

# Pecyn Dogfennau Cyhoeddus

## Cyngor Sir

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Man Cyfarfod  
**Siambwr y Cyngor – Neuadd y Sir  
Llandrindod**

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Dyddiad y Cyfarfod  
**Dydd Iau, 25 Ionawr 2018**

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Amser y Cyfarfod  
**10.30 am**

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

19/01/2018

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

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## AGENDA

1.	<b>YMDDIHEURIADAU</b>
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Derbyn ymddiheuriadau am absenoldeb.

2.	<b>COFNODION</b>
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Awdurdodi'r Cadeirydd i lofnodi cofnodion y cyfarfod diwethaf fel cofnod cywir.  
([Tudalennau 1 - 58](#))

3.	<b>DATGANIADAU O DDIDDORDEB</b>
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To receive any declarations of interest from Members relating to items to be considered on the agenda.

4.	<b>CWESTIYNAU GAN Y CYHOEDD</b>
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4.1. **Cwestiwn i'r Aelod Portffolio ar faterion Eiddo a Gwastraff gan Phil Bettley**

Dros ddegawdau, rwyf wedi bod yn ddinesydd da, yn cadw ein cartref a'r amgylchedd yn daclus trwy fynd ag eitemau oedd yn aml yn rhai swmpus

i gyfleuster ailgylchu. Yn aml, rwyf wedi helpu aelodau o'r teulu, cymdogion a ffrindiau i wneud yr un peth, weithiau trwy logi fan.

Am y tro cyntaf yn fy mywyd, mae Cyngor Sir Powys wedi cael gwared ar fy ngallu i wneud hyn trwy fy ngorfodi i gofrestru un cerbyd penodol a fydd yn cael caniatâd i fynd i mewn i'r cyfleuster ailgylchu.

Mae gen i fan fechan ar gyfer defnydd domestig yn unig; mae gan fy ngwraig trelar; weithiau rydym yn llogi fan mwy o faint pan fydd prosiectau'n codi.

Mae eich polisi o orfodi gwastraff Masnachol i dalu am gael gwared ar wastraff yn ddealladwy, ond mae eich proses o gyflawni hyn yn ofnadwy. Fe ddylwn i, ac unrhyw un arall o fy nghyfeiriad, alli fynd â gwastraff nad yw'n wastraff masnachol i'r cyfleuster ailgylchu cynifer o weithiau ag y bo angen, ym mha bynnag cerbyd, fan neu drelar rydym yn ei ddewis.

Eich rôl chi yw gorfodi'r mater o wastraff masnachol, ac wrth wneud hynny, peidio ag atal defnyddwyr domestig rhag cyflawni eu dyletswydd ddinesig.

Cafodd y system drwyddedu gyfredol ei chreu ar frys ac nid yw'n addas i'r diben. A fydddech gystal ag ailfeddwl y broses hon?

(Tudalennau 59 - 60)

#### 4.2. **Cwestiwn i'r Arweinydd gan Michael McCarthy**

Comisiynwyd prif adolygiad allanol gan Gyngor Powys o wasanaethau plant yn ystod 2015/16. Y dasg oedd datblygu'r gwasanaeth, diwallu ei ddyletswyddau o dan y Ddeddf Gwasanaethau Cymdeithasol a Llesiant (Cymru) a chadarnhau os oedd arbedion gwerth £2.7m yn bosibl ac yn gynaliadwy.

A ydych chi'n derbyn nad oedd blaenoriaethu diogelu yn gamgymeriad difrifol a gyfrannodd at y methiannau o fewn gwasanaethau plant fel y nodwyd yn adroddiad diweddar AGGCC?

(Tudalennau 61 - 62)

#### 4.3. **Cwestiwn i'r Arweinydd gan Elizabeth Hunter**

Yn dilyn yr adroddiad hynod feirniadol gan AGGCC, pa sicrwydd gall yr arweinydd ei rhoi bod y diffyg dealltwriaeth amlwg rhwng uwch staff y cyngor ac arweinyddiaeth wleidyddol Cyngor Powys o flaenoriaethau Gwasanaethau Cymdeithasol Plant wedi cael ei datrys yn effeithiol, er mwyn sicrhau bod anghenion plant sy'n agored i niwed yn cael eu bodloni, ac o ystyried yr arolygiad o wasanaethau oedolion sydd i ddod, pa mor hyderus yw'r arweinydd bod y cabinet yn ddigon ymwybodol o'r holl faterion sy'n wynebu'r gwasanaeth hwnnw?

(Tudalennau 63 - 64)

4.4. **Cwestiwn i'r Aelod Portffolio ar faterion Eiddo a Gwastraff gan Francesca Garman**

O gofio'r opsiynau cyfyngedig ar gyfer gwaredu plastig yn y rhan hon o Bowys, a'r ffaith na all awdurdodau lleol yn gyfreithiol dympio eu gwastraff cyffredinol ar Tsieina bellach, ble mae gwastraff cyffredinol Powys yn mynd a pha fuddsoddiad sydd wedi'i gynllunio i ymdrin ag ailgylchu?

(Tudalennau 65 - 66)

<b>5.</b>	<b>CYHOEDDIADAU'R CADEIRYDD</b>
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Derbyn unrhyw gyhoeddiadau gan Gadeirydd y Cyngor.

<b>6.</b>	<b>CYHOEDDIADAU'R ARWEINYDD</b>
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Derbyn unrhyw gyhoeddiadau gan yr Arweinydd.

<b>7.</b>	<b>BRIFF GAN Y PRIF WEITHREDWR</b>
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Derbyn briff gan y Prif Weithredwr Dros Dro.

<b>8.</b>	<b>TROSLWYDDIADAU CYFALAF</b>
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8.1. **Trosglwyddiadau ar gyfer y Cyfrif Refeniw Tai: Safonau Ansawdd Tai Cymru (WHQS) Llety ar gyfer Pobl Hyn?**

Ystyried adroddiad gan y Cynghorydd Sir Aled Davies, Aelod Portffolio ar faterion Cyllid.

(Tudalennau 67 - 70)

8.2. **Trosglwyddiadau ar gyfer Priffyrdd, Cludiant ac Ailgylchu: Cynllun Lliniaru Llifogydd Cam 2 Talgarth, Cynllun Adnewyddu'r Fflyd Ceir, Gweithdai'r Fflyd Ceir**

Ystyried adroddiad gan y Cynghorydd Sir Aled Davies, Aelod Portffolio ar faterion Cyllid.

(Tudalennau 71 - 74)

**9. NEWIDIADAU I'R DDARPARIAETH LLEIAFSWM REFENIW**

Ystyried adroddiad gan y Cynghorydd Sir Aled Davies, Aelod Portffolio ar faterion Cyllid.

(Tudalennau 75 - 80)

**10. GWELLA GWASANAETHAU PLANT**

Ystyried Cynllun Gwella Gwasanaethau Plant.

(To Follow)

**11. ADRODDIADAU GAN Y PWYLLGOR GWASANAETHAU DEMOCRATAIDD**

Ystyried argymhellion gan y Pwyllgor Gwasanaethau Democrataidd.

(Tudalennau 81 - 272)

**12. DEDDF BYWYD GWYLLT A CHEFN GWLAD 1981, ADRAN 53  
DIRPRWYAETH ARFAETHEDIG O BENDERFYNIADAU AR GYFER  
ACHOS GORCHYMYN DIWYGIO MAP DIFFINIEDIG - LLWYBR O  
BANKSHEAD, SWYDD AMWYTHIG I SHEPHERDSWHIM, POWYS**

Ystyried argymhellion y Pwyllgor Cynllunio, Trwyddedu Tacsis a Hawliau Tramwy.

(Tudalennau 273 - 284)

**13. PENODI AELOD (LLEYG) ANNIBYNNOL AR Y PWYLLGOR SAFONAU**

Ystyried adroddiad gan Gyfreithiwr y Cyngor.

(Tudalennau 285 - 286)

**14. BLAEN RAGLEN WAITH Y CYNGOR**

Derbyn blaen raglen waith y Cyngor ar gyfer 2018, er gwybodaeth.

(Tudalennau 287 - 288)

**15. RHYBUDDION O GYNIGION**

**15.1. Rhybudd o Gynigion - Gwasanaethau Ieuenctid**

Mae'r Cyngor yn cydnabod:

1: Bod gwasanaethau ieuenctid yn gwneud gwaith hanfodol yn ein cymunedau. Mae'r buddion y maen nhw'n eu darparu ar gyfer pobl ifanc yn rhai go iawn a pharhaol.

2: Er bod llawer o wasanaethau cyhoeddus eraill yn camu i mewn pan fo problemau'n codi, mae gwasanaethau ieuenctid yn atal nifer o'r anawsterau hynny rhag digwydd yn y lle cyntaf.

3: Mae gwasanaethau ieuenctid yn helpu pobl ifanc i fyw bywydau cadarnhaol fel aelodau o gymdeithas.

4: Mae Canolfannau Ieuenctid mewn lleoliadau strategol ledled Powys yn chwarae rhan hanfodol i ddarparu'r Gwasanaeth Ieuenctid statudol.

5: Mae adeiladau'r Ganolfan Ieuenctid yn aml yng nghanol y gymuned ac yn allweddol i ddarparu gwasanaethau lleol gwerthfawr eraill.

Bod y Cyngor hwn yn penderfynu:

1: Nodi ei bryder am gau Canolfannau Ieuenctid ar draws Powys;

2: Y dylai'r Cabinet ymgysylltu â phobl ifanc ym Mhowys gan ddefnyddio'r cyfryngau, fforymau a chyfarpar y gall pobl ifanc eu defnyddio i ddatblygu cynllun i fuddsoddi mewn cyfleoedd i bobl ifanc.

3: Y dylai'r Cabinet adolygu effaith cau canolfannau ieuenctid ar bobl ifanc sydd â nodweddion gwarchoddedig a chymunedau tlotach o fewn 12 mis o'r dyddiad cau;

Cynigydd: Cynghorydd Sir Matthew Dorrance

Eilydd: Cynghorydd Sir Huw Williams

## 15.2. **Rhybudd o Gynnig - Gorchmynion Rheoli Anheddau Gwag**

Dim ond tri Awdurdod Lleol yng Nghymru sydd wedi defnyddio Gorchmynion Rheoli Anheddau Gwag (EDMO), pwerau a ddefnyddir gan Awdurdodau Lleol i gymryd drosodd eiddo sydd wedi bod yn wag am o leiaf ddwy flynedd. Nid yw Powys yn un ohonynt.

Cyflwynodd y Democratiaid Rhyddfrydol yn Lloegr Cais Rhyddid Gwybodaeth i Lywodraeth y DU i ddarparu ffigurau anheddau gwag fesul ardal awdurdod lleol ledled y DU. Wedi'i atodi mae'r daenlen a ddarparwyd mewn ymateb i'r cais ac mae'n dangos y ffigurau anheddau gwag ar gyfer pob awdurdod lleol yn y DU ac os ydynt wedi defnyddio'r pwerau uchod. Cofnododd Cyngor Sir Powys 1810 o anheddau gwag gyda 25 yn cael eu defnyddio gan y Cyngor yn 2016/17, er nad oedd y Cyngor wedi darparu ffigurau am ba mor hir roedd y cartrefi hyn wedi bod yn wag. Mae'n un o ddim ond ychydig o gynghorau nad ydynt yn cofrestru'r ystadegau hyn ar hyn o bryd. O'r 279 o awdurdodau lleol ar y rhestr dim ond 65 o awdurdodau ar draws y DU sydd â mwy na 1000 o anheddau gwag.

<https://docs.google.com/spreadsheets/d/1mrO1Aj9jQa1tzkG02kl-Xz82dA08l-yrTl4bFre67ll/edit#gid=0>

## **Cynnig**

Mae Grŵp Democratiaid Rhyddfrydol Cymru yn annog y Cyngor i ofyn i'r Cabinet i ddarparu dadansoddiad pam fod 1810 o anheddau gwag ym Mhowys ac i ddarparu ffigurau am gyfnod yr amser y mae'r cartrefi hyn wedi bod yn wag; ac mae'n gofyn ymhellach bod Cyngor Sir Powys, yn dechrau defnyddio Gorchmynion Rheoli Anheddau Gwag (EDMO) ar unwaith i helpu lleddfu'r pwysau ar y galw am dai lleol a'r argyfwng tai cenedlaethol.

Cynigydd: Cynghorydd Sir James Gibson-Watt

Eilydd: Cynghorydd Sir John Morris

### **15.3. Rhybudd o Gynnig - Dydd Gwyl Dewi**

Bod y Cyngor yn cefnogi'r alwad trawsbleidiol i greu Dydd Gwyl Dewi yn wyl banc cenedlaethol. Yn y cyfamser fod y Cyngor yn cydnabod hyn drwy godi baner Dewi Sant ar safleoedd y Cyngor ar y cyd efo'r Ddraig Goch yn ystod yr wythnos o amgylch y 1af o Fawrth, ac hefyd yn codi baner Glyndwr o amgylch y wythnos sy'n cynnwys yr 16eg o Fedi.

Cynigydd: Cynghorydd Sir Elwyn Vaughan

Eilydd: Cynghorydd Sir Bryn Davies

### **15.4. Rhybudd o Gynnig - Cronfa Bensiwn Powys**

Ym mis Ebrill, bydd Cronfa Bensiwn Powys yn ymuno â Phartneriaeth Pensiwn Cymru (WPP), cyfuniad o wyth Cronfa ar wahân ar draws Cymru. Unwaith y bydd y broses hon wedi digwydd, bydd y gwaith yn cychwyn ar lywodraethu amgylcheddol a chymdeithasol (ESG) o Bartneriaeth Pensiwn Cymru. Mae gan bob Cronfa unigol yn y bartneriaeth y cyfle i gyfrannu at y broses hon trwy nodi meysydd o flaenoriaeth llywodraethu amgylcheddol a chymdeithasol ac i lobio i gael y rhain wedi'u cynnwys ym Mhartneriaeth Pensiwn Cymru.

Mae'n amserol felly, i Aelodau gymryd nid yn unig y risgiau cymdeithasol ond hefyd y rhai ariannol o newid yn yr hinsawdd yn ddifrifol trwy gymryd camau i gyfyngu risg aelodau Cronfa Bensiwn Powys i buddsoddiadau mewn tanwydd ffosil [1], sydd nid yn unig yn farchnad sy'n marw ond hefyd un sydd â risg uchel. Mae arbenigwyr yn cytuno y bydd yn rhaid i'r mwyafrif (oddeutu 75%) o'r tanwydd ffosil sy'n parhau yn y ddaear aros yno os ydym i osgoi effeithiau trychinebus newid yn yr hinsawdd [2] ac mae hyd yn oed Llywodraethwr Banc Lloegr wedi rhybuddio bod asedau

glo ac olew mewn perygl a bod dad-carboneiddio yn gyfle mawr i fuddsoddwyr [3]. Felly, byddwn yn gwarchod buddiannau ein pensiynwyr orau trwy fuddsoddiadau sy'n edrych ymlaen i'r dyfodol o dyfu diwydiannau gwyrdd, megis ynni gwyrdd a allai fod yn allweddol i ddyfodol economaidd Cymru ei hun.

Trwy ymuno â Phartneriaeth Pensiwn Cymru, mae gennym gyfle i ddylanwadu ar fuddsoddi tua £16 biliwn yn lle £620 miliwn – i nifer ohonom, cyfle sy'n digwydd dim ond unwaith mewn bywyd i gael effaith go iawn ar lesiant ein cenedlaethau'r dyfodol a'r rheiny dros y byd i gyd.

Byddai'r camau hyn nid yn unig yn cefnogi'r Ddeddf Llesiant Cenedlaethau'r Dyfodol ond hefyd cynllun Llesiant drafft Powys ei hun hefyd, sydd â'r nod i “ddatblygu strategaeth sy'n cael effaith positif ar garbon ac sy'n gwneud y mwyaf o gynhyrchu ynni gwyrdd”.

Rwyf felly'n galw ar y Cyngor i gefnogi'n gyhoeddus yr egwyddor o ddadfuiddsoddi mewn tanwydd ffosil ac i ddechrau llobio Partneriaeth Pensiwn Cymru i gynnwys dadfuiddsoddi mewn tanwydd ffosil yn ei flaenoriaethau ESG. Yn benodol, rwy'n gofyn;

1. I'r Arweinydd i ysgrifennu at Gronfa Pensiwn Powys yn galw iddynt:
  - a. Gefnogi'r egwyddor o ddadfuiddsoddi
  - b. Llobio Partneriaeth Pensiwn Cymru i leihau ei fuddsoddiadau mewn tanwydd ffosil i sero dros y 5 mlynedd nesaf, yn cynnwys cynlluniau i arallgyfeirio i ddulliau adnewyddadwy, effeithlonrwydd ynni a thechnolegau storio ynni.
2. Y Gyngor a Chronfa Pensiwn Powys i weithio gydag awdurdodau lleol eraill sy'n cael eu gwasanaethau gan Partneriaeth Pensiwn Cymru i weithio gyda'i gilydd ar ddadfuiddsoddi ac arallgyfeirio.
3. I weithio gyda chynrychiolwyr undebau llafur a'r gweithlu i'w cynnwys mewn cynlluniau ar gyfer dadfuiddsoddi ac arallgyfeirio.

Er na ellir cyfeirio'r Pwyllgor Pensiynau a Buddsoddi i weithredu camau 1.a ac 1.b, mae'n hanfodol eu bod yn cael eu hystyried i'w mabwysiadu yn ystod camau cynnar Partneriaeth Pensiwn Cymru.

Cynigydd: Cynghorydd Sir Emily Durrant  
Eilydd: Cynghorydd Sir Elwyn Vaughan

[1] <https://www.theguardian.com/environment/2013/apr/19/carbon-bubble-financial-crash-crisis>

[2] *Mae arbenigwyr blaenllaw wedi rhybuddio y bydd yn rhaid i oddeutu 75% o'r tanwydd ffosil sy'n weddill aros yn y ddaear os ydym i osgoi effeithiau gwaethaf newid yn yr hinsawdd:*

<https://www.theguardian.com/environment/2015/apr/22/earth-day-scientists-warning-fossil-fuels->

[3] <https://www.theguardian.com/environment/2014/oct/13/mark-carney-fossil-fuel-reserves-burned-carbon-bubble>

## 15.5. Rhybudd o Gynnig - Lleihau'r Defnydd o Blastig

Mae erchyllion ein dibyniaeth ar blastig bellach yn wybodaeth gyffredin. Mae gan blastig lle pwysig yn ein datblygiad technolegol ac mewn llawer o ffyrdd mae'n gynnyrch dyfeisgar a chwyldroadol. Serch hynny, mae'n bryd am chwyldro plastig arall. Mae'n bryd i gael gwared ar blastig un-defnydd. Ar ôl cael fy ethol i'r Cyngor ym mis Mai, roeddwn yn siomedig iawn gan nifer y cwpanau plastig un-defnydd a chwpanau cyfansawdd un-defnydd a ddefnyddir gan Aelodau, staff ac ymwelwyr bob dydd. Mae'r ymateb i'r ymgyrch ddiweddar 'Powys Di-blastig' yn arwydd y byddai trigolion yn debygol o fod yr un mor siomedig.

A wnaiff Aelodau ddangos arweiniad trwy ofyn i'r Cyngor ;

- A) Hyrwyddo Powys fel awdurdod sydd ar flaen y gad i gwtogi plastig
- B) Datblygu strategaeth i:
  1. Annog staff a thrigolion i:
    - a. Gludo poteli dŵr y gellir eu hail-lenwi ac yn yr hirdymor, ystyried ffynhonnau ddwr yng nghanol trefi lle gellir eu hail-lenwi.
    - b. Cludo cwpanau coffi y gellir eu haildefnyddio ac i wrthod cwpanau coffi un-defnydd (er enghraifft, mae codi tâl o 5c ar gwpanau coffi un-defnydd mewn adeiladau sy'n cael eu rhedeg gan y cyngor yn un syniad)
    - c. Osgoi cynhyrchion gyda gleiniau micro a chofio i fflysio papur yn unig yn eu toiledau. Byddai peidio â fflysio weips bach, ffyn gwlan cotwm a lensys cyffwrdd i lawr y toiled yn lleihau'r plastig yn y môr ac yn helpu'r system garthffosiaeth.
  2. Annog manau bwyd a diod ar draws y sir i:
    - a. Gynnig dewis bioddiraddadwy ac i hysbysebu'r parodrwydd i lenwi cwpanau pobl
    - b. Defnyddio gwellt papur a dim rhai plastig

Cynigydd: Cynghorydd Sir Emily Durrant

Eilydd: Cynghorydd Sir Bryn Davies



- 16.1. **Cwestiwn i'r Aelod Portffolio ar faterion Eiddo a Gwastraff gan y Cynghorydd Sir Elwyn Vaughan**  
Beth oedd cyfanswm cost gwreiddiol datblygiad 'y Gaer' yn Aberhonddu a beth yw cyfanswm y gost erbyn hyn? Sut y cafodd ei ariannu a sut y mae'n cael ei ariannu nawr?  
(Tudalennau 289 - 290)
- 16.2. **Cwestiwn i'r Aelod Portffolio ar faterion Adfywio gan y Cynghorydd Sir Kathryn Silk**  
Pa ganran o ddeiliaid tai a busnesau ym Mhowys sydd â mynediad at gyflymderau band eang o 10Mbs neu fwy; beth mae'r Cabinet yn ei wneud i sicrhau bod pob cartref a busnes yn cael mynediad o'r fath; a pha asesiad mae'r Cabinet wedi'i wneud o'r anfantais economaidd i ddeiliaid tai a busnesau sydd heb fynediad o'r fath?  
(Tudalennau 291 - 292)
- 16.3. **Cwestiwn i'r Arweinydd gan y Cynghorydd Sir Matthew Dorrance**  
A fydd yr Arweinydd yn cyhoeddi adroddiad cynnydd ar gyflawni dogfen ei gweinyddiaeth - Gweledigaeth 2025?  
(Tudalennau 293 - 294)
- 16.4. **Cwestiwn i'r Aelod Portffolio ar faterion Adfywio a Chynllunio gan y Cynghorydd Sir Matthew Dorrance**  
Pa asesiad a wnaed gan y Cabinet o'r effaith y bydd y cau sydd wedi'i gynllunio o Ganolfan Croeso Aberhonddu yn ei gael ar yr economi leol?  
(Tudalennau 295 - 296)
- 16.5. **Cwestiwn i'r Cynghorydd Sir William Powell, Aelod o Banel Heddlu a Throseddau Dyfed Powys gan y Cynghorydd Sir Elwyn Vaughan**  
Beth yw'r blaenoriaethau ar gyfer plismona ein cymunedau gwledig iawn ym Mhowys?  
(Tudalennau 297 - 298)
- 16.6. **Cwestiwn i'r Aelod Portffolio ar faterion Addysg gan y Cynghorydd Sir Sandra Davies**  
Fel arfer, mae'r Fformiwla Ariannu Teg yn cael ei chylchredeg ar gyfer ymgynghori o amgylch tymor y Nadolig – hyd yr hyn rwy'n gwybod nid yw wedi cael ei gyhoeddi ar gyfer ymgynghori eto: pryd bydd y fformiwla'n cael ei gylchredeg?

(Tudalennau 299 - 300)

16.7. **Cwestiwn i'r Aelod Portffolio ar faterion Eiddo a Gwastraff a'r Aelod Portffolio ar faterion Adnoddau Dynol, TGCh a Chyfathrebu gan y Cynghorydd Sir Sandra Davies**

Mae tipyn wedi cael ei ddweud yn ddiweddar am y boblogaeth sy'n heneiddio a'r pwysau cysylltiedig ar wasanaethau rheng flaen. Mae cynnydd mewn dementia, pobl sydd â phroblemau symudedd a rhagor o alwadau ar ofalwyr / darparwyr gofal.

Nid yw Powys yn darparu rhestr o ddyddiadau ar gyfer casgliadau sbwriel sy'n gallu achosi dryswch i bobl a'u gofalwyr. Nid oes mynediad gan bawb i gyfrifiadur i gael hyd i wybodaeth.

Roedd hi'n anffodus y cafwyd problemau gyda'r casgliadau gwastraff cyn y Nadolig oherwydd y tywydd. Nid oedd hi'n glir pryd yr oedd y sbwriel yn cael ei gasglu.

Yn ogystal â hyn roedd y dryswch am y newid i'r diwrnod casglu arferol dros y Nadolig a diwrnod casglu gwahanol ar gyfer y cyfnod dros y Flwyddyn Newydd?

Pa gynllun sydd gan yr aelod portffolio ar faterion sbwriel/ailgylchu i wneud yn siŵr bod aelodau o'r cyhoedd yn gwybod pryd i roi eu sbwriel allan i'w gasglu: biniau du (sachau porffor) a blychau lliw?

A yw'r ddau aelod portffolio yn cydweithio gyda'i gilydd i wneud yn siŵr bod hyn yn cael ei gyfathrebu'n effeithiol?

(Tudalennau 301 - 302)

16.8. **Cwestiwn i'r Aelod Portffolio ar faterion Addysg gan y Cynghorydd Sir David Meredith**

Rwy'n deall bod dau ymgynghorydd wedi'u cyflogi i gynorthwyo drafftio Polisi Ysgolion - Ariannu Teg diwygiedig. Gan fod yr apwyntiadau hyn yn ychwanegol at gyflogi Cyfarwyddwr Addysg parhaol a all yr Aelod Cabinet ar faterion Addysg gwneud datganiad ar ddefnydd yr Adran o ymgynghorwyr?

(Tudalennau 303 - 304)

16.9. **Cwestiwn i'r Aelod Portffolio ar faterion Eiddo a Gwastraff a'r Aelod Portffolio ar faterion Tai a Gwasanaethau Cefn Gwlad gan y Cynghorydd Sir Roger Williams**

Pa asesiad a wnaed gan y Cabinet o berfformiad (a) ariannol a (b) gweithredol Gwasanaethau Eiddo Calon Cymru Cyf?

(Tudalennau 305 - 306)

16.10. **Cwestiwn i'r Aelod Portffolio ar faterion Priffyrdd gan y Cynghorydd Sir Roger Williams**

Pa asesiad a wnaed gan y Cabinet o gyflwr ffyrdd ddi-ddosbarth ym Mhowys?

(Tudalennau 307 - 308)

16.11. **Cwestiwn i'r Aelod Portffolio ar faterion Gwasanaethau Oedolion gan y Cynghorydd Sir Huw Williams**

A all yr Aelod Portffolio ar faterion Gofal Cymdeithasol Oedolion egluro pa wasanaeth penodol sy'n cael ei arwain gan angen a sbardunodd y cais llwyddiannus i'r Cabinet ar ddiwedd 2017 am gymorth ariannol ychwanegol?

(Tudalennau 309 - 310)

16.12. **Cwestiwn i'r Cynghorydd Sir Emily Durrant, Aelod o Awdurdod Parc Cenedlaethol Bannau Brycheiniog gan y Cynghorydd Sir William Powell**

O ystyried yr Adolygiad diweddar a hysbysebwyd o Gynllun Datblygu Lleol Awdurdod Parc Cenedlaethol Bannau Brycheiniog (2007 – 2022), sut y bydd Aelodau'r Parc Cenedlaethol yn sicrhau bod yr Awdurdod yn ymgysylltu'n rhagweithiol gyda ei chymunedau cyfansoddol a'u cynrychiolwyr Cynghorau Sir, Tref a Chymuned, i wella effeithiolrwydd ac eglurder y broses?

Yn enwedig, sut y bydd Awdurdod Parc Cenedlaethol Bannau Brycheiniog yn sicrhau bod adolygiad y CDLI yn seiliedig ar egwyddorion datblygu cynaliadwy ac yn ystyried sut y gellir cyflawni dyraniadau tai a digonolrwydd dyraniadau cyflogaeth a safleoedd defnydd cymysg, i ddiwallu dyheadau ac anghenion y gymuned leol, yn ogystal â blaenoriaethau polisi trosfwaol Llywodraeth Cymru?

(Tudalennau 311 - 312)

16.13. **Cwestiwn i'r Aelod Portffolio ar faterion Gwasanaethau Plant, Ieuenctid, Llyfrgelloedd a Hamdden gan y Cynghorydd Sir Gareth Morgan**

Mae penderfyniad diweddar y Cabinet i gau Canolfan Addysg Awyr Agored Penffordd-las wedi achosi tipyn o bryder ledled Powys. A all yr aelod portffolio cadarnhau bod ymgynghoriad cyhoeddus llawn (yn cynnwys gydag ysgolion Powys) ynghyd ag Asesiad Effaith llawn wedi cael ei gynnal cyn bod yr eitem wedi dod o flaen y Cabinet am benderfyniad yn unol â gofynion y Ddeddf Cenedlaethau'r Dyfodol a Llesiant?

(Tudalennau 313 - 314)

16.14. **Cwestiwn i'r Aelod Portffolio ar faterion Eiddo a Gwastraff gan y Cynghorydd Sir William Powell**

Gyda'r gwaith bron a dod i ben ar Ysgol ardal y Mynydd Du gyda llyfrgell/cyfleusterau cymunedol ar Heol y Gelli, Talgarth, bydd safleoedd ysgolion cyfredol Bronllys a Thalgarth yn dod yn segur cyn bo hir, yn ogystal â Llyfrgell Gangen Talgarth. Er y deallir y pwysigrwydd bod Cyngor Sir Powys yn dilyn protocol, ac yn osgoi unrhyw gamau byrbwyll, mae'n bwysig gwneud cynlluniau cynhwysfawr i ymgynghori ar y defnydd o'r safleoedd hyn yn y dyfodol, gan ystyried nid yn unig polisi'r Cyngor Sir ond hefyd teimladau cymunedol a dyheadau lleol.

Mae hyn yn arbennig o bwysig yng nghyd-destun asedau Talgarth, gan eu bod yn fwy eang ac yn syrthio o fewn cyfundrefn cynllunio Parc Cenedlaethol Bannau Brycheiniog, yn cynnwys: yr hen Ganolfan Ieuencid a Chymunedol, yr Ysgol Gynradd bresennol, Caban Cadlanciau'r Fyddin, y Llyfrgell a'r Cae Ysgol sy'n cael ei werthfawrogi'n fawr yn lleol.

O ystyried lefel y diddordeb a phryder yn lleol am y safleoedd allweddol hyn, a fydd yr Aelod Cabinet yn cysylltu â'i gydweithwyr portffolio perthnasol a minnau fel yr Aelod Lleol i drefnu cyfarfod i drafod yn agored a thryloyw, dyfodol yr asedau hyn yng nghalon y dref?

O gofio profiad hanesyddol yn lleol o esgeuluso hen Ysbyty Canolbarth Cymru, a'r diffygion yn gysylltiedig â gwaredu'r safle hwnnw, mae'n hanfodol ein bod yn mabwysiadu dull agored a rhagweithiol ac un a fydd yn cynnwys Cyngor Tref Talgarth, rhanddeiliaid lleol a Pharc Cenedlaethol Bannau Brycheiniog.

(Tudalennau 315 - 316)

16.15. **Cwestiwn i'r Arweinydd gan y Cynghorydd Sir James Gibson-Watt**

O ystyried y digwyddiadau diweddar yn gysylltiedig â chwymp Carillion, a all yr Arweinydd sicrhau ni bod yr holl gytundebau allanol a roddir gan y Cyngor Sir wedi'u geirio lle bod achosion lle defnyddir is-contractwyr lleol gan y prif contractwr bod y telerau talu heb fod yn fwy na 30 diwrnod a hefyd a allith hi amlinellu pa fesurau sydd gan Gyngor Sir Powys yn ei le er mwyn sicrhau bod taliadau o'r fath yn cael eu gwneud mewn dull amserol? A yw hi'n gallu ein sicrhau ymhellach na fydd y Cyngor Sir yn dioddef unrhyw golledion uniongyrchol, un ai o ran contractau wedi'u oedi neu unrhyw golled ariannol gwirioneddol o ganlyniad i Carillion yn cael ei roi yn nwylo gweinyddwyr?

(To Follow)

<b>17. GWOBRAU YSGOLION IACH</b>

Derbyn cyflwyniadau gan ddisgyblion o Ysgol Uwchradd Crughywel, Ysgol Penmaes ac Ysgol GG Mount Street sy'n derbyn Gwobr Ansawdd Cenedlaethol Rhwydwaith Ysgolion Iach Cymru.

<b>Mae'r eitem ganlynol wedi'i threfnu ar gyfer 2.30 p.m.</b>
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<b>18. CYFLWYNIAD GAN CHWARAEON POWYS</b>
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Derbyn cyflwyniad gan Chwaraeon Powys sydd wedi ennill achrediad Efydd 'insport' Anabledd Chwaraeon Cymru.

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

**MINUTES OF A MEETING OF THE COUNTY COUNCIL HELD AT COUNCIL  
CHAMBER - COUNTY HALL, LLANDRINDOD WELLS ON THURSDAY, 19  
OCTOBER 2017**

**PRESENT**

County Councillor D E Davies (Chair)

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

<b>1.</b>	<b>APOLOGIES</b>
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Apologies for absence were received from County Councillors S C Davies, L Fitzpatrick, D R Jones, P E Lewis, J Pugh, P Roberts and T J Van-Rees.

<b>2.</b>	<b>MINUTES</b>
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The Chair was authorised to sign the minutes of the last meeting held on 13<sup>th</sup> July 2017 as a correct record.

<b>3.</b>	<b>DECLARATIONS OF INTEREST</b>
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County Councillor Matthew Dorrance declared a personal non-prejudicial interest in item 11, Arrangements for the Scrutiny of Powys Public Service Board as a local authority appointed member of Powys Teaching Health Board.

County Councillor Roger Williams declared a pecuniary interest in the Notice of Motion on tackling fuel poverty as he had participated in energy buying schemes.

County Councillor Jackie Charlton advised that she may have an interest in the Notice of Motion on tackling fuel poverty.

<b>4.</b>	<b>CHAIR'S ANNOUNCEMENTS</b>
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The Chair was presented with a copy of The Bible by the Gideons Society.

The Portfolio Holder with responsibility for equalities reminded members that it was Hate Crime Awareness Week and introduced a film clip on the definition of hate crimes.

<b>5. QUESTIONS FROM MEMBERS OF THE PUBLIC</b>
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**5.1. Question to the Portfolio Holder for Housing and Countryside Services from Linda Savage**

**Can the Portfolio Holder assure me and the tenants of Newtown Allotments that our allotment site is not suitable for a housing development and should be retained for allotment use only?**

**Answer**

Following the allotment site being declared surplus by the council's Leisure and Recreation Service in 2016, the Housing Service declared an interest in obtaining the site. The process of transferring the site into the Housing Service is still ongoing and it is currently being established whether the site can be developed.

I can confirm that no proposed plans have been drawn up at this stage as a substantial number of sites throughout Powys are currently being assessed by our Affordable Housing Team. The Housing Service is currently investigating whether there are any grounds that will preclude the development of homes on the site and if this is the case it will not pursue the transfer of the site.

Should there be no restrictive covenants in place which prevent the site being used to provide much needed affordable housing in the town, the Housing Service would provide an alternative site for the provision of allotments with facilities that match those currently provided at the existing site.

Finally, should the Housing Service choose to utilise the site for the provision of new homes sometime in the future, it will need to apply for planning consent. As is the case with all planning applications, anyone affected by any proposed development will have the chance to comment as part of the planning process. However, in such circumstances the Housing Service will engage with the allotment holders prior to the planning application to seek their views.

There was no supplementary question.

**5.2. Question to the Portfolio Holder for Regeneration and Planning from James Anderson**

**Many residents have enjoyed and have spent considerable time and energies supporting the Council to develop the draft Powys Local Development Plan as an evidence based plan against which to consider planning applications. Whilst the draft LDP contains sufficient land allocation and development proposals to meet Powys' projected housing needs throughout the lifetime of the plan, a review of 'Major Development' Planning Applications on the Council's web pages shows that a relatively high proportion of current planning applications from across the county are seeking to develop Greenfield sites over and above LDP land allocations.**

**In considering planning applications outside of proposed LDP developments, individual isolated site consideration does not sound as though it is likely to engender effective strategic planning. What is the Council's strategic response in continuing to support future generations to ensure that the legacy of approved housing developments remains positive and does not inadvertently lead to any over- development of open countryside or to the distension of any local communities that could see**



**some community members become poorly located inhibiting their ease of access to existing services?**

**Answer**

Thank you for the question. I am the Cabinet's Portfolio Holder with responsibility for Planning Services which includes Development Management and Planning Policy. I welcome and appreciate the input and support of residents in the process of preparing the Powys Local Development Plan (LDP). The LDP is nearing the conclusion of its Examination and I anticipate the Council to be in a position to adopt the LDP early in 2018 when it will replace the Powys Unitary Development Plan (UDP) and provide the development plan policies for determining planning applications.

I am aware that the Council has received a number of planning applications for housing proposals on sites that are not allocated in the existing UDP or within the LDP. These applications have sought to justify themselves, more often than not, on the grounds that permission would assist in making up for the shortfall in housing land supply that the Authority finds itself in. This is not a situation unique to Powys and most authorities in Wales find themselves in this position.

Determining planning applications requires careful, methodical and balanced judgements to be taken by the authority, taking account of prevailing development plan policies and having regard to all other relevant material considerations. Welsh Government clarification on the issue of speculative development proposals was provided by Lesley Griffiths A.M., Cabinet Secretary for Environment and Rural Affairs on the 23<sup>rd</sup> Feb 2017 and I would refer you to that. (Link below). This is a material consideration that is taken into account by the authority when determining such applications. The Cabinet Secretary emphasised the need for such development proposals to be, "...well related to the existing settlement form and do not lead to unacceptable impacts on local economic, social and environmental infrastructure. The principles of sustainable development and the creation of cohesive communities, which forms the basis of Welsh Government's planning policy, remains and should not be undermined by the need to increase housing land supply".

<http://gov.wales/docs/desh/publications/170223delivery-of-affordable-housing-through-the-planning-system-en.pdf>

Mr Anderson's supplementary question was: "Within your response to my question, you highlighted that Councils considering planning applications for developments that are not supported within their draft LDPs need to ensure that any approved applications are well related 'to the existing settlement form'. I would be grateful for a little more clarity around what this means in light of requirements of the Future Generations Act. Can you please confirm that planning applications for major housing developments within open-countryside outside of existing settlements and that are not supported within the draft LDP, will not meet that requirement?"

The Professional Lead – Planning Policy provided a response: Planning applications submitted to the Council must be determined in line with legislation as set by the Planning and Compulsory Act 2004 (Section 38, 6) which states that any "... determination must be made in accordance with the plan unless material considerations indicate otherwise." Regard will therefore be had to the

prevailing development plan and to all other relevant material considerations which would include how a site's location and characteristics relate to the form and pattern of existing settlements but also to many other considerations such as the Council's annual housing land supply. Welsh Government's Planning Policy Wales explains in Chapter 4 how the planning system achieves sustainable development in line with the duties of the Well-being of Future Generations (Wales) Act 2015.

## **6. DISCUSSION ON CHILDREN'S SERVICES**

Council debated the CSSIW inspection report into Children's Services in Powys which had found that failings in the service had put children at risk of harm.

The Leader, Portfolio Holder for Children's Services and Chief Executive explained that they accepted the recommendations contained in the CSSIW report and outlined the steps that had been taken to address the recommendations in the report. They apologised to the young people and their families who had been let down by the service. They gave a commitment to Council to take all necessary steps to improve Children's Services and ensure that vulnerable children were safeguarded and supported.

Council was advised that a draft improvement plan had been prepared and an Improvement Board established. With the support of the WLGA, a team of experts had been put in place to help the Council respond to the report and key staff including an interim Head of Service recruited.

Members spoke of their dismay at the report but also of their support for the front line staff of the service and determination to help in whatever way they could. Members felt that the service had been destabilised by restructuring and by cuts to its budget. They asked for and received details of how the £4m extra being put into the service would be funded. They also asked for regular reports back to Council on progress in implementing the improvement plan. Members also sought and received assurances from the Chief Executive that there would be no witch hunts against whistle blowers and that members would be given access to the full range of performance data to enable them to scrutinise the service. A number of members expressed the view that the Chief Executive should stand aside from improvement process. There was discussion on the membership of the Improvement Board and it was suggested that this could be considered by the political group leaders. It was confirmed that the Improvement Board would be chaired by an independent person nominated by Minister for Social Services and Public Health.

Council adjourned from 13.03 – 13.49. County Councillors E Durrant, E Jones and G Ratcliffe left the meeting.

Present:

PRESENT

County Councillor D E Davies (Chair)

County Councillors MC Alexander, M Barnes, B Baynham, G Breeze, J Charlton, L V Corfield, K W Curry, A W Davies, B Davies, P Davies, M J Dorrance,

E Durrant, D O Evans, J Evans, L George, J Gibson-Watt, M R Harris, S M Hayes, H Hulme, A Jenner, E A Jones, E Jones, G Jones, J R Jones, E M Jones, M J Jones, D Jones-Poston, F H Jump, K Laurie-Parry, H Lewis, K Lewis, S Lewis, MC Mackenzie, I McIntosh, S McNicholas, C Mills, G Morgan, JG Morris, N Morrison, R Powell, WD Powell, D R Price, GD Price, P C Pritchard, G Pugh, G W Ratcliffe, L Roberts, K M Roberts-Jones, E Roderick, D Rowlands, D Selby, K S Silk, D A Thomas, R G Thomas, E Vaughan, M Weale, J Wilkinson, A Williams, G I S Williams, D H Williams, J Williams, J M Williams, R Williams and S L Williams

**7. LEADER'S ANNOUNCEMENTS**

The Leader referred to the success of the Powys Business Awards. She also advised of meetings with Vaughan Gething AM Cabinet Secretary for Health and Social Services and Rebecca Evans AM Minister for Social Services and Health and Jake Berry MP Parliamentary Under Secretary of State at the Department for Communities and Local Government.

**8. CHIEF EXECUTIVE'S BRIEFING**

The Chief Executive updated Council on the schools building programme and advised that the topping out ceremony for Y Gaer cultural hub would take place on 27 October.

The Chair advised that he was changing the running order of the agenda to take questions to the Portfolio Holder for Children's Services next as she had to leave to attend another meeting.

**8.1. Question to the Portfolio Holder for Children's Services from County Councillor Huw Williams**

**How many children in need, children whose names are on the child protection register, looked after children and care leavers are currently recorded in Powys? How many looked after children are placed outside of Powys?**

**Answer**

	<b>0 to 4 Years</b>	<b>5 to 9 Years</b>	<b>10 to 15 Years</b>	<b>16 Plus</b>	<b>Grand Total</b>
A6 - Placed for adoption with placement order (under section 21 of the 2002 Act) not with current foster carer	3	3			6
A8: Placed with prospective adoptive parents (before a placement order is made)	2				2
F1:Inside La:- Foster Placement With A	4	1	7	2	14

Tudalen 5

Relative Or Friend					
F2:Inside La:-Placement With Other Foster Carer Provided By La	23	19	33	11	86
F3:Inside La:-Placement With Foster Carer, Through Agency	1				1
F3:Inside La:-Placement With Foster Carer, Through Agency			3		3
F4:Out Of County:-Foster Placement With A Relative Or Friend	2	1		2	5
F5:Out Of County:-Placement With Other Foster Carer Through La			8	3	11
F6:Out Of County: Placement With Foster Carer, through Agency	4	10	11	3	28
H3:Children Homes Regs: - Homes & Hostels Inside La Boundary			1	3	4
H4:Children Homes Regs: - Homes & Hostels Outside La Boundary		1	6	5	12
H5:Residential Accommodation Not Subject To Childrens Homes Reg				1	1
Health Authority Placement				1	1
P1:Placed With Own Parents Or Person With Parental Responsibility	5	1	6	4	16
R1:Other Res Setting:-Residential Care Home				1	1
R2:Other Res Setting:-NHS/health Trust Estab Medical Or Nursing				1	1
R3:Other Res Setting:-Family Centre Or Mother And Baby Unit	2				2
Z1:Other Placements		1	1		2

Child Protection Register

Category of Abuse	Children on Register
Emotional Abuse	45
Neglect	<a href="#">36</a>
Physical Abuse	<a href="#">12</a>
Sexual Abuse	3
Total	<a href="#">96</a>

Councillor Williams did not ask a supplementary question but expressed his disappointment that he had not received answers to his questions until just before the start of the meeting and that he had to submit a freedom of information request to find out the staff structure in Children's Services.

