12B Deddf Cyllid Llywodraeth Leol	Mae gofyn i'r Cyngor bennu hyn er mwyn codi premiwm a chyhoeddi'r penderfyniad dan adran 12 Deddf

<p>1992 (fel y'i diwygiwyd), codi premiwm o 50% o 1 Ebrill 2017 ar eiddo gwag tymor-hir ac eiddo sy'n cael ei feddiannu'n achlysuron yn unig.</p> <p>2. Pennu bod y penderfyniad hwn yn sefyll bob blwyddyn ariannol oni bai fod y penderfyniad yn cael ei amrywio neu ei ddiddymu.</p> <p>3. Cyhoeddi'r penderfyniad o fewn 21 diwrnod mewn o leiaf un papur newydd, yn unol ag Adran 12 Deddf Cyllid Llywodraeth Leol 1992.</p>	<p>Cyllid Llywodraeth Leol 1992.</p>
--	---

11. DATGANIAD POLISI TÂL	CC32- 2016
---------------------------------	-------------------

Datganodd pob swyddog a oedd yn bresennol ac a oedd â diddordeb yn yr eitem hon hynny, a gadael y cyfarfod wrth iddo gael ei drafod. Elin Prysor, Swyddog Monitro Cyngor Sir Ceredigion oedd y Swyddog Monitro Dros Dro ar gyfer yr eitem hon.

Ystyriodd y Cyngor y datganiad polisi tâl ar gyfer 2016 – 17. Gohiriwyd ystyried yr eitem hon er mwyn ceisio cyngor swyddogion ar nifer o gwestiynau a godwyd gan yr aelodau.

Gadawodd y Cynghorydd Sir PE Lewis y cyfarfod.

12. PENODIADAU I BWYLLGORAU GAN GRWPIAU GWLEIDYDDOL, WEDI'U CYMERADWYO GAN Y SWYDDOG MONITRO	CC33- 2016
---	-------------------

Nododd y Cyngor benodiad y Cynghorydd Sir Kathryn Silk gan y grŵp Democratiaid Rhyddfrydol i'r Pwyllgor Safonau yn lle'r Cynghorydd Sir Maureen Mackenzie. Cofnododd y Swyddog Monitro ei ddiolch i'r Cynghorydd Mackenzie am ei gwaith ar y Pwyllgor Safonau.

13. CWESTIWN I AELOD PORTFFOLIO Â CHYFRIFOLDEB AM BRIFFYRDD ODDI WRTH Y CYNGHORYDD SIR KELVYN CURRY	CC34- 2016
--	-------------------

Clywais gan elusen ganser lleol, the Bracken Trust, yn ddiweddar a oedd yn bryderus fod CSP wedi cynyddu ei ffioedd am gau ffyrdd dros dro o £130 i £330, sef cynnydd o fwy na 150%. Mae hyn yn golygu bod crocbris yn cael ei godi am gynnal un o'r achlysuron codi arian mwyaf poblogaidd o

amgylch y llyn yn Llandrindod, a bydd hefyd yn effeithio ar allu elusennau eraill i godi arian mewn gwahanol fannau ym Mhowys.

Mewn ymateb i nifer o'r cwestiynau a ofynnais i'r Aelod Portffolio yn ddiweddar, fe ddywedodd na chynhaliwyd asesiad effaith pan gododd cost y gorchmynion dros dro fis Hydref 2015, felly sut wyddom ni a fydd y cynnydd yma yn arwain at golli mwy a mwy o refeniw, gan y gallai o rwystro elusennau rhag cynnal yr achlysuron yma o gwbl? Hefyd, ni wyddom pa effaith fydd ar allu codi arian yr elusennau hyn ar adeg pan mae Cyngor Sir Powys yn dibynnu fwyfwy ar grwpiau cymunedol lleol a'r Trydydd Sector i redeg y digwyddiadau yr oedd y Cyngor yn gyfrifol amdanynt yn flaenorol.

Mae'r Aelod Portffolio wedi dweud ei fod yn disgwyl y bydd y ffioedd newydd yn cynhyrchu incwm o £12,920 eleni, o'i gymharu â £6,120 y llynedd. Fodd bynnag heb gynnal asesiad effaith, mae'n amhosibl i ni wybod hyn. Efallai na fyddwn hyd yn oed yn cyrraedd £6,120! Fel y mae pethau ar hyn o bryd, mae'n eithaf posibl y bydd Cyngor Sir Powys yn gweld lleihad yn ei incwm wrth i grwpiau cymunedol lleol a'r Trydydd Sector benderfynu peidio â threfnu'r math yma o achlysur codi arian, a bydd y sefydliadau eu hunain yn bendant yn colli incwm wrth i'r math yma o achlysur codi arian ddod yn fwyfwy aneconomaidd (hynny yw, bydd yn costio mwy i'w redeg nag y bydd yn ei godi). A dweud y gwir, mae'n double whammy, a bydd pawb ar ei golled!

O ystyried hyn, a'r ffaith nad yw llawer o gynghorau Cymru yn codi am gau ffordd ar gyfer achlysur cymunedol neu nid-er-elw (er bod ambell gyngor yn gwneud hynny), oni fyddai'n ddoeth i'r Aelod Portffolio ddychwelyd i'r hen strwythur ffioedd ar gyfer cau ffyrdd dros dro nes y bydd wedi cynnal asesiad effaith llawn? Yna, gellid datblygu ffordd synhwyrol ymlaen, ar sail tystiolaeth ac nid dyfaliad .

Mae codi ffi am Orchmynion Rheoliadau Traffig yn cael ei caniatáu dan Reoliadau Awdurdodau Lleol (Ffioedd Teithio) 1998. Mae Adran 4 y Rheoliadau hyn yn gosod amod y dylai'r Awdurdod Lleol ystyried y costau wrth drin y mater wrth bennu'r ffi i'w chodi. Mae Tabl 2 Eitem 5 y rheoliadau'n gosod y cyfrifoldeb am Drefnwyr y Digwyddiad i dalu'r ffioedd am 'Unrhyw beth gan yr Awdurdod Lleol a wneir mewn cysylltiad â gorchymyn, neu o ganlyniad i orchymyn a wnaed neu y bwriedir ei wneud ganddynt dan adran 16A'

Nid yw Deddf Cymalau Heddlu Trefol 1874 yn caniatáu i'r Awdurdod gau ffyrdd. Fodd bynnag nid dyma yw'r ddeddfwriaeth briodol i gau ffyrdd ar gyfer digwyddiadau a champau megis y ras a'r achlysur seiclo y mae'r Bracken Trust yn eu trefnu. Mae angen cau'r ffordd dan adran 16A Deddf Rheoleiddio Traffig y Ffyrdd 1984 ar gyfer y mathau yma o achlysur. Mae angen Gorchymyn yn y lle cyntaf oherwydd na fydd yr Heddlu'n gosod swyddog ar y briffordd ar gyfer achlysur sydd wedi'i gynllunio heb orchymyn o'r fath.

Fel y bydd yr Aelodau'n sylweddoli, mae amser anodd o'n blaenau, a lle bo modd, dylai adrannau geisio adfer costau am y gwasanaethau a ddarparant. Mae'n amlwg bod y ddeddfwriaeth yn caniatáu i'r Awdurdodau wneud hyn wrth wneud Gorchmynion Rheoleiddio Traffig ar gyfer achlysuron ar y briffordd. Y tro diwethaf i gost gorchymyn traffig dros dro gael ei gosod oedd 2003, rhyw 13 o flynyddoedd yn ôl, ac arhosodd y ffi ar y lefel honno nes cynnal adolygiad ym mis Hydref 2015. Bydd y costau'n seiliedig ar yr amser sy'n cael ei dreulio ar ddrafftio rhybudd traffig ac ati a'u gosod ar y wefan (hefyd mae costau sylweddol yn gysylltiedig â hysbysebu Gorchmynion). Roedd yr adolygiad yn rhan o adolygiad llawn o Ffioedd a gynhaliwyd ar gyfer yr adran Priffyrdd, Cludiant ac Ailgylchu ym mis Hydref 2015.

O edrych ar rai o'r Awdurdodau Lleol eraill yng Nghymru, mae'r ffioedd yn amrywio o £2157 i ddim ffi o gwbl. Nid oes unrhyw ddull cyson ar draws Cymru i drin y mater yma. Fodd bynnag, mae'n amlwg nad yw'r Awdurdod hwn yn codi mor sylweddol â rhai Cynghorau eraill, ac rydym felly'n ystyried bod y ffioedd a godwn yn gymesur â'r gwaith sy'n gysylltiedig â'r mater.

Gan fod y ddau achlysur y mae'r Ymddiriedolaeth yn ei drefnu yn cynnig defnyddio'r un adran o'r briffordd, mae'n bosibl cyfuno'r achlysuron yn un gorchymyn er mwyn cadw'r costau mor isel â phosibl. Byddai hyn yn golygu un ffi ailadrodd gorchymyn, sef £330. Yr unig ddewis arall fyddai i'r Ymddiriedolaeth ystyried a oes angen i'r achlysur gael ei gynnal ar y briffordd, neu newid yr achlysur er mwyn i'r achlysur gael ei gynnal ar y briffordd heb orfod cau'r ffordd. Byddwn yn gweithio gyda'r Ymddiriedolaeth a sefydliadau elusennol eraill i'w cynorthwyo orau y gallwn gyda'u trefniadau yn hyn o beth.

Wrth ymateb i gwestiwn atodol y Cynghorydd Curry, gwrthododd yr Aelod Portffolio unrhyw awgrym bod y Gwasanaeth Priffyrdd yn ceisio cosbi elusennau ond roedd yn trin pob cais yr un fath, ac roedd yn ceisio adfer y costau.

14.	STRATEGAETH RHEOLI'r TRYSORLYS	CC35- 2016
------------	---------------------------------------	-------------------

12.57 p.m. Gadawodd y Cynghorydd Sir JG Shearer y cyfarfod.

Ystyriodd y Cyngor Ddatganiad Strategaeth Rheoli'r Trysorlys a'r Strategaeth Fuddsoddi Flynyddol.

Cyng Myfanwy Alexander	O Blaid
Cyng Paul Ashton	Ymatal
Cyng Dawn Bailey	O Blaid
Cyng Garry Banks	O Blaid
Cyng Gemma Jane Bowker	Absennol
Cyng Graham Brown	Ymatal
Cyng John Brunt	O Blaid
Cyng Linda Corfield	O Blaid
Cyng Kelvyn Curry	O Blaid
Cyng Aled Davies	O Blaid
Cyng Dai Davies	O Blaid
Cyng Melanie Davies	Absennol
Cyng Rachel Davies	Absennol
Cyng Roche Davies	O Blaid

Cyng Sandra Davies	O Blaid
Cyng Stephen Davies	Absennol
Cyng Matthew Dorrance	O Blaid
Cyng David Evans	O Blaid
Cyng John Evans	O Blaid
Cyng Viola Evans	O Blaid
Cyng Liam Fitzpatrick	Absennol
Cyng Russell George	Absennol
Cyng James Gibson-Watt	O Blaid
Cyng Rosemarie Harris	Heb Bleidleisio
Cyng Peter Harris	Absennol
Cyng Stephen Hayes	O Blaid
Cyng Ann Holloway	Absennol
Cyng Jeff Holmes	O Blaid
Cyng Geraint Hopkins	O Blaid
Cyng Dai Jones	O Blaid
Cyng David Jones	O Blaid
Cyng E. Arwel Jones	Absennol
Cyng Eldrydd Jones	Ymatal
Cyng E. Michael Jones	O Blaid
Cyng Graham Jones	Absennol
Cyng Joy Jones	O Blaid
Cyng Michael John Jones	Absennol
Cyng Wynne Jones	O Blaid
Cyng Francesca Jump	O Blaid
Cyng Hywel Lewis	O Blaid
Cyng Peter Lewis	Absennol
Cyng Maureen Mackenzie	O Blaid
Cyng Darren Mayor	O Blaid
Cyng Susan McNicholas	O Blaid
Cyng Peter Medlicott	O Blaid
Cyng David Meredith	O Blaid
Cyng Bob Mills	Yn Erbyn
Cyng Evan Morgan	O Blaid
Cyng Gareth Morgan	Heb Bleidleisio
Cyng John Morris	Absennol
Cyng John Powell	O Blaid
Cyng William Powell	Absennol
Cyng David Price	Heb Bleidleisio
Cyng Gary Price	Heb Bleidleisio
Cyng Phil Pritchard	O Blaid
Cyng Gareth Ratcliffe	Absennol
Cyng Kath Roberts-Jones	O Blaid
Cyng Joy Shearer	Absennol
Cyng Kathryn Silk	O Blaid
Cyng Keith Tampin	Absennol
Cyng Barry Thomas	O Blaid
Cyng David Thomas	O Blaid
Cyng Gillian Thomas	Heb Bleidleisio
Cyng Gwynfor Thomas	O Blaid
Cyng Tony Thomas	O Blaid

Cyng Tom Turner	Absennol
Cyng Timothy Van-Rees	Heb Bleidleisio
Cyng Gwilym Vaughan	Heb Bleidleisio
Cyng Michael Williams	O Blaid
Cyng Gwilym Williams	Ymatal
Cyng Sarah Williams	Absennol
Cyng Huw Williams	Absennol
Cyng Avril York	O Blaid

Cafodd yr argymhelliad ei basio o 41 pleidlais i 1 gyda 4 yn ymatal. County Bu i'r Cynghorydd RG Brown ymatal am iddo fod yn absennol yn ystod rhan o'r ddatl.

PENDERFYNWYD	Rheswm dros y Penderfyniad
Cymeradwyo Datganiad Strategaeth Rheoli'r Trysorlys a'r Strategaeth Buddsoddiad Blynyddol.	Gofyniad Statudol

Gohiriwyd cyfarfod y Cyngor i gael cinio rhwng 13.00 a 13.45.

YN BRESENNOL

Y Cynghorydd Sir PJ Ashton (Cadeirydd)

Y Cynghorwyr Sir D Bailey, G R Banks, R G Brown, J H Brunt, L V Corfield, K W Curry, S C Davies, D E Davies, L R E Davies, A W Davies, M J Dorrance, V E Evans, W J Evans, D O Evans, S M Hayes, J C Holmes, D C Jones, E M Jones, Eldrydd M Jones, D R Jones, J R Jones, W T Jones, F H Jump, H Lewis, D Mayor, S McNicholas, P J Medlicott, DW Meredith, W J T Powell, GD Price, P C Pritchard, K M Roberts-Jones, K S Silk, D A Thomas, W B Thomas, R G Thomas, T J Van-Rees, J M Williams, G I S Williams and E A York and EA York.

11.	DATGANIAD POLISI TÂL	CC32 - 2016
------------	-----------------------------	--------------------

Datganodd pob swyddog a oedd yn bresennol ac a oedd â ddi-ddordeb yn yr eitem hon hynny, a gadael y cyfarfod wrth iddo gael ei drafod. Elin Prysor, Swyddog Monitro Cyngor Sir Ceredigion oedd y Swyddog Monitro Dros Dro ar gyfer yr eitem hon.

Ystyriodd y Cyngor y datganiad polisi tâl ar gyfer 2016 – 17.

Cyng Myfanwy Alexander	Absennol
Cyng Paul Ashton	O Blaid
Cyng Dawn Bailey	O Blaid
Cyng Garry Banks	Ymatal
Cyng Gemma Jane Bowker	Absennol
Cyng Graham Brown	O Blaid
Cyng John Brunt	O Blaid
Cyng Linda Corfield	O Blaid
Cyng Kelvyn Curry	O Blaid
Cyng Aled Davies	Yn Erbyn
Cyng Dai Davies	O Blaid
Cyng Melanie Davies	Absennol
Cyng Rachel Davies	Absennol

Cyng Roche Dave	O Blaid
Cyng Sandra Davies	O Blaid
Cyng Stephen Davies	Absennol
Cyng Matthew Dorrance	O Blaid
Cyng David Evans	O Blaid
Cyng John Evans	Absennol
Cyng Viola Evans	O Blaid
Cyng Liam Fitzpatrick	Absennol
Cyng Russell George	Absennol
Cyng James Gibson-Watt	Absennol
Cyng Rosemarie Harris	Absennol
Cyng Peter Harris	Absennol
Cyng Stephen Hayes	O Blaid
Cyng Ann Holloway	Absennol
Cyng Jeff Holmes	O Blaid
Cyng Geraint Hopkins	Absennol
Cyng Dai Jones	O Blaid
Cyng David Jones	O Blaid
Cyng E. Arwel Jones	Absennol
Cyng Eldrydd Jones	O Blaid
Cyng E. Michael Jones	O Blaid
Cyng Graham Jones	Absennol
Cyng Joy Jones	O Blaid
Cyng Michael J. Jones	Absennol
Cyng Wynne Jones	O Blaid
Cyng Francesca Jump	O Blaid
Cyng Hywel Lewis	O Blaid
Cyng Peter Lewis	Absennol
Cyng Maureen Mackenzie	Absennol
Cyng Darren Mayor	O Blaid
Cyng Susan McNicholas	O Blaid
Cyng Peter Medlicott	O Blaid
Cyng David Meredith	O Blaid
Cyng Bob Mills	Absennol
Cyng Evan Morgan	O Blaid
Cyng Gareth Morgan	Absennol
Cyng John Morris	Absennol
Cyng John Powell	O Blaid
Cyng William Powell	Absennol
Cyng David Price	Absennol
Cyng Gary Price	Yn Erbyn
Cyng Phil Pritchard	O Blaid
Cyng Gareth Ratcliffe	Absennol
Cyng Kath Roberts-Jones	O Blaid
Cyng Joy Shearer	Absennol
Cyng Kathryn Silk	O Blaid
Cyng Keith Tampin	Absennol
Cyng Barry Thomas	O Blaid
Cyng David Thomas	O Blaid
Cyng Gillian Thomas	Absennol
Cyng Gwynfor Thomas	Yn Erbyn

Cyng Tony Thomas	Absennol
Cyng Tom Turner	Absennol
Cyng Timothy Van-Rees	O Blaid
Cyng Gwilym Vaughan	Absennol
Cyng Gwilym Williams	Yn Erbyn
Cyng Huw Williams	Absennol
Cyng Michael Williams	O Blaid
Cyng Sarah Williams	Absennol
Cyng Avril York	O Blaid

Cafodd yr argymhelliad ei basio o 36 pleidlais i 4 gydag 1 yn ymatal.

PENDERFYNWYD	Rheswm dros y Penderfyniad:
Cymeradwyo'r datganiad polisi tâl. Copi wedi ei ffeilio gyda'r cofnodion a arwyddwyd.	Sicrhau cydsynio gydag Adran 38 (1) y Ddeddf Lleoliaeth 2011.

15.	CYFLWYNIAD GAN SIMON PRINCE, PRIF GWNSTABL HEDDLU DYFED-POWYS	CC36- 2016
------------	--	-------------------

Rhoddodd Simon Prince, Prif Gwnstabl Heddlu Dyfed-Powys gyflwyniad i'r Cyngor. Atebodd y Prif Gwnstabl a'r Uwcharolygydd Robyn Mason gwestiynau oddi wrth yr Aelodau.

Y Cyngorydd Sir PJ Ashton (Cadeirydd)

CC43- 2016

CAPITAL PROGRAMME - VIREMENTS REQUIRED AS AT 29 FEBRUARY 2016

	Amount
Chief Executive	
Schools and Inclusion	
Due to the delays in the approval of the OBC by WG the work on the next stage of the project has been delayed with the corresponding underspend. This virement recommends rolling forward the budget for Gwernyfed Primary School Catchment to 2016/17	-1,010
Leisure and Recreation	
The Brecon Cultural Hub project is progressing well with an estimated date of commencement of April 2016. This virement recommends rolling forward the budget to 2016/17.	-650
Total	<u><u>-1,660</u></u>

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

CC44- 2016

CYNGOR SIR POWYS COUNTY COUNCIL.

COUNTY COUNCIL MEETING – 20TH APRIL, 2016

REPORT BY: Solicitor to the Council

SUBJECT: New Constitution

REPORT FOR: Decision

1. Introduction.

The County Council agreed a new Constitution which came into force on 1st September, 2015. However since its implementation it has become clear that changes are required, as the Constitution is a living document and will constantly be updated to ensure that it reflects current legislation and so that it is “fit for purpose”. The revised sections of the Constitution below were considered by the Democratic Services Committee on 30th March, 2016 and the committee’s recommendations to Council are set out below.

2. Amendments to Approved Sections of the Constitution.

The revised sections of the Constitution which the Council is asked to approve are as follows:

Section 4	Full Council
Section 5	The Cabinet
Section 7	Scrutiny Committees
Section 9	Regulatory Committees
Section 10	Joint Committees
Section 11	Officers
Section 13	Responsibility for Functions
Section 14	Access to Information Procedure Rules
Section 16	Financial Procedure Rules
Section 18	Code of Conduct for Members
Section 19	Code of Conduct for Members and Officers Dealing with Planning Matters

3. Version Control.

Previously when a Section was amended, the effective date on that Section only was amended. This was confusing in that the “live” version of the Constitution had variable effective dates and tracking of changes was not undertaken.

In order to simplify the process to identify which version of the Constitution is in force at any particular point in time, from now on every time there are revisions to the Constitution, the dates of every Section in the whole

Constitution will be amended (even if the Section itself is not amended) so that there is only one effective date for a version.

Therefore as from 20th April, 2016 the Council will be operating from Version 2 of the new Constitution.

Recommended to Full Council:	Reason for Recommendation:
<p>(i) that the amendments to the Sections of the new Constitution set out above be approved.</p> <p>(ii) that Version 2 of the Constitution take effect from 20th April, 2016.</p>	To agree revised sections of the new Constitution.

Person(s) To Action Decision:	Solicitor to the Council.		
Date By When Decision To Be Actioned:	1st May, 2016		
Relevant Policy (ies):	Council's Constitution.		
Within Policy:	Y	Within Budget:	Y
Contact Officer Name:	Tel:	Fax:	Email:
Wyn Richards Scrutiny Manager and Head of Democratic Services	01597 826375	01597 826220	wyn.richards@powys.gov. uk

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

SECTION 4 – FULL COUNCIL

Role and Function of the Chair

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

Ceremonial Role

4.12.1 The Chair of the Council:

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

Responsibilities of the Chair

4.12.2 The Chair of the Council will:

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

Political Neutrality

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

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

Council Meetings

4.13 There are three types of Council meeting:

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

SECTION 4 – FULL COUNCIL

Rules of Procedure and Debate

4.14 The Council Procedure Rules contained in 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. A member of the Cabinet cannot preside over a meeting of Council³;
- 4.15.2 elect the Chair of the Council (subject to 4.10 above);
- 4.15.3 elect the Vice Chair of the Council (subject to 4.10 above);
- 4.15.4 elect the Assistant Vice-Chair of the Council (subject to 4.10 above);
- 4.15.5 receive declarations of interest
- 4.15.6 receive apologies for absence
- 4.15.7 decide on any amendments to the Constitution⁴ recommended by the Democratic Services Committee
- 4.15.8 receive any announcements from the Chair, Leader and/or the Head of Paid Service;
- 4.15.9 elect the Leader of the Council, except where the Leader was appointed for a period of four years or the term of the Council at the initial annual meeting of the Council;
- 4.15.10 be informed by the Leader of the number of Councillors to be appointed to the Cabinet;
- 4.15.11 decide on the allocation of seats on political balanced committees to political groups in accordance with the requirements of the Local Government and Housing Act 1989
- 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

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

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

SECTION 4 – FULL COUNCIL

- Standards Committee and such other committees and sub-committees as the Council considers appropriate to deal with matters which are neither reserved to the Council nor are Executive Functions (as set out in Section 13 of this Constitution);
- 4.15.14 allocate the Chairs of Scrutiny Committees to the relevant political groups and to approve the appointments to those Chairs made by the political groups
- 4.15.15 appoint the Chair of the Democratic Services Committee⁵
- 4.15.16 elect or appoint Members where vacancies occur in respect of:
- Independent Member of Standards Committee; and
 - Lay Member of the Audit Committee; 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.

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

SECTION 4 – FULL COUNCIL

Ordinary Meetings

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

- 4.18.1 elect a person to preside if the Chair, Vice Chair and Assistant Vice-Chair are not present. A member of the Cabinet cannot preside at a meeting of the Council⁶;
- 4.18.2 receive any declarations of interest from Councillors;
- 4.18.3 receive apologies for absence;
- 4.18.4 approve as a correct record the minutes of the last meeting;
- 4.18.5 receive any announcements from the Chair, Leader or Chief Executive
- 4.18.6 decide on any amendments to the Constitution recommended by the Democratic Services Committee⁷
- 4.18.7 where required to elect, or appoint, or remove Members where vacancies occur in respect of / from the following positions:
 - 4.18.7.1 Chair, Vice-Chair, Assistant Vice-Chair of Council;
 - 4.18.7.2 Leader;
 - 4.18.7.3 Independent Member of Standards Committee;
 - 4.18.7.4 Appoint Lay Member of the Audit Committee 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;

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

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

SECTION 4 – FULL COUNCIL

- 4.18.9 (if required due to vacancy) note appointment of chair(s) of scrutiny committee(s) by the political group(s) in accordance with the Local Government (Wales) Measure 2011
- 4.18.10 to receive the report of the Monitoring Officer setting out appointments to fill vacancies on committees and outside bodies 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

⁸▲⁹◆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 including a link to the Members' website and / or by CD. The summons will

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

⁹ ◆ Denotes application to Area (Shire) Committees.

SECTION 4 – FULL COUNCIL

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.

¹⁰▲¹¹◆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.

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

¹¹ ◆ Denotes application to Area (Shire) Committees.

SECTION 4 – FULL COUNCIL

Remote Attendance

¹²▲¹³◆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

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

¹³ ◆ Denotes application to Area (Shire) Committees.

SECTION 4 – FULL COUNCIL

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.

SECTION 4 – FULL COUNCIL

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 one Member to propose and another Member to second the motion and the proposer and seconder must either sign the motion or otherwise confirm by email or in writing to the Monitoring Officer that they are proposing or seconding the motion.

Motion Set Out in Agenda

4.38.1 Motions for which notice has been given will be listed on the agenda in the order determined by the Chair.

4.38.2 If an issue arises at a meeting of a committee as to the appointment, promotion, dismissal, salary, superannuation or Conditions of Service, or as to the conduct of any person employed by the Council, such matter shall not be the subject of discussion until the Council has decided on the exercise of the power of exclusion of the public under the terms of the Access to Information Rules set out in Section 14.

Scope

4.39 Motions may be rejected if, in the opinion of the Monitoring Officer and the Chair they:

4.39.1 are not about a matter for which the Council has a responsibility and which affects the wellbeing of the administrative area of the Council;

4.39.2 are defamatory, frivolous or offensive;

4.39.3 are substantially the same as a motion which has been put at a meeting of the Full Council in the past six months;

4.39.4 concern an item of business which is the subject of a report to the meeting;

4.39.5 disclose confidential or exempt information where there is no demonstrable need to know;

4.39.6 are based upon a legally inaccurate premise;

4.39.7 relate to personal and confidential information of an employee (or former employee) in the view of the Monitoring Officer and / or the Section 151 Officer;

4.39.8 would amount to an attempt to “Call-In” a decision of Cabinet or a delegated decision made by a Portfolio Holder which would not be allowed due to 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

SECTION 4 – FULL COUNCIL

6 month period.

Two Motions per Councillor

4.41 No Councillor may give notice of more than 2 motions for any Council meeting, except with the consent of the Chair. Following debate and / or amendments a motion will be taken as a single motion.

Motions without Notice

¹⁴▲¹⁵◆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 a closure motion under Rule 4.54.5~~
- ~~▲◆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;~~
- ▲◆4.42.1~~30~~to suspend a particular Council Procedure Rule (provided that at least one half of the whole number of Members are present)¹⁶;
- ▲◆4.42.1~~41~~to exclude the public and press in accordance with the Access to Information Procedure Rules;
- ▲◆4.42.1~~52~~to not hear further a Member named under Rule 4.86 or to exclude them from the meeting under Rule 4.87; and
- ▲◆4.42.1~~63~~to give the consent of the Council where its consent is required by this Constitution.
- ▲◆4.42.1~~74~~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;

¹⁴ ▲ Denotes application to Committees as well as Full Council (excluding Cabinet)

¹⁵ ◆ Denotes application to Area (Shire) Committees.

¹⁶ See Rule 2.7.2

SECTION 4 – FULL COUNCIL

4.43.3 The general authority referred to above is qualified in that an urgent motion should not be taken unless:

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

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

Rules of Debate

No Speeches until Motion Seconded

¹⁷ ▲ ¹⁸ ◆ 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

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

¹⁸ ◆ Denotes application to Area (Shire) Committees.

SECTION 4 – FULL COUNCIL

- 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
- ¹⁹▲²⁰◆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

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

²⁰ ◆ Denotes application to Area (Shire) Committees.

SECTION 4 – FULL COUNCIL

- ▲◆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.
- ²¹▲²²◆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 a closure motion under Rule 4.54.5~~
 - ~~▲◆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.~~74~~ to exclude the public and press in accordance with the Access to Information Procedure Rules; and
 - ▲◆4.53.~~58~~ to not hear further a Member named under Rule 4.86 or to exclude them from the meeting under Rule 4.87.
 - ▲◆4.53.~~69~~ 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 ~~subject to Rule 4.54.8 below, if~~ a motion to proceed to next business ~~under Rule 4.54.1~~ is seconded and ~~only if~~ the Chair thinks the item has been sufficiently discussed, he will give the mover of the original motion a right of reply and then put the procedural motion to the vote.
- ▲◆4.54.6 ~~subject to Rule 4.54.8 below, if~~ a motion that the question be now put ~~under Rule 4.54.2~~ is seconded and ~~only if~~ the Chair thinks the item has been sufficiently discussed, he will put the procedural motion to the vote. If it is passed he will give the mover of the original motion a right of reply

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

²² ◆ Denotes application to Area (Shire) Committees.

SECTION 4 – FULL COUNCIL

before putting his motion to the vote.

▲◆4.54.7 subject to Rule 4.54.8 below, if ~~if~~ a motion to adjourn the debate or to adjourn the meeting under Rules 4.54.3 and 4.54.4 is seconded and only if the Chair thinks the item has ~~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.

▲◆4.54.8 in the event that a closure motion under Rule 4.54.1 to 4.54.4 is moved and seconded, the following procedure will apply in the order set out below:

4.54.8.1 the closure motion will be voted upon without further debate;

4.54.8.2 if an amendment has been moved and seconded before a closure motion has been passed by Full Council, that amendment must be discussed immediately but will be subject to the following restrictions:

- The debate on the amendment cannot exceed a maximum of 30 minutes in total, save for the exercising of the Chair's discretion.
- the proposer will have a maximum of 5 minutes to speak on the amendment;
- the relevant Portfolio Holder(s) will have a maximum of 5 minutes to speak on the amendment;
- the seconder and all other speakers will have a maximum of 3 minutes to speak on the amendment;

4.54.8.3 Full Council will vote on the proposed amendment debated under Rule 4.54.8.2 above.

4.54.8.4 a single new amendment to the substantive motion (as amended if appropriate) will be allowed if properly seconded, but will be subject to the following restrictions:

- the first new amendment proposed and seconded will be considered and no further proposed amendments will be considered;
- The debate on the new amendment cannot exceed a maximum of 30 minutes in total, save for the exercising of the Chair's discretion.
- the proposer will have a maximum of 5 minutes to speak on the new amendment;
- the relevant Portfolio Holder will have a maximum of 5 minutes to speak on the new amendment;
- the seconder and all other speakers will have a maximum of 3 minutes to speak on the new amendment;

4.54.8.5 the new amendment proposed in accordance with Rule 4.54.8.4 will be voted upon.

4.54.8.6 the substantive motion (as amended under Rule 4.54.8.2 or Rule 4.54.8.4) will be voted upon.

SECTION 4 – FULL COUNCIL

Point of Order

²³▲²⁴◆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.²⁵

²³ ▲ Denotes application to Committees as well as Full Council (excluding Cabinet)

²⁴ ◆ Denotes application to Area (Shire) Committees.

²⁵ N.B. Meetings of Cabinet are not committee meetings of the Council.

SECTION 4 – FULL COUNCIL

Motion Similar to One Previously Rejected

²⁶▲²⁷◆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 ~~Subject to 4.66.2 below, whenever an electronic voting system is available voting at Full Council and Cabinet meetings shall take place by means of that electronic voting system and the votes cast by each Councillor will be made available on the Council's website upon publication of the draft minutes for that meeting.]~~

~~4.66.2 In respect of Full Council if 10 Councillors present at the meeting demand it, the names for and against the motion or amendment or abstaining from voting details of the votes cast by each Councillor will be made available to the meeting. - will be taken down in writing and entered into the minutes. A~~

Comment [WR1]: NEW – DSC has recommended this to be piloted for a period of 12 months.

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

²⁷ ◆ Denotes application to Area (Shire) Committees.

SECTION 4 – FULL COUNCIL

~~demand for a recorded vote together with a demand for a ballot will be voted upon by the Council.~~

- ▲◆4.66.23 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 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

- ²⁸▲²⁹◆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

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

²⁹ ◆ Denotes application to Area (Shire) Committees.

SECTION 4 – FULL COUNCIL

- ▲◆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;
 - ³⁰▲³¹◆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

³⁰ ▲ Denotes application to Committees as well as Full Council (excluding Cabinet)

³¹ ◆ Denotes application to Area (Shire) Committees.

SECTION 4 – FULL COUNCIL

- ▲◆4.76 Where in relation to any meeting, the next meeting for the purpose of signing the minutes is an extraordinary meeting³², then the next following meeting will be treated as a suitable meeting for the purposes of signing of minutes³³.

Form of Minutes

- ³⁴▲³⁵◆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

³² a meeting called under paragraph 3 of Schedule 12 to the Local Government Act 1972

³³ paragraph 41(1) and (2) of Schedule 12 to the Local Government Act 1972

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

³⁵ ◆ Denotes application to Area (Shire) Committees.

SECTION 4 – FULL COUNCIL

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.

Speaking at Meetings

- ³⁶▲³⁷◆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.

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

³⁷ ◆ Denotes application to Area (Shire) Committees.

SECTION 4 – FULL COUNCIL

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.

Filming, Audio Recording and Use of Social Media During Meetings

- ³⁸▲³⁹◆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.

³⁸ ▲ Denotes application to Full Council, Cabinet and Committees, ~~as well as Full Council (excluding Cabinet)~~

³⁹ ◆ Denotes application to Area (Shire) Committees.

SECTION 4 – FULL COUNCIL

- 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 event the Councillor may not speak under this Rule for more than 5 minutes.
- 4.98 Where a member of the public delivers a petition to the Council the procedure for the receipt of that petition will be determined by the Chair of the Council.

All Council Seminars / Member Development Sessions

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

SECTION 5 – THE CABINET

Introduction

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

Form and Composition of the Cabinet

5.2 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 under this Rule 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;
---	--

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

SECTION 7 – SCRUTINY COMMITTEES

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.

SECTION 7 – SCRUTINY COMMITTEES

- 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

SECTION 7 – SCRUTINY COMMITTEES

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)

SECTION 7 – SCRUTINY COMMITTEES

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.

SECTION 7 – SCRUTINY COMMITTEES

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

SECTION 7 – SCRUTINY COMMITTEES

- 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

SECTION 7 – SCRUTINY COMMITTEES

- 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

SECTION 7 – SCRUTINY COMMITTEES

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 Chair of Full Council or Cabinet the Leader 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 Cabinet will prepare a written response to the scrutiny report, including an action plan where appropriate, within 2 months. 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 Cabinet's response.

Comment [WR1]: NEW.

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

SECTION 7 – SCRUTINY COMMITTEES

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

- 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.

SECTION 7 – SCRUTINY COMMITTEES

Others

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.

SECTION 7 – SCRUTINY COMMITTEES

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.

SECTION 7 – SCRUTINY COMMITTEES

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:

SECTION 7 – SCRUTINY COMMITTEES

- 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.

SECTION 7 – SCRUTINY COMMITTEES

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;

SECTION 7 – SCRUTINY COMMITTEES

- 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

SECTION 7 – SCRUTINY COMMITTEES

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?

SECTION 7 – SCRUTINY COMMITTEES

- 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?

SECTION 7 – SCRUTINY COMMITTEES

- 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”.

SECTION 7 – SCRUTINY COMMITTEES

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

SECTION 7 – SCRUTINY COMMITTEES

	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

SECTION 7 – SCRUTINY COMMITTEES

- 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.

SECTION 7 – SCRUTINY COMMITTEES

Appendix 1 – "Call-In Request"

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

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

TO: The Monitoring Officer.

I County Councillor _____ Chair of the

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:

SECTION 7 – SCRUTINY COMMITTEES

IMPORTANT NOTE TO CHAIRS AND MEMBERS OF A SCRUTINY COMMITTEE:

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

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

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

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

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

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

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

- (i) that a scrutiny committee may only call-in 5 decisions per year.
- (ii) only decisions involving expenditure or reduction in service over a value of £25,000 may be called-in.
- (iii) 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.

SECTION 7 – SCRUTINY COMMITTEES

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>):

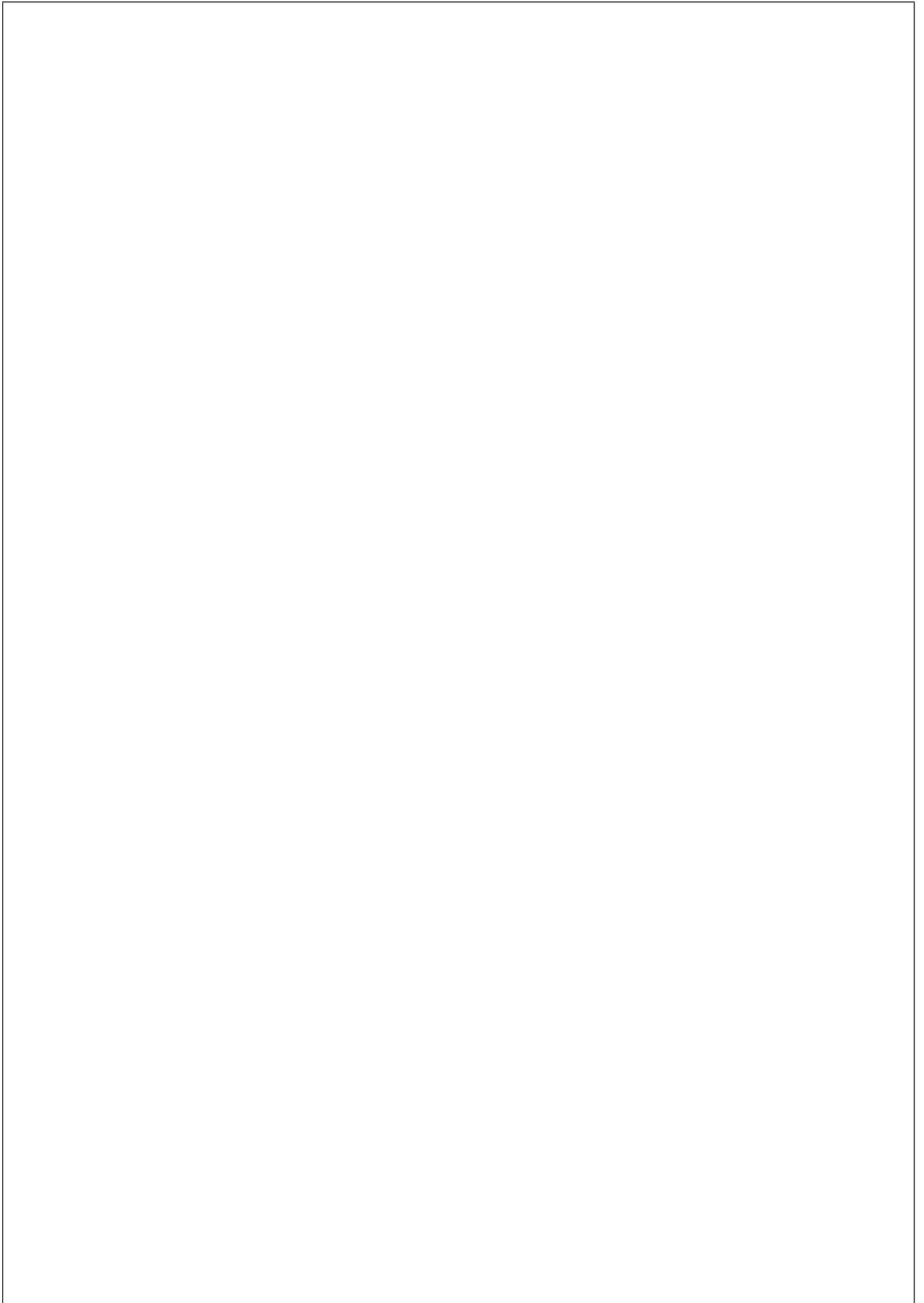
2. Reason for Call-In:

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.

SECTION 7 – SCRUTINY COMMITTEES



SECTION 7 – SCRUTINY COMMITTEES

(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: _____

SECTION 7 – SCRUTINY COMMITTEES

2. Monitoring Officer's Advice.

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

(Please continue on a separate sheet if necessary)

Date: _____

Signature: _____

SECTION 7 – SCRUTINY COMMITTEES

FOR INTERNAL USE ONLY:

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

SECTION 7 – SCRUTINY COMMITTEES

Appendix 2 – “Call-In Notice”

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

1. Chief Finance Officer.

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

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

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

(Please continue on a separate sheet if necessary)

Date: _____

Signature: _____

SECTION 7 – SCRUTINY COMMITTEES

2. Monitoring Officer.

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

(i)	that the decision or action is contrary to the policy framework or budget, or falls outside the functions of the Cabinet; and / or	
(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.

SECTION 7 – SCRUTINY COMMITTEES

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.

SECTION 7 – SCRUTINY COMMITTEES

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.*

SECTION 7 – SCRUTINY COMMITTEES

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

SECTION 7 – SCRUTINY COMMITTEES

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.

SECTION 7 – SCRUTINY COMMITTEES

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.

SECTION 7 – SCRUTINY COMMITTEES

- 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

SECTION 7 – SCRUTINY COMMITTEES

- (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.

SECTION 7 – SCRUTINY COMMITTEES

- 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.]

Comment [WR1]: In old Constitution but omitted from new Constitution in error.

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 10 – JOINT COMMITTEES

- 10.1 There are a number of circumstances where the Council or the Cabinet is entitled to carry out certain functions jointly with another local authority or with a Local Health Board(s).
- 10.2 The Council and Cabinet in order to promote the economic, social, or environmental wellbeing of its area may:
- 10.2.1 enter into arrangements or agreements with any person or body;
 - 10.2.2 co-operate with, or facilitate or co-ordinate the activities of any person or body; and
 - 10.2.3 exercise on behalf of that person or body any functions of that person or body.

Joint Arrangements

- 10.3.1 The Council may establish joint arrangements with one or more local authorities or a Local Health Board(s) and/or their executives to (a) exercise functions which are not Executive Functions in any of the participating authorities, or (b) advise the Council. Such arrangements may involve the appointment of a joint committee with these other local authorities.
- 10.3.2 The Cabinet may establish joint arrangements with one or more local authorities or a Local Health Board(s) to exercise functions which are Executive Functions. Such arrangements may involve the appointment of joint committees with these other local authorities or a Local Health Board(s). Except as set out below, or as permitted or required by Law, the Cabinet may only appoint Cabinet Members to such joint committees and those Members need not reflect the political composition of the Council as a whole.
- 10.3.3 The Cabinet may appoint Members to a Joint Committee from outside the Cabinet where the Joint Committee has functions for only part of the area of the Council and that area is smaller than two fifths of that local authority, by area or population. In such cases, the Cabinet may appoint to the Joint Committee any Councillor who is Member for an electoral division contained within the area. Political balance requirements do not apply to such appointments.
- 10.3.4 Details of any joint arrangements including any delegations to joint committees will be found in the Council's scheme of delegations in Section 13 of this Constitution.

Access to Information

- 10.4.1 The Access to Information Rules applying to a Joint Committee will depend upon the terms of reference agreed for the operation of that committee.
- 10.4.2 Where it is agreed that Powys County Council Access to Information Procedure Rules in Section 14 will apply to a Joint Committee, those rules will take effect subject to rules 10.4.3. and 10.4.4. below.
- 10.4.3 If all the Members of a Joint Committee are Members of the Cabinet in each of the participating authorities, then its access to information regime is the same as that applied to the Cabinet.
- 10.4.4 If the Joint Committee contains Members who are not on the Cabinet of any participating authority, then the Access to Information Rules in part VA of the

SECTION 10 – JOINT COMMITTEES

Local Government Act 1972 (as amended) will apply. 1

Delegation to and from Other Local Authorities

- 10.5.1 The Council can delegate Non-Executive Functions to another local authority or a Local Health Board(s), or and, where those functions are the responsibility of the executive of another local authority, to the executive of another local authority.
- 10.5.2 The Cabinet can delegate Executive Functions to another local authority or the executive of another local authority or a Local Health Board(s).
- 10.5.3 The decision whether or not to accept such a delegation from another local authority or a Local Health Board(s) is reserved to the Full Council.

Contracting Out

- 10.6 The Council (in respect of Non-Executive Functions) and the Cabinet (in respect of Executive Functions) may contract out to another body or organisation functions:
 - 10.6.1 which may be exercised by an Officer and which are subject to an order under section 70 of the Deregulation and Contracting Out Act 1994²; or
 - 10.6.2 under contracting arrangements where the Contractor acts as the Council's Agent under usual contracting principles, provided there is no delegation of the Council's discretionary decision making.

¹ See Section 14.

² Any function of the Council or of an Executive

SECTION 11 – OFFICERS

Management Structure

General

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

Chief Officers

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

Post	Functions and Areas of Responsibility
Chief Executive (and Head of Paid Service)	<p>Statutory Role:</p> <ul style="list-style-type: none">• Head of Paid Service• Interim Chief Education Officer <ul style="list-style-type: none">▪ Overall corporate management and operational responsibility including overall management responsibility for all Officers.▪ Principal adviser to the Council on general policy.▪ The provision of professional and impartial advice to all parties in the decision making process to the Cabinet, to the Full Council, Scrutiny Committees, and other Committees.▪ Together with the Monitoring Officer, responsibility for a system of record keeping for all the Authority's decisions (executive or otherwise).▪ Representing the Authority on partnership and external bodies (as required by statute or the Council).▪ Service to the whole Council, on a politically neutral basis.▪ Communications including Member Support▪ Local Service Board and Partnerships▪ Emergency / Contingency / Business Continuity Planning▪ Regional Teams – Lead Chief Executive Officer on Social Services and Health for the Mid and West Region.

¹ Defined in Section 2, 2.2

SECTION 11 – OFFICERS

Post	Functions and Areas of Responsibility
Strategic Director People.	<p><u>Statutory Role:</u></p> <ul style="list-style-type: none"> ▪ Statutory Director of Social Services. ▪ Lead Director for Children and Young People’s Services <p><u>Service Area Responsibility:</u></p> <ul style="list-style-type: none"> ▪ Adults ▪ Children ▪ Commissioning for Directorate ▪ Housing ▪ Safeguarding ▪ Social Care ▪ Vulnerable People ▪ Wellbeing

Post	Functions and Areas of Responsibility
Strategic Director – Place	<p><u>Service Area Responsibility:</u></p> <ul style="list-style-type: none"> ▪ Arts and Culture- including: <ul style="list-style-type: none"> ▪Arts Development, ▪Arts Strategy, ▪Galleries, ▪ Libraries and Archives (Public Library Service, Schools Library Service, Archives) ▪Museums, ▪Theatr Powys / Powys Dance ▪Theatres, ▪ Commissioning for Directorate ▪ Corporate Property and Design Services ▪ Countryside Services – including <ul style="list-style-type: none"> ▪Biodiversity, ▪Catering and Cleaning. ▪Commons Registration, ▪Maintenance, ▪National Trails, ▪Open Access, ▪Rights of Way, ▪ Economic Development ▪ Environmental Health ▪ Highways (including highways strategy and design) ▪ Leisure and Recreation - including the following: <ul style="list-style-type: none"> ▪ Leisure (Recreation and Leisure policy, Leisure and Sports Centres, Outdoor Pursuits Centres, Indoor Bowling Centre, Health Intervention Programme, Exercise on Prescription, Cardiac Rehabilitation).

SECTION 11 – OFFICERS

	<ul style="list-style-type: none"> ▪ Outdoor Recreation (Parks and Open Spaces, Playgrounds, Sports Pitches – Bowls, Football, Rugby, Woodland Management, Sports Pavilions, Allotments, Landscape Design) ▪ Sports Development (Generic Sports Development, Sports Specific Sports Development – Football, Rugby, Cricket, Netball, Hockey, Disability Sport) ▪ Young Farmers Clubs ▪ Youth service ▪ Local Environmental Services ▪ Planning and Building Control ▪ Regeneration ▪ Trading Standards and Public Protection ▪ Transport ▪ Waste and Recycling
--	--

Post	Functions and Areas of Responsibility
Strategic Director - Resources	<p><u>Statutory Role:</u></p> <ul style="list-style-type: none"> ▪ Chief Financial Officer (Section 151) <p><u>Service Area Responsibility:</u></p> <ul style="list-style-type: none"> ▪ Anti-Fraud ▪ Audit Services ▪ Commercial Services ▪ Commissioning for Directorate ▪ Emergency Planning ▪ Employment Services ▪ Finance <ul style="list-style-type: none"> ▪ Accountancy ▪ Accounts Closure ▪ Capital Planning ▪ Financial Advice ▪ Financial Planning ▪ Treasury Management including investments ▪ Human Resources ▪ Income and Awards <ul style="list-style-type: none"> ▪ Benefits ▪ Council Tax Collection ▪ Pension Administration ▪ Pension Committee Support ▪ Payments to Suppliers ▪ Payroll Services <p><u>Temporarily Transferred from the Director – Change and Governance:</u></p> <ul style="list-style-type: none"> ▪ Commissioning. ▪ Complaints Management

SECTION 11 – OFFICERS

- Customer Services
- Information Technology, Management and Compliance,
- Organisational Development
- Performance Management

Statutory Officers

11.3 The Council will designate the following posts as shown:

Post	Designation
Chief Executive	Head of Paid Service ²
Solicitor to the Council	Monitoring Officer ³
Strategic Director Resources	Chief Finance Officer (Section 151 Officer) ⁴
Strategic Director - People ⁵	Director of Social Services
Chief Executive ⁶	Chief Education Officer
Strategic Director - People	⁷ Lead Director for Children and Young People's Services
Scrutiny Manager	Head of Democratic Services

11.4 The posts set out in Rule 11.3 above will have the functions described in Rules 11.5 to 11.32.

Functions of the Head of Paid Service

Discharge of Functions by the Council

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

Restrictions on Functions

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

² Section 4 – Local Government and Housing Act 1989.

³ Section 5 – Local Government and Housing Act 1989.

⁴ Section 151 – Local Government Act 1972.

⁵ Section 6 – Local Authority Social Services Act 1970

⁶ Section 532 – Education Act 1996

⁷ Section 27 – Children Act 2004

SECTION 11 – OFFICERS

Functions of the Monitoring Officer

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

Maintaining the Constitution

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

Ensuring Lawfulness and Fairness of Decision Making

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

Supporting the Standards Committee

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

Receiving Reports

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

Conducting Investigations

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

Proper Officer for Access to Information

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

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

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

Providing Advice

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

SECTION 11 – OFFICERS

Power to Appoint to Committees and Outside Bodies.

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

Restrictions on Posts

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

Functions of the Chief Finance Officer

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

Ensuring Lawfulness and Financial Prudence of Decision Making

11.19 After consulting with the Head of Paid Service and the Monitoring Officer, the Chief Finance Officer will report to the Full Council or to the Cabinet in relation to an Executive Function and the Council's external auditor if s/he considers that any proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss or deficiency or if the Council is about to enter an item of account unlawfully.

Administration of Financial Affairs

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

Contributing to Corporate Management

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

Providing Advice

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

Give Financial Information

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

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

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

SECTION 11 – OFFICERS

Restrictions on Posts

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

Functions of the Director of Social Services

Protocol – Responsibility for Social Services Functions

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

Lead Director for Children and Young People’s Services

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

Functions of the Chief Education Officer

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

Functions of the Head of Democratic Services

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

- 11.29.1 to provide support and advice to the authority in relation to its meetings, subject to Rule 11.31;
- 11.29.2 to provide support and advice to committees of the authority (other than the committees mentioned in Rule 11.29.5) and the members of those committees (subject to Rule 11.31);
- 11.29.3 to provide support and advice to any joint committee which a local authority is responsible for organising and the members of that committee, subject to Rule 11.31;
- 11.29.4 to promote the role of the Scrutiny Committees;
- 11.29.5 to provide support and advice to:
 - 11.29.5.1 the authority’s Scrutiny Committees ; and
 - 11.29.5.2 the authority’s Democratic Services Committee;
- 11.29.6 to provide support and advice in relation to the functions of the authority’s Scrutiny Committees to each of the following:
 - 11.29.6.1 Members and officers of the authority;
 - 11.29.6.2 members of the Cabinet of the authority;
- 11.29.7 to provide support and advice to each Member of the authority in carrying out the role of Member of the authority, subject to Rule 11.32;
- 11.29.8 to make reports and recommendations in respect of any of the following:

SECTION 11 – OFFICERS

- 11.29.8.1 the number and grades of staff required to discharge democratic services functions;
- 11.29.8.2 the appointment of staff to discharge democratic services functions;
- 11.29.8.3 the organisation and proper management of staff discharging democratic services functions;
- 11.29.9 such other functions as may be prescribed by law.

Restrictions on Posts

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

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

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

Deputy Chief Officers.

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

Chief Executive Directorate.

Post	Functions and Areas of Responsibility
<ul style="list-style-type: none"> ▪ Director – Change and Governance incorporating Head of IM&T at the Powys teaching Health Board <p>(Currently seconded as Director – Powys County Council / Powys teaching</p>	<p><u>Service Area Responsibility:</u></p> <p><u>Temporarily Transferred to Strategic Director – Resources:</u></p> <ul style="list-style-type: none"> ▪ Commissioning. ▪ Complaints Management ▪ Customer Services ▪ Information Technology, Management and Compliance, ▪ Organisational Development ▪ Performance Management <p><u>Temporarily Transferred to Head of Law and Governance:</u></p>

SECTION 11 – OFFICERS

Health Board Integration Development)	<ul style="list-style-type: none"> ▪ Corporate Legal Team (including Solicitor to the Council, incorporating the roles of Monitoring Officer and Chief Legal Officer) ▪ Electoral Registration ▪ Members’ Standards and Ethical Issues. ▪ Ombudsman. ▪ Registration of Births, Deaths and Marriages ▪ Scrutiny and Democratic Services (including Head of Democratic Services and Cabinet Business Manager)
---------------------------------------	---

Post	Functions and Areas of Responsibility
Head of Schools	<ul style="list-style-type: none"> ▪ Accountability Framework ▪ Additional Learning Needs and Inclusion including Special Education Needs ▪ Admissions ▪ Adult and Community Learning ▪ Attendance ▪ Behaviour Management ▪ Child Protection in Schools ▪ Early Years Education ▪ Education Psychology ▪ Education Welfare Service ▪ Elective Home Education ▪ English as an additional language ▪ Exclusions ▪ 14-19 Learning Pathways. ▪ Hearing Impaired / Visual Impaired / Multi Sensory Service ▪ Home to School / College Transport ▪ Migrant and Traveler Children ▪ Monitoring, challenging support and intervention strategy. ▪ Performance Management of the Schools Service. ▪ Performance of Looked After Children, ▪ Provision of and support for use of data ▪ Pupil Referral Units / Education other than at School. ▪ Qualified for Life Welsh Government Improvement Plan. ▪ Race Equality in Schools ▪ School Modernisation ▪ Support for leadership and management including governance ▪ Support for teaching and learning ▪ Welsh Education scheme ▪ Welsh Medium / Bilingual Education ▪ Regional Responsibilities: <ul style="list-style-type: none"> ▪ Powys representative on ERW (Education Through Regional Working) Executive Board and Delivery Board ▪ Powys representative on ADEW (Association of Directors

SECTION 11 – OFFICERS

	of Education Wales).
--	----------------------

Post	Functions and Areas of Responsibility
Head of Law and Governance	Temporarily Transferred from the Director of Change and Governance: <ul style="list-style-type: none"> ▪ Corporate Legal Team (including Solicitor to the Council, incorporating the roles of Monitoring Officer and Chief Legal Officer) ▪ Electoral Registration ▪ Members’ Standards and Ethical Issues. ▪ Ombudsman. ▪ Registration of Births, Deaths and Marriages ▪ Scrutiny and Democratic Services (including Head of Democratic Services and Cabinet Business Manager)

People Directorate.

Post	Functions and Areas of Responsibility
Head of Children’s Services	<ul style="list-style-type: none"> ▪ Adoption. ▪ Childcare. ▪ Children and Young People’s Partnership ▪ Children with Disabilities including Residential Respite Unit. ▪ Children’s Social Work Teams. ▪ Commissioning and Policy for Children’s Services. ▪ Corporate Parenting ▪ Family Placement Teams. ▪ Leaving Care. ▪ CYSUR (Children and Youth, Safeguarding and Unifying the Region) Board. ▪ Powys Executive Safeguarding Group. ▪ Out of Hours Service ▪ Youth Offending Service.

Post	Functions and Areas of Responsibility
Head of Housing	<ul style="list-style-type: none"> ▪ Homelessness. ▪ Housing Strategy (Affordable Housing, Supporting People). ▪ Private Sector Housing ▪ Public Sector Housing (Landlord function). ▪ Welsh Quality Housing Standard

Post	Functions and Areas of Responsibility
Head of Operations for	(Operational services covers both care management and provider services for the delivery of Adult Social Care).

SECTION 11 – OFFICERS

Adult Services	<ul style="list-style-type: none"> ▪ Adult Social Services Policy Interpretation and Development. Carers Services. Commissioning and Contracting ▪ Disabled People<u>Adults with Disabilities.</u> Domiciliary Care Learning Disabilities. Meals on Wheels<u>Integrated Teams</u> ▪ Mental Health. ▪ Older People. ▪ Substance Misuse. ▪ <u>Safeguarding</u> ▪ <u>Social Services Wellbeing (Wales) Act</u> ▪ <u>Out of Hours Service</u> ▪ <u>Integration with Health</u>
<u>Head of Transformation for Adult Services</u>	<ul style="list-style-type: none"> ▪ <u>Commissioning and Contracting</u> ▪ <u>Transformational change agenda within Adult Services</u> ▪ <u>Social Services Wellbeing (Wales) Act</u> ▪ <u>Carers Services.</u> ▪ <u>Domiciliary Care Contracting and Monitoring</u> ▪ <u>Integration with health</u>

Place Directorate.

Post	Functions and Areas of Responsibility
Head of Regeneration, Property and Commissioning	<ul style="list-style-type: none"> ▪ Building Control, including dangerous structures. ▪ Built Heritage Conservation. ▪ Business and Community Regeneration ▪ Corporate Property ▪ Corporate Sustainability ▪ County Farms Estate ▪ Development and Planning Policy. ▪ Development Management and Planning Enforcement. ▪ Economic Development and Inward Investment ▪ Environmental Health ▪ European policy, advice and funding ▪ External Grant advice and funding ▪ Facilities Management and Energy Conservation ▪ Grants for Community Groups ▪ Major Building Projects ▪ Minerals and Waste Planning. ▪ National Estate Agency ▪ Regulatory Services ▪ Tourism and Marketing Services ▪ Tourist Information Service ▪ Trading Standards ▪ Workshop Property Portfolio

SECTION 11 – OFFICERS

Post	Functions and Areas of Responsibility
Head of Highways, Transport and Recycling	<ul style="list-style-type: none"> ▪ Car parks ▪ Contract / Procurement / Administration and Supervision. ▪ Fleet Management (including Fuel Management). ▪ Grounds Maintenance (Operational). ▪ Grounds Maintenance (Policy & Strategy) ▪ Highway Asset Management ▪ Highways Development Control ▪ Highways Maintenance (Technical Advice). ▪ Highways Maintenance Operations (e.g. Winter Maintenance). ▪ Highways Structures Design. ▪ Land Drainage ▪ Markets (Operational). ▪ Markets (Policy & Strategy) ▪ Network management ▪ Public Conveniences (Operational). ▪ Public Conveniences (Policy & Strategy) ▪ Refuse Collection ▪ Road safety ▪ Servicing Contracts and testing. ▪ Statistics and Analysis Research ▪ Street Cleaning (Operational). ▪ Street Cleaning (Policy & Strategy) ▪ TraCC (Trafnidiaeth Canolbarth Cymru / Mid Wales Transportation) ▪ Traffic management ▪ Transport Co-ordination ▪ Transport Planning and Policy ▪ Trunk Road Agency ▪ Waste management

Resources Directorate.

Post	Functions and Areas of Responsibility
Head of Professional Services and Commissioning	<ul style="list-style-type: none"> ▪ Finance. ▪ Human Resources – including: ▪ Human Resources Advice, Strategy, and Policy Development. ▪ Internal Audit ▪ Land Charges. ▪ Occupational Health and Safety. ▪ Procurement

Post	Functions and Areas of Responsibility
Head of Business	<ul style="list-style-type: none"> ▪ Administrative and Finance Business Support Services

SECTION 11 – OFFICERS

Services	<ul style="list-style-type: none"> ▪ Income and Awards ▪ Payroll Employment Services ▪ Pensions Administration
----------	---

Departmental Structure.

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

Appointment of Proper Officers

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

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

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

11.39 The Council has designated the following Proper Officer Posts:

Proper Officers

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

Legislation	Section	Provision	Proper Officer
Local Government Act 1972	S89(1)(b)	Receipt of notice of casual vacancy from two local government electors	Chief Executive

SECTION 11 – OFFICERS

The Local Elections (Parish and Communities) (England and Wales) Rules 2006	Rule 44	Receipt from Returning Officer of names of persons elected to Council	Chief Executive
The Local Elections (Parish and Communities) (England and Wales) Rules 2006	Rule 46, 47	Receipt from Returning Officer of election documents	Chief Executive
Legislation	Section	Provision	Proper Officer
The Local Elections (Parish and Communities) (England and Wales) Rules 2006	Rule 48, 49, 51	Retention of election documents and making them available for public inspection	Chief Executive
The Local Elections (Parish and Communities) (England and Wales) Rules 2006		Receipt from Returning Officer of names of persons elected to Town and Community Councils in the County of Powys	Chief Executive
The Local Elections (Parish and Communities) (England and Wales) Rules 2006		Receipt from Returning Officer of election documents	Chief Executive
The Local Elections (Parish and Communities) (England and Wales) Rules 2006		Retention of election documents and making them available for public inspection	Chief Executive
Elections	N/A	Registration Officer for any constituency or part of a constituency coterminus with or contained in the County of Powys	Chief Executive
Elections	N/A	Returning Officer for the election of Councillors for the County Council of Powys	Chief Executive
Elections	N/A	Returning Officer for the election of Town and Community	Chief Executive

SECTION 11 – OFFICERS

		Councillors for Town and Community Councils in the County of Powys	
Local Government and Housing Act 1989	S2	Receipt of list of Politically Restricted Posts	Chief Executive

SECTION 11 – OFFICERS

Legislation	Section	Provision	Proper Officer
The Local Authorities (Standing Orders) (Wales) Regulations 2005	Regs 6 and Schedule 3, Part 4	Provisions relating to the appointment and dismissal of, and taking disciplinary action against, staff	Chief Executive or by an officer(s) nominated by the Chief Executive

Legislation	Section	Provision	Proper Officer
Local Government Act 1972	S115(2)	Receipt of money due from Officers	Chief Financial Officer
Local Government Act 1972	S146(1) (a) & (b)	Declarations and certificates with regard to securities	Chief Financial Officer
Local Government Act 1972	S210(6) & (7)	Charity functions of holders of offices with existing authorities transferred to holders of equivalent office with new authorities, or if there is no such office, to the Proper Officer	Chief Financial Officer
Local Government Act 1972	S228(3)	Accounts - to be open for inspection	Chief Financial Officer
Local Government Act 1972	N/A	Any reference in any local statutory provision to the Treasurer of a specified Council or the Treasurer of a specified Borough which, by virtue of order made under Section 254 of the Local Government Act 1972, or the Local Government Act 1992, is to be construed as a reference to the Proper Officer of the Council	Chief Financial Officer

SECTION 11 – OFFICERS

Legislation	Section	Provision	Proper Officer
Local Government Act 1972	N/A	Any reference in any enactment passed before or during the 1971/72 session of Parliament other than the Local Government Act 1972 or in any instrument made before 26th October 1972 to the Treasurer or a Treasurer of a Borough which virtue of any provision of the said Act is to be construed as a reference to the Proper Officer of the Council	Chief Financial Officer
Council Tax (Administration and Enforcement) Regulations 1992	Reg 7	Service of Attachment of Earnings Orders	Chief Financial Officer
Local Government Finance Act 1988	S114	Powers to prevent unlawful expenditure and an unbalanced budget	Chief Financial Officer

Legislation	Section	Provision	Proper Officer
Proceeds of Crime Act 2002, Part 7 (Money Laundering)	S331	Money Laundering Reporting Officer	Head of Business Services Internal Audit Manager (Deputy)

Legislation	Section	Provision	Proper Officer
Registration Services Act 1953	S9(1) S3(b) S13(2)(h) S20(b)	Registration of Births, Deaths and Marriages	Monitoring Officer
Registration Services Act 1953		Registration of Births, Deaths and Marriages Regulations 1968 - 1994	Monitoring Officer

SECTION 11 – OFFICERS

Legislation	Section	Provision	Proper Officer
Local Government Act 1974	S30(5)	Notice of Local Government Ombudsman report	Monitoring Officer
Local Government Act 1972	S83(1)-(4)	Witness and receipt of declaration of acceptance of office	Monitoring Officer
Local Government Act 1972	S84	Receipt of declaration of resignation of office	Monitoring Officer
Local Government Act 1972	S88(2)	Convening of meeting of Council to fill casual vacancy in office of Chair/Mayor	Monitoring Officer
Local Government Act 1972	S96(1)	Receipt of notices of pecuniary interests	Monitoring Officer
Local Government Act 1972	S94 & 96(2)	Keeping of record of disclosures and notice of pecuniary interests	Monitoring Officer
Local Government Act 1972	S100(B)(2)	Circulation of reports and agendas	Monitoring Officer
Local Government Act 1972	S100(B)(7)	Supply of papers to press	Monitoring Officer
Local Government Act 1972	S100(C)(2)	Summary of minutes	Monitoring Officer
Local Government Act 1972	S100(D)(1)(a)	Compilation of background papers	Monitoring Officer
Local Government Act 1972	S100(D)(5)(a)	Identification of background papers	Monitoring Officer
Local Government Act 1972	S100(F)	Identification of confidential documents not open to Members	Monitoring Officer
Local Government Act 1972	S225(1)	Deposit of documents	Monitoring Officer
Local Government Act 1972	S229(5)	Deposit of documents - certification	Monitoring Officer
Local Government Act 1972	S234(1)	Authentication of documents	Monitoring Officer
Local Government Act 1972	S236(9) & (10)	Service of Byelaws on other Authorities	Monitoring Officer
Local Government Act 1972	S238	Certification of Byelaws	Monitoring Officer
Local Government Act 1972	Schedule 14 Para 25(7)	Certification of resolutions - Para 25	Monitoring Officer

SECTION 11 – OFFICERS

Legislation	Section	Provision	Proper Officer
Local Government Act 1972	S248 (2)	Keeping roll of Freeman	Monitoring Officer
Local Government Act 1972	Schedule 12 Para 4(2)(b)	Signature of summons to Council	Monitoring Officer
Local Government Act 1972	Schedule 12 Para 4(3)	Receipt of notices regarding addresses which Summons to meeting are to be sent	Monitoring Officer
Local Government (Miscellaneous Provisions) Act 1976	S41	Certification of copies of resolutions, Minutes, other documents	Monitoring Officer
Local Government and Housing Act 1989	S19	Members interests - notification	Monitoring Officer
Local Government and Housing Act 1989	S15, 16, 17	Receipt of notices relating to Political Groups	Monitoring Officer

Legislation	Section	Provision	Proper Officer
National Assistance Act 1948	All	Public Health (misc)	Head of Regeneration, Property and Commissioning
National Assistance (Amendment) Act 1951	All	Public Health (misc)	Head of Regeneration, Property and Commissioning
Local Authorities Cemeteries Order 1977	All		Head of Regeneration, Property and Commissioning
Public Health (Control of Diseases) Act 1984 (as amended by the Social Care Act 2008 and associated regulations)	All	Control of Diseases (various)	Head of Regeneration, Property and Commissioning
The Health Protection (Notification)(Wales) Regulations 2010	All	Infectious Diseases	Head of Regeneration, Property and Commissioning

SECTION 11 – OFFICERS

Legislation	Section	Provision	Proper Officer
The Health Protection (Part 2A Orders)(Wales) Regulations 2010	All	Infectious Diseases	Head of Regeneration, Property and Commissioning
Weights and Measures Act 1985	All	Chief Inspector (Weights and Measures)	Head of Regeneration, Property and Commissioning <u>Professional Lead – Trading Standards</u>
Environmental Protection Act 1990	All	Stray dogs	Head of Regeneration, Property and Commissioning
The Public Bodies (Abolition of the National Consumer Council and Transfer of the Office of Fair Trading's Functions in relation to Estate Agents etc) Order 2014	All	National Estate Agents Enforcement Function	Head of Regeneration, Property and Commissioning

Legislation	Section	Provision	Proper Officer
Local Government Act 1972	S191	Functions in respect of Ordnance Survey	Head of Highways, Transport and Recycling
Highways Act 1980	All		Head of Highways, Transport and Recycling
Building Act 1984	S61(2)	To exercise the right to have free access to work undertaken in relation to emergency repairs of drains.	Head of Highways, Transport and Recycling

Legislation	Section	Provision	Proper Officer
Building Act 1984	All (except S61(2))		Strategic Director - Place

Conduct

SECTION 11 – OFFICERS

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

Employment

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

Indemnities for Officers

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

Officer Employment Procedure Rules

Recruitment and Appointment

Declarations

- 11.43.1 A candidate for an appointment as an Officer must state in writing whether they have any relationship with any Councillor or Senior Officer (i.e. Senior Management Grade or above) of the Council.
- 11.43.2 No candidate so related to a Councillor or a Senior Officer will be appointed without the authority of the relevant Chief Officer or an Officer nominated by him / her.

Seeking Support for Appointment

- 11.44.1 The Council will disqualify any applicant who directly or indirectly seeks the support of any Councillor for any appointment with the Council. The content of this paragraph will be included in any recruitment information.
- 11.44.2 No Councillor or employee of the Council will seek support for any person for any appointment with the Council.

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

- 11.45 The Full Council will appoint the Head of Paid Service and any other Chief Officer as defined in Rule 11.2 above, from a shortlist of candidates prepared by the Employment and Appeals Committee or a Sub-Committee of that committee. The Employment and Appeals Committee or a Sub-Committee of that committee must include at least one Member of the Cabinet.
- 11.46 For the purposes of Rules 11.47 to 11.50 (inclusive) only Chief Officer means the Head of Paid Service, the Monitoring Officer, the Chief Education Officer or Director of Education, the Director of Social Services, the Section 151 Officer, Strategic Directors, Directors, the Solicitor to the Council and the Senior Manager, Chief Executive and Member Services.