## 8.2. Question to the Portfolio Holder for Children's Services from County Councillor Huw Williams

**Work for front line staff in Children Services is emotionally demanding, intense and occasionally high risk. Staff sickness leave is reported to have been, at times, between 25% and 50% during the last year. There seems to be a correlation between sickness levels and the increased demand placed on workers in support of young people. Every young person is allocated a social worker and lack of continuity is damaging. What support is being offered to these members of staff in terms of supervision, resources and better staffing levels, so, they can properly and safely support our vulnerable young people?**

### Answer

From our records the occasions and percentage of sickness absence within Childrens services for the last year is as below-

<b>Oct-16</b>	35 occasions	17.59%
<b>Nov-16</b>	35 occasions	17.86%
<b>Dec-16</b>	35 occasions	18.42%
<b>Jan-17</b>	40 occasions	21.16%
<b>Feb-17</b>	35 occasions	19.02%
<b>Mar-17</b>	39 occasions	20.21%
<b>Apr-17</b>	27 occasions	13.92%
<b>May-17</b>	29 occasions	14.57%

<b>Jun-17</b>	25 occasions	12.38%
<b>Jul-17</b>	24 occasions	11.65%
<b>Aug-17</b>	23 occasions	11%
<b>Sep-17</b>	19 occasions	8.88%

The support available to staff includes-

- Supervision meetings undertaken by line managers.
- IPR meetings undertaken and recorded on Trent that taking place.
- Flexible Working/ Retirement- (9 day fortnight working pattern to assist with home/ work life balance.)
- TOIL/ Annual Leave/ Flexi schemes
- All Leave Policy- Maternity, Paternity and Supporting Working parents
- Performance Capability process if not performing within role- support to ensure working to acceptable standard.
- Coaching and mentoring.
- Staff training and development
- Locality Teams- Team Managers, Assistant Team Managers and other positions have now been appointed to within the service to provided additional resource and support.
- Adoption and Fostering- Restructures have taken place and as part of this capacity has been looked at within the team and this will continue to be reviewed.
- Golwg y Bannau- Relief staff in place to assist with staff shortages as and when required
- Newly Qualified Social Workers and support people through Social Work Degree.
- Support Non-qualified staff and the option to enter into the Social Work profession.
- Staffing Levels- Reviewed carried out in all service levels in last 12 months and further work is being followed up in this regard. Vacancy gaps look at agency staff- something we need to reduce and look at in the future.

### **Sickness**

- Communication with staff during sickness absence.
- Welfare meetings undertaken with staff in line with sickness absence policy.
- Access to the PCC Counselling service offered to staff.
- Access to the Occupational Health service if required.
- Stress risk assessments undertaken with staff.
- Opportunity to take annual leave to remain on full pay if requested.

In response to Councillor Williams' supplementary question as to why these measures had not been put into place until now, the Portfolio Holder acknowledged that service needed to do better in supporting staff.

<b>9. CAPITAL VIREMENTS REQUIRING COUNCIL APPROVAL</b>
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**9.1. Virement for Strategic Salt Reserve**

Council was asked to approve the roll forward of the salt reserve budget. It was proposed by County Councillor Aled Davies and seconded by County Councillor Michael Williams and by 58 votes to 0 with 1 abstention in was

<b>RESOLVED</b>	<b>Reason for Decision:</b>
<b>To approve the virements of £1.435m is rolled forward from 2017/18 and £0.835m is added to 2018/19 and £0.6m is added to 2019/20.</b>	<b>To ensure appropriate virements are carried out that reflect the forecasted capital spend.</b>

**9.2. 21st Century Schools**

Council was asked to approve the roll forward of budgets in the 21<sup>st</sup> Century Schools Programme. It was proposed by County Councillor Aled Davies and seconded by County Councillor Myfanwy Alexander and by 55 votes to 0 with 2 abstentions it was

<b>RESOLVED</b>	<b>Reason for Decision:</b>
<b>To approve the virements set out in Table 3 of the report.</b>	<b>To ensure appropriate virements are carried out that reflect the forecasted capital spend.</b>

**9.3. Abermule Business Park**

Council was asked to consider the roll forward of the budget for Abermule Business Park. It was proposed by County Councillor Aled Davies and seconded by County Councillor Myfanwy Alexander and by 53 votes to 3 with 3 abstentions it was

<b>RESOLVED:</b>	<b>Reason for decision:</b>
<b>To approve the virement of £2.059m from 2017/18 to 2018/19 for the whole project, of which £345k is rolled forward for the Regeneration &amp; Regulatory services element of this project.</b>	<b>To ensure appropriate virements are carried out that reflect the forecasted capital spend.</b>

**9.4. Machynlleth Gypsy Site**

Council was asked to consider the roll forward of the budget to provide a new Gypsy and Traveller site in Machynlleth. It was proposed by County Councillor Aled Davies and seconded by County Councillor Myfanwy Alexander and by 58 votes to 0 it was

<b>RESOLVED:</b>	<b>Reason for Decision:</b>
To approve the roll forward of £947k from 2017/18 to £77k in 2018/19 and £870k in 2019/20.	To ensure appropriate virements are carried out that reflect the forecasted capital spend.

#### 9.5. Crickhowell High School

Council was asked to consider approving the roll forward of the budget to provide an extension at Crickhowell High School. It was proposed by County Councillor Aled Davies and seconded by County Councillor Myfanwy Alexander and by 52 votes to 0 it was

<b>RESOLVED</b>	<b>Reason for Decision:</b>
To approve the roll forward virement of £925k from 2017/18 to 2019/20.	To ensure appropriate virements are carried out that reflect the forecasted capital spend.

<b>10.</b>	<b>DRAFT ANNUAL PERFORMANCE EVALUATION 2016 - 17 (ONE POWYS PLAN AND POWYS CC CORPORATE IMPROVEMENT PLAN)</b>
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Council considered the draft Annual Performance Evaluation (APE) 2016-17 which set out Powys Public Service Board's progress against delivering the One Powys Plan (2014 – 2017) commitments during its third and final year. The APE also set out Powys County Council's progress in delivering the objectives in its Corporate Improvement Plan (CIP) 2016-2020. Council considered that the section of the report on vulnerable families needed to be amended in light of the CSSIW report on Children's Services.

It was proposed by County Councillor Myfanwy Alexander and seconded by County Councillor James Evans that the report be circulated to all members of Council for comment and for their comments to be considered by group leaders. By 49 votes to 0 with 6 abstentions it was

<b>RESOLVED</b>	<b>Reason for decision</b>
the Annual Performance Evaluation be circulated to all members of Council for comment and for their comments to be considered by group leaders and that the group leaders be given delegated authority to approve.	To respond by the deadline of 31 October.

County Councillors Martin Weale and Gareth Morgan left the meeting at 3.00 p.m.



<b>11.</b>	<b>ARRANGEMENTS FOR THE SCRUTINY OF THE POWYS PUBLIC SERVICE BOARD</b>
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County Councillor Matthew Dorrance declared a personal non-prejudicial interest as a local authority member of Powys Teaching Health Board.

Council considered proposals to establish a Public Service Board Scrutiny Committee. The recommendations in the report were moved by County Councillor Myfanwy Alexander and seconded by County Councillor Michael Williams and by 53 votes to 0 it was

<b>RESOLVED</b>	<b>Reason for Decision:</b>
<p>(i) that a PSB Scrutiny Committee be established as set out in Appendix 1 to the report.</p> <p>(ii) that the representation from the County Council should be 1 Member from Scrutiny Committee A and 1 Member from Scrutiny Committee B.</p>	<p>To update Sections of the Constitution in response to the WAO review of the Council's governance arrangements, and as part of the ongoing review of the Constitution.</p>

The Chair agreed to take the following item as an urgent item of business in view of the need to respond to the Boundary Commission review of parliamentary constituencies by the closing date of 11<sup>th</sup> December.

### **2018 Review of Parliamentary Constituencies**

The Boundary Commission had published their Revised Proposals for the Review of Parliamentary Constituencies in Wales. It was recommended that group leaders be given delegated authority to respond on behalf of the Council. The recommendations in the report were moved by County Councillor Stephen Hayes and seconded by County Councillor Michael Williams.

<b>RESOLVED</b>	<b>Reason for Decision:</b>
<p>1. Representations are sent to <a href="mailto:electoral.sevices@powys.gov.uk">electoral.sevices@powys.gov.uk</a> by 3 November for Group Leaders consideration.</p> <p>2. To provide Group Leaders with delegated authority to consider and provide a Powys County Council response.</p>	<p>To provide the Boundary Commission with representations from Powys County Council.</p>

<b>12.</b>	<b>APPOINTMENT TO THE BOARD OF DISABILITY POWYS</b>
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Following a ballot it was

<b>RESOLVED</b>	<b>Reason for Decision</b>
<p>That County Councillor Ange Williams be appointed as the Council's representative to the Board of Disability Powys.</p>	<p>Response to request to make an appointment.</p>

### 13. NOTICE OF MOTION - MOBILE CONNECTIVITY COVERAGE

Council debated the following motion proposed by County Councillor Elwyn Vaughan and seconded by County Councillor Bryn Davies:

“We must get the coverage and connectivity in Rural Wales it needs to support our economy and our communities in the 21<sup>st</sup> Century.

This Council therefore, calls on the Welsh Government to take immediate action on putting planning reforms in place to enable improved mobile connectivity coverage as the basis of a modern, vibrant economy. This to include allowing masts in Wales to be 25m (82ft) height rather than the 15m (50ft) as at present thus assisting the development of an entrepreneurial economy in Powys and Rural Wales.”

County Councillor Matthew Dorrance put forward an amendment seconded by County Councillor David Thomas:

“This Council welcomes the publication of the Mobile Action Plan by Welsh Government on Thursday 5<sup>th</sup> October 2017 which states:

1. Welsh Government has commissioned research to inform changes to permitted development rights for telecommunications equipment to improve mobile connectivity. This research is due to be completed by Autumn 2017.
2. Welsh Government will refresh Planning Policy Wales (PPW) to ensure that it highlights the positive relationship between telecommunications and the economy. A revised PPW will be published for consultation by Spring 2018.
3. Mobile network operators will work with the Welsh Government to revise and, if appropriate, consolidate the code of best practice and Technical Advice Note (TAN19) on mobile network infrastructure development.”

The amendment was put to the vote and lost by 15 votes to 29 with 6 abstentions.

The original amendment was put to the vote and passed by 43 votes to 6 with 4 abstentions.

**RESOLVED that Council calls on the Welsh Government to take immediate action on putting planning reforms in place to enable improved mobile connectivity coverage as the basis of a modern, vibrant economy. This to include allowing masts in Wales to be 25m (82ft) height rather than the 15m (50ft) as at present thus assisting the development of an entrepreneurial economy in Powys and Rural Wales.**

## 14. NOTICE OF MOTION - COUNCIL PROCUREMENT

Council debated the following motion proposed by County Councillor Elwyn Vaughan and seconded by County Councillor Bryn Davies:

“The Council recognizes the importance of enterprise and a strong economy as the basis for the viability of our communities. Due to the importance of the public sector in Powys in terms of employment and expenditure within the local economy, we are calling on the Council to commit to increasing the percentage of its expenditure within the County and Wales. Procurement levels from service providers in Powys should be increased from 28% in 2015-16 to 40%; and from providers in Wales from 55% to 75%. This would be synonymous with an annual investment of £18 million to the economy of Powys. The Portfolio Holder for the Economy should give an annual report to the Council outlining progress made in reaching these targets.”

Cabinet members indicated that they supported the motion and were considering ways of increasing the percentage of Council spend within the County. Council voted on the motion and by 48 votes to 0

**RESOLVED that Council commits to increasing the percentage of its expenditure within the County and Wales. Procurement levels from service providers in Powys should be increased from 28% in 2015-16 to 40%; and from providers in Wales from 55% to 75%. This would be synonymous with an annual investment of £18 million to the economy of Powys. The Portfolio Holder for the Economy should give an annual report to the Council outlining progress made in reaching these targets.**

County Councillor MJ Jones left the meeting at 15.34.

## 15. NOTICE OF MOTION - TACKLING FUEL POVERTY

County Councillor Roger Williams declared a pecuniary interest as he participated in energy buying schemes.

Council debated the following notice of motion proposed by County Councillor Huw Williams and seconded by County Councillor Sarah Williams.

### **Council Notes**

1. Household energy bills are increasing year on year, while the effective income of households is flat lining or decreasing.
2. A recent report by moneysupermarket.com has shown that 5 of the “Big 6” energy providers (npower, E.ON, Scottish Power, SSE and EDF) have announced price rises for those on standard variable tariffs.
3. 66% of energy customers are on standard variable tariffs according to Ofgem, with most of those having never switched suppliers.
4. The average price rise in 2017 is £96.95 leaving the average annual energy bill at £1258.55.
5. Many other local authorities successfully run similar collective energy switch schemes.

6. An all-Wales scheme, Cyd Cymru Wales Together, already exists (<https://cydcymru-collective.com/>)
7. In the Wellbeing assessment undertaken by Powys it found that 16% of households are in fuel poverty, defined as a household that spends at least 10% of their income on fuel.
8. A 2008 report found that in Mid Wales 34.9% of households were in fuel poverty.
9. Over half of households in Powys aren't connected to the gas network, therefore relying on oil and solid fuel which have a much higher cost to the consumer.
10. Ceredigion run successful "Fuel clubs", where communities bulk buy oil for heating.

### **Council Resolves**

1. That Council believes that
  - a. It must do as much as it can to help residents in fuel poverty to mitigate this situation;
  - b. Residents of Powys would benefit greatly from reduced energy bills through a Powys County Council run collective energy switch scheme;
  - c. The authority can join in with other authorities and organisations in Wales through the Cyd Cymru scheme;
  - d. The Ceredigion run schemes provide a best practice model for the running of such fuel clubs;
  - e. The authority can exert its power of collective bargaining for both dual fuel and oil purchasing schemes
2. To instruct officers to explore the feasibility of implementing its own or joining the Cyd Cymru scheme.
3. To instruct officers to explore the feasibility of implementing an oil purchasing scheme across Powys.
4. To work with local housing associations, Powys Teaching Health Board, voluntary groups, care homes and households across Powys to increase awareness and encourage them to sign up to these schemes.

County Councillor Aled Davies proposed an amendment seconded by County Councillor Myfanwy Alexander to parts 2 and 3 of the motion replacing the words "To instruct officers ..." with "To ask the Anti-Poverty Champion and the Anti-Poverty Group ..."

Council voted on the amendment and pass it by 39 votes to 2 with 1 abstention. The amendment became the substantive motion and by 44 votes to 0 Council

### **RESOLVED**

1. **That Council believes that it must do as much as it can to help residents in fuel poverty to mitigate this situation;**
  - a) **Residents of Powys would benefit greatly from reduced energy bills through a Powys County Council run collective energy switch scheme;**
  - b) **The authority can join in with other authorities and organisations in Wales through the Cyd Cymru scheme;**
  - c) **The Ceredigion run schemes provide a best practice model for the running of such fuel clubs;**

- d) The authority can exert its power of collective bargaining for both dual fuel and oil purchasing schemes
2. To ask the Anti-Poverty Champion and the Anti-Poverty Group to explore the feasibility of implementing its own or joining the Cyd Cymru scheme.
  3. To ask the Anti-Poverty Champion and the Anti-Poverty Group to explore the feasibility of implementing an oil purchasing scheme across Powys.
  4. To work with local housing associations, Powys Teaching Health Board, voluntary groups, care homes and households across Powys to increase awareness and encourage them to sign up to these schemes.

County Councillors Heulwen Hulme and Hywel Lewis left the meeting at 15.57.

<b>16. QUESTIONS IN ACCORDANCE WITH THE CONSTITUTION</b>
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**16.9 Question to the Portfolio Holder for Education from County Councillor Matthew Dorrance**

**What assessment has the Cabinet made of Stonewall Cymru's 2017 School Report?**

**Answer**

Stonewall's annual report is 10 years old this year and it has had a significant impact. The report notes that the number of schools recording that homophobic bullying is wrong has nearly trebled and homophobic remarks are far less likely to be heard over that period.

The report offers advice to schools on policies and procedures to prevent homophobic bullying and language, including online abuse. Key advice includes showing clear leadership, creating an inclusive learning environment for all pupils, equipping staff and celebrating diversity.

We need to continue to support schools through our model anti-bullying policies and related activities. Youth services and schools provide direct support for learners and we need to continue to provide them with good information on how best to support young people and families.

In Powys the 2016 Education Equality Index ranked the County 28 out of 50 authorities in Britain that took part, scoring 87 out of 140 marks. It is still the case that almost half of LGBT learners nationally experience bullying. There is more for all of us to do to ensure that every young person can grow up happy, healthy and supported to reach their full potential.

In answer to Councillor Dorrance's supplementary question the Portfolio Holder for Education gave an undertaking that the Council would implement the recommendations in the Stonewall report.

County Councillor Kathryn Silk left the meeting at 15.59.

### **16.3 Question to the Portfolio Holder for Regeneration and Planning from County Councillor Roger Williams**

**What assessment has the Council made of the Aarhus Convention?**

#### **Answer**

Thank you for the question. I have been advised by the Council's Principal Solicitor that he is not aware of a legal duty on local authorities to assess the Aarhus Convention. This is a United Nations Economic Commission for Europe (UNECE) document adopted in 1998 which establishes principles on: access to environmental information; public participation in environmental decision-making; and access to justice. <http://www.unece.org/env/pp/treatytext.html>

It was adopted by the EU including the UK and its principles are embedded in regulations. The Council complies with the regulations concerning access to and public participation on environmental matters and court rules on cost limits in judicial review claims concerning environmental matters such as wind turbines.

The Portfolio Holder for Regeneration and Planning had left the meeting but would provide an answer to Councillor Williams' supplementary question on the number of planning permissions challenged as a result of the Aarhus Convention, how many had been lost, how much it had cost and what the Council was doing to make it more resilient to challenge.

### **16.4 How many applications for public footpath diversions has the Council currently registered and how many are for diversions out of working farmyards?**

#### **Answer**

##### **Background:**

The question posed by Councillor Williams refers to applications to divert public rights of way. Diversion, extinguishment or creation of a public rights of way is generally achieved through a public path Order. This is a type of legal Order that allows for voluntary changes to be made to the route of a public path, although cannot be used to change byway open to all traffic.

Public path Orders can be a very useful tool for the Council, in managing and improving the public rights of way network. However, making these Orders is a discretionary power, not a statutory duty. The Council can initiate proposals itself; the Council can also choose to accept applications for public path Orders from members of the public, but is not required to do so.

The law does not impose any timescale within which we must deal with individual applications for public path Orders. Nor does it give any certainty that applications will be successful. The process is highly democratic and open to formal challenge, in which case the outcome may be decided by the Planning Inspectorate (not the Council.) Even unopposed and uncomplicated proposals take a minimum of 6 months to process to completion, due to the procedures that must be followed.

There is no dedicated officer dealing solely with public path Order casework. It is one of many demands that compete for officer time and statutory casework must

take priority. As such, the officer time available to process applications for diversion of public rights of way has been, and continues to be very limited. Unfortunately, this has resulted in a backlog of applications awaiting processing.

Individual public path Order cases are allocated a priority, in line with the approach to prioritisation that was presented to the former Rights of Way Committee in 2010. At the stage when pre-application advice is sought, applicants are advised as to the general level of priority given to each type of application and the likely timescale for considering their application. Applications to divert paths out of working farmyards are given medium priority.

To try to reduce the backlog of applications and frustration experienced by applicants, Countryside Services has been developing a system that developers to carry out their own initial consultation, following a site meeting with officers. As that has proved broadly successful, it is now being extended to other applicants, with those who have been waiting longest being offered that opportunity first.

**Current situation:**

There are currently a total of 182 applications for public path Orders on file, at various stages of processing. With current resources and processes, this is estimated to represent 10-11 years' work. Of those, 53 are proposals to move paths out of working farmyards.

In response to Councillor Williams' supplementary question on what could be done to speed up the process the Portfolio Holder said that the service had limited resources and had to make the most of its resources by working with applicants.

**16.5 Question to the Portfolio Holder for Adult Services from County Councillor James Gibson-Watt**

**In the light of reports consistently reaching council members about the difficulties that service users in the county are facing making contact with relevant Adult Social Care staff, could the portfolio holder please provide a breakdown of vacant posts in the Adult Social Care service, by area and county-wide?**

**Answer**

Current vacancies are as follows:

Ystradgynlais

Older People's Service – no current vacancies

Mental Health – no current vacancies

Disabilities South – no current vacancies

Brecon

Older People's Service – 1x 3 day CSO post currently out to advert; 1 senior practitioner post

Mental Health – no vacancies

Disabilities South – 1 social work post, interviews in progress

1 senior practitioner post to be advertised

Llandrindod

Older People's Service – no current social work vacancies  
Mental Health – 2 vacancies, 1 social worker and 1 senior practitioner out to advert  
Disabilities South – no vacancies

#### Newtown

Older People's Service – 1 senior practitioner post which is being converted to Assistant Team Manager  
Mental Health – 0.8 wte social work post out to advert  
Disabilities North – no vacant posts

#### Welshpool

Older People's Services – no vacant posts  
Mental Health – no current vacant posts  
Disabilities North – no current vacancies

In response to Councillor Gibson-Watt's supplementary question why there so many complaints about difficulties in contacting social workers, the Portfolio Holder said that although there had been considerable efforts to recruit to social work posts, the establishment was lower than he would like but this reflected hard financial times.

### **16.6 Question to the Portfolio Holder for Highways from County Councillor David Selby**

**Could the Portfolio Holder indicate what steps he is taking to improve Council grass cutting services for next year?**

#### **Answer**

Grass cutting has been one of the major issues that the new Cabinet and indeed all members have had to deal with this year and as you may recall I was rather strict with the providers of the service in June of this year – with the result that I made all the County papers and BBC Online. I regret nothing and I am happy to say that they seem to have listened to my demands for a much better service and across the board there has been some improvement.

However I am currently conducting an intense review and looking at all contracts throughout all the county with a view to considering taking it back in house from March 2018.

This would seem to be the favoured approach from residents and councillors who would like to see a return to the normal service prior to this being contracted out to other suppliers. This is my ambitious goal at this time and I look forward to making a full council announcement in the near future.

There was no supplementary question but Councillor Selby expressed his disappointment that only 5 Cabinet members were present.



**16.7 16.7 Question to the Portfolio Holder for Education from County Councillor Arwel Jones**

**Could the Portfolio Holder please advise me of the number of pupils who are educated through the medium of Welsh at Brecon High School and Builth Wells High School as at September 2017 and also the intake into the two streams again as at September 2017?**

**Answer**

The number of pupils studying through the medium of Welsh in Brecon High School and Builth Wells High School since September 2017 is as follows:

	<b>Brecon High School</b>	<b>Builth Wells High School</b>
Year 7	9	25
Year 8	3	30
Year 9	3	26
Year 10	4	24
Year 11	4	30
Year 12	0	13
Year 13	0	12
<b>Total</b>	<b>23</b>	<b>160</b>

There was no supplementary question.

**16.8 Question to the Portfolio Holder for Housing & Countryside Services from County Councillor Matthew Dorrance**

**What consideration has the Cabinet given to the impact of changes by the UK Tory Government to the Local Housing Allowance on homelessness levels in Powys?**

**Answer**

The Cabinet is aware of the existing changes to the Local Housing Allowance (LHA) which have restricted people aged under 35 to the shared accommodation rate (SAR) and have considered the impact of this change to the Benefit regulation and the extension of the LHA rate to the social housing sector in April 2019 to the level of homelessness in Powys. These considerations are part of the budget setting process as we recognise the need to ensure that we allocate sufficient resources to the administration of the council's corporate homelessness responsibilities.

The extension of the SAR to people aged under 35 has had an uneven impact on homelessness across Powys and across the UK. In areas where there is a limited supply of shared accommodation and relatively high rent levels, the impact of this measure has resulted in an increase in homelessness and rough sleeping, particularly if individuals are unwilling to move to communities where a supply of such accommodation exists and rent levels are more affordable. In Cllr Matthew's home town we have recently experienced an increase in the number of people who are rough sleeping because of the relatively short supply of shared accommodation, the rent levels in Brecon being significantly higher than the LHA SAR rate and their unwillingness to move to other communities. I can

assure Cllr Matthew that Officers continue to work with rough sleepers who are willing to engage with the service and are usually able to secure them accommodation.

A further challenge to the authority is the extension of LHA rates to the social housing sector in 2019, which is likely to see a significant increase in rent arrears within the Housing Revenue Account (HRA) and housing association housing stock which is likely to lead to an increase in homelessness presentations, as well as creating affordability difficulties for many households across the county. This too will be considered by the Cabinet when the HRA rents are set for the next financial year.

In addition, at a meeting of the Wales Housing Cabinet Members Network Meeting held last week, I along with all other Cabinet Members present at the meeting agreed to send a letter to the Secretary of State for the Department for Work and Pensions asking him to reconsider the roll out of full service Universal Credit and the changes to the LHA in recognition of the problems that these changes are having nationwide and the resulting increase in rough sleeping.

In response to Councillor Dorrance's supplementary question on the resources would be committed to ending rough sleeping in Powys, the Portfolio Holder said that officers were doing everything they could to help rough sleepers where they were prepared to accept help.

**16.10 Question to the Portfolio Holder for Housing & Countryside Services from County Councillor Lucy Roberts**

**We have a problem in the county in that there are not enough 'affordable' properties being built to cater for our young people. We know that in Powys earnings are traditionally low. We also have a vision to of keeping our young people in the county and even attracting more to move in. I don't believe this will happen while we don't have suitable housing. Many young people still have the ambition of being able to buy their own properties, but certainly within my ward most of the houses that are being built are executive homes well out of their price range. Even the so called 'affordable' houses are way out of the reach of most. I am aware of a planning application locally which has gone in as 'affordable', but as a detached house with three bedrooms and a double garage will probably go on the market for at least £250,000. Is there anything that we can do as a County Council to improve this situation?**

**Answer**

County Councillors will be aware that planning in Powys is a matter for two Authorities, Powys County Council and the Brecon Beacons National Park Planning Authority, and that this means two separate policies. Both, however, attempt to require the maximum possible amount of affordable homes to be built. National Planning Policy permits the development of exception sites in rural areas, i.e. those that are not allocated or fall within the development boundaries established by the Authority's Development Plan. National policy also requires every planning authority to require affordable housing contributions from all housing developments where appropriate and viable under Section 106 of the Town and Country Planning Act 1990.

Both authorities have plans in place that meet these requirements, however there are many factors that permit developers to challenge the requirements. One frequent challenge is the case of the executive development on which the developer does not wish to include smaller “affordable” homes or homes of a different tenure such as social rented. In the case you highlight, the developer is probably using the option of offering the home for sale at 69% of open market value, which the Powys UDP defines as affordable. This anomaly will be addressed by the LDP once in place next year.

A further negative issue from the planning perspective is that of Section 106 agreements which are agreed and then either not developed or later challenged and lifted as financial and/or other circumstances change.

The Local Development Plan seeks to address all these issues and maximise the number of affordable homes provided by several means, including limiting size and value to realistic levels similar to those imposed by Welsh Government on new social housing developments.

As a council we recognise that there is a shortage of affordable accommodation across the county and we are working to address this in the following ways. First in partnership with housing associations. In Powys our standard allocation of Social Housing Grant, which is accessed by housing associations to develop new homes, was just over £1.5million per annum. This has recently been increased to over £7million per annum, as part of the Welsh Government's target to see the development of 20,000 additional affordable homes across Wales within the term of the current National Assembly. Second by developing new council homes. The council will be taking into possession 6 new one bedroom flats in Crickhowell in the coming weeks, developed on our behalf by housing association Melin Homes. In addition, Welsh Government grant funding has also been made available to local authorities, these include the Innovative Finance Grant for which we have submitted a bid for a scheme in Newtown and Affordable Housing Grant of which we have programmed just under £2million next year. We also develop council homes using the borrowing capacity of the Housing Revenue Account (HRA). The current arrangements in respect of HRA capital restricts the amount that local authorities can borrow to develop new homes, but in Powys we should be able to develop approximately 80 homes over the next 4 years. Should the borrowing ceiling for Powys be raised we hope to develop considerably more homes to meet the needs of our communities.

The Housing Service is currently in the process of updating the Local Housing Market Assessment which will assist the council direct both housing association and council investment into areas with the greatest housing need.

There was no supplementary question.

#### **16.11 Question to the Portfolio Holder for Highways from County Councillor Lucy Roberts**

**While I totally understand the lack of funding for Highways, and the need to prioritise the most heavily used roads, I have a concern about the long term future of many of the unclassified lanes. The ever increasing size and weight of agricultural machinery is breaking the back of some of the lanes and others are losing their surface and becoming increasingly rough. We are not just talking about pot holes here. Is there any long term plan for the maintenance of these roads or will residents have to accept that, at some time in the future four wheel drive vehicles might become a necessity?**

## **Answer**

The current Powys network comprises approx. 5000km of surfaced highway, with 17% making up the busier more strategic network, with the remaining being the more minor road networks. This highway asset has an estimated value of £4.4 billion and we estimate there is currently a backlog of highway works of over £40M.

The challenge for Cabinet and the Council's highways service is to monitor funding and condition data in order to target work effectively and appropriately. Additional capital funding of almost £12M has been provided for highway asset improvement, raising the total to circa £6.5m per annum for the next three years. As you appreciate this money is being prioritised so it is targeted to where it is most needed and will have the maximum effect both in terms of safety and whole life costing. Whilst this additional funding will of course assist it should be considered in the context of managing a continued overall decline in the condition of the road network as best we can with the resources and funding available.

Clearly our focus needs to be on our strategic routes which carry higher volumes of traffic at higher speeds with a consequent increase in risk. However, our minor road network remains vitally important to Powys remaining open to inward investment as it is likely to be used by most of us as the first and last parts of our travel to and from the strategic network. The challenge we face is in maintaining it to a suitable condition through more innovative and efficient maintenance methods. One such example is the recently acquired jet patching equipment that will help us to address road repairs more efficiently. Whilst not the solution for all types of repair the efficiencies it will bring will enable us to fix more with the same money.

Work is currently on-going to update the Highway Asset Management Plan (HAMP) and we are working in collaboration with other Local Authorities through CSS Wales and WLGA to raise matters similar to that which you have identified to lobby the Welsh Government to gain further specific funding similar to the LGBI funding received between 2012/13 and 2014/15.

In simple terms, cuts throughout the UK and in Wales to Neighbourhood services such as highways whilst keeping the status quo in Adult social care, Childrens social care and Education are now taking a massive effect and in Powys in particular which now has the worst roads in Wales when we consider A, B, C and unclassified roads as a whole. This has prompted reports and papers by Highway Professionals and Cabinet members throughout the UK to address the situation as it will be extremely expensive to address it in the future.

I agree along with many people that the NHS is important and we need to finance our hospitals but we also need good roads to get our loved ones to the hospitals and that in recent times has been forgotten.

Councillor Roberts' supplementary question on what could be done about the size of agricultural vehicles using small roads would be forwarded to the Portfolio Holder for a response.

## **16.12 Question to the Leader from County Councillor Jackie Charlton**

**I would like to ask a question of Rosemarie Harris as Leader about the Welsh Government White Paper 'Services fit for the future' which outlines changes to the way that quality and governance will be measured and delivered in future. One of the proposals is around 'co-production'**

**(another way of saying partnerships) especially between professionals and those people using different services.**

**An element of this is to find a more co-operative and efficient way of delivering a framework with checks and balances for patients and clients of the two areas of delivery, health and social care.**

**The proposal of most interest to me as a councillor and member of Powys Community Health Council is to replace existing Community Health Councils with a new 'independent body' that will be charged with bringing together inspection/regulation and hearing the citizens voice. Powys Community Health Council is responding independently therefore the Health Board and presumably Powys County Council will have responded too.**

**My questions:-**

- 1. I would like to know what Powys County Council have said in response to this consultation which ended on 29 September 2017.**
- 2. Secondly, the notion that inspection and regulation is the same as hearing the citizen voice is very troubling. They are not the same. What is your view as a past Chair of the Community Health Council and as Leader of Powys County Council which delivers social care and aspires to future integration with Powys Local Health Board in future?**

**Answer**

- 1. Adult Social Care responded to the consultation. I will arrange for a copy of the response to be forwarded to Members.**
- 2. The Community Health Council does not in any way deal with Social Care. They are the NHS Watchdog from the patient/citizen perspective. Also, the role of the Leader of the County Council is to lead on Local Authority issues. It would be unusual for the Leader to answer questions on a position held outside of the Council and in previous years.**

On this occasion, I will answer.

In reality, the CHC should be a very important link between the NHS, those who regulate them and the voice of those who use the NHS.

Firstly, can I say that I have always firmly believed that there is a need for an organisation like the CHC as a watchdog body of the NHS on behalf of the patient/citizen.

There is no other organisation which has a voice on behalf of the patient. I actually believe that, far from abolishing CHCs, their role should be strengthened. They are statutory bodies and that strength, under statute, has already been removed in England – detrimentally so in my opinion.

Currently CHCs are allowed to visit GP surgeries, hospitals, ambulance stations and anywhere that NHS services are provided. Often joint inspections are done with HIW with one organisation inspecting clinical provision and the other inspecting from the patient perspective. CHCs have

never been allowed to inspect/visit any establishments where social care only is provided. It has always been felt by Powys CHC and indeed the Board of Wales CHCs that both should be treated in the same way, especially as there is no patient voice for Social Care.

In the future, I would like to see the role of CHCs strengthened to include Social Care.

I also believe, probably controversially, that CHC members should be paid a small amount. At the moment, members are volunteers and it can be a very busy programme, especially for Powys members because secondary health care is commissioned for the residents from so many DGHs outside our boundaries. I think if members were paid a small amount, it would attract and enable greater diversity amongst the membership and so strengthen the organisation.

As all acute secondary care for our residents is commissioned from elsewhere, (a large percentage from England) there is often a need to support as well as challenge Powys LHB.

In summary, I think there is a need for a strengthened organisation to inspect/visit all NHS bodies/Social Care provision from the patient perspective.

Councillor Charlton's supplementary question was how the integration of social care and health would be monitored from the perspective of the patient and the Portfolio Holder for Adult Services explained that the Regional Partnership Boards which included service users and citizen representatives would have responsibility for monitoring integration.

#### **16.13 Question to the Portfolio Holder for Property and Waste from County Councillor William Powell**

**What assessment has been made of the relevance of the Well-being of Future Generations (Wales) Act 2015 to Powys County Council's policies around asset management and disposal? In particular, will the Cabinet Member look to refreshing the Council's current approach, so as to involve Town and Community councils more fully at an earlier stage in the process?**

**Localism is central to the new Welsh Government legislation and therefore, when decisions are being made about the disposal and re-purposing of assets, it would be not only courteous and transparent but also common sense to draw upon the local knowledge and expertise available in our communities.**

#### **Answer**

As I am sure Councillor Powell is aware from reading the policy documents on the intranet, the Strategic Asset Management Plan (StAMP) approved by Cabinet earlier this year is aligned to both our corporate priorities and the statutory context (see below). Community is one aspect of this but we also have to balance other goals -prosperity, health and resilience and think about protecting the Council and citizens as a whole over the long-term future. The Property team held a series of "place" workshops" throughout 2016/17 and local members (who

represent their communities) were invited to attend. Unfortunately, attendance by members was very low (about 30%) despite many attempts to promote the workshops (during members' development days and cabinet sessions). Additionally an invitation to submit written comments to those who could not attend failed to yield a response.

Now, with a new council, we propose to carry out a further set of workshops next Spring and would encourage as many local members to attend as possible. These members should consult with and feedback to their local town and community councils.

Since I have joined the Council, I have visited and been in active dialogue with many town councils who have expressed an interest in the assets we hold in their communities across Powys including Llandrindod Wells, Hay, Newtown, Presteigne and Llanfair Caereinion. I am happy to visit any community that wishes to discuss property related issues in their area.

For ease of reference, the policy states:

#### **“Statutory Context**

The StAMP is aligned to the Well-being of Future Generations (Wales) Act 2015. Of the seven goals, the StAMP directly contributes to:

- **A prosperous Wales** – development of our commercial estate
- **A Wales of cohesive communities-** taking a “place” approach recognises the importance of communities and should improve community involvement and engagement
- **A healthier Wales** –working with Powys Teaching Health Board (PTHB) to share assets to enable better service delivery; also providing opportunities for those who seek employment
- **A resilient Wales-** community green spaces/ increased energy efficiency

**In addition the StAMP by its nature contributes to the sustainability principles set out in the Act:**

- Long-term- protecting assets for long-term needs rather than short term gains
- Integration- working with PTHB and other partners
- Collaboration-working with all services, PTHB, communities and other partners
- Engagement- the StAMP workshops provide a forum for engagement with stakeholders
- Prevention- providing opportunities for employment/ business start up”

Councillor Powell's question was how to embed the role of Town and Community Councils in a less ad hoc way. The Portfolio Holder for Education explained that the Cabinet had a board looking at how to engage communities which would include a consultation group.

#### **16.14 Question to the Portfolio Holder for HR from County Councillor Gwilym Williams**

**Can the portfolio holder inform me how many staff have left Powys County Council across all departments and gone to the health board since we are now working more closely together? Could this figure be since the beginning of the partnership about October last year with the health board?**

**Answer**

This information is not held by HR, but I understand that 8 members of staff have transferred in the last 2 years, mostly at middle to senior management level.

In answer to Councillor Williams' supplementary question the Portfolio Holder advised that there were six members of staff in joint roles.

**16.15 Question to the Portfolio Holder for Highways from County Councillor Gareth Ratcliffe**

**Over the last couple of years the cabinet has supported free parking in pay and display carparks across the county to support local traders on the run up to Christmas. Will the new cabinet be introducing a similar scheme this year?**

**Answer**

Christmas is an important time for all of us wherever we live in Powys and especially important for our businesses in our towns and villages who may rely on the Christmas trade to help them through the quiet months. The Cabinet's new vision concentrates of course on the economy and our willingness to be open and enterprising and to assist our residents and communities. It does not seem fitting to discuss this now but I am happy to say that I will be making an announcement on how the Council will be assisting all our Towns and Villages when we welcome Joanna Lumley to Brecon to switch on the Christmas lights in November.

There was no supplementary question.

**16.16 Question to the Portfolio Holder for Finance from County Councillor David Jones**

**On the County Council's Garth small holding estate in Guilsfield there are two houses that have been unoccupied for some time. One for three years and one for two years. How much has the council tax fund actually received for these two properties up to the 30<sup>th</sup> September this year?**

**Answer**

The two vacant dwellings at Garth form part of a larger complex of buildings, including a substantial range of grade II listed model farm buildings.

Our intention is to offer the site for sale with planning consent for residential conversion. Securing planning consent has not been straightforward- a planning application submitted last October was withdrawn to allow access and design details to be reviewed, with further consultation with CADW, prior to resubmission.

The two dwellings were part of larger farm units- in both cases land has been amalgamated with adjoining units; the 2 dwellings, the farm buildings and surrounding amenity land (all to be sold as a single lot upon determination of the planning application) remain in-hand as part of the County Farms Portfolio until formally declared surplus and marketing commences.



The council tax paid by the County Farms Service for the two properties since they become unoccupied is outlined below:

1. Garth Holdings, Guilsfield, Welshpool, Powys, SY21 9BX  
Band F  
Empty (unoccupied and unfurnished) since 24.3.2016  
First 6 months exemption applied  
Then up to 31 Mar 2017 Full charged @ £975.36  
1 Apr 2017 onwards Premium applied and paid full year @£2950.56  
Total paid up until 31.3.2018 £3925.92
  
2. Heylin, Guilsfield, Welshpool, Powys, SY21 9BX  
Band E  
Empty (E&U) since 31.12.2014  
First 6 months exemption applied  
Up to 31 Mar 2017 Full charged @ £2753.49  
Apr 2017 onwards Premium applied and paid full year @ £2496.63  
Total paid up until 31.3.2018 £5250.12

There was no supplementary question.

**16.17 Question to the Portfolio Holder for Housing and Countryside Services from County Councillor David Jones**

**On the County Council's Garth small holdings estate there is a range of Victorian farm buildings that have long been redundant. Over the years the county council has put in two planning applications on these buildings but both have been withdrawn at a late stage. How much has the small holdings dept. paid out on two planning applications, two Listed Building applications, professional fees and officer time to no avail?**

**Answer**

The access arrangements proposed in the 2007 application were not supported by Highways Development Control, and an alternative access onto the B4392 was not favoured by CADW because of the effect on the land below the site which forms part of the 'Registered Park and Garden of Special Historic Interest'. The 2016 application proposed a new access onto the A490, utilising an existing farm track and encircling the walled garden. Again however CADW have indicated that they have concerns as to the effect of the proposed access on the landscape; meanwhile the Built Heritage Officer has objected to certain design details of the proposals. It was considered appropriate to withdraw the application and address these matters after further dialogue with CADW and the Built Heritage Officer.

The buildings at Garth are substantial (the 2016 planning application proposing 7 residential units) and far exceed in scale what might be required as domestic/amenity outbuildings to be sold together with the two existing dwellings. The desirable location of the site and the character of the buildings should combine to make finished conversions attractive to purchasers. It is however acknowledged that the market for barns for development is muted and that has been the case for some years now. However any purchaser of the site is likely to consider development of the buildings, whether for residential or commercial use; offering the buildings for sale with planning consent will assure purchasers that the buildings can be developed and broaden the appeal of the site to the market.

Professional fees and charges of £20,067.97 have been incurred in respect to the 2016 application, alongside an application fee of £2,660. No application fees are payable for Listed Building Applications.

The application fee for the 2007 application was £1,896. Professional fees in relation to this application are not itemised in the figures we have available making it difficult to extract the relevant information without going through archived files which even then are unlikely to provide definitive information on particular sites (as the project covered multiple sites).

There was no supplementary question.

**County Councillor D E Davies (Chair)**

**COFNODION CYFARFOD Y CYNGOR SIR A GYNHALIWYD YN SIAMBR Y  
CYNGOR – NEUADD Y DDINAS, LLANDRINDOD, DDYDD IAU, 19 2017**

YN BRESENNOL

Y Cyngorydd Sir D E Davies (Cadeirydd)

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

<b>1.</b>	<b>YMDDIHEURIADAU_</b>
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Derbyniwyd ymddiheuriadau am absenoldeb gan y Cynghorwyr Sir S C Davies, L Fitzpatrick, D R Jones, P E Lewis, J Pugh, P Roberts a T J Van-Rees.

<b>2.</b>	<b>COFNODION_</b>
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Roedd gan y Cadeirydd yr awdurdod i lofnodi cofnodion y cyfarfod diwethaf a gynhaliwyd ar 13 Gorffennaf 2017 fel cofnod cywir.