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

SECTION 11 – OFFICERS

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

Recruitment and Appointment (Including Shortlisting) of the Director of Change and Governance

- 11.52 The Employment and Appeals Committee will appoint the Director of Change and Governance from a shortlist of candidates prepared by the Employment and Appeals Committee or a Sub-Committee of that committee. The Employment and Appeals Committee or a Sub-Committee of that committee must include at least one Member of the Cabinet.
- 11.53 Where the Employment and Appeals Committee proposes to appoint the Director of Change and Governance and it is not proposed that the appointment be made exclusively from among its existing officers, the Authority must:
- 11.53.1 draw up a statement specifying:
 - 11.53.1.1 the duties of the officer concerned, and
 - 11.53.1.2 any qualifications or qualities to be sought in the person to be appointed;

SECTION 11 – OFFICERS

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

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

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

Recruitment and Appointment (Including Shortlisting) of the Monitoring Officer and Section 151 Officer (if not to be appointed under Rules 11.47 to 11.50 above)

- 11.57 The relevant Chief Officer or Deputy Chief Officer will appoint the Monitoring Officer and / or Section 151 Officer and Members must not be involved.
- 11.58 Where the relevant Chief Officer or Deputy Chief Officer proposes to appoint the Monitoring Officer and / or Section 151 Officer and it is not proposed that the appointment be made exclusively from among its existing officers, the Authority must:
- 11.58.1 draw up a statement specifying:
 - 11.58.1.1 the duties of the officer concerned, and
 - 11.58.1.2 any qualifications or qualities to be sought in the person to be appointed;
 - 11.58.2 make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it; and
 - 11.58.3 make arrangements for a copy of the statement mentioned in Rule 11.58.1 to be sent to any person on request.
- 11.59 Where a post has been advertised as provided in Rule 11.58.2, the Authority must interview those qualified candidates included on a short list prepared by the relevant Chief Officer or Deputy Chief Officer.

SECTION 11 – OFFICERS

- 11.60 Where no qualified person has applied, or if the Authority decides to re-advertise the appointment, the Authority may make further arrangements for advertisement in accordance with Rule 11.58.2.

SECTION 11 – OFFICERS

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

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

Dismissals of Chief Officers and Deputy Chief Officers

11.62 In Rules 11.62 to 11.70 and in Appendices A and B:

“the Committee” means the Chief Officers’ Investigating and Disciplinary Sub-Committee of the Employment and Appeals Committee as constituted in accordance with Appendix B; and

“the Proper Officer” means the Head of Paid Service or the Solicitor to the Council (as appropriate).

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

11.64 The dismissal of the Chief Officers as defined in Rule 11.2 (with the exception of those identified in Rule 11.63 above) and Deputy Chief Officers as defined in Rule 11.34 is the responsibility of the Committee and the procedures set out in Appendix B to this Section of the Constitution shall apply.

11.65 Notice of the dismissal of an officer named in [Rule 11.61](#) and / or Rule 11.62 above must not be given by the Committee or Full Council (as appropriate) until the Authority has complied with Schedule 3 of the Local Authorities (Standing Orders) (Wales) Regulations 2006.

Other Officers

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

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

Disciplinary Action

11.68 In Rules 11.62 to 11.70 and in Appendices A and B “disciplinary action” includes proposed dismissal for any reason other than redundancy, permanent ill health or failure to renew a fixed term contract, planned retirement and early retirement and unsatisfactory probationary periods.

Written Procedures

11.69.1 Disciplinary action against the Head of Paid Service, the Monitoring Officer,

SECTION 11 – OFFICERS

the Chief Finance Officer and the Head of Democratic Services will be taken in accordance with Appendix A.

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

Appeals

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

APPENDIX A.

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

1. No disciplinary action (other than suspension under paragraphs 2 and 3) in respect of the Head of Paid Service, the Monitoring Officer, the Chief Finance Officer or the Head of Democratic Services, may be taken by the Full Council, other than in accordance with a recommendation in a report made by a designated independent person under regulation 9 of the Local Authorities (Standing Orders) (Wales) Regulations 2006 (investigation of alleged misconduct).
2. Suspension of officers to which this Appendix applies (other than the Head of Paid Service) for the purpose of investigating alleged misconduct may be undertaken by the Proper Officer for the purposes of Rule 11.62 in conjunction with the Professional Lead – Human Resources Management and Development, and such suspension (subject to an extension in accordance with paragraph 4(6)(a)(ii) below) must terminate no later than the expiry of two months beginning on the day on which the suspension takes effect and will be on full pay⁹.
3. Suspension of the Head of Paid Service (Chief Executive) may be undertaken only by the Chair or Vice Chair of the Employment and Appeals Committee following consultation with the Leader.¹⁰
4. 4(1) Where it appears to the Authority that an allegation of misconduct which may lead to disciplinary action has been made against:
 - (a) the Head of Paid Service; or
 - (b) the Monitoring Officer; or
 - (c) the Chief Finance Officer; or
 - (d) the Head of Democratic Services.("the relevant officer"), as the case may be, the Full Council must appoint a committee ("an investigation committee") to consider the alleged misconduct.

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

¹⁰ County Council decision 4th March, 2013.

SECTION 11 – OFFICERS

- 4(2) The investigation committee must:
- (a) consist of a minimum of 3 Councillors; and
 - (b) be politically balanced in accordance with section 15 of the 1989 Act; and
- must, within 1 month of its appointment, consider the allegation of misconduct and decide whether it should be further investigated.
- 4(3) For the purpose of considering the allegation of misconduct, the investigation committee:
- (a) may make such enquiries of the relevant officer or any other person it considers appropriate; and / or
 - (b) may request the relevant officer or any other person it considers appropriate to provide it with such information, explanation or documents as it considers necessary within a specified time limit; and / or
 - (c) may receive written or oral representations from the relevant officer or any other person it considers appropriate.
- 4(4) Where it appears to the investigation committee that an allegation of misconduct by the relevant officer should be further investigated, the investigation committee must appoint a person ("the designated independent person") for the purposes of paragraph 1 above.
- 4(5) The designated independent person who is appointed:
- (a) must be such person as may be agreed between the investigation committee and the relevant officer within 1 month of the date on which the requirement to appoint the designated independent person arose; or
 - (b) where there is no such agreement, must be such person as is nominated for the purpose by the Welsh Government.
- 4(6) Subject to paragraph 4(7) below, the relevant officer and the investigation committee must consult with the designated independent person, and attempt to agree a timetable within which the designated independent person is to undertake the investigation.
- 4(7) Where there is no agreement under paragraph 4(6) above, the designated independent person must set a timetable as that person considers appropriate within which the investigation is to be undertaken.
- 4(8) The designated independent person:
- (a) may direct:
 - (i) that the Authority terminate any suspension of the relevant officer; or

SECTION 11 – OFFICERS

- (ii) that any such suspension is to continue after the expiry of the period referred to in paragraph 2¹¹.; or
 - (iii) that the terms on which any such suspension has taken place are to be varied in accordance with the direction of the designated independent person; or
 - (iv) that no steps (whether by the Full Council) by way of disciplinary action or further disciplinary action against the relevant officer, (other than steps taken in the presence, or with the agreement, of the designated independent person), are to be taken before a report is made under sub-paragraph (d) below;
- (b) may inspect any documents relating to the conduct of the relevant officer which are in the possession of the Authority, or which the Authority has power to authorise the designated independent person to inspect;
- (c) may require any Member or member of staff of the Authority to answer questions concerning the conduct of the relevant officer;
- (d) must make a report to the Full Council:
- (i) stating an opinion as to whether (and, if so, the extent to which) the evidence obtained supports any allegation of misconduct against the relevant officer; and
 - (ii) recommending any disciplinary action which appears appropriate for the Full Council to take against the relevant officer, and
- (e) must no later than the time at which the report is made under sub-paragraph (d) above, send a copy of the report to the relevant officer.

4(9) The Full Council must consider the report prepared under paragraph 4(8) (d) above within 1 month of receipt of that report.

Pre-Disciplinary Hearing Procedure

- 5.1 Within seven working days of receipt of the Investigation Report, the Chief Executive, or his nominee, shall send a copy to the Relevant Chief Officer. This shall be accompanied by a written indication if any further action is to be taken, and if so, notice of the specific allegations to be considered by the Investigating and Disciplinary Committee at the Disciplinary Hearing and any supporting documentation.
- 5.2 The Relevant Chief Officer shall, if they so wish, request further information and/or documents relating to the allegations within five working days of receipt of the Investigation Report.
- 5.3 Any additional information and documentation requested will be provided by the Investigator, where relevant, within seven working days or such other time as appropriate in the circumstances.
- 5.4 Once the period for requesting further information has elapsed or once a response has been provided by the Investigator further to paragraph 5.3 above, the Chief Executive or a nominee shall give the Relevant Chief Officer not less

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

SECTION 11 – OFFICERS

than ten working days written notice of the date of the Disciplinary Hearing with the Investigating and Disciplinary Committee. The notice shall include:-

- 5.4.1 the time and place of the Disciplinary Hearing;
 - 5.4.2 who will be in attendance at the Disciplinary Hearing including the members of the Investigating and Disciplinary Committee;
 - 5.4.3 a copy of the Investigator's Report and any supporting documentation (including any witness statements where relevant) and the allegations to be considered at the Disciplinary Hearing;
 - 5.4.4 confirmation that the Disciplinary Hearing is convened under this procedure and could result in disciplinary action, including dismissal (where appropriate);
 - 5.4.5 confirmation that the Relevant Chief Officer may be accompanied at the Disciplinary Hearing by a local trade union representative, an official employed by a trade union or a fellow work colleague ("Companion");
 - 5.4.6 confirmation that the Relevant Chief Officer may ask any person to be present as a witness or adduce any documents or written statements in support of his response, provided full details of such witnesses and details of the documents to be adduced at the hearing or witness statements are provided to the Chief Executive, or his nominee, at least five working days before the date of the Disciplinary Hearing, for distribution to all parties.
- 5.5 Within two working days of receipt of the notice under paragraph 9.4, the Relevant Chief Officer shall either agree the date for the Hearing or propose to the Chief Executive or a nominee, a postponement for the date of the Hearing for a period not exceeding ten working days setting out the reasons for the request. For the avoidance of doubt, the postponement includes any postponement due to the availability of the Relevant Chief Officer's Companion. If the Relevant Chief Officer requests a postponement, the Chief Executive or a nominee and the Relevant Chief Officer (or his representative) shall agree the new date for the hearing. If they cannot agree the date within one working day, the Chair of the Investigating and Disciplinary Committee, having taken appropriate advice, shall determine the date of the Disciplinary Hearing.
- 5.6 The Chief Executive or a nominee shall then formally give notice to the Investigating and Disciplinary Committee (and the Relevant Chief Officer if the Hearing has been postponed) of the date for the Disciplinary Hearing. The Investigating and Disciplinary Committee will be sent a full copy of all relevant documentation including the Investigation Report and supporting evidence and any written representations and witness evidence provided by the Relevant Chief Officer.
- 5.7 The Relevant Chief Officer and their Companion must make every effort to attend the Disciplinary Hearing (whether reconvened or otherwise). Failure to attend without good reason may be treated as misconduct in itself. If the Relevant Chief Officer fails to attend without good reason, or persistently fails to do so, the Disciplinary Hearing may proceed in their absence and a decision may be made based on the available evidence.
- 5.8 At least five working days before the date of the Disciplinary Hearing the Relevant Chief Officer shall give to the Chief Executive, or a nominee:-

SECTION 11 – OFFICERS

- 5.8.1 Full details of any witnesses they wish to call together with copies of their witness statements (it shall be the responsibility of the Relevant Chief Officer to arrange for the attendance of their witnesses via the contact officer) ; and
 - 5.8.2 Copies of any documents which they wish to refer to in support of their response; and
 - 5.8.3 Any written statements or submissions which they wish to submit; and
 - 5.8.4 Details of the Companion they wish to bring to the Disciplinary Hearing. If the Relevant Chief Officer's choice of Companion is unreasonable, the Chief Executive or his nominee may request that another Companion be selected e.g. where the Companion may have a conflict of interest or prejudice the Disciplinary Hearing.
- 5.9 The Chief Executive or a nominee shall provide a copy of such documents and information to the Investigating and Disciplinary Committee as soon as reasonably practicable thereafter and no later than three working days prior to the Disciplinary Hearing.

The Investigating and Disciplinary Committee Hearing

- 6.1 The procedure for the Disciplinary Hearing will be as follows:-
- 6.1.1 the Chair of the Investigating and Disciplinary Committee will explain the purpose of the Hearing and the procedure to be followed;
 - 6.1.2 the Investigating Officer will present the Investigation Report and introduce the evidence relating to each allegation and/or complaint, including documents and witness evidence either in person or in writing as previously notified;
 - 6.1.3 the Relevant Chief Officer or his/her Companion, and the Investigating and Disciplinary Committee and Independent Adviser, will have the opportunity to ask questions of the Investigating Officer including direct questions to any witnesses;
 - 6.1.4 the Relevant Chief Officer or their Companion will introduce evidence in support of their response to the allegations, including documents and witnesses as previously notified;
 - 6.1.5 the Investigating Officer, the Investigating and Disciplinary Committee and the Independent Adviser will have the opportunity to ask questions of the Relevant Chief Officer and/or their Companion, including direct questions to any witnesses;
 - 6.1.6 both sides will sum-up their presentations, commencing with the Investigating Officer.
- 6.2 The Companion can address the hearing, put and sum up the Relevant Chief Officer's case, make representations on behalf of the Relevant Chief Officer to any views expressed at the Disciplinary Hearing and confer with the Relevant Chief Officer during the Disciplinary Hearing. The Companion does not, however, have the right to answer questions on the Relevant Chief Officer's behalf.

SECTION 11 – OFFICERS

- 6.3 The Disciplinary Hearing may be adjourned if the Investigating and Disciplinary Committee need any further investigations to be carried out, such as re-interviewing witnesses in the light of any new points which are raised at the Disciplinary Hearing. The Relevant Chief Officer will be given a reasonable opportunity to consider any new information obtained before the Disciplinary Hearing is reconvened.
- 6.4 When the Investigating and Disciplinary Committee has heard all of the evidence submitted they will adjourn to consider what, if any, further action should be taken. The range of options available to them include:-
- 6.4.1 taking no further action;
 - 6.4.2 recommending informal resolution or other appropriate procedures be followed;
 - 6.4.3 referring back to the Investigator for further investigation and a further report;
 - 6.4.4 taking disciplinary action against the Relevant Chief Officer in accordance with paragraph 6.5.
- 6.5 In the case of disciplinary action, this can include the following:-
- 6.5.1 a recorded or oral warning;
 - 6.5.2 a final written warning;
 - 6.5.3 a final written warning accompanied by:-
 - (a) suspension on half pay or no pay for a specified period; and/or
 - (b) relegation (i.e. reduction in salary) for a specified period and/or on specified terms; and/or
 - (c) demotion;
 - 6.5.4 dismissal (whether summary dismissal or on notice); and
 - 6.5.5 alternatively the Investigating and Disciplinary Committee may explore other alternatives such as but not limited to early retirement, secondment, or redeployment to a more junior post (provided that such a post is vacant) where there are issues relating to capability or loss of trust and confidence in the Relevant Chief Officer in their current role.
- 6.6 For the avoidance of doubt, the actions set out in paragraph 6.5.3 above shall only be applied in circumstances where the Investigating and Disciplinary Committee has decided that appropriate disciplinary action would include dismissal but that action short of dismissal would be more appropriate due to mitigating or other circumstances.
- 6.7 A Final Written warning will set out the nature of the misconduct, the change in behaviour required, the period for which the warning will remain active, and the likely consequences of further misconduct in that period.
- 6.8 All others present at the Disciplinary Hearing (other than the Independent Adviser) will withdraw while the Investigating and Disciplinary Committee consider their decision.
- 6.9 Where practicable, the decision of the Investigating and Disciplinary Committee will be delivered orally after an adjournment with full reasons for the decision

SECTION 11 – OFFICERS

being given by letter within five working days of the Disciplinary Hearing. However, in order to ensure that the Investigating and Disciplinary Committee shall be afforded sufficient time to fully consider their decision, their decision may be deferred and issued to the Relevant Chief Officer in writing within five working days of the Disciplinary Hearing, or as soon thereafter as is reasonably practicable.

- 6.10 The letter will outline the decision and the action, if any, to be taken and will set out the rights of appeal (“Decision Letter”).
7. The Authority must pay reasonable remuneration to a designated independent person appointed by the investigation committee and any costs incurred by, or in connection with, the discharge of functions under this regulation.

SECTION 11 – OFFICERS

APPENDIX B

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

DISCIPLINARY PROCEDURE FOR CHIEF OFFICERS

Scope of Procedure

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

Roles and Responsibilities

- 2.1 Where it appears that an issue has arisen which, if proven, could result in disciplinary action being taken against a Relevant Chief Officer, the Chief Executive shall be responsible for conducting the preliminary investigation which is further referred to in paragraph 5 below. The Chief Executive may choose to

SECTION 11 – OFFICERS

appoint another Chief Officer or an independent person to carry out the preliminary investigation on his behalf and whosoever undertakes that role shall be referred to as the “Preliminary Independent Investigator” in this procedure.

- 2.2 The Chief Executive or nominee shall undertake a preliminary investigation into the allegations of conduct or capability, or other issues under investigation in order to determine whether a case to answer appears to exist which requires further consideration by an investigating and disciplinary committee as established as set out in paragraph 7 (“Investigating and Disciplinary Committee”). The Investigating and Disciplinary Committee shall be constituted in accordance with paragraph 7.2.
- 2.3 Save where the Chief Executive is satisfied, following a preliminary investigation, that the issue requires no further action or can be resolved informally, the matter must be referred to the Investigating and Disciplinary Committee, which shall be responsible for determining the matter.

Timescale

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

Suspension

- 4.1 Suspension is not regarded as disciplinary action under this procedure but as a neutral act which may be implemented where, in the opinion of the Chief Executive, it is believed that the Relevant Chief Officer’s continuing presence at work might compromise the investigation or otherwise impair the efficient exercise of the Authority’s functions.
- 4.2 Suspension may also be necessary if an allegation is such that, if proven, it would amount to gross misconduct.
- 4.3 Prior to imposing suspension in any case, the Chief Executive shall inform the Relevant Chief Officer in writing, of the reason for the proposed suspension and the Relevant Chief Officer shall have the opportunity to make written representations before a decision is taken.
- 4.4 The necessity for the Relevant Chief Officer to remain suspended should be reviewed at monthly intervals and where possible lengthy periods of suspension should be avoided. Further specific consideration should be given as to whether alternative working arrangements might be implemented which could avoid the need for the Relevant Chief Officer’s suspension, whilst avoiding any compromise to the investigation or to the efficient exercise of the Authority’s functions.
- 4.5 Absence due to suspension shall be on full pay.
- 4.6 The Chief Executive will allocate a contact officer for the Relevant Chief Officer. The contact officer should be another Chief Officer, with no direct relationship to the Relevant Chief Officer being suspended, and be someone whom the Relevant Chief Officer should use as a point of contact for accessing any witnesses etc.

SECTION 11 – OFFICERS

Preliminary Investigation

- 5.1 The Chief Executive will be responsible for informing the Relevant Chief Officer, in writing, of the nature of the allegations or other issues under investigation. The date of this notification shall be the “commencement date” for the purpose of this procedure.
- 5.2 The Chief Executive shall be responsible for determining the arrangements for conducting a preliminary investigation, as set out in paragraph 2.2 above.
- 5.3 The Chief Executive shall, when appointing another to conduct the preliminary investigation on his behalf, determine the terms of appointment of the Preliminary Independent Investigator, agree any remuneration payable to the Preliminary Independent Investigator (if appropriate), provide facilities and all available information regarding allegations or other issues under investigation as are necessary to enable the Preliminary Independent Investigator to fulfil their role.
- 5.4 The Preliminary Independent Investigator will be entitled to interview witnesses and carry out such enquiries as they deem necessary. This may include examining the Authority’s email, internet, and other IT systems, including the accounts of the Relevant Chief Officer. The Relevant Chief Officer shall fully cooperate with the Preliminary Independent Investigator and shall make themselves available for such interviews and meetings and provide any relevant documentation or information as the Preliminary Independent Investigator deems necessary.
- 5.5 The Relevant Chief Officer shall be given reasonable facilities and access to the Authority’s premises and systems as well as personal files/diary, etc. to allow them to prepare their responses on such terms as may be agreed by the Preliminary Independent Investigator.
- 5.6 The Preliminary Independent Investigator shall prepare a short report following their investigation which, save where the investigation is conducted by the Chief Executive, shall be submitted to the Chief Executive for consideration (“Preliminary Investigation Report”). A copy of the Preliminary Investigation Report shall be provided to the Relevant Chief Officer within seven working days of receipt by the Chief Executive or where completed by the Chief Executive within seven working days of its completion.
- 5.7 The Relevant Chief Officer shall, if they so wish, make written representations in relation to the Preliminary Investigation Report, within five working days of receipt by the Relevant Chief Officer of the Preliminary Investigation Report.
- 6.1 The Chief Executive will give careful consideration to the allegations or other issues, the Preliminary Investigator’s Report, supporting evidence and any written representations put forward by the Relevant Chief Officer before taking further action.
- 6.2 The Chief Executive shall decide whether:
 - 6.2.1 The issue requires no further formal action under this procedure (in which case they will consider what other steps, if any, should be taken) and would ordinarily lift any suspension immediately; or
 - 6.2.2 The issue should be referred to the Investigating and Disciplinary Committee, in which case paragraphs 7 to 11 shall apply.

SECTION 11 – OFFICERS

- 6.3 The Chief Executive shall inform the Relevant Chief Officer of the decision, in writing, as soon as practicable.

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

- 7.1 If the Chief Executive decides that the matter should be referred to the Investigating and Disciplinary Committee, the Chief Executive shall appoint another Chief Officer, or an independent person, to carry out any further investigation required into the allegations or other issues as soon as practicable (“ the Investigator”). The Investigator can be the same person who carried out the preliminary investigation.
- 7.2 The Chief Executive shall determine the terms of appointment of the Investigator, agree the Investigator’s remuneration (if appropriate), procure the necessary facilities and provide all available information about the allegations or other issues under investigation as shall be necessary to enable them to fulfil their role.
- 7.3 The Relevant Chief Officer will be informed that the matter has been referred to the Investigating and Disciplinary Committee, the members of the Committee and that an Investigator has been appointed who, subject to availability, may be the same person who carried out the preliminary investigation.
- 7.4 The Investigating and Disciplinary Committee should include no fewer than three elected members made up of one member of the Cabinet plus members of the Employment and Appeals Committee and should not include any member with a direct personal involvement in the complaint or who has participated in the preliminary investigation. The Leader shall appoint the Cabinet Member and the members of the Employment and Appeals Committee shall be appointed in consultation with the Chair of that Committee.
- 7.5 The Investigating and Disciplinary Committee shall appoint a chair person to oversee the function of the Committee (“Chair”).
- 7.6 The Investigating and Disciplinary Committee shall be advised throughout by a suitable adviser who may be employed by or independent of the Authority, (“the Independent Adviser”) who shall ordinarily be accompanied by a member of the Council’s HR or Legal Teams, save in cases where a conflict of interest could arise, in which case the Chief Executive shall appoint a nominee.

Responsibilities of the Investigator

- 8.1 It will be the responsibility of the Investigator to carry out a further investigation into the allegations or other issues under investigation and to prepare a report (“Investigation Report”):
- 8.1.1 stating in his/her opinion whether (and if so, the extent to which) the evidence they have obtained supports any allegation of misconduct, or incapability or supports a need for action under this procedure for some other substantial reason; and
 - 8.1.2 recommending what, if any, disciplinary action or range of actions appears to be appropriate for the Authority, through its Investigating and Disciplinary Committee, to take against the Relevant Chief Officer having regard to all the circumstances of the case.

SECTION 11 – OFFICERS

Pre-Disciplinary Hearing Procedure

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

SECTION 11 – OFFICERS

- the Chair of the Investigating and Disciplinary Committee, having taken appropriate advice, shall determine the date of the Disciplinary Hearing.
- 9.6 The Chief Executive or a nominee shall then formally give notice to the Investigating and Disciplinary Committee (and the Relevant Chief Officer if the Hearing has been postponed) of the date for the Disciplinary Hearing. The Investigating and Disciplinary Committee will be sent a full copy of all relevant documentation including the Investigation Report and supporting evidence and any written representations and witness evidence provided by the Relevant Chief Officer.
- 9.7 The Relevant Chief Officer and their Companion must make every effort to attend the Disciplinary Hearing (whether reconvened or otherwise). Failure to attend without good reason may be treated as misconduct in itself. If the Relevant Chief Officer fails to attend without good reason, or persistently fails to do so, the Disciplinary Hearing may proceed in their absence and a decision may be made based on the available evidence.
- 9.8 At least five working days before the date of the Disciplinary Hearing the Relevant Chief Officer shall give to the Chief Executive, or a nominee:
- 9.8.1 Full details of any witnesses they wish to call together with copies of their witness statements (it shall be the responsibility of the Relevant Chief Officer to arrange for the attendance of their witnesses via the contact officer) ; and
 - 9.8.2 Copies of any documents which they wish to refer to in support of their response; and
 - 9.8.3 Any written statements or submissions which they wish to submit; and
 - 9.8.4 Details of the Companion they wish to bring to the Disciplinary Hearing. If the Relevant Chief Officer's choice of Companion is unreasonable, the Chief Executive or his nominee may request that another Companion be selected e.g. where the Companion may have a conflict of interest or prejudice the Disciplinary Hearing.
- 9.9 The Chief Executive or a nominee shall provide a copy of such documents and information to the Investigating and Disciplinary Committee as soon as reasonably practicable thereafter and no later than three working days prior to the Disciplinary Hearing.

The Investigating and Disciplinary Committee Hearing

- 10.1 The procedure for the Disciplinary Hearing will be as follows:
- 10.1.1 the Chair of the Investigating and Disciplinary Committee will explain the purpose of the Hearing and the procedure to be followed;
 - 10.1.2 the Investigating Officer will present the Investigation Report and introduce the evidence relating to each allegation and/or complaint, including documents and witness evidence either in person or in writing as previously notified;
 - 10.1.3 the Relevant Chief Officer or his/her Companion, and the Investigating and Disciplinary Committee and Independent Adviser, will have the opportunity to ask questions of the Investigating Officer including direct questions to any witnesses;

SECTION 11 – OFFICERS

- 10.1.4 the Relevant Chief Officer or their Companion will introduce evidence in support of their response to the allegations, including documents and witnesses as previously notified;
 - 10.1.5 the Investigating Officer, the Investigating and Disciplinary Committee and the Independent Adviser will have the opportunity to ask questions of the Relevant Chief Officer and/or their Companion, including direct questions to any witnesses;
 - 10.1.6 both sides will sum-up their presentations, commencing with the Investigating Officer.
- 10.2 The Companion can address the hearing, put and sum up the Relevant Chief Officer's case, make representations on behalf of the Relevant Chief Officer to any views expressed at the Disciplinary Hearing and confer with the Relevant Chief Officer during the Disciplinary Hearing. The Companion does not, however, have the right to answer questions on the Relevant Chief Officer's behalf.
- 10.3 The Disciplinary Hearing may be adjourned if the Investigating and Disciplinary Committee need any further investigations to be carried out, such as re-interviewing witnesses in the light of any new points which are raised at the Disciplinary Hearing. The Relevant Chief Officer will be given a reasonable opportunity to consider any new information obtained before the Disciplinary Hearing is reconvened.
- 10.4 When the Investigating and Disciplinary Committee has heard all of the evidence submitted they will adjourn to consider what, if any, further action should be taken. The range of options available to them include:
- 10.4.1 taking no further action;
 - 10.4.2 recommending informal resolution or other appropriate procedures be followed;
 - 10.4.3 referring back to the Investigator for further investigation and a further report;
 - 10.4.4 taking disciplinary action against the Relevant Chief Officer in accordance with paragraph 10.5.
- 10.5 In the case of disciplinary action, this can include the following:
- 10.5.1 a recorded or oral warning;
 - 10.5.2 a final written warning;
 - 10.5.3 a final written warning accompanied by:
 - (a) suspension on half pay or no pay for a specified period; and/or
 - (b) relegation (i.e. reduction in salary) for a specified period and/or on specified terms; and/or
 - (c) demotion;
 - 10.5.4 dismissal (whether summary dismissal or on notice); and
 - 10.5.5 alternatively the Investigating and Disciplinary Committee may explore other alternatives such as but not limited to early retirement, secondment, or redeployment to a more junior post (provided that such a post is

SECTION 11 – OFFICERS

vacant) where there are issues relating to capability or loss of trust and confidence in the Relevant Chief Officer in their current role.

- 10.6 For the avoidance of doubt, the actions set out in paragraph 10.5.3 above shall only be applied in circumstances where the Investigating and Disciplinary Committee has decided that appropriate disciplinary action would include dismissal but that action short of dismissal would be more appropriate due to mitigating or other circumstances.
- 10.7 A Final Written warning will set out the nature of the misconduct, the change in behaviour required, the period for which the warning will remain active, and the likely consequences of further misconduct in that period.
- 10.8 All others present at the Disciplinary Hearing (other than the Independent Adviser) will withdraw while the Investigating and Disciplinary Committee consider their decision.
- 10.9 Where practicable, the decision of the Investigating and Disciplinary Committee will be delivered orally after an adjournment with full reasons for the decision being given by letter within five working days of the Disciplinary Hearing. However, in order to ensure that the Investigating and Disciplinary Committee shall be afforded sufficient time to fully consider their decision, their decision may be deferred and issued to the Relevant Chief Officer in writing within five working days of the Disciplinary Hearing, or as soon thereafter as is reasonably practicable.
- 10.10 The letter will outline the decision and the action, if any, to be taken and will set out the rights of appeal (“Decision Letter”).

Appeal Process

- 11.1 The Relevant Chief Officer shall have the right to appeal the Investigating and Disciplinary Committee’s decision, to an Appeals Committee consisting of no fewer than three elected members made up of one member of the Cabinet plus members of the Employment and Appeals Committee and should not include any member with a direct personal involvement in the complaint or who has participated in the preliminary investigation or the Disciplinary Hearing. The Leader shall appoint a Cabinet Member and the members of the Employment and Appeals Committee shall be appointed in consultation with the Chair of that Committee.
- 11.2 Any appeal must be made in writing to the Chief Executive or his / her nominee as set out in the Decision Letter within ten working days of the date of the Decision Letter including the grounds of appeal (“Notice of Appeal”).
- 11.3 Within five working days of submitting a Notice of Appeal the Relevant Chief Officer must inform the Chief Executive of the following details in relation to the Notice of Appeal and provide the following information:
 - 11.3.1 whether the Relevant Chief Officer is to be accompanied at the appeal hearing by a Companion and if so by whom;
 - 11.3.2 whether they wish to call witnesses and if so, their names and copies of their statements if not already supplied for the purposes of the original Disciplinary Hearing;
 - 11.3.3 copies of any additional documents or information relevant to the appeal that was not provided at the Disciplinary Hearing;

SECTION 11 – OFFICERS

- 11.4 Having considered the Notice of Appeal, the Appeals Committee in its absolute discretion will determine whether the appeal hearing will take the form of a full re-hearing or a review of the decision taken by the Investigating and Disciplinary Committee and will notify the Relevant Chief Officer of their decision in writing.
- 11.5 The Appeals Committee will consider the appeal as soon as reasonably practicable after the Notice of Appeal has been received. It will invite the following persons to be present at an appeal hearing:
- 11.5.1 the Relevant Chief Officer, who may be accompanied by a Companion;
and
 - 11.5.2 the Chair of the Investigating and Disciplinary Committee or another members of the Committee if so nominated by the Chair, to explain their reasons for their decision and to answer any questions; and
 - 11.5.3 the Investigating Officer.
- 11.6 The procedure for convening the Appeal Hearing and the procedure at the Appeal Hearing will follow that set out above in relation to the Disciplinary Hearing.
- 11.7 The Appeals Committee shall be advised by an independent adviser who shall not usually be the same adviser who advised the Investigating and Disciplinary Committee.
- 11.8 The Appeals Committee in its absolute discretion shall decide the extent to which (if any) it will take into account any additional information which has become available in relation to the allegations or other issues under investigation since the Disciplinary Hearing.
- 11.9 The Appeals Committee may decide to uphold/dismiss the original decision of the Investigating and Disciplinary Committee or impose a different sanction within the range of penalties as set out in paragraphs 10.4 and 10.5.
- 11.10 Where practicable, the decision of the Appeals Committee will be delivered orally after an adjournment with full reasons for the decision being given by letter within five working days of the Appeal Hearing. However, in order to ensure that the Appeal Committee shall be afforded sufficient time to fully consider their decision, their decision may be deferred and issued to the Relevant Chief Officer in writing within five working days of the Appeal Hearing, or as soon thereafter as is reasonably practicable.
- 11.11 The letter will outline the decision and the action, if any, to be taken.
- 11.12 The decision reached will be final and there is no further right of appeal.

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;

Tudalen 198

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 <u>the Lead Professional – Development Management in consultation with the Chair of the Planning, Taxi Licensing and Rights of Way Committee</u> Relevant Planning Officer with the ability to further sub-delegate unless the original permission was granted by the <u>Planning, Rights of Way and Taxi Licensing Committee (including one of the previous Shire Planning Sub-Committees) save where the condition relates</u>	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 departure from the

Tudalen 200

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

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

			to the time limits imposed on the permission.	Development Plan and the view of the Relevant Planning Officer is that the planning application should be approved;
A3	Power to grant planning permission for development already carried out.	Section 73A of the Town and Country Planning Act 1990.	Planning, Taxi Licensing and Rights of Way Committee Planning, Rights of Way and Taxi Licensing Committee	Subject to column 5 Delegated to Relevant Planning Officer with the ability to further sub-delegate
A4	Power to decline to determine application for planning permission.	Section 70A of the Town and Country Planning Act 1990.	Planning, Taxi Licensing and Rights of Way Committee Planning, Rights of Way and Taxi Licensing Committee	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.	Planning, Taxi Licensing and Rights of Way Committee Planning, Rights of Way and Taxi Licensing Committee	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).	Planning, Taxi Licensing and Rights of Way Committee Planning, Rights of Way and Taxi Licensing Committee	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).	Planning, Taxi Licensing and Rights of Way Committee Planning, Rights of Way and Taxi Licensing Committee	Subject to column 5 Delegated to Relevant Planning Officer with the ability to further sub-delegate
A8	Power to enter into	Section 106 of the Town	Planning, Taxi Licensing and	Subject to column 5

- 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) ;
- D. Where the planning application is required to be accompanied by an Environmental Statement under the EIA Regulations;
- 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.
- F. Where a Councillor registers a request in

Tudalen 201

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

Tudalen 202

<p>planning obligation, regulating development or use of land.</p>	<p>and Country Planning Act 1990.</p>	<p><u>Rights of Way Committee</u> Planning, Rights of Way and Taxi Licensing Committee</p>	<p>Delegated to Relevant Planning Officer with the ability to further sub-delegate</p> <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>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> <p>(See conditions at the top of the column)</p>
<p>A9 Power to issue a certificate of existing or proposed lawful use or development.</p>	<p>Sections 191(4) and 192(2) of the Town and Country Planning Act 1990.</p>	<p><u>Planning, Taxi Licensing and Rights of Way Committee</u> Planning, Rights of Way and Taxi Licensing Committee</p>	<p>Subject to column 5 Delegated to Relevant Planning Officer with the ability to further sub-delegate</p>	<p>(See conditions at the top of the column)</p> <p>(See conditions at the top of</p>

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

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 Committee	Subject to column 5 Delegated to Relevant Planning Officer with the ability to further sub-delegate	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	(See conditions at the top of the column)

Tudalen 203

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

<p>A15 Power to issue an enforcement notice.</p>	<p>Section 172 of the Town and Country Planning Act 1990.</p>	<p><u>Planning, Taxi Licensing and Rights of Way Committee</u> Planning, Rights of Way and Taxi Licensing Committee</p>	<p>his / her views known.</p> <p>Subject to column 5 Delegated to Relevant Planning Officer with the ability to further sub-delegate</p> <p>PROVIDED ALWAYS that the Relevant Planning Officer before and during the exercise of this power shall have appropriate discussions with the Councillor for the electoral division affected so that the Local Representative may be fully appraised and have a proper opportunity of making his / her views known.</p>	<p>(See conditions at the top of the column)</p>
<p>A16 Power to apply for an injunction restraining a breach of planning control.</p>	<p>Section 187B of the Town and Country Planning Act 1990.</p>	<p><u>Planning, Taxi Licensing and Rights of Way Committee</u> Planning, Rights of Way and Taxi Licensing Committee</p>	<p>Subject to column 5 Delegated to Relevant Planning Officer with the ability to further sub-delegate.</p> <p>PROVIDED ALWAYS that the Relevant Planning Officer before and during the exercise of this power shall have appropriate discussions with the Local Representative for the electoral division affected so that the Councillor may be fully appraised and have a proper opportunity of making his / her views known.</p>	<p>(See conditions at the top of the column)</p> <p>(See conditions at the top of the column)</p>

Tudalen 204

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

Tudalen 205

A17	Power to determine applications for hazardous substances consent, and related powers.	Sections 9(1) and 10 of the Planning (Hazardous Substances) Act 1990 (c 10).	<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)
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	
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.	(See conditions at the top of the column)
A21	Power to determine applications for conservation area consent.	Section 16(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, as applied by section 74(3) of that Act).	<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)

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

	listed building in need of repair and to serve a repairs notice.	Planning (Listed Buildings and Conservation Areas) Act 1990.	Rights of Way Committee Planning, Rights of Way and Taxi Licensing Committee		(See conditions at the top of the column)
A26	Power to apply for an injunction in relation to a listed building.	Section 44A of the Planning (Listed Buildings and Conservation Areas) Act 1990.	Planning, Taxi Licensing and Rights of Way Committee 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.	Planning, Taxi Licensing and Rights of Way Committee Planning, Rights of Way and Taxi Licensing Committee	Subject to column 5 Delegated to Relevant Planning Officer with the ability to further sub-delegate.	
A28	Power related to mineral working.	Schedule 9 of the Town and Country Planning Act 1990.	Planning, Taxi Licensing and Rights of Way Committee 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.	Planning, Taxi Licensing and Rights of Way Committee 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.	