<b>3.</b>	<b>DATGANIADAU O DDIDDORDEB_</b>
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Datganodd y Cyngorydd Sir Matthew Dorrance ddiddordeb personol anragfarnus yn eitem 11, Trefniadau ar gyfer Craffu ar Fwrdd Iechyd Cyhoeddus Powys fel aelod penodedig awdurdod lleol o Fwrdd Iechyd Addysgu Powys.

Datganodd y Cyngorydd Sir Roger Williams ddatganiad ariannol yn yr Hysbysiad o Gynnig ar fynd i'r afael â thlodi tanwydd oherwydd ei fod yn cymryd rhan mewn cynlluniau prynu ynni.

Dywedodd y Cyngorydd Sir Jackie Charlton efallai fod ganddi ddiddordeb yn yr Hysbysiad o Gynnig ar fynd i'r afael â thlodi tanwydd.

<b>4.</b>	<b>CYHOEDDIADAU'R CADEIRYDD_</b>
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Derbyniodd y Cadeirydd gopi o'r Beibl gan y Gymdeithas Gideoniaid.

Atgoffodd y Deiliad Portffolio â chyfrifoldeb dros gydraddoldeb yr aelodau ei bod hi'n Wythnos Ymwybyddiaeth o Droseddau Casineb a chyflwynodd glip ffilm ar ddiffiniad troseddau casineb.

<b>5.</b>	<b>CWESTIYNAU GAN AELODAU'R CYHOEDD_</b>
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**5.1. Cwestiwn i Ddeiliad y Portffolio dros y Gwasanaethau Tai a Chefn Gwlad gan Linda Savage**

**Oes mod di Ddeiliad y Portffolio fy sicrhau i a thenantiaid Rhandiroedd y Drenewydd nad yw safle'n rhandir yn addas i ddatblygu tai ac y dylai gael ei gadw at ddefnydd rhandir yn unig?**

**Ateb**

Wedi i safle'r rhandir gael ei ddatgan yn weddill gan Wasanaeth Hamdden ac Adloniant y cyngor yn 2016, gwnaeth y Gwasanaeth Tai ddatgan diddordeb mewn meddiannu'r safle. Mae'r broses o drosglwyddo'r safle i'r Gwasanaeth Tai dal yn parhau ac ar hyn o bryd mae penderfyniadau dal yn cael eu gwneud a oes modd datblygu'r safle ai peidio.

Gallaf gadarnhau nad oes unrhyw gynlluniau arfaethedig wedi cael eu llunio hyd yn hyn oherwydd bod nifer sylweddol o safleoedd ar draws Powys yn cael eu hasesu ar hyn o bryd gan ein Tîm Tai Fforddiadwy. Ar hyn o bryd, mae'r Gwasanaeth Tai'n archwilio a oes unrhyw rwystr i atal datblygu cartrefi ar y safle, ac os mai dyma yw'r achos, ni fydd yn parhau i drosglwyddo'r safle.

Os nad oes unrhyw gyfamodau cyfyngol ar waith sy'n atal y safle rhag cael ei ddefnyddio i ddarparu tai fforddiadwy mawr eu hangen yn y dref, byddai'r Gwasanaeth Tai'n darparu safle arall ar gyfer rhandiroedd ynghyd â chyfleusterau tebyg i'r rhai a ddarperir ar y safle presennol.

Yn olaf, os bydd y Gwasanaeth Tai'n dewis defnyddio'r safle i ddarparu tai newydd yn y dyfodol, bydd angen iddo wneud cais am ganiatâd cynllunio. Fel gyda phob cais cynllunio, bydd gan unrhyw un yr effeithir arnynt gan y datblygiad arfaethedig y cyfle i gyflwyno sylwadau fel rhan o'r broses gynllunio. Fodd bynnag, mewn amgylchiadau o'r fath, bydd y Gwasanaeth Tai'n cysylltu â deiliad y rhandir cyn cyflwyno'r cais cynllunio iddynt gael mynegi eu barn.

Nid oedd unrhyw gwestiwn atodol.

**5.2. Cwestiwn i Ddeiliad y Portffolio dros Adfywio a Chynllunio gan James Anderson**

**Mae llawer o breswylwyr wedi mwynhau ac wedi treulio amser ac egni sylweddol yn cefnogi'r Cyngor i ddatblygu Cynllun Datblygu Lleol draft Powys fel sylfaen dystiolaeth i fesur ceisiadau cynllunio yn ei erbyn. Er bod y CDLI draft yn cynnwys dyraniad tir a chynigion datblygu digonol i ddiwallu anghenion tai Powys a ragamcanir drwy oes y cynllun, dengys adolygiad o Geisiadau Cynllunio 'Datblygiad Sylweddol' ar dudalennau gwe'r Cyngor fod cyfran weddol uchel o geisiadau cynllunio ar draws y sir yn ceisio datblygu**

**safleoedd maes glas dros ac yn uwch na dyraniadau tir y CDLI. Wrth ystyried ceisiadau cynllunio y tu allan i ddatblygiadau arfaethedig y CDLI, nid yw ystyriaeth i safle unigol ynysig yn debygol o beri cynllunio strategol effeithiol. Beth yw ymateb strategol y Cyngor wrth barhau i gefnogi cenedlaethau'r dyfodol i sicrhau bod etifeddiaeth o ddatblygiadau tai cymeradwy'n parhau i fod yn gadarnhaol, ac nid, drwy amryfusedd, yn arwain at unrhyw orddatblygu cefn gwlad agored neu chwyddiant unrhyw gymunedau lleol a allai arwain at rai aelodau'r gymuned yn cael eu lleoli'n wael gan atal hawster mynediad iddynt i wasanaethau presennol?**

### **Ateb**

Diolch am y cwestiwn. Myfi yw Deiliad y Portffolio dros y Gwasanaethau Cynllunio, sy'n cynnwys Rheoli Datblygu a Pholisi Cynllunio. Rwy'n croesawu ac y gwerthfawrogi mewnbyn a chefnogaeth trigolion ac rwyf yn y broses o lunio Cynllun Datblygu Lleol (CDLI) Powys. Mae'r CDLI bron â dod i ddiwedd ei archwiliad ac rwy'n rhagweld y bydd y Cyngor mewn sefyllfa i fabwysiadu'r CDLI ar ddechrau 2018 pan fydd yn disodli Cynllun Datblygu Unedig (CDU) Powys a bydd yn darparu'r polisiau cynllun datblygu ar gyfer penderfynu ar geisiadau cynllunio.

Rwy'n ymwybodol bod y Cyngor wedi derbyn sawl cais cynllunio ar gyfer cynigion tai ar safleoedd nad ydynt wedi'u nodi yn y CDU presennol nac yn y CDLI. Mae'r ceisiadau hyn wedi ceisio cyfiawnhau eu hunain, yn fwy aml na pheidio, ar y sail y byddai caniatâd yn helpu gyda'r diffyg mewn cyflenwad tir tai sydd gan yr Awdurdod. Nid dyma sefyllfa sy'n unigryw i Bowys ac mae'r rhan fwyaf o awdurdodau yng Nghymru yn y sefyllfa hon.

Er mwyn penderfynu ar geisiadau cynllunio, mae angen i'r Awdurdod farnu'n ofalus, yn drefnus ac yn gytbwys, gan ystyried y polisiau cynllunio datblygu cyffredinol ac ystyried yr holl ystyriaethau materol eraill. Darparwyd eglurhad gan Lywodraeth Cymru ar y mater gan Lesley Griffiths AC, Ysgrifennydd y Cabinet dros yr Amgylchedd a Materion Gwledig ar 23 Chwefror 2017 a hoffwn eich cyfeirio at hynny. (Dolen isod). Dyma ystyriaeth faterol yr ystyrir gan yr Awdurdod wrth benderfynu ar geisiadau o'r fath. Pwysleisiodd Ysgrifennydd y Cabinet yr angen i gynigion datblygu o'r fath, "...ymwneud yn dda â'r ffurf bresennol yr anheddiad a pheidio ag arwain ar effeithiau annerbyniol ar y seilwaith economaidd, cymdeithasol nad amgylcheddol lleol. Dylai egwyddorion datblygu cynaliadwy a chreu cymunedau cydlynus, sy'n sail i bolisi cynllunio Llywodraeth Cymru, barhau ac ni ddylent gael eu tanseilio gan yr angen i gynyddu cyflenwad tir tai".

<http://gov.wales/docs/desh/publications/170223delivery-of-affordable-housing-through-the-planning-system-cym.pdf>

Dyma gwestiwn atodol Mr Anderson: "Yn eich ymateb i'm cwestiwn, gwnaethoch dynnu sylw at y ffaith bod angen i gynghorau sy'n ystyried ceisiadau cynllunio ar gyfer datblygiadau nad ydynt wedi'u cefnogi yn eu CDLI drafft sicrhau bod unrhyw geisiadau cymeradwy'n ymberthyn yn dda 'i ffurf bresennol yr anheddiad'. Byddwn yn ddiolchgar iawn am fwy o eglurder ynghylch yr hyn mae yn ei olygu yng ngoleuni gofynion Deddf Cenedlaethau'r Dyfodol. Oes modd i chi gadarnhau na fydd ceisiadau cynllunio ar gyfer datblygiadau tai sylweddol yn y cefn gwlad agored y tu allan i aneddiadau presennol ac nad ydynt yn cael eu cefnogi yn y CDLI drafft, yn bodloni'r gofyniad hwnnw?"

Darparodd yr Arweinydd Proffesiynol - Polisi Cynllunio ymateb: Caiff ceisiadau cynllunio a gyflwynir i'r Cyngor eu penderfynu yn unol â deddfwriaeth fel a nodir yn Neddf Cynllunio a Phrynu Gorfodol 2004 (Adran 38, 6) sy'n nodi'r canlynol "... dylai unrhyw benderfyniad gael ei wneud yn unol â'r cynllun oni bai fod ystyriaethau materol yn nodi fel arall." Felly, rhoddir ystyriaeth i'r cynllun datblygu cyffredinol ac i'r holl ystyriaethau materol perthnasol eraill a fyddai'n cynnwys sut mae lleoliad a nodweddion safle'n ymwneud â ffurf a phatrwm anheddiadau presennol ond hefyd is awl ystyriaeth arall megis cyflenwad tir tai blynyddol y Cyngor. Mae Polisi Cynllunio Llywodraeth Cymru'n esbonio ym Mhennod 4 sut mae'r system gynllunio'n cyflawni datblygu cynaliadwy yn unol â dyletswyddau Deddf Llesiant Cenedlaethau'r Dyfodol (Cymru) 2015.

<b>6.</b>	<b>TRAFODAETH AR Y GWASANAETHAU PLANT</b>
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Gwnaeth y Cyngor drafod adroddiad arolygiad yr AGGCC i'r Gwasanaethau Plant ym Mhowys a welodd fod y diffygion yn y gwasanaeth wedi peri risg i blant.

Esboniodd yr Arweinydd, Deiliad y Portffolio dros y Gwasanaethau Plant a'r Prif weithredwr, eu bod wedi derbyn yr argymhellion yn adroddiad yr AGGCC ac wedi amlinellu'r camau a oedd wedi cael eu cymryd i fynd i'r afael â'r argymhellion yn yr adroddiad. Gwnaethant ymddiheuro i'r bobl ifanc a'u teuluoedd a oedd wedi cael eu trin yn wael gan y gwasanaeth. Gwnaethant roi ymrwymiad i'r Cyngor y byddant yn cymryd yr holl gamau angenrheidiol i wella'r Gwasanaethau Plant a sicrhau bod y plant diamddiffyn yn cael eu diogelu a'u cefnogi.

Derbyniodd y Cyngor gyngor fod cynllun gwella draft wedi cael ei baratoi a bod Bwrdd Gwella wedi cael ei sefydlu. Gyda chefnogaeth CLILC, mae tîm o arbenigwyr wedi cael eu sefydlu i helpu'r Cyngor i ymateb i'r adroddiad a staff allweddol gan gynnwys recriwtio Pennaeth Gwasanaeth dros dro.

Siaradodd aelodau am eu siomedigaeth ynghylch yr adroddiad ond hefyd am eu cefnogaeth i staff rheng flaen y gwasanaeth a'u penderfyniad i helpu ym mha ffordd bynnag y gallent. Teimla'r aelodau fel bod y gwasanaeth wedi cael ei ansefydlogi drwy ailstrwythuro a thoriadau i'w gyllideb. Gwnaethant ofyn am fanylion a'u derbyn ar sut byddai'r £4m ychwanegol sy'n cael ei roi i'r gwasanaeth yn cael ei ariannu. Gwnaethant hefyd ofyn am adroddiadau rheolaidd yn ôl i'r Cyngor ar gynnydd wrth roi'r cynllun gwella ar waith. Gofynnodd aelodau hefyd am sicrwydd a'i dderbyn gan y Prif Weithredwr na fyddai unrhyw erledigaeth yn erbyn y datgelwyr camarfer ac y byddai aelodau'n cael mynediad llawn i'r amrywiaeth llawn o ddata perfformiad i'w galluogi i graffu ar y gwasanaeth. Gwnaeth nifer o aelodau fynegi'r farn y dylai'r Prif Weithredwr sefyll o'r neilltu o ran y broses wella. Cafwyd trafodaeth ar aelodaeth y Bwrdd Gwella ac awgrymwyd y gallai hyn gael ei ystyried gan arweinwyr y grŵp gwleidyddol. Cadarnhawyd y byddai'r Bwrdd Gwella'n cael ei gadeirio gan y person annibynnol a enwebwyd gan y Gweinidog dros y Gwasanaethau Cymdeithasol ac Iechyd Cyhoeddus.

Gohiriwyd y Cyngor rhwng 13.03 a 13.49. Gadawodd y Cynghorwyr Sir E Durrant, E Jones a G Ratcliffe y cyfarfod.

Yn bresennol:

YN BRESENNOL

Y Cynghorydd Sir D E Davies (Cadeirydd)

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

<b>7.</b>	<b>CYHOEDDIADAU'R ARWEINYDD_</b>
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Cyfeiriodd yr Arweinydd at lwyddiant gwobrau Busnes Powys. Gwnaeth hi hefyd sôn am gyfarfodydd gyda Vaughan Gething AC a Rebecca Evans AC, y Gweinidog dros y Gwasanaethau Cymdeithasol ac lechyd a Jake Berry AS, Is-sgrifennydd Seneddol yn yr Adran dros Gymunedau a Llywodraeth Leol.

<b>8.</b>	<b>NODYN BRIFFIO'R PRIF WEITHREDWR_</b>

Rhoddodd y Prif Weithredwr y diweddaraf i'r Cyngor ar y rhaglen adeiladau ysgolion a dweud y byddai'r seremoni gosod carreg gopa ar gyfer hwb diwylliannol y Gaer yn cael ei chynnal ar 27 Hydref.

Dywedodd y Cadeirydd ei fod yn newid trefn yr agenda i glywed y cwestiynau ar gyfer Deiliad y Portffolio dros y Gwasanaethau Plant nesaf oherwydd bod yn rhaid iddi adael i fynd i gyfarfod arall.

**8.1. Cwestiwn i Ddeiliad y Portffolio dros y Gwasanaethau Plant gan y Cynghorydd Sir Huw Williams**

**Faint o blant mewn angen, plant y mae eu henwau ar y gofrestr amddiffyn plant, plant sy'n derbyn gofal a phobl sy'n gadael gofal sydd wedi'u cofnodi ym Mhowys ar hyn o bryd? Faint o blant sy'n derbyn gofal sydd wedi'u lleoli y tu allan i Bowys?**

**Ateb**

	<b>0 i 4 oed</b>	<b>5 i 9 oed</b>	<b>10 i 15 oed</b>	<b>16+ oed</b>	<b>Cyfanswm</b>
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A6 - Wedi'u lleoli i gael eu mabwysiadu gyda gorchymyn lleoli (dan isadran 21 Deddf 2002) nid gyda gofalwr maeth presennol	3	3			6
A8: Wedi'u lleoli gyda darpar rieni mabwysiol (cyn gwneud gorchymyn lleoli)	2				2
F1: Yn yr ALI:- Lleoliad maeth gyda pherthynas neu ffrind	4	1	7	2	14
F2: Yn yr ALI:- Lleoliad gyda gofalwr maeth arall a ddarparwyd gan yr ALI	23	19	33	11	86
F3: Yn yr ALI:- Lleoliad gyda gofalwr maeth, drwy asiantaeth	1				1
F3: Yn yr ALI:- Lleoliad gyda gofalwr maeth drwy asiantaeth			3		3
F4: Y tu allan i'r sir:- Lleoliad maeth gyda pherthynas neu ffrind	2	1		2	5
F5: Y tu allan i'r sir:- Lleoliad gyda gofalwr maeth arall drwy'r ALI			8	3	11
F6: Y tu allan i'r sir: Lleoliad gyda gofalwr maeth drwy asiantaeth	4	10	11	3	28
H3: Rheoliadau Cartrefi Plant: - Cartrefi a hosteli y tu mewn i'r ffin			1	3	4
H4: Rheoliadau Cartrefi Plant: - Cartrefi a hosteli y tu allan i'r ffin		1	6	5	12
H5: Llety preswyl nid yn destun Rheoliadau Cartrefi Plant				1	1
Lleoliad gyda'r Awdurdod Iechyd				1	1
P1: Wedi'u lleoli gyda'u rhieni eu hunain neu rywun â gofal rhiant	5	1	6	4	16
R1: Lleoliad Preswyl arall:- Cartref Gofal Preswyl				1	1
R2: Lleoliad Preswyl				1	1



arall:- Sefydliad Meddygol neu Nyrsio y GIG/Ymddiriedolaeth lechyd				
R3: Lleoliad Preswyl arall:- Canolfan Deuluoedd neu Uned Mamau a Babanod	2			2
Z1: Lleoliadau eraill		1	1	2

### Y Gofrestr Amddiffyn Plant

Categori o Gam-drin Plant ar y Gofrestr	
Cam-drin Emosiynol 45	
Esgeulustod <a href="#">36</a>	
Cam-drin Corfforol <a href="#">12</a>	
Cam-drin Rhywiol 3	
Cyfanswm <a href="#">96</a>	

Ni ofynnodd y Cynghorydd Williams unrhyw gwestiynau atodol ond mynegodd ei siomedigaeth nad oedd wedi derbyn atebion i'w gwestiynau cyn ychydig cyn y cyfarfod a'i fod wedi gorfod cyflwyno cais rhyddid gwybodaeth i ddod o hyd i strwythur staffio'r Gwasanaethau Plant.

### 8.2. Cwestiwn 'r Deiliad Portffolio dros y Gwasanaethau Plant gan y Cynghorydd Sir Huw Williams

**Mae'r gwaith i'r staff rheng flaen yn y Gwasanaethau Plant yn anodd yn emosiynol, yn ddwys ac yn risg uchel o bryd i'w gilydd. Adroddwyd y bu absenoldeb staff oherwydd salwch, ar adegau, rhwng 25% a 50% yn ystod y flwyddyn ddiwethaf. Ymddengys bod cydberthynas rhwng lefelau salwch a'r galw cynyddol a roddir ar weithwyr sy'n cefnogi pobl ifanc. Rhoddir gweithiwr cymdeithasol i bobl person ifanc ac mae'r diffyg dilyniant yn niweidiol. Pa gefnogaeth sy'n cael ei chynnig i'r aelodau hyn o ran**

**goruchwyliaeth, adnoddau a lefelau staffio gwell, fel y gallant gefnogi'n pobl ifanc ddiamddiffyn yn gywir ac yn ddiogel?**

**Ateb**

O'n cofnodion, dyma'r achlysuron a'r ganran o absenoldeb salwch yn y Gwasanaethau Plant dros y flwyddyn ddiwethaf-

<b>Hydref-16</b>	35 o achlysuron	17.59 %
<b>Tachwedd-16</b>	35 o achlysuron	17.86 %
<b>Rhagfyr-16</b>	35 o achlysuron	18.42 %
<b>Ionawr-17</b>	40 o achlysuron	21.16 %
<b>Chwefror-17</b>	35 o achlysuron	19.02 %
<b>Mawrth-17</b>	39 o achlysuron	20.21 %
<b>Ebrill-17</b>	27 o achlysuron	13.92 %
<b>Mai-17</b>	29 o achlysuron	14.57 %
<b>Mehefin-17</b>	25 o achlysuron	12.38 %
<b>Gorffennaf-17</b>	24 o achlysuron	11.65 %
<b>Awst-17</b>	23 o achlysuron	11%
<b>Medi-17</b>	19 o achlysuron	8.88%

Mae'r gefnogaeth sydd ar gael i staff yn cynnwys y canlynol-

- Cyfarfodydd goruchwyllo yr ymgymeirir â hwy gan reolwyr llinell.

- Ymgwymerir â chyfarfodydd IPR a'u cofnodi ar Trent eu bod yn cymryd rhan.
- Gweithio/ymddeol hyblyg- (patrwm gwaith 9 niwrnod mewn pythefnos i helpu gyda chydbwysedd cartref/gwaith.)
- Cynlluniau TOIL/ Gwyliau Blynnyddol/ Oriau Hyblyg
- Polisi Absenoldeb Cynhwysfawr- Mamolaeth, Tadolaeth a Chefnogi Rhieni sy'n Gweithio
- Proses Gallu Perfformiad os nad yw'n perfformio yn ei rôl – cefnogaeth i sicrhau ei fod yn gweithio i safon dderbyniol.
- Hyfforddiant a mentora.
- Hyfforddiant a datblygu staff.
- Timau Lleol – mae Rheolwyr Tîm, Rheolwyr Tîm Cynorthwyol a swyddi eraill bellach wedi'u penodi yn y gwasanaeth i ddarparu adnoddau a chefnogaeth ychwanegol.
- Mabwysiadu a Maethu – Ymgwymerwyd â gwaith ailstrwythuro ac fel rhan o hyn, ystyriwyd capasiti yn y tîm a chaiff hwn ei adolygu'n barhaus.
- Golwg y Bannau- Staff cefnogi ar wait hi helpu gyda'r diffyg staffio lle y bo angen.
- Gweithwyr Cymdeithasol Newydd Gymhwyso a phobl gefnogi drwy'r Radd Gwaith Cymdeithasol.
- Cefnogi staff nad ydynt yn gymwys a'r opsiwn i ddechrau yn y maes Gwaith Cymdeithasol.
- Lefelau Staffio – Cynhaliwyd adolygiadau yn yr holl lefelau gwasanaeth dros y 12 mis diwethaf ac mae mwy o waith yn cael ei wneud yn hyn o beth. Mae bylchau mewn swyddi'n defnyddio staff asiantaeth – rhywbeth y mae'n rhaid i ni ei leihau a thalu sylw iddo yn y dyfodol.

## Salwch

- Cyfathrebu â staff yn ystod absenoldeb salwch.
- Ymgwymerir â chyfarfodydd llesiant â staff yn unol â'r polisi absenoldeb salwch.
- Cynigir mynediad i Wasanaeth Cwnsela'r PCC i'r holl staff.
- Mynediad i'r Gwasanaeth Iechyd Galwedigaethol os oes angen.
- Ymgwymerir ag asesiadau risg â'r staff.
- Cyfle i gymryd gwyliau blynnyddol i barhau ar gyflog llawn ar gais.

Mewn ymateb i gwestiwn atodol y Cynghorydd Williams am y rheswm pam nad oedd y mesurau hyn wedi'u rhoi ar waith nes nawr, gwnaeth Deiliad y Portffolio gydnabod bod angen i'r gwasanaeth wneud yn well wrth gefnogi staff.

<b>9.</b>	<b>HAWLIAU TROSGLWYDDO ARIAN CYFALAF Y MAE ANGEN CYMERADWYAETH Y CYNGOR AR EU CYFER</b>
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### 9.1. Hawl Trosglwyddo Arian ar gyfer y Gronfa Wrth Gefn Salt Strategol

Gofynnwyd i'r Cyngor gymeradwyo trosglwyddo'r gyllideb cronfa wrth gefn salt. Fe'i cynigiwyd gan y Cynghorydd Sir Aled Davies a'i heilio gan y Cynghorydd Sir Michael Williams a chyda 58 o bleidleisiau o blaid 0 yn erbyn ac 1 ymataliad, penderfynwyd gwneud y canlynol

<b>PENDERFYNWYD:</b>	<b>Y Rheswm dros y Penderfyniad:</b>
Cymeradwyo hawliau trosglwyddo arian o £1.435m o 2017/18 ac ychwanegu £0.835m i 2018/19 a £0.6m i 2019/20.	Sicrhau y cynhelir Hawliau Trosglwyddo Arian priodol sy'n adlewyrchu'r gwariant cyfalaf a ragwelwyd.

## 9.2. Ysgolion yr 21ain Ganrif

Gofynnwyd i'r Cyngor gymeradwyo trosglwyddo cyllidebau Rhaglen Ysgolion yr 21ain Ganrif. Fe'i cynigiwyd gan y Cynghorydd Sir Aled Davies a'i heilio gan y Cynghorydd Sir Myfanwy Alexander a chyda 55 o blaid 0 yn erbyn a 2 ymataliad, penderfynwyd gwneud y canlynol

<b>PENDERFYNWYD:</b>	<b>Y Rheswm dros y Penderfyniad:</b>
Cymeradwyo'r hawliau trosglwyddo arian a nodir yn Nhabl 3 yr adroddiad.	Sicrhau y cynhelir hawliau trosglwyddo arian sy'n adlewyrchu'r gwariant cyfalaf a ragwelwyd.

## 9.3. Parc Busnes Abermiwl

Gofynnwyd i'r Cyngor ystyried trosglwyddo cyllideb Parc Busnes Abermiwl. Fe'i cynigiwyd gan y Cynghorydd Sir Aled Davies a'i heilio gan y Cynghorydd Sir Myfanwy Alexander a chyda 53 o blaid 3 yn erbyn a 3 ymataliad, penderfynwyd gwneud y canlynol

<b>PENDERFYNWYD:</b>	<b>Y Rheswm dros y Penderfyniad:</b>
Cymeradwyo'r hawl trosglwyddo arian o £2.059m o 2017/18 i 2018/19 ar gyfer y prosiect cyfan, y bydd £345k yn cael ei roi ar gyfer elfen gwasanaeth Adfywio a Rheoleiddio'r prosiect hwn.	Sicrhau y cynhelir hawliau trosglwyddo arian i adlewyrchu'r gwariant cyfalaf a ragwelwyd.

## 9.4. Safle Sipsiwn Machynlleth

Gofynnwyd i'r Cyngor ystyried trosglwyddo'r gyllideb i ddarparu safle Sipsiwn a Theithwyr newydd ym Machynlleth. Fe'i cynigiwyd gan y Cynghorydd Sir Aled Davies a'i heilio gan y Cynghorydd Sir Myfanwy Alexander a chyda 58 o blaid a 0 yn erbyn, penderfynwyd gwneud y canlynol

<b>PENDERFYNWYD:</b>	<b>Y Rheswm dros y Penderfyniad:</b>
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<b>Cymeradwyo trosglwyddo £947k o 2017/18 i £77k yn 2018/19 a £870k yn 2019/20.</b>	<b>Sicrhau y cynhelir hawliau trosglwyddo arian i adlewyrchu'r gwariant cyfalaf a ragwelwyd.</b>
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### 9.5. Ysgol Uwchradd Crughywel

Gofynnwyd i'r Cyngor ystyried cymeradwyo trosglwyddo'r gyllideb i ddarparu estyniad yn Ysgol Uwchradd Crughywel. Fe'i cynigiwyd gan y Cynghorydd Sir Aled Davies a'i heilio gan y Cynghorydd Sir Myfanwy Alexander a chyda 52 o blaid a 0 yn erbyn, penderfynwyd gwneud y canlynol

<b>PENDERFYNWYD:</b>	<b>Y Rheswm dros y Penderfyniad:</b>
<b>Cymeradwyo trosglwyddo £925k o 2017/18 i 2019/20.</b>	<b>Sicrhau y cynhelir hawliadau trosglwyddo arian i adlewyrchu'r gwariant cyfalaf a ragwelwyd.</b>

<b>10.</b>	<b>GWERTHUSIAD PERFFORMIAD BLYNYDDOL DRAFFT 2016 - 17 (CYNLLUN POWYS YN UN A CHYNLLUN GWELLA CORFFORAETHOL CYNGOR SIR POWYS)_</b>
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Gwnaeth y Cyngor ystyried Gwerthusiad Perfformiad Blynyddol (GPB) draft 2016-17 sy'n nodi cynnydd Bwrdd Gwasanaethau Cyhoeddus Powys yn erbyn cyflwyno ymrwymadau Cynllun Powys yn Un (2014 – 2017) yn ystod ei drydedd flwyddyn, sef ei flwyddyn olaf. Mae'r GPB hefyd yn odi cynnydd Cyngor Sir Powys wrth gyflwyno'r nodau yn ei Gynllun Gwella Corfforaethol 2016-2020. Gwnaeth y Cyngor ystyried bod angen i'r adran o'r adroddiad ar deuluoedd diamddiffyn gael ei diwygio ychydig yng ngoleuni adroddiad yr AGGCC ar y Gwasanaethau Plant.

Fe'i cynigiwyd gan y Cynghorydd Sir Myfanwy Alexander a'i heilio gan y Cynghorydd Sir James Evans y dylai'r adroddiad gael ei ddisbarthu i holl aelodau'r Cyngor er mwyn derbyn sylwadau ganddynt i'w hystyried gan arweinwyr grŵp. Gyda 49 o bland a 0 yn erbyn ynghyd â 6 ymataliad, penderfynwyd gwneud y canlynol

<b>PENDERFYNWYD:</b>	<b>Y Rheswm dros y Penderfyniad:</b>
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<p><b>Dylai'r Gwerthusiad Perfformiad Blynyddol gael ei ddsbarth i holl aelodau'r Cyngor er mwyn iddynt gyflwyno sylwadau arno i'w hystyried gan arweinwyr grŵp a bod yr arweinwyr grŵp yn derbyn yr awdurdod dirprwyedig i'w gymeradwyo.</b></p>	<p><b>Ymateb i'r dyddiad cau, sef 31 Hydref.</b></p>
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Gadawodd y Cyngorwyd Sir Martin Weale a Gareth Morgan y cyfarfod am 3.00 p.m.

<p><b>11.</b></p>	<p><b>TREFNIADAU AR GYFER CRAFFU AR FWRDD IECHYD CYHOEDDUS POWYS_</b></p>
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Datganodd y Cynghorydd Sir, Matthew Dorrance, fuddiant personol nad yw'n rhagfarnu fel aelod awdurdod lleol o Fwrdd Iechyd Addysgu Powys.

Gwnaeth y Cyngor ystyried cynigion i sefydlu Pwyllgor Craffu Bwrdd Gwasanaethau Cyhoeddus. Cymeradwywyd yr argymhellion yn yr adroddiad gan y Cynghorydd Sir Myfanwy Alexander a'u heilio gan y Cynghorydd Sir Michael Williams a chyda 53 o blaid a 0 yn erbyn m penderfynwyd gwneud y canlynol

<p><b>PENDERFYNWYD:</b></p>	<p><b>Y Rheswm dros y Penderfyniad:</b></p>
<p>(i) sefydlu'r Pwyllgor Craffu ar BGP fel a nodir yn Atodiad 1 i'r adroddiad. (ii) y dylai cynrychiolaeth o'r Cyngor Sir fod yn 1 aelod o Bwyllgor Craffu A ac 1 aelod o Bwyllgor Craffu B.</p>	<p>Diweddarau'r rhannau o'r Cyfansoddiad mewn ymateb i adolygiad Swyddfa Archwilio Cymru o drefniadau llywodraethu'r Cyngor, ac fel rhan o'r adolygiad parhaus o'r Cyfansoddiad.</p>

Cytunodd y Cadeirydd i ystyried yr eitem ganlynol fel eitem fusnes frys yng ngoleuni'r angen i ymateb i adolygiad Comisiwn Ffiniau etholaethau seneddol erbyn y dyddiad cau sef 11 Rhagfyr.

**Adolygiad 2018 o Etholaethau Seneddol**

Mae'r Comisiwn Ffiniau wedi cyhoeddi ei Gynigion Diwygiedig ar gyfer Adolygiad o Etholaethau Seneddol yng Nghymru. Argymhellwyd y dylai arweinwyr grŵp dderbyn awdurdod dirprwyedig i ymateb ar ran y Cyngor. Cymeradwywyd yr argymhellion yn yr adroddiad gan y Cynghorydd Sir Stephen Hayes a'u heilio gan y Cynghorydd Sir Michael Williams.

<b>PENDERFYNWYD:</b>	<b>Y Rheswm dros y Penderfyniad:</b>
<p>1. Anfon sylwadau i <a href="mailto:electoral.sevices@powys.gov.uk">electoral.sevices@powys.gov.uk</a> erbyn 3 Tachwedd er mwyn i Arweinwyr Grŵp eu hystyried.</p> <p>2. Rhoi'r awdurdod dirprwyedig i Arweinwyr Grŵp i ystyried a rhoi ac ystyried ymateb Cyngor Sir Powys.</p>	<p>Rhoi sylwadau i'r Comisiwn Ffiniau gan Gyngor Sir Powys.</p>

<b>12</b>	<b>PENODIAD I FWRDD ANABLEDDAU POWYS_</b>
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Ar ôl cynnal etholiad, penderfynwyd gwneud y canlynol

<b>PENDERFYNWYD</b>	<b>Y Rheswm dros y Penderfyniad</b>
<p><b>Y bydd y Cynghorydd Sir, Ange Williams, yn cael ei phenodi fel cynrychiolydd y Cyngor ar Fwrdd Anableddau Powys.</b></p>	<p><b>Ymateb i'r cais i benodi.</b></p>

<b>13</b>	<b>HYSBYSIAD O GYNNIG – SIGNAL CYSYLLTEDD FFONAU SYMUDOL_</b>
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Trafododd y Cyngor y cynnig canlynol a gynigiwyd gan y Cynghorydd Sir Elwyn Vaughan a'i eilio gan y Cynghorydd Sir Bryn Davies:

“Rhaid i ni gael y signal a'r cysylltedd y mae ei angen yng Nghymru Wledig i gefnogi'n heconomi a'n cymunedau yn y 21ain Ganrif.

Felly, mae'r Cyngor hwn yn gal war Lywodraeth Cymru i weithredu ar unwaith i gynllunio diwygiadau i alluogi signal cysylltedd ffonau symudol gwell fel Sylfaen economi fodern a bywiog. Dylai hyn gynnwys caniatáu i fastiau yng Nghymru fod yn 25m (82tr) yn lle'r 15m (50tr) fel ydyw ar hyn o bryd gan helpu i ddatblygu economi entrepreneuriaidd ym Mhowys a Chymru Wledig.”

Cyflwynodd y Cynghorydd Sir, Matthew Dorrance, ddiwygiad ac fe'i heiliwyd gan y Cynghorydd Sir David Thomas:

“Mae'r Cyngor hwn yn croesawu cyhoeddiad Cynllun Gweithredu Ffonau Symudol gan Lywodraeth Cymru ddydd Iau 5 Hydref 2017 sy'n nodi'r canlynol:

1. Mae Llywodraeth Cymru wedi comisiynu ymchwil i lywio newidiadau i hawliau datblygu a ganiateir ar gyfer cyfarpar telegyfathrebu i wella cysylltedd ffonau symudol. Bwriedir i'r ymchwil hon gael ei chwblhau erbyn Hydref 2017.
2. Bydd Llywodraeth Cymru'n adfywio Polisi Cynllunio Cymru i sicrhau ei fod yn amlygu'r berthynas gadarnhaol rhwng telegyfathrebu a'r economi. Bydd Polisi Cynllunio Cymru diwygiedig yn cael ei gyhoeddi er ymgynghoriad erbyn Gwanwyn 2018.
3. Bydd gweithredwyr rhwydwaith ffonau symudol yn gweithio gyda Llywodraeth Cymru i adolygu, ac os yw'n briodol, gadarnhau'r côd arfer gorau a'r Nodyn Cyngor Technegol ar ddatblygu seilwaith y rhwydwaith ffonau symudol.”

Pleidleisiwyd ar y diwygiad a cholodd o 15 pleidlais i 29 gyda 6 ymataliad.

Pleidleisiwyd ar y diwygiad gwreiddiol ac fe'i pasiwyd gyda 43 o blaid, 6 yn erbyn a 4 ymataliad.

**PENDERFYNWYD y byddai'r Cyngor yn gal war Lywodraeth Cymru i weithredu ar unwaith o ran rhoi diwygiadau cynllunio ar wait hi wella signal cysylltedd ffonau symudol fel sail i economi fodern a bywiog. Bydd hyn yn cynnwys caniatáu i fastiau yng Nghymru fod yn 25m (82tr) yn hytrach na'r 15m (50tr) fel ydyw ar hyn o bryd gan helpu i ddatblygu economi entrepreneuriaidd ym Mhowys a Chymru Wledig.**

14.	<b>HYSBYSIAD O GYNNIG – CAFFAEL YN Y CYNGOR</b>
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Trafododd y Cyngor y cynnig canlynol a gynigiwyd gan y Cynghorydd Sir Elwyn Vaughan a'i eilio gan y Cynghorydd Sir Bryn Davies:

“Mae'r Cyngor yn cydnabod pwysigrwydd menter ac economi gref fel sail i hyfywedd yn ein cymunedau. Oherwydd pwysigrwydd y sector cyhoeddus ym Mhowys o ran cyflogaeth a gwariant yn yr economi leol, rydym yn galw ar y Cyngor i ymrwymo i gynyddu canran ei wariant yn y sir a Chymru. Dylai lefelau caffael



gan ddarparwyr gwasanaeth ym Mhowys gynyddu o 28% yn 2015-16 i 40%; a chan ddarparwyr yng Nghymru o 55% i 75%. Byddai hyn gyfystyr â buddsoddiad blynyddol o £18 miliwn i economi Powys. Dylai Deiliad y Portffolio dros yr Economi roi adroddiad blynyddol i'r Cyngor yn amlinellu'r cynnydd a wnaed wrth fodloni'r targedau hyn."

Dyweddodd aelodau'r Cabinet eu bod yn cefnogi'r cynnig a'u bod yn ystyried ffyrdd o gynyddu canran gwariant y Cyngor yn y sir. Pleidleisiodd y Cyngor ar y cynnig a chyda 48 o blaid a 0 yn erbyn,

**PENDERFYNWYD y dylai'r cyngor ymrwymo i gynyddu canran ei wariant yn y sir a Chymru. Dylai lefelau caffael gan ddarparwyr gwasanaethau ym Mhowys gynyddu o 28% yn 2015-16 i 40%; a chan ddarparwyr yng Nghymru o 55% i 75%. Byddai hyn gyfystyr â buddsoddiad blynyddol o £18 miliwn i economi Powys. Dylai Deiliad y Portffolio dros yr Economi roi adroddiad blynyddol i'r Cyngor yn amlinellu'r cynnydd a wnaed wrth fodloni'r targedau hyn.**

Gadawodd y Cynghorydd Sir MJ Jones y cyfarfod am 15.34.

15.	<b>HYSBYSIAD O GYNNIG - MYND I'R AFAEL Â THLODI TANWYDD</b>
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Datganodd y Cynghorydd Sir Roger Williams fuddiant ariannol oherwydd ei fod yn cymryd rhan mewn cynlluniau prynu ynni.

Trafododd y Cyngor yr hysbysiad canlynol o gynnig a gynigiwyd gan y Cynghorydd Sir Huw Williams a'i eilio gan y Cynghorydd Sir Sarah Williams.

### **Nodiadau'r Cyngor**

1. Mae biliau ynni cartrefi'n cynyddu bob blwyddyn, ac mae incwm cartrefi'n aros yr un peth neu'n lleihau.
2. Mae adroddiad diweddar gan moneysupermarket.com wedi dangos bod 5 o'r darparwyr ynni "Big 6" (npower, E.ON, Scottish Power, SSE ac EDF) wedi cyhoeddi codiad mewn prisiau i'r rhai hynny ar dariffau safonol amrywiol.
3. Mae 66% o gwsmeriaid ynni ar dariffau safonol amrywiol yn ôl Ofgem, gyda'r rhan fwyaf ohonynt erioed wedi newid cyflenwr.
4. Y codiad pris ar gyfartaledd yn 2017 yw £96.95 gan olygu mai pris bil ynni blynyddol arferol yw £1258.55.
5. Mae llawer o awdurdodau lleol eraill yn cynnal cynlluniau newid ynni tebyg ar y cyd.
6. Mae cynllun Cymru gyfan, Cyd Cymru Wales Together, eisoes yn bodoli (<https://cydcymru-collective.com/>)
7. Yn yr asesiad llesiant a gynhaliwyd gan Bowys, gwelwyd bod 16% o gartrefi mewn tloidi tanwydd, a ddiffinnir fel cartref sy'n gwario o leiaf 10% o'i incwm

- ar danwydd.
8. Yn ôl adroddiad 2008, gwelwyd yng nghanolbarth Cymru bod 34.9% o gartrefi mewn tloedi tanwydd.
  9. Nid yw dros hanner y cartrefi ym Mhowys wedi'u cysylltu â'r rhwydwaith nwy, gan ddibynnu ar olew a thanwydd called sy'n llawer mwy drud i'r prynwr.
  10. Mae Ceredigion yn cynnal "clybiau tanwydd", lle mae cymunedau'n prynu olew mewn swmp ar gyfer cynhesu.

### **Mae'r Cyngor wedi penderfynu gwneud y canlynol**

1. Cred y Cyngor y dylai
  - a. Wneud cymaint ag y bo modd i helpu preswylwyr mewn tloedi tanwydd i liniaru'r sefyllfa;
  - b. Byddai preswylwyr Powys yn elwa'n fawr o filiau ynni llai drwy gynllun newid ynni a gynhelir ar y cyd gan Gyngor Sir Powys;
  - c. Gall yr awdurdod ymuno ag awdurdodau a sefydliadau eraill yng Nghymru drwy'r cynllun Cyd Cymru;
  - ch. Mae'r cynllun a gynhelir gan Geredigion yn darparu model arfer gorau ar gyfer cynnal clybiau tanwydd o'r fath;
  - d. Gall yr awdurdod arfer ei bŵer o fargeinio ar y cyd ar gyfer cynlluniau prynu olew a thanwydd deuol.
2. Cyfarwyddo swyddogion i archwilio dichonoldeb rhoi ei gynllun ei hun ar waith neu ymuno â'r cynllun Cyd Cymru.
3. Cyfarwyddo swyddogion i archwilio dichonoldeb rhoi cynlluniau prynu olew ar waith ar draws Powys.
4. Gweithio gyda chymdeithasau tai lleol, Bwrdd Iechyd Addysgu Powys, grwpiau gwirfoddol, cartrefi gofal a chartrefi ar draws Powys i gynyddu ymwybyddiaeth o'r cynlluniau hyn a'u hannog i gofrestru arnynt.

Cynigiodd y Cynghorydd Sir, Aled Davies, ddiwygiad ac fe'i heiliwyd gan y Cynghorydd Sir, Myfanwy Alexander, i rannau 2 a 3 o'r cynnig gan ddisodli'r geiriau "Cyfarwyddo swyddogion ..." gyda "Gofyn i'r Hyrwyddwr Gwrth-dlodi a'r Grŵp Gwrth-dlodi ..."

Pleidleisiodd y Cyngor ar y diwygiad ac fe'i pasiwyd gyda 39 o blaid, 2 yn erbyn ac 1 ymataliad. Daeth y diwygiad yn gynnig gwirioneddol gyda 44 o blaid a 0 yn erbyn

### **PENDERFYNWYD**

1. **Creda'r Cyngor y dylai wneud cymaint â phosib i helpu preswylwyr sy'n dioddef tloedi tanwydd i liniaru'r sefyllfa;**
  - a) **Byddai preswylwyr Powys yn elwa'n fawr o filiau ynni llai drwy gynllun newid ynni ar y cyd a gynhelir gan Gyngor Sir Powys;**
  - b) **Gall yr awdurdod ymuno ag awdurdodau a sefydliadau eraill yng Nghymru drwy'r cynllun Cyd Cymru;**
  - c) **Mae'r cynllun a gynhelir gan Geredigion yn darparu model arfer**

gorau ar gyfer cynnal clybiau tanwydd o'r fath;

ch) Gall yr awdurdod arfer ei bŵer o fargeinio ar y cyd ar gyfer cynlluniau prynu olew a thanwydd deuol

2. Gofyn i'r Hyrwyddwr Gwrth-dlodi a'r Grŵp Gwrth-dlodi i archwilio dichonoldeb rhoi ei gynllun ei hun ar waith neu ymuno â chynllun Cyd Cymru.
3. Gofyn o'r Hyrwyddwr Gwrth-dlodi a'r Grŵp Gwrth-dlodi i archwilio dichonoldeb rhoi cynllun prynu olew ar waith ar draws Powys.
4. Gweithio gyda chymdeithasau tai lleol, Bwrdd Iechyd Addysgu Powys, grwpiau gwirfoddol, cartrefi gofal a chartrefi ar draws Powys i gynyddu ymwybyddiaeth a'u hannog i gofrestru ar y cynlluniau hyn.

Gadawodd y Cynghorwyr Sir Heulwen Hulme a Hywel Lewis y cyfarfod am 15.57.

16.	CWESTIYNAU YN UNOL Â'R CYFANSODDIAD_
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## 16.9 Cwestiwn i Ddeiliad y Portffolio dros Addysg gan y Cynghorydd Sir Matthew Dorrance

**Pa asesiad y mae'r Cabinet wedi'i wneud o Adroddiad Ysgol Stonewall Cymru 2017?**

### **Ateb**

Mae adroddiad blynyddol Stonewall yn ddeng mlwydd oed eleni ac mae wedi cael effaith sylweddol. Mae'r adroddiad yn nodi bod nifer yr ysgolion sy'n cofnodi bod bwlio homoffobig yn anghywir wedi treblu bron a bod sylwadau homoffobig yn llawer llai tebygol o gael eu clywed dros y cyfnod hwnnw.

Mae'r adroddiad yn cynnig cyngor i ysgolion ar bolisiau a gweithdrefnau i atal bwlio ac iaith homoffobig, gan gynnwys cam-drin ar-lein. Mae cyngor allweddol yn cynnwys dangos arweinyddiaeth glir, creu amgylchedd dysgu cynhwysol i'r holl ddisgyblion, rhoi hyfforddiant i staff a dathlu amrywiaeth.

Mae agen i ni barhau i gefnogi ysgolion drwy ein polisiau a'n gweithgareddau model gwrth-fwlio. Mae gwasanaethau ieuenctid ac ysgolion yn darparu cefnogaeth uniongyrchol i ddysgwyr ac mae angen i ni barhau i roi gwybodaeth dda iddynt am sut i gefnogi pobl ifanc a'u teuluoedd orau.

Ym Mhowys, nododd Mynegai Cydraddoldeb Addysg 2016 fod y sir yn safle 28 o 50 o awdurdodau ym Mhrydain a gymerodd ran, gan sgorio 87 o 140 o farciau. Mae oddeutu hanner o ddysgwyr LGBT yn genedlaethol yn dal i brofi bwlio. Mae mwy i ni gyd ei wneud i sicrhau y gall pob person ifanc fod yn hapus, yn iach a derbyn cefnogaeth i wireddu eu potensial llawn.

I ateb cwestiwn atodol y Cynghorydd Sir Dorrance, rhoddodd Deiliad y Portffolio dros Addysg wybod y byddai'r Cyngor yn rhoi argymhellion adroddiad Stonewall

ar waith.

Gadawodd y Cynghorydd Sir Kathryn Silk ar waith am 15.59.

### **16.3 Cwestiwn i Ddeiliad y Portffolio dros Adfywio a Chynllunio gan y Cynghorydd Sir Roger Williams**

**Pa asesiad y mae'r Cyngor wedi'i wneud o Gonfensiwn Aarhus?**

#### **Ateb**

Diolch am y cwestiwn. Rwyf wedi derbyn cyngor gan Brif Gyfreithiwr y Cyngor nad yw'n ymwybodol o ddyletswydd gyfreithiol ar awdurdodau lleol i asesu Confensiwn Aarhus. Dyma ddogfen Comisiwn Economaidd y Cenhedloedd Unedig dros Ewrop a fabwysiadwyd ym 1998 sy'n sefydlu egwyddorion ar: fynediad i wybodaeth amgylcheddol; cyfranogiad cyhoeddus mewn gwneud penderfyniadau am yr amgylchedd; a mynediad i gyfiawnder.

<http://www.unece.org/env/pp/treatytext.html>

Fe'i mabwysiadwyd gan yr UE gan gynnwys y DU ac mae ei egwyddorion wedi'u hymgorffori mewn rheoliadau. Mae'r Cyngor yn cydymffurfio â rheoliadau sy'n ymwneud â mynediad i gyfranogiad cyhoeddus ar faterion amgylcheddol a rheolau'r llys ar gyfyngiadau costau mewn hawliau adolygiadau ynadol sy'n ymwneud â materion amgylcheddol megis tyrbinau gwynt.

Roedd Deiliad y Portffolio dros Adfywio a Chynllunio wedi gadael y cyfarfod ond byddai'n rhoi ateb i gwestiwn atodol y Cynghorydd Williams ar nifer y caniatadau cynllunio a heriwyd o ganlyniad i Gonfensiwn Aarhus, sawl un oedd wedi cael eu colli, faint roedd wedi'i gostio a'r hyn roedd y Cyngor yn ei wneud i fod yn fwy gwydn i heriau.

16.3. Cwestiwn i Ddeiliad y portffolio dros y Gwasanaethau Tai a Chefn Gwlad gan y Cynghorydd Sir Roger Williams

### **16.4 Sawl cais ar gyfer dargyfeiriadau llwybrau cyhoeddus mae'r Cyngor wedi'i gofrestru ar hyn o bryd a sawl un sy'n ddargyfeiriadau o ffermydd gweithiol?**

#### **Ateb**

##### **Cefndir:**

Mae'r cwestiwn a ofynnwyd gan y Cynghorydd Williams yn cyfeirio at geisiadau i ddargyfeirio hawliau tramwy cyhoeddus. Cyflawnir dargyfeirio, diddymu a chreu hawliau tramwy cyhoeddus yn gyffredinol drwy Orchymyn Llwybr Cyhoeddus yn gyffredinol. Dyma'r math o Orchymyn gyfreithiol sy'n caniatáu gwneud newidiadau gwirfoddol i lwybr cyhoeddus, er na ellir ei defnyddio i newid cilffordd sydd ar agor i draffig.

Gall Gorchmynion Llwybr Cyhoeddus fod yn offeryn defnyddiol iawn i'r Cyngor, wrth reoli a gwella'r rhwydwaith hawliau tramwy cyhoeddus. Fodd bynnag, mae gwneud y Gorchmynion hyn yn bŵer dewisol, nid yn ddyletswydd statudol. Gall y Cyngor ddechrau'r cynnig ei hun; gall y Cyngor hefyd ddewis derbyn ceisiadau ar gyfer Gorchmynion Llwybr Cyhoeddus gan aelodau'r cyhoedd, ond nid oes rhaid

iddo wneud hynny.

Nid yw'r gyfraith yn gosod unrhyw amserlen y mae'n rhaid i ni fynd i'r afael â cheisiadau unigol ar gyfer Gorchmynion Llwybr Cyhoeddus. Nid yw chwaith yn gorfod rhoi unrhyw sicrwydd y bydd ceisiadau'n llwyddiannus. Mae'r broses yn ddemocrataidd iawn ac yn agored i her ffurfiol, lle gall y penderfyniad gael ei wneud gan yr Arolygiaeth gynllunio (nid y Cyngor). Gall hyd yn oed cynigion heb wrthwynebiad a heb fod yn gymhleth gymryd hy at 6 mis i'w cwblhau, oherwydd y gweithdrefnau y mae'n rhaid eu dilyn.

Nid oes unrhyw swyddog dynodedig yn gweithio ar waith achos Gorchmynion Llwybr Cyhoeddus yn unig. Mae'n un o sawl galw sy'n cystadlu am amser swyddogion a rhaid i waith achos statudol gael ei flaenoriaethu. O ganlyniad, mae'r amser sydd ar gael i brosesu ceisiadau ar gyfer dargyfeirio hawl tramwy cyhoeddus wedi bod yn gyfyngedig ac yn parhau i fod yn gyfyngedig iawn. Yn anffodus, mae hyn wedi golygu ôl-groniad o geisiadau'n aros i gael eu prosesu.

Caiff achosion Gorchmynion Llwybr Cyhoeddus unigol gael eu dyrannu yn ôl blaenoriaeth, yn unol â'r ymagwedd at flaenoriaethu a gyflwynwyd gerbron y Pwyllgor Hawliau Tramwy yn 2010. Yn y cyfnod hwn, pan fo gofyn am gyngor cyn cyflwyno cais, cynghorir ymgeiswyr ar lefel gyffredinol y flaenoriaeth a roddir i bob math o gais a'r amserlen debygol ar gyfer ystyried eu cais. Rhoddir blaenoriaeth ganolig i ddargyfeirio llwybrau y tu allan i ffermydd gweithiol.

I geisio lleihau'r ôl-groniad o geisiadau a'r rhwystredigaeth a brofir gan ymgeiswyr, mae'r Gwasanaethau Cefn Gwlad wedi bod yn datblygu system i ddatblygwyr gynnal eu hymgyngoriad cychwynnol eu hunain, ar ôl cyfarfod safle gyda swyddogion. Oherwydd bod hynny wedi bod yn lled-llwyddiannus, mae bellach yn cael ei ehangu i ymgeiswyr eraill, gyda'r rhai sydd wedi bod yn aros hwyaf yn cael cynnig y cyfle hwnnw'n gyntaf.

### **Sefyllfa bresennol:**

Ar hyn o bryd, mae cyfanswm o 182 o geisiadau ar gyfer Gorchmynion Llwybr Cyhoeddus ar y ffeil ar gamau gwahanol o gael eu prosesu. Gydag adnoddau a phrosesau presennol, rhagwelir bod hyn yn cynrychioli 10-11 o flynyddoedd o waith. O'r rheiny, mae 53 yn cynigion i symud llwybrau o ffermydd gweithiol.

Mewn ymateb i gwestiwn atodol y Cynghorydd Williams ar yr hyn y gallai gael ei wneud i gyflymu'r broses, dywedodd Deiliad y Portffolio fod gan y gwasanaeth adnoddau cyfyngedig a'i fod yn gorfod mwyafu ar ei adnoddau drwy weithio gydag ymgeiswyr.

## **16.5 Cwestiwn i Ddeiliad y Portffolio dros y Gwasanaethau Archwilio gan y Cynghorydd Sir James Gibson-Watt**

**Yng ngoleuni adroddiadau'n cyrraedd aelodau'r Cyngor yn rheolaidd ynghylch yr anawsterau y mae defnyddwyr gwasanaethau yn y sir yn eu hwynebu wrth gysylltu â'r staff Gofal Cymdeithasol i Oedolion perthnasol, oed mod di ddeiliad y portffolio ddarparu crynodeb o swyddi gwag yn y Gwasanaeth Gofal Cymdeithasol i Oedolion yn ôl ardal ac ar draws y sir?**

### **Ateb**

Dyma'r swyddi gwag cyfredol:

#### Ystradgynlais

Y Gwasanaeth Pobl Hŷn – dim swyddi gwag presennol

lechyd Meddwl – dim swyddi gwag presennol

Anableddau'r De – dim swyddi gwag presennol

#### Aberhonddu

Y Gwasanaeth Pobl Hŷn – 1x swydd Swyddog Cymorth Cymunedol tridiau yn cael ei hysbysebu ar hyn o bryd; 1 swydd uwch-ymarferydd

lechyd Meddwl – dim swyddi gwag

Anableddau'r De – 1 swydd gweithiwr cymdeithasol, cyfweiliadau ar hyn o bryd

1 swydd uwch-ymarferydd i gael ei hysbysebu

#### Llandrindod

Y Gwasanaeth Pobl Hŷn – dim swyddi gwag gwaith cymdeithasol ar hyn o bryd

lechyd Meddwl – 2 swydd wag, 1 swydd gweithiwr cymdeithasol a 1 swydd uwch-ymarferydd yn cael eu hysbysebu

Anableddau'r De – dim swyddi gwag

#### Y Drenewydd

Y Gwasanaeth Pobl Hŷn – 1 swydd uwch-ymarferydd sy'n cael ei droi'n Rheolwr Tîm Cynorthwyol

lechyd meddwl – swydd gweithiwr cymdeithasol 0.8 wte yn cael ei hysbysebu

Anableddau'r Gogledd – dim swyddi gwag

#### Y Trallwng

Y Gwasanaethau Pobl Hŷn – dim swyddi gwag

lechyd Meddwl – dim swyddi gwag ar hyn o bryd

Anableddau'r Gogledd – dim swyddi gwag ar hyn o bryd

Mewn ymateb i gwestiwn atodol y Cyngorydd Gibson-Watt am y rheswm y ceir cynifer o gwynion ynghylch anawsterau wrth gysylltu â gweithwyr cymdeithasol, dywedodd Deiliad y Portffolio er y cafwyd ymdrechion sylweddol i recriwtio swyddi gwaith cymdeithasol, roedd y nifer yn y sefydliad yn is nag y byddai'n eu dymuno ond bod hyn yn adlewyrchu amseroedd ariannol anodd.

## **16.6 Cwestiynau i Ddeiliad y Portffolio dros Briffyrdd gan y Cyngorydd Sir David Selby**

**Oes modd i Ddeiliad y Portffolio nodi pa gamau mae'n eu cymryd i wella gwasanaethau torri glaswellt y Cyngor ar gyfer y flwyddyn nesaf?**

### **Ateb**

Mae torri glaswellt wedi bod yn un o'r prif faterion y mae'n rhaid i'r Cabinet a'r holl aelodau fynd i'r afael ag ef eleni ac efallai y cofiwch yr oeddwn yn llym iawn gyda darparwyr y gwasanaeth ym mis Mehefin eleni - a'r canlyniad oedd fy mod i wedi ymddangos ym mhapurau newydd y sir ac ar y BBC Online. Nid wyf yn difaru unrhyw beth ac rwy'n hapus i ddweud eu bod wedi gwrando ar yr yn yr ofynnais i amdano am wasanaeth gwell a chafwyd peth gwelliant.

Fodd bynnag, ar hyn o bryd rwy'n cynnal adolygiad dwys ac yn ystyried yr holl

gcontractau ledled y sir gyda golwg i ystyried darparu'r gwasanaeth yn fewnol o fis Mawrth 2018.

Byddai hon yn ymagwedd a ffeirir gan breswylwyr a chynghorwyr a fyddai'n hoffi gweld dychweliad i wasanaeth arferol cyn contractio'r gwasanaeth i gyflenwyr eraill. Dyma fy nharged uchelgeisiol ar hyn o bryd ac rwy'n edrych ymlaen at wneud cyhoeddiad Cyngor llawn yn y dyfodol agos.

Ni chafwyd unrhyw gwestiwn atodol ond mynegodd y Cynghorydd Selby siomedigaeth mai 5 aelod o'r Cabinet yn unig oedd yn bresennol.

### **16.7 16.7 Cwestiwn i Ddeiliad y Portffolio dros Addysg gan y Cynghorydd Sir Arwel Jones**

**Oes modd i Ddeiliad y Portffolio ddweud wrthyf nifer y disgyblion a oedd yn cael eu haddysgu drwy gyfrwng y Gymraeg yn Ysgol Uwchradd Aberhonddu ac Ysgol Uwchradd Llanelwedd ers mis Medi 2017 a hefyd y nifer y disgyblion a dderbynnir yn y ddwy ffrwd eto ym mis Medi 2017?**

#### **Ateb**

Nifer y disgyblion sydd wedi astudio drwy gyfrwng y Gymraeg yn Ysgol Uwchradd Aberhonddu ac Ysgol uwchradd Llanelwedd ers mis Medi 2017:

	<b>Ysgol Uwchradd Aberhonddu</b>	<b>Ysgol Uwchradd Llanelwedd</b>
Blwyddyn 7	9	25
Blwyddyn 8	3	30
Blwyddyn 9	3	26
Blwyddyn 10	4	24
Blwyddyn 11	4	30
Blwyddyn 12	0	13
Blwyddyn 13	0	12
<b>Cyfanswm</b>	<b>23</b>	<b>160</b>

Nid oedd unrhyw gwestiwn atodol.

### **16.8 16.7. Cwestiwn i Ddeiliad y Portffolio dros y Gwasanaethau Tai a Chefn Gwlad gan y Cynghorydd Sir Matthew Dorrance**

**Pa ystyriaethau y mae'r Cabinet wedi'u rhoi i effaith newidiadau gan Lywodraeth Geidwadol y DU i'r Lwfans Tai Lleol a'r lefelau digartrefedd ym Mhowys?**

#### **Ateb**

Mae'r Cabinet yn ymwybodol o'r newidiadau presennol i'r Lwfans Tai Lleol sydd wedi cyfyngu pobl 35 oed ac iau i'r gyfradd llety a rennir ac wedi ystyried effaith y

newid hwn ar y rheoliad Budd-daliadau ac estyniad cyfradd y Lwfans Tai Lleol i'r sector tai cymdeithasol ym mis Ebrill 2019 i'r lefel ddigartrefedd ym Mhowys. Mae'r ystyriaethau hyn yn rhan o broses gosod cyllideb oherwydd ein bod yn cydnabod yr angen i sicrhau ein bod yn dyrannu adnoddau digonol i weinyddiaeth cyfrifoldebau digartrefedd corfforaethol y cyngor.

Mae estyniad y gyfradd llety a rennir i bobl 35 oed ac iau wedi cael effaith anwastad ar ddigartrefedd ledled Powys a'r DU. Yn yr ardaloedd lle ceir cyflenwad cyfyngedig o lety a rennir a lefelau rhent weddol uchel, mae effaith y mesurau hyn wedi golygu cynnydd mewn digartrefedd a chysgu ar y stryd, yn arbennig unigolion sy'n anfodlon symud i gymunedau lle mae cyflenwa o lety o'r fath yn bodoli ac mae lefelau rhent yn fwy fforddiadwy. Yn nhref y Cynghorydd Matthew, yn ddiweddar rydym wedi profi cynnydd yn nifer y bobl sy'n cysgu ar y stryd oherwydd cyfradd weddol annigonol o lety a rennir, gyda'r lefelau rhent yn Aberhonddu'n sylweddol uwch na'r gyfradd Lwfans Tai Lleol llety a rennir a'u hamharodrwydd i symud i gymunedau eraill. Gallaf sicrhau'r Cynghorydd Matthew bod swyddogion yn parhau i weithio gyda phobl sy'n cysgu ar y stryd sy'n barod i gysylltu â'r gwasanaeth ac fel arfer mae modd sicrhau llety iddynt.

Her arall i'r awdurdod yw estyniad cyfraddau Lwfans Tai Lleol i'r sector tai cymdeithasol yn 2019, sy'n debygol o weld cynnydd sylweddol mewn ôl-ddyledion rhent yn y Cyfrif Refeniw Tai a stoc y gymdeithas tai sy'n debygol o arwain at gynnydd mewn digartrefedd, yn ogystal â chreu anawsterau fforddadwyedd i gael cartref ar draws y sir. Bydd hwn hefyd yn cael ei ystyried gan y Cabinet pan fydd rhenti Lwfans Tai Lleol yn cael eu gosod ar gyfer y flwyddyn ariannol nesaf.

Yn ogystal, mewn cyfarfod o Rwydwaith Aelodau Cabinet Tai Cymru, mi wnes i ynghyd â'r holl Aelodau Cabinet a oedd yn bresennol yn y cyfarfod gytuno i anfon llythyr at yr Ysgrifennydd Gwladol dros yr Adran Gwaith a Phensiynau yn gofyn iddo ailystyried cyflwyno'r Credit Cynhwysol llawn a'r newidiadau i'r Lwfans Tai Lleol er mwyn cydnabod y problemau y mae'r newidiadau hyn yn eu cael yn genedlaethol a'r cynnydd mewn pobl sy'n cysgu ar y stryd o ganlyniad iddynt.

Mewn ymateb i gwestiwn atodol y Cynghorydd Dorrance ar yr adnoddau y byddai eu hangen i ddiweddu pobl yn cysgu ar y stryd ym Mhowys, dywedodd Deiliad y Portffolio fod swyddogion yn gwneud popeth y gallent i helpu pobl sy'n byw ar y stryd os oeddent yn barod i dderbyn cymorth.

#### **16.10 Cwestiwn i Ddeiliad y Portffolio dros y Gwasanaethau Tai a Chefn Gwlad gan y Cynghorydd Sir Lucy Roberts**

**Mae gennym broblem yn y sir nad oes digon o eiddo 'fforddiadwy' yn cael eu hadeiladu ar gyfer pobl ifanc. Rydym yn gwybod y Mhowys bod enillion yn draddodiadol yn isel. Mae gennym weledigaeth i gadw'n pobl ifanc yn y sir a hyd yn oed denu mwy ohonynt i symud yma. Nid wyf yn credu y bydd hyn yn digwydd heb dai cynaliadwy. Mae gan lawer o bobl ifanc yr uchelgais o hyd i allu prynu eu heiddo eu hunain, ond yn sicr yn fy ward i, mae'r rhan fwyaf o'r tai sy'n cael eu hadeiladu'n gartrefi moethus y tu hwnt i'w gallu i brynu. Mae hyn yn oed y tai 'fforddiadwy' y tu hwnt i afael y rhan fwyaf. Rwy'n ymwybodol o gais cynllunio lleol sydd wedi'i gyflwyno fel 'fforddiadwy', ond bydd tŷ ar wahân â their ystafell wely a garej dwbl siŵr o fod yn mynd ar y farchnad am o leiaf £250,000. Oes unrhyw beth y gallwn ei wneud fel Cyngor**



## **Sir i wella'r sefyllfa?**

### **Ateb**

Bydd Cynghorwyr Sir yn ymwybodol bod cynllunio ym Mhowys yn fater i ddau awdurdod, sef Cyngor Sir Powys ac Awdurdod Cynllunio Parc Cenedlaethol Bannau Brycheiniog, a bod hwn yn golygu dau bolisi ar wahân. Fodd bynnag, mae'r ddau'n ceisio caffael y swm uchaf posib o gartrefi fforddiadwy i gael eu hadeiladu.

Mae Polisi Cynllunio Cenedlaethol yn caniatáu datblygu safleoedd eithriadol mewn ardaloedd gwledig h.y. y rhai nad ydynt wedi'u dyrannu neu'n dod o fewn ffiniau datblygu Cynllun Datblygu'r Awdurdod. Mae Polisi Cenedlaethol hefyd yn gofyn i bob awdurdod cynllunio gaffael cyfraniadau tai fforddiadwy gan yr holl ddatblygwyr tai lle y bo'n briodol ac yn ddichonadwy dan Adran 106 Deddf Cynllunio Gwlad a Thref 1990.

Mae gan y ddau awdurdod gynlluniau ar waith sy'n diwallu'r anghenion hyn, fodd bynnag, mae sawl factor sy'n caniatáu i ddatblygwyr herio'r gofynion. Un her fynyh yw datblygiadau moethus lle nad yw datblygwr am gynnwys cartrefi llai fforddiadwy' neu gartrefi o ddaliadaeth wahanol megis rhent cymdeithasol. Yn yr achos rydych yn tynnu sylw ato, mae'r datblygwr siŵr o fod yn defnyddio'r opsiwn o gynnig y cartref am 69% o werth y farchnad, y mae Cynllun Datblygu Unedig Powys yn ei ddiffinio'n fforddiadwy. Eir i'r afael â'r anghysondeb hwn gan y CDLI unwaith y bydd ar waith y flwyddyn nesaf.

Mater negyddol arall o'r safbwynt cynllunio yw cytundebau Adran 106 sy'n cael eu cytuno ac yna nail ai'n peidio â chael eu datblygu neu'n cael eu herio'n ddiweddarach a'u hatal wrth i amgylchiadau ariannol a/neu eraill newid.

Mae'r Cynllun Datblygu Lleol yn ceisio mynd i'r afael â'r holl faterion hyn a mwyafu nifer y cartrefi fforddiadwy a ddarperir drwy sawl ffordd, gan gynnwys cyfyngu ar faint a gwerth i lefelau realistig sy'n debyg i'r rhai a roddir gan Lywodraeth Cymru ar ddatblygiadau tai cymdeithasol.

Fel cyngor, rydym yn cydnabod bod diffyg llety fforddiadwy ar draws y sir ac rydym yn gweithio i fynd i'r afael â yn y ffyrdd canlynol. Yn gyntaf mewn partneriaeth â chymdeithasau tai. Ym Mhowys, ein dyraniad safonol o'r Grant Tai Cymdeithasol, y mae cymdeithasau tai'n cael mynediad iddo drwy gymdeithasau tai i ddatblygu cartrefi newydd, ychydig dros £1.5 miliwn y flwyddyn. Mae hyn wedi cael ei gynyddu'n ddiweddar i dros £7 miliwn y flwyddyn, fel rhan o darged Llywodraeth Cymru i ddatblygu 20,000 o gartrefi fforddiadwy ychwanegol ledled Cymru o fewn amodau'r Cynulliad Cenedlaethol presennol. Bydd y cyngor yn meddu ar 6 fflat un ystafell wely yng Nghrughywel dros yr wythnosau nesaf, wedi'u datblygu ar ein rhan gan y gymdeithas tai Melin Homes. Yn ogystal, mae arian grant Llywodraeth Cymru hefyd ar gael i awdurdodau lleol, sy'n cynnwys y grant Arian Arloesol rydym wedi cyflwyno cais amdano ar gyfer cynllun yn y Drenewydd a Grant Tai Fforddiadwy yr ydym newydd raglennu ychydig dan £2 filiwn y flwyddyn nesaf. Rydym hefyd wedi datblygu cartrefi cyngor gan ddefnyddio capasiti benthyg y Cyfrif Refeniw Tai. Mae'r trefniadau presennol o ran cyfalaf Cyfrif Refeniw Tai yn cyfyngu ar y swm y gall awdurdodau lleol ei fenthyg i ddatblygu cartrefi newydd, ond ym Mhowys, dylem fod yn gallu datblygu oddeutu 80 o gartrefi dros y 4 blynedd nesaf. Os bydd y nenfwd benthyg i Bowys yn cael ei godi, rydym yn gobeithio datblygu nifer sylweddol yn fwy o gartrefi i ddiwallu anghenion ein cymunedau.

Ar hyn o bryd, mae'r Gwasanaeth Tai yn y broses o ddiweddarau Aseiad o'r Farchnad Tai Lleol a fydd yn helpu'r cyngor i gyfeirio buddsoddiad cymdeithas tai a'r cyngor i ardaloedd â'r angen mwyaf am dai.

Nid oedd unrhyw gwestiwn atodol.

#### **16.11 Cwestiwn i Ddeiliad y Portffolio dros Briffyrdd gan y Cynghorydd Sir Lucy Roberts**

**Er fy mod yn deal y diffyg ariannu ar gyfer Priffyrdd, a'r angen i flaenoriaethu'r ffyrdd a ddefnyddir fwyaf, mae gennyf breder ynghylch dyfodol tymor hir llawer o'r lonydd annosbarthedig. Mae maint a phwysau cynyddol peiriannau amaethyddol yn torri cefn rhai lonydd ac mae rhai eraill yn collie u harwyneb ac yn troi'n fwyfwy garw. Nid ydym yn sôn am y tyllau'n unig yma. Oes unrhyw gynllun tymor hir ar gyfer cynnal a chadw'r ffyrdd hyn neu a fydd rhaid i breswylwyr dderbyn, rhywbryd yn y dyfodol, y bydd meddu ar gerbydau sy'n cael eu gyrru ar bedair olwyn yn hanfodol?**

#### **Ateb**

Mae rhwydwaith presennol Powys yn cynnwys oddeutu 5000km o briffordd ag arwyneb, gydag 17% yn ffurfio'r rhwydwaith prysurach mwy strategol, gyda'r gweddill yn rhwydwaith ffyrdd llai. Mae gan yr ased priffordd hwn werth amcangyfrifedig o £4.4 biliwn ac rydym yn amcangyfrif bod ôl-groniad presennol o waith priffyrdd gwerth dros £40m.

Yr her i'r Cabinet a gwasanaeth priffyrdd y Cyngor yw monitro data ariannu a chyflwr er mwyn targedu gwaith yn effeithio ac yn briodol. Mae arian cyfalaf o oddeutu £12m wedi cael ei ddarparu ar gyfer gwella asedau priffyrdd, gan godi'r cyfanswm i oddeutu £6.5m y flwyddyn dros y tair blynedd nesaf. Fel y byddwch yn gwerthfawrogi, mae'r arian hwn yn cael ei flaenoriaethu fel ei fod yn cael ei dargedu lle mae ei angen fwyaf a lle bydd yn cael yr effaith fwyaf o ran diogelwch a chost hyd oes. Er y bydd yr arian ychwanegol hwn yn helpu, dylai gael ei ystyried yng nghyd-destun rheoli dirywiad cyffredinol parhaus yng nghyflwr y rhwydwaith ffyrdd hyd eithaf ein gallu gyda'r adnoddau a'r arian sydd ar gael.

Yn amlwg, rhaid i'n ffocws fod ar ein llwybrau strategol sy'n derbyn symiau uwch o draffig cyflymach gyda chynnydd amlwg mewn risg. Fodd bynnag, mae ein rhwydwaith ffyrdd bychain yn parhau if od yn hanfodol bwysig i Bowys, gan barhau if od yn agored i fuddsoddiad mewnol oherwydd ei fod yn debygol o gael ei ddefnyddio gan y rhan fwyaf ohonom fel rhan gyntaf ac olaf ein taith i'r rhwydwaith strategol ac oddi yno. Yr her rydym yn ei hwynebu yw ei gynnal i gyflwr addas drwy ddulliau cynnal a chadw arloesol ac effeithlon. Un enghraifft yw'r cyfarpar clytio jet a fydd yn ein helpu i fynd i'r afael ag atgyweiriadau ffyrdd yn fwy effeithlon. Er nad yr ateb i bob mathau o atgyweirio yw hwn, bydd yr effeithlonrwydd y bydd yn ei gyflwyno'n ein galluogi i drwsio mwy gan wario'r un faint o arian.

Ar hyn o bryd mae gwaith yn cael ei wneud i ddiweddarau'r Cynllun Rheoli Asedau'r Briffordd ac rydym yn gweithio ar y cyd ag Awdurdodau Lleol eraill drwy Gymdeithas Syrfewyr Sirol Cymru a CLILC i godi materion tebyg i'r rhai a nodwyd gennych i llobio Llywodraeth Cymru i ennill mwy o arian yn derbyn i'r arian Menter Benthycia Llywodraeth Leol a dderbyniwyd rhwng 2012/13 a 2014/15.

Yn syml, mae toriadau ledled y DU ac yng Nghymru i wasanaethau Cymdogaethau megis priffyrdd gan gadw'r status quo yng Ngofal Cymdeithasol Oedolion, Gofal Cymdeithasol Plant ac Addysg bellach yn cael effaith anferthol ac ym Mhowys yn benodol sydd bellach â'r ffyrdd gwaethaf yng Nghymru wrth ystyried ffyrdd A, B, C ac annosbarthedig ar y cyfan. Mae hyn wedi peri adroddiadau a phapurau gan weithwyr proffesiynol Priffyrdd ac aelodau Cabinet ledled y DU i fynd i'r afael â'r sefyllfa oherwydd y bydd yn ddrud iawn mynd i'r afael ag ef yn y dyfodol.

Rwy'n cytuni ynghyd â sawl person bod y GIG yn bwysig ac mae'n rhaid i ni ariannu ein hysbytai, ond rhai i ni hefyd feddu ar ffyrdd da i gludo'n hanwyliaid i'r ysbytai ac mae hynny wedi cael ei anghofio'n ddiweddar.

Byddai cwestiwn atodol y Cyngorydd Roberts ynghylch yr hyn y gellir ei wneud ynghylch maint y cerbydau amaethyddol sy'n defnyddio ffyrdd bychain yn cael ei anfon at Ddeiliad y Portffolio er mwyn cael ymateb.

## **16.12 Cwestiwn i'r Arweinydd gan y Cyngorydd Sir Jackie Charlton**

**Hoffwn ofyn cwestiwn i Rosemarie Harris fel Arweinydd ynghylch Papur Gwyn Llywodraeth Cymru 'Gwasanaethau sy'n addas i'r dyfodol' sy'n amlinellu'r newidiadau i'r ffordd y mesurir ansawdd a llywodraethu a'u cyflwyno yn y dyfodol. Mae un o'r cynigion yn cynnwys 'cyd-gyd-gynhyrchu' (ffordd arall o ddweud partneriaethau) yn enwedig rhwng gweithwyr proffesiynol a'r bobl hynny sy'n defnyddio gwasanaethau gwahanol.**

**Elfen o hon yw dod o hyd i ffordd fwy cydweithiol ac effeithlon o gyflwyno fframwaith gyda gwiriadau a chydbwysau i gleifion a chleientiaid y ddau faes cyflwyno, sef iechyd a gofal cymdeithasol.**

**Y cynnig sydd o fwyaf diddordeb i mi fel cyngorydd ac aelod o Gyngor Iechyd Cymunedol Powys yw disodli Cyngorau Iechyd Cymunedol Powys presennol gyda 'chorff annibynnol' a fydd â'r cyfrifoldeb o uno arolygu/rheoliad a chlywed llais y dinesydd. Mae Cyngor Iechyd Cymunedol Powys yn ymateb yn annibynnol, felly bydd Bwrdd Iechyd Powys a Chyngor Sir Powys wedi ymateb hefyd.**

**Fy nghwestiynau:-**

- 1. Hoffwn wybod beth mae Cyngor Sir Powys wedi'i ddweud mewn ymateb i'r ymgynghoriad hwn a ddaeth i ben ar 29 Medi 2017.**
- 2. Yn ail, mae'r syniad bod arolygu a rheoliad yr un peth â chlywed llais y dinesydd yn ofidiol. Nid ydynt yr un peth. Beth yw'ch barn chi fel cyn Gadeirydd y Cyngor Iechyd Cymunedol ac fel Arweinydd Cyngor Sir Powys sy'n cyflwyno gofal cymdeithasol ac sydd am gael integreiddiad yn y dyfodol ym Mwrdd Iechyd Lleol Powys?**

**Ateb**

- 1. Ymatebodd y gwasanaethau Gofal Cymdeithasol Oedolion i'r ymgynghoriad. Byddaf yn trefnu i gopi o'r ymateb gael ei anfon at yr aelodau.**
- 2. Nid yw'r Cyngor Iechyd Cymunedol yn mynd i'r afael â Gofal Cymdeithasol mewn unrhyw ffordd. Y nhw yw corff gwarchod y GIG o safbwynt y claf/dinesydd. Hefyd, rôl Arweinydd y Cyngor Sir yw arwain ar faterion Awdurdod Lleol. Byddai'n anarferol i'r Arweinydd ateb cwestiynau ar swydd a ddelir y tu allan i'r Cyngor ac mewn blynyddoedd blaenorol.**

Ar yr achlysur hwn, byddaf yn ateb.

Mewn gwirionedd, dylai'r Cyngor Iechyd Cymunedol fod yn gyswllt pwysig iawn rhwng y GIG, y rhai sy'n eu rheoleiddio a llais y rhai sy'n defnyddio'r GIG.

Yn gyntaf, hoffwn ddweud fy mod yn credu'n gryf bod angen sefydliad fel y Cyngor Iechyd Cymunedol fel corff gwarchod y GIG ar ran y claf/dinesydd.

Nid oes unrhyw sefydliad sydd â llais ar ran y claf. Credaf, ymhell o ddiddymu Cyngorau Iechyd Cymunedol, dylai eu rôl gael ei chryfhau. Maent yn gyrrff statudol ac mae'r cryfder hwnnw, dan y statud, eisoes wedi cael ei ddiddymu yn Lloegr - sy'n niweidiol yn fy marn i.

Ar hyn o bryd, mae gan Gyngorau Iechyd Cymunedol ganiatâd i ymweld â meddygfeydd meddyg teulu, ysbytai, gorsafoedd ambiwlans ac unrhyw le y darperir gwasanaethau'r GIG. Yn aml, cynhelir arolygiadau ar y cyd ag AGIC gydag un sefydliad yn arolygu darpariaeth glinigol a'r llall yn arolygu o safbwynt y claf. Nid yw Cyngorau Iechyd Cymunedol erioed wedi cael arolygu/ymweld â sefydliadau lle darperir gofal cymdeithasol yn unig. Mae Cyngor Iechyd Cymunedol Powys a Bwrdd Cyngorau Iechyd Cymunedol Cymru o hyd wedi teimlo y dylai'r ddau gael eu trin yr un ffordd, yn enwedig oherwydd nad oes llais y claf ar gyfer Gofal Cymdeithasol.

Yn y dyfodol, hoffwn weld rôl Cyngorau Iechyd Cymunedol yn cryfhau i gynnwys Gofal Cymdeithasol.

Credaf hefyd, yn ddadleuol efallai, y dylai aelodau Cyngorau Iechyd Cymunedol gael eu talu ychydig. Ar hyn o bryd, mae aelodau'n wirfoddolwyr a gall fod yn rhaglen brysur tu hwnt, yn enwedig i aelodau Powys oherwydd bod gofal iechyd eilaidd yn cael ei gomisiynu i'r preswylwyr o gynifer o Ysbytai Cyffredinol Dosbarth y tu allan i'n ffiniau. Credaf petai aelodau'n cael eu talu ychydig, byddai'n denu ac yn galluogi mwy o amrywiaeth ymhlith aelodaeth gan gryfhau'r sefydliad.

Oherwydd bod yr holl ofal eilaidd dwys ar gyfer ein preswylwyr yn cael ei gomisiynu o leoliadau eraill (canran fawr o Loegr) mae angen cefnogaeth yn am li gefnogi yn ogystal â herio Bwrdd Iechyd Lleol Powys.

I grynhoi, credaf fod angen sefydliad wedi'i gryfhau i arolygu/ymweld â holl gyrrff GIG/darpariaeth Gofal Cymdeithasol o safbwynt y claf.

Cwestiwn atodol y Cyngorydd Charlton oedd sut byddai integreiddiad gofal cymdeithasol ac iechyd yn cael ei fonitro o safbwynt y claf ac esboniodd deiliad y Portffolio dros y Gwasanaethau i Oedolion y byddai gan Fyrdau Partneriaeth Rhanbarthol, sy'n cynnwys defnyddwyr gwasanaethau a chynrychiolwyr sy'n ddinasyddion, gyfrifoldeb dros fonitro integreiddiad.

#### **16.13 Cwestiwn i Ddeiliad y Portffolio dros Eiddo a Gwastraff gan y Cyngorydd Sir William Powell**

**Pa asesiad sydd wedi cael ei wneud o berthnasedd Deddf Llesiant Cenedlaethau'r Dyfodol (Cymru) 2015 i bolisiau Cyngor Sir Powys ynghylch rheoli a gwaredu asedau? Yn benodol, a fydd aelod y Cabinet yn ceisio adfywio ymagwedd bresennol y Cyngor, er mwyn cynnwys cyngorau Tref a Chymuned yn llawnach gam yn gynharach yn y broses?**

**Mae lleoliaeth yn ganolog i ddeddfwriaeth newydd Llywodraeth Cymru ac felly, pan fo penderfyniadau'n cael eu gwneud ynghylch gwaredu ac ailddefnyddio asedau, byddai nid yn unig yn gwrtais ac yn dryloyw ond yn synnwyr cyffredin defnyddio'r wybodaeth a'r arbenigedd lleol sydd ar gael yn ein cymunedau.**

#### **Ateb**

Fel rwy'n siŵr y mae'r Cynghorydd Powell yn ymwybodol o ddarllen y dogfennau polisi ar y fewnrwyd, mae'r Cynllun Rheoli Asedau Strategol (StAMP) a gymeradwywyd gan y Cabinet ar ddechrau'r flwyddyn wedi'i alinio i'n polisiâu corfforaethol a'r cyd-destun statudol (gweler isod). Cymuned yw un agwedd ar hyn ond rhaid i ni hefyd gydbwysu nodau eraill - ffyniant, iechyd a gwydnwch a meddwl am ddiogelu'r Cyngor a dinasyddion yn eu cyfanrwydd dros y dyfodol tymor hir. Cynhaliodd y tîm Eiddo gyfres o weithdai 'lle' yn ystod 2016/17 a gwahoddwyd aelodau lleol (a oedd yn cynrychioli eu cymunedau) i ddod. Yn anffodus, roedd presenoldeb aelodau'n isel iawn (oddeutu 30%) er gwaethaf sawl ymgais i hyrwyddo'r gweithdai (yn ystod diwrnodau datblygu aelodau a sesiynau'r Cabinet). Yn ogystal, mi wnaeth gwahoddiad i gyflwyno sylwadau ysgrifenedig i'r rhai nad oeddent yn gallu dod fethu cael ymateb.

Nawr, gyda Chyngor newydd, rydym yn cynnig cynnal set arall o weithdai'r gwanwyn nesaf a byddwn yn annog cynifer o aelodau lleol â phosib i ddod. Dylai'r aelodau hyn ymgynghori â'u cyngorau tref a chymuned a rhoi adborth iddynt.

Ers i mi ymuno â'r Cyngor, rwyf wedi ymweld â sawl cyngor tref ac wedi bod mewn deialog actif â hwy ac maent wedi mynegi diddordeb yn yr asedau a ddelir gennym yn eu cymunedau ar draws Powys gan gynnwys Llandrindod, y Gelli, y Drenewydd, Llanandras a Llanfair Caereinion. Rwy'n hapus i ymweld ag unrhyw gymuned sy'n dymuno trafod materion sy'n ymwneud ag eiddo yn eu hardal.