Tudalen 207

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

A30 Power as to certification of appropriate alternative development.	Section 17 of the Land Compensation Act 1961 (c 33).	Planning, Taxi Licensing and Rights of Way Committee Planning, Rights of Way and Taxi Licensing Committee	Subject to column 5 Delegated to Relevant Planning Officer with the ability to further sub-delegate	
A31 Duties in relation to purchase notices.	Sections 137-144 of the Town and Country Planning Act 1990.	Planning, Taxi Licensing and Rights of Way Committee 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.	Planning, Taxi Licensing and Rights of Way Committee 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	

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	

Tudalen 209

³ 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: 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> <u>Planning, Rights of Way and Taxi Licensing Committee</u>	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> <u>Planning, Rights of Way and Taxi Licensing Committee</u>	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> <u>Planning, Rights of Way and Taxi Licensing Committee</u>	Delegated to the appropriate officer with the ability to further sub-delegate.	A licence cannot be given before appropriate planning permission has been obtained.

Tudalen 210

⁴ 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: 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.	

Tudalen 211

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.	

Tudalen 212

⁶ 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: 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	

Tudalen 213

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

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

trading.	(Miscellaneous Provisions) Act 1982.	Committee Planning, Rights of Way and Taxi Licensing Committee	further sub-delegate.	
----------	---	--	-----------------------	--

Tudalen 214

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.	

Tudalen 215

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.	

Tudalen 216

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.	

Tudalen 217

¹⁰ 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: 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.	

Tudalen 218

¹¹ 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: 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	<u>Planning, Taxi Licensing and Rights of Way Committee</u> 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).	<u>Planning, Taxi Licensing and Rights of Way Committee</u> 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.	<u>Planning, Taxi Licensing and Rights of Way Committee</u> Planning, Rights	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

Tudalen 219

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

		of Way and Taxi Licensing Committee	
--	--	-------------------------------------	--

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.	

Tudalen 220

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

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

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.	
--	--	--	---	--

Tudalen 221

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: 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.	

Tudalen 222

¹⁴ 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	
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.	

Tudalen 223

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
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	

Tudalen 224

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
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	

Tudalen 225

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	

Tudalen 226

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

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	

Tudalen 227

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	

Tudalen 228

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	

Tudalen 229

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	

Tudalen 230

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	

Tudalen 231

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	

Tudalen 232

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	

Tudalen 233

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

Tudalen 234

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	

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	

Tudalen 235

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.	

Tudalen 236

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.	

Tudalen 237

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.	

Tudalen 238

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.	

Tudalen 239

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

Tudalen 240

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)	

Tudalen 241

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	

Tudalen 242

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			

Tudalen 243

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	

Tudalen 244

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.	

Tudalen 245

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.	

Tudalen 246

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.	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.	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.	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.	Cabinet	The Executive Leader may delegate the function to the appropriate Portfolio Holder.	

Tudalen 247

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.	

Tudalen 248

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.	

Tudalen 249

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.	

Tudalen 250

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.	

Tudalen 251

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.	

Tudalen 252

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

Column 1	Column 2	Column 3	Column 4	Column 5
	Provision of Act or Statutory Instrument	Delegated to	Sub-Delegation	Conditions and / or Limitations on Delegation and Sub-Delegation
(c) the determination of an amount required for determining an amount for the item mentioned in paragraph (a) or (b) above.		Cabinet	The Executive Leader may delegate the function to the appropriate Portfolio Holder.	
2B.(1) The making of <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

Tudalen 253

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

<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.	

Tudalen 254

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
<p>5. All matters relating to Municipal Services, namely :</p> <p>(a) street cleaning and litter;</p> <p>(b) verge maintenance;</p> <p>(c) markets (livestock, produce and street), other than regulatory aspects;</p> <p>(d) land drainage;</p> <p>(e) allotments;</p> <p>(f) other minor miscellaneous municipal services</p>		Cabinet	Delegated to the relevant officer with the ability to further sub-delegate.	

Tudalen 255

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
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).	

Tudalen 256

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

Column 1	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
(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.	

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

Column 1	Column 2	Column 3	Column 4	Column 5
	Provision of Act or Statutory Instrument	Delegated to	Sub-Delegation	Conditions and / or Limitations on Delegation and Sub-Delegation
18 Any of the following functions in respect of highways:				
(b) the functions contained in the following provisions of Part III of the Highways Act 1980 (creation of highways):	Part III of the Highways Act 1980 (c.66)	<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;

Tudalen 258

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

Column 1	Column 2	Column 3	Column 4	Column 5
	Provision of Act or Statutory Instrument	Delegated to	Sub-Delegation	Conditions and / or Limitations on Delegation and Sub-Delegation
(ii) section 26-- compulsory powers for creation of footpaths, bridleways or restricted byways;	Part III of the Highways Act 1980 (creation of highways) – Section 26	<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	

Tudalen 259

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

Tudalen 260

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

Column 1	Column 2	Column 3	Column 4	Column 5
	Provision of Act or Statutory Instrument	Delegated to	Sub-Delegation	Conditions and / or Limitations on Delegation and Sub-Delegation
(iii) section 118-- stopping up of footpaths, bridleways and restricted byways;	Part VIII of the Highways Act 1980 (stopping up and diversion of highways etc) – Section 118	<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;

Tudalen 261

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

Column 1	Column 2	Column 3	Column 4	Column 5
	Provision of Act or Statutory Instrument	Delegated to	Sub-Delegation	Conditions and / or Limitations on Delegation and Sub-Delegation
(v) section 118A-- stopping up of footpaths, bridleways and restricted byways crossing railways;	Section 47 of, and Schedule 2 to, the Transport and Works Act 1992 (c.42)	<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;

Tudalen 262

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

Column 1	Column 2	Column 3	Column 4	Column 5
	Provision of Act or Statutory Instrument	Delegated to	Sub-Delegation	Conditions and / or Limitations on Delegation and Sub-Delegation
(vii) section 118C-- application by proprietor of school for special extinguishment order;	Section 57 of, and Part 1 of Schedule 6 to, the Countryside and Rights of way Act 2000 (c.37)	<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;

Tudalen 263

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

Column 1	Column 2	Column 3	Column 4	Column 5
	Provision of Act or Statutory Instrument	Delegated to	Sub-Delegation	Conditions and / or Limitations on Delegation and Sub-Delegation
(ix) section 119ZA-- application for a public path diversion order;	Section 57 of, and Part 1 of Schedule 6 to, the Countryside and Rights of way Act 2000 (c.37)	<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;

Tudalen 264

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

Column 1	Column 2	Column 3	Column 4	Column 5
	Provision of Act or Statutory Instrument	Delegated to	Sub-Delegation	Conditions and / or Limitations on Delegation and Sub-Delegation
(xi) section 119B-- diversion of certain highways for purposes of crime prevention etc;	Section 57 of, and Part 1 of Schedule 6 to, the Countryside and Rights of way Act 2000 (c.37)	<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;

Tudalen 265

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

Column 1	Column 2	Column 3	Column 4	Column 5
	Provision of Act or Statutory Instrument	Delegated to	Sub-Delegation	Conditions and / or Limitations on Delegation and Sub-Delegation
(xiii) section 119D--diversion of certain highways for protection of sites of special scientific interest;	Section 57 of, and Part 1 of Schedule 6 to, the Countryside and Rights of way Act 2000 (c.37)	<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	

Tudalen 266

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

Column 1	Column 2	Column 3	Column 4	Column 5
	Provision of Act or Statutory Instrument	Delegated to	Sub-Delegation	Conditions and / or Limitations on Delegation and Sub-Delegation
(e) exercising functions under section 34 of the Wildlife and Countryside Act 1981 (limestone pavement orders); and	Section 34 of the Wildlife and Countryside Act 1981 (limestone pavement orders) (c.69) as amended by paragraph 83 of Schedule 11 to the Natural Environment and Rural Communities Act 2006 (c.16); by Section 27AA of the 1981 Act Section 34 has effect as if references to Natural England were references to the Countryside Council for Wales.	Planning, Taxi Licensing and Rights of Way Committee 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)	Planning, Taxi Licensing and Rights of Way Committee 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	Planning, Taxi Licensing and Rights of Way Committee Planning, Rights of Way and Taxi Licensing Committee.	

Tudalen 267

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

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 Permanent 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. N.B. Temporary Traffic Regulation Orders are the

Tudalen 268

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

				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	

Tudalen 269

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

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>

Tudalen 270

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

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
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>

Tudalen 271

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

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

Tudalen 272

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

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

Tudalen 273

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>

Tudalen 274

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>

Tudalen 275

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

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

Tudalen 276

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

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

Tudalen 277

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

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

Tudalen 278

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

Miscellaneous:				
Consultation responses in relation to Windfarm issues.		Full Council	Cabinet	
Responses in relation to consultations received under Section 37 of the Electricity Act 1989	Electricity Act 1989 – Section 37	Full Council	The Head of 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	

Tudalen 279

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

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.				
---	--	--	--	--

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	

Tudalen 280

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

procedures to make a determination in those terms such a decision must be made by Full Council.				
---	--	--	--	--

Tudalen 281

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

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

Tudalen 282

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

DELEGATION TO OFFICERS

Management Structure – Section 11

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

Specific Delegation to Officers

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

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

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

13.7.1 in accordance with any legal requirement;

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

13.7.3 in accordance with this Constitution including:

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

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

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

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

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

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;

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

- 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.

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

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.

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

- 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;

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

- 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.

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

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>Property and Assets</u> <u>Catering and Cleaning</u> <u>Workshops</u> <u>Building Design</u> <u>Gypsies & Travellers</u></p> <p><u>Archives</u></p> <p><u>Ombudsman</u> <u>Members' Standards and Ethical Issues</u> <u>Coroner's Service</u></p> <p><u>Customer Services</u> <u>Complaints Management</u> <u>Information Management & Compliance</u> <u>Registration of Births, Deaths and Marriages</u></p>

Tudalen 293

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

Tudalen 294

	<p><u>Combined Central Wales Infrastructure Collaboration and Central Wales Partnership Board (Deputy to the Portfolio Holder for Environment and Sustainability)</u></p> <p><u>Welsh Housing Quality Standard</u> <u>Housing</u></p> <ul style="list-style-type: none"> <u>Public Sector Housing (landlord function)</u> <u>Supporting People</u> <u>Homelessness</u> <u>Private Sector Housing</u>
<p><u>Portfolio Holder for Education</u></p> <p>County Councillor Arwel Jones</p>	<p>Education</p> <ul style="list-style-type: none"> 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 Early years education Welsh Medium/ Bilingual Education Welsh Education scheme 14-19 Learning Pathways

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

	<p>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> <u>Portfolio Holder for Commissioning, and Procurement and Children's Services</u> 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, 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>

Tudalen 295

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

Tudalen 296

	<p>Town and Community Councils</p> <p><u>Children’s Services</u></p> <p><u>Lead Member for Children 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>
<p><u>Deputy Leader</u></p> <p><u>Portfolio Holder for Finance</u></p> <p>County Councillor Wynne Jones</p>	<p>Finance</p> <p>Welfare Reform</p> <p>Section 151 Officer</p> <p>Consultee on all grants made to individuals by portfolio holders</p> <p>Income and awards</p> <p>Pensions</p> <p><u>Performance</u></p>

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

Tudalen 297

<p><u>Portfolio Holder for Adult Social Care and Children's Services</u></p> <p>County Councillor <u>Darren Mayor</u> <u>Stephen Hayes</u></p>	<p>Adult Social Care</p> <p>Lead on Strategic Social Services</p> <p>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>Health, Social Care and Well-Being Partnership</p> <p>Older Persons Champion</p> <p>Children's Services 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</p>
--	--

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

Tudalen 298

	<p style="color: red;"> 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 Regeneration and Planning</u> County Councillor Avril York</p>	<p> Planning Development Management and Planning Control. andEnhancement 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 Community Enablement Fund/Welsh Church Acts Communities First Business Services Business Grants Business Advice. Opportunity Wales and other contracts </p>

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

Tudalen 299

	<p>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</p> <p>Transport Planning and Policy Traffic management Road safety Development Control Transport Co-ordination Highway asset Management 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).</p>

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

Tudalen 300

	<p>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> <p>ICT Central / Corporate Services Organisational development and partnership support Statistics and Analysis Research Design and Print</p> <p>Member Development & Support</p>

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

	<p>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 Cymru, Commons Registration, National Trails).</p> <p>Sustainability Climate Change & Sustainable Development Sustainability, Green Dragon and Carbon Management Sustainability Strategy</p>

Tudalen 301

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

	Combined Central Wales Infrastructure Collaboration and Central Wales Partnership Board
--	---

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.

Tudalen 302

SECTION 14 – ACCESS TO INFORMATION PROCEDURE RULES

Scope

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

Additional Rights to Information

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

Rights to Attend Meetings

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

Notices of Meeting

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

Access to Agenda and Reports Before the Meeting

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

SECTION 14 – ACCESS TO INFORMATION PROCEDURE RULES

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

Supply of Copies

14.9 The Council will supply copies of:

- 14.9.1 any agenda and reports which are open to public inspection;
- 14.9.2 any further statements or particulars necessary to indicate the nature of the items in the agenda; and
- 14.9.3 if the Monitoring Officer thinks fit, copies of any other documents supplied to Members in connection with an item to any person either electronically or on payment of a charge for postage and any other printing and handling costs.

Access to Minutes etc after the Meeting

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

- 14.10.1 the minutes of the meeting or record of decisions taken by the Cabinet, excluding any part of the minutes of proceedings when the meeting was not open to the public because Exempt or Confidential Information was being considered;
- 14.10.2 a summary of any proceedings not open to the public, where the minutes open to inspection would not provide a reasonably fair and coherent record;
- 14.10.3 the agenda for the meeting; and
- 14.10.4 reports relating to items when the meeting was open to the public.

Background Papers

List of Background Papers

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

- 14.11.1 disclose any facts or matters on which the report or an important part of the report is based; and
- 14.11.2 which have been relied on to a material extent in preparing the report

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

SECTION 14 – ACCESS TO INFORMATION PROCEDURE RULES

Public Inspection of Background Papers

14.12 The Council will make available for public inspection for at least four years after the date of the meeting one copy of each of the documents on the list of background papers.

Summary of Public's Rights

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

Exclusion of Access by the Public to Meetings

Confidential Information – Requirement to Exclude Public

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

Exempt Information – Discretion to Exclude Public

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

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

Meaning of Confidential Information

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

Meaning of Exempt Information

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

NOTE: Information is not Exempt Information if it relates to proposed development for which the local planning authority may grant itself planning

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

SECTION 14 – ACCESS TO INFORMATION PROCEDURE RULES

permission pursuant to regulation 3 of the Town and Country Planning General Regulations 1992.²

Category No.	Category of Information	Exempt Condition
1.	Information relating to any individual. ³	Public interest test applies (see below).
2.	Information which is likely to reveal the identity of an individual. ⁴	Public interest test applies (see below).
3.	Information relating to the financial or business affairs of any particular person (including the authority holding that information). ⁵	Information falling within paragraph 14 is not exempt information by virtue of that paragraph if it is required to be registered under: <ul style="list-style-type: none"> • The Companies Act 1985; • The Friendly Societies Act 1974; • The Friendly Societies Act 1992; • The Industrial and Provident Societies Acts 1965 to 1978; • The Building Societies Act 1986; or • The Charities Act 1993. Public interest test applies (see below).
4.	Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority. ⁶	Public interest test applies (see below).
5.	Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings. ⁷	

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

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

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

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

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

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

SECTION 14 – ACCESS TO INFORMATION PROCEDURE RULES

6.	Information which reveals that the authority proposes: ⁸ <ul style="list-style-type: none"> • to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or • to make an order or direction under any enactment. 	Public interest test applies (see below).
7.	Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime. ⁹	Public interest test applies (see below).
8.	In relation to a meeting of a Standards Committee, or a Sub-Committee of a Standards Committee, which is convened to consider a matter referred under the provisions of section 70(4) or (5) or 71(2) of the Local Government Act 2000: <ul style="list-style-type: none"> • Information which is subject to any obligations of confidentiality. • Information which relates in any way to matters concerning national security. • The deliberations of a Standards Committee or of a Sub-Committee of a Standards Committee established under the provisions of Part 3 of the Local Government Act 2000 in reaching any finding on a matter referred to it.¹⁰ 	Public interest test applies (see below).

Public Interest Test

14.18 Information which:

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

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

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

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

SECTION 14 – ACCESS TO INFORMATION PROCEDURE RULES

14.18.2 is not prevented from being exempt by virtue of the “qualifications” in the table in Rule 14.10.4 above, is Exempt Information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

Assessment of Public Interest.

- 14.19 The starting point is that there is a general public interest in release and the public authority has to decide whether in any particular case it would serve the interest of the public better to either disclose or withhold the information.
- 14.20 There is a distinction between public interest and what merely interests the public.
- 14.21 There is no legal definition of what the public interest is, but the following have been identified as some of the relevant considerations:
- 14.21.1 further the understanding of and participation in debating issues of the day;
 - 14.21.2 facilitate transparency and accountability in and enhance scrutiny of decisions taken by the Council;
 - 14.21.3 facilitate transparency and accountability in the spending of public money;
 - 14.21.4 help individuals understand the decisions made by the Council affecting their lives;
 - 14.21.5 bring to light information affecting public safety or danger to the environment;
 - 14.21.6 contribute to the administration of justice and enforcement of the law, or the prevention or detection of crime, or the apprehension or prosecution of offenders;
 - 14.21.7 protect the public from unsafe products or rogue traders or practices.
- 14.22 In making such an assessment the following factors shall be regarded as irrelevant:
- 14.22.1 possible embarrassment to the Council or its officers;
 - 14.22.2 possible loss of confidence in the Council or another public body;
 - 14.22.3 the seniority of persons involved in the subject matter;
 - 14.22.4 the risk of the public misinterpreting the information.
- 14.23 Account may be taken of whether disclosure would breach any obligation of confidence, or the rights of any individual under the Data Protection Act 1998 or the Human Rights Act 1998.

SECTION 14 – ACCESS TO INFORMATION PROCEDURE RULES

Exclusion of Access by the Public to Reports

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

The Forward Work Programmes

Period of Forward Work Programmes

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

Contents of Forward Work Programmes

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

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

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

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

14.26.4 the work programmes of the Scrutiny Committees .

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

Consultation on Proposals to be Considered by the Cabinet

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

Record of Decisions

The Decision Record

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

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

14.30.1 the decision made;

SECTION 14 – ACCESS TO INFORMATION PROCEDURE RULES

- 14.30.2 the date the decision was made;
- 14.30.3 the reasons for that decision;
- 14.30.4 any personal interest declared;
- 14.30.5 any dispensation to speak granted by the Standards Committee;
- 14.30.6 any consultation undertaken prior to the decision.

Preparing the Decision Record

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

Decisions by An Individual Member of the Cabinet

Reports Must Be Taken Into Account

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

Comment [WR1]: NEW

Record of Individual Decision by Cabinet Members

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

SECTION 14 – ACCESS TO INFORMATION PROCEDURE RULES

Members Access to Documents

Rights of Access

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

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

Limit on Rights

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

14.39 No Member shall be entitled to any part of a document if to do so would be in breach of any legislative provision such as the Data Protection Act 1998, any person's rights in respect of confidentiality, or commercial interests, any provision of this Constitution or any Council or Government policy, Rule or procedure.

Nature of Rights

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

14.40.1 the common law right to inspect documents where this is necessary for a Member to perform his or her duties. Any Member asserting a 'need to know' in relation to documents not otherwise available under these Rules should request the documents from the appropriate Head of Service only and not individual officers, and should take into account the reasonableness of an individual request and of cumulative requests and the impact upon officer time, should make application to the Solicitor to the Council.

Comment [WR2]: NEW.

14.40.2 the statutory rights available to any person under the Freedom of Information Act 2000 and the Environmental Information Regulations 2005.

14.40.3 Members' right, under Section 228 of the Local Government Act 1972, to inspect the accounts of the Council and of any proper officer of the Council.

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

SECTION 14 – ACCESS TO INFORMATION PROCEDURE RULES

Information Given in Confidence

Disclosure

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

SECTION 16 – FINANCIAL PROCEDURE RULES

- 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.~~
 - 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

Formatted: Superscript

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

SECTION 18 – CODE OF CONDUCT FOR MEMBERS

The section below sets out the text of the Model Code of Conduct prescribed by the Local Authorities (Model Code of Conduct) (Wales) Order 2008, as amended by the following statutory instruments:

- Co-operative and Community Benefit Societies and Credit Unions Act 2010 (Consequential Amendments) Regulations 2014 – (No. 2014/1815) (“the 2014 Regulations”) – effective from 1 August 2014.
- Local Authorities (Model Code of Conduct) (Wales) (Amendment) Order 2008 (No. 2016/84) – effective from 1 April 2016.

Set out below is the Model Code of Conduct from the Local Authorities (Model Code of Conduct) (Wales) Order 2008.

18.1

Local Government Act 2000

Model Code of Conduct for Members and Co-opted Members with voting rights

~~THE MEMBERS’ CODE OF CONDUCT~~

~~Adopted by Powys County Council (unamended) at a meeting held on 24th April, 2008.~~

~~Adopted by Powys County Council (amended) at a meeting held on 22nd 20th
OctoberApril, 20146.~~

THE MODEL CODE OF CONDUCT

PART 1 INTERPRETATION

1.—(1) In this code —

"co-opted member" ("aelod cyfetholedig"), in relation to a relevant authority, means a person who is not a member of the authority but who —

(a) is a member of any committee or sub-committee of the authority, or

(b) is a member of, and represents the authority on, any joint committee or joint sub-committee of the authority, and who is entitled to vote on any question which falls to be decided at any meeting of that committee or subcommittee;

"meeting" ("cyfarfod") means any meeting —

(a) of the relevant authority,

(b) of any executive or board of the relevant authority,

(c) of any committee, sub-committee, joint committee or joint sub-committee of the relevant authority or of any such committee, sub-committee, joint committee or joint sub-committee of any executive or board of the authority, or

SECTION 18 – CODE OF CONDUCT FOR MEMBERS

(d) where members or officers of the relevant authority are present other than a meeting of a political group constituted in accordance with regulation 8 of the Local Government (Committees and Political Groups) Regulations 1990,

and includes circumstances in which a member of an executive or board or an officer acting alone exercises a function of an authority;

"member" ("aelod") includes, unless the context requires otherwise, a co-opted member;

“registered society” means a society, other than a society registered as a credit union, which is —

(a) a registered society within the meaning given by section 1(1) of the Co-operative and Community Benefit Societies Act 2014; or

(b) a society registered or deemed to be registered under the Industrial and Provident Societies Act (Northern Ireland) 1969;

“register of members’ interests” (“cofrestr o fuddiannau’r aelodau”) means the register established and maintained under section 81 of the Local Government Act 2000;

"relevant authority" ("awdurdod perthnasol") means—

(a) a county council,

(b) a county borough council,

(c) a community council,

(d) a fire and rescue authority constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 or a scheme to which section 4 of that Act applies,

(e) a National Park authority established under section 63 of the Environment Act 1995;

"you" ("chi") means you as a member or co-opted member of a relevant authority; and

"your authority" ("eich awdurdod") means the relevant authority of which you are a member or co-opted member.

(2) In relation to a community council—

(a) “proper officer” (“swyddog priodol”) means an officer of that council within the meaning of section 270(3) of the Local Government Act 1972; and

(b) “standards committee” (“pwyllgor safonau”) means the standards committee of the county or county borough council which has functions in relation to the community council for which it is responsible under section 56(1) and (2) of the Local Government Act 2000.

SECTION 18 – CODE OF CONDUCT FOR MEMBERS

PART 2 GENERAL PROVISIONS

2.—(1) Save where paragraph 3(a) applies, you must observe this code of conduct —

- (a) whenever you conduct the business, or are present at a meeting, of your authority;
- (b) whenever you act, claim to act or give the impression you are acting in the role of member to which you were elected or appointed;
- (c) whenever you act, claim to act or give the impression you are acting as a representative of your authority; or
- (d) at all times and in any capacity, in respect of conduct identified in paragraphs 6(1)(a) and 7.

(2) You should read this code together with the general principles prescribed under section 49(2) of the Local Government Act 2000 in relation to Wales.

3. Where you are elected, appointed or nominated by your authority to serve —

- (a) on another relevant authority, or any other body, which includes a Local Health Board you must, when acting for that other authority or body, comply with the code of conduct of that other authority or body; or
- (b) on any other body which does not have a code relating to the conduct of its members, you must, when acting for that other body, comply with this code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

4. You must —

- (a) carry out your duties and responsibilities with due regard to the principle that there should be equality of opportunity for all people, regardless of their gender, race, disability, sexual orientation, age or religion;
- (b) show respect and consideration for others;
- (c) not use bullying behaviour or harass any person; and
- (d) not do anything which compromises, or which is likely to compromise, the impartiality of those who work for, or on behalf of, your authority.
- (e) undertake mandatory training as agreed by Full Council from time to time.
- (f) in relation to Planning Matters, act in accordance with Rules 19.76 to 19.81 (Role of Decision Maker) and Rules 19.92 to 19.122 (Decision Making by the Planning Committee) of the Planning Protocol.

Comment [WR1]: NEW – Added by PCC

SECTION 18 – CODE OF CONDUCT FOR MEMBERS

5. You must not —

(a) disclose confidential information or information which should reasonably be regarded as being of a confidential nature, without the express consent of a person authorised to give such consent, or unless required by law to do so;

(b) prevent any person from gaining access to information to which that person is entitled by law.

6.—(1) You must —

(a) not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute;

(b) report, whether through your authority's confidential reporting procedure or direct to the proper authority, any conduct by another member or anyone who works for, or on behalf of, your authority which you reasonably believe involves or is likely to involve criminal behaviour (which for the purposes of this paragraph does not include offences or behaviour capable of punishment by way of a fixed penalty);

(c) report to your authority's monitoring officer any conduct by another member which you reasonably believe breaches this code of conduct;

(d) not make vexatious, malicious or frivolous complaints against other members or anyone who works for, or on behalf of, your authority.

(2) You must comply with any request of your authority's monitoring officer, or the Public Services Ombudsman for Wales, in connection with an investigation conducted in accordance with their respective statutory powers.

7. You must not —

(a) in your official capacity or otherwise, use or attempt to use your position improperly to confer on or secure for yourself, or any other person, an advantage or create or avoid for yourself, or any other person, a disadvantage;

(b) use, or authorise others to use, the resources of your authority —

(i) imprudently;

(ii) in breach of your authority's requirements;

(iii) unlawfully;

(iv) other than in a manner which is calculated to facilitate, or to be conducive to, the discharge of the functions of the authority or of the office to which you have been elected or appointed;

(v) improperly for political purposes; or

SECTION 18 – CODE OF CONDUCT FOR MEMBERS

(vi) improperly for private purposes.

8. You must —

(a) when participating in meetings or reaching decisions regarding the business of your authority, do so on the basis of the merits of the circumstances involved and in the public interest having regard to any relevant advice provided by your authority's officers, in particular by —

(i) the authority's head of paid service;

(ii) the authority's chief finance officer;

(iii) the authority's monitoring officer;

(iv) the authority's chief legal officer (who should be consulted when there is any doubt as to the authority's power to act, as to whether the action proposed lies within the policy framework agreed by the authority or where the legal consequences of action or failure to act by the authority might have important repercussions);

(b) give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by your authority.

9. You must —

(a) observe the law and your authority's rules governing the claiming of expenses and allowances in connection with your duties as a member;

(b) avoid accepting from anyone gifts, hospitality (other than official hospitality, such as a civic reception or a working lunch duly authorised by your authority), material benefits or services for yourself or any person which might place you, or reasonably appear to place you, under an improper obligation.

PART 3 **INTERESTS**

Personal Interests

10.—(1) You must in all matters consider whether you have a personal interest, and whether this code of conduct requires you to disclose that interest.

(2) You must regard yourself as having a personal interest in any business of your authority if

—

(a) it relates to, or is likely to affect —

(i) any employment or business carried on by you;

(ii) any person who employs or has appointed you, any firm in which you are a partner or any company for which you are a remunerated director;

SECTION 18 – CODE OF CONDUCT FOR MEMBERS

(iii) any person, other than your authority, who has made a payment to you in respect of your election or any expenses incurred by you in carrying out your duties as a member;

(iv) any corporate body which has a place of business or land in your authority's area, and in which you have a beneficial interest in a class of securities of that body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital of that body;

(v) any contract for goods, services or works made between your authority and you or a firm in which you are a partner, a company of which you are a remunerated director, or a body of the description specified in sub-paragraph (iv) above;

(vi) any land in which you have a beneficial interest and which is in the area of your authority;

(vii) any land where the landlord is your authority and the tenant is a firm in which you are a partner, a company of which you are a remunerated director, or a body of the description specified in subparagraph (iv) above;

(viii) any body to which you have been elected, appointed or nominated by your authority;

(ix) any —

(aa) public authority or body exercising functions of a public nature;

(bb) company, registered society, charity, or body directed to charitable purposes;

(cc) body whose principal purposes include the influence of public opinion or policy;

(dd) trade union or professional association; or

(ee) private club, society or association operating within your authority's area,

in which you have membership or hold a position of general control or management;

(x) any land in your authority's area in which you have a licence (alone or jointly with others) to occupy for 28 days or longer;

[Note: subparagraph (b) is omitted.]

(c) a decision upon it might reasonably be regarded as affecting —

(i) your well-being or financial position, or that of a person with whom you live, or any person with whom you have a close personal association;

(ii) any employment or business carried on by persons as described in 10(2)(c)(i);

SECTION 18 – CODE OF CONDUCT FOR MEMBERS

(iii) any person who employs or has appointed such persons described in 10(2)(c)(i), any firm in which they are a partner, or any company of which they are directors;

(iv) any corporate body in which persons as described in 10(2)(c)(i) have a beneficial interest in a class of securities exceeding the nominal value of £5,000; or

(v) any body listed in paragraphs 10(2)(a)(ix)(aa) to (ee) in which persons described in 10(2)(c)(i) hold a position of general control or management,

to a greater extent than the majority of—

(aa) in the case of an authority with electoral divisions or wards, other council tax payers, rate payers or inhabitants of the electoral division or ward, as the case may be, affected by the decision; or

(bb) in all other cases, other council tax payers, ratepayers or inhabitants of the authority's area.

Disclosure of Personal Interests

11.—(1) Where you have a personal interest in any business of your authority and you attend a meeting at which that business is considered, you must disclose orally to that meeting the existence and nature of that interest before or at the commencement of that consideration, or when the interest becomes apparent.

(2) Where you have a personal interest in any business of your authority and you make —

(a) written representations (whether by letter, facsimile or some other form of electronic communication) to a member or officer of your authority regarding that business, you should include details of that interest in the written communication; or

(b) oral representations (whether in person or some form of electronic communication) to a member or officer of your authority you should disclose the interest at the commencement of such representations, or when it becomes apparent to you that you have such an interest, and confirm the representation and interest in writing within 14 days of the representation.

(3) Subject to paragraph 14(1)(b) below, where you have a personal interest in any business of your authority and you have made a decision in exercising a function of an executive or board, you must in relation to that business ensure that any written statement of that decision records the existence and nature of your interest.

(4) You must, in respect of a personal interest not previously disclosed, before or immediately after the close of a meeting where the disclosure is made pursuant to sub-paragraph 11(1), give written notification to your authority in accordance with any requirements identified by your authority's monitoring officer, or in relation to a community council, your authority's proper officer from time to time but, as a minimum containing —

(a) details of the personal interest;

SECTION 18 – CODE OF CONDUCT FOR MEMBERS

(b) details of the business to which the personal interest relates; and

(c) your signature.

(5) Where you have agreement from your monitoring officer that the information relating to your personal interest is sensitive information, pursuant to paragraph 16(1), your obligations under this paragraph 11 to disclose such information, whether orally or in writing, are to be replaced with an obligation to disclose the existence of a personal interest and to confirm that your monitoring officer has agreed that the nature of such personal interest is sensitive information.

(6) For the purposes of sub-paragraph (4), a personal interest will only be deemed to have been previously disclosed if written notification has been provided in accordance with this code since the last date on which you were elected, appointed or nominated as a member of your authority.

(7) For the purposes of sub-paragraph (3), where no written notice is provided in accordance with that paragraph you will be deemed as not to have declared a personal interest in accordance with this code.

Prejudicial Interests

12.—(1) Subject to sub-paragraph (2) below, where you have a personal interest in any business of your authority you also have a prejudicial interest in that business if the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest.

(2) Subject to sub-paragraph (3), you will not be regarded as having a prejudicial interest in any business where that business—

(a) relates to —

(i) another relevant authority of which you are also a member;

(ii) another public authority or body exercising functions of a public nature in which you hold a position of general control or management;

(iii) a body to which you have been elected, appointed or nominated by your authority;

(iv) your role as a school governor (where not appointed or nominated by your authority) unless it relates particularly to the school of which you are a governor;

(v) your role as a member of a Local Health Board where you have not been appointed or nominated by your authority;

(b) relates to —

(i) the housing functions of your authority where you hold a tenancy or lease with your authority, provided that you do not have arrears of rent with your authority of more

SECTION 18 – CODE OF CONDUCT FOR MEMBERS

than two months, and provided that those functions do not relate particularly to your tenancy or lease;

(ii) the functions of your authority in respect of school meals, transport and travelling expenses, where you are a guardian, parent, grandparent or have parental responsibility (as defined in section 3 of the Children Act 1989) of a child in full time education, unless it relates particularly to the school which that child attends;

(iii) the functions of your authority in respect of statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of such pay from your authority;

(iv) the functions of your authority in respect of an allowance or payment made in accordance with the provisions of Part 8 of the Local Government (Wales) Measure 2011, or an allowance or pension provided under section 18 of the Local Government and Housing Act 1989;

(c) your role as a community councillor in relation to a grant, loan or other form of financial assistance made by your community council to community or voluntary organisations up to a maximum of £500.

(3) The exemptions in subparagraph (2)(a) do not apply where the business relates to the determination of any approval, consent, licence, permission or registration.

Overview and Scrutiny Committees

13. You also have a prejudicial interest in any business before an overview and scrutiny committee of your authority (or of a sub-committee of such a committee) where—

(a) that business relates to a decision made (whether implemented or not) or action taken by your authority's executive, board or another of your authority's committees, sub-committees, joint committees or joint subcommittees; and

(b) at the time the decision was made or action was taken, you were a member of the executive, board, committee, sub-committee, joint-committee or joint sub-committee mentioned in sub-paragraph (a) and you were present when that decision was made or action was taken.

Participation in Relation to Disclosed Interests

14.—(1) Subject to sub-paragraphs (2), (2A), (3) and (4), where you have a prejudicial interest in any business of your authority you must, unless you have obtained a dispensation from your authority's standards committee —

(a) withdraw from the room, chamber or place where a meeting considering the business is being held—

(i) where sub-paragraph (2) applies, immediately after the period for making representations, answering questions or giving evidence relating to the business has

SECTION 18 – CODE OF CONDUCT FOR MEMBERS

ended and in any event before further consideration of the business begins, whether or not the public are allowed to remain in attendance for such consideration; or

(ii) in any other case, whenever it becomes apparent that that business is being considered at that meeting;

(b) not exercise executive or board functions in relation to that business;

(c) not seek to influence a decision about that business;

(d) not make any written representations (whether by letter, facsimile or some other form of electronic communication) in relation to that business; and

(e) not make any oral representations (whether in person or some form of electronic communication) in respect of that business or immediately cease to make such oral representations when the prejudicial interest becomes apparent.