Er hawster cyfeirio, mae'r polisi'n nodi'r canlynol:

#### **“Cyd-destun Strategol**

Mae'r StAMP wedi alinio â Deddf Llesiant Cenedlaethau'r Dyfodol (Cymru) 2015. O'r saith nod, mae'r StAMP yn cyfrannu'n uniongyrchol at y canlynol:

- **Cymru lewyrchus** - datblygu ein hystâd fasnachol
- **Cymru o gymunedau cydlynus** – mae meddu ar ymagwedd 'le' yn cydnabod pwysigrwydd cymunedau a dylai wella cyfranogiad a chynnwys cymunedau
- **Cymru iachach** – gweithio gyda Bwrdd Iechyd Addysgu Powys i rannu asedau i alluogi cyflwyno gwasanaethau'n well; hefyd darparu cyfleoedd i'r rhai sydd am gael cyflogaeth
- **Cymru gydnerth**- manau gwyrdd cymunedol/mwy o effeithlonrwydd ynni

**Yn ogystal, mae'r StAMP yn ei natur yn cyfrannu at yr egwyddorion cynladwyedd a nodir yn y Ddeddf:**

- Tymor hir – diogelu asedau ar gyfer anghenion tymor hir yn hytrach nag enillion tymor byr
- Integreiddio - gweithio gyda Bwrdd Iechyd Addysgu Powys a phartneriaid eraill
- Cydweithio – gweithio gyda'r holl wasanaethau, Bwrdd Iechyd Addysgu Powys, cymunedau a phartneriaid eraill
- Cynnwys – mae'r gweithdy StAMP yn darparu fforwm ar gyfer ymgysylltu â rhanddeiliaid
- Atal – darparu cyfleoedd ar gyfer cyflogaeth/dechrau busnesau

Cwestiwn y Cynghorydd Powell oedd sut i ymgorffori rôl Cyngorau Tref a Chymuned mewn ffordd llai ad hoc. Esboniodd Deiliad y Portffolio dros Addysg fod gan y Cabinet fwrdd yn ystyried sut i gynnwys cymunedau a fyddai'n cynnwys grŵp ymgynghori.

**16.14 Cwestiwn i Ddeiliad y Portffolio dros AD gan y Cynghorydd Sir Gwilym Williams**

**Oes modd i ddeiliad y portffolio ddweud wrthyf sawl aelod o staff sydd wedi gadael Cyngor Sir Powys ar draws yr holl adrannau ac wedi mynd i'r bwrdd iechyd nawr ein bod yn gweithio'n agosach gyda'n gilydd? A all y ffigur hwn fod ers dechrau'r bartneriaeth oddeutu mis Hydref y llynedd gyda'r bwrdd iechyd?**

**Ateb**

Ni does gan AD yr wybodaeth hon, ond deallaf fod wyth aelod o staff wedi trosglwyddo dros y ddwy flynedd ddiwethaf, y rhan fwyaf ar lefel rheolwyr canol i uwch.

Er mwyn ateb cwestiwn atodol y Cynghorydd Williams, dywedodd Deiliad y Portffolio fod chwe aelod o staff mewn rolau ar y cyd.

**16.15 Cwestiwn Deiliad y Portffolio dros Briffyrdd gan y Cynghorydd Sir Gareth Ratcliffe**

**Dros y blynyddoedd diwethaf, mae'r Cabinet wedi cefnogi parcio am ddim mewn meysydd parcio talu ac arddangos ar draws y sir i gefnogi masnachwyr lleol yn y cyfnod cyn y Nadolig. A fydd y Cabinet newydd yn cyflwyno cynllun tebyg eleni?**

**Ateb**

Mae'r Nadolig yn gyfnod pwysig i ni gyd lle bynnag rydym yn byw ym Mhowys ac yn arbennig o bwysig i'n busnesau yn ein trefi a'n pentrefi sydd efallai'n dibynnu ar fasnach y Nadolig i'w helpu drwy'r misoedd tawel. Mae gweledigaeth newydd y Cabinet y canolbwyntio ar yr economi a'n parodrwydd i fod yn agored ac yn fentrus ac i helpu ein preswylwyr a'n cymunedau. Nid yw'n briodol ei drafod yn awr ond rwy'n hapus i ddweud y byddaf yn gwneud cyhoeddiad ar sut bydd y Cyngor yn helpu ein holl drefi a'n pentrefi pan fyddwn yn croesawu Joanna Lumley i Aberhonddu i gynnal yr gofodau Nadolig ym mis Tachwedd.

Nid oedd unrhyw gwestiwn atodol.

**16.16 Cwestiwn i Ddeiliad y Portffolio dros Gyllid gan y Cynghorydd Sir David Jones**

**Ar ystâd tyddyn y Garth y Cyngor Sir yng Nghegidfa, mae dau dŷ sydd wedi bod yn wag ers peth amser. Un am dair blynedd ac un am ddwy flynedd. Faint mae'r Gronfa Treth y Cyngor wedi derbyn ar gyfer y ddau eiddo hyn hyd at 30 Medi eleni?**

## **Ateb**

Mae'r ddau eiddo yn y Garth yn rhan o gyfdeilad mwy o adeiladau, gan gynnwys amrywiaeth sylweddol o adeiladau fferm model gradd II.

Ein bwriad yw gwerthu'r safle ynghyd â chaniatâd cynllunio ar gyfer datblygiad preswyl. Nid yw sicrhau caniatâd cynllunio wedi bod yn syml - tynnwyd caniatâd cynllunio a gyflwynwyd fis Hydref diwethaf er mwyn adolygu manylion mynediad a dylunio, ynghyd â mwy o waith ymgynghori gyda CADW, cyn ailgyflwyno.

Roedd yr eiddo'n rhan o unedau fferm mwy – yn y ddau achos mae tir wedi cael ei uno ag unedau cyfagos; mae'r ddau eiddo, adeiladau'r fferm a'r tir amwynderau amgylchynol (oll i'w gwerthu fel eitemau unigol wrth benderfynu ar y cais cynllunio) yn parhau if od yn fewnol fel rhan o'r Portffolio Ffermydd Sir nes cael eu datgan yn weddill yn ffurfiol a bod marchnata'n dechrau.

Amlinellir treth y cyngor a dalwyd gan y Gwasanaeth Ffermydd Sir ar gyfer y ddau eiddo ers iddynt fod yn wag isod:

1. Tyddyn y Garth, Cegidfa, y Trallwng, Powys SY21 9BX

Band F

Gwag (yn wag a heb ddodrefn) ers 24.3.2016

Defnyddiwyd yr eithriad 6 mis cyntaf

Yna hyd at 31 Mawrth 2017 Tâl llawn @ £975.36

1 Ebrill 2017 ymlaen Talwyd premiwm am y flwyddyn gyfan @£2950.56

Y cyfanswm a dalwyd hyd at 31.3.2018 £3925.92

2. Heylin, Cegidfa, y Trallwng, Powys SY21 9BX

Band E

Gwag ( yn wag a heb ddodrefn) ers 31.12.2014

Defnyddiwyd yr eithriad 6 is cyntaf

Hyd at 31 Mawrth 2017 Tâl llawn @ £2753.49

Ebrill 2017 ymlaen Talwyd premiwm am y flwyddyn gyfan @ £2496.63

Y cyfanswm a dalwyd hyd at 31.3.2018  
£5250.12

Nid oedd unrhyw gwestiwn atodol.

## **16.17 Cwestiwn i Ddeiliad y Portffolio dros y Gwasanaethau Tai a Chefn Gwlad gan y Cyngorydd Sir David Jones**

**Ar ystâd tyddyn y Garth y Cyngor Sir ceir amrywiaeth o adeiladau fferm**

**Fictoraidd sydd wedi bod yn wag ers amser hir. Dros y blynyddoedd, mae'r cyngor sir wedi cyflwyno dau gais cynllunio ar gyfer yr adeiladu hyn ond mae'r ddau wedi cael eu tynnu'n ôl yn y camau olaf. Faint mae'r adran tyddynnau wedi'i dalu am y ddau gais cynllunio, dau gais adeiladau rhestredig, ffioedd proffesiynol ac amser swyddogion heb unrhyw ganlyniad?**

#### **Ateb**

Nid oedd y trefniadau mynediad a gynigwyd yng nghais 2007 wedi cael eu cefnogi gan y Rheolaeth Datblygu priffyrdd, ac nid oedd y mynediad amgen i'r B4392 yn cael ei gefnogi gan CADW oherwydd yr effaith ar y tir islaw'r safle sy'n ffurfio rhan o'r 'Parc a Gardd Cofrestredig o Ddiddordeb Hanesyddol Arbennig'. Roedd cais 2016 yn cynnig mynediad newydd i'r A490, gan ddefnyddio llwybr fferm bresennol a oedd yn mynd o amgylch yr ardd â wal o'i chwmpas. Fodd bynnag, unwaith eto, mae CADW wedi nodi bod ganddynt bryderon am effaith y mynediad arfaethedig ar y dirwedd; yn y cyfamser, mae'r Swyddog Treftadaeth Adeiledig wedi gwrthwynebu rhai manylion dylunio penodol y cynigion. Fe'i hystyriwyd yn briodol tynnu'r cais yn ôl a mynd i'r afael â'r materion hyn ar ôl sgwrs arall gyda CADW a'r Swyddog Treftadaeth Adeiledig.

Mae'r adeiladau yn y Garth yn sylweddol (roedd cais cynllunio 2016 yn cynnig 7 uned breswyl) ac yn llawer mwy na'r hyn a ofynnir fel adeiladau domestig/amwynderau i'w gwerthu gyda'i gilydd â'r ddwy annedd bresennol. Dylai lleoliad dymunol y safle a chymeriad yr adeiladau gyfuno i wneud yr adeiladau gorffenedig yn ddeniadol i brynwyr. Fodd bynnag, cydnabyddir bod y farchnad ar gyfer ysguboriau i'w trosi'n dawel ac mae wedi bod ers rhai blynyddoedd. Fodd bynnag, bydd unrhyw un sy'n prynu'r safle'n debygol o ystyried datblygu'r adeiladau, at ddefnydd preswyl neu fasnachol; bydd cynnig yr adeiladau ar werth â chaniatâd cynllunio yn sicrhau prynwyr y gall yr adeiladau gael eu datblygu gan ehangu apêl y safle i'r farchnad.

Mae ffioedd a thaliadau proffesiynol o £20,067.97 wedi cael eu cronni o ran cais 2016, ynghyd â ffi ymgeisio o £2,660. Nid oes unrhyw ffioedd ymgeisio'n daladwy ar gyfer Ceisiadau Adeiladau Rhestredig.

Y ffi ymgeisio ar gyfer cais 2007 oedd £1,896. Nid yw'r ffioedd proffesiynol mewn perthynas â'r cais hwn wedi'u heitemeiddio yn y ffigurau sydd gennym gan ei wneud yn anodd dod o hyd i'r wybodaeth berthnasol heb fynd drwy ffeiliau'r archifau a fydd yn annhebygol o ddarparu gwybodaeth gadarn ar safleoedd penodol ta beth (oherwydd bod y prosiect yn ymwneud â sawl safle).

Nid oedd unrhyw gwestiwn atodol.

**Y Cyngorydd Sir D E Davies (Cadeirydd)**



# 4.1

## CYNGOR SIR POWYS COUNTY COUNCIL

County Council  
25<sup>th</sup> January 2018

**REPORT AUTHOR:** County Councillor Phyl Davies, Portfolio Holder for Property and Waste

**SUBJECT:** Question from Philip Bettley

For decades I have been a good citizen, keeping our own home and environment tidy by taking often bulky items to a recycling facility. Frequently, I have helped family, neighbours and friends to do the same sometimes by hiring a van.

For the first time in my life this ability has been removed by Powys County Council forcing me to register one specific vehicle that can be permitted to enter the recycling facility.

I have a small van for domestic use only; my wife has a trailer; sometimes we hire a larger van when projects arise.

Your policy of enforcing Trade waste to pay for disposal is understandable, but your process for achieving this is diabolical. Me, and anyone else from my address, should be able to take non trade waste to the recycling facility as many times as may be necessary, in whatever vehicle, van or trailer we choose.

Your job is to enforce the trade waste issue, and in doing so not prevent domestic users from fulfilling their civic duty.

The current permit system was hastily conceived and is not fit for purpose. Please will you rethink this process?

### **Answer**

The Household Waste Recycling Centres are provided for residents to dispose of their own household waste. They are not provided for commercial use as under the legislation businesses must make their own arrangements for their waste and recycling and are required to pay for this service ensuring that all relevant documentation is held to prove that they have disposed of their waste legally.

Unfortunately many businesses do try to circumvent the system and illegally use the Household Waste Recycling Centres. It is of course impossible to prevent all such use, but having controls in place for commercial vehicles and trailers does make it more difficult. We do appreciate that this may inconvenience householders who do use a commercial vehicle as their private mode of transport, but unfortunately it is very difficult for a site attendant to identify what is and what isn't commercial waste as it may look identical. An example of this would be waste produced through the operation of a holiday let. Any waste produced by the holiday tenants, any cleaning

materials, or garden waste from maintaining the grounds of these premises, is classed as commercial waste but could easily be mistaken for domestic waste. Similarly, if any waste is produced from a business operating from a domestic address, the waste is classed as commercial and should not be taken to a Household Waste Recycling Centre.

There is a considerable cost to running these sites and processing the waste, which includes garden waste. In order to make savings, the previous Cabinet reduced the opening days at each site to three days and prohibited all commercial vehicles and trailers. This was following a consultation where the public responded overwhelmingly to not close facilities but instead restrict days and access to commercial vehicles. These changes still proved very unpopular with the public and on this basis one of the first decisions that the new Cabinet made was to increase the number of opening days and introduce a commercial vehicle and trailer permit scheme. This scheme would allow those residents who do use commercial vehicles and trailers for domestic use to use the sites on condition of pre-registering for permits when a few simple checks can be made for legitimacy. The limit of permits per household is another method of controlling misuse by traders as residents should not require more than 12 visits each year, providing residents are using the kerbside recycling service. Whilst the sites will accept small amounts of DIY waste, there is no requirement for them to do so and hence we would advise that a skip company is used where large projects are undertaken.

With regards to the permit system being 'hastily conceived and not fit for purpose', this system is commonly used by many other authorities, several of whom we spoke with prior to its implementation. Since the policy was introduced we have made some minor alterations, for example increasing the length of permitted trailers from 2.1 to 2.4 metres, but we are not in a position to make any significant changes if we are to realise the savings that the authority must make.

# 4.2

## CYNGOR SIR POWYS COUNTY COUNCIL

County Council  
25<sup>th</sup> January 2018

**REPORT AUTHOR:** County Councillor Rosemarie Harris, Leader

**SUBJECT:** Question from Michael McCarthy

**Powys Council commissioned a major external review of children's services during 2015/16. This was tasked with service development, meeting its duties under the Social Services and Wellbeing (Wales) Act and establishing if efficiencies to the value of £2.7m were deliverable and sustainable. Do you accept that not prioritising safeguarding was a serious omission which contributed to the failings in children's services which were identified in the recent CSSIW report?**

### **Answer**

The Council has fully accepted the findings of the CSSIW Report issued in October 2017. As a result the Council has produced an improvement plan and is working closely with the independent chair of the externally appointed Improvement Board. As the new Leader of a new Cabinet, I am committed to delivering the level of care and service that the children and young people of Powys deserve and expect. It is important that we learn from the report's findings and we are already starting to see early signs of improvement.

It is important that I stress that safeguarding has always been a priority for the Council and that we all have a role ensuring children in need of care and support receive the right help at the right time to improve their well-being and protect them from harm.

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

# 4.3

## CYNGOR SIR POWYS COUNTY COUNCIL

County Council  
25<sup>th</sup> January 2018

**REPORT AUTHOR:** County Councillor Rosemarie Harris, Leader

**SUBJECT:** Question from Elizabeth Hunter

**Following the highly critical report of CSSIW, what assurances can the leader give that the apparent lack of clear understanding of priorities on Children's Social Services between senior council staff and the political leadership Powys Council have been addresses effectively to ensure that the needs of vulnerable children are now being met, and given the coming inspection of adult services, how confident is the leader that the cabinet are sufficiently aware of all the issues facing that service?**

### **Answer**

Following the inspection we quickly put an improvement plan in place, we worked with the WLGA and took their advice on how to approach the significant issues facing Children's Services and the Council.

We put in place an independent Improvement Board as was required by the Welsh Government and it has met on 3 occasions and its membership is independent of the Council and appointed by the WLGA / WG.

We meet regularly to receive briefings about progress and issues facing children's services and we have developed an Improvement plan and a risk log to help keep a focus on progress.

We have invested in the service both in terms of finance and in support from senior officers and County Councillor engagement. We have increased the staffing numbers in the workforce as well as bringing in specialist consultants (advisors) to support improvements to practice. This will allow us to make further progress in our working with families.

We have made data about activities in Children's services available to Members and have increased the volume and quality of management information to all of our front line managers.

We have held roadshows with the staff to ensure they are informed about steps we are taking and progress we are making.

In December Inspectors from CSSIW came to the authority for 3 days to review children's files and assured themselves of the current levels of practice and management. They reported they have seen positive, albeit early, signs of

improvement but noted there is still much to do. We have taken their advice and ensured that we incorporate their findings into our action / improvement plan and our staff's learning.

# 4.4

## CYNGOR SIR POWYS COUNTY COUNCIL

County Council  
25<sup>th</sup> January 2018

**REPORT AUTHOR:** County Councillor Phyl Davies, Portfolio Holder for Property and Waste

**SUBJECT:** Question from Francesca Garman

**Given the restricted options for the disposal of plastics in particular in this part of Powys and the fact local authorities can no longer legally dump their general waste on China, where does Powys general waste go and what investment is planned to deal with recycling?**

### **Answer**

The issue of China introducing stringent restrictions on the quality of material that it accepts for recycling is a problem for the whole of the UK. The reason that Powys is only able to collect pots, tubs and trays and not plastic film is so that we have a quality product to sell to the market. Currently all of our plastic material collected at the kerbside is processed in the UK, which does mean that we will be less affected by the situation in China, although inevitably there will be a knock on effect on market prices.

A weekly recycling collection is provided in Powys which if used correctly will leave a much reduced amount of general waste. This is why we are able to collect general or residual waste every three weeks. This is then currently taken for landfill, but as part of the existing waste disposal contract, from 2021 this material will be processed through an Energy From Waste plant. No general waste is sent to China.

In terms of investment for recycling, the Council has strategic bulking facilities in Brecon and Rhayader and is currently purchasing a site in Montgomeryshire with help from the Welsh Government. Recyclables collected at the kerbside are bulked at these sites for onward transport to re-processors, maximising the efficiency of the collection rounds.

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



# 8.1

## CYNGOR SIR POWYS COUNTY COUNCIL

Powys County Council  
25th January 2018

**REPORT AUTHOR:** County Councillor Aled Davies  
Portfolio Holder for Finance

**SUBJECT:** Virement for Housing Revenue Account:  
Welsh Housing Quality Standards (WHQS)  
Older Person Accommodation

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**REPORT FOR:** Decision / Discussion / Information

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### 1. Summary

1.1 This report is to request a capital virement in respect of the Welsh Housing Quality Standards (WHQS) of £2,675k and work in respect of Older Persons Accommodation of £1,400k. This means budget will be transferred into 2018/19 and 2019/20.

1.2 **Welsh Housing Quality Standards (WHQS) £2,675k** - due to the delay in submission of construction phase health and safety plans from contractors, that need to be approved by the Health and Safety Advisor, work could not commence as planned. Therefore, it is recommended that the 2017/18 budget of £2,675k is rolled forward, with £1,725k added to 2018/19, and a further £950k to 2019/20.

1.3 **Older Persons Accommodation £1,400k** – relates to the remodelling of older peoples accommodation, to bring up to a standard that enables older people with age-related conditions to remain in their own homes for longer, preventing them from entering the care system, and is being carried out in conjunction with adult social care adaptations and reablement.

1.3.1 The setting up of a dynamic purchasing system in Adult Social Care has led to delays in procurement of some of the works and there is a lack of officer resource to deal with preparing, setting up projects and supervision. It is therefore recommended that a total of £1,400k is rolled forward from 2017/18, with £700k added to the budget for 2018/19 and a further £700k added to 2019/20.

### 2. Options Considered / Available

2.1 No alternative options are considered appropriate as a result of this report.

**3. Preferred Choice and Reasons**

3.1 None to consider.

**4. Impact Assessment**

4.1 Is an impact assessment required? Yes/No

4.2 If yes is it attached? Yes/No

**5. Corporate Improvement Plan**

5.1 To achieve the Corporate Improvement Plan (CIP) objectives the Council undertakes forward planning with its medium term financial strategy (MTFS) - this sets out the financial requirements to deliver the short and longer term council vision. These capital and revenue monitoring reports, are used to ensure the funding identified to deliver the council priorities is spent appropriately and remains within a cash limited budget.

**7. Local Member(s)**

7.1 This report relates to all service areas across the whole County.

**8. Other Front Line Services**

8.1 This report relates to all service areas across the whole County.

**9. Communications**

This report has no specific communication considerations. Detailed finance reports are presented to Heads of Service, Cabinet and the Audit Committee. These reports are public and are part of a range of statutory and non-statutory financial information documents including the Statement of Accounts.

**10. Support Services (Legal, Finance, Corporate Property, HR, ICT, Business Services)**

10.1 This report has no specific impact on support services other than reporting on those service areas with capital programmes. Financial Services work closely with all service areas in monitoring financial performance on capital programmes against budgets.

The Capital and Financial Planning Accountant confirms this project is included in the Capital Programme.

**11. Scrutiny**

11.1 This report presents financial information which will help inform the

future capital strategy and therefore has implications for any related organisation.

**12. Statutory Officers**

12.1 The Strategic Director, Resources (Section 151 Officer) notes the overall capital position.

The Monitoring Officer has no specific concerns with this report.

**13. Members' Interests**

13.1 The Monitoring Officer is not aware of any specific interests that may arise in relation to this report. If Members have an interest they should declare it at the start of the meeting and complete the relevant notification form.

<b>Recommendation:</b>	<b>Reason for Recommendation:</b>
<b>To approve the following virements;</b> <ul style="list-style-type: none"> <li>• £2,675k Welsh Housing Quality Standards</li> <li>• £1,400k Older Persons Accommodation</li> </ul> <b>as detailed above</b>	<b>To ensure appropriate virements are carried out that reflect the forecasted capital spend.</b>

<b>Relevant Policy (ies):</b>			
<b>Within Policy:</b>	<b>Y</b>	<b>Within Budget:</b>	<b>Y</b>

<b>Relevant Local Member(s):</b>	
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<b>Person(s) To Implement Decision:</b>	
<b>Date By When Decision To Be Implemented:</b>	

<b>Contact Officer:</b>
Tel:
Email:

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

# 8.2

## CYNGOR SIR POWYS COUNTY COUNCIL

Powys County Council  
25th January 2018

**REPORT AUTHOR:** County Councillor Aled Davies  
Portfolio Holder for Finance

**SUBJECT:** Virements for Highways, Transport and Recycling  
Talgarth Phase 2 Flood Alleviation Scheme  
Fleet Replacement Programme  
Fleet Workshops

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**REPORT FOR:** Decision / Discussion / Information

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### 1. Summary

- 1.1 This report is to request a virement to roll monies forward from 2017/18 to 2018/19 for the following capital schemes within the Highways, Transport and Recycling Directorate; Talgarth Phase 2 Flood Alleviation Scheme £585K; Fleet replacement programme £4,800k and Fleet workshops £1,941k
- 1.2 **Talgarth Phase 2 Flood Alleviation Scheme £585k** - Following Welsh Government's recent determination in the County Council's favour to progress this scheme, the construction phase of this project is to take place in 2018/19. This virement requests that the budget of £585k is rolled forward to next financial year. This will allow phase 2 of the project to progress, which is subject to Welsh Government approving their 85% contribution of £497k.
- 1.3 **Fleet Replacement Programme £4,800k** - The Fleet Replacement Programme now has a project Board to oversee the work of Fleet, Procurement and Finance. However, despite best efforts, several factors including long lead times in procuring vehicles and issues with tenders, has meant that a significant number of vehicles will be delivered in 2018/19. This virement requests that £4,800k is rolled forward from 2017/18 to 2018/19.
- 1.4 The Service has started to look more strategically at the procurement of more specialised vehicles and standardising vehicle specifications and a detailed programme has been drawn up along with a project plan for 2018/19.
- 1.5 **Fleet Workshops £1,941k** - The Project to consider the location and type of Fleet Workshops has nearly completed the Business Case stage. The planning and construction of any new sites will take place

in 2018/19. It is therefore recommended to roll forward £1,941k to 2018/19.

- 1.6 The original business case looked at a collaboration with the Fire Service and Police to provide a centralised maintenance facility, however it was concluded that it would not advance for a variety of reasons and enhancements will be made to existing provisions in Brecon and Newtown instead.
- 1.7 This will mean the relocation of staff while the facilities are being enhanced, which will require the relevant periods of consultation to be adhered to through the management of change process, this has not yet commenced delaying the development of the workshops.

### **3. Options Considered / Available**

- 3.1 No alternative options are considered appropriate as a result of this report.

### **4. Preferred Choice and Reasons**

- 4.1 None to consider.

### **5. Impact Assessment**

- 5.1 Is an impact assessment required? Yes/No
- 5.2 If yes is it attached? Yes/No

### **6. Corporate Improvement Plan**

- 6.1 To achieve the Corporate Improvement Plan (CIP) objectives the Council undertakes forward planning with its medium term financial strategy (MTFS) - this sets out the financial requirements to deliver the short and longer term council vision. These capital and revenue monitoring reports, are used to ensure the funding identified to deliver the council priorities is spent appropriately and remains within a cash limited budget.

### **7. Local Member(s)**

- 7.1 This report relates to all service areas across the whole County.

### **8. Other Front Line Services**

- 8.1 This report relates to all service areas across the whole County.

### **9. Communications**

This report has no specific communication considerations. Detailed

finance reports are presented to Heads of Service, Cabinet and the Audit Committee. These reports are public and are part of a range of statutory and non-statutory financial information documents including the Statement of Accounts.

**10. Support Services (Legal, Finance, Corporate Property, HR, ICT, Business Services)**

10.1 This report has no specific impact on support services other than reporting on those service areas with capital programmes. Financial Services work closely with all service areas in monitoring financial performance on capital programmes against budgets.

The Capital and Financial Planning Accountant confirms this project is included in the Capital Programme.

**11. Scrutiny**

11.1 This report presents financial information which will help inform the future capital strategy and therefore has implications for any related organisation.

**12. Statutory Officers**

12.1 The Strategic Director, Resources (Section 151 Officer) notes the overall capital position.

The Monitoring Officer has no specific concerns with this report.

**13. Members' Interests**

13.1 The Monitoring Officer is not aware of any specific interests that may arise in relation to this report. If Members have an interest they should declare it at the start of the meeting and complete the relevant notification form.

<b>Recommendation:</b>	<b>Reason for Recommendation:</b>
<b>To approve the following virements;</b> <ul style="list-style-type: none"> <li>• £585k Talgarth flood alleviation</li> <li>• £4,800k Fleet replacement programme</li> <li>• £1,941k Fleet workshops</li> </ul> <b>As detailed above</b>	<b>To ensure appropriate virements are carried out that reflect the forecasted capital spend.</b>

<b>Relevant Policy (ies):</b>	
<b>Within Policy:</b>	<b>Y</b>
<b>Within Budget:</b>	<b>Y</b>

<b>Relevant Local Member(s):</b>	
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<b>Person(s) To Implement Decision:</b>	
<b>Date By When Decision To Be Implemented:</b>	

Contact Officer: Tel: Email:
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## CYNGOR SIR POWYS COUNTY COUNCIL

## Full Council

25<sup>th</sup> January 2018**REPORT AUTHOR: County Councillor Aled Davies****Portfolio Holder for Finance****SUBJECT: Changes to the Minimum Revenue Provision**

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**REPORT FOR: Decision / Discussion / Information**

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**1. Summary**

- 1.1 This report considers the implications of changing the Authority's Minimum Revenue Provision (MRP) policy in order to provide a more prudent approach whilst generating annual revenue savings.
- 1.2 The financial implications are summarised below and allow for up to **£4,624k** to be used in 2017/18 to offset the deficit and provide one off savings for a further three years.
- 1.3 Cabinet approved this report on the 16<sup>th</sup> January and now recommended the report to Council for approval.

**2. Background**

- 2.1 MRP is the annual charge that local authorities are required to make for the repayment of their debt liability in respect of capital expenditure funded by borrowing, for both the General Fund and Housing Revenue Account Debt.
- 2.2 This capital expenditure is set out as part of the calculation of the Authority's Capital Financing Requirement (CFR) and forecasts updated regularly to reflect changing borrowing needs and the resulting costs.
- 2.3 The Prudential Code was originally implemented in 2003, prescribing how much MRP an authority should charge, linked to its CFR. A radical overhaul of the system through the Local Authorities (Capital Finance and Accounting) (Wales) (Amendment) Regulations 2008 shifted the emphasis from regulation to guidance on the calculation of the General Fund MRP, based on prudence.
- 2.4 Subsequent regulatory changes in 2010 offer more discretion in calculating MRP, and the guidance set out recommendations rather than prescriptive requirements. Key, however, is still the requirement for a prudent provision to be made to ensure that debt is repaid over a period commensurate with that over which the capital expenditure provides benefits.
- 2.5 The legislation does not define what constitutes a "prudent provision". However the MRP guidance issued by the Secretary of State (WG) interprets the term and provides some ready-made examples of acceptable methods for calculating a prudent level of MRP.
- 2.6 Following an MRP review, Council approved an amended MRP policy to be applied for the 2015/16 financial year and beyond, based on the following:

- **MRP on Supported Borrowing** (i.e. borrowing that receives central government support through the RSG) from a 4% reducing balance method to a 2% straight line calculation for supported borrowing. This generated a saving of £3m and reduced the time taken to extinguish the debt.
- **MRP on Unsupported Borrowing** (i.e. on borrowing that doesn't receive central government support, locally known as "Prudential Borrowing") this charges MRP on Prudential Borrowing over the life of assets. Use the asset life method for current and future years' calculation of prudential borrowing MRP for both the General Fund and HRA.
- The HRA CFR, which is a combination of historic and settlement debt, would be subject to the 2% reducing balance method calculation.
- For assets under construction, the MRP is allowed to be deferred until the asset is operational so the MRP matches the useful life of the asset.

### 3. Proposal

3.1 The Authority has worked with its Treasury Advisors to review the calculations on MRP. The review has identified some aspects of the calculations that can be revised.

#### 3.2 Adjustment A

3.2.1 Adjustment A was part of the changes implemented back in 2003 for calculating MRP, to ensure the level of liability remained broadly consistent with the previous system of capital controls.

3.2.2 The Advisors have verified the accuracy of the Adjustment A calculation, and can confirm that long term investments and debtors could be included as part of the CFR. To do this would result in an annual saving of £48k which can be made over the next 50 years. A one off benefit can be taken by the Council in 2017/18 of £624k which equates to the annual reduction of £48k backdated over 13 years.

#### 3.3 Supported Borrowing

3.3.1 As has been explained, the Authority has revised the method of calculation to 2% straight line for the General Fund, for debt going forward. The review has identified that the current years MRP liability can be recalculated retrospectively for the period between 2007/8 and 2014/15 in order to facilitate the appropriate starting point for 2015/16.

3.3.2 This recalculation demonstrates prudence, in that the debt liability will be repaid eight years earlier, and effectively moves the start point of the 50 years useful asset life back to 2007/08. This means that the debt liability will be reduced to nil in 2057, rather than in 2065. Over the years 2007/08 to 2016/17, the Authority would have charged a total of £19.988m less MRP on the General Fund CFR balance as at 2007/08 if it had adopted the 2% straight line method on its historic/supported debt in 2007/08

3.3.3 It will also release non recurrent savings of £19.988m over a phased period by a reduction in the MRP charge over the next four years.

- 2017/18 £4m
- 2018/19 £5m
- 2019/20 £5m
- 2020/21 £5m
- 2021/22 £0.988m

3.3.4 The reduced MRP charge for the aforementioned years can be used to support services. But in 2021/22 the Authority's FRM must reflect the financial impact as a pressure.

#### **4. Potential Impact**

4.1 The adjustments to the MRP policy will lead to a higher CFR initially, and the annual CFR calculation will need to be clear about additional requirements through the FRM, married against the capital scheme priorities, deliverability and affordability. Because the MRP is not now set aside but released to fund service pressures, there will be less cashflow within the Authority's balances. This results in a real cost from the loss of interest on investments from balances, which at the moment is negligible, but may be higher in years to come as interest rates rise.

4.2 It is important to recognise however that this will not affect the Authority's actual debt repayments or actual debt outstanding which will remain unchanged. MRP is the statutory amount required to be charged to the revenue account each year to represent debt repayment and the CFR is a measure of indebtedness rather than actual debt.

4.3 The Welsh Government acknowledged within the latest issued MRP guidance that is for councils and not Welsh Government to determine whether a proposed arrangement meets the statutory duty to make a prudent revenue provision. This stance was re-affirmed by Welsh Government when the Authority revised its MRP policy in 2015/16.

4.4 The Wales Audit Office (WAO) has similarly stated that it is not within their remit to determine what prudent provision is. Their attention is focused on the procedural aspects, mainly that the proper approval process has been adopted in any policy change. WAO also have a responsibility to consider whether there are any matters which come to their attention during the audit of the statutory accounts that should be brought to the attention of the public. This responsibility includes consideration of whether or not the Authority has complied with its statutory duties. WAO will therefore consider the approach taken by authorities in setting MRP.

4.5 The Wales Audit Office (WAO) have considered the "Well-being of Future Generations (Wales) Act 2015 in relation to MRP and the importance of balancing short term needs with the need to safeguard the ability to meet the longer term needs. The proposal to repay debt eight years earlier demonstrates consideration of the Wellbeing of Future Generations Act (Wales) 2015, so future generations are relieved of the debt burden over a shorter time period. WAO have been fully briefed about our proposals and the profiling of the use of the savings.

#### **5. Options Considered/Available**

5.1 The review has provided a clear and beneficial alternative approach to the current method of calculation. The alternative is to keep the existing MRP policy in place and make no further adjustments.

#### **6. Preferred Choice and Reasons**

6.1 The preferred choice is to accept the recommendations as set out in this report.

7 **Impact Assessment**

7.1 Is an impact assessment required? Yes/**No**

8. **Local Member(s)**

8.1 Not applicable

9. **Other Front Line Services**

9.1 Not applicable

10 **Communications**

10.1 This report has no specific communication considerations.

11. **Support Services (Legal, Finance, HR, ICT, BPU)**

11.1 The Finance Function has worked closely with the Treasury Advisors and has provided necessary information for the validation of Adjustment A and borrowing. They recognise the importance of adjusting MRP and to do the necessary work in the accounts if approved.

11.2 Legal – Are aware that the Treasury Advisors have provided guidance in accordance with the relevant legislation

12 **Scrutiny**

12.1 Has this report been scrutinised? Yes / **No**

13 **Statutory Officers**

13.1 The Head of Financial Services (Acting Section 151 Officer) has provided the following comment:

Although our existing policy was amended in 2015, it is important to continue to review it to ensure a prudent approach is maintained that complies with necessary regulations.

Our Treasury Advisors have provided a prudent option that also provides savings, whilst remaining within necessary regulations.

We are aware that other authorities are making similar changes to our policy proposals and we are liaising with Wales Audit Office to ensure they are aware and endorse our policy changes. Their attention will focus on ensuring proper approval processes have been undertaken in agreeing to any change.

The Monitoring Officer has no specific concerns with this report.

14 **Members' Interests**

14.1 The Monitoring Officer is not aware of any specific interests that may arise in relation to this report. If Members have an interest they should declare it at the start of the meeting and complete the relevant notification form

<b>Recommendation:</b>	<b>Reason for Recommendation:</b>
<p>a. <b>Revise Adjustment A calculation to include long term investments and debtors to release an annual saving of £48k which can be made over the next 50 years. A one off benefit can be taken by the Council in 2017/18 of £624k which equates to the annual reduction of £48k backdated over 13 years.</b></p> <p>b. <b>Amend the MRP policy to allow the utilisation of the method of calculation to 2% straight line for the General Fund, for recalculating MRP retrospectively for the period between 2007/8 and 2014/15</b></p> <p>c. <b>Agree a prudent managed approach for the use of the savings generated by releasing them over a phased four year period to support the deficit recovery plan and future FRMs</b></p>	<p><b>Adjustment A calculations and policy amendments that allows prudence whilst delivering savings to support the deficit recovery plan and future years FRMs</b></p>

<b>Relevant Policy (ies): MRP Policy</b>		<b>Financial Regulations Yes</b>	
<b>Within policy:</b>	Yes	<b>Within Budget:</b>	Yes
<b>Relevant Local Member(s):</b>			
<b>Person(s) To Implement Decision:</b>		Jane Thomas	
<b>Date By When Decision To Be Implemented:</b> 2017/18		Ongoing	
<b>Contact Officer</b>	<b>Tel</b>	<b>Fax</b>	<b>E mail</b>
Jane Thomas	01597 826341	01597 826290	

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

## CYNGOR SIR POWYS COUNTY COUNCIL.

County Council  
25<sup>th</sup> January, 2018

**REPORT AUTHOR:** Democratic Services Committee

**SUBJECT:** Recommendations from the Democratic Services Committee.

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**REPORT FOR:** Decision

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## 1. Summary

- 1.1 At the meeting of the Democratic Services Committee on 15<sup>th</sup> January, 2018 the following items were considered, and the recommendations in respect of each item are set out in the sections below.

## 2. Area (Shire) Committees.

- 2.1 The Committee considered a report reviewing the future of the Area (Shire) Committees (copy attached for information). Following a lengthy discussion it was:

**RECOMMENDED to the County Council that the Area (Shire) Committees be retained with their current functions, that meetings be held quarterly, with the Chair able to call additional meetings in cases of urgency.**

## 3. Constitution.

- 3.1 The Committee has been reviewing sections of the Constitution. Those sections are detailed below:

Section	Name	Revised Rules for consideration:
4	Full Council	4.6.6 4.21 to 4.23 (Rule markers only) 4.24.2 to 4.28 (Rule markers only) 4.40.1. to 4.40.2 4.42 to 4.42.14 (Rule markers only) 4.44 to 4.64(Rule markers only) 4.65.2(Rule markers only) 4.66.3 to 4.92(Rule markers only) 4.93 4.94 to r.95(Rule markers only)
6	The Leader	6.7 6.14 6.17
7	Scrutiny Committees	7.3 7.4 7.5.2 to 7.5.3B

		7.14 7.39 7.43 to 7.45 7.47.1 to 7.51 (renumbering only) Appendices
9	Regulatory Committees	9.2.4 9.2.8 9.3.6 9.3.7
16	Financial Procedure Rules	16.3
18	Code of Conduct for Members	18.4.6.2 18.4.6.5 18.4.8.1 to 18.4.8.2 18.4.10.7(c) 18.4.10.7 (5) 18.4.11.2 18.4.12 18.4.13.1 to 18.4.14.3 18.4.15.1(c) 18.4.17.1 to 18.4.17.2
19	Planning Protocol	19.1 to 19.5

**RECOMMENDED to the County Council that the revised sections of the Constitution be approved.**

#### **4. Mandatory Training.**

The Committee noted that following the review of Children's Services by CSSIW an Improvement Board has been established to monitor the Council's improvement programme. The Council is also to be the subject of a review of Adults Services at the end of January 2018. Therefore the Council is the subject of scrutiny by the Improvement Board, Welsh Government Ministers and our regulators.

A major part of the Council's improvement relates to the Leadership and Governance of the Council, and this work involves and affects all Members of Council, as political leaders, corporate parents, scrutineers and decision makers.

As a result a programme of Member Development has been designed to be delivered from January to March 2018 (copy attached). It is imperative that Members both attend and engage in these sessions to demonstrate that the Council is serious about improvement.

**RECOMMENDED to the County Council that the programme of development linked to the Council's improvement programme be mandatory.**



**5. RECOMMENDATIONS.**

Recommendation to the County Council	Reason for Recommendation:
<p>(i) that the Area (Shire) Committees be retained with their current functions, that meetings be held quarterly, with the Chair able to call additional meetings in cases of urgency</p> <p>(ii) that the revised sections of the Constitution be approved.</p> <p>(iii) that the programme of development linked to the Council's improvement programme be mandatory</p>	<p>(i) To review the future of the Area (Shire) Committees.</p> <p>(ii) To update Sections of the Constitution as part of the ongoing review of the Constitution.</p> <p>(iii) To demonstrate the Council's commitment to improvement.</p>

<b>Relevant Policy (ies):</b>			
<b>Within Policy:</b>	<b>Y</b>	<b>Within Budget:</b>	<b>Y / N</b>

<b>Relevant Local Member(s):</b>	
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<b>Person(s) To Implement Decision:</b>	<b>Clive Pinney, Solicitor to the Council</b>
<b>Date By When Decision To Be Implemented:</b>	<b>January 2018.</b>

<b>Contact Officer:</b>	Wyn Richards, Scrutiny Manager and Head of Democratic Services.
<b>Tel:</b>	01597-826375
<b>Email:</b>	wyn.richards@powys.gov.uk

**Background Papers used to prepare Report:**

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

**CYNGOR SIR POWYS COUNTY COUNCIL.**

**Democratic Services Committee – 15<sup>th</sup> January, 2018**

**REPORT AUTHOR: Solicitor to the Council**

**SUBJECT: Area (Shire) Committees**

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**REPORT FOR: Decision**

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**1. Summary.**

1.1 This report to the Democratic Services Committee requests that the Committee considers which options to present to the County Council at its meeting on 25<sup>th</sup> January, 2018 regarding the Area (Shire) Committees.

**2. Background.**

2.1 Powys County Council came into existence on 1<sup>st</sup> April 1996 as a result of the Local Government (Wales) Act 1994. As part of the creation of the new Council in 1996 it was accepted that there should be a formal recognition of the distinct former counties of Montgomeryshire, Radnorshire and Brecknockshire in any arrangements.

2.2 The Local Government (Wales) Act 1994 contains provisions for a formal scheme of delegation of responsibilities, including to area committees which at the time required the approval of the Secretary of State. However Powys County Council did not utilise this formal route, and established three Area (Shire) Committees which exist to the current time. It is within the gift of the Council to amend these arrangements at any time, including the discontinuation of the Area (Shire) Committees, without the need for any external approval.

2.3 Prior to 2002, these Area (Shire) Committees determined matters relating to a range of the Council's services in each Shire area. However with the change to a Board and subsequently Cabinet Model of Executive Arrangements following the Local Government Act 2000, the Cabinet took over the responsibility for decision making on operational matters, and the role of the Area (Shire) Committees diminished. Currently only one delegated responsibility has been given to Area (Shire) Committees by the Cabinet relating to Highways matters. Despite requests for the role of the Area (Shire) Committees to be enhanced, the Council and successive Cabinets have not increased those functions delegated since 2002. It would be a fair assessment to state that since 2002 the Area (Shire) Committees have struggled with the role they are asked to play, and the question of the role and responsibilities of these committees has been revisited on numerous occasions over the years, including in 2015 when the frequency of meetings was revised for a with a move to bi-monthly meetings. However Brecknockshire had already decided to meet quarterly.

2.4 One additional role which was considered previously was a scrutiny role. However following clarification with Welsh Government it was made clear that Area (Shire)

Committees cannot be scrutiny committees as they are dealing with decisions delegated by Council and the Cabinet. The need to hold decision makers to account in a clear and transparent way could lead to a conflict of interest for Members where decisions are taken by members of Area (Shire) Committees who later scrutinise that decision. Any decisions taken under delegated authority from the Cabinet e.g. Highways matters at an Area (Shire) Committee, can be subject to a call-in by a scrutiny committee.

- 2.5 The role of these committees has been drawn further into question with the Council establishing the Local Environment Initiative / Neighbourhood Management, with the decentralisation of services to smaller groups of Members in consultation with Area Managers, Town and Community Councils etc.
- 2.6 Following the change of frequency of meetings the Council also decided that the position of the Area (Shire) Committees be reviewed in 2017. A report from the Democratic Services Committee was considered by Council in March 2017 which recommended the abolition of the Area (Shire) Committees from the Annual Meeting in May 2017. On being put to the vote the recommendation was lost by the casting vote of the Chair of Council.

### **3. Current Position.**

#### 3.1 Roles and Responsibilities of Area (Shire) Committees.

##### 3.1.1 The following Executive (Cabinet) functions are currently delegated to Area (Shire) Committees:

##### Highways Functions:

Within a framework agreed by the Cabinet, and within an annual budget to be allocated by the Cabinet, and subject to an individual project limit of £50,000 :

- All decisions in relation to highway maintenance within the overall plans determined by the Cabinet relating to:
  - (a) Local Improvement Programmes;
  - (b) The general Highway Maintenance Programme;
  - (c) Non-structural Bridge Maintenance.
- The making of permanent Traffic Regulation Orders (with certain limited exceptions which are to be decided by Cabinet i.e. Water Break it's Neck, Moelfre City and car parks and car park charging). Temporary Traffic Regulation Orders are the responsibility of the Cabinet.
- Promoting and developing local road safety initiatives.

#### 3.2 Roles and Responsibility of the Area (Shire) Chair.

##### 3.2.1 The Area (Shire) Chair has two separate and distinct roles:

- Civic Role as Chair of the Shire within the particular Shire e.g. Citizenship Ceremonies, and to assist the Chair of Council with civic roles within the County as required.

- To Chair meetings of the Area (Shire) Committees.

3.2.2 The Area (Shire) Chairs do not receive a Senior Salary for undertaking the role.

#### 4. Costs of operating the Area (Shire) Committees.

4.1 The revenue budgets for Members and Democratic Services are not broken down by Shires. The total budget expenditure for Members in 2016/17 was £1,821,810 (excluding recharges). The comparable budget for 2017/18 is £1,835,450.

4.2 Officer Costs – For the period January 2017 to December 2017 the costs of officer attendance at Area (Shire) meetings is:

Montgomeryshire	£6,692.93	19 officers
Radnorshire	£4,532.25	17 officers
Brecknockshire	£4,980.33	9 officers
<b>Total</b>	<b>£16,205.51</b>	

These costs are based on an attendance by a Senior Officer and clerk of 4 hours each, and an attendance by other officers of 1 hour each. Costs for officers' travelling time and some preparation time have been included as well, but do not include travelling expenses (see below) and subsistence expenses, nor do they include the time spent preparing reports. They are non cashable savings.

4.3 The cost of Members' travel is as follows:

Montgomeryshire	£3,600.00
Brecknockshire	£1,732.50
Radnorshire	£1,500.00

4.4 The cost of officers' travel is as follows:

Montgomeryshire	£650.25
Brecknockshire	£190.00
Radnorshire	£Nil

4.5 Cabinet Member Costs.

The cost of Cabinet members from other Areas (Shires) attending:

Montgomeryshire	£295.00
Brecknockshire	£405.00
Radnorshire	£472.50

4.6 Costs of Photocopying Agendas – agendas are now produced electronically.

4.7 There has been no capital expenditure.

4.8 Refreshments.

The Council meeting on 30<sup>th</sup> April 2014 decided to end the provision of refreshments at meetings. Refreshments are not provided for Area (Shire) Meetings.

- 4.9 A very rough indication of the total costs for Area (Shire) Committees for January 2017 to December 2017 is set out below:

<b>Item</b>	<b>Montgomeryshire</b>	<b>Radnorshire</b>	<b>Brecknockshire</b>
Officer Costs	£6,692.93	£4,532.25	£4,980.33
Members' Travel	£3,600.00	£1,500.00	£1,732.50
Officers Travel	£650.25	£Nil	£190.00
Cabinet Members attending other Shires	£295.00	£472.50	£405.00
<b>Total:</b>	<b>£11,238.18</b>	<b>£6,504.75</b>	<b>£7,307.83</b>

Total Cost for 3 Areas (Shires) – £25,050.76

## **5. Frequency of Meetings.**

- 5.1 Montgomeryshire and Radnorshire meet bi-monthly, whilst Brecknockshire meets on a quarterly basis.

## **6. Officer Support for the Committees.**

- 6.1 Currently the Council's Management Team attend Area (Shire) Committee meetings on an ad-hoc basis but due to the day to day pressures of diary management, senior officer attendance cannot be guaranteed.
- 6.2 Given the limited decision making power of the Area (Shire) Committees, attendance of senior officers at these meetings is not cost effective. With increasing demands on officers' time it is questioned whether officer time would be better used elsewhere instead of attending Area (Shire) Committees.
- 6.3 In addition given that the officer responsible for administering the Area (Shire) Committees is also responsible for Member Support, not holding these committees could release additional officer time for supporting Members.

## **7. Member Capacity.**

- 7.1 There is an increasing demand on Members' time such as an increased number of Planning Committee meetings, as well as an increasing scrutiny workload in order to meet deadlines for pre-decision items before they are considered by Cabinet. In addition with the recovery programmes for Children's and Adults Services requiring a more significant oversight by scrutiny, Members' availability is currently limited within the current diary of meetings.
- 7.2 Therefore in order to meet the priorities of the Council and to give Members sufficient capacity to deal with the demands made of them, the removal of Area (Shire) Committees from the calendar would release 16 additional days annually to undertake other responsibilities.

## **8. Decisions Taken:**

In 2017:

- 8.1 Montgomeryshire has taken 5 Highways decisions, 2 civic appointments and 14 Outside Body appointments at 6 meetings.
- 8.2 Brecknockshire has taken 1 Highways decision, 3 civic appointments, 1 other decision and 18 Outside Body appointments at 4 meetings.
- 8.3 Radnorshire has taken 4 Highways decisions, 3 civic appointments and 9 Outside Body appointments at 6 meetings.

## **9. Options for Further Delegation of Executive Functions.**

- 9.1 The Council's delegation scheme derives from the Local Authorities (Executive Arrangements)(Functions and Responsibilities)(Wales) Regulations 2007 (as amended). These regulations define which of the Council's functions can be delegated for example to a regulatory committee, which functions must remain with the Council itself and that for all other functions they will be the responsibility of the Cabinet. It is difficult to conceive that any functions other than those of a minor nature would be delegated as the majority of Cabinet decisions are strategic decisions which require an all-County approach and would be inappropriate to delegate. Therefore there are no easily identifiable opportunities for further delegation to Area (Shire) Committees.

## **10. Local Environment / Neighbourhood Management.**

- 10.1 To further progress the work of the Local Environment Initiative and to support a community approach to service delivery, Locality Forums have been established in Local Environment Areas within the County. The Locality Forum is an opportunity for local Members for the area together with officers and the Portfolio Holders for the service, to focus on any local issues that may impact on the delivery of a seamless and efficient service for the residents of Powys. Discussions can focus on the budget and the extent to which it is possible to meet local priorities.
- 10.2 The Council is also working with partners in the public, voluntary and independent sector to support community leaders and volunteers, to develop initiatives through the transfer of assets and services, that will enable their communities to be vibrant and sustainable for the future. A large number of property assets including playgrounds, allotments and similar open spaces, have transferred to Town & Community Councils. A growing number are also taking on the delivery of services i.e. public conveniences, grounds maintenance, street cleaning, and Libraries and Day Care Centres.

## **11. Impact of the changes to Local Government over the next few years.**

- 11.1 The current indication from Welsh Government based on the 2017 White Paper is a more regional approach to service delivery it is anticipated that the Council's involvement will centre around the Cabinet and Scrutiny Committees.
- 11.2 The expectation from Welsh Government is that other organisations / bodies such as Town and Community Councils and Voluntary Organisations would be expected

to take on more responsibilities currently being undertaken by County Councils either jointly or under contractual arrangements. As part of the Council's reconfiguration as a commissioning authority and in the face of severe budget cuts, the Council is already undertaking the transfer of services / facilities to Town and Community Councils and others which will reduce the input which Area (Shire) Committees will have in such matters, as these committees do not have a scrutiny function.

- 11.3 Welsh Government have already initiated a review of Town and Community Councils to review the role and structure of Town and Community Councils in Wales. It is likely that following the review it will lead to the creation of a smaller number of larger sized Town and Community Councils who will be expected to take on services / facilities from the County Council.

## **12. Rotational Arrangements for the Chair of Council.**

- 12.1 Since 1996 the Council has operated a system where the Chair of Council is selected on a rotational basis from the Area (Shire) Committees with each Shire having the same number of opportunities to select as the others i.e. 1 in 3 in a 3 year rotation. There are no proposals to amend this process.

## **13. Options for Consideration by the Committee.**

- 13.1 The Committee is requested to consider its view on the following options, for discussion by Full Council on 25<sup>th</sup> January, 2018.

Should the Council:

- A. Retain the Area (Shire) Committees; or
- B. Abolish the Area (Shire) Committees; or
- C. Abolish the Area (Shire) Committees, but with 1 hour of Member Development Sessions per quarter being reserved for discussions with Portfolio Holders.
- D. In relation to the role of Chair and Vice-Chair of the Area (Shire), should the Council:
  - D1 Retain civic role of Chair and Vice-Chair of the Area (Shire); or
  - D2 Incorporate the Area (Shire) civic roles within the remit of the Chair, Vice-Chair and Assistant Vice-Chair of the Council.

- 13.3 In relation to Highways matters currently determined by the Area (Shire) Committees, these would in the event of the Area (Shire) Committees being abolished, be the subject of a delegated decision by the Portfolio Holder for Highways subject to comments by the local Member.

## **14. Comments.**

- 14.1 Legal – The recommendation can be supported from a legal point of view.
- 14.2 Finance – The removal of these committees will realise an estimated annual cashable saving of £8,845 and there is also the opportunity cost of releasing time that can be used effectively elsewhere by officers.



14.3 Communications - The report is of public interest and requires use of news release and appropriate social media to publicise the decision.

**15. Statutory Officer Comments.**

15.1 Section 151 Officer.

The Section 151 Officer has commented as follows: "The comments made by Finance about savings arising from the abolition of the current structures is noted".

15.2 Monitoring Officer

The Solicitor to the Council (Monitoring Officer) has commented as follows: "I note the legal comment and have nothing to add to the report".

<b>Recommendation:</b>	<b>Reason for Recommendation:</b>
<b>(i) that the Committee indicate its view and recommendations to Full Council in relation to the options included in paragraph 13 above.</b>	<b>(i) to undertake a review in respect of the Area (Shire) Committees</b>

<b>Relevant Policy (ies):</b>			
<b>Within Policy:</b>	<b>Y / N</b>	<b>Within Budget:</b>	<b>Y / N</b>

<b>Relevant Local Member(s):</b>	
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<b>Person(s) To Implement Decision:</b>	<b>Clive Pinney / Wyn Richards</b>
<b>Date By When Decision To Be Implemented:</b>	<b>May 2018</b>

Contact Officer:	Wyn Richards, Scrutiny Manager and Head of Democratic Services.
Tel:	01597-826375
Email:	wyn.richards@powys.gov.uk

**Background Papers used to prepare Report:**

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

## SECTION 4 – FULL COUNCIL

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

## SECTION 4 – FULL COUNCIL

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• Single Integrated Plan	• Part 2 – Local Government (Wales) Measure 2009 <sup>1</sup>
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### **The Single Integrated Plan (The One Powys Plan)**

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

### **The Budget**

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

### **Housing Land Transfer**

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

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

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

### **Functions of the Full Council**

4.6 Only the Full Council will exercise the following functions:

4.6.1 adopting and changing the Constitution;

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

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

4.6.4 appointing and removing the Leader;

4.6.5 making appointments to the committees of the Council

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

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<sup>1</sup> 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

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remove to Council which is put on the agenda pursuant to Rule 4.38.1.

- 4.6.7 agreeing and/or amending the terms of reference for Committees, deciding on their composition and making appointments to them (in accordance with the Local Government and Housing Act 1989) unless the appointments have been delegated by the Council;
- 4.6.8 changing the name of the area or conferring the title of freedom of the County;
- 4.6.9 making or confirming the appointment of the Head of Paid Services and other Chief Officers<sup>2</sup>;
- 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.

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<sup>2</sup> Defined in Section 2.2.2

## SECTION 4 – FULL COUNCIL

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### **Role and Function of the Chair**

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

#### ***Ceremonial Role***

4.12.1 The Chair of the Council:

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

#### ***Responsibilities of the Chair***

4.12.2 The Chair of the Council will:

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

#### ***Political Neutrality***

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

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

### **Council Meetings**

4.13 There are three types of Council meeting:

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

## SECTION 4 – FULL COUNCIL

### Rules of Procedure and Debate

4.14 The Council Procedure Rules contained in Rules 4.15 to Rule 4.95 onwards will apply to meetings of the Full Council, ~~and t~~Unless otherwise indicated, those rules marked:

♣	<u>will apply to Cabinet and Cabinet Committees</u>
▲	<u>will apply to committee and sub-committee meetings (with the exception of Area (Shire) Committees, and the Planning, Taxi Licensing and Rights of Way Committee when performing the functions of a planning authority as defined in Section 319ZD of the Town and Country Planning Act 1990)</u>
◆	<u>will apply to Area (Shire) Committees meetings</u>
■	<u>will apply to the Planning, Taxi Licensing and Rights of Way Committee when performing the functions of a planning authority as defined in Section 319ZD of the Town and Country Planning Act 1990</u>

~~♣ ▲ ◆ ■~~

~~“▲” 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 Council<sup>3</sup>;
- 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 Constitution<sup>4</sup> recommended by the Democratic Services Committee
- 4.15.8 receive any announcements from the Chair, Leader and/or the Head of Paid

<sup>3</sup> Schedule 12, Local Government Act 1972 (as amended)

<sup>4</sup> 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

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- Service;
- 4.15.9 elect the Leader of the Council, except where the Leader was appointed for a period of four years or the term of the Council at the initial annual meeting of the Council;
- 4.15.10 be informed by the Leader of the number of Councillors to be appointed to the Cabinet;
- 4.15.11 decide on the allocation of seats on political balanced committees to political groups in accordance with the requirements of the Local Government and Housing Act 1989
- 4.15.12 receive from political groups nominations of Councillors to serve on each of the politically balanced committees in accordance with the seats allocated to the respective political groups and to make appointments accordingly
- 4.15.13 appoint the Scrutiny Committees , Democratic Services Committee, Planning, Taxi-Licensing and Rights of Way Committee, Licensing Act 2003 Committee, Employment and Appeals Committee, Pensions and Investment Committee a Standards Committee and such other committees and sub-committees as the Council considers appropriate to deal with matters which are neither reserved 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 Committee<sup>5</sup>
- 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
- 4.15.24 approve the Council's Pay Policy. Full Council has granted a dispensation for an officer nominated by the Section 151 Officer to be present during the course of the debate to answer any matters raised by members in the debate. Dispensation is also given for an officer to be present during the course of the debate to run the congress system.

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<sup>5</sup> Regulation 14(1) of Local Government Measure (Wales) 2011



## SECTION 4 – FULL COUNCIL

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- 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.

### 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 Council<sup>6</sup>;
  - 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 Committee<sup>7</sup>
  - 4.18.7 where required to elect, appoint, or remove Members to / from the following positions:
    - 4.18.7.1 Chair, Vice-Chair, Assistant Vice-Chair of Council;
    - 4.18.7.2 Leader;
    - 4.18.7.3 Independent Member of Standards Committee;

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<sup>6</sup> Schedule 12, Local Government Act 1972 (as amended)

<sup>7</sup> 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

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- 4.18.7.4 Appoint Lay Member of the Audit Committee and Co-Opted Members of the Scrutiny Committee;
  - 4.18.7.5 Chair of a Scrutiny Committee (excluding Chair of Audit) or Democratic Services Committee.
- 4.18.8 (if required due to the formation of a new political group or due to a Councillor joining a political group):
- 4.18.8.1 decide on the allocation of seats on politically balanced committees to political groups in accordance with the requirements of the Local Government and Housing Act 1989; and
  - 4.18.8.2 receive from political groups nominations of Councillors to serve on each of the politically balanced committees in accordance with the seats allocated to the respective political groups and make appointments accordingly; and
  - 4.18.8.3 allocate the Chairs of scrutiny committees to the relevant political groups and to note the appointments to those Chairs made by the political groups in accordance with the Local Government (Wales) Measure 2011;
- 4.18.9 (if required due to vacancy) note appointment of chair(s) of scrutiny committee(s) by the political group(s) in accordance with the Local Government (Wales) Measure 2011
- 4.18.10 to receive the report of the Monitoring Officer setting out appointments to fill vacancies on committees and outside bodies s/he has made in accordance with the authority delegated to him / her to make such appointments which accords with the wishes of a political group to whom the committee seat or position on the outside body has been allocated
- 4.18.11 receive written statements from the Leader and / or members of the Cabinet (which statements shall be taken as read) and any questions and answers on any of the statements;
- 4.18.12 receive reports from the Cabinet, Leader, Cabinet member, and any questions, answers and observations on any of those reports;
- 4.18.13 receive reports from any of the Council's Committees introduced by the relevant Committee Chair, and any questions, answers and observations on any of those reports;
- 4.18.14 receive reports from any of the Council's statutory officers, or Chief Officers and any questions, answers and observations on any of those reports
- 4.18.15 receive any other report that the Chief Executive considers is required to be placed before the Council and any questions, answers and observations on any of those reports
- 4.18.16 receive reports about and receive questions and answers on the business of joint arrangements and external organisations;
- 4.18.17 consider any other business specified in the summons to the meeting, including consideration of proposals from the Cabinet in relation to the Council's Budget and Policy Framework;
- 4.18.18 receive any petitions
- 4.18.19 deal with any outstanding business from the last Council meeting
- 4.18.20 receive and consider recommendations from the Cabinet and the Council's

## SECTION 4 – FULL COUNCIL

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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.

### Extraordinary Meetings

#### Calling Extraordinary Meetings

- 4.19 The Chief Executive may call Council meetings in addition to ordinary meetings. Those listed below may request the Chief Executive to call additional Council meetings:
  - 4.19.1 the Council by resolution;
  - 4.19.2 the Chair of the Council;
  - 4.19.3 The Leader;
  - 4.19.4 The Head of Paid Service;
  - 4.19.5 The Monitoring Officer or the Section 151 Officer;
  - 4.19.6 any five Councillors if they have signed a requisition presented to the Chair of the Council and s/he has refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition.

#### Business


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

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### Time, Place and Duration of Meetings


#### Time and Place of Meetings

<sup>8</sup>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


<sup>9</sup>~~<sup>10</sup>~~<sup>11</sup>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 date fixed by the Chair. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting.

#### Notice of and Summons to Meetings

<sup>12</sup>~~<sup>13</sup>~~<sup>14</sup>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. The summons will give the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by such reports and other documents as are available.

#### Chair of Meeting

4.24.1 Whenever present the Chair of Council will chair meetings of the Council. In his / her absence the Vice-Chair of Council, or in his / her absence the Assistant Vice-Chair of Council or in his/her absence the Councillor elected to preside over the meeting in accordance with Rule 4.18.1, will take the chair. The person presiding at the meeting may exercise any power or duty of the Chair. A member of the Cabinet cannot preside at a meeting of the Council

<sup>13</sup>~~<sup>14</sup>~~<sup>15</sup>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.

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<sup>8</sup> See Rule 4.14

<sup>9</sup> See Rule 4.14

~~<sup>10</sup> ▲ Denotes application to Committees as well as Full Council (excluding Cabinet)~~

~~<sup>11</sup> ▲ Denotes application to Area (Shire) Committees.~~

<sup>12</sup> See Rule 4.14






<sup>13</sup> See Rule 4.14

~~<sup>14</sup> ▲ Denotes application to Committees as well as Full Council (excluding Cabinet)~~






~~<sup>15</sup> ▲ Denotes application to Area (Shire) Committees.~~






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   <sup>16</sup>   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

   <sup>17</sup>   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:





   <sup>18</sup>   4.25.1 calling for more time to allow the speaker to properly explain the matter;

   <sup>19</sup>   4.25.2 permitting a Member to speak more than once;








   <sup>20</sup>   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;

   <sup>21</sup>   4.25.4 allowing a full discussion of reports and matters for decision;

### Quorum

  <sup>22</sup>   <sup>23</sup> 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.

### Remote Attendance

   <sup>24</sup>   <sup>25</sup>   4.27 Pursuant to Section 4 of the Local Government (Wales) Measure 2011, the County Council on 22<sup>nd</sup> October, 2014 decided not to allow any Council meetings to be held in accordance with the provisions of Section 4.

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<sup>16</sup> See Rule 4.14

<sup>17</sup> See Rule 4.14

<sup>18</sup> See Rule 4.14

<sup>19</sup> See Rule 4.14

<sup>20</sup> See Rule 4.14

<sup>21</sup> See Rule 4.14

<sup>22</sup> See Rule 4.14

<sup>23</sup> For the quorum of the Planning, Taxi Licensing and Rights of Way Committee acting as a Planning Authority see Rule 19.92

<sup>24</sup> See Rule 4.14

<sup>25</sup>   Denotes application to Committees as well as Full Council (excluding Cabinet)

<sup>26</sup>   Denotes application to Area (Shire) Committees.

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### 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 written notice of the question has been 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; 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

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

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- 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.

### **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.

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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~~ Appointment and Removal of the Leader**

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

4.40.1.1 The Chair will ask for written nominations;

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

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

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



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

4.40.1.6 After all presentations have been made there will be a vote by secret ballot. Where no candidate receives a majority on the first vote, the candidate with the least number of votes will be eliminated and a further vote will be taken. This procedure will be repeated until a candidate receives a majority. If the bottom 2 candidates have the same number of votes, a vote will be taken to decide the candidate to be eliminated from future votes. In the event of an equal number of votes being cast at this stage, the Chair will have a casting vote as to the candidate to be eliminated.

4.40.1.7 For the avoidance of doubt in the event of the last 2 candidates having the same number of votes, the Chair will have a casting vote as to which candidate is appointed as Leader.

~~4.40.12~~ The Leader may be removed by a Notice on Motion which has ~~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.

~~4.40.23~~ A motion to remove the Leader cannot be moved more than once in any rolling 6 month period.

### Two Motions per Councillor

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

### Motions without Notice

~~27~~ ~~▲~~ ~~28~~ ~~◆~~ 4.42 The following motions may be moved without notice:

~~♣~~ ~~▲~~ ~~◆~~ to appoint a Chair of the meeting at which the motion is moved;

~~■~~ ~~29~~ ~~▲~~ ~~◆~~ 4.42.1

~~♣~~ ~~▲~~ ~~◆~~ in relation to the accuracy of the minutes;

~~■~~ ~~30~~ ~~▲~~ ~~◆~~ 4.42.2

~~♣~~ ~~▲~~ ~~◆~~ to change the order of business in the agenda;

~~■~~ ~~31~~ ~~▲~~ ~~◆~~ 4.42.3

~~♣~~ ~~▲~~ ~~◆~~ to refer something to an appropriate committee, body or individual for consideration or reconsideration;

~~■~~ ~~32~~ ~~▲~~ ~~◆~~ 4.42.4

~~♣~~ ~~▲~~ ~~◆~~ to appoint a committee or Member to perform a function or duty arising

~~27~~ ~~▲~~ Denotes application to Committees as well as Full Council (excluding Cabinet)

~~28~~ ~~◆~~ Denotes application to Area (Shire) Committees.







































~~29~~ See Rule 4.14

~~30~~ See Rule 4.14

~~31~~ See Rule 4.14

~~32~~ See Rule 4.14

## SECTION 4 – FULL COUNCIL

- <sup>33</sup>  4.42.5 from an item on the summons for the meeting;
-  to receive reports and / or adopt and / or amend recommendations of the Cabinet, committees or Officers and any resolutions following from them;
- <sup>34</sup>  4.42.6 to withdraw a motion;
-  to amend a motion;
- <sup>35</sup>  4.42.7 to amend a motion;
- <sup>36</sup>  4.42.8 a closure motion under Rule 4.54.~~5~~
- <sup>37</sup>  4.42.9 to suspend a particular Council Procedure Rule (provided that at least one half of the whole number of Members are present)<sup>38</sup>;
-  4.42.10 to exclude the public and press in accordance with the Access to Information Procedure Rules;
-  to not hear further a Member named under Rule 4.86 or to exclude them from the meeting under Rule 4.87; and
- <sup>39</sup>  4.42.11 to give the consent of the Council where its consent is required by this Constitution.
-  4.42.12 to give the consent of the Council where its consent is required by this Constitution.
-  urgent motions, provided the requirements of Rule 4.43 is satisfied.
- <sup>40</sup>  4.42.13
-  urgent motions, provided the requirements of Rule 4.43 is satisfied.
- <sup>41</sup>  4.42.14

### Urgent Motions

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

<sup>33</sup> See Rule 4.14

<sup>34</sup> See Rule 4.14

<sup>35</sup> See Rule 4.14

<sup>36</sup> See Rule 4.14

<sup>37</sup> See Rule 4.14

<sup>38</sup> See Rule 2.10

<sup>39</sup> See Rule 4.14

<sup>40</sup> See Rule 4.14

<sup>41</sup> See Rule 4.14




## SECTION 4 – FULL COUNCIL

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

### Rules of Debate



#### No Speeches until Motion Seconded

<sup>42</sup><sup>43</sup><sup>44</sup>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 s/he has moved by notice.



#### Right to Require Motion in Writing

<sup>45</sup><sup>46</sup>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


<sup>46</sup><sup>47</sup>4.46 When seconding a motion or amendment, a Member may reserve their speech until later in the debate.




#### Content and Length of Speeches




<sup>47</sup><sup>48</sup>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

<sup>48</sup><sup>49</sup>4.48 A Member who has spoken on a motion may not speak again whilst it is the subject of debate, except:

<sup>49</sup><sup>50</sup>4.48.1  to speak once on an amendment moved by another Member;

<sup>50</sup><sup>51</sup>4.48.2  to move a further amendment if the motion has been amended since he last spoke;

<sup>51</sup><sup>52</sup>4.48.3  if his first speech was on an amendment moved by another Member, to speak on the main issue (whether or not the amendment on which he spoke was carried);

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<sup>42</sup> See Rule 4.14

<sup>43</sup>  Denotes application to Committees as well as Full Council (excluding Cabinet)

<sup>44</sup>  Denotes application to Area (Shire) Committees.

<sup>45</sup> See Rule 4.14

<sup>46</sup> See Rule 4.14

<sup>47</sup> See Rule 4.14

<sup>48</sup> See Rule 4.14

<sup>49</sup> See Rule 4.14

<sup>50</sup> See Rule 4.14

<sup>51</sup> See Rule 4.14

## SECTION 4 – FULL COUNCIL

▲                      ◆ in exercise of a right of reply;

■<sup>52</sup> ▲◆ 4.48.4

▲                      ◆ on a point of order; and

■<sup>53</sup> ▲◆ 4.48.5

▲                      ◆ by way of personal explanation.

■<sup>54</sup> ~~55~~ ▲<sup>56</sup>◆ 4.48.6

### Amendments to Motions

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

■<sup>57</sup> ▲◆ 4.49.1

♣ ▲                      ◆ to refer the matter to an appropriate committee, body or individual for consideration or reconsideration;

■<sup>58</sup> ▲◆ 4.49.1.1

♣ ▲                      ◆ to leave out words;

■<sup>59</sup> ▲◆ 4.49.1.2

♣ ▲                      ◆ to leave out words and insert or add others; or

■<sup>60</sup> ▲◆ 4.49.1.3

♣ ▲                      ◆ to insert or add words;

■<sup>61</sup> ▲◆ 4.49.1.4

♣ ▲                      ◆ to substitute another proposition

■<sup>62</sup> ▲◆ 4.49.1.5

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

▲                      ◆ Each amendment will be proposed, seconded, committed to writing and handed to the Chair;

■<sup>63</sup> ▲◆ 4.49.2

♣ ▲                      ◆ 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.

■<sup>64</sup> ▲◆ 4.49.3

♣ ▲                      ◆ If an amendment is not carried, other amendments to the original motion may be moved.

■<sup>65</sup> ▲◆ 4.49.4

<sup>52</sup> See Rule 4.14

<sup>53</sup> See Rule 4.14

<sup>54</sup> See Rule 4.14

<sup>55</sup> ▲ Denotes application to Committees as well as Full Council (excluding Cabinet)

<sup>56</sup> ◆ Denotes application to Area (Shire) Committees.

<sup>57</sup> See Rule 4.14

<sup>58</sup> See Rule 4.14

<sup>59</sup> See Rule 4.14

<sup>60</sup> See Rule 4.14

<sup>61</sup> See Rule 4.14




<sup>62</sup> See Rule 4.14

<sup>63</sup> See Rule 4.14




<sup>64</sup> See Rule 4.14

<sup>65</sup> See Rule 4.14

## SECTION 4 – FULL COUNCIL




   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.

 <sup>66</sup>   4.49.5




   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.

 <sup>67</sup>   4.49.6

### Alteration of Motion







   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.

 <sup>68</sup>   4.50.1




   Only alterations which could be made as an amendment pursuant to Rule 4.49 may be made.

 <sup>69</sup>   4.50.2




### Withdrawal of Motion

    <sup>70</sup>   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

   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.

 <sup>71</sup>   4.52.1







   The mover of the amendment has no right of reply to the debate on his amendment.

 <sup>72</sup>   <sup>73</sup>   4.52.2

   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.

 <sup>75</sup>   4.52.3

### Procedural Motions which may be Moved During Debate

    <sup>76</sup>   4.53 When a motion is under debate, no other motion may be moved except the following procedural motions:

<sup>66</sup> See Rule 4.14

<sup>67</sup> See Rule 4.14

<sup>68</sup> See Rule 4.14

<sup>69</sup> See Rule 4.14

<sup>70</sup> See Rule 4.14

<sup>71</sup> See Rule 4.14

<sup>72</sup> See Rule 4.14

<sup>73</sup>  Denotes application to Committees as well as Full Council (excluding Cabinet)

<sup>74</sup>  Denotes application to Area (Shire) Committees.

<sup>75</sup> See Rule 4.14




<sup>76</sup> See Rule 4.14

## SECTION 4 – FULL COUNCIL




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   to withdraw a motion;




   <sup>77</sup>    4.53.1

   to amend a motion;




   <sup>78</sup>    4.53.2

   a closure motion under Rule 4.54.5




   <sup>79</sup>    4.53.3

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

   <sup>80</sup>    4.53.4




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

   <sup>81</sup>    4.53.5




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

   <sup>82</sup>    4.53.6

### Closure Motions

   to proceed to the next business;

   <sup>83</sup>    4.54.1

   to ask that the question be now put;




   <sup>84</sup>    4.54.2

   to adjourn a debate; or




   <sup>85</sup>    4.54.3

   to adjourn a meeting.



   <sup>86</sup>    4.54.4

   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.

   <sup>87</sup>    4.54.5

   subject to Rule 4.54.8 below, if a motion that the question be now put under Rule 4.54.2 is seconded and only if the Chair thinks the item has been sufficiently discussed, he will put the procedural motion to the vote. If it is passed he will give the mover of the original motion a right of reply before putting his motion to the vote.

   <sup>88</sup>    4.54.6

   subject to Rule 4.54.8 below, if a motion to adjourn the debate or to

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<sup>77</sup> See Rule 4.14

<sup>78</sup> See Rule 4.14

<sup>79</sup> See Rule 4.14

<sup>80</sup> See Rule 4.14

<sup>81</sup> See Rule 4.14

<sup>82</sup> See Rule 4.14

<sup>83</sup> See Rule 4.14

<sup>84</sup> See Rule 4.14

<sup>85</sup> See Rule 4.14

<sup>86</sup> See Rule 4.14

<sup>87</sup> See Rule 4.14

<sup>88</sup> See Rule 4.14

## SECTION 4 – FULL COUNCIL

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<sup>89</sup> 4.54.7 adjourn the meeting under Rules 4.54.3 and 4.54.4 is seconded and only if the Chair thinks the item has been sufficiently discussed and cannot reasonably be so discussed on that occasion, he will put the procedural motion to the vote without giving the mover of the original motion the right of reply.

<sup>90</sup> 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.

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<sup>89</sup> See Rule 4.14








<sup>90</sup> See Rule 4.14

## SECTION 4 – FULL COUNCIL







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







### Point of Order

    <sup>91</sup> <sup>92</sup> <sup>93</sup> 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 by indicating to the Chair by standing that they wish to raise a point of order and waiting for the Chair to call them to speak at a convenient point at the discretion of the Chair. A point of order may only relate to an alleged breach of these Council Rules of Procedure or the law. The Member must indicate the rule or law and the way in which s/he considers it has been broken. The ruling of the Chair on the matter will be final.







### Personal Explanation







    <sup>94</sup>  4.56 A Member may make a personal explanation at any time. A personal explanation may only relate to one of the following:

    <sup>95</sup>  4.56.1 some material part of an earlier speech by the Member in the present debate which may appear to have been misunderstood;







    <sup>96</sup>  4.56.2 to reply to an allegation of misconduct made against the Member giving the explanation; or

    <sup>97</sup>  4.56.3 to make an apology to the Council.

    <sup>98</sup>  4.57 The ruling of the Chair on the admissibility of a personal explanation will be final.

    <sup>99</sup>  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

    <sup>100</sup>  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 s/he shall be heard immediately and shall be allowed to make the declaration without interruption.

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<sup>91</sup> See Rule 4.14

<sup>92</sup>     Denotes application to Committees as well as Full Council (excluding Cabinet)

<sup>93</sup>     Denotes application to Area (Shire) Committees.

<sup>94</sup> See Rule 4.14

<sup>95</sup> See Rule 4.14

<sup>96</sup> See Rule 4.14

<sup>97</sup> See Rule 4.14

<sup>98</sup> See Rule 4.14

<sup>99</sup> See Rule 4.14

<sup>100</sup> See Rule 4.14






## SECTION 4 – FULL COUNCIL


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### Previous Decisions and Motions



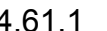
#### Motion to Rescind a Previous Decision


<sup>101</sup>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.

<sup>102</sup>4.60.2 Rule 4.37.2 does not apply to a motion under Rule 4.60.1.

<sup>103</sup>4.60.3 For the sake of clarity rule 4.60.1 does not apply to decisions taken by the Cabinet.<sup>104</sup>



#### Motion Similar to One Previously Rejected

<sup>105</sup><sup>106</sup><sup>107</sup>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.



<sup>108</sup>4.61.2 Rule 4.37.2 does not apply to a motion under Rule 4.61.1.

### Voting



#### Majority

<sup>109</sup>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

<sup>110</sup>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

<sup>111</sup>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.

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<sup>101</sup> See Rule 4.14

<sup>102</sup> See Rule 4.14

<sup>103</sup> See Rule 4.14

<sup>104</sup> ~~N.B. Meetings of Cabinet are not committee meetings of the Council.~~

<sup>105</sup> See Rule 4.14

<sup>106</sup> ~~▲ Denotes application to Committees as well as Full Council (excluding Cabinet)~~

<sup>107</sup> ~~◆ Denotes application to Area (Shire) Committees.~~

<sup>108</sup> See Rule 4.14

<sup>109</sup> See Rule 4.14

<sup>110</sup> See Rule 4.14


<sup>111</sup> See Rule 4.14

## SECTION 4 – FULL COUNCIL

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### 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.

 <sup>112</sup> ~~▲◆~~ 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, before a vote is taken, the details of the votes cast by each Councillor will be made available to the meeting.


 <sup>113</sup> ~~▲◆~~ 4.66.3 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

 <sup>114</sup> ~~▲◆~~ <sup>145</sup> ~~▲◆~~ 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

 <sup>117</sup> ~~▲◆~~ 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

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<sup>112</sup> See Rule 4.14

<sup>113</sup> See Rule 4.14

<sup>114</sup> See Rule 4.14



<sup>145</sup> ~~▲~~ Denotes application to Committees as well as Full Council

<sup>146</sup> ~~◆~~ Denotes application to Area (Shire) Committees.



<sup>117</sup> See Rule 4.14

## SECTION 4 – FULL COUNCIL



casting vote.

 <sup>118</sup>  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

 <sup>119</sup>  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


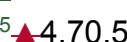
 <sup>120</sup>  4.70 This Rule applies to the appointment of Councillors to positions within the Local Authority or to joint committees with other authorities including:



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



4.70.2 Leader;

 <sup>121</sup>  ~~<sup>122</sup>  <sup>123</sup>~~ 4.70.3 the Chair or Vice-Chair of a Committee or Sub-Committee;

 <sup>124</sup>  4.70.4 Member of a Committee or Sub-Committee or Panel;

 <sup>125</sup>  4.70.5 Member of any other internal Council board, panel or group with or without officers;

 <sup>126</sup>  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.

 <sup>127</sup>  4.71 If there are more than two Councillors nominated for any position


<sup>118</sup> See Rule 4.14

<sup>119</sup> See Rule 4.14

<sup>120</sup> See Rule 4.14

<sup>121</sup> See Rule 4.14

~~<sup>122</sup>  Denotes application to Committees as well as Full Council (excluding Cabinet)~~

~~<sup>123</sup>  Denotes application to Area (Shire) Committees.~~

<sup>124</sup> See Rule 4.14



<sup>125</sup> See Rule 4.14



<sup>126</sup> See Rule 4.14

## SECTION 4 – FULL COUNCIL

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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.



 <sup>128</sup>  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.

 <sup>129</sup>  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.



 <sup>130</sup>  4.74 This procedure may be varied by agreement of the meeting.

### Minutes

#### Signing the Minutes

 <sup>131</sup>  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

 <sup>132</sup>  4.76 Where in relation to any meeting, the next meeting for the purpose of signing the minutes is an extraordinary meeting<sup>133</sup>, then the next following meeting will be treated as a suitable meeting for the purposes of signing of minutes<sup>134</sup>.

#### Form of Minutes

 <sup>135</sup>~~<sup>136</sup>~~  ~~<sup>137</sup>~~ 4.77 Save as provided below the form of the minutes will be a

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<sup>127</sup> See Rule 4.14

<sup>128</sup> See Rule 4.14

<sup>129</sup> See Rule 4.14

<sup>130</sup> See Rule 4.14

<sup>131</sup> See Rule 4.14

<sup>132</sup> See Rule 4.14

<sup>133</sup> a meeting called under paragraph 3 of Schedule 12 to the Local Government Act 1972

<sup>134</sup> paragraph 41(1) and (2) of Schedule 12 to the Local Government Act 1972

<sup>135</sup> See Rule 4.14



~~<sup>136</sup>  Denotes application to Committees as well as Full Council (excluding Cabinet)~~



~~<sup>137</sup>  Denotes application to Area (Shire) Committees.~~

## SECTION 4 – FULL COUNCIL



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matter for the Chief Executive:



 <sup>138</sup>  4.77.1 Minutes will contain all motions and amendments in the exact form and order the Chair put them.

 <sup>139</sup>  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




 <sup>140</sup>  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.

 <sup>141</sup>  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.

 <sup>142</sup>  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

 <sup>143</sup>  4.81.1 Members of the public and press may only be excluded either in accordance with the Access to Information Procedure Rules in Section 14 of this Constitution or Rules 4.89 and 4.90 (Disturbance by the Public).

 <sup>144</sup>  <sup>145</sup>  4.81.2 Where members of the public have been excluded pursuant to Rule 4.81.1, Members may nevertheless remain in the meeting (with the exception of confidential meetings of the Standards Committee) unless they have a personal and prejudicial interest.

### Members' Conduct

#### Declarations of Interest

 <sup>146</sup>  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

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<sup>138</sup> See Rule 4.14

<sup>139</sup> See Rule 4.14

<sup>140</sup> See Rule 4.14

<sup>141</sup> See Rule 4.14

<sup>142</sup> See Rule 4.14

<sup>143</sup> See Rule 4.14

<sup>144</sup> See Rule 4.14









<sup>145</sup> ~~Denotes application to Committees as well as Full Council (including Cabinet)~~

<sup>146</sup> See Rule 4.14













## SECTION 4 – FULL COUNCIL

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

it does, must disclose the existence and nature of the interest at the commencement of the discussion or when the interest becomes apparent and decide whether they should withdraw from consideration of the matter as required by the Code.

    <sup>147</sup>     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

    <sup>148</sup>     <sup>149</sup>     <sup>150</sup> 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

    <sup>151</sup>     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

    <sup>152</sup>     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

    <sup>153</sup>     4.87 If the Member continues to behave improperly after a motion under Rule 4.86 is carried, the Chair may move that either the Member leaves the meeting or that the meeting is adjourned for a specified period. If seconded, the motion will be voted on without discussion. If the motion is passed the named Member must leave the room forthwith.





### General Disturbance

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<sup>147</sup> See Rule 4.14

<sup>148</sup> See Rule 4.14

<sup>149</sup>     Denotes application to Committees as well as Full Council (excluding Cabinet)

<sup>150</sup>     Denotes application to Area (Shire) Committees.







<sup>151</sup> See Rule 4.14

<sup>152</sup> See Rule 4.14

<sup>153</sup> See Rule 4.14







## SECTION 4 – FULL COUNCIL

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    <sup>154</sup>   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

    <sup>155</sup>   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





    <sup>156</sup>   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







    <sup>157</sup> ~~158~~   <sup>159</sup>   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

    <sup>160</sup>   4.93 Any motion to add to, vary or revoke these Council Rules of Procedure will, ~~when proposed and seconded,~~ stand adjourned without discussion and be automatically referred to the Democratic Services Committee which will make a recommendation to Council ~~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.

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<sup>154</sup> See Rule 4.14

<sup>155</sup> See Rule 4.14

<sup>156</sup> See Rule 4.14

<sup>157</sup> See Rule 4.14

<sup>158</sup> ~~▲ Denotes application to Full Council, Cabinet and Committees;~~


<sup>159</sup> ~~◆ Denotes application to Area (Shire) Committees.~~


<sup>160</sup> See Rule 4.14

## SECTION 4 – FULL COUNCIL

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### Officer Advice

 <sup>161</sup>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.

 <sup>162</sup>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.

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<sup>161</sup> See Rule 4.14

<sup>162</sup> See Rule 4.14



## SECTION 6 – THE LEADER

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### **Election**

- 6.1 The Leader will be elected by Full Council in accordance with Rule 4.40 and will have authority to delegate the functions of the Leader to one or more deputies selected from the Cabinet.
- 6.2 The Leader will usually be elected. However, where the post of Leader becomes vacant between Council elections the Leader will be elected at the next meeting of the Full Council.

### **Term of Office**

- 6.3 The Leader is appointed for a term 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.

### **Resignation, Dismissal, Disqualification and Suspension**

- 6.4 The Leader may resign the position of Leader by writing to the Chair of Council.
- 6.5 The Leader can be dismissed where the Council passes a resolution removing him/her from office in accordance with the Rule 4.40.
- 6.6 The Leader shall cease to be Leader if s/he is suspended or disqualified as a Councillor, or, for other such reasons, cannot fulfil the role of Leader.
- 6.7 The Leader will cease to be Leader upon death or upon being incapacitated which will, or is likely to, prevent him / her from undertaking the role of Leader for a period of ~~three~~six months or more (“Incapacitation”).

### **Functions and Delegated Authority**

#### **Membership of the Cabinet**

- 6.8 The Leader appoints and dismisses the Members of the Cabinet subject only to there being a minimum of two, and a maximum of nine.

#### **Role of the Leader**

- 6.9 The Leader will chair meetings of the Cabinet and determine the portfolios of Members of the Cabinet.

#### **The Executive Scheme of Delegations**

- 6.10 The Leader will delegate Executive Functions in accordance with Rule 5.9. (NB: No Member of the Cabinet may have a Deputy, other than the Leader).

#### **Meetings of the Cabinet**

- 6.11 Subject to the requirement to publish notice of each meeting three clear days before it takes place, the Leader can call meetings of the Cabinet at such times and places as s/he chooses (NB: the Head of Paid Service, the Section 151 Officer, the Monitoring Officer and three members of the Cabinet acting collectively can also call meetings of the Cabinet).