(2) Where you have a prejudicial interest in any business of your authority you may attend a meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.

(2A) Where you have a prejudicial interest in any business of your authority you may submit written representations to a meeting relating to that business, provided that the public are allowed to attend the meeting for the purpose of making representations, answering questions or giving evidence relating to the business, whether under statutory right or otherwise.

(2B) When submitting written representations under sub-paragraph (2A) you must comply with any procedure that your authority may adopt for the submission of such representations.

(3) Sub-paragraph (1) does not prevent you attending and participating in a meeting if —

(a) you are required to attend a meeting of an overview or scrutiny committee, by such committee exercising its statutory powers; or

(b) you have the benefit of a dispensation provided that you —

(i) state at the meeting that you are relying on the dispensation; and

(ii) before or immediately after the close of the meeting give written notification to your authority containing —

(aa) details of the prejudicial interest;

(bb) details of the business to which the prejudicial interest relates;

(cc) details of, and the date on which, the dispensation was granted; and

(dd) your signature.

SECTION 18 – CODE OF CONDUCT FOR MEMBERS

(4) Where you have a prejudicial interest and are making written or oral representations to your authority in reliance upon a dispensation, you must provide details of the dispensation within any such written or oral representation and, in the latter case, provide written notification to your authority within 14 days of making the representation.

PART 4 **THE REGISTER OF MEMBERS' INTERESTS**

Registration of Personal Interests

15.—(1) Subject to sub-paragraph (4), you must, within 28 days of—

(a) your authority's code of conduct being adopted or the mandatory provisions of this model code being applied to your authority; or

(b) your election or appointment to office (if that is later),

register your personal interests, where they fall within a category mentioned in paragraph 10(2)(a), in your authority's register of members' interests by providing written notification to your authority's monitoring officer.

(2) Subject to sub-paragraph (4), you must, within 28 days of becoming aware of any new personal interest falling within a category mentioned in paragraph 10(2)(a), register that new personal interest in your authority's register of members' interests by providing written notification to your authority's monitoring officer.

(3) Subject to sub-paragraph (4), you must, within 28 days of becoming aware of any change to a registered personal interest falling within a category mentioned in paragraph 10(2)(a), register that change in your authority's register of members' interests by providing written notification to your authority's monitoring officer, or in the case of a community council to your authority's proper officer.

(4) Sub-paragraphs (1), (2) and (3) do not apply to sensitive information determined in accordance with paragraph 16(1).

(5) Sub-paragraphs (1) and (2) do not apply if you are a member of a relevant authority which is a community council when you act in your capacity as a member of such an authority.

(6) You must, when disclosing a personal interest in accordance with paragraph 11 for the first time, register that personal interest in your authority's register of members' interests by providing written notification to your authority's monitoring officer, or in the case of a community council to your authority's proper officer.

Sensitive information

16.—(1) Where you consider that the information relating to any of your personal interests is sensitive information, and your authority's monitoring officer agrees, you need not include that

SECTION 18 – CODE OF CONDUCT FOR MEMBERS

information when registering that interest, or, as the case may be, a change to the interest under paragraph 15.

(2) You must, within 28 days of becoming aware of any change of circumstances which means that information excluded under sub-paragraph (1) is no longer sensitive information, notify your authority's monitoring officer, or in relation to a community council, your authority's proper officer asking that the information be included in your authority's register of members' interests.

(3) In this code, "sensitive information" ("gwybodaeth sensitif") means information whose availability for inspection by the public creates, or is likely to create, a serious risk that you or a person who lives with you may be subjected to violence or intimidation.

Registration of Gifts and Hospitality

17. You must, within 28 days of receiving any gift, hospitality, material benefit or advantage above a value specified in a resolution of your authority, provide written notification to your authority's monitoring officer, or in relation to a community council, to your authority's proper officer of the existence and nature of that gift, hospitality, material benefit or advantage.

Conduct of Members – The Principles¹

SELFLESSNESS

18.2.1 Members must act solely in the public interest. They must never use their position as Members to improperly confer advantage on themselves or to improperly confer advantage or disadvantage on others.

HONESTY

18.2.2 Members must declare any private interests relevant to their public duties and take steps to resolve any conflict in a way that protects the public interest.

INTEGRITY AND PROPRIETY

18.2.3 Members must not put themselves in a position where their integrity is called into question by any financial or other obligation to individuals or organisations that might seek to influence them in the performance of their duties. Members must on all occasions avoid the appearance of such behaviour.

DUTY TO UPHOLD THE LAW

18.2.4 Members must act to uphold the law and act on all occasions in accordance with the trust that the public has placed in them.

STEWARDSHIP

18.2.5 In discharging their duties and responsibilities Members must ensure that their authority's resources are used both lawfully and prudently.

OBJECTIVITY IN DECISION-MAKING

¹ The Conduct of Members (Principles) (Wales) Order 2001 – S.I. 2276

SECTION 18 – CODE OF CONDUCT FOR MEMBERS

18.2.6 In carrying out their responsibilities including making appointments, awarding contracts, or recommending individuals for rewards and benefits, Members must make decisions on merit. Whilst Members must have regard to the professional advice of officers and may properly take account of the views of others, including their political groups, it is their responsibility to decide what view to take and, if appropriate, how to vote on any issue.

EQUALITY AND RESPECT

18.2.7 Members must carry out their duties and responsibilities with due regard to the need to promote equality of opportunity for all people, regardless of their gender, race, disability, sexual orientation, age or religion, and show respect and consideration for others.

OPENNESS

18.2.8 Members must be as open as possible about all their actions and those of their authority. They must seek to ensure that disclosure of information is restricted only in accordance with the law.

ACCOUNTABILITY

18.2.9 Members are accountable to the electorate and the public generally for their actions and for the way they carry out their responsibilities as a Member. They must be prepared to submit themselves to such scrutiny as is appropriate to their responsibilities.

LEADERSHIP

18.2.10 Members must promote and support these principles by leadership and example so as to promote public confidence in their role and in the authority. They must respect the impartiality and integrity of the authority's statutory officers and its other employees.

Protocol - Standard of Conduct Expected by Members

18.3 This protocol sets out the standards of conduct expected from Members within Powys County Council in dealing with each other. It should be read in conjunction with the Members Code of Conduct ²and the Member-Officer Protocol³. It adds to these documents and does not detract from them.

Members are expected:

PUBLIC BEHAVIOUR

- 18.3.1.1 to show respect to each other;
- 18.3.1.2 not to make personal abusive comments about each other;
- 18.3.1.3 not to publish anything insulting about each other;
- 18.3.1.4 not to make malicious allegations against each other;
- 18.3.1.5 not to publish or spread any false information about each other;
- 18.3.1.6 to show respect to diversity and equality;

BEHAVIOUR IN MEETINGS

² See Section 18.1 above.

³ See Section 21.

SECTION 18 – CODE OF CONDUCT FOR MEMBERS

- 18.3.2.1 to behave with dignity;
- 18.3.2.2 to show respect to the Chair and obey his/her decisions;
- 18.3.2.3 not to use indecent language nor make racial remarks or remarks which prejudice any section of society;

CONFIDENTIALITY

- 18.3.3.1 to keep the confidentiality of exempt papers and any other documents which are not public;
- 18.3.3.2 not to release confidential information to the press or the public;
- 18.3.3.3 not to use confidential information for purposes other than intended;

LOCAL MEMBERS

- 18.3.4.1 to work with Members of adjoining electoral divisions for the benefit of the locality;
- 18.3.4.2 if dealing with any matter relating to another electoral division:
 - to explain to anyone seeking assistance that he/she is not the local Member;
 - to inform the local Member, unless it would lead to a breach of confidentiality.

Procedure for Dealing with Allegations made against Councillors and referred to the Standards Committee

INTRODUCTION

- 18.4.1 This document sets out the procedure that the Council's Standards Committee will follow where it is required to make decisions about the conduct of Councillors following investigations by the Public Services Ombudsman for Wales or the Council's Monitoring Officer under Part III of the Local Government Act 2000 and related regulations. If there is any conflict between this document and any statutory requirements then those statutory requirements will prevail.

INTERPRETATION

- 18.4.2 In this procedure:

- 18.4.2.1 the "Act" means the Local Government Act 2000;
- 18.4.2.2 the "Council" means Powys County Council;
- 18.4.2.3 the "Code of Conduct" means the code of conduct for members ⁴adopted by the Council or the community councils within the Council's area in 2008 in accordance with section 51 of the Act, including any revisions;
- 18.4.2.4 the "Complainant" means any person who made any allegation which gave rise to the investigation;
- 18.4.2.5 the "Investigating Officer" means the person who conducted an investigation into any alleged breach of the Code of Conduct and produced the investigation report, being either the Ombudsman (or a person acting on his or her behalf) or the Monitoring Officer;
- 18.4.2.6 an "investigation report" means a report on the outcome of an investigation into any alleged breach of the Code of Conduct produced

⁴ See Section 18.1

SECTION 18 – CODE OF CONDUCT FOR MEMBERS

- either by the Ombudsman under s71(2) of the Act or by the Monitoring Officer under the Regulations;
- 18.4.2.7 the “Member” means any person who is the subject of an investigation into any alleged breach of the Code of Conduct;
- 18.4.2.8 the “Monitoring Officer” means the officer for the time being appointed by the Council under section 5 of the Local Government and Housing Act 1989;
- 18.4.2.9 the “Ombudsman” means the Public Services Ombudsman for Wales;
- 18.4.2.10 the “Regulations” means the Local Government Investigations (Functions of Monitoring Officers and Standards Committees) (Wales) Regulations 2001 as amended;
- 18.4.2.11 the “Standards Officer” means the officer for the time being appointed by the Council to support the work of the Standards Committee.

SUMMARY OF THE PROCEDURE

- 18.4.3.1 Under section 69 of the Act, the Ombudsman may investigate any alleged breach of the Code of Conduct by Members or Co-Opted Members (or former Members or co-opted Members) of the Council or a community council in the Council’s area.
- 18.4.3.2 Under section 70(4) of the Act, where the Ombudsman ceases such an investigation before it is completed, he/she may refer the matters which are the subject of the investigation to the Monitoring Officer. The Monitoring Officer will then investigate matters in accordance with the Regulations before reporting and, if appropriate, making recommendations to the Standards Committee.
- 18.4.3.3 Alternatively, under section 71(2) of the Act, where the Ombudsman decides after investigating that it is appropriate, he/she will produce a report on the outcome of the investigation and send it to the Monitoring Officer. The Monitoring Officer will then consider the report of the Ombudsman in accordance with the Regulations, before, if appropriate, present the report and make recommendations to the Standards Committee.
- 18.4.3.4 The Standards Committee will then make an initial determination either:
- (a) that there is no evidence of any failure to comply with the Code of Conduct; or
 - (b) that the Member should be given the opportunity to make representations, either orally or in writing.
- 18.4.3.5 Where the Member is given an opportunity to make representations, the Standards Committee will convene a hearing to consider any response made by the Member and it must determine under regulation 9(1) of the Regulations either that:
- (a) there is no evidence of any failure to comply with the Code of Conduct and that therefore no action needs to be taken;
 - (b) the Member has failed to comply with the Code of Conduct but that no action needs to be taken in respect of that failure;
 - (c) the Member has failed to comply with the Code of Conduct and should be censured; or

SECTION 18 – CODE OF CONDUCT FOR MEMBERS

- (d) the Member has failed to comply with the Code of Conduct and should be suspended or partially suspended from being a member or co-opted Member of his/her authority for a period not exceeding six months

and take any such action accordingly.

INVESTIGATIONS BY THE MONITORING OFFICER (REFERRALS UNDER SECTION 70(4) OF THE ACT)

18.4.4.1 Where the Ombudsman ceases his/her investigation before it is completed and refers the matters which are the subject of the investigation to the Monitoring Officer under section 70(4) of the Act, the Monitoring Officer must:

- (a) conduct an investigation; and
- (b) report, and if appropriate, make recommendations to the Council's Standards Committee.

18.4.4.2 The Monitoring Officer will investigate in accordance with the Regulations and may follow such procedures as he or she considers appropriate in the circumstances of the case.

18.4.4.3 After concluding an investigation, the Monitoring Officer must:

- (a) produce a report on the findings of his or her investigation and, if appropriate, may make recommendations to the Standards Committee;
- (b) send a copy of the report to the Member; and
- (c) take reasonable steps to send a copy of the report to the Complainant.

18.4.4.4 The Standards Committee will consider the Monitoring Officer's report and any recommendations in accordance with the procedure set out below.

INVESTIGATIONS BY THE OMBUDSMAN (REFERRALS UNDER SECTION 71(2) OF THE ACT)

18.4.5.1 Where the Ombudsman completes his or her investigation and sends a report to the Monitoring Officer and the Council's Standards Committee under section 71(2) of the Act, the Monitoring Officer must consider the Ombudsman's report and, if appropriate, make recommendations to the Council's Standards Committee.

18.4.5.2 The Standards Committee will consider the Ombudsman's report together with any recommendations made by the Monitoring Officer in accordance with the procedure set out below.

THE FIRST MEETING OF THE STANDARDS COMMITTEE - INITIAL DETERMINATION

18.4.6.1 After the Monitoring Officer has:

- (a) produced an investigation report in accordance with rule 18.4.4.3(a); or

SECTION 18 – CODE OF CONDUCT FOR MEMBERS

- (b) considered the Ombudsman’s investigation report in accordance with rule 18.4.5.1

he/she will arrange for a meeting of the Standards Committee to be convened as soon as possible and for a copy of the investigation report, together with the Monitoring Officer’s recommendations (if any), to be sent to each of the members of the Standards Committee.

18.4.6.2 Notice of the time and place of the meeting will be given in accordance with Part VA of the Local Government Act 1972 as amended by the Standards Committees (Wales) Regulations 2001.

18.4.6.3 If the investigation report is produced by the Ombudsman, the Monitoring Officer will advise the Standards Committee. If the investigation report is produced by the Monitoring Officer, the Standards Officer or some other suitably qualified person will advise the Standards Committee.

18.4.6.4 The business of the Standards Committee meeting will be limited to considering the investigation report and the Monitoring Officer’s recommendations (if any) and to making an initial determination either:

- (a) that there is no evidence of any failure to comply with the Code of Conduct; or
(b) that the Member should be given the opportunity to make representations,

either orally or in writing in respect of the findings of the investigation and any allegation that he or she has failed, or may have failed, to comply with the Code of Conduct.

AFTER THE FIRST MEETING OF THE STANDARDS COMMITTEE

18.4.7.1 Where the Standards Committee decides that there is no evidence of any failure to comply with the Code of Conduct, the Standards Officer will accordingly notify the Member, the Complainant and the Ombudsman.

18.4.7.2 Where the Standards Committee decides that the Member should be given the opportunity to make representations, the Standards Officer will notify the Member of the Committee’s decision and the procedure which the Committee proposes to adopt to receive and consider any representations that he or she may wish to make.

PREPARING FOR THE HEARING TO CONSIDER THE MEMBER’S REPRESENTATIONS

18.4.8.1 The Standards Officer, in consultation with the Chair of the Standards Committee, will write to the Member to propose a date for a hearing to consider any representations that the Member may wish to make and to ask the Member to respond in writing within 14 days to confirm whether he/she:

- (a) is able to attend the hearing;
(b) wants to make representations, whether orally or in writing and if so, to include any written representations in his or her response;
(c) disagrees with any of the findings of fact in the investigation report,

SECTION 18 – CODE OF CONDUCT FOR MEMBERS

- and if so, which matters he or she disagrees with and the reasons for any disagreements;
- (d) wants to appear before the Committee in person or be represented at the hearing by a solicitor, barrister or any other person, in accordance with his/her right under the Regulations;
 - (e) wants to give evidence to the Standards Committee, either orally or in writing;
 - (f) wants to call relevant witnesses to give evidence to the Standards Committee;
 - (g) wants any part of the meeting to be held in private;
 - (h) wants any part of the investigation report or other relevant documents to be withheld from the public
- 18.4.8.2 The Standards Officer will notify the Investigating Officer of the proposed hearing date and ask whether he or she will be attending the hearing.
- 18.4.8.3 The Standards Officer will send a copy of the Member's response under rule 18.4.8.1 to the Investigating Officer and will ask him/her to confirm in writing within seven days whether he/she:
- (a) has any comments on the Member's response;
 - (b) wants to be represented at the hearing;
 - (c) wants to call relevant witnesses to give evidence to the Standards Committee;
 - (d) wants any part of the meeting to be held in private; and
 - (e) wants any part of the investigation report or other relevant documents to be withheld from the public.
- 18.4.8.4 The Standards Officer will write to the members of the Committee, the Member and the Investigating Officer at least two weeks before the hearing to:
- (a) confirm the date, time and place for the hearing;
 - (b) summarise the allegation;
 - (c) outline the main facts of the case that are agreed;
 - (d) outline the main facts which are not agreed;
 - (e) note whether the Member or the Investigating Officer will attend or be represented at the hearing;
 - (f) list those witnesses, if any, who will be asked to give evidence;
 - (g) enclose the investigation report, any relevant documents, the Member's response and any further response from the Investigating Officer; and
 - (h) outline the proposed procedure for the meeting.

POWERS OF THE STANDARDS COMMITTEE

- 18.4.9.1 The Standards Committee may, in accordance with the requirements of natural justice, conduct the meeting in the manner it considers most suitable to the clarification of the issues before it and generally to the just handling of the proceedings. The Committee must to whatever extent it considers to be appropriate, seek to avoid formality and inflexibility in its proceedings. The Standards Committee will decide factual evidence on

SECTION 18 – CODE OF CONDUCT FOR MEMBERS

- the balance of probabilities.
- 18.4.9.2 The Member or the Investigating Officer, whether or not they are legally qualified, may be represented or accompanied by another person but if in any particular case the Standards Committee is satisfied that there is a good reason, it may refuse to permit a particular person to assist or represent a party at the hearing.
- 18.4.9.3 The Standards Committee may take legal advice from a Council officer appointed for this purpose at any time during the meeting or while they are considering the outcome. The substance of any legal advice given to the Committee will be shared with the Member and the Investigating Officer if they are present.
- 18.4.9.4 Where appropriate, and in accordance with the Regulations, the Standards Committee has power to censure the Member, or suspend or partially suspend the Member for a period not exceeding six months.

PROCEDURE AT THE HEARING

- 18.4.10.1 The hearing will be held in public unless the Standards Committee is persuaded that there is a good reason to exclude the public.
- 18.4.10.2 The procedure at the meeting shall be as set out below, subject to the Chair making such changes as he or she thinks fit in order to ensure a fair and efficient hearing.

Introduction

- 18.4.10.3 The Chair of the Standards Committee will introduce those persons present and will explain the manner and order of proceedings

First Stage - Preliminary Procedural Issues

- 18.4.10.4 The Standards Committee will then resolve any issues or disagreements about how the hearing should continue, which have not been resolved during the prehearing process.

Second Stage - Making Findings of Fact

- 18.4.10.5 The Standards Committee will then consider whether or not there are any significant disagreements about the facts contained in the investigation report.

1 If there is a disagreement as to the facts:

- (a) the Investigating Officer, if present, will be invited to make any necessary representations to support the relevant findings of fact in the investigation report;
- (b) the Investigating Officer may call any necessary supporting witnesses to give evidence, with the Standards Committee's permission and the Committee shall give the Member an opportunity to challenge any evidence put forward by any witness called by the Investigating Officer;
- (c) the Member will then be invited to make representations to support his or her version of the facts;
- (d) the Member may call any necessary witnesses to give evidence, with the Standards Committee's permission and the Committee shall

SECTION 18 – CODE OF CONDUCT FOR MEMBERS

give the Investigating Officer an opportunity to challenge any evidence put forward by any witness called by the Member.

- 2 At any time, the Standards Committee may question any of the people involved or any of the witnesses.
- 3 If the Member disagrees with any relevant fact in the investigation report, without having given prior notice of the disagreement, he or she must give good reasons for not mentioning it before the hearing. If the Investigating Officer is not present, the Standards Committee will consider whether or not it would be in the public interest to continue in his or her absence. After considering the Member's explanation for not raising the issue at an earlier stage, the Committee may then:
 - (a) continue with the hearing, relying on the information in the investigation report;
 - (b) allow the Member to make representations about the issue, and invite the Investigating Officer to respond and call any witnesses, as necessary; or
 - (c) postpone the hearing to arrange for appropriate witnesses to be present, or for the Investigating Officer to be present if he or she is not already.
- 4 At the conclusion of the representations as to matters of fact, the Standards Committee will retire to deliberate in private on the representations, after which the Chair of the Standards Committee will announce their findings of fact.

Third Stage - Deciding whether the Member has failed to comply with the Code

18.4.10.6

- 1 The Standards Committee will then consider whether, based on the facts it has found, the Member has failed to comply with the Code.
- 2 The Standards Committee will invite the Investigating Officer to make representations as to whether or not, based on the facts the Committee has found, the Member has failed to comply with the Code of Conduct.
- 3 The Standards Committee will invite the Member to respond to the representations of the Investigating Officer and to make representations as to whether or not, based on the facts the Committee has found, he or she has failed to comply with the Code of Conduct.
- 4 The Standards Committee may, at any time, question anyone involved on any point they raise in their representations.
- 5 The Member will be invited to make any final relevant points.
- 6 The Standards Committee will retire to deliberate in private on the representations and decide whether or not the Member has failed to comply with the Code of Conduct, after which the Chair of the Standards Committee will announce their findings.

SECTION 18 – CODE OF CONDUCT FOR MEMBERS

Fourth Stage - Action to be Taken

18.4.10.7

- 1 If the Standards Committee decides that the Member has not failed to comply with the Code of Conduct, it will formally record that there is no evidence of any failure by the Member to comply with the Code of Conduct and that therefore no action needs to be taken.
- 2 If the Standards Committee decides that the Member has failed to comply with the Code of Conduct it will invite the Member and the Investigating Officer to make representations as to:
 - (a) whether or not the Committee should apply a sanction; and
 - (b) what form any sanction should take.
- 3 The Standards Committee will retire to deliberate in private on the representations and decide either that:
 - (a) no action needs to be taken in respect of the failure to comply with the Code of Conduct;
 - (b) the Member should be censured; or
 - (c) the Member should be suspended or partially suspended from being a member or Co-Opted Member of his or her authority for a period not exceeding six months,

after which the Chair of the Standards Committee will announce their decision.
- 4 After making a decision the Standards Committee will instruct the Standards Officer to confirm the decision and the reasons for the decision in writing and to send a copy of the written decision (including details of the Member's right of appeal) to the Member, the Complainant and the Ombudsman as soon as reasonably practicable.

FAILURE TO MAKE REPRESENTATIONS / ATTEND THE HEARING

- 18.4.11.1 If the Member fails to make representations, the Standards Committee may:
- (a) unless it is satisfied that there is sufficient reason for such failure, consider the investigation report and make a determination in the Member's absence; or
 - (b) give the Member a further opportunity to make representations.
- 18.4.11.2 If a party fails to be present or represented at a hearing, the Standards Committee may, if it is satisfied that the party was duly notified of the hearing and that there is no good reason for such absence:
- (a) hear and decide the matter in the party's absence; or
 - (b) adjourn the hearing.

SECTION 18 – CODE OF CONDUCT FOR MEMBERS

ILLNESS OR INCAPACITY

- 18.4.12 If the Standards Committee is satisfied that any party is unable, through physical or mental sickness or impairment, to attend the hearing and that the party's inability is likely to continue for a long time, the Standards Committee may make such arrangements as may appear best suited, in all the circumstances of the case, for disposing fairly of the matter.

SUSPENSION

- 18.4.13 A period of suspension or partial suspension will commence on the day after:

- 18.4.13.1 the expiry of the time allowed to lodge a notice of appeal to an appeals tribunal under the Regulations (i.e. within 21 days of receiving notification of the Standards Committee's determination);
- 18.4.13.2 receipt of notification of the conclusion of any appeal in accordance with the Regulations;
- 18.4.13.3 a further determination by the Standards Committee made after receiving a recommendation from an appeals tribunal under the Regulations,

whichever occurs last.

REFERRAL BY AN APPEALS TRIBUNAL

- 18.4.14.1 Where the Standards Committee determines that the Member has failed to comply with the Code of Conduct, the Member may appeal against the determination to an appeals tribunal drawn from the Adjudication Panel for Wales.
- 18.4.14.2 An appeals tribunal may endorse the decision of the Standards Committee, refer a matter back to it recommending it impose a different penalty, or overturn the decision.
- 18.4.14.3 If:
- (a) the Standards Committee determines that the Member failed to comply with the Code of Conduct;
 - (b) the Member appeals to an appeals tribunal drawn from the Adjudication Panel for Wales; and
 - (c) the said tribunal refers the matter back to the Standards Committee with a recommendation that a different penalty be imposed,

the Standards Committee shall meet as soon as reasonably practicable to consider the recommendation of the appeals tribunal and will determine whether or not it should uphold its original determination or accept the recommendation.

- (d) After making its determination the Standards Committee will instruct the Standards Officer to confirm the decision and the reasons for the decision in writing and to send a copy of the written decision to the Member, the Complainant, the Ombudsman and the president of the Adjudication Panel for

SECTION 18 – CODE OF CONDUCT FOR MEMBERS

Wales as soon as reasonably practicable.

PUBLICATION OF THE STANDARDS COMMITTEE'S REPORT

18.4.15.1 The Standards Committee will produce a report on the outcome of the investigation and send a copy to the Ombudsman, the Monitoring Officer, the Member and take reasonable steps to send a copy to the Complainant within 14 days after either:

- (a) the expiry of the time allowed to lodge a notice of appeal under the Regulations, or
- (b) receipt of notification of the conclusion of any appeal in accordance with the Regulations, or
- (c) a further determination by the Standards Committee made after receiving a recommendation from an appeals tribunal under the Regulations,

whichever occurs last.

18.4.15.2 Upon receipt of the report of the Standards Committee, the Monitoring Officer shall:

- (a) publish the report on the Council's website for a minimum period of 21 days and make copies available for inspection by the public without charge during office hours at one or more of the Council's offices, where any person shall be entitled to take copies of, or extracts from, the report when made so available;
- (b) supply a copy of the report to any person on request if he or she pays such charge as the Council may reasonably require, and
- (c) not later than seven days after the report is received from the Standards Committee, give public notice, by advertisement in newspapers circulating in the area and such other ways as appear to him or her to be appropriate, that copies of the report will be available as provided by paragraphs (a) and (b) above, and shall specify the date (being a date not more than seven days after public notice is first given) from which the period of 21 days will begin.

COSTS

18.4.16 The Standards Committee has no power to make an award of any costs or expenses arising from any of its proceedings.

~~18.5 Protocol Concerning Gifts and Hospitality to Members~~

~~18.5.1 The acceptance of gifts and hospitality by Councillors is not merely an administrative issue. It reflects directly upon the perception of Councillors and of the authority as acting in the public interest or as acting for the personal advantage of friends and for what personal benefit Councillors can get out of their position.~~

~~18.5.2 The law on the acceptance of gifts and hospitality is set out in the authority's Code of Conduct for Members and in the Prevention of Corruption Acts.~~

Comment [WR2]: NEW – was in previous constitution but omitted in error from new version.

SECTION 18 – CODE OF CONDUCT FOR MEMBERS

These requirements are then supplemented by this Protocol which has been adopted by this authority, to provide a clear set of rules for the protection of both Councillors and the authority. Acceptance of a gift or hospitality in breach of the Code, or failure to declare receipt of such a gift or hospitality, can lead to disqualification from holding any public officer for a period of up to five years. Corrupt acceptance of a gift or hospitality can lead to a heavy fine or up to 7 years' imprisonment.

18.5.3 This Protocol sets out:

- (a) the principles which you should apply whenever you have to decide whether it would be proper to accept any gift or hospitality;
- (b) a procedure for obtaining consent to accept a gift or hospitality, when you consider that it would be proper to accept it;
- (c) a procedure for declaring any gift or hospitality which you receive and for accounting for any gift to the authority.

This Code does not apply to the acceptance of any facilities or hospitality which may be provided to you by this authority.

18.5.4 General Principles.

18.5.4.1 You should never accept any gift or hospitality in any of the Precluded Situations described in paragraph 6(c) of this Protocol

18.5.4.2 In deciding whether in situations, other than Precluded situations, it is proper to accept any gift or hospitality, you should apply the following principles. Even if the gift or hospitality comes within one of the general consents set out below, you should not accept it if to do so would be in breach of one or more of these principles:

(a) Never accept a gift or hospitality as an inducement or reward for anything you do as a Councillor

As a Councillor, you must act in the public interest and must not be swayed in the discharge of your duties by the offer, prospect of an offer, or the non-offer of any inducement or reward for discharging those duties in a particular manner.

The Public Bodies (Corrupt Offences) Act 1889 provides that if you accept any gift, loan, fee, reward or advantage whatsoever as an inducement to or reward for doing or forbearing to do anything in respect of any matter or transaction in which the authority is concerned, you commit a criminal offence carrying a maximum term of imprisonment of 7 years.

Further, the authority's Code of Conduct for Members provides that you must act in the public interest, serving the authority and the whole community, rather than acting in the interests of any particular individual or section of the community, and that it is a breach of the Code improperly to confer any advantage or disadvantage on any person, including yourself.

SECTION 18 – CODE OF CONDUCT FOR MEMBERS

(b) **You should only accept a gift or hospitality if there is a commensurate benefit to the authority.**

The only proper reason for accepting any gift or hospitality is that there is a commensurate benefit for the authority which would not have been available but for the acceptance of that gift or hospitality.

Acceptance of hospitality can confer an advantage on the authority, such as an opportunity to progress the business of the authority expeditiously through a working lunch, or to canvass the interests of the authority and its area at a meeting. Acceptance of a gift is much less likely to confer such an advantage. But unless the benefit to the authority is clear, and is commensurate with the value of the gift or hospitality, the presumption must be that the gift or hospitality is purely for your personal benefit.

As set out above, the authority's code provides that you must not improperly confer any advantage on anyone, including yourself. Acceptance as a Councillor of a gift or hospitality for your own benefit or advantage, rather than for the benefit to the authority, would be a breach of the Code.

(c) **Never accept a gift or hospitality if acceptance might be open to misinterpretation**

The appearance of impropriety can be just as damaging to the authority and to you as a Councillor as actual impropriety. The authority's ability to govern rests upon its reputation for acting fairly and in the public interest. You must therefore consider whether the acceptance of the gift or hospitality is capable of being interpreted as a sign that you or the authority favours any particular person, company or section of the community or as placing you under any improper obligation to any person or organisation. If there is any possibility that it might be so interpreted, you must either refuse the gift or hospitality or take appropriate steps to ensure that such a misunderstanding cannot arise.

Certain occasions are particularly sensitive, and require the avoidance of any opportunity for such misunderstanding. These include:

- (i) occasions when the authority is going through a competitive procurement process, in respect of any indication of favour for a particular tenderer.
- (ii) determinations of planning applications or planning policy, in respect of any person or organisation which stands to gain or lose from the determination,
- (iii) funding decisions, when the authority is determining a grant application by any person or organisation.

(d) **Never accept a gift or hospitality which puts you under an improper obligation.**

SECTION 18 – CODE OF CONDUCT FOR MEMBERS

Recognise that some commercial organisations and private individuals see the provision of gifts and hospitality as a means of buying influence. If you accept a gift or hospitality improperly, it is possible that they may seek to use this fact to persuade you to determine an issue in their favour. Equally, if others note that you have been prepared to accept a gift or hospitality improperly, they may feel that they will no longer be able to secure impartial consideration from the authority.

(e) Never solicit a gift or hospitality

You must never solicit or invite an offer of a gift or hospitality in connection with your position as a Councillor unless the acceptance of that gift or hospitality would be permitted under this Code. You should also take care to avoid giving any indication that you might be open to such any improper offer.

18.5.5 Consent Regimes

18.5.5.1 General consent provisions

For clarity, the authority has agreed that in situations other than the Precluded Situations you may accept gifts and hospitality in the following circumstances provided that to do so would not be in breach of any one or more of the general principles contained in paragraph 2 above:

- (i) civic hospitality provided by another public authority
- (ii) modest refreshment in connection with any meeting in the ordinary course of your work, such as tea, coffee, soft drinks and biscuits
- (iii) tickets for sporting, cultural and entertainment events which are sponsored by the authority
- (iv) small gifts of low intrinsic value below £25, branded with the name of the company or organisation making the gift, such as pens, pencils, mouse pads, calendars and diaries. However, you should take care not to display any such branded items when this might be taken as an indication of favour to a particular supplier or contractor, for example in the course of a procurement exercise
- (v) a modest alcoholic or soft drink on the occasion of an accidental social meeting, such as a pint of beer from an employee of a contractor or party with whom you have done business on behalf of the authority if you meet accidentally in a public house, cafe or bar. In such cases, you should make reasonable efforts to return the offer where this is practicable
- (vi) a modest working lunch not exceeding £10 a head in the course of a meeting in the offices of a party with whom the authority has an existing business connection where this is required in order to facilitate the conduct of that business. Councillors should not make such arrangements themselves, but request officers to settle the detailed arrangements, and officers are under instruction, when arranging any such meeting, to make it clear to the other party that such a lunch must not exceed a value of £10 a head
- (vii) modest souvenir gifts with a value below £25 from another public authority given on the occasion of a visit by or to the authority

SECTION 18 – CODE OF CONDUCT FOR MEMBERS

- (viii) Hospitality received in the course of an external visit or meeting which has been duly authorised by the authority. Councillors should not make such arrangements themselves, but request officers to settle the detailed arrangements, and officers are under instruction to make it clear that any such hospitality for Councillors and officers is to be no more than commensurate with the nature of the visit
- (ix) other unsolicited gifts, where it is impracticable to return them to the person or organisation making the gift, provided that the Councillor deals with the gift strictly in accordance with the following procedure: The Councillor must, as soon as practicable after the receipt of the gift, pass it to the Secretary to the Chairman of the Council together with a written statement identifying the information set out in Paragraphs 3.2 below. The Secretary will then write to the person or organisation making the gift thanking them on your behalf for the gift and informing them that you have donated the gift to the Chairman's Charity Fund, on whose behalf it will be raffled or other wise disposed of in due course, the proceeds being devoted to a charitable cause chosen by the Chairman.

18.5.5.2 Special consent provisions

If you wish to accept any gift or hospitality, in a situation, other than the Precluded Situations, which is in accordance with the General Principles set out in Paragraph 2, but is not within any of the general consents set out in Paragraph 3.1, you may only do so if you have previously obtained specific consent in accordance with the following procedure:

You must make an application in writing to the Monitoring Officer, setting out:

- (i) the nature and your estimate of the market value of the gift or hospitality
- (ii) who the invitation or offer has been made by or on behalf of
- (iii) the connection which you have with the person or organisation making the offer or invitation, such as any work which you have undertaken for the authority in which they have been involved
- (iv) any work, permission, concession or facility which you are aware that the person or organisation making the offer or invitation may seek from the authority
- (v) any special circumstances which lead you to believe that acceptance of the gift or hospitality will not be improper

You must not accept the gift or hospitality until you have received the appropriate consent.

The Monitoring Officer will enter details of any approval in a register which will be available for public inspection on the occasion of the public inspection of the authority's accounts for the relevant year. But note that this does not relieve you of the obligation to register the receipt of gifts and hospitality in accordance with Paragraph 4, below.

SECTION 18 – CODE OF CONDUCT FOR MEMBERS

18.5.6 Reporting

18.5.6.1 Where you accept any gift or hospitality which you estimate to have a market value or cost of provision of £25 or greater,(or where you accept a working lunch of the type described in paragraph 3.1 (vi) above where the cost or value exceeds £10) you must, as soon as possible after receipt of the gift or hospitality, make a declaration in writing to the Monitoring Officer officer, setting out the information set out in Paragraphs 2(b) above. A form for this purpose is attached to this Code, but you can send the same information by any convenient means. The Monitoring Officer will retain a copy of any such declaration in a register which will be available for public inspection until the approval of the authority’s accounts for the year in question.