## SECTION 6 – THE LEADER

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### Chairing Cabinet Meetings

6.12 The Leader shall chair Cabinet meetings. In the Leader's absence a Deputy Leader will chair the Cabinet, and in the absence of the Leader and Deputy Leader(s) the Cabinet will appoint a Member of the Cabinet to Chair the meeting.

### Appointments of Representatives on Outside Bodies

6.13 The Leader has authority to appoint representatives of the Council on outside bodies where those outside bodies relate to Executive Functions of the Council.

### Deputy Leader(s)

6.14 The Leader ~~may~~ **should / must** appoint one or more Cabinet Members to act as Deputy Leader. The Deputy Leader(s) may exercise the functions of the Leader in the event of the resignation, death or Incapacitation<sup>1</sup> of the Leader. In the event of resignation, death or Incapacitation of the Leader for a period of more than 6 months, the Deputy Leader(s) may exercise the functions of the Leader until a Council meeting is held to elect a new Leader,(such Council meeting to be held as soon as reasonably practicable).

6.15 In the event that the Leader appoints more than one Deputy Leader those Deputy Leaders must decide which of them is to exercise the functions of the Leader in the event of the resignation, death or Incapacitation of the Leader, and the decision must be notified to the Monitoring Officer in writing within 24 hours of the date of the resignation, death or Incapacitation of the Leader. Such written notification to the Monitoring Officer must be signed by a majority of the Deputy Leaders or by both Deputy Leaders in the event that only 2 Deputy Leaders are appointed.

6.16 In the event that a Deputy Leader resigns his / her post as Deputy Leader. Such resignation does not mean that the Member resigns as a Cabinet Member.

6.17 In the event of the death or Incapacitation of the Leader in circumstances where the Leader has not appointed a Deputy Leader, the Cabinet will appoint one of its members to act as Chair of Cabinet meetings until such time as a Council meeting takes place to elect a new Leader.

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<sup>1</sup> "Incapacitation" is defined in Rule 6.7

## SECTION 7 – SCRUTINY COMMITTEES

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### 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~~three 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 14 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"> <li>• Approve statement of accounts, income and expenditure and balance sheet;</li> <li>• Commissioning and Procurement Working Group (Joint Working Group with the People Scrutiny Committee)</li> <li>• External Audit Reports;</li> <li>• Finance Monitoring – Council wide;</li> <li>• Internal Audit Reports;</li> <li>• Oversee the authority's internal and external audit arrangements;</li> <li>• Performance Monitoring – Council wide, including workforce;</li> <li>• Review and assess risk management, internal control and corporate governance arrangements and make reports and</li> </ul>

## SECTION 7 – SCRUTINY COMMITTEES

	<p>recommendations on the adequacy and effectiveness of those arrangements;</p> <ul style="list-style-type: none"> <li>• Review and scrutinise the authority's financial affairs and make reports and recommendations on the authority's financial affairs;</li> <li>• Review the financial statements prepared by the authority.</li> </ul> <p>Commissioning Procurement</p>
<p>Scrutiny Committee A 14 Councillors – Politically Balanced 1 Non-Voting Co-optee for crime and disorder functions</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>Affordable Housing</p> <p>Welsh Housing Quality Standard Housing Public Sector Housing (landlord function) Supporting People Homelessness Private Sector Housing</p> <p>Planning Development Management and Planning</p>

## SECTION 7 – SCRUTINY COMMITTEES

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	<p>Control.</p> <p>Enhancement of Conservation Areas.</p> <p>Listed Building control and advice.</p> <p>Built Heritage Conservation grants.</p> <p>Designation and safeguarding of trees the subject of Tree Preservation Orders.</p> <p>Planning Enforcement.</p> <p>Building Control, including health and safety of buildings, dangerous structures.</p> <p>Street naming and numbering service</p> <p>Development and Planning Policy, input into regional planning policy development.</p> <p>Minerals and Waste Planning.</p> <p>Designation</p> <p>Land Drainage associated with planning and land use</p> <p>Regeneration</p> <p>Community Regeneration</p> <p>Community Enablement Fund/Welsh Church Acts</p> <p>Communities First</p> <p>Business Services</p> <p>Business Grants</p> <p>Business Advice.</p> <p>Opportunity Wales and other contracts</p> <p>Tourism</p> <p>Tourist Information Service</p> <p>Europe</p> <p>European funds</p> <p>Powys Regeneration Partnership</p> <p>European policy</p> <p>External funding</p> <p>Economic Development</p> <p>Land Charges</p> <p>Village Halls</p> <p>Highways</p> <p>Transport Planning and Policy</p> <p>Traffic management</p> <p>Road safety</p> <p>Development Control</p> <p>Transport Co-ordination</p> <p>Highway asset Management</p> <p>Network management</p>
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## SECTION 7 – SCRUTINY COMMITTEES

	<p>TRACC  Highways Engineering Design – Contract, Procurement, Administration &amp; Supervision  Highways Maintenance (Technical Advice).  Highways Maintenance Operations (e.g. Winter Maintenance).  Fleet Management (including Fuel Management).  Car parks  Trunk Road Agency</p> <p>Statutory Compliance  Building Maintenance Operations  Servicing Contracts and testing  Street Cleaning  Public Conveniences  Grounds Maintenance  Markets  Land Drainage</p> <p>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>Property and Assets  <del>Catering and Cleaning</del>  Workshops  Building Design  Gypsies &amp; Travellers</p> <p>Central / Corporate Support Services</p>
<p>Scrutiny Committee B  Membership:  14 Councillors – Politically  Balanced;  3 parent governor  representatives;  1 Church in Wales Diocese</p>	<p>Education  Special Educational Needs  Exclusions  Attendance  Education other than at school  Looked after children  English as an additional language</p>

## SECTION 7 – SCRUTINY COMMITTEES

<p>representative; 1 Roman Catholic Church Diocese representative,</p>	<p>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 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)</p> <p>Welsh Language</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 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>
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## SECTION 7 – SCRUTINY COMMITTEES

	<p>Libraries Culture Libraries (Public Library Service &amp; Schools Library Service) Arts and Culture (Theatres, Galleries, Museums, Arts Strategy, Arts Development, Theatr Powys / Powys Dance) Youth Service YFC</p> <p>Archives</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> <p><del>Woodland Management</del> <del>Landscape Design</del></p> <p>Countryside Services (Countryside Rights of Way, Maintenance, Open Access, Biodiversity, <del>Cood Cymru</del> Village Greens, Commons Registration, National Trails).</p> <p>Sustainability Climate Change &amp; Sustainable Development Sustainability, Green Dragon and Carbon Management Sustainability Strategy</p> <p><u>Catering and Cleaning</u></p>
<p>Joint Chairs and Vice-Chairs Steering Group Membership:</p>	<p>One Powys Plan Partnership Management</p> <p>Functions specified under Rule 7.40</p>

### Membership of the Audit Committee.

7.5.1 The Audit Committee will comprise 14 Councillors, appointed to achieve as



## SECTION 7 – SCRUTINY COMMITTEES

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far as reasonably practicable a political balance on the committee plus 1 voting Lay Member plus such other co-optees as may be appointed by the Council (subject to the total number of co-optees being less than one third of the total membership).<sup>1</sup>

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~~ the Committee at the first meeting following the Council's Annual Meeting and the Chair:

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

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;

7.5.2.5 The Chair of the Audit Committee may be removed from office by a motion to remove which is put on the agenda of the Audit Committee pursuant to Rule 4.38.1

7.5.3.A The Vice-Chair of the Audit Committee will be appointed annually by the Committee at the first meeting following the Council's Annual Meeting who may appoint a Councillor, the Lay Member or a Co-Opted Member. (see Rule 7.5.4 below)

7.5.3B The Vice-Chair of the Audit Committee may be removed from office by a motion to remove which is put on the agenda of the Audit Committee pursuant to Rule 4.38.1

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;

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<sup>1</sup> See Section 82 of The Measure.

## SECTION 7 – SCRUTINY COMMITTEES

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- 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;
- 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;

## SECTION 7 – SCRUTINY COMMITTEES

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- 7.8.6 question and gather evidence from any person (with their consent);
- 7.8.7 review and scrutinise the budget setting process;
- 7.8.8 conduct research, site visits, community (and other) consultation for the purposes of analysing issues and developing where appropriate; possible options, through liaison with the area/community partnerships; and
- 7.8.9 consider and report on mechanisms to encourage and enhance community participation in the development of service delivery options.

### **Finance**

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

### **Annual Report**

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

### **Head of Democratic Services**

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

## SECTION 7 – SCRUTINY COMMITTEES

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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.<sup>2</sup>

### **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 as set out in Rule 4.6.6 (other than the Chair of the Audit Committee who will be appointed in accordance with Rule 7.5.2.3)<sup>3</sup>.

### **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 Joint Chairs Steering Group will be responsible for setting the work programme for each scrutiny committee and in doing so they should take into account the Cabinet Forward Work Programme and focus on strategic and important issues. Any requests from scrutiny members for matters to be scrutinised should be sent to the Joint Chairs Steering Group for consideration.

### **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

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

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

## SECTION 7 – SCRUTINY COMMITTEES

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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. The Chair of a 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.

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### 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
- 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

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- 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 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

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### **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 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 Council or 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 if requested to do so will attend a future meeting of that Scrutiny Committee to present the Cabinet's response.

### **Rights of Members of Scrutiny Committees to Documents**

- 7.29.1 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



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particular matter under consideration.

### **Members and Senior Officers Giving Account**

7.30.1 Scrutiny Committees may scrutinise and review decisions made or actions taken in connection with the discharge of any Council functions within its remit. As well as reviewing documentation, in fulfilling the Scrutiny role, it may require any member of the Cabinet, the Chief Executive and/or any senior Officer to attend before it to explain the following matters within their remit:

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

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

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.

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### **Attendance of Members at Committee Meetings**

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

### **Others**

- 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.<sup>4</sup>

### **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;

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<sup>4</sup> Section 78(1) of the Local Government (Wales) Measure 2011.

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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.

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### **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.

### **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 the relevant Scrutiny Committee if so requested in the specified format (“the Call-In Request”<sup>5</sup>) by the chair or 4 members of a Scrutiny Committee PROVIDED THAT the Monitoring Officer and / or the Chief Finance Officer are satisfied that the following conditions are met:

7.37.3.1 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

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<sup>5</sup> See Appendix 1 to this Section.

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- Notice<sup>6</sup> 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 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

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<sup>6</sup> See Appendix 2 to this Section.

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- 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:
- 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

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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.

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 A;  
~~Place~~-Scrutiny Committee B;  
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 ~~s~~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

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- 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;
  - 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~~ Public Service Board Scrutiny Committee that there is no duplication of work between the County Council scrutiny committees, the ~~Local~~ Public 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.

### Finance Scrutiny Panel.

#### Role, Scope and Membership.

7.41

- 7.41.1 Membership: The Panel should be no larger than 10 Members to include the following:
  - Chairs of the scrutiny committees (excluding the PSB Scrutiny Committee).
  - Leaders of the Opposition groups i.e. those political groups which are not represented on the Cabinet.
  - Representatives from the Audit Committee one of which should be the Independent "Lay" Member.
- 7.41.2 Chair : The Chair of the Audit Committee will chair the Panel.
- 7.41.3 Vice-Chair: The Vice-Chair of the Audit Committee will be the Vice-Chair of the Panel.
- 7.41.4 Meetings: Meetings of the Panel will be held monthly. Additional



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- meetings of the Panel can be called with the consent of the Chair.
- 7.41.5 Reports by the Panel: The Panel will make reports on its findings to the Cabinet and where necessary Full Council.

### Terms of Reference:

7.42 The Panel will:

- 7.42.1 assist with the delivery of the plans to support change and the Medium Term Financial Strategy to inform policy changes, and providing robust challenge and accountability;
- 7.42.2 assist the managed transition between the current spread of service provision and the services most likely to be provided by the Council in the medium to long term;
- 7.42.3 analyse the relationship between performance and spend with emphasis on the outcomes intended to be achieved by a particular service in the context of what may be considered affordable;
- 7.42.4 consider the robustness of the evidence base upon which programmes of change are predicated;
- 7.42.5 provide a constructive environment for reasoned, detailed discussions about changes in an independent and impartial setting;
- 7.42.6 review and scrutinise:
- Assumptions underlying the budget strategy;
  - The Medium Terms Financial Strategy / Finance Resource Model;
  - Budget Assumptions;
  - Annual Local Government Settlement and any legislative changes affecting local government;
  - Draft Budget and Impact Assessments;
  - Risk Register;
  - Financial Monitoring;
- 7.42.7 review and scrutinise where appropriate change plans by individual services particularly where those plans relate to high cost / risk areas of service;
- 7.42.8 provide evidence based recommendations to the Cabinet on its findings;
- 7.42.9 develop a forward work programme based on the budget timetable and the Council's medium term financial strategy;

### Public Service Board Scrutiny Committee.

7.43 Scrutiny Committee A and B shall each appoint a single Member to act as a representative of the Council on the Public Service Board Scrutiny Committee.

7.44 In addition Scrutiny Committee A and B shall appoint a substitute for each Member of the Public Service Board Scrutiny Committee appointed under

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Rule 7.43 above, such substitute shall not be a member of the Public Service Board.

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

### **Councillor Call for Action**

- 7.436.1 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”.
- 7.436.2 Any Councillor may request that an item is placed on the agenda of the relevant Scrutiny Committee for consideration.
- 7.436.3 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

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### **Councillor Call for Action - Guidance for Councillors**

#### **Introduction**

- 7.447.1. 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 .
- 7.447.2 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 disorder referrals will remain in place under separate legislation.
- 7.447.3 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.
- 7.447.4 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.

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## SECTION 7 – SCRUTINY COMMITTEES

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

7.447.5 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:

- 7.447.5.1 informal discussions with Officers or other Councillors;
- 7.447.5.2 informal discussions with partner representatives;
- 7.447.5.3 referral to other “scrutiny” bodies such as Community Health Councils or internal audit committee;
- 7.447.5.4 formal discussions with Officers and Councillors;
- 7.447.5.5 formal letters to the Cabinet members;
- 7.447.5.6 asking questions at Full Council;
- 7.447.5.7 submitting a motion to Full Council;
- 7.447.5.8 organising public meetings;
- 7.447.5.9 use of petitions;
- 7.447.5.10 making a complaint;
- 7.447.5.11 freedom of information requests;
- 7.447.5.12 communication with local AMs or MPs;
- 7.447.5.13 use of social media or email based campaigns.

7.447.6 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?

7.447.7.1 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.

7.447.7.2 A Councillor does not however need a referral from a constituent in order to start the process. It is important to recognise that a CCfA is not guaranteed to solve a given problem, though it can provide a method for discussing such problems and, through discussion, attempt to overcome them.

### How and When Should I Make a CCfA?

7.447.8.1 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.

7.447.8.2 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.

## SECTION 7 – SCRUTINY COMMITTEES

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### Criteria To Be Followed By A Scrutiny Committee Dealing With CCfAs

7.447.9 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 :

7.447.9.1 does the matter fall within the remit of that Scrutiny Committee?  
NB: Crime and Disorder referrals should be directed to the Place Scrutiny Committee.

7.447.9.2 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?

7.447.9.3 has that Scrutiny Committee considered a similar issue recently? If so, have the circumstances or evidence changed?

7.447.9.4 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.

7.447.9.5 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?

7.447.9.6 is this a case that is being or should be pursued via the Council's corporate complaints procedure?

7.447.9.7 is it relating to a "quasi-judicial" matter or decision such as planning or licensing?

7.447.9.8 is the matter an issue of genuine local concern which impacts on the local community rather than a personal matter?

7.447.9.9 is this an issue currently being looked at by another form of external scrutiny?

7.447.9.10 and, as with all scrutiny, does the matter have the potential for scrutiny to produce recommendations which could realistically be implemented and lead to improvements for anyone living or working in the Councillor's electoral division?

7.447.10 If a Scrutiny Committee decides not to accept the CCfA it must inform the Councillor of the decision and the reasons for it.

7.447.11 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:

7.447.11.1 asking the relevant responsible authorities to respond to the

## SECTION 7 – SCRUTINY COMMITTEES

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CCfA;

- 7.447.11.2 setting up a research or task and finish group to undertake a more in-depth review;
- 7.447.11.3 asking for further evidence and/or witnesses to be brought to a future meeting. The Scrutiny Committee has the power to request “designated persons”<sup>7</sup> such as representatives from other public bodies/agencies to attend, where relevant, and to request information.

### Potential Outcomes From a CCfA

7.458.1 A Scrutiny Committee could:

- 7.458.1.1 determine that it is a complex issue that requires further investigation and commission a scrutiny review of the issue;
- 7.458.1.2 write a response and make recommendations on the CCfA to a relevant responsible authority;
- 7.435148.1.3 decide that further action is not appropriate giving its reasons.

7.458.2 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

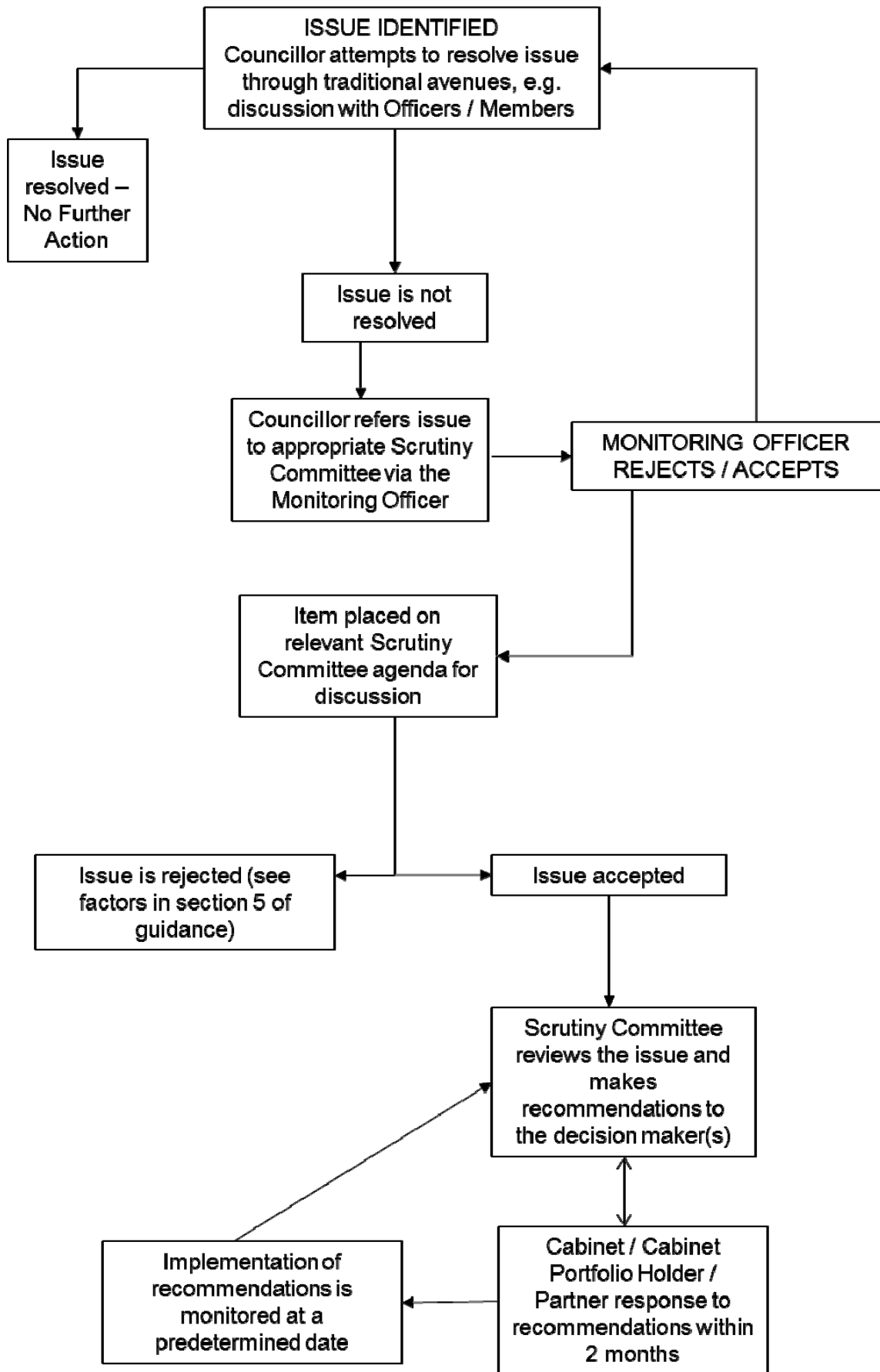
- 7.469.1 Within 10 working days of receipt of a CCfA the chair of the relevant Scrutiny Committee will consult with the Monitoring Officer to determine if the criteria set out in Rule 7.42.9 above have been met so as to ensure that it is appropriate for the CCfA to be dealt with at the next meeting of the Scrutiny Committee.
  - 7.469.2 In exceptional circumstances, for example where there are unavoidable time constraints, the chair may convene a special meeting of the Scrutiny Committee.
  - 7.469.3 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.
  - 7.469.4 The Scrutiny Committee will monitor implementation of any recommendations as part of its Forward Work Programme.
- 7.4750

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

## SECTION 7 – SCRUTINY COMMITTEES

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## SECTION 7 – SCRUTINY COMMITTEES

### Councillor Call for Action Referral Form

7.4851

<b>Name of Scrutiny Committee</b>	
<b>Date given to the Monitoring Officer</b>	
<b>Name of Councillor making CCfA</b>	Councillor .....
<b>Councillor's Electoral Division</b>	
<b>Councillor's Address</b>	
<b>Councillor's Telephone</b>	
<b>Councillor's E-mail</b>	
<b>SUBJECT of CCfA</b>	
<b>Details</b> 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.	
<b>Action taken to date</b> 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).
<b>Expected Outcome</b> Please describe the outcome you hope to gain via this referral.	
<b>Papers attached</b> 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.**

<b>Date received by Monitoring Officer</b>	
<b>Date CCfA accepted by Monitoring Officer</b>	
<b>Date of Next Scrutiny Committee Meeting</b>	

**Notes for Councillors:**

7.4851.1 The following criteria will be taken into consideration when a Scrutiny Committee decide whether to progress with your CCfA:

7.4851.1.1 have all reasonable attempts been made to resolve the issue? Do the responses received by you demonstrate that the matter is not being progressed?

7.4851.1.2 has the committee considered a similar issue recently – if yes have the circumstances or evidence changed?

7.4851.1.3 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 the CCfA should be taken into account.



## SECTION 7 – SCRUTINY COMMITTEES

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- 7.4851.1.4 have all relevant service areas or partner organisations been informed and been given enough time to resolve the issue? What response have you received?
  - 7.4851.1.5 is this a case that is being or should be pursued via the Council’s corporate complaints procedure?
  - 7.4851.1.6 is it relating to a “quasi-judicial” matter or decision such as planning or licensing?
  - 7.4851.1.7 is the matter an issue of genuine local concern, which impacts on the local community rather than a personal matter?
  - 7.4851.1.8 is this an issue currently being looked at by another form of external scrutiny?
  - 7.4851.1.9 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.
- 
- 7.4851.2.1 Consider whether your referral might be considered premature by the Scrutiny Committee .
  - 7.4851.2.2 Consider whether other potential remedies have been exhausted, before a referral is made.
  - 7.4851.3 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

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### Appendix 1 – "Call-In Request"

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

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

**TO:** The Monitoring Officer.

I County Councillor \_\_\_\_\_ Chair of the

<del>People</del> Scrutiny Committee <u>A.</u>	YES / NO
<del>Place</del> Scrutiny Committee <u>B.</u>	YES / NO

We ~~54~~ County Councillors being Members of the

<del>People</del> Scrutiny Committee <u>A.</u>	YES / NO
<del>Place</del> Scrutiny Committee <u>B.</u>	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

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### **IMPORTANT NOTE TO CHAIRS AND MEMBERS OF A SCRUTINY COMMITTEE:**

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

This form must be wholly completed – including Schedules 1 and 2 and must be received by the Monitoring Officer **by no later than 5 p.m. on the 5<sup>th</sup> 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 5<sup>th</sup> 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~~ four members of a scrutiny committee are needed for a decision to be called-in.
- (iv) once a member has signed a request for a call-in s/he may not do so again until a period of 6 months has expired.
- (v) the decision has not been determined to be urgent and not subject to a Call-In.

## SECTION 7 – SCRUTINY COMMITTEES

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### SCHEDULE 1.

#### TO BE COMPLETED BY THE CHAIR OR 54 MEMBERS REQUESTING THE CALL-IN.

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

**2. Reason for Call-In:**

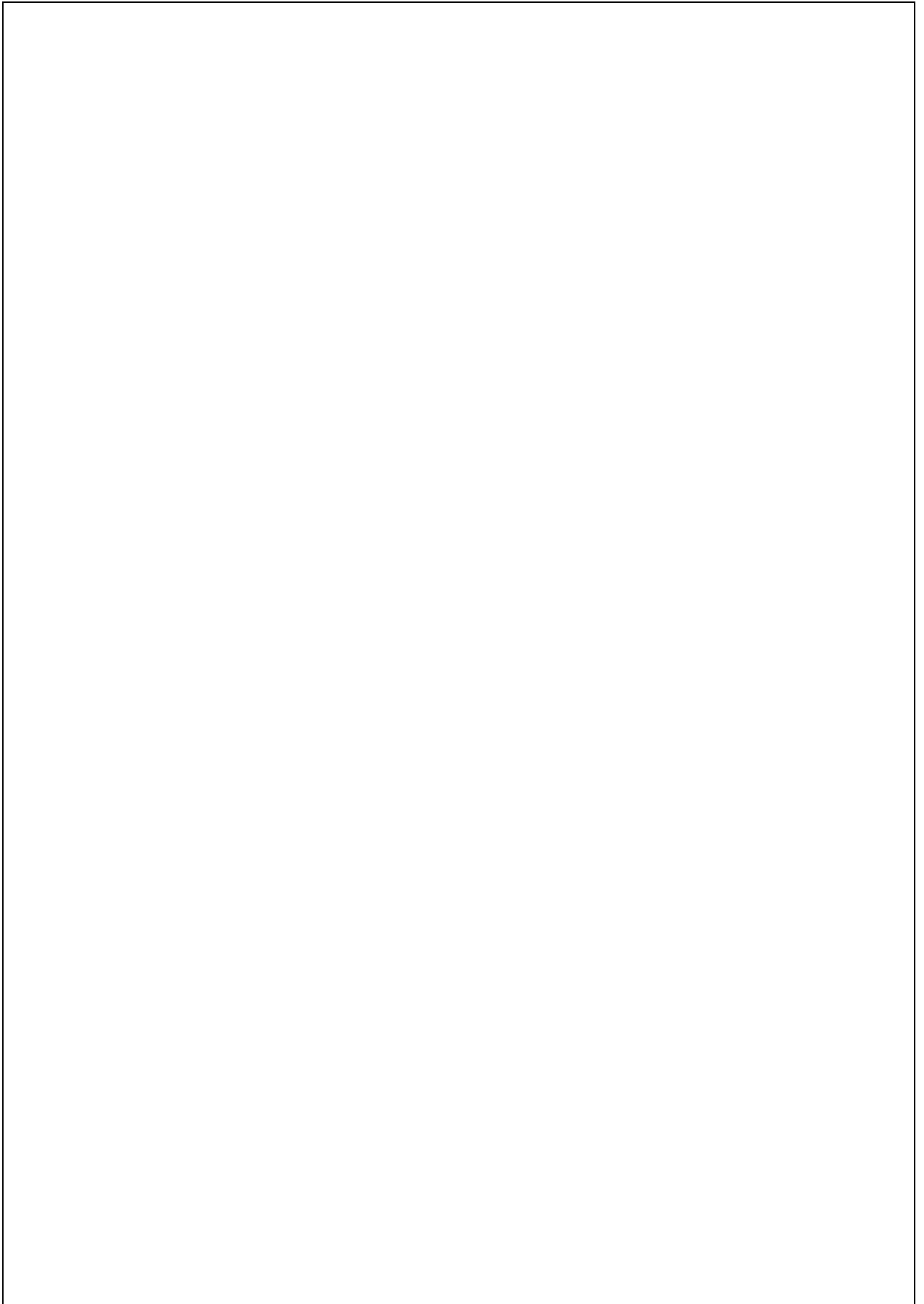
**2.1 What is the reason for the Call-In Request. Please tick which of the conditions which you believe apply:**

(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

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**SECTION 7 – SCRUTINY COMMITTEES**

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*(Please continue on a separate sheet if necessary)*

**SCHEDULE 2.**

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

**1. Chief Finance Officer's Advice.**

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

*(Please continue on a separate sheet if necessary)*

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

## SECTION 7 – SCRUTINY COMMITTEES

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### 2. Monitoring Officer's Advice.

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

*(Please continue on a separate sheet if necessary)*

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

## SECTION 7 – SCRUTINY COMMITTEES

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### FOR INTERNAL USE ONLY:

(a)	Date of Request to Call-In Decision (as above):	
(b)	Date of Cabinet Decision:	
(c)	Is Date of Request within 5 Working Days of Cabinet Decision:	YES / NO
(d)	Does the matter fall within the remit of the Scrutiny Committee?	YES / NO
(e)	Does the Chief Finance Officer's advice support a Call-In Request:	YES / NO
(f)	Does the Monitoring Officer's advice support a Call-In Request:	YES / NO
(g)	Signature(s) of Chair or <del>54</del> 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

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### Appendix 2 – “Call-In Notice”

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

**1. Chief Finance Officer.**

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

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

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

*(Please continue on a separate sheet if necessary)*

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

## SECTION 7 – SCRUTINY COMMITTEES

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### 2. Monitoring Officer.

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

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

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

*(Please continue on a separate sheet if necessary)*

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

## SECTION 9 – REGULATORY AND OTHER COMMITTEES

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- 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.<sup>1</sup>
- 9.2.2 The Committee shall consist of 14 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 at its Annual Meeting and the Chair may be removed from office by a motion to remove to Council which is put on the agenda pursuant to Rule 4.38.1. 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
- 9.2.8 The Vice-Chair of the Democratic Services Committee and the Chair and Vice-Chair of a Sub-Committee may be removed from office by a motion to remove which is put on the agenda of the Democratic Services Committee pursuant to Rule 4.38.1

### **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 of 21 Members, ~~the a~~ Licensing Act 2003 Committee of 14 Members, ~~the an~~ Employment and Appeals Committee of 14 Members, and ~~the a~~ Pensions and Investments Committee of 5 Members plus the Portfolio Holder for Finance together with a Staff and Employers Representative.
- 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

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<sup>1</sup> See Rule 11, of the Local Government (Wales) Measure 2011.

## SECTION 9 – REGULATORY AND OTHER COMMITTEES

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shortlisting and appointments in accordance with Rules 11.45, 11.52, and 11.56.

- 9.3.5 The quorum of any Sub-Committee of a Regulatory Committee will be 25% of the membership save that the quorum of the Taxi Licensing Sub-Committee shall be at least 3 Members and the quorum of the Licensing Sub-Committee of the Licensing Act 2003 Committee shall be at least 3 Members.
- 9.3.6 A Regulatory Committee and / or Sub-Committee will appoint a Chair and Vice-Chair at the first meeting of the Committee / Sub-Committee following the Council's Annual Meeting.
- 9.3.7 A Chair and Vice-Chair of a Regulatory Committee may be removed from office by a motion to remove which is put on the agenda pursuant to Rule 4.38.1

### **Rules of Procedure and Debate**

9.4 The Council Procedure Rules in Section 4 will apply.

<sup>1</sup>To comply with The Size and Composition of Local Planning Authority Committees (Wales) Regulations 2017 a Planning Committee must have between 11 and 21 Members.

## SECTION 16 – FINANCIAL PROCEDURE RULES

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## SECTION 16 – FINANCIAL PROCEDURE RULES

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### Introduction

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

### PART 1 - Financial Regulations ( “the Regulations”)

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

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

### A: FINANCIAL MANAGEMENT

#### Introduction

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

#### Audit Committee

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

#### Strategic Directors/ Directors / Heads of Service

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



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

### **Other financial accountabilities**

#### **Treatment of year-end balances**

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

#### **Maintenance of reserves**

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

#### **Accounting policies**

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

#### **Accounting records and returns**

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

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### **The Annual Statement of Accounts**

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

## **B: FINANCIAL PLANNING**

### **Introduction**

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

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

### **Policy framework**

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

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

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

### **Budgeting**

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### **Budget format**

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

### **Budget preparation**

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

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

### **Budget monitoring and control**

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

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

### **Resource allocation**

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

### **Preparation of the capital programme**

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

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

### Guidelines

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

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

## C: RISK MANAGEMENT AND CONTROL OF RESOURCES

### Introduction

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

### Risk Management

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

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

### Internal Control

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

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

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

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

### **Audit Requirements**

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

### **Preventing Fraud and Corruption**

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

### **Assets**

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

### **Treasury Management**

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

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

### D: SYSTEMS AND PROCEDURES

#### Introduction

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

#### General

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

#### Income and expenditure

- 16.65 It is the responsibility of Strategic Directors / Director / Heads of Service to ensure that a proper scheme of delegation has been established within their area and is operating effectively. The scheme of delegation should identify staff authorised to act on the Strategic Directors / Director / Heads of Service's behalf, or on behalf of the Cabinet, in respect of payments, income collection and placing orders, together with the limits of their authority. The Cabinet is responsible for approving procedures for writing off debts as part of the overall control framework of

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accountability and control (See Rule 16.381). These procedures are contained within Rules 16.377 to 16.397.

### **Payments to employees and members**

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

### **Taxation**

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

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

### **Trading accounts/business units**

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

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

## **E: EXTERNAL ARRANGEMENTS**

### **Introduction**

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

### **Partnerships**

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

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

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

16.75 The Section 151 Officer, in conjunction with the Monitoring Officer, must ensure that the accounting arrangements to be adopted relating to partnerships and joint ventures are satisfactory. They must also

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consider the overall corporate governance arrangements and legal issues when arranging contracts with external bodies. They must ensure that the risks have been fully appraised before agreements are entered into with external bodies.

- 16.76 Strategic Directors / Director / Heads of Service are responsible for ensuring that appropriate approvals are obtained before any negotiations are concluded in relation to work with external bodies. The Section 151 Officer shall maintain a list of all officers able to commit the Council to work for external bodies.

### **External funding**

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



### PART 2 - FINANCIAL PROCEDURES

#### FINANCIAL MANAGEMENT STANDARDS

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

##### **Key controls**

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

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

##### **Responsibilities of the Section 151 Officer**

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

##### **Responsibilities of Strategic Directors / Director / Heads of Service**

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

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### MANAGING EXPENDITURE

#### Scheme of virement

##### Why is this important?

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

##### Key controls

16.90 Key controls for the scheme of virement are:

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

##### Virement Responsibilities of the Section 151 Officer

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

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

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

### **Treatment of year-end balances**

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### Why is this important?

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

### Key controls

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

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

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

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

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

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

### Responsibilities of the Section 151 Officer

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

16.106 To report any carried forward position to the Cabinet.

### Responsibilities of Strategic Directors / Director / Heads of Service

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

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

### **MAINTENANCE OF RESERVES**

#### **Why is this important?**

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

#### **Key controls**

- 16.109 To maintain reserves in accordance with the Code of Practice on Local Authority Accounting in the United Kingdom (CIPFA/LASAAC) and agreed accounting policies.
- 16.110 For each reserve and provision established, the purpose, usage and basis of transactions should be clearly identified. All reserves will be corporate.
- 16.111 Authorisation and expenditure from reserves by the appropriate Strategic Directors / Director / Heads of Service in consultation with the Section 151 Officer.

#### **Responsibilities of the Section 151 Officer**

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

#### **Responsibilities of Strategic Directors / Director / Heads of Service**

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

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### ACCOUNTING POLICIES

#### Why is this important?

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

#### Key controls

16.115 The key controls for accounting policies are:

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

#### Responsibilities of the Section 151 Officer

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

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

#### Responsibilities of Strategic Directors / Director / Heads of Service

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

### ACCOUNTING RECORDS AND RETURNS

#### Why is this important?

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

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### Key controls

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

### Responsibilities of the Section 151 Officer

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

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### **Responsibilities of Strategic Directors / Director / Heads of Service**

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

### **THE ANNUAL STATEMENT OF ACCOUNTS**

#### **Why is this important?**

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

#### **Key controls**

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

### **Responsibilities of the Section 151 Officer**

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

### **Responsibilities of Strategic Directors / Director / Heads of Service**

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



# Financial Planning

## PERFORMANCE PLANS

### Why is this important?

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

### Key controls

16.143 The key controls for performance plans are:

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

### Responsibilities of the Section 151 Officer

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

### Responsibilities of the Strategic Director - Resources

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

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

### **Responsibilities of Strategic Directors / Director / Heads of Service**

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

## **BUDGETING**

### **Format of the budget**

#### **Why is this important?**

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

#### **Key controls**

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

### **Responsibilities of Strategic Directors / Director / Heads of Service**

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

### **Revenue budget preparation, monitoring and control**

#### **Why is this important?**

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

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

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

### Key controls

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

### Responsibilities of the Section 151 Officer

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

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

### **Responsibilities of Strategic Directors / Director / Heads of Service**

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

### **Budgets and medium-term planning**

#### **Why is this important?**

- 16.173 The authority is a complex organisation responsible for delivering a wide variety of services. It needs to plan effectively and to develop

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systems to enable scarce resources to be allocated in accordance with carefully weighted priorities. The budget is the financial expression of the authority's plans and policies.

- 16.174 The budget and capital programme must be constructed so as to ensure that resource allocation properly reflects the service plans and priorities of the Full Council. Budgets (spending plans) are needed so that the authority can plan, authorise, monitor and control the way money is allocated and spent. It is illegal for an authority to budget for a deficit.
- 16.175 Medium-term planning (or a three year planning system) involves a planning cycle in which managers develop their own plans. As each year passes, another future year will be added to the medium-term plan. This ensures that the authority is always preparing for events in advance.

### Key controls

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

### Responsibilities of the Section 151 Officer

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

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- 16.182 To advise the Full Council on Cabinet proposals in accordance with their responsibilities under section 151 of the Local Government Act 1972.

### **Responsibilities of Strategic Directors / Director / Heads of Service**

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

### **Resource allocation**

#### **Why is this important?**

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

#### **Key controls**

- 16.189 The key controls for resource allocation are:
- 16.189.1 resources are acquired in accordance with the law and using an approved authorisation process
  - 16.189.2 resources are used only for the purpose intended, to achieve the approved policies and objectives, and are properly accounted for
  - 16.189.3 resources are securely held for use when required

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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 schedules for individual schemes within the overall budget approved by the Full Council must be submitted to the Cabinet for approval (for example, minor works), or under other arrangements approved by the Full Council
  - 16.196.5 the development and implementation of asset management plans

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- 16.196.6 accountability for each proposal is accepted by a named manager
- 16.196.7 monitoring of progress in conjunction with expenditure and comparison with approved budget.

### **Responsibilities of the Section 151 Officer**

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

### **Responsibilities of Strategic Directors / Director / Heads of Service**

- 16.200 To comply with guidance concerning capital schemes and controls issued by the Section 151 Officer.
- 16.201 To ensure that all capital proposals have undergone a project appraisal and where appropriate a post completion audit undertaken, in accordance with guidance issued by the Section 151 Officer.
- 16.202 To prepare regular reports reviewing the capital programme provisions for their services. They should also prepare a quarterly return of estimated final costs of schemes in the approved capital programme for submission to the Section 151 Officer.
- 16.203 To ensure that adequate records are maintained for all capital contracts.
- 16.204 To proceed with projects only when there is adequate provision in the capital programme and with the agreement of the Section 151 Officer, where required.
- 16.205 To prepare and submit reports, jointly with the Section 151 Officer, to the Cabinet, of any variation in contract costs greater than the approved limits.
- 16.206 To prepare and submit reports, jointly with the Section 151 Officer, to the Cabinet, on completion of all contracts where the final expenditure exceeds the approved contract sum by more than the specified amount.
- 16.207 To ensure that credit arrangements, such as leasing agreements, are not entered into without the prior approval of the Section 151 Officer and, if applicable, approval of the scheme through the capital programme.



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- 16.208 To consult with the Section 151 Officer and to seek Cabinet approval where the Strategic Directors / Director / Heads of Service proposes to bid for capital grants issued by government departments to support expenditure that has not been included in the current year's capital programme.

# Risk Management and Control of Resources

## RISK MANAGEMENT

### Why is this important?

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

### Key controls

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

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### Responsibilities of the Section 151 Officer

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

### Responsibilities of Strategic Directors / Director / Heads of Service

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

## INSURANCE

### Why is this important?

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

### Key Controls

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

### Responsibilities of Section 151 Officer

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

### Responsibilities of Strategic Directors / Director / Heads of Service

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

### INTERNAL CONTROLS

#### Why is this important?

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

#### Key controls

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

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

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

### **Responsibilities of the Section 151 Officer**

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

### **Responsibilities of Strategic Directors / Director / Heads of Service**

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

## **AUDIT REQUIREMENTS**

### **Internal audit**

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### Why is this important?

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

### Key controls

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

### Responsibilities of the Section 151 Officer

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

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### Responsibilities of Strategic Directors / Director / Heads of Service

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

### External audit

#### Why is this important?

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

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### Key controls

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

16.255.1 audit of financial statements; and

16.255.2 evaluation of arrangements for securing economy, efficiency.

### Responsibilities of the Section 151 Officer

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

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

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

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

### Responsibilities of Strategic Directors / Director / Heads of Service

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

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

## PREVENTING FRAUD AND CORRUPTION

### Why is it this important?

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

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

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



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### Key controls

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

### Responsibilities of the Section 151 Officer

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

### Responsibilities of Strategic Directors / Director / Heads of Service

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

## ASSETS

### Security (Including Inventories and Stocks and Stores)

#### Why is this important?

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

### Key controls

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

### Responsibilities of the Professional Lead (Finance)

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

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inventory registers. This register is to be maintained by each Service area and should be available upon request.

- 16.278 To receive the information required for accounting, costing and financial records from each Strategic Directors / Director / Heads of Service.
- 16.279 To ensure that assets are valued in accordance with the Code of Practice on Local Authority Accounting in the United Kingdom (CIPFA/LASAAC).

### **Responsibilities of Strategic Directors / Director / Heads of Service**

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

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

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

### Intellectual property

#### Why is this important?

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

#### Key controls

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

#### Responsibilities of the Section 151 Officer

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

#### Responsibilities of Strategic Directors / Director / Heads of Service

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

#### Asset disposal

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### Why is this important?

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

### Key controls

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

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

### Responsibilities of the Professional Lead (Finance)

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

### Responsibilities of Strategic Directors / Director / Heads of Service

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

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

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

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

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

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

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

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

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

### **TREASURY MANAGEMENT**

#### **Why is this important?**

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

#### **Key controls**

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

#### **Responsibilities of Section 151 Officer – treasury management and banking**

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

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

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

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

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

### **Responsibilities of Section 151 Officer – investments and borrowing**

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



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

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

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

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

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

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

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

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

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

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

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

### Financial Systems and Procedures

#### GENERAL

##### Why is this important?

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

##### Key controls

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

##### Responsibilities of the Section 151 Officer

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

##### Responsibilities of Strategic Directors / Director / Heads of Service

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

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

### INCOME AND EXPENDITURE

## SECTION 16 – FINANCIAL PROCEDURE RULES

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### Income

#### Why is this important?

16.377 Effective income collection systems are necessary to ensure that all income due is identified, collected, receipted and banked properly. Wherever possible income should be obtained in advance of supplying goods or services as this improves the authority's cashflow and also avoids the time and cost of administering debts.