18.5.6.2 Even if the value of the gift or hospitality is less than £25, (or less than £10 in respect of a working lunch of the type described in paragraph 3.1 (vi)) if you are concerned that its acceptance might be misinterpreted, you may make a voluntary declaration in the same manner to ensure that there is nothing secret or underhand about the gift or hospitality.

18.5.7 Gifts to the authority

18.5.7.1 Gifts to the authority may take the form of the provision of land, goods or services, either to keep or to test with a view to future acquisition, an offer to carry out works or sponsorship of a function which is organised or supported by the authority. You should not solicit any such gift on behalf of the authority except where the authority has formally identified the opportunity for participation by an external party and how that participation is to be secured, for example in relation to sponsorship of public musical and theatrical performances and developers’ contributions under Section 106 Agreements. If you receive such an offer on behalf of the authority, you must first consider whether it is appropriate for the authority to accept the offer (in terms of whether the acceptance of the gift might be seen as putting the authority under any improper obligation, whether there is a real benefit to the authority which would outweigh any dis-benefits). If you do not have delegated authority to accept the gift, you should report the offer directly to the Monitoring Officer who has such delegated authority, together with your recommendation. The Monitoring Officer will then write back to the person or organisation making the offer, to record the acceptance or non-acceptance of the gift, record the gift for audit purposes and ensure that the gift is properly applied for the benefit of the authority. If you have any concerns about the motives of the person or organisation making the offer, or whether it would be proper for the authority to accept the gift, you should consult the Monitoring Officer directly.

18.5.8 Definitions

18.5.8.1 “Gift or hospitality” includes any:

SECTION 18 – CODE OF CONDUCT FOR MEMBERS

- (i) the free gift of any goods or services
- (ii) the opportunity to acquire any goods or services at a discount or on terms which are more advantageous than those which are available to the general public
- (iii) the opportunity to obtain any goods or services which are not available to the general public
- (iv) the offer of food, drink, accommodation or entertainment, or the opportunity to attend any cultural, sporting or entertainment event.

18.5.8.2 References to the “value” or “cost” of any gift or hospitality are references to the higher of:

- (i) your estimate of the cost to the person or organisation of providing the gift or consideration
- (ii) the open market price which a member of the public would have to pay for the gift or hospitality, if it were made available commercially to the public, less the cash sum of any contribution which you would be required to make toward that price to the person or organisation providing or offering the gift or hospitality.

18.5.8.3 References to “Precluded Situations” are references to situations where a member MUST NEVER accept any gift or hospitality and are:-

- (i) situations covered by the Planning Protocol, the relevant extracts of which are for ease of reference reproduced in Annex A to this Protocol;
- (ii) situations where the gift or hospitality would be provided by an individual who is an applicant for any order, licence, permission or consent to be made or granted by the Council or any objector to, or supporter of the grant of such order, licence, permission or consent or any other individual who may be affected by the grant or refusal of such order, licence, permission or consent; and
- (iii) situations where the gift or hospitality would be provided by an individual who is in negotiation with the Council or has submitted a tender or offer to the Authority in relation to any proposed contract or transaction for the acquisition or disposal of any estate or interest in land or for the supply of goods or services to or from the Authority.

For the purposes of this definition:-

- “individual” includes any public or statutory body, a company, a partnership, an unincorporated association and any other organisation or legal entity or legal person known to and recognised by the law of England and Wales;
- “Planning Protocol” means the **Code of Conduct Dealing With Planning Matters/Applications In Respect Of The Planning Service** adopted by the County Council on 24th April 2008

SECTION 18 – CODE OF CONDUCT FOR MEMBERS

To: Monitoring Officer.

Declaration of Receipt of Gifts or Hospitality

<u>Name</u>	
<u>Address</u>	
<u>What was the gift or hospitality?</u>	
<u>What is your best estimate of its market value or cost?</u>	
<u>Who provided it?</u>	
<u>When and where did you receive it?</u>	
<u>Does it come within one of the general consents set out in the Code of Conduct? If so, which?</u>	
<u>Did you get the consent of any officer before accepting it? If so, who?</u>	
<u>Were there any special circumstances justifying acceptance of this gift or hospitality?</u>	
<u>Do you have any contact with the person or organisation providing the gift or hospitality?</u>	
<u>Signed</u>	<u>Date</u>

SECTION 18 – CODE OF CONDUCT FOR MEMBERS

GIFTS AND HOSPITALITY.

A Councillor who is a “Decision Maker” must:

- not accept any gifts or hospitality from anyone connected with a planning application or matter;
- register any offers of gifts or hospitality refused in a register kept for that purpose maintained by the Monitoring Officer.

All other Councillors must comply with the Protocol Concerning Gifts and Hospitality to Members as set out in Part 5 – Section 3 of the Constitution.

Definition.

“Decision Maker” means, in relation to a specific planning application, a Member who is neither a “Member with an Interest” nor a “Local Member” and who is involved in the determination of that planning application as a Member of the Planning Committee.

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

SECTION 19 – PLANNING PROTOCOL

INDEX

Title, Commencement, Application and Effect	19.1 to 19.5
Interpretation	19.6
“Agent”	19.6.1
“Applicant”	19.6.2
“Call-in”	19.6.3
“Clear Working Days”	19.6.4
“Councillor with a Dispensation”	19.6.5
“Councillor with a Personal Interest”	19.6.6
“Councillor with a Prejudicial Interest”	19.6.7
“Councillor’s Family or a Relative of a Councillor”	19.6.8
“Decision Maker”	19.6.9
“Decision Making Process”	19.6.10
“Friend(s)”	19.6.11
“Lobbying”	19.6.12
“Local Representative”	19.6.13
“Member Representative”	19.6.14
“Objector”	19.6.15
“Planning Application”	19.6.16
“Public Speaking Procedures”	19.6.17
“Representative”	19.6.18
“the Council”.	19.6.19
“The Head of Development Management”	19.6.20
“the Planning Committee”	19.6.21
“the Planning Functions”	19.6.22
Protocol’s Aims	19.7 to 19.14
Delegation of the Planning Functions	19.15 to 19.18
Roles of Councillors – General Provisions	19.19 to 19.61
Introduction	19.19 to 19.24
Decision Maker Role	19.25 to 19.27
Local Representative Role	19.28 to 19.32
Non Planning Committee Councillor Role	19.33
Member Representative	19.34 to 19.37
Call-In	19.38 to 19.49
Councillor with a Personal Interest	19.50
Councillor with a Prejudicial Interest	19.51 to 19.53
Councillor with a Dispensation	19.54 to 19.55
Predisposition and Predetermination	19.56 to 19.57
A Councillor’s Direct Connection with	19.58 to 19.60

SECTION 19 – PLANNING PROTOCOL

Applicants and Others	
Councillors Should Seek Advice	19.61
Councillors with Personal and Prejudicial Interests.	19.62 to 19.72
Definition of Councillor with a Personal Interest	19.62
Examples of Personal Interests	19.63 to 19.64
Definition of Councillor with a Prejudicial Interest	19.65
Development Proposals Involving Councillors	19.66 to 19.71
Councillors Should Seek Advice	19.72
Councillor with a Dispensation	19.73 to 19.75
Role of Decision Maker	19.76 to 19.81
Obligations of Decision Maker	19.76 to 19.79
Decision Maker Who Has Exercised Power of Call-In	19.80 to 19.81
Local Representative	19.82 to 19.89
Obligations of Local Representative	19.82 to 19.87
Rights of Local Representative	19.88
Councillors Should Seek Advice	19.89
Decision Making Process	19.90 to 19.91
Decision Making by the Planning Committee	19.92 to 19.122
Planning Committee Determination Principles	19.92 to 19.97
Deferrals	19.98
Reconsidered Applications	19.99
Decisions Contrary to Officer Recommendations	19.100 to 19.101
Modifying Planning Conditions	19.102 to 19.103
Predetermination	19.104
Correspondence and Other Relevant Information Received by members of the Planning Committee	19.105 to 19.107
Site Inspections	19.108 to 19.109
Report on a Planning Application by the Head of Development Management	19.110 to 19.111
Speaking at Planning Committee Meetings	19.112 to 19.116

SECTION 19 – PLANNING PROTOCOL

Roles and Duties of the Committee Chair / Vice-Chair	19.117 to 19.122
Development Management	19.123 to 19.131
Decision Making by the Head of Development Management	19.132 to 19.133
Planning Applications Submitted by Officers	19.134 to 19.138
Planning Appeals	19.139 to 19.145
Training	19.146 to 19.148
Regular Review of Decisions	19.149 to 19.151
Members' Code of Conduct	19.152

SECTION 19 – PLANNING PROTOCOL

TITLE, COMMENCEMENT, APPLICATION AND EFFECT

TITLE

19.1 The title of this Protocol is “Planning Protocol”.

COMMENCEMENT

19.2 This Revision of the Protocol shall come into force on 1st September, 2015.

19.3 This Protocol shall be reviewed at least every 2 years by the Planning Committee and the Democratic Services Committee.

APPLICATION

19.4 This Protocol:

19.4.1 regulates, guides and informs Councillors and Officers of Powys County Council in all matters concerning the exercise of the Planning Functions.

19.4.2 explains which of the Planning Functions will be dealt with and determined by the Planning Committee and which will be dealt with and determined by the Head of Development Management

19.4.3 aims to help Applicants, Agents, and anyone likely to be affected by development and planning related issues have a greater insight to the Council’s processes and procedures for dealing with the Planning Functions.

EFFECT

19.5 Failure to follow this Protocol without good reason could be taken into account in investigations into possible maladministration or alleged breaches of the Members’ Code of Conduct or have implications for the standing of Councillors and professional officers

INTERPRETATION

19.6 In this Protocol:

19.6.1 “**Agent**” means a person (other than a Member Representative) authorised by an “Applicant” or “Objector” to represent them, which can include a professional person, employed by the Applicant.

19.6.2 “**Applicant**” means a person who has instigated a planning application for whatever purpose.

19.6.3 “**Call-in**” means the procedure set out in Rules 19.38 to 19.49.

19.6.4 “**Clear Working Days**” means for the purposes of this Planning Protocol only days which do not include the day of the meeting, the day on which the request is made, weekends and bank holidays.

19.6.5 “**Councillor with a Dispensation**” has the meaning given by Rules 19.73 to 19.75 of this Protocol.

SECTION 19 – PLANNING PROTOCOL

- 19.6.6** “**Councillor with a Personal Interest**” has the meaning given by Rules 19.62 to 19.64 of this Protocol.
- 19.6.7** “**Councillor with a Prejudicial Interest**” has the meaning given by Rule 19.65 of this Protocol.
- 19.6.8** “**Councillor’s Family or a Relative of a Councillor**” means the wife, husband, partner, son, daughter, son-in-law, daughter-in-law, grandchild, grandfather, grandmother, uncle, aunt, nephew, niece, and cousin of the Councillor, or the Councillor’s spouse or partner, or any other person related by birth or marriage to the Councillor or the Councillor’s spouse or partner, with whom they live, or with whom the Councillor or the Councillor’s spouse or partner has regular personal contact. For the purposes of the above definition “marriage” shall be taken to include co-habitation.
- 19.6.9** **Decision Maker** has the meaning given by Rules 19.76 to 19.81 of this Protocol.
- 19.6.10** “**Decision Making Process**” has the meaning given by Rules 19.90 to 19.91 of this Protocol.
- 19.6.11** “**Friend(s)**” means close personal associate(s) of the Councillor or the Councillor’s spouse or partner including neighbours and individuals with whom the Councillor or the Councillor’s spouse or partner has regular social contact, including membership of the same club, association or organisation as the Councillor or the Councillor’s spouse or partner.
- 19.6.12** “**Lobbying**” means any attempt (successful or not) to persuade or influence a Councillor or planning officer towards a particular point of view in relation to a planning application. A Member Representative may not lobby on behalf of an “Applicant” or “Objector”.
- 19.6.13** “**Local Representative**” has the meaning given by Rules 19.82 to 19.89 of this Protocol and for the avoidance of doubt more than one Councillor can undertake the role of Local Representative in relation to a Planning Application.
- 19.6.14** “**Member Representative**” means a Councillor who has agreed to represent a person able to speak at meetings of the Planning Committee and can perform the functions set out in Rules 19.34 to 19.37 below.
- 19.6.15** “**Objector**” means a person or body (other than a Town or Community Council or a Local Representative) who has lodged an objection to any planning application.
- 19.6.16** “**Planning Application**” means any application to the Council for an approval, agreement, permission, determination, consent, certificate or authorisation of any kind in respect of a Planning Function.
- 19.6.17** “**Public Speaking Procedures**” has the meaning given by Rules 19.113 to 19.116 of this Protocol.
- 19.6.18** “**Representative**” means any non professional person who is not a Member who is asked by an Applicant or Objector to represent him / her in relation to the application and who may carry out all the roles or functions of an “Agent”.

SECTION 19 – PLANNING PROTOCOL

- 19.6.19** “the Council” means Powys County Council.
- 19.6.20** “the Head of Development Management” means Head of Regeneration, Property and Commissioning including any officer authorised by that Head of Service to exercise those powers, duties, responsibilities and decision making on their behalf.
- 19.6.21** “the Planning Committee” means the Committee appointed by the Council (currently the Planning, Taxi Licensing and Rights of Way Committee) under its Constitution to exercise the Planning Functions.
- 19.6.22** “the Planning Functions” means all those functions set out in Section 13 of the Constitution (Responsibility for Functions) and reference to “Planning Function” or “a Planning Function” shall be construed accordingly.

PROTOCOL’S AIMS

PROTOCOL AIMS TO:

- 19.7 Regulate, guide, inform and assist Councillors and Officers, potential developers, interested parties and members of the public in relation to the exercise of the Planning Functions.
- 19.8 Supplement the Members’ Code of Conduct contained in the Council’s Constitution, the Code of Professional Conduct of the Royal Town Planning Institute and the Protocol on Member / Officer Relations (Council Constitution Section 21).
- 19.9 Provide specific guidance on ethical matters.
- 19.10 Ensure that decisions taken are based on informed judgement within a firm policy and legal context and made in an open, transparent, impartial way with justifiable reasons.
- 19.11 Recognise the need to control development in the public interest whilst acknowledging that decisions in this area necessarily affects land and property interests, particularly the financial value of landholdings and the quality of their settings.
- 19.12 Assist Councillors with their duties, obligations and responsibilities:
- 19.12.1 to their constituents (including those who did not vote for them)
 - 19.12.2 to the whole community and County (in respect of which they have an overriding duty); and
 - 19.12.3 to all individuals and bodies directly and indirectly concerned with Planning Applications:
 - 19.12.3.1 not to favour, or be seen to favour, any individuals or groups or be unduly influenced by the opinions of others, and discharge the responsibility that they alone have to decide what view to take; and
 - 19.12.3.2 to decide (where they are members of the Planning Committee) all Planning Applications which fall to be determined by the Planning Committee as required by law in accordance with the statutory development plan (i.e. the Powys Unitary Development Plan or

SECTION 19 – PLANNING PROTOCOL

Local Development Plan) having taken into account the advice of appropriate officers and relevant representations made in respect of such Planning Applications and, what weight should be attached to them.

PUBLICATION OF THE CODE

19.13 This Planning Code of Conduct is publicised and made publicly available, and is incorporated into the Council's Constitution.

COUNCILLORS SHOULD SEEK ADVICE

19.14 A Councillor in any doubt as to his position under this Protocol or the Members' Code of Conduct should always seek the advice of the Monitoring Officer.

DELEGATION OF THE PLANNING FUNCTIONS

DELEGATION TO THE PLANNING COMMITTEE AND THE HEAD OF DEVELOPMENT MANAGEMENT

19.15 The Council has delegated responsibilities for the Planning Functions to the Planning Committee and to the Head of Development Management.

19.16 The Council may from time to time review these delegation arrangements and it is essential that Councillors, Officers, Applicants, Agents and others always refer to the latest version of the Protocol.

19.17 The Head of Development Management is responsible for ensuring that proper and timely procedures and arrangements are in place so that all Councillors may be aware of:

19.17.1 Planning Applications within or affecting their electoral divisions received and being dealt with and determined by the Head of Development Management; and

19.17.2 Decisions made in respect of those Planning Applications by the Head of Development Management.

19.18 Nothing prevents the Planning Committee from delegating a function to an officer in consultation with the Chair of the Committee.

ROLES OF COUNCILLORS – GENERAL PROVISIONS

INTRODUCTION

19.19 The Council has one Planning Committee comprising 21 Councillors which determines those Planning Applications referred to it for decision in accordance with the Decision Making Process.

19.20 A Planning Application will, however, in accordance with the "Decision Making Process", more often than not be determined by the Head of Development Management rather than the Planning Committee. In this situation those Councillors who sit on the Planning Committee will have no role to play in the decision making process.

SECTION 19 – PLANNING PROTOCOL

- 19.21 In respect of a Planning Application in their electoral division or which affects their electoral division a Councillor may exercise the power of Call-in (so that the application is dealt with by the Planning Committee and not the Head of Development Management).
- 19.22 A Councillor may also in respect of a Planning Application in their electoral division or which affects their electoral division attend a meeting of the Planning Committee when that application is determined to put forward the views of those constituents they represent (See Rule 19.24 below).
- 19.23 The roles and powers of Councillors may be restricted where there are conflicts between their position as Councillors and their private or outside interests.
- 19.24 These roles and powers of Councillors are defined in more detail below.

DECISION MAKER ROLE

- 19.25 A Councillor who is a member of the Planning Committee and who takes part (or who intends to take part) at a meeting of the Planning Committee in the determination of a particular Planning Application will for the purposes of this Protocol be a Decision Maker in relation to such Planning Application.
- 19.26 A Councillor who is a Decision Maker shall comply with the provisions of the Decision Making Process and with the Members' Code of Conduct generally.
- 19.27 For the avoidance of doubt a Councillor who is a Decision Maker shall not make representations on behalf of a Town or Community Council under the Public Speaking Procedures.

LOCAL REPRESENTATIVE ROLE

- 19.28 A Councillor who is not a member of the Planning Committee but who, in respect of a Planning Application in their electoral division or which affects their electoral division, attends (or who intends to attend) a meeting of the Planning Committee when it considers the Planning Application in question to make representations about the Planning Application on behalf of their constituents will for the purposes of this Protocol be a Local Representative in relation to that Planning Application. For the avoidance of doubt a Councillor is not a Local Representative on the basis that the Applicant or any person who has made representations in respect of the Planning Application resides in their electoral division.
- 19.29 A Councillor who is a member of the Planning Committee and who decides not to be a Decision Maker in relation to a Planning Application which is in their electoral division or which affects their electoral division, but who attends (or intends to attend) a meeting of the Planning Committee when it considers the Planning Application in question to make representations about the Planning Application on behalf of their constituents will for the purposes of this Protocol be a Local Representative in relation to that Planning Application. For the avoidance of doubt a Councillor is not a Local Representative on the basis that the Applicant or any person who has made representations in respect of the Planning Application resides in their electoral division.
- 19.30 A Councillor who is a member of the Planning Committee and who decides to be a Decision Maker in relation to a Planning Application which is in their

SECTION 19 – PLANNING PROTOCOL

electoral division or which affects their electoral division may arrange for another Councillor to represent their constituents in relation to the Planning Application in question and to make representations about the Planning Application on behalf of their constituents at meetings of the Planning Committee. In this situation this other Councillor will for the purposes of this Protocol be a Local Representative in relation to that Planning Application.

- 19.31 A Councillor who is a Local Representative shall comply with the Public Speaking Provisions set out in Rules 19.112 to 19.116 and with the Members' Code of Conduct generally. Further provisions relating to the Local Representative role are also contained in Rules 19.82 to 19.89.
- 19.32 For the avoidance of doubt a Councillor may choose (where they are a Town or Community Council member) to make representations on behalf of a Town or Community Council in their electoral division but that Councillor shall not also make representations as Local Representative under the Public Speaking Procedures.

NON-PLANNING COMMITTEE COUNCILLOR ROLE

- 19.33 Subject to the provisions in this Protocol relating to a Councillor with a Personal Interest, Councillor with a Prejudicial Interest and Councillor with a Dispensation and to the provisions of the Members' Code of Conduct generally a Councillor who is not a member of the County Planning Committee (whether or not they play or intend to play the role of Local Representative) will be free to:

- 19.33.1 discuss any Planning Application with the Applicant /Agent /Objector /lobby group etc;
- 19.33.2 attend any locally organised meeting concerning the application;
- 19.33.3 attend any Town or Community Council Meeting concerning the application and speak about the application (including expressing a view either for or against the application) and (if a member of the Town or Community Council) vote upon the application;
- 19.33.4 relay relevant information about the application to a planning officer;
- 19.33.5 seek information / clarification about the application from a planning officer.

PROVIDED ALWAYS that in so doing the Councillor must never seek to lobby or improperly influence a Decision Maker, the Head of Development Management or a Planning Officer in relation to the determination of a Planning Application.

MEMBER REPRESENTATIVE

- 19.34 A Councillor can act as a Member Representative on behalf of persons entitled to speak at meetings of the Planning Committee PROVIDED THAT:

SECTION 19 – PLANNING PROTOCOL

- 19.34.1 the Councillor cannot act for a person living within their electoral division unless the Member has handed over their responsibilities as Local Representative to another Councillor pursuant to Rule 19.53.
- 19.34.2 the Councillor notifies the Head of Planning Development or a Planning Officer that they are acting as a Member Representative on behalf of an objector person entitled to speak at meetings of the Planning Committee **“no later than 4 clear working days in advance of the meeting”**.
- 19.34.3 Where a Councillor wishes to act as a Member Representative for an applicant s/he must notify the Head of Planning Development no later than 2 clear working days in advance of the meeting.
- 19.35 A Councillor acting as a Member Representative cannot:
- 19.35.1 be a Decision Maker if they are a member of the Planning Committee;
- 19.35.2 Call-in an application to the Planning Committee.
- 19.35.3 seek to influence / lobby fellow Councillors or officers;
- 19.35.4 attend site visits.
- 19.36 A Councillor acting as a Member Representative at a meeting of the Planning Committee must:
- 19.36.1 when the Chair calls them prior to speaking to advise the Committee:
- 19.36.1.1 that they are not acting in the role of Local Representative;
- 19.36.1.2 that they are not acting in the role of a County Councillor;
- 19.36.1.3 that they are acting as a Member Representative;
- 19.36.1.4 whether they have a personal or a personal and prejudicial interest in respect of the application.
- 19.36.2 not speak to members of the Planning Committee regarding the application;
- 19.36.3 sit in the public gallery and not sit with members of the Committee
- ~~19.36.4 leave the room once they have made their presentation to the Committee.~~
- 19.37 A Councillor acting as Member Representative who has a personal and prejudicial interest must disclose that interest prior to making a presentation to the Committee, and having completed their presentation must leave the room prior to the Committee discussing the application.

CALL-IN

- 19.38 A Councillor (whether a member of the Planning Committee or not) may:

SECTION 19 – PLANNING PROTOCOL

- 19.38.1 in respect of a Planning Application in their electoral divisions, or which affect their electoral division, request, that such Planning Application which ordinarily would be determined by the Head of Development Management will be determined by the Planning Committee and in this Protocol a Councillor making such a request will be referred to as exercising “the power of Call-in”.
- 19.38.2 in respect of a planning application in their electoral division, or which affect their electoral division, where they believe that application is likely to be controversial, exercise the power of Call-in, but may withdraw that Call-in in accordance with Rules 19.39 and 19.45.
- 19.39 A Councillor exercising the power of Call-in may withdraw the Call-in by written notification to the Head of Development Management at any time before the agenda for the meeting has been published in accordance with Section 14 of the Constitution.
- 19.40 ~~A Councillor exercising the power of Call-in will have a right to speak and the applicant notified of this. is reminded that s/he will need to register a request to speak in accordance with Rule 19.113.3 and failure to do so will preclude the Councillor from speaking]~~
- 19.41 An objection from a Town or Community Council will not automatically trigger an application being considered by the Planning Committee.

Comment [WR1]: CHANGE.

Call-in Procedure relating to a Councillor making a request for a planning application to be determined by the Planning Committee and not by the Head of Development Management.

- 19.42. Subject to Rule 19.44 below, a Councillor (whether a member of the Planning Committee or not) may, in respect of a Planning Application in their electoral divisions, or which affect their electoral division, request in writing (by letter, email or fax), in accordance with Rule 19.43 below, that such Planning Application which ordinarily would be determined by the Head of Development Management be determined by the Planning Committee;
- 19.43 A written request (by letter, email or fax) by a County Councillor for a Planning Application within their Electoral Division or which affects their electoral division to be considered by the Planning Committee shall be sent or forwarded to the Head of Development Management so as to be received by them within the period of 21 ~~consecutive~~ days from the registration of the Planning Application and such request must set out the specific planning grounds justifying the request and vague or general reasons may not be acceptable;
- 19.44 A Councillor shall not be entitled to make a request under Rule 19.42 above in relation to re-submitted applications where no substantial change has been made to an original application which has been refused.
- 19.45 A Councillor who has exercised the Call-in of a Planning Application may request that the Call-in be withdrawn by giving notice in writing (Email / fax / letter) no later than 4 clear working days in advance of the meeting.
- 19.46 The decision of the Chair of the Planning Committee as to whether a request complies with the procedure in Rules 19.38 to 19.49 shall be final.

SECTION 19 – PLANNING PROTOCOL

- 19.47 A Councillor exercising the power of Call-in shall comply with the provisions of this Protocol relating to Councillor with a Personal Interest, Councillor with a Prejudicial Interest and Councillor with a Dispensation and with the Members' Code of Conduct generally.
- 19.48 Members of the Planning Committee are cautioned that if, in exercising the power of Call-in:
- 19.48.1 they express an opinion for or against the Planning Application, they will only be able to undertake the role of Local Representative; and
 - 19.48.2 if they have previously discussed the application with Applicant and / or Agent and / or Objector and / or third party they will only be able to undertake the role of Local Representative.

In these situations the advice of the Monitoring Officer should be sought.

- 19.49 Where a Councillor requests determination by the Planning Committee and is unable to attend the meeting to speak thereon, consideration of a letter from that Councillor relating to the Planning Application will be allowed as an alternative to an oral presentation made by that Councillor. Alternatively a Councillor acting as Local Representative, where they are unable to attend the meeting of the Committee when the application is considered, may hand over their Local Representative role to another County Councillor.

COUNCILLOR WITH A PERSONAL INTEREST

- 19.50 A Councillor with a Personal Interest in relation to a Planning Application who attends a meeting of the Planning Committee (whether as a member of the Committee or not) when that Planning Application is considered must, in accordance with the Members' Code of Conduct, disclose orally to that meeting the existence and nature of the Personal Interest in question before or at the commencement of the consideration of the Planning Application or when the Personal Interest becomes apparent to the Councillor. The role of a Councillor with a Personal Interest who also has a prejudicial interest under the Members' Code of Conduct is further limited as detailed in Rules 19.51 to 19.53 below.

COUNCILLOR WITH A PREJUDICIAL INTEREST

- 19.51 A Councillor with a Prejudicial Interest in relation to a Planning Application who is a member of the Planning Committee may not in respect of that Planning Application (unless granted a dispensation by the Standards Committee to be a Decision Maker) be a Decision Maker but may undertake the role of Local Representative in respect of that Planning Application.
- 19.52 A Councillor with a Prejudicial Interest in relation to a Planning Application who is not a member of the Planning Committee may undertake the role of Local Representative in respect of that Planning Application and may apply to the Standards Committee for a dispensation as detailed in the provisions of this Protocol below and in Rules 19.54 to 19.55 relating to a Councillor with a Dispensation.

SECTION 19 – PLANNING PROTOCOL

- 19.53 A Councillor with a Prejudicial Interest in relation to a Planning Application who is not a member of the Planning Committee may if s/he determines that their prejudicial interest is so significant that it would prejudice their ability to undertake the Local Representative role, appoint another Councillor to undertake the Local Representative role by giving written notice to the Head of Development Management who will arrange for the appointment to be placed on the relevant application file. The Councillor who takes over the Local Representative role may not be a Decision Maker or have a significant Prejudicial Interest which would prejudice their ability to act as the Local Representative.

COUNCILLOR WITH A DISPENSATION

- 19.54 A Councillor with a Dispensation attending a meeting of the Planning Committee (whether a member of the Committee or not) to which the dispensation is relevant may only participate in the meeting subject to:-
- 19.54.1 Stating at the Meeting that they are relying on the dispensation; and
 - 19.54.2 Giving to the Solicitor to the Council a written notification before or immediately after the close of the Meeting containing:
 - 19.54.2.1 Details of the Prejudicial Interest;
 - 19.54.2.2 Details of the Planning Application to which the Prejudicial Interest relates;
 - 19.54.2.3 Details of, and the date on which, the dispensation was granted; and
 - 19.54.2.4 The Councillor's signature.
- 19.55 A Councillor with a Dispensation making written or oral representations in reliance upon the dispensation must provide details of the dispensation within such written or oral representations, and in the latter case, provide written notification to the Solicitor to the Council within 14 days of making the representations.

PREDISPOSITION AND PREDETERMINATION

- 19.56 A Councillor who is a Decision Maker may be predisposed to a particular view. However the Councillor must be open to the possibility that they will hear arguments during the debate about the Planning Application that, will change their mind about how they intend to vote. As long as the Councillor is willing to keep an open mind about the Planning Application they are entitled to take part on any vote on it.
- 19.57 A Decision Maker must exercise care not to predetermine a Planning application. Predetermination is where the Councillor's mind is closed to the merits of any arguments which differ from their own about a Planning Application. A Decision Maker should avoid giving the appearance that they have decided how they will vote at the meeting and that nothing will change their mind.

A COUNCILLOR'S DIRECT CONNECTIONS WITH APPLICANTS AND OTHERS

SECTION 19 – PLANNING PROTOCOL

- 19.58 If a Councillor advises Applicants, Agents, Objectors or other interested parties about the likely acceptability of planning proposals then in relation to planning applications relating to those proposals that Councillor cannot undertake the role of Decision Maker and may need to consider whether they fall within the category of a Councillor with a Prejudicial Interest.
- 19.59 A Councillor who wishes to ensure that they remain eligible to carry out the role of Decision Maker should advise prospective Applicants to contact a Planning Officer for advice on both merits and procedures.
- 19.60 **A Councillor should never seek to influence / lobby fellow Councillors or officers in these circumstances.**

COUNCILLORS SHOULD SEEK ADVICE

- 19.61 A Councillor in any doubt as to his position under this Protocol or Members' Code of Conduct should always seek the advice of the Monitoring Officer.

COUNCILLORS WITH PERSONAL AND PREJUDICIAL INTERESTS

DEFINITION OF COUNCILLOR WITH A PERSONAL INTEREST

- 19.62 Under the Members' Code of Conduct a Councillor (whether a member of the Planning Committee or not) must consider whether they have a Personal Interest (as defined in the Members' Code of Conduct) in respect of a Planning Application and whether the Members' Code of Conduct requires them to disclose that interest in the event of the Councillor attending a meeting of the Planning Committee which considers that Planning Application. A Councillor who is required to declare a personal interest in respect of a Planning Application at a meeting of the Planning Committee will for the purposes of this Protocol be a Councillor with a Personal Interest in relation to that Planning Application.

EXAMPLES OF PERSONAL INTERESTS

- 19.63 Paragraph 10 of the Members' Code of Conduct details what will constitute a "Personal Interest" for the purposes of the Code and, by extension through Rule 19.62 above. Illustrative of the types of interest referred to in Paragraph 10 are the categories listed below. They must not be taken as authoritative. Reference to Paragraph 10 must always be made to ascertain with certainty whether a Councillor is a Councillor with a Personal Interest.
- 19.64 Planning Applications concerning:
- 19.64.1 The Councillor
 - 19.64.2 The Councillor's family;
 - 19.64.3 The Councillor's friends;
 - 19.64.4 The Business interests of the Councillor;
 - 19.64.5 The Land interests of the Councillor or their family;
 - 19.64.6 An organisation of which the Councillor is a member (including those to which the Councillor has been elected, appointed or nominated by the Council;

SECTION 19 – PLANNING PROTOCOL

- 19.64.7 Projects and schemes in respect of which the Councillor (or members of the family of the Councillor) has drawn plans for their family / friends or for other people or acted as Agents for their family friends or for other people.

DEFINITION OF COUNCILLOR WITH A PREJUDICIAL INTEREST

- 19.65 Where a Councillor (whether a member of the Planning Committee or not) is a Councillor with a Personal Interest in relation to a Planning Application that Councillor will, for the purposes of this Protocol, also be a Councillor with a Prejudicial Interest in respect of that Planning Application if the interest of that Councillor is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice that Councillor's judgement of the public interest.

DEVELOPMENT PROPOSALS INVOLVING COUNCILLORS

- 19.66 A Planning Application by a Councillor or their family and relatives, close friends and business associates can easily give rise to suspicions of impropriety. It is vital that it is handled in a way that gives no grounds for accusations of favouritism.
- 19.67 A serving Councillor who prepares plans or generally acts as an Agent for people submitting a Planning Application should never be a Decision Maker or Local Representative in relation to that Planning Application and should not seek to lobby / influence fellow Councillors or officers.
- 19.68 Where a Councillor is the Applicant for a planning permission they:
- 19.68.1 must appoint an Agent or Representative to act on their behalf;
 - 19.68.2 must notify, in writing, the Head of Development Management that such application has been submitted;
 - 19.68.3 should take no part in the processing of that application or endeavour to influence the final decision on the application;
 - 19.68.4 seek to influence / lobby fellow Councillors or officers;
 - 19.68.5 must not attend any meeting of the Planning Committee whilst it is considering their application;
 - 19.68.6 must regard themselves as being both a Councillor with a Personal Interest and a Councillor with a Prejudicial Interest.
- 19.69 Any Planning Application submitted by a Councillor will be determined by the Planning Committee and shall never be dealt with by officers under 'delegated powers'. The Council's Planning Solicitor should confirm in the Planning Officer's report to the Planning Committee that the application has been processed normally and therefore must be given the opportunity to review the file.
- 19.70 Where a Planning Application is made by a member of a Councillor's family, a friend or business associate of the Councillor or an organisation in which the Councillor holds a position of responsibility the Councillor shall advise the Head of Development Management of the submission of that application, and the relationship between the Councillor and that individual. The Head of Development Management shall determine whether the nature of the relationship would warrant the application being referred to

SECTION 19 – PLANNING PROTOCOL

the Planning Committee for determination or whether it could be determined by him. In any event the Councillor should not seek to influence / lobby fellow Councillors or officers in respect of the application.

- 19.71 A Councillor must have regard to the Members' Code of Conduct when dealing with a Planning Application involving another Councillor.

COUNCILLORS SHOULD SEEK ADVICE

- 19.72 A Councillor in any doubt as to his position under this Protocol or Members' Code of Conduct should always seek the advice of the Monitoring Officer.

COUNCILLOR WITH A DISPENSATION

DEFINITION OF COUNCILLOR WITH A DISPENSATION

- 19.73 A Councillor with a Prejudicial Interest who is a member of the Planning Committee may

19.73.1 undertake the Role of Local Representative, but shall leave the meeting room after making their presentation; or

19.73.2 if a Local Representative with a Prejudicial Interest wishes to remain in the meeting room s/he may apply for a dispensation from the Council's Standards Committee well in advance of the meeting of the Planning Committee.

19.73.3 A Councillor undertaking the role of Local Representative with a prejudicial interest is not allowed to make written representations in lieu of their right to speak at the meeting.

19.73.4 where he / she does not wish to act as a Decision Maker or Local Member but does wish to act as a Member Representative may apply for a dispensation from the Council's Standards Committee well in advance of the meeting of the Planning Committee.

- 19.74 A Councillor with a Prejudicial Interest who is not a member of the Planning Committee may undertake the Role of Local Representative (or Member Representative), but shall leave the meeting room after making their presentation. If a Local Representative (or a Member Representative) with a prejudicial interest wishes to remain in the meeting room s/he may apply for a dispensation from the Council's Standards Committee well in advance of the meeting of the Planning Committee. A Councillor undertaking the role of Local Representative with a prejudicial interest is not allowed to make written representations in lieu of their right to speak at the meeting.

- 19.75 A Councillor who has obtained such dispensation as is mentioned in Rules 19.73 and 19.74 shall for the purposes of this Protocol be a Councillor with a Dispensation.

ROLE OF DECISION MAKER

OBLIGATIONS OF DECISION MAKER

SECTION 19 – PLANNING PROTOCOL

- 19.76 A Decision Maker in relation to any Planning Application to be determined by the Planning Committee:
- 19.76.1 **shall not** discuss such a Planning Application with, or seek information about that Planning Application from, an Applicant / Objector or any third party (including another Councillor – whether a member of the Planning Committee or not) other than the Head of Development Management or the Monitoring Officer prior to the Planning Committee considering and determining that Planning Application. **In the event that any such individual attempts to hold such discussions with or impart information to the Decision Maker that individual shall be advised by the Decision Maker of the fact that under the requirements of this Protocol they are not allowed to discuss or receive information concerning such Planning Application and that the proper course of action is for the individual to discuss or relay information about the Planning Application to the Head of Development Management; the Decision Maker shall also notify the Head of Development Management of such approach to them forthwith. Members must take account of the provisions of Rule 19.76.9 in this circumstance;**
 - 19.76.2 **shall not** allow themselves to be lobbied or influenced by any other person (including another Councillor – whether a member of the Planning Committee or not) concerning such a Planning Application and its determination prior to the Planning Committee considering and determining that Planning Application. **If a Councillor acting as a Decision Maker is approached by Applicants, Objectors and others interested in the outcome of a Planning Application they should not allow themselves to be lobbied – whether for or against an application and should inform the person seeking to lobby them, that if they discuss the application with that person this will disqualify them from taking part in the decision making process on the application. Potential lobbyists should be advised to contact an appropriate officer within Development Management. The Decision Maker shall also notify the Head of Development Management of such approach to them forthwith. Members must take account of the provisions of Rule 19.76.9 in this circumstance;**
 - 19.76.3 **shall not** lobby or influence or attempt to lobby or influence another Decision Maker or the Head of Development Management concerning such a Planning Application and its determination prior to the Planning Committee considering and determining that Planning Application;
 - 19.76.4 **shall not** become involved in organised local support or opposition to such application;
 - 19.76.5 **shall not** accept any gifts or hospitality from anyone connected with such Planning Application and take immediate steps to

SECTION 19 – PLANNING PROTOCOL

- register any offers of gifts or hospitality refused in the Register kept for that purpose by the Solicitor to the Council;
- 19.76.6 **shall not** accept or indicate that they will accept any letter, pamphlet or other written material (including email and FAX) concerning such a Planning Application before it is determined by the Planning Committee. **Where a Decision Maker gratuitously receives such material they shall forthwith forward it to the Head of Development Management who will arrange for the material to be referred to, in the Officer’s Committee Report. Members must take account of the provisions of Rule 19.76.9 in this circumstance;**
- 19.76.7 **shall not** attend any Meeting, Briefing or Discussion concerning such Planning Application which is not arranged by or attended by the Head of Development Management or otherwise authorised in writing by the Monitoring Officer;
- 19.76.8 **shall not** indicate or express publicly or privately the likely decision on or the merits of/objections to, such Planning Application prior to the Planning Committee considering and determining that Planning Application. **In the event of a Decision Maker doing so they must take advice from the Monitoring Officer regarding their continuing in the role of Decision Maker;**
- 19.76.9 **shall not** give a commitment in relation to that Planning Application prior to its consideration at the Planning Committee. **It is of vital importance that Councillors come to meetings with an open mind and can demonstrate that they are open-minded;**
- 19.76.10 **shall not** bring detailed presentations with them to be read out at the meeting. **This could be perceived as indicating that the Councillor had already decided in favour of, or against an application prior to attending the meeting.** (It is recommended that Councillors make notes of points raised at the meeting as they occur for use in any presentations);
- 19.76.11 **shall not** vote or take any part in the Planning Committee meeting if they have not been present to hear the entire debate, including the officer’s presentation concerning the application;
- 19.76.12 **shall not** resume their seat in the Planning Committee room or chamber (having left the room or chamber before the debate on the application began or during the debate on the application) until consideration of the application being determined at that time is concluded. **Until so concluded the Councillor must sit in the public gallery;**
- 19.76.13 **shall not** propose, second or support a decision contrary to the Development Plan or the recommendations of the Head of Development Management without clearly identifying and articulating the planning reasons supporting that proposed decision. **Those reasons must be given prior to the vote and be recorded in the Minutes;**

SECTION 19 – PLANNING PROTOCOL

- 19.76.14 **shall not** move a motion that the Planning Application be deferred without clearly identifying and articulating the reasons justifying such deferral. **Those reasons must be recorded in the Minutes if the planning application is deferred;**
- 19.76.15 **shall not** attend a meeting or vote on or take part in discussions about the application at an earlier meeting of a Town or Community Council. **In the event of a Decision Maker doing so they must take advice from the Monitoring Officer regarding their continuing in the role of Decision Maker.**
- 19.77 If, during a Planning Committee meeting a Decision Maker concludes that (for whatever reason) they are prejudiced and unable to continue to undertake the role of Decision Maker in relation to a particular Planning Application, **they cannot change their role to that of Local Representative and address the meeting in relation to that application.** A Councillor in this situation may, however, ask the Committee to defer the application for consideration at a future meeting and must then leave the room during any subsequent discussion of the application in question by the Planning Committee.
- 19.78 **A Councillor who is a member of the Planning Committee and who wishes to undertake the Local Representative role in relation to a Planning Application which is to be determined by the Planning Committee shall comply with the provisions in this Protocol relating to the Local Representative in Rules 19.82 to 19.89.**
- 19.79 A Councillor who is a member of the Planning Committee shall comply with the provisions of the **Decision Making Process** and the provisions of this Protocol relating to **Councillor with a Personal Interest, Councillor with a Prejudicial Interest and Councillor with a Dispensation** and with the **Members' Code of Conduct** generally and is reminded in particular that if they have in respect of a Planning Application to be determined by the Planning Committee:-
- 19.79.1 a Personal Interest - the requirements as to disclosure;
- 19.79.2 a Prejudicial Interest – the need to obtain a dispensation from the Standards Committee – or otherwise be unable to undertake the role of Decision Maker.

DECISION MAKER WHO HAS EXERCISED POWER OF CALL-IN

- 19.80 If a specific planning application falls to be determined by the Planning Committee as a result of a Call-in request from a member of the Committee then that Councillor needs to consider carefully the role which they are able to play when the Planning Committee comes to consider and determine the application in question. **In particular where the member of the Planning Committee who has made the Call-in request:**
- 19.80.1 **has couched the Call-in request in language which might indicate that they have already formed a clear and settled view as to the appropriate outcome of the application ;or**

SECTION 19 – PLANNING PROTOCOL

19.80.2 **has made the Call-in request following discussions with the application /Agent /Objector and / or any third party (including another Councillor whether a member of the Planning Committee or not)**

19.81 The Councillor should seek advice from the Monitoring Officer regarding their continuing in the role of Decision Maker.

LOCAL REPRESENTATIVE ROLE

OBLIGATIONS OF LOCAL REPRESENTATIVE

19.82 A Councillor wishing and, under this Protocol, entitled to act as a Local Representative at a meeting of the Planning Committee and address the Committee, make representations and answer questions must notify the Head of Development Management of such wish **“no later than 4 clear working days in advance of the meeting” unless the application has been Called-In by that Councillor in which event the Councillor has an automatic right to speak under Rule 19.40.** Applicants will be informed by means of a circular letter prior to the meeting that the Local Representative may exercise their right to speak at the Committee meeting.

19.83 A Councillor acting as a Local Representative (whether a member of the Planning Committee or not):

19.83.1 Shall not sit with members of the Planning Committee, when attending a meeting of the Planning Committee concerning the Planning Application in question, and must wait to be called to make any representations in the public area of the room.

19.83.2 Shall not speak to any member of the Planning Committee in relation to the Planning Application in question, either during a meeting of the committee or otherwise.

19.83.3 May, in relation to the Planning Application in question with the consent of the Chair, respond to questions from members of the Committee, the Applicant or his Agent and any other party allowed to speak at the meeting.

19.83.4 Shall if the Councillor has a prejudicial interest (unless as a Councillor with a Dispensation the Councillor has a dispensation to remain) withdraw from the room, chamber or place where the meeting of the Planning Committee is taking place once they have concluded their representations and dealt with any questions asked and in any event before further consideration of the Planning Application begins.

19.83.5 Shall not accept any gift or hospitality from anyone connected with the Planning Application in question and take immediate steps to register any offers of gifts or hospitality refused in the Register kept for that purpose by the Solicitor to the Council.

19.84 Councillors who are not on the ~~County~~ Planning Committee are expected to undertake training provided by the Council at regular intervals to enable them to properly carry out their role as Local Representative.

SECTION 19 – PLANNING PROTOCOL

- 19.85 When acting in the role of Local Representative in relation to a specific Planning Application a Councillor can attend meetings held in the Community by lobby groups and others and participate in those meetings if the Councillor so wishes, but the Councillor must not communicate any information, views or recommendations arising from such meetings to members of the Planning Committee determining the Planning Application in question in advance of a meeting of the Planning Committee and should only express any such views as part of their formal presentations to the Planning Committee at a public meeting of the Committee called to determine the application.
- 19.86 When acting in the role of Local Representative in relation to a specific Planning Application, a Councillor who does not have a prejudicial interest may decide not to address the Planning Committee, but may submit written comments either supporting or objecting to the application prior to the meeting to the Head of Development Management. The comments will be included in the Planning Officer's report to the Committee where it is practicable to do so and will be displayed on the Planning Portal. The Applicant can make a written response to the Local Representative's written comments.
- 19.87 A Councillor acting as a Local Representative who requires further information on the Planning Application in question should seek such information from the relevant planning officers and not from members of the Planning Committee.

RIGHTS OF LOCAL REPRESENTATIVE

- 19.88 For the avoidance of doubt a Local Representative will have those rights set out in Rule 19.33 of this Protocol under the heading of "Non-Planning Committee member role" that is to say:
- 19.88.1 Subject to the provisions in this Protocol relating to a Councillor with a Personal Interest, Councillor with a Prejudicial Interest and Councillor with a Dispensation and to the provisions of the Members' Code of Conduct generally a Councillor who is a Local Representative will be free to:
- 19.88.1.1 discuss any Planning Application with the Applicant /Agent /Objector /lobby group etc;
 - 19.88.1.2 attend any locally organised meeting concerning the application
 - 19.88.1.3 attend any Town or Community Council Meeting concerning the application and speak about the application (including expressing a view either for or against the application) and (if a member of the Town or Community Council) vote upon the application
 - 19.88.1.4 relay relevant information about the application to a planning officer.
 - 19.88.1.5 seek information / clarification about the application from a planning officer.

SECTION 19 – PLANNING PROTOCOL

PROVIDED ALWAYS that in so doing the Councillor must never seek to lobby or improperly influence a Decision Maker, the Head of Development Management or a Planning Officer in relation to the determination of a Planning Application.

COUNCILLORS SHOULD SEEK ADVICE

19.89 A Councillor in any doubt as to his position under this Protocol or Members' Code of Conduct should always seek the advice of the Monitoring Officer.

DECISION MAKING PROCESS

19.90 Subject to Rule 19.91 below the Committee will perform the functions and follow the delegation set out in Section 13 (Responsibility for Functions).

19.91 The Head of Development Management will not exercise their delegated responsibility for functions in the following circumstances whereupon the function will be dealt with by the Planning Committee:

19.91.1 the Head of Development Management considers that the Planning Function should be dealt with by the Planning Committee and not by him / herself;

19.91.2 a Councillor registers a request under Rules 19.38 to 19.49 that a Planning Application be referred to the Planning Committee for decision and not determined by the Head of Development Management;

19.91.3 the Planning Application in question constitutes a material departure from the Development Plan and the view of the Head of Development Management is that the Planning Application should be approved;

19.91.4 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);

19.91.5 the Planning Application is required to be accompanied by an Environmental Statement under the EIA Regulations;

19.91.6 the Planning Application is submitted by or on behalf of any member of the Council or any member of staff employed in Development Management, the Chief Executive, Strategic Directors and Directors, Heads of Service, or officers who are in regular contact with Development Management.

DECISION MAKING BY THE PLANNING COMMITTEE

PLANNING COMMITTEE DETERMINATION PRINCIPLES

19.92 In considering and determining a Planning Application the Planning Committee shall:

19.92.1 have regard to the regulatory and quasi-judicial nature of the Committee's proceedings;

19.92.2 disregard irrelevant considerations;

SECTION 19 – PLANNING PROTOCOL

- 19.92.3 act impartially, fairly and not take into account any political considerations;
- 19.92.4 determine the application in accordance with the Statutory Development Plan unless material planning considerations indicate otherwise;
- 19.92.5 acknowledge the emphasis in determining applications is upon a 'plan-led' system;
- 19.92.6 reflect the basis of the planning system is the consideration of private proposals against the wider public interest;
- 19.92.7 recognise much is often at stake in this process and opposing views are often strongly held by those involved;
- 19.92.8 take into account representations made to the local planning authority as a result of consultation with interested bodies or as a result of public notice or neighbour notification;
- 19.92.9 decide which representations are material to the decision to be made, and, if so, what weight to attach to them;
- 19.92.10 not reach any conclusion on the merits until all the relevant facts have been considered including the officer's report and the matter appropriately debated;
- 19.92.11 ensure that the Public Speaking Provisions are implemented fairly.

Statutory Duties

- 19.93 The Council is also subject to a number of statutory duties which it must comply with when carrying out its statutory functions. These will apply to the planning function except when such matters are clearly immaterial because they are not capable of relating to the use of development land. Examples of these duties include:

Equality Act 2010

- 1994 Section 149 provides that:

- 19.94.1 A council must, in the exercise of its functions, have due regard to the need to:
 - 19.94.1.1 eliminate discrimination, harassment, victimisation and any other conduct which is prohibited by or under the Equality Act 2010;
 - 19.94.1.2 advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - 19.94.1.3 foster good relations between persons who share a protected characteristic and persons who do not share it.

- 19.94.2 The above powers relate to the following protected characteristics:
 - 19.94.2.1 age;
 - 19.94.2.2 disability;

SECTION 19 – PLANNING PROTOCOL

- 19.94.2.3 gender reassignment;
- 19.94.2.4 marriage and civil partnership;
- 19.94.2.5 pregnancy and maternity;
- 19.94.2.6 race (including colour, nationality and ethnic or national origins);
- 19.94.2.7 religion or belief;
- 19.94.2.8 sex; or
- 19.94.2.9 sexual orientation.

Human Rights

19.95 Section 6(1) of the Human Rights Act 1998 provides that:

“It is unlawful for a public authority to act [or fail to act] in a way which is incompatible with a Convention right.”

Best Value

19.96 Section 3(1) of the Local Government Act 1999 and Part 1 of the Local Government (Wales) Measure 2009 provides that:

“A best value authority must make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness.”

Crime and Order

19.97 Section 17(1) of the Crime and Disorder Act 1998 provides that:

“Without prejudice to any other obligation imposed on it, it shall be the duty of a [local authority] to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area.”

DEFERRALS

19.98 In the event of consideration of a Planning Application being deferred at a meeting of the Planning Committee then (unless deferral of the application is agreed at the outset of the consideration of the application by the Planning Committee and no further discussion about it takes place at that meeting) only those Decision Makers present during the meeting when the application is deferred will be eligible to reconsider the application at a subsequent meeting of the Planning Committee.

RECONSIDERED APPLICATIONS

19.99 Where an application which has been previously considered and / or determined by the Committee, is subsequently resubmitted, the Head of Development Management in consultation with the Chair and Vice-Chair should consider whether:

- 19.99.1 the application is materially the same as the previous application considered. If so only those Councillors who were present when the application was considered can take part in any subsequent consideration of the resubmitted application. Speaking rights at this meeting will be in accordance with Rule

SECTION 19 – PLANNING PROTOCOL

19.116.8.4 as follows:

“If representations are made by a Councillor acting as a Local Representative / an Objector/ a representative of a Town or Community Council / an Applicant or their Agent to a Planning Committee meeting and the matter is deferred to a subsequent meeting, then **there will be no right for any of these individuals to make a second oral representation to the reconvened meeting and any further representations shall be made in writing only. However additional comments are allowed at the discretion of the Chair in consultation with the Vice-Chair at the subsequent meeting where additional information has been received**”.

- 19.99.2 the application is significantly different to the previous application considered. If so the application will be considered to be a new application and all members of the Planning Committee can take part in any subsequent consideration of the resubmitted application and full speaking rights will be allowed.
- 19.99.3 the length of time between the original consideration and subsequent consideration is 6 months or more. If the length of time is 6 months or more (the timescale starts from the date of the meeting when the matter was first considered), then it will be considered to be a new application and all members of the Planning Committee can take part in any subsequent consideration of the resubmitted application and full speaking rights will be allowed.

DECISIONS CONTRARY TO OFFICER RECOMMENDATION

- 19.100 When members of the Planning Committee are minded to either approve or refuse a Planning Application contrary to the recommendation of the Head of Development Management (in a written report to the Committee or communicated orally at a meeting of the Committee) those members shall clearly identify and articulate the planning reasons supporting their view before a vote is taken on the application in question and those reasons shall be recorded in the Minutes of the meeting if the Planning Committee makes a decision contrary to the recommendation of the Head of Development Management and a copy of the minute containing the Committee’s reasons shall be placed on the relevant application file.
- 19.101 If the Planning Committee is minded to refuse or grant an application contrary to Officer recommendation, it may wish to consider whether to defer the confirmation of conditions to the next available committee. This will allow members the opportunity to obtain further planning and legal advice on the proposed reasons for acting contrary to the recommendation based on material planning considerations.

MODIFYING PLANNING CONDITIONS

- 19.102 Where members of the Planning Committee wish to add, modify or amend conditions which are recommended by the Head of Development Management those members shall clearly identify and articulate the

SECTION 19 – PLANNING PROTOCOL

planning reasons supporting their view before a vote is taken on the application and/or the conditions in question and those reasons shall be recorded in the Minutes of the meeting if the Planning Committee makes a decision contrary to the recommendation of the Head of Development Management **PROVIDED ALWAYS** that the wording of the final version of those conditions shall be delegated to the Head of Development Management in consultation with the Chair and Vice-Chair.

- 19.103 Where the Head of Development Management considers that they would be unable to defend a proposed decision of the Planning Committee on appeal they shall make this point known to the Committee before the final vote is taken. In such cases the Minutes of the meeting shall record the proposer and seconder of the motion to pass a resolution contrary to the recommendation of the Head of Development Management.

PREDETERMINATION

- 19.104 Where the Monitoring Officer (or their representative at a meeting of the Planning Committee meeting) considers that a member of the Planning Committee has prejudiced their position as a Decision Maker, by expressing a clear and settled view on an application before its determination by the Planning Committee, the Monitoring Officer (or their representative at a meeting of the Planning Committee) shall advise the Councillor in question and the Chair of the Committee of the effect of that Councillor continuing to play the role of a Decision Maker. The decision as to whether that Councillor shall continue to play the role of Decision Maker shall rest with that Councillor.

CORRESPONDENCE AND OTHER RELEVANT INFORMATION RECEIVED BY MEMBERS OF THE PLANNING COMMITTEE

- 19.105 A member of the Planning Committee may receive from time to time correspondence and other relevant information from persons or groups who have an interest in the outcome of a planning application to be determined by the Planning Committee and there will be pressure to reply. A member of the Planning Committee will occasionally receive a significant amount of unsolicited correspondence and other information on more contentious applications. The Councillor shall not reply or respond to this correspondence but instead shall refer it to the Head of Development Management. This will prevent any delay in the process. The Head of Development Management shall also:

19.105.1 if time permits, send a copy of such correspondence / other information to the Applicant or their Agent (provided neither is the author) so as to allow them an opportunity to respond;

19.105.2 place a copy of all such correspondence/other information on the relevant Planning file;

19.105.3 if time permits, ensure that their report to the Planning Committee refers to such correspondence / other information; otherwise the Head of Development Management should refer to such correspondence / other information orally at the meeting of the Planning Committee giving it such prominence and weight as its relevance requires.

SECTION 19 – PLANNING PROTOCOL

- 19.106 On occasions the new information may be so substantial as to lead to a deferment of the application. Where the Planning Application is not deferred the Chair will allow members an appropriate period of time to read the new material before proceeding with consideration of the item.
- 19.107 The Head of Development Management shall be responsible for reporting any correspondence or new information of relevance to the Planning Committee.

SITE INSPECTIONS

- 19.108 There will be no Site Inspections undertaken by the Planning Committee unless there are exceptional circumstances justifying a site inspection (that is to say it must be clearly demonstrated that a site inspection is essential to the decision making process i.e. that a proper decision cannot be made without a site inspection taking place). For the avoidance of doubt, it will be the expectation that Local Representatives will make any request for Site Inspections well in advance of the meeting:
- 19.108.1 as recommended in the report to the committee by the Head of Development Management in consultation with the Solicitor to the Council and the Chair and Vice-Chair of the Planning Committee; or
 - 19.108.2 as determined by the Committee itself to deal with unresolved site specific planning issues in which case these wholly exceptional circumstances justifying the site visit shall be recorded in the minutes of the meeting at which the decision is taken.
 - 19.108.3 as determined by the Chair and Vice-Chair of the Planning Committee on the application of one or more Councillors in whose electoral division(s) the development in question will take place or whose electoral division will be affected by the development in question subject to consultation with the Head of Development Management and the Solicitor to the Council.
- 19.109 Where Site Inspections are held the following Policies shall apply.

POLICY 1: ARRANGEMENTS FOR HOLDING SITE INSPECTIONS

- 19.109.1 Wherever practicable Site inspections shall be arranged to take place on the same day as and immediately prior to the formal public Planning Committee meeting considering the application.

POLICY 2: ATTENDANCE AT SITE INSPECTIONS

- 19.109.2 ALL members of the Planning Committee shall be invited to attend Site Inspections together with planning officers.
- 19.109.3 Councillors acting as a Local Representative shall, be allowed to attend site visits to provide planning specific information to the committee unless they have a Personal and Prejudicial Interest. Alternatively a Local Representative may provide to a planning officer only in writing, additional relevant planning information relating to the site, prior to a site inspection, and the planning

SECTION 19 – PLANNING PROTOCOL

officer will inform those present at the site inspection of this additional information.

- 19.109.4 In exceptional circumstances the Chair may, after consultation with the Head of Development Management and the Vice-Chair, invite other council officers to attend site inspections for the sole purpose of providing information only, in relation to specialist matters, concerning the application and to answer such questions as Councillors may wish to raise.
- 19.109.5 **Landowners / representative of a Town and Community Council / Applicants / Objectors / supporters or any other third party shall not be allowed to attend site inspections.**

POLICY 3: NON ATTENDANCE BY COUNCILLORS

- 19.109.6 All members of the Planning Committee shall use their best endeavours to attend a Site Inspection where they intend to play the role of Decision Maker in relation to the Planning Application in question. A Councillor's position to undertake the role of Decision Maker in relation to such application may be in doubt if they did not attend a relevant Site inspection (i.e. as a consequence of which the Councillor is unable to take a decision with knowledge of all relevant matters) and in that situation the Councillor shall seek the advice of the Monitoring Officer, which shall wherever practicable be obtained in writing and a copy given to the Chair and Vice-Chair of the Planning Committee prior to the commencement of the meeting in question.
- 19.109.7 **Councillors who, as a result of such advice from the Monitoring Officer, conclude that they are unable to undertake the role of Decision Maker shall either move to the public gallery, or may leave the room during consideration of the application in question.**

POLICY 4: ACCESS TO PRIVATE LAND

- 19.109.8 Where Councillors need to enter onto private land the landowner's prior consent shall be sought by the Head of Development Management. If consent is not forthcoming, the site shall, if practicable, be viewed from the public highway.

POLICY 5: NOTIFICATION OF SITE INSPECTIONS

- 19.109.9 The Applicant / Objectors / and the relevant Town or Community Council shall be informed of the site inspection in advance but will not be permitted to be present during the inspection or to make any representations at the Site Inspection. However a Town or Community Council may provide to a planning officer only in writing, additional relevant planning information relating to the site, prior to a site inspection, and the planning officer will inform those present at the site inspection of this additional information.

POLICY 6: PURPOSE OF SITE INSPECTION

SECTION 19 – PLANNING PROTOCOL

19.109.10 The sole purpose of the site inspection will be for the planning officers to explain in the context of the site, the planning issues relating to the application and for Councillors to view the site. **There shall be no discussions at the site inspection concerning the merits of the application and the site inspection will not be used as a forum for debate. No recommendations shall be made at the site inspection.**

POLICY 7: REPORT TO PLANNING COMMITTEE

19.109.11 The Chair of the Planning Committee shall report if a Site Inspection has been undertaken.

REPORT ON A PLANNING APPLICATION BY THE HEAD OF DEVELOPMENT MANAGEMENT

19.110 All Planning Applications considered by the Planning Committee shall be the subject of a full written report by the Head of Development Management, including a detailed assessment of the proposal, including any reasonable options available to the Committee and a reasoned recommendation.

19.111 Any new matters that have arisen between the preparation of the report and the date of the Planning Committee considering the planning application or planning matter in question will be the subject of a written update report circulated prior to the commencement of the proceedings of the Planning Committee meeting or referred to orally at the meeting. Only exceptionally should planning officers report only orally to the Planning Committee. The update report will be filed with the signed minutes and the other reports on the Planning Application and added to the published agenda on the Council's website, where possible, prior to the meeting. All submissions should be received no later than 48 hours before the meeting of the Planning Committee, and submissions submitted less than 48 hours before the meeting will only be allowed at the discretion of the Chair and Vice-Chair of the Committee in consultation with the Head of Development Management.

SPEAKING AT PLANNING COMMITTEE MEETINGS

WHO MAY SPEAK

19.112 For the purposes of Rules 19.113 to 19.116 and 19.120, an Applicant and Objector may speak either directly or via an Agent, Member Representative, or Representative.

19.113 Where in relation to a specific Planning Application to be determined by the Planning Committee:

19.113.1 a person or body (other than a statutory consultee) has lodged an **objection** to that application and has notified the Head of Development Management (in accordance with Rule 19.115 below) of their wish to exercise the right to speak against the

SECTION 19 – PLANNING PROTOCOL

- application at the relevant meeting of the Planning Committee;
or
- 19.113.2 a **Town or Community Council** has indicated a wish to be heard regarding that application as a statutory consultee (in accordance with Rule 19.115 below); or
- 19.113.3 **(a) Local Representative(s)** has / have indicated a / their wish to speak (in accordance with Rule 19.115 below); or
- 19.113.4 The **Applicant** exercises the right to respond to any representations made to the Committee by an Objector, Town/Community Council or Local Representative(s)

the **PUBLIC SPEAKING PROCEDURES** set out Rule 19.116 below shall apply.

MATTERS NOT INCLUDED

19.114 For the avoidance of doubt Rules 19.112 to 19.115 shall not apply to, (and there shall be no right for any person to speak in relation to) the following:

- 19.114.1 enforcement cases;
- 19.114.2 applications for listed building consent;
- 19.114.3 advertisements;
- 19.114.4 lawful use certificates;
- 19.114.5 appeal decisions and proposals to remove legal obligations under Section 106 of the Town & Country Planning Act;
- 19.114.6 ancient hedgerows.

OBTAINING THE RIGHT TO SPEAK

19.115 A right to speak at a meeting of the Planning Committee will only be obtained in the following situations:-

- 19.115.1 A member of the public shall be allowed to speak as an **Objector** to a planning application at the Planning Committee where:
- 19.115.1.1 They have duly made, within prescribed time limits, a written objection to a planning application;
- 19.115.1.2 A member of the public will need to register an “intention to speak” when a submission is made to the Council i.e. advanced notice of an intention to speak at the Committee which will need to be confirmed at least 4 clear working days before the date of the relevant committee; and
- 19.115.1.3 Has submitted the request to be heard by the Planning Committee with Development Management at least 4 clear working days before the date of the relevant meeting of the Planning Committee. For the avoidance of doubt the relevant meeting is the first meeting of the Planning Committee where that Planning

SECTION 19 – PLANNING PROTOCOL

Application is on the agenda. Where additional information is submitted, additional comments can be allowed at the discretion of the Chair in consultation with the Vice-Chair at a subsequent meeting.

PROVIDED ALWAYS that:

- 19.115.1.4 Where more than one person or body (other than a statutory consultee) has lodged an objection to a planning application (as mentioned in Rule 19.113.1 above) and the Chair of the Planning Committee in consultation with the Vice-Chair concludes that the substance of the objections by those persons are identical or similar then only one such person so objecting shall be permitted to exercise the right to speak against the application in accordance with the Public Speaking Procedures, and that person shall be the individual agreed by all the Objectors who have raised the same or similar objection or in the absence of such agreement the individual who first submitted an objection in writing to Development Management.
- 19.115.1.5 Where in relation to the above situation the Chair of the Planning Committee in consultation with the Vice-Chair concludes that different persons or bodies have made objections which are different in substance each person or body making a different substantive objection shall be allowed to exercise the right to speak in opposition to the planning application in accordance with the Public Speaking Procedures.
- 19.115.1.6 Where more than one person or body (other than a statutory consultee) has submitted an objection, the Head of Development Management shall, at least 3 days before the meeting of the Planning Committee in question, notify (by the most appropriate means) the persons or bodies of the conclusions of the Chair and Vice-Chair as to whether the objections are different in substance and accordingly as to those individuals and bodies who are entitled to exercise the right to speak under the Public Speaking Procedures.
- 19.115.2 **A Town or Community Council** (by its clerk or one of its members who can be a County Councillor (if a member of the Town or Community Council) will be allowed to speak as a statutory consultee to a Planning Application at a Planning

SECTION 19 – PLANNING PROTOCOL

Committee where that Council has submitted a request to be heard by the Planning Committee with Development Management at least 4 clear working days before the date of the relevant meeting of the Planning Committee. (A Town or Community Council will need to register an “intention to speak” when a submission is made to the Council i.e. advanced notice of an intention to speak at the Committee) which will need to be confirmed at least 4 clear working days before the date of the relevant committee. For the avoidance of doubt:

- 19.115.2.1 the relevant meeting is the first meeting of the Planning Committee where that Planning Application is on the agenda. Where additional information is submitted, additional comments can be allowed at the discretion of the Chair in consultation with the Vice-Chair at a subsequent meeting.
- 19.115.2.2 The County Councillor choosing to speak on behalf of a Town or Community Council cannot also be a Local Representative.
- 19.115.3 (A) Councillor(s) exercising the role of **Local Representative(s)** will be allowed to speak in relation to a Planning Application at a Planning Committee where that / those Councillor(s) has/have submitted a request to be heard by the Planning Committee with Development Management at least 4 clear working days before the date of the relevant meeting of the Planning Committee unless the application has been Called-In by that Councillor in which event the Councillor has an automatic right to speak under Rule 19.40. For the avoidance of doubt the relevant meeting is the first meeting of the Planning Committee where that Planning Application is on the agenda. Where additional information is submitted, additional comments can be allowed at the discretion of the Chair in consultation with the Vice-Chair at a subsequent meeting.
- 19.115.4 The **Applicant** will be allowed to speak (if they wish) where an Objector, Town or Community Council or Local Representative has spoken.

PUBLIC SPEAKING PROCEDURES

19.116 Where an Objector, and / or representative of a Town or Community Council, and / or (a) Councillor(s) in the role of Local Representative has duly complied with the above provisions enabling that individual or Council to speak at a meeting of a Planning Committee in relation to a specific Planning Application then the procedures to be followed at a meeting of the Planning Committee will be as follows.

- 19.116.1 The Chair will briefly outline these procedures that allow Councillor(s) acting as (a) Local Representative(s), Objectors,

SECTION 19 – PLANNING PROTOCOL

- and representatives of Town and Community Councils the right to address the Committee, and the Applicant's right of reply.
- 19.116.2 Prior to making their representations to the Planning Committee these individuals shall sit in the public gallery or wait outside the meeting room.
- 19.116.3 For the purposes of making their representations to the Planning Committee an individual entitled to address the Planning Committee under these provisions will be invited by the Chair to take a seat allocated for this purpose where a microphone will be available. A maximum time limit of 5 minutes will be available for each presentation which will be strictly observed save for:
- 19.116.3.1 in applications where there are multiple speakers objecting to the application, the Applicant will be allowed the same aggregate time allowed to the Objectors.
- 19.116.3.2 In Planning Applications classified by the Head of Development Management as major applications a maximum time limit of 8 minutes will apply but this will be subject to ~~(a)Rule 19.116.3.1~~ above (e.g. **those applications with a Welsh Office Planning Statistics (WOPS) Code 1 to 6 inclusive plus any application subject to an Environmental Impact Statement (EIA).**
- 19.116.4 Those making presentations cannot ask questions of one another, members of the Committee or officers but members of the Committee may ask questions of a person making a presentation to the Committee. A person making a presentation, can at the discretion of the Chair ask a question in relation to procedure only, prior to the start of their allotted speaking time.
- 19.116.5 Those individuals making representations under these provisions must avoid making personal or derogatory remarks, confine their presentation to relevant planning issues and shall not use plans, photographs or other display material (but may refer to plans, documents etc included in the formal application material to be considered by the Committee).
- 19.116.6 At the end of the each presentation, the individual making the presentation will either take a seat in the public gallery or leave the meeting room **PROVIDED ALWAYS** that a Local Representative who is also a Councillor with a Prejudicial Interest having completed their presentation to the Committee and answered any questions shall (unless they have received a dispensation from the Standards Committee to remain throughout the proceedings) immediately leave the room or chamber where the meeting is taking place.
- 19.116.7 The order in which individuals shall exercise their right in making representations to a Planning Committee shall be as follows:

SECTION 19 – PLANNING PROTOCOL

- 19.116.7.1 The Local Representative (s).
- 19.116.7.2 Representative(s) of Town or Community Council.
- 19.116.7.3 Objector(s) entitled to speak under Rule 19.115.1.
- 19.116.7.4 Applicant and / or Agent(s).
- 19.116.7.5 Head of Development Management

PROVIDED ALWAYS that the Applicant is not obliged to exercise a right of reply to representations / objections made to the committee if they do not wish to do so.

19.116.8 For the avoidance of doubt

- 19.116.8.1 where an Applicant does exercise the right to reply to representations / objections the time limits and other procedures referred to in Rules 19.116.3, 19.116.3.1 and 19.116.3.2 above shall apply.
- 19.116.8.2 An Applicant has no right to make representations to a Planning Committee in the absence of presentations by the Local Representative(s), and / or representatives of Town or Community Councils, and / or Objector.
- 19.116.8.3 In respect of proposals where there are lodged duplicate applications or several linked applications relating to the same site, these shall be deemed to relate to one overall development and the rights to address the Committee will be interpreted accordingly.
- 19.116.8.4 If representations are made by a Councillor acting as a Local Representative / an Objector / a representative of a Town or Community Council / an Applicant to a Planning Committee meeting and the matter is deferred to a subsequent meeting, then **there will be no right for any of these individuals to make a second oral representation to the reconvened meeting and any further representations shall be made in writing only. However additional comments are allowed at the discretion of the Chair in consultation with the Vice-Chair at the subsequent meeting where additional information has been received.**
- 19.116.8.5 A Councillor who chooses to be a Local Representative shall not also make representations on behalf of a Town or Community Council under the Public Speaking Procedures set out above.

SECTION 19 – PLANNING PROTOCOL

- 19.116.8.6 A Councillor who is a Decision Maker shall not make representations on behalf of a Town or Community Council under the Public Speaking Procedures set out above.
- 19.116.8.7 Public speaking is expected to take place at the first meeting where the application is determined unless there is additional information submitted, in which case additional comments can be allowed at the discretion of the Chair in consultation with the Vice-Chair.
- 19.116.9 Following oral presentations by individuals under the above provisions, the Chair of the Planning Committee shall invite the Head of Development Management (if he wishes) to respond as necessary to those presentations before proceeding with his presentation of the application in the normal way **including where appropriate an update to the Committee concerning any correspondence or additional information received since publication of the Committee Agenda papers.**
- 19.116.10 The Head of Development Management shall keep a record of all notices received under these provisions.
- 19.116.11 At a meeting of the Planning Committee where representations under these provisions fall to be made in respect of a specific Planning Application every effort should be made for that application to be dealt with at the earliest opportunity.
- 19.116.12 The relevant plans shall be displayed as appropriate and a description of the application given before any oral representations are heard.
- 19.116.13 The minutes of the Planning Committee shall record the receipt of representations made under these arrangements but shall not record the substance of the representations.

Following the presentation by the Head of Development Management, members of the Committee shall debate the application and reach a decision unless it is decided to defer the application in question. Members of the Committee speaking at a Planning Committee shall not do so for longer than 5 minutes.

ROLE AND DUTIES OF THE COMMITTEE CHAIR / VICE CHAIR

ELECTION OF THE CHAIR

19.117 The Chair of the Planning Committee shall:

- 19.117.1 be a Councillor elected by the Committee at the first meeting of the Committee following the Annual Meeting of the Council or at an ordinary meeting in the event of a vacancy occurring between Annual Meetings.
- 19.117.2 hold office until:

SECTION 19 – PLANNING PROTOCOL

- 19.117.2.1 the Annual Meeting of the County Council next following their appointment; or
- 19.117.2.2 they resign from the office; or
- 19.117.2.3 they are suspended from being a Councillor under Part III of the Local Government Act 2000 (although they may resume office at the end of the period of suspension); or
- 19.117.2.4 they are disqualified from being a Councillor under Part III of the Local Government Act 2000; or
- 19.117.2.5 a vote of no confidence in the Chair of the Planning Committee is passed by the Council following a Notice on Motion; or
- 19.117.2.6 they are no longer a Councillor;

whichever shall first occur.

ELECTION OF VICE-CHAIR

19.118 The Vice-Chair of the Planning Committee shall:

- 19.118.1 be a Councillor elected to that position by the Planning Committee at the first meeting of the Committee following the Annual Meeting of the Council, or in the event of a vacancy occurring at the next convenient meeting of the Committee following the occurrence of the vacancy.
- 19.118.2 hold office until:
 - 19.118.2.1 the first meeting of the Planning Committee which follows the next Annual Meeting of the County Council after the Councillor's appointment; or
 - 19.118.2.2 they resign from the office; or
 - 19.118.2.3 they are suspended from being a Councillor under Part III of the Local Government Act 2000 (although they may resume office at the end of the period of suspension); or
 - 19.118.2.4 they are disqualified from being a Councillor under Part III of the Local Government Act 2000; or
 - 19.118.2.5 in the event of a vote of no confidence in the Vice-Chair of the Planning Committee being passed by the Council following a Notice on Motion; or
 - 19.118.2.6 they are no longer a Councillor;

whichever shall first occur.

CHAIRING THE PLANNING COMMITTEE

19.119 In the absence of the Chair for the whole or part of a meeting of the Planning Committee the Vice-Chair shall preside. If the Vice-Chair shall be

SECTION 19 – PLANNING PROTOCOL

absent the Planning Committee shall choose one of its number present to preside as Chair for that meeting or part of it until the Chair (or Vice-Chair) returns to the meeting.

RESPONSIBILITY OF THE CHAIR PRESIDING AT A MEETING OF THE PLANNING COMMITTEE

19.120 The Councillor presiding as Chair at a meeting of the Planning Committee shall have the following general responsibilities:-

19.120.1 to preside over the meeting so that the Committee's business can be carried out efficiently and with proper regard to the rights of Councillors, Applicants, Objectors, officers and the interest of the community as a whole.

19.120.2 to ensure that the Committee meeting is properly conducted as a forum for debate on planning applications.

19.120.3 to ensure that the business of the meeting is carried out in accordance with the relevant provisions contained within the Council's Constitution, the Members' Code of Conduct, the Protocol on Member / Officer Relations, and this Protocol; and shall in particular have the following duties, obligations and responsibilities:

19.120.3.1 at the commencement of the meeting:

(a) to request declarations of interests from members of the Committee relating to items to be considered on the agenda;

(b) to receive members of the Committee's requests that a record be made of their membership of Town and Community Councils where discussion has taken place of matters for the consideration of the Committee;

(c) to receive declarations from members of the Committee that they will be acting as Local Representative in respect of an individual application being considered by the Committee;

(d) to receive details of Councillors (who are not members of the Committee) who will be acting as Local Representative in respect of an individual application being considered by the Committee.

~~(e) to receive disclosures from members of the Committee of any approaches regarding an application to be considered by the Committee from an Applicant / Objector or any third party (including another Councillor, whether a member of the Committee or not);~~

~~(f) to receive disclosures from members of the Committee of any attempts to lobby or~~

SECTION 19 – PLANNING PROTOCOL

- ~~influence the Councillor by any other person (including another Councillor, whether a member of the Committee or not) regarding an application to be considered by the Committee;~~
- ~~(g) to receive disclosures from members of the Committee regarding any letters, pamphlets or other written material (including email and fax) which has been sent to them regarding an application to be considered by the Committee.~~
- 19.120.3.2 prior to the consideration of each application to call out the application number (whereupon any Councillor undertaking the role of Local Representative in relation to that application, and who is a member of the committee, will withdraw to the public gallery and the withdrawal of the Local Representative will be recorded in the minutes of the committee);
- 19.120.3.3 to amend if necessary the order in which planning applications are to be considered by the committee in order wherever practicable that Planning Applications where members of the Planning Committee will; be undertaking the role of Local Representative are dealt with first;
- 19.120.3.4 to introduce each agenda item for discussion or for information; and
- 19.120.3.5 to report where a site inspection has taken place.
- 19.120.3.6 following the officer presentation relating to a Planning Application to facilitate the debate of Councillors and allow them to participate in the discussion in the order in which they acknowledge their wish to speak;
- 19.120.3.7 to consider whether an officer of the Council other than an officer of Development Management should be allowed to address the Planning Committee or answer questions and to ensure that only such officers as they consider necessary do so (it being acknowledged that it will not normally be the practise for such officers to address the Committee or answer questions);
- 19.120.3.8 to consider whether a representative of a statutory consultee should be allowed to address the Planning Committee or answer questions and to ensure that only such representatives as they consider necessary do so (it being acknowledged that it will not normally be the practise for such representatives to address the Committee or answer questions);

SECTION 19 – PLANNING PROTOCOL

- 19.120.3.9 not to differentiate between Councillors (Members of the Planning Committee represent the whole community of Powys) and not to afford any preferential treatment of or special privileges to a Councillor on the basis that they are the local electoral division Councillor for the application;
- 19.120.3.10 to ensure so far as is reasonable that all Councillors and Officers attending the meeting shall abide by the provisions of the Council's Constitution, the Members' Code of Conduct, the Protocol on Member / Officer Relations, and this Protocol;
- 19.120.3.11 to ensure that Decision Makers refrain from making speeches and address the Committee on material 'planning matters' only. (The Chair will be expected to intervene and curtail Councillors who are making repetitious, or irrelevant statements);
- 19.120.3.12 where officers response to comments or questions from Councillors is required to ensure that officers are given that opportunity;
- 19.120.3.13 a general discretion in relation to the protocol in consultation with the Head of Development Management and Legal Officers.

BRINGING DISCUSSIONS TO A CONCLUSION

- 19.120.4 at the conclusion of the discussion relating to a specific Planning Application the Chair shall not sum up but shall request those Councillors on the Planning Committee exercising the role of Decision Maker to move and second motions and any amendments and to vote on them (taking amendments first);
- 19.120.5 to ensure that votes are properly recorded and that the result is clearly communicated to the meeting so that the outcome is in no doubt;
- 19.120.6 to rule on all questions of procedure and process at the Committee meeting (the Chair's decision shall be final and not open to discussion);
- 19.120.7 to ensure that proper regard is had by all Councillors to the advice given by officers at the Committee meeting.

THE ROLE OF OFFICERS IN SUPPORTING THE CHAIR

- 19.121 The Lead Professional, Legal and the Head of Development Management and relevant officers representing them shall provide professional advice to the Councillor presiding as Chair of a meeting of the Planning Committee in order to assist the Chair in discharging the duties of the post and in particular officers shall provide advice as follows:

SECTION 19 – PLANNING PROTOCOL

- 19.121.1 at pre-Committee meetings so that the Chair and Vice-Chair are fully briefed on issues that may arise at meetings;
- 19.121.2 at any post-Committee meetings (if relevant);
- 19.121.3 during Committee meetings where questions are directed towards the Chair for response.

RESPECT FOR OFFICE OF CHAIR

19.122 All Councillors and officers shall respect the position of Chair.

DEVELOPMENT MANAGEMENT

CONDUCT OF OFFICERS

19.123 Officers who are Chartered Town Planners are guided by the Royal Town Planning Institute (RTPI) Code of Professional Conduct. All officers whether members of the Institute or not shall abide by the same principles namely they shall:

- 19.123.1 act with competence, honesty and integrity;
- 19.123.2 fearlessly and impartially exercise their independent professional judgement to the best of their skill and understanding;
- 19.123.3 discharge their duty to their employers, clients, colleagues and others with due care and diligence in accordance with the provisions of this Planning Code of Conduct;
- 19.123.4 Shall not bring the profession or the Royal Town Planning Institute into disrepute;
- 19.123.5 not disclose or use to the advantage of themselves or the Authority information acquired in confidence in the course of their work;
- 19.123.6 decline any discounts, gifts or commissions offered by any third parties in connection with their work as professional planners.

RELATIONSHIPS BETWEEN COUNCILLORS AND OFFICERS

19.124 In order to engender a committed professional relationship between both planning officers and Councillors each shall have respect and regard for the roles both play within the decision making process. Councillors and officers have different, but complementary, roles. Both serve the public but Councillors are responsible to the electorate, while officers are responsible to the Council as a whole. Officers must act in accordance with their professional codes of conduct. As a result, planning officers' views, opinions and recommendations will be presented on the basis of their overriding obligation of professional independence, which occasionally may be at odds with the views, opinions or decisions of the Committee or its members. Officers should also have regard to, and comply with the Protocol on Member / Officer Relations (Council Constitution Section 21).

REPORTS AND PRESENTATIONS TO THE PLANNING COMMITTEE

SECTION 19 – PLANNING PROTOCOL

- 19.125 The report by the Head of Development Management to the Planning Committee in relation to a Planning Application shall:
- 19.125.1 be a report based on the professional judgement of planning officers;
 - 19.125.2 include the observations, recommendations and comments of consultees, Objectors and others including other departments of the Council;
 - 19.125.3 be supported by the use of still photographs, video etc., to assist Councillors in determining that application (i.e. to provide a balanced view of the site, including a 360° view of the site, contours and topography) which shall specifically include points and issues raised by the Councillor for the electoral division concerned and address and deal with the observations, recommendations, comments of other departments of the Council.
- 19.126 Recommendations in such report may not always accord with the views and opinions of individuals, groups, statutory consultees etc. However, the report will always follow this Protocol. A Councillor acting as a Decision Maker shall respect the advice given by planning officers at the Committee or when dealing with delegated applications and shall not lobby, seek to influence, or bring pressure to bear on a planning officer for a particular recommendation or decision.

PRE-APPLICATION AND PRE-DETERMINATION DISCUSSIONS BY OFFICERS WITH APPLICANTS ETC

- 19.127 In any discussions involving the Head of Development Management or a member of their department regarding proposed development or other planning issues, it shall always be made clear at the outset, that such discussions shall not bind the local planning authority to make a particular decision, and that any views expressed are based on the officers' provisional professional judgement but do not commit the local planning authority to any particular decision.
- 19.128 Any advice given by the Head of Development Management or a member of their department shall be consistent and based upon the Development Plan and other material considerations. Furthermore any advice given shall be impartial; the best that the officer can give in the circumstances and shall highlight any apparent problems and where appropriate discuss possible options that may be open to the developer or other party to the discussions.

PUBLIC MEETINGS RELATING TO DEVELOPMENT PROPOSALS

- 19.129 Officers involved in the processing or determining of planning applications or planning matters should not attend public meetings in connection with development proposals or submitted planning applications, unless their attendance has been authorised by the Monitoring Officer. In some situations attendance by officers at such meetings could lead to allegations of bias or prejudice in relation to a particular point of view. If authorised to attend such meetings officers should take great care to maintain

SECTION 19 – PLANNING PROTOCOL

impartiality, concentrate on providing factual information, listen to comments and avoid giving views on the merits or otherwise of the proposal.

GIFTS AND HOSPITALITY

19.130 Officers during the course of carrying out their duties may be offered hospitality from people with an interest in a planning proposal. Officers should refuse offers of gifts and hospitality of any kind. Officers must record any offers of hospitality refused in a register to be kept by the Head of Development Management.

RECORD KEEPING

19.131 Every planning file (including one relating to an enforcement matter) shall contain an accurate account of events throughout its life including minutes and notes of meetings of all descriptions, and telephone conversations. The case officer shall visit each site to which the file relates and detailed site notes shall be maintained on file. Managers and team leaders within Development Management will undertake monitoring of record keeping on a regular basis.

DECISION MAKING BY THE HEAD OF DEVELOPMENT MANAGEMENT

19.132 Section 13 (Responsibility for Functions) stipulates those Planning Functions which are the responsibility of the Head of Development Management.

DELEGATED DECISION MAKING

19.133 In determining Planning Applications under the delegated powers the Head of Development Management shall have regard to:

- 19.133.1 the Planning Committee Determination Principles; and
- 19.133.2 the necessity of ensuring that Councillors are made aware of such Planning Applications which relate or affect their electoral division;
 - 19.133.2.1 when submitted ; and
 - 19.133.2.2 when approved or refused (together with the officer's report).
- 19.133.3 the requirement for the relevant line manager to countersign case officer reports on delegated decisions.

PLANNING APPLICATIONS SUBMITTED BY OFFICERS

19.134 Proposals for development by officers of Development Management and their relatives and close friends can easily give rise to suspicions of impropriety. It is vital that they are handled in a way that gives no grounds for accusations of favouritism.

SECTION 19 – PLANNING PROTOCOL

- 19.135 Any member of staff within Development Management shall not prepare plans or act as Agent for any person or body (including themselves, members of their own family) pursuing a planning application or planning matter with the Council. If such an officer submits their own application, they shall take no part in the processing of that application and shall appoint an Agent or Representative. Such proposals shall be reported to the Planning Committee for consideration and determination and shall not be dealt with by the Development Management officers. The Monitoring Officer must confirm in the committee report that these requirements have been complied with.
- 19.136 An officer (not within Development Management) shall not prepare plans or act as Agent for any person or body other than themselves or close members of their family (i.e. spouses, partners, parents, grandparents, children, brothers or sisters) and in all cases the Head of the Planning Service shall be made aware of the officer's involvement and the matter shall be referred to the Planning Committee for consideration and determination.
- 19.137 A Planning Application by an officer within Development Management must be processed by officers of a different Planning Office to that where the Applicant officer works before being considered by the Planning Committee for determination.
- 19.138 A Planning Application submitted to the Council by the Chief Executive, Executive Director, Head of Service or any other officer who has regular contact with Development Management shall be determined by the Planning Committee.

PLANNING APPEALS

PROCEDURE FOR DEALING WITH APPEALS

- 19.139 The Lead Professional, Legal is responsible for determining who should present a case at appeal and which witnesses should be called on behalf of the planning authority and generally for the care and conduct of the Appeal. They shall consult with the Head of Development Management, Chair of the Planning Committee, Portfolio Holder and relevant local Councillors as appropriate.
- 19.140 Officers of Legal and Development Management will organise the Council's case and generally the latter will appear as witnesses at planning inquiries and other proceedings on behalf of the Council. In some circumstances it may be necessary to appoint consultants to appear for the Council, particularly where specialist support is necessary.
- 19.141 In giving evidence Development Management officers will present the best possible case on behalf of the Council whilst also complying with the RTPI Code of Professional Conduct.
- 19.142 Where a Planning Committee decision contrary to officer recommendation is subject to an appeal and officers have previously made known to the Planning Committee that they are unable to defend such decisions, the Head of Development Management shall report notice of the appeal to the next planning meeting of the Planning Committee.

SECTION 19 – PLANNING PROTOCOL

- 19.143 Where a Planning Committee decision contrary to the recommendation of the Head of Development Management is the subject of an appeal and officers have previously made known to the Committee that they are unable to defend such decisions, members of the Planning Committee who supported the decision may be called to present evidence at the appeal if deemed necessary by the Lead Professional, Legal. Councillors shall be provided with support in preparing their submissions for an Inquiry by the Council's own officers or by consultants. The Lead Professional, Legal shall provide a level of professional support for Councillors who are required to present an appeal to a Planning Inquiry.
- 19.144 The Head of Development Management shall regularly report on appeal decisions
- 19.145 The Head of Development Management will advise the Planning Committee of the outcome of enforcement decisions.

TRAINING

TRAINING OF PLANNING COMMITTEE COUNCILLORS

- 19.146 The Council shall ensure that members of the Planning Committee satisfactorily complete Induction Training before first serving on the Planning Committee and undertake from time to time additional / refresher training in accordance with a training programme agreed by the Council.
- 19.147 Attendance records for planning training events shall be monitored. A 6 monthly report shall be presented to the Council's Standards Committee and the County Council advising of any non-attendances by a member of the Planning Committee who fails to attend the training sessions shall not be permitted to sit on the Planning Committee, until such training has been completed. A new member of the Council shall undertake a training session before they are permitted to sit on the Planning Committee.

TRAINING OF OTHER COUNCILLORS

- 19.148 Appropriate training for Councillors who do not sit on the Planning Committee will be arranged at regular intervals so as to enable them to properly discharge the role of Local Representative.

REVIEW OF DECISIONS

- 19.149 The Audit Commission's Report, "Building in Quality", recommended that elected Councillors should visit a sample of implemented planning permissions to assess the quality of decisions. This can improve the quality and consistency of decision making and help with reviews of planning policy.
- 19.150 Visits to application sites previously considered by the Council shall be organised in tandem with visits to current application sites, as appropriate. Briefing notes shall be prepared in each case.
- 19.151 Attendance at the review site visits shall be restricted to members of the committee.

MEMBERS' CODE OF CONDUCT

SECTION 19 – PLANNING PROTOCOL

19.152 The Members' Code of Conduct in force for the time being (as supplemented by this Protocol), **must be followed at all times.**

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

CC45- 2016

CYNGOR SIR POWYS COUNTY COUNCIL.

County Council – 20th April, 2016

REPORT BY: Solicitor to the Council

SUBJECT: Composition of Committees

REPORT FOR: Decision

1. Introduction.

- 1.1 The budget agreed by Council on 25th February, 2016 includes a reduction in the democratic budget including reducing travelling expenses by increased use of video conferencing and car sharing, reduction in meetings and reduction in membership of committees. This report considers the reduction in the membership of committees. The report was considered by the Democratic Services Committee at its meeting on 30th March, 2016.

2. Committee Membership.

- 2.1 In the allocation of Members by the political groups to membership of certain committees, notably the Employment, Audit and Scrutiny Committees, it is becoming apparent that these are not committees on which Members prefer to sit. In recent years there have been consistent vacancies on these committees particularly Employment and Audit Committees.
- 2.2 As part of a specific exercise relating to the Audit and Employment Committees, a comparison of the size of the Powys Committees by comparison to similar committees elsewhere in Wales has indicated that the size of Powys committees far exceeds similar committees in Wales. (See Appendix 1)
- 2.3 In order to progress the budgetary saving as required by the Council as set out in the budget, discussions have been held with Group Leaders to gauge the “political temperature” in taking proposals forward. The Group Leaders have accepted that as the Council’s budget is having to be reduced, the Democratic budget will inevitably have to take a share of the burden of reductions and therefore change is required. However, there was not an unanimous view amongst group leaders as to whether the changes would lead to any savings being made. In addition as the Council restructures its operation the need for the various committees and the way that the democratic process is operated will need to change to align with the revised organisation and continue to be “fit for purpose”.

3. Proposal.

- 3.1 The Group Leaders concluded that whilst some authorities had reduced its committees to less than 10 members, it would be more appropriate for this

Council to reduce committees by a third (for 5 committees only, 1 Member reduction for 2 committees). Therefore it was suggested that committee membership be set at 14 Members per committee except for the Pensions and Investment Committee which would remain unchanged at 5 Members.

- 3.2 Setting the committee membership at 14 means that the political balance on committees, based on current group numbers, would be as follows:

Powys Independent Alliance	Conservatives	Liberal Democrats	Labour	Independent Group	Non-Political Group	Total
5	2	2	1	2	2	14

- 3.3 The revised committee memberships would be as follows:

People Scrutiny Committee (currently 21 County Councillors) 3 Parent Governor Representatives 1 Church in Wales Representative 1 Roman Catholic Church Representative	14 County Councillors 3 Parent Governor Representatives 1 Church in Wales Representative 1 Roman Catholic Church Representative
Place Scrutiny Committee (currently 21 County Councillors) 1 Co-Opted Member for Crime and Disorder Matters	14 County Councillors 1 Co-Opted Member for Crime and Disorder Matters
Planning, Taxi Licensing and Rights of Way Committee (currently 21 County Councillors)	14 County Councillors
Employment and Appeals Committee (currently 21 County Councillors)	14 County Councillors
Audit Committee (currently 21 County Councillors) 1 Independent 'Lay' Member	14 County Councillors 1 Independent 'Lay' Member
Licensing Act Committee 2003 (currently 15 County Councillors)	14 County Councillors
Democratic Services Committee (currently 15 County Councillors)	14 County Councillors
Pensions and Investments Committee (currently 5 County Councillors) Employers Representative Staff Representative	5 County Councillors Employers Representative Staff Representative

- 3.4 The membership of the Standards Committee would remain unchanged.
- 3.5 Based on an estimated saving of £300 per meeting x 35 meetings (5 committees with a reduction of 7 members each) this would provide a saving of £10,500 per annum.

- 3.6 Should the proposal be accepted by the Council at its meeting on 20th April, 2016, it is suggested that the revised structure be implemented as from the Annual Meeting on 11th May, 2016. The Constitution will also need to be amended to reflect these changes.

Recommendation to the County Council:	Reason for Recommendation:
<p>(i) that the membership of the Council's committees be amended to 14 Members (with the exception of the Pensions and Investments Committee) as set out in paragraph 3.3 of the report;</p> <p>(ii) that the revised membership takes effect from the Annual Meeting on 11th May, 2016;</p> <p>(iii) that the Solicitor to the Council amend the Constitution to reflect the amended membership of committees.</p>	<p>To progress the Council's budget reduction in reducing the membership of committees.</p>

Person(s) To Action Decision:	Clive Pinney, Solicitor to the Council.		
Date By When Decision To Be Actioned:	May, 2016		
Relevant Policy (ies):	Council's Constitution.		
Within Policy:	Y	Within Budget:	Y
Contact Officer:	Wyn Richards, Scrutiny Manager		
	Tel: 01597 826375	Email: wyn.richards@powys.gov.uk	

A. Audit Committee.

1. The comparative information is set out below:

Audit Committee Membership in Welsh Councils				
	Councillors	Lay	Committee Total	Total No of Members of Council
Anglesey	8	2	10	40
Blaenau Gwent	16	1	17	42
Bridgend	12	1	13	54
Caerphilly	12	1	13	73
Cardiff	7	4	11	75
Carmarthenshire	8	1	9	74
Ceredigion	6	1	7	42
Conwy	16	1	17	59
Denbighshire	6	1	7	47
Flintshire	7	1	8	70
Gwynedd	18	1	19	74
Merthyr	10	1	11	33
Monmouthshire	11	1	12	43
Neath Port Talbot	12	1	13	64
Newport	7	1	8	50
Pembrokeshire	6	1	7	60
Powys	21	1	22	73
Rhondda Cynon-Taff	15	1	16	75
Swansea	12	1	13	72
Torfaen	6	1	7	44
Vale of Glamorgan	7	1	8	47
Wrexham	12	1	13	52
Breakdown:				
20+	1			
15 to 19	4			
10 to 14	9			
5 to 9	8			
	22			

2. The breakdown groups are as follows:

20+ Members	1			
	Councillors	Lay	Committee Total	Total No of Members of Council
Powys	21	1	22	73
15 to 19 Members				
	4			
	Councillors	Lay	Committee Total	Total No of Members of Council
Gwynedd	18	1	19	74
Blaenau Gwent	16	1	17	42
Conwy	16	1	17	59
Rhondda Cynon-Taff	15	1	16	75
10 to 14 Members				
	9			
	Councillors	Lay	Committee Total	Total No of Members of Council
Bridgend	12	1	13	54
Caerphilly	12	1	13	73
Neath Port Talbot	12	1	13	64
Swansea	12	1	13	72
Wrexham	12	1	13	52
Monmouthshire	11	1	12	43
Cardiff	7	4	11	75
Merthyr	10	1	11	33
Anglesey	8	2	10	40
5 to 9 Members				
	8			
	Councillors	Lay	Committee Total	Total No of Members of Council
Carmarthenshire	8	1	9	74
Flintshire	7	1	8	70
Newport	7	1	8	50
Vale of Glamorgan	7	1	8	47
Ceredigion	6	1	7	42
Denbighshire	6	1	7	47
Pembrokeshire	6	1	7	60
Torfaen	6	1	7	44

B. Employment Committee.

Employment Committee Membership in Welsh Councils			
Council	Councillors	Committee Type	Total Membership of Council
Anglesey	10	Appeals	40
	10	Appointments	
	6	Pay and Grading Review	
Blaenau Gwent		None	42
Bridgend	12	Appeals Panel	54
	5	Appeals Committee	
Caerphilly	3	Appeals Committee	73
	8	Appointments Committee	
Cardiff		No information available	75
Carmarthenshire	7	Appeals	74
	14	Appointments A	
	9	Appointments B	
Ceredigion	7	Shortlisting	42
Conwy	12	Senior Employment Committee	59
		Special Appointments Committee	
Denbighshire		Special Appointments Committee	47
Flintshire		None	70
Gwynedd		Chief Officer's Appointments	74
Merthyr	6	Appeals Panel	33
	9	Objections and Appeals	
		Recruitment and Appointments Committee	
Monmouthshire		None	43
Neath Port Talbot	6	Appeals Panel	64
	12	Personnel (5 non voting)	
Newport		None	50
Pembrokeshire	14	Disciplinary Investigations Committee	60
	7	Senior Staff Committee	
Powys	21	Employment and Appeals Committee	73

Rhondda Cynon-Taff	5	Appeals / Employee Appeals / Chief Officer Appeals	75
	5	Appointments	
Swansea	7	Appeals and Awards	72
	11	Appointments	
Torfaen	10	Appointments Committee	44
Vale of Glamorgan	6	Appeals	47
	7	Early Retirement	
	6	Senior Management Appointments (+Cabinet Members)	
Wrexham		None	52

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

CC46- 2016

CYNGOR SIR POWYS COUNTY COUNCIL.

COUNTY COUNCIL – 20TH APRIL, 2016

REPORT BY: Solicitor to the Council

SUBJECT: Scrutiny Committee Chairs

REPORT FOR: Decision and Information

1. INTRODUCTION

- 1.1 Following a change to political group numbers recently there is a need to revisit the appointment of the Chair of the Place Scrutiny Committee, as due to the change, the Welsh Conservatives and the Welsh Liberal Democrats have equal membership numbers.
- 1.2 The appointment of the Chairs of the 2 Scrutiny Committees needs to be in accordance with the Local Government (Wales) Measure 2011 (the Measure). Depending upon the circumstances the Measure provides for alternative appointment arrangements. There is every indication that the appointment will be made by the relevant political groups.
- 1.3 Without oversimplifying the position the legislation provides that in situations such as those which exist in Powys in terms of the number of groups and scrutiny committees the allocation of scrutiny committee chairs is based firstly on working out the proportion of chairs which go to the “Executive” group(s) based on the proportion which the members of the Executive group(s) bear to the overall membership of the council.
- 1.4 The chairs left over after this first exercise are allocated to the “Opposition” group(s). A possible alternative under the Measure would be for both chairs to be allocated to the “Opposition” groups provided this had cross group support.
- 1.5 The current position is that in accordance with the Measure, the Executive Groups are entitled to one of the scrutiny chairs and therefore the remaining 1 chair is to be filled by Opposition Groups (**See Appendix**). Due to the equality of numbers in both the Welsh Conservatives and Welsh Liberal Democrats Groups, an agreement has been reached by the two groups resulting in the entitlement to the Place Scrutiny Committee chair falling to the Welsh Liberal Democrats Group.
- 1.6 **The Council is required to allocate the Place Scrutiny Committee chair to the political groups as indicated above and to note the appointment of Chair by the Welsh Liberal Democrats Group as follows:**

Place Scrutiny Committee Welsh Liberal Democrats	County Councillor K.W. Curry.
---	-------------------------------

This will require a proposer and seconder.

Recommendation:	Reason for Recommendation:
To allocate the Place Scrutiny Committee Chair to the Welsh Liberal Democrats Group as set out in paragraph 1.6, and to note the political groups' appointment in respect of Chair.	To comply with statutory requirements (including those concerning the need for political balance) and the Council's Constitution in relation to the allocation and appointment of committee seats and Chairs.

Person(s) To Action Decision:	Wyn Richards, Scrutiny Manager and Head of Democratic Services		
Date By When Decision To Be Actioned:	20 April, 2016		
Relevant Policy (ies):	Council's Constitution.		
Within Policy:	Y	Within Budget:	Y
Contact Officer Name:	Tel:	Fax:	Email:
Wyn Richards Scrutiny Manager and Head of Democratic Services	01597 826375	01597 826220	wyn.richards@powys.gov. uk

Allocation of Scrutiny Committee Chairs – Measure Provisions.**Step 1.**

Percentage size of “Executive” Group(s) as a proportion of the Whole Council (73 Members):

Group Name	No in Group	Percentage of Whole Council
Non-Political Group	8	10.96%
The Independent Group	13	17.81%
Powys Independent Alliance	23	31.51%
Total	44	60.28%

Step 2.

Entitlement of “Executive” Group(s) to proportion of 2 seats.

60.28% of 2 seats = 1.21 seats.

If less than whole number then Rounding Down is required.

Entitlement = 1 seat.

Step 3.

As there is an entitlement of 1 seat for the “Executive” Group(s) the 1 remaining seat therefore is to be allocated to “Opposition” Groups based on the proportion size of individual groups to the Whole Council (73 Members):

Group Name	No in Group	Percentage of Whole Council
Welsh Conservatives	10	13.70%
Welsh Liberal Democrats	10	13.70%
Welsh Labour	6	8.22%

Step 4.

Entitlement of “Opposition” Groups to proportion of 1 remaining seat (number of seats multiplied by percentage in step 3):

Group Name	Entitlement (1 seat multiplied by percentage in step 3)	Rounding Up.	Ranking
Welsh Conservatives	0.137	0	(1)
Welsh Liberal Democrats	0.137	0	(1)
Welsh Labour	0.082	0	(3)

The equality of entitlement between the Welsh Conservatives and the Welsh Liberal Democrats was discussed with both Group Leaders. As a result an agreement was reached between the Groups that the entitlement to the scrutiny chair would fall to the Welsh Liberal Democrats.

Entitlement:

Executive Group(s) – 1 seat

Liberal Democrats Group – 1 seat

14/04/16

CC48- 2016a

CYNGOR SIR POWYS COUNTY COUNCIL

County Council
20th April 2016

REPORT AUTHOR: County Councillor Phil Pritchard, Portfolio Holder for Catering and Cleaning

SUBJECT: Question from County Councillor Matthew Dorrance

What is the Council doing to ensure that locally grown food is used in School Dinners?

Wherever possible we like to try and use Welsh and local suppliers for the provision of school meals. Currently we use a number of Powys based suppliers, all of our sausages come from Langford's (The Welsh Sausage Company) based in Welshpool. All of our bottled water and fruit juice for our high schools is supplied by Radnor Hills based in Knighton. We have a few suppliers for fruit and vegetables these are based in Hereford and Forden (Welshpool).

Powys County Council has a number of requirements suppliers need to meet:

- Sufficient volume i.e. be able to supply to all sites within geographical areas of Powys. Schools are supplied a number of times per week with fresh produce; the frequency depends on the size of the school and the storage facilities available. Delivery frequency needs to be 2-3 deliveries per week to all establishments.
- Good quality produce, suppliers need to meet certain criteria as part of a HACCP set up by PCC. Suppliers need to be STS audited by an external auditor to ensure food safety of produce from farm to fork, in line with recommendations from the Pennington report 2005.
- Reasonable price/ mark up (on-costs).

We are in the process of waiting for the NPS (National Procurement Service) Wales to issue invitations to tender to provide local authorities with new food contracts, this is likely to be August 2016. The catering service works with the commercial services team to ensure any new food contracts provide value for money while maintaining quality.

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

CYNGOR SIR POWYS COUNTY COUNCIL

County Council
20th April 2016

REPORT AUTHOR: County Councillor Barry Thomas, Leader

SUBJECT: Question from County Councillor Matthew Dorrance

The Welsh Labour Government's 'Welsh Housing quality Standard' has transformed a tired stock into more energy efficient and fit for purpose homes that residents can have pride in. However, our housing estates need the Council to deal with a backlog of work - like resurfacing pathways and cul-de-sacs; fixing fences and cutting hedges; and clearing up graffiti and fly-tipping.

What is the Council's plan for tackling these issues?

As Councillor Dorrance will be aware the council is investing considerable sums in achieving the Welsh Housing Quality Standard across the county. In the last financial year £14.1 million was spent on improving the homes of tenants and in the current financial year we plan to spend £15.2 million in 2016-17. These funds are predominantly spent on the primary elements of our homes (new kitchens, bathrooms, re-roofing, the installation of external wall insulation, rewiring, new heating systems). Whilst we have a small capital fund (£1 million in 2016-17) to improve secondary elements (works to the immediate environment of our homes) across the county, most of the items that Cllr Dorrance's question focus on are undertaken as responsive maintenance works.

Resurfacing paths and roads - We inspect these regularly and also respond to reports/complaints from tenants, councillors and members of the public. Where areas need to be resurfaced we do this on a responsive basis. There is no overarching plan to resurface all footways and roadways in the housing stock.

Hedges that Housing are responsible for are – some hedges are included in the grounds maintenance contract and our regularly trimmed by our contractor, however some hedges are the responsibility of tenants to maintain. This contract is currently under review. If there are one off pieces of work that need to be done we look at these on a case by case basis.

Fences – there is no programme to renew fences. These are addressed as a responsive maintenance issue when problems are reported by tenants, councillors and members of the public. We have done and will continue to do the occasional environmental improvement scheme, as and when the need arises and these will from time to time include the replacement of fences.

Graffiti and fly tipping on council estates are treated as a responsive maintenance issue that need to be attended to urgently and so are done on a case by case basis following a report from a tenant, councillor, or member of the public or from an estate inspection undertaken by officers from the housing service.

CC48- 2016c

CYNGOR SIR POWYS COUNTY COUNCIL

County Council
20th April 2016

REPORT AUTHOR: County Councillor Arwel Jones, Portfolio Holder for Education

SUBJECT: Question from County Councillor Gareth Ratcliffe

As you aware Estyn monitors progress in all schools and this ranges from special measures for schools in difficulty, to a light touch regime for the best schools with the majority being in a middle group that are inspected on specific issues. On the 16 March Estyn announced that Gwernyfed High School would no longer be in that middle group but because of the progress made and instead will join High Schools such as Welshpool, Maesydderwen and Crickhowell that do not need any additional monitoring (not special monitoring as had been reported). Can I invite the Cabinet to offer its congratulations to Gwernyfed High School on this achievement?

In response to Councillor Ratcliffe's question, I can confirm that Estyn carries out an inspection in schools with all schools inspected at least once in a seven year cycle. The level of monitoring depends on the outcome of the inspection. There are five outcomes which are:

- No monitoring
- Monitoring by the Local Authority
- Estyn monitoring which involves a visit by a team of HMI approximately 12-18 months after the original inspection. The purpose is to make a judgement of progress against the core inspection recommendations.
- Significant Improvement with a similar monitoring procedure to schools judged to require Estyn monitoring.
- Special Measures which involves a visit of HMI on a termly basis.

In its core inspection of 2013 Gwernyfed was judged to require Estyn monitoring. The monitoring visit took place early in the Spring Term with the outcome being that Gwernyfed had made sufficient progress to require no further monitoring in relation to the 2013 inspection outcome. This is a pleasing outcome for both the school and the Council and is the result of a great deal of work by the school with support and challenge by the School service and ERW.

The Cabinet congratulates the school on this outcome.

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