#### Key controls

16.378 The key controls for income are:

- 16.378.1 all income due to the authority is identified and charged correctly, in accordance with an approved charging policy, which is regularly reviewed
- 16.378.2 all income is collected from the correct person, at the right time, using the correct procedures and the appropriate stationery
- 16.378.3 all money received by an employee on behalf of the authority is paid without delay to the Section 151 Officer or representative or, as they direct, to the authority's bank or National Giro account, and properly recorded by the issue of a receipt or controlled ticket or by direct entry in a receipting system. All methods of receipting must be approved by the Section 151 Officer. All transfers of monies between staff of the Full Council should be recorded. The responsibility for cash collection should be separated from that:
  - 16.378.3.1 for identifying the amount due
  - 16.378.3.2 for reconciling the amount due to the amount received
- 16.378.4 effective action is taken to pursue non-payment within defined timescales
- 16.378.5 formal approval for debt write-off is obtained
- 16.378.6 appropriate write-off action is taken within timescales defined
- 16.378.7 appropriate accounting adjustments are made following write-off action
- 16.378.8 all appropriate income documents are retained and stored for the defined period in accordance with the document retention schedule
- 16.378.9 money collected and deposited is reconciled to the bank account by a person who is not involved in the collection or banking process.

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### Responsibilities of the Section 151 Officer

- 16.379 To agree arrangements for the collection of all income due to the authority and to approve the procedures, systems and documentation for its collection.
- 16.380 To agree the form of all receipt forms, books or tickets and similar items and to satisfy themselves regarding the arrangements for their control.
- 16.381 To agree the write-off of bad debts up to £1,000 and statute barred debts in each case and to refer larger sums to the Cabinet.
- 16.382 To approve all debts to be written off in consultation with the relevant Strategic Directors / Director / Heads of Service and to keep a record of all sums written off up to the approved limit and to adhere to the requirements of the Accounts and Audit (Wales) Regulations 2014.
- 16.383 To obtain the approval of the Cabinet in consultation with the relevant Strategic Directors / Director / Heads of Service for writing off debts in excess of the approved limit.
- 16.384 To ensure that appropriate accounting adjustments are made following write-off action.

### Responsibilities of Strategic Directors / Director / Heads of Service

- 16.385 To establish a charging policy for the supply of goods or services, including the appropriate charging of VAT, and to review it regularly, in line with corporate policies.
- 16.386 To separate the responsibility for identifying amounts due and the responsibility for collection, as far as is practicable.
- 16.387 To establish and initiate appropriate recovery procedures, including legal action where necessary, for debts that are not paid promptly.
- 16.388 To issue official receipts or to maintain other documentation for income collection.
- 16.389 To ensure that at least two employees are present when post is opened so that money received by post is properly identified and recorded.
- 16.390 To hold securely receipts, tickets and other records of income for the appropriate period.
- 16.391 To lock away all income to safeguard against loss or theft, and to ensure the security of cash handling. Cash and cheques held in a locked safe or strongroom must not exceed £50,000 during business hours and £10,000 outside of business hours. Other money in the premises out of business hours, and not in a locked safe must not exceed £250. The money held within a safe must never exceed the value recommended by the Euro grade rating of the safe as follows:

<b>Euro Grade</b>	<b>Maximum Value of Money to be held</b>
Grade 0	£6,000
Grade 1	£10,000 *
Grade 2	£17,500 *
Grade 3	£35,000 *

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\* The holding of money in excess of £6,000 should be notified to the Risk and Insurance Unit and Treasury management so that risk control and banking arrangements can be reviewed.

- 16.392 To ensure that income is paid fully and promptly into the appropriate authority bank account in the form in which it is received. Appropriate details should be recorded on to paying-in slips to provide an audit trail. Money collected and deposited must be reconciled to the bank account on a regular basis.
- 16.393 To ensure income is not used to cash personal cheques or other payments.
- 16.394 To supply the Section 151 Officer with details relating to work done, goods supplied, services rendered or other amounts due, to enable the Section 151 Officer to record correctly the sums due to the authority. To do this, Strategic Directors / Director / Heads of Service should use established performance management systems to monitor recovery of income and inform the Section 151 Officer of any matters of concern. Strategic Directors / Director / Heads of Service have a responsibility to assist the Section 151 Officer in collecting debts that they have originated, by providing any further information requested by the debtor, and in pursuing the matter on the authority's behalf.
- 16.395 To keep a record of every transfer of money between employees of the authority. The receiving officer must sign for the transfer and the transferor must retain a copy.
- 16.396 To recommend to the Section 151 Officer and Cabinet, as appropriate, all debts to be written off. Once raised, no bona fide debt may be cancelled, except by full payment or by its formal writing off. A credit note to replace a debt can only be issued to correct a factual inaccuracy or administrative error in the calculation and/or billing of the original debt.
- 16.397 To notify the Section 151 Officer of outstanding income relating to the previous financial year as soon as possible after 31 March in line with the timetable determined by the Section 151 Officer and not later than 30 April.

### Ordering and paying for work, goods and services

#### Why is this important?

- 16.398 Public money should be spent with demonstrable probity and in accordance with the authority's policies. Authorities have a statutory duty to achieve best value in part through economy and efficiency. The authority's procedures should help to ensure that services obtain value for money from their purchasing arrangements and that articles purchased are fit for purpose and within budget. These procedures should be read in conjunction with the authority's Contract Standing Orders, Procurement Strategy and Purchasing Guide.

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### General

- 16.399 Every officer and member of the authority has a responsibility to declare any links or personal interests that they may have with purchasers, suppliers and/or contractors if they are engaged in contractual or purchasing decisions on behalf of the authority, in accordance with appropriate codes of conduct (refer to Part 5 of the Constitution).
- 16.400 Official orders must be in a form approved by the Section 151 Officer. Official orders or contracts must be issued in advance for all work, goods or services to be supplied to the authority, except for supplies of utilities, periodic payments such as rent or rates, petty cash purchases or other exceptions specified by the Section 151 Officer.
- 16.401 Each order must conform to Contract Standing Orders. Standard terms and conditions must not be varied without the prior approval of the Section 151 Officer.
- 16.402 Apart from petty cash, schools' own bank accounts and other payments from advance accounts, the normal method of payment from the authority shall be by BACS, cheque or other instrument or approved method, drawn on the authority's bank account by the Section 151 Officer. The use of direct debit shall require the prior agreement of the Section 151 Officer.
- 16.403 Official orders must not be raised for any personal or private purchases, nor must personal or private use be made of authority contracts.

### Key controls

- 16.404 The key controls for ordering and paying for work, goods and services are:
- 16.404.1 all goods and services are ordered only by approved persons and are correctly recorded
  - 16.404.2 All goods and services should be ordered using electronic ordering systems whenever possible
  - 16.404.3 all goods and services shall be ordered in accordance with Contract Standing Orders unless they are purchased from sources within the authority
  - 16.404.4 goods and services received are checked to ensure they are in accordance with the order. Goods should not be certified as received by the person who authorised the order
  - 16.404.5 payments are not made unless goods have been received by the authority to the correct price, quantity and quality standards unless terms of business of supplier require otherwise
  - 16.404.6 all payments are made to the correct supplier, for the correct amount (including discounts) and are properly recorded, regardless of the payment method



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- 16.404.7 all appropriate evidence of the transaction and payment documents are retained and stored for the defined period, in accordance with the document retention schedule
- 16.404.8 all expenditure, including VAT, is accurately recorded against the correct expenditure code and any exceptions are corrected
- 16.404.9 In addition, e-business/e-commerce and electronic purchasing (including ordering via the internet, purchasing cards and electronic purchase ordering systems) requires that processes are in place to maintain the security and integrity of data for transacting business. Such processes can only be used with the written prior approval of the Section 151 Officer.

### Responsibilities of the Section 151 Officer

- 16.405 To ensure that all the authority's financial systems and procedures are sound and properly administered.
- 16.406 To approve any changes to existing financial systems and to approve any new systems before they are introduced.
- 16.407 To approve the form of official orders and associated terms and conditions.
- 16.408 To make payments from the authority's funds on the Strategic Directors' / Director's / Heads of Service's authorisation that the expenditure has been duly incurred in accordance with Financial Regulations.
- 16.409 To make payments, whether or not provision exists within the estimates, where the payment is specifically required by statute or is made under a court order.
- 16.410 To make payments to contractors on the certificate of the appropriate Strategic Directors / Director / Heads of Service, which must include details of the value of work, retention money (where appropriate), amounts previously certified and amounts now certified.
- 16.411 To provide advice and encouragement on making payments by the most economical means.
- 16.412 To ensure that a budgetary control system is established that enables commitments incurred by placing orders to be shown against the appropriate budget allocation so that they can be taken into account in budget monitoring reports.
- 16.413 To ensure that all appropriate payment records are retained and stored for the defined period, in accordance with the document retention schedule. The following records should be kept for a minimum of 12 years:

Official orders	Cheque counterfoils/stubs
Signed delivery notes	Paying in stubs & analysis records
Paid invoices	Receipts
Remittance advices	Bank statements
Bank reconciliation statements	Time sheets & payslips

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- 16.414 Insurance records are to be kept indefinitely. Grant files are to be retained in accordance with the retention rules for the particular grant scheme to which they relate.

### **Responsibilities of Strategic Directors / Director / Heads of Service**

- 16.415 To ensure that unique pre-numbered official orders are used for all goods, services, and works other than the exceptions specified in Rule 16.400.
- 16.416 To ensure that orders are only used for goods, services, and works provided to the department. Individuals must not use official orders to obtain goods or services for their private use.
- 16.417 To ensure corporate contracts are used where appropriate in accordance with the Council's Contract Standing Orders.
- 16.418 To ensure that only those staff authorised by the Strategic Directors / Director / Heads of Service sign orders and to maintain an up-to-date list of such authorised staff, including specimen signatures identifying in each case the limits of their authority. The authoriser of the order should be satisfied that the goods and services ordered are appropriate and needed, that there is adequate budgetary provision and that quotations or tenders have been obtained if necessary and in accordance with the Council's Contract Standing Orders. Best value principles shall underpin the authority's approach to procurement through the application of the Council's Procurement Strategy. Value for money should always be achieved.
- 16.419 To ensure that goods and services are checked on receipt to verify that they are in accordance with the order. This check shall be carried out by a different officer from the person who authorised the order. Appropriate entries should then be made in inventories or stores records.
- 16.420 To ensure that payment is not made unless a proper VAT invoice has been received, checked, coded and certified for payment, confirming:
- 16.420.1 receipt of goods or services
  - 16.420.2 that the invoice has not previously been paid
  - 16.420.3 that expenditure has been properly incurred and is within budget provision
  - 16.420.4 that prices and arithmetic are correct and accord with quotations, tenders, contracts, the purchase order or catalogue prices
  - 16.420.5 correct accounting treatment of tax (VAT, Construction Industry Tax, Income Tax)
  - 16.420.6 that the invoice is correctly coded
  - 16.420.7 that discounts have been taken where available
  - 16.420.8 that appropriate entries will be made in accounting records.
- 16.421 To ensure that two authorised members of staff are involved in the ordering, receiving and payment process. If possible, a different officer from the person who signed the order, and in every case, a

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- different officer from the person checking a written invoice, should authorise the invoice.
- 16.422 To ensure that the department maintains and reviews periodically a list of staff approved to authorise invoices. Names of authorising officers together with specimen signatures and details of the limits of their authority shall be forwarded to the Section 151 Officer.
- 16.423 To ensure that payments are not made on a photocopied or faxed invoice, statement or other document other than the formal invoice. Any instances of these being rendered should be reported to the Head of Internal Audit. Invoices received electronically (e.g. via email) may be printed off and processed.
- 16.424 To ensure payments are processed promptly and paid by the due date except where there is a genuine matter of dispute.
- 16.425 To encourage suppliers of goods and services to receive payment by the most economical means for the authority. It is essential, however, that payments made by direct debit have the prior approval of the Section 151 Officer.
- 16.426 To ensure that the department obtains best value from purchases by taking appropriate steps to obtain competitive prices for goods and services of the appropriate quality, with regard to the best practice guidelines issued by the Section 151 Officer, which are in line with best value principles and contained in the Contract Standing Orders, Procurement Strategy and Purchasing Guide.
- 16.427 To utilise the central purchasing procedures established by the Professional Lead (Procurement) in putting purchases, where appropriate, out to competitive quotation or tender. These will comply with the code of practice on tenders and contracts and will cover:
- 16.427.1 authorised officers and the extent of their authority
  - 16.427.2 advertisement for tenders
  - 16.427.3 procedure for creating, maintaining and revising a standard list of contractors
  - 16.427.4 selection of tenderers
  - 16.427.5 compliance with UK and EC legislation and regulations
  - 16.427.6 procedures for the submission, receipt, opening and recording of tenders
  - 16.427.7 the circumstances where financial or technical evaluation is necessary
  - 16.427.8 procedures for negotiation
  - 16.427.9 acceptance of tenders
  - 16.427.10 the form of contract documentation
  - 16.427.11 cancellation clauses in the event of corruption or bribery
  - 16.427.12 contract records.
- 16.428 To ensure that employees are aware of the national code of conduct for local government employees (summarised in the procedures and conditions of employment manual).
- 16.429 To ensure that loans, leasing or rental arrangements are not entered into without prior agreement from the Section 151 Officer. This is

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- because of the potential impact on the authority's borrowing powers, to protect the authority against entering into unapproved credit arrangements and to ensure that value for money is being obtained.
- 16.430 To notify the Section 151 Officer of outstanding expenditure relating to the previous financial year as soon as possible after 31 March in line with the timetable determined by the Section 151 Officer and, in any case, not later than 30 April.
- 16.431 With regard to contracts for construction and alterations to buildings and for civil engineering works, to document and agree with the Section 151 Officer the systems and procedures to be adopted in relation to financial aspects, including certification of interim and final payments, checking, recording and authorising payments, VAT, the system for monitoring and controlling capital schemes and the procedures for validation of subcontractors' tax status.
- 16.432 To notify the Section 151 Officer immediately of any expenditure to be incurred as a result of statute/court order where there is no budgetary provision.

### Payments to employees and members

#### Why is this important?

- 16.433 Staff costs are the largest item of expenditure for most local authority services. It is therefore important that payments are accurate, timely, made only where they are due for services to the authority and that payments accord with individuals' conditions of employment. It is also important that all payments are accurately and completely recorded and accounted for and that members' allowances are authorised in accordance with the scheme adopted by the Full Council.

#### Key controls

- 16.434 The key controls for payments to employees and members are:
- 16.434.1 proper authorisation procedures are in place and that there is adherence to corporate timetables in relation to:
    - 16.434.1.1 starters
    - 16.434.1.2 leavers
    - 16.434.1.3 variations
    - 16.434.1.4 enhancementsand that, where appropriate, payments are made on the basis of timesheets or claims
  - 16.434.2 frequent reconciliation of payroll expenditure against approved budget and bank account
  - 16.434.3 all appropriate payroll documents are retained and stored for the defined period in accordance with the document retention schedule
  - 16.434.4 that HM Revenues and Customs regulations are complied with.

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### **Responsibilities of the Head of Business Services**

- 16.435 To arrange and control secure and reliable payment of salaries, wages, allowances and expenses, compensation or other emoluments to existing and former employees, on the due date.
- 16.436 To record and make arrangements for the accurate and timely payment of tax, superannuation and other deductions.
- 16.437 To make arrangements for payment of all travel and subsistence claims.
- 16.438 To make arrangements for paying members travel or other allowances upon receiving the prescribed form, duly completed and authorised.
- 16.439 To provide advice and encouragement to secure payment of salaries and wages by the most economical means.
- 16.440 To ensure that there are adequate arrangements for administering superannuation matters on a day-to-day basis.

### **Responsibilities of Strategic Directors / Director / Heads of Service**

- 16.441 To ensure appointments are made in accordance with the regulations of the authority and approved establishments, grades and scale of pay and that adequate budget provision is available.
- 16.442 To notify the Section 151 Officer of all appointments, terminations or variations which may affect the pay or pension of an employee or former employee, in the form and to the timescale required by the Section 151 Officer. The Chief Legal Officer is responsible for notifying changes in the elected membership.
- 16.443 To ensure that adequate and effective systems and procedures are operated, so that:
  - 16.443.1 payments are only authorised to bona fide employees
  - 16.443.2 payments are only made where there is a valid entitlement
  - 16.443.3 conditions and contracts of employment are correctly applied
  - 16.443.4 employees' names listed on the payroll are checked at regular intervals to verify accuracy and completeness.
- 16.444 To send an up-to-date list of the names of officers authorised to sign records to the Head of Human Resources, together with specimen signatures. The payroll provider should have signatures of personnel officers and officers authorised to sign timesheets and claims.
- 16.445 To ensure that payroll transactions are processed only through the payroll system. Strategic Directors / Director / Heads of Service should give careful consideration to the employment status of individuals employed on a self-employed consultant or subcontract basis. The Inland Revenue applies a tight definition for employee status, and in cases of doubt, advice should be sought from the Head of Human Resources.
- 16.446 To certify travel and subsistence claims and other allowances. Certification is taken to mean that journeys were authorised and expenses properly and necessarily incurred, and that allowances are

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properly payable by the authority, ensuring that cost-effective use of travel arrangements is achieved. Due consideration should be given to tax implications and that the Head of Human Resources is informed where appropriate.

- 16.447 To ensure that the Head of Human Resources is notified of the details of any employee benefits in kind, to enable full and complete reporting within the income tax self-assessment system.
- 16.448 To ensure that all loan documents are signed before payment is made.
- 16.449 To ensure that no member of staff leaves the employ of the Full Council without all relevant loans and debts being identified and arrangements made for their repayment.
- 16.450 To ensure that all appropriate payroll documents are retained and stored for the defined period in accordance with the document retention schedule.

### Responsibilities of Members

- 16.451 To submit claims for Members' travel and subsistence allowances on a monthly basis and claims should be made up to the end of the calendar month only. Claims should be made monthly and will not be paid if more than two months old.

### Consultants and External Support

#### Why is this important?

- 16.452 As new models of working change the operation of Councils, there is a need for a flexible approach to sourcing expertise without employing staff on either fixed term or permanent contracts. As a result external support is increasingly used to carry out work which would have formerly have been carried by Council employees. It is therefore necessary to control the work and terms and conditions of such people (or companies) in order to ensure that value for money is obtained and that the Council's services are not compromised.

#### Key controls

- 16.453 In order to provide transparency and value for money when using consultants the following will apply:
  - 16.453.1 any expenditure above £10,001 will require a delegated decision by the relevant Portfolio Holder and Strategic Director.
  - 16.453.2 the report of the Portfolio holder in accordance with Rule 16.454.1 and will contain an assessment by the Section 151 Officer whether the use of the proposed consultant (or consultants) represents value for money.
  - 16.453.3 any expenditure below £10,000 is delegated to the relevant Strategic Director who will operate within the Contract Procedure Rules in Section 17 covering the required number of quotes for any such work or seek an exemption if appropriate.

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- 16.453.4 rules 16.453.1 to 16.453.3 above do not apply to:
- 16.453.4.1 situations where an interim staffing position is being covered (this is a management function to ensure service continuity).
  - 16.453.4.2 maintenance and support contracts to which the UK and the Contract Procedure Rules apply.

### **Responsibilities of Strategic Directors / Director / Heads of Service**

16.454 When engaging consultants, Strategic Directors / Director / Heads of Service must consider the following:

- 16.454.1 each Strategic Directors / Director / Heads of Service is to ensure that all individuals who are appointed as "consultants" are either self employed or the employees of another organisation and that they are not legally employees of the Council. In cases of doubt advice should be sought from the Professional Lead for HR Services.
- 16.454.2 all creditor payments made to self employed consultants shall be covered by a certificate in a form approved by the Section 151 Officer, certified by the relevant line manager to the effect that the individual is not an employee of the Council.
- 16.454.3 existing contracts which may be in place with other directorates.
- 16.454.4 where consultants (including amongst others: architects, engineers, quantity surveyors, solicitors, accountants, and barristers) are engaged to carry out professional services for the Council, the relevant Strategic Directors / Director / Heads of Service shall be responsible for ensuring that a formal agreement or detailed letter of appointment, is sent to the consultant, setting out the terms on which they are engaged.
- 16.454.5 where an existing contract framework is in place for the public sector it may be appropriate to engage external support by this method.
- 16.454.6 amongst other things this formal agreement or letter of appointment shall specify:
  - 16.454.6.1 the precise scope of the commission, including time schedules;
  - 16.454.6.2 cost limits and controls;
  - 16.454.6.3 lines and levels of reporting, responsibility and authority;
  - 16.454.6.4 insurance cover (which must be verified by Council officers);
  - 16.454.6.5 the level of fees to be paid for which services;

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- 16.454.6.6 the criteria for completion of work and payment thereof.
- 16.454.7 it shall be included as a condition of engagement for the services of all consultants that they shall:
- 16.454.7.1 comply with the Council's Standing Orders and Financial Regulations as though they were an officer of the Council;
  - 16.454.7.2 allow the relevant Strategic Directors / Director / Heads of Service, Section 151 Officer, or their representatives, full rights of access at all times to all records (whether manual or on computer), cash, stores, land, premises and property of the Council;
  - 16.454.7.3 produce for the relevant Strategic Directors / Director / Heads of Service, Section 151 Officer, or their representatives records, cash, stores or any other Council property under their control;
  - 16.454.7.4 provide the relevant Strategic Directors / Director / Heads of Service, Section 151 Officer, or their representatives any information and explanations considered necessary by them to satisfy the correctness of any matter under examination.
- 16.455 Strategic Directors / Director / Heads of Service wishing to engage consultants or other specialisms available within the authority must allow the internal unit the opportunity to bid for the work. If the internal unit is not given the opportunity to bid, this will be a matter for report to the Cabinet.

### TAXATION

#### Why is this important?

- 16.456 Like all organisations, the authority is responsible for ensuring its tax affairs are in order. Tax issues are often very complex and the penalties for incorrectly accounting for tax are severe. It is therefore very important for all officers to be aware of their role.

#### Key controls

- 16.457 The key controls for taxation are:
- 16.457.1 budget managers are provided with relevant information and kept up to date on tax issues
  - 16.457.2 budget managers are instructed on required record keeping
  - 16.457.3 all taxable transactions are identified, properly carried out and accounted for within stipulated timescales



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- 16.457.4 records are maintained in accordance with instructions
- 16.457.5 returns are made to the appropriate authorities within the stipulated timescale
- 16.457.6 changes in legislation are monitored and systems subsequently updated.

### **Responsibilities of the Section 151 Officer**

- 16.458 To complete all Inland Revenue returns regarding PAYE and other taxes due or recoverable.
- 16.459 To complete a monthly return of VAT inputs and outputs to HM Revenues and Customs.
- 16.460 To provide details to the Inland Revenue regarding the construction industry tax deduction scheme.
- 16.461 To maintain up-to-date guidance for authority employees on taxation issues in the accounting manual and the tax manual.
- 16.462 To ensure that all payments including member and staff expenses follow relevant HMRC guidance.

### **Responsibilities of Strategic Directors / Director / Heads of Service**

- 16.463 To ensure that the correct VAT liability is attached to all income due and that all VAT recoverable on purchases complies with HM Revenues and Customs.
- 16.464 To ensure that, where construction and maintenance works are undertaken, the contractor fulfills the necessary construction industry tax deduction requirements.
- 16.465 To ensure that all persons employed by the authority are added to the authority's payroll and tax deducted from any payments, except where the individuals are bona fide self-employed or are employed by a recognised staff agency.
- 16.466 To follow the guidance on taxation issued by the Section 151 Officer in the authority's accounting manual and VAT manual.
- 16.467 Schools must submit their claim for VAT to the Section 151 Officer within 5 working days of the end of the month in a form approved by the Section 151 Officer.
- 16.468 All payments relating to building works must be paid via the central Creditors Section. It is the responsibility of the Strategic Directors / Director / Heads of Service to obtain authenticated VAT receipts.
- 16.469 Schools operating their own bank accounts should send the invoice together with a cheque made payable to Powys Full Council for the total amount to the central Creditors Section with a copy of the invoice being kept on the school's file (marked "copy").

## **TRADING ACCOUNTS AND BUSINESS UNITS**

### **Why is this important?**

- 16.470 Trading accounts and business units have become more important as local authorities have developed a more commercial culture. Under best value, authorities are required to keep trading accounts for services provided on a basis other than straightforward recharge of

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cost. They are also required to disclose the results of significant trading operations Powys Change Plan to the Council's Management Team and Cabinet.

### **Responsibilities of the Section 151 Officer**

16.471 To advise on the establishment and operation of trading accounts and business units and to act as an arbiter in the event of a dispute between internal service providers and users.

### **Responsibilities of Strategic Directors / Director / Heads of Service**

16.472 To consult with the Section 151 Officer where a business unit wishes to enter into a contract with a third party where the contract expiry date exceeds the remaining life of their main contract with the authority. In general, such contracts should not be entered into unless they can be terminated within the main contract period without penalty.

16.473 To observe all statutory requirements in relation to business units, including the maintenance of a separate revenue account to which all relevant income is credited and all relevant expenditure, including overhead costs, is charged, and to produce an annual report in support of the final accounts.

16.474 To ensure that appropriate accounting principles are applied in relation to trading accounts.

16.475 To ensure that each business unit prepares an annual business plan, which includes the financial objective.

16.476 To monitor performance and to take corrective action where appropriate.

## **External Arrangements**

### **PARTNERSHIPS**

#### **Why is this important?**

16.477 Partnerships will play a key role in delivering the One Powys Plan, and in helping to promote and improve the well-being of the area. Local authorities are working in partnership with others – public agencies, private companies, community groups and voluntary organisations. The Council continues to deliver some services, but also provides a distinctive leadership role for the community bringing together the contributions of the various stakeholders. They therefore need to deliver a shared vision of services based on user wishes.

16.478 The Council will mobilise investment, bid for funds, champion the needs of their areas and harness the energies of local people and community organisations. The Council will be measured by what they achieve in partnership with others.

#### **General**

16.479 Partnerships can exist in varying forms:

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- 16.479.1 Statutory Partnerships
- 16.479.2 Formal Partnerships
- 16.479.3 Joint Commissioning

16.480 The main reasons for entering into a partnership are:

- 16.480.1 the desire to find new ways to share risk
- 16.480.2 the ability to access new resources
- 16.480.3 to provide new and better ways of delivering services
- 16.480.4 to forge new relationships and strategic alliances.

16.481 A partner is defined as either:

- 16.481.1 an organisation (private or public) undertaking, part funding or participating as a beneficiary in a programme or project;  
or
- 16.481.2 a body whose nature or status give it a right or obligation to support the programme or project.

16.482 Partners participate in projects by:

- 16.482.1 acting as a programme/project deliverer or sponsor, solely or in concert with others
- 16.482.2 acting as a programme/project funder or part funder
- 16.482.3 being the beneficiary group of the activity undertaken in a programme/project.

16.483 Partners have common responsibilities:

- 16.483.1 to be willing to take on a role in the broader programme appropriate to the skills and resources of the partner organisation
- 16.483.2 to act in good faith at all times and in the best interests of the partnership's aims and objectives
- 16.483.3 be open about any conflict of interests that might arise
- 16.483.4 to encourage joint working and promote the sharing of information, resources and skills between public, private and community sectors
- 16.483.5 to hold confidentially any information received as a result of partnership activities or duties that is of a confidential or commercially sensitive nature
- 16.483.6 to act wherever possible as ambassadors for the project.

### Key controls

16.484 The key controls for authority partners are:

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- 16.484.1 if appropriate, to be aware of their responsibilities under the authority's Financial Regulations and the code of practice on tenders and contracts
- 16.484.2 to ensure that risk management processes are in place to identify and assess all known risks
- 16.484.3 to ensure that project appraisal processes are in place to assess the viability of the project in terms of resources, staffing and expertise
- 16.484.4 to agree and accept formally the roles and responsibilities of each of the partners involved in the project before the project commences
- 16.484.5 to communicate regularly with other partners throughout the project so that problems can be identified and shared to achieve their successful resolution.

### **Responsibilities of the Council**

- 16.485 The Council provides the leadership role for the community and the strategic direction forming partnerships with other local, public, private, voluntary and community sector organisations.
- 16.486 The Council can delegate its functions relating to partnerships to officers.

### **Responsibilities of the Section 151 Officer**

- 16.487 To advise on effective controls and to ensure that accounting arrangements are adopted relating to partnerships so that resources are not wasted.
- 16.488 To advise on the key elements of funding a programme or project. They include:
  - 16.488.1 how services should be costed
  - 16.488.2 a scheme appraisal for financial viability in both the current and future years
  - 16.488.3 risk appraisal and best practice on how risks can be shared
  - 16.488.4 resourcing, including taxation issues
  - 16.488.5 audit, security and control requirements
  - 16.488.6 carry-forward arrangements.
- 16.489 To ensure that the accounting arrangements are satisfactory.

### **Responsibilities of Strategic Directors / Director / Heads of Service**

- 16.490 To ensure adequate governance arrangements are in place for each partnership.
- 16.491 To develop and maintain a register of partnerships developed, and to maintain a register of all contracts entered into with external bodies in accordance with procedures specified by the Section 151 Officer.
- 16.492 To ensure compliance with all partnership governance arrangements that have been agreed.

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- 16.493 Ensure all services are appropriately costed, and contract lengths agreed do not exceed the duration of the Partnership without agreement of the Cabinet.
- 16.494 Ensure that the Council does not subsidise third parties without approval of Cabinet.
- 16.495 Ensure services have appropriate expertise to undertake partnership commitments.
- 16.496 To ensure that, before entering into agreements with external bodies, a risk management appraisal has been prepared for the Section 151 Officer, and VAT and other taxation implications have been considered.
- 16.497 To ensure that such agreements and arrangements do not impact adversely upon the services provided by the authority, including internal trading units.
- 16.498 To ensure that all agreements and arrangements are properly documented and approved by the Cabinet.
- 16.499 To provide appropriate information to the Section 151 Officer to enable a note to be entered into the authority's statement of accounts concerning material items.
- 16.500 Ensure each Partnership has a clear operational timescale with a clear exit strategy. If exit is not appropriate, a clear continuation strategy.

### EXTERNAL FUNDING

#### Why is this important?

- 16.501 External funding is potentially a very important source of income, but funding conditions need to be carefully considered to ensure that they are compatible with the aims and objectives of the authority. Local authorities are increasingly encouraged to provide seamless service delivery through working closely with other agencies and private service providers. Funds from external agencies provide additional resources to enable the authority to deliver services to the local community. However, in some instances, although the scope for external funding has increased, such funding is linked to tight specifications and may not be flexible enough to link to the authority's overall plan.

#### Key controls

- 16.502 The key controls for external funding are:
  - 16.502.1 to ensure that key conditions of funding and any statutory requirements are complied with and that the responsibilities of the accountable body are clearly understood
  - 16.502.2 to ensure that funds are acquired only to meet the priorities approved in the policy framework by the Full Council
  - 16.502.3 to ensure that any match-funding requirements are given due consideration prior to entering into long-term agreements and that future revenue budgets reflect these requirements.

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### **Responsibilities of the Section 151 Officer**

- 16.503 To ensure that all funding notified by external bodies is received and properly recorded in the authority's accounts.
- 16.504 To ensure that audit requirements are met.

### **Responsibilities of Strategic Directors / Director / Heads of Service**

- 16.505 To ensure that the match-funding requirements are considered prior to entering into the agreements and that future revenue budgets reflect these requirements.
- 16.506 To ensure that all claims for funds are made by the due date.
- 16.507 To ensure that the project progresses in accordance with the agreed project and that all expenditure is properly incurred and recorded.
- 16.508 To notify the Section 151 Officer of all external funding applications and approvals.

## **WORK FOR THIRD PARTIES**

### **Why is this important?**

- 16.509 Current legislation enables the authority to provide a range of services to other public bodies. Such work may enable a unit to maintain economies of scale and existing expertise. Arrangements should be in place to ensure that any risks associated with this work is minimised and that such work is intra vires and in compliance with Contract standing Orders.

### **Key controls**

- 16.510 The key controls for working with third parties are:
- 16.510.1 to ensure that a robust business case exists with proposals that are financially sound.
  - 16.510.2 to ensure that contracts are drawn up using guidance provided by the Solicitor to the Council and that the formal approvals process is adhered to.
  - 16.510.3 to issue guidance with regard to the financial aspects of third party contracts and the maintenance of the contract register.

### **Responsibilities of Section 151 Officer**

- 16.511 To make insurance provisions to cover services requiring professional indemnity.

### **Responsibilities of Strategic Directors / Director / Heads of Service**

- 16.512 To ensure that the approval of the Cabinet is obtained before any negotiations are concluded to work for third parties.
- 16.513 To maintain a register of all contracts entered into with third parties.
- 16.514 To inform the insurance section of all third party work arrangements that require professional indemnity.
- 16.515 To ensure that the authority is not put at risk from any bad debts.
- 16.516 To ensure that no contract is subsidised by the authority.

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- 16.517 To ensure that, wherever possible, payment is received in advance of the delivery of the service.
- 16.518 To ensure that the department/unit has the appropriate expertise and capacity to undertake the contract.
- 16.519 To ensure that such contracts do not impact adversely upon the services provided for the authority.
- 16.520 To ensure that all contracts are properly documented.
- 16.521 To provide appropriate information to the Section 151 Officer to enable a note to be entered into the statement of accounts.

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



## SECTION 18 – CODE OF CONDUCT FOR MEMBERS

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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.

### 18.1

<b>Local Government Act 2000</b>
<b>Model Code of Conduct for Members and Co-opted Members with voting rights</b>

Adopted by Powys County Council (amended) at a meeting held on 20th April, 2016.

### 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
- (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,

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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.

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### 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.

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### 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

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(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;

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(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;

(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.]*

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(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);

(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

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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;
- (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;



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(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 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

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(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 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.

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(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.

(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.

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(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 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.

## **SECTION 18 – CODE OF CONDUCT FOR MEMBERS**

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### **Conduct of Members – The Principles<sup>1</sup>**

#### **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**

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.

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

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### 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 <sup>2</sup>and the Member-Officer Protocol<sup>3</sup>. 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

- 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;

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<sup>2</sup> See Section 18.1 above.

<sup>3</sup> See Section 21.

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- 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 <sup>4</sup>adopted 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 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

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<sup>4</sup> See Section 18.1

## SECTION 18 – CODE OF CONDUCT FOR MEMBERS

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- 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
  - (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.



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- 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
  - (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. The agenda will name the Councillor against whom the allegation of misconduct have been made. The first substantive item on the agenda will be to determine whether the members of the public and Members should be excluded in accordance with Rule 4.81.
- 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

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18.4.6.4 produced by the Monitoring Officer, the Standards Officer or some other suitably qualified person will advise the Standards Committee.  
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.

18.4.6.5 The decision of the Committee under Rule 18.4.6.4 will be published and the name of the Councillor against whom the allegation of misconduct has been made will be made public even if the Committee decides that there is no failure to comply with the Members' 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 the Member will respond in writing within 7 days indicating whether he / she wishes to attend the hearing and his / her ability to attend the hearing. In the event that the Member is unable to attend a hearing on the date(s) proposed, the Member will be able to propose alternative dates for consideration by the Chair of the Standards Committee, who will decide the reasonableness or otherwise of the proposed alternative date and arrange the date for the hearing to take place at which meeting the Committee will decide whether or not to proceed in the event that the Member fails to attend the hearing. ~~and to ask the Member to respond in writing within 14 days to confirm whether he/she:~~

18.4.8.2 The letter from the Standards Officer in accordance with 18.4.8.1 will also ask the member to respond in writing within 14 days of that letter to confirm whether he / she:

- ~~(a) is able to attend the hearing;~~

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- (~~b~~a) wants to make representations, whether orally or in writing and if so, to include any written representations in his or her response;
- (~~e~~b) disagrees with any of the findings of fact in the investigation report, and if so, which matters he or she disagrees with and the reasons for any disagreements in addition to the disputed facts set out in the investigation report;
- (~~d~~)~~c~~) 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~~d) wants to give evidence to the Standards Committee, either orally or in writing;
- (~~f~~e) wants to call relevant witnesses to give evidence to the Standards Committee and confirm their identity and either provide a statement of their evidence or the substance of the evidence to be given orally to the Standards Committee;
- (~~g~~f) wants any part of the meeting to be held in private and the reasons why the meeting should not be in public;
- (~~h~~g) wants any part of the investigation report or other relevant documents to be withheld from the public and the reasons why the document should not be made public

18.4.8.3 The Standards Officer will notify the Investigating Officer of the proposed hearing date and ask whether he or she will be attending the hearing.

18.4.8.4 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.

18.4.8.5 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.

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### 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 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.

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### 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 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:

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- (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.

### **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.

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- 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 (or, if shorter, for the remainder of that person's term of office);
- after which the Chair of the Standards Committee will announce their decision in public.
- 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.
- 5 The decision of the Standards Committee will be deemed to have been received by the Member on the second day after the date the letter was sent by first class post, provided that the Standards Officer has proof of postage.

### 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) adjourn the hearing; or
- ~~(b) hear and decide the matter in the party's absence; or~~
- ~~(b) adjourn the hearing.~~
- (c) and in either case the Standards Officer will inform the Member of the outcome of the hearing by email or telephone and will thereafter arrange for the outcome to be notified to the press.

### ILLNESS OR INCAPACITY

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- 18.4.12 If the Standards Committee is satisfied, based upon the medical evidence supplied, 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, which may include adjourning the hearing to a suitable date or proceeding with the hearing in the absence of the party if appropriate to do so in the opinion of the Standards Committee.

### 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~~ the Adjudication Panel for Wales under the Regulations (i.e. ~~within~~ 21 days ~~of~~ after receiving notification of the Standards Committee's determination in accordance with Rule 18.4.10.7.5); or
- 18.4.13.2 receipt of notification of the conclusion of any appeal in accordance with the Regulations; or
- 18.4.13.3 a further determination by the Standards Committee made after receiving a recommendation from ~~an appeals tribunal~~ the Adjudication Panel for Wales under the Regulations,
- whichever occurs last.

### REFERRAL ~~BY TO AN APPEALS TRIBUNAL~~ THE ADJUDICATION PANEL FOR WALES

- 18.4.14.1 Where the Standards Committee determines that the Member has failed to comply with the Code of Conduct, the Member may seek permission to appeal against the determination from the President of the Adjudication Panel for Wales (APW) within 21 days of receiving notification of the Standard Committee's determination ~~appeal against the determination to an appeals tribunal drawn from the Adjudication Panel for Wales~~.
- 18.4.14.2 ~~An appeals tribunal~~ The APW may endorse the decision of the Standards Committee, refer a matter back to ~~it~~ the Standards Committee 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; and
  - (b) the Member appeals to an ~~appeals tribuna~~ APW drawn from the Adjudication Panel for Wales; and
  - (c) the ~~said tribunal~~ APW 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~~ APW and will



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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~~APW for 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~~Adjudication Panel for Wales 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.

### **Exclusion of Public and Members from Standard Committee**

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### Hearings

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

18.4.17.2 For the purpose of this Rule 18.4, where members of the public have been excluded pursuant to Rule 18.4.17.1, Members are also excluded (save for the Member appearing before the Standards Committee).

### **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. 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 office 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

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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.

**(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

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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.**

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

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- 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
  - (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:

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- (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.

### **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

## SECTION 18 – CODE OF CONDUCT FOR MEMBERS

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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:

- (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

## SECTION 18 – CODE OF CONDUCT FOR MEMBERS

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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 24<sup>th</sup> April 2008



## SECTION 18 – CODE OF CONDUCT FOR MEMBERS

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To: Monitoring Officer.

### Declaration of Receipt of Gifts or Hospitality

Name	
Address	
What was the gift or hospitality?	
What is your best estimate of its market value or cost?	
Who provided it?	
When and where did you receive it?	
Does it come within one of the general consents set out in the Code of Conduct? If so, which?	
Did you get the consent of any officer before accepting it? If so, who?	
Were there any special circumstances justifying acceptance of this gift or hospitality?	
Do you have any contact with the person or organisation providing the gift or hospitality?	
Signed	Date

## SECTION 18 – CODE OF CONDUCT FOR MEMBERS

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### 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.

## SECTION 19 – PLANNING PROTOCOL

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- 19.1 1Planning applications must be dealt with in accordance with the Planning Protocol approved by Full Council on 20<sup>th</sup> April, 2016.
- 19.2 The Planning Protocol must be followed by Members and Officers. Failure to follow the Planning Protocol could be a potential breach of the Members' Code of Conduct in accordance with Rule 18.1 (Part 2, Paragraph 4(e)) of this Constitution.
- 19.3 The Planning, Taxi Licensing and Rights of Way Committee is hereby authorised to amend the Planning Protocol following receipt of advice from the Scrutiny Manager and Legal Services.
- 19.4 Where amendments are proposed to the Planning Protocol in accordance with Rule 19.3 above, those amendments will take effect 10 working days after the decision of the Planning, Taxi Licensing and Rights of Way Committee unless the procedure set out in Rule 19.5 below is invoked.
- 19.5 Within 10 working days of a decision by the Planning, Taxi Licensing and Rights of Way Committee to amend the Planning Protocol any 4 Members of that Committee may make a written request to the Monitoring Officer for the proposed amendment to be considered and determined at the next meeting of Full Council.

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1 The Planning Protocol was removed from the Constitution by a decision of Full Council on 19<sup>th</sup> October, 2017.

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

## MEMBER DEVELOPMENT PROGRAMME - 2018

Fridays unless otherwise stated. Entry in italics is provisional, date/topic to be confirmed.

### JAN

9 [Tues]	1 p.m. to 5 p.m. - Cabinet Members Only Committee Room A	Ian Bottrill Director of Learning for Leadership Cymru
19 [Fri]	10 a.m. to 1 p.m. - All Members of Council – Members Roles and Responsibilities in delivering the Council's improvement Council Chamber	Ian Bottrill Director of Learning for Leadership Cymru
22 [Mon]	1 p.m. to 4 p.m. – Group Leaders and Deputy Group Leaders Committee Room A	Ian Bottrill Director of Learning for Leadership Cymru
23 [Tues]	9 a.m. to 1 p.m. – Cabinet Members Only Committee Room A	Ian Bottrill Director of Learning for Leadership Cymru
31 [Wed]	10.00 a.m. – 11.30 a.m. Treasury Management Council Chamber  11.30a.m. – 2.30 p.m.- Equalities Council Chamber	Ann Owen, Treasury Manager, PCC & Richard Bason, (Capita Asset Services)  Bets Ingram, Strategic Planning Officer and Helen Coffey, Training Officer

### FEB

5 [Mon]	1 p.m. to 4 p.m. – Scrutiny Committee Members (Scrutiny Committees A, B and the Audit Committee) Council Chamber	Ian Bottrill Director of Learning for Leadership Cymru
6 [Tues]	9 a.m. to 1 p.m. – Cabinet Members Only Committee Room A	Ian Bottrill Director of Learning for Leadership Cymru
27 [Tues]	9 a.m. to 1 p.m. – Cabinet and Management Team Only Committee Room A	Ian Bottrill Director of Learning for Leadership Cymru
28 [Wed]	10 a.m. to 1 p.m. - Powys Health Board – JPB & integration Council Chamber  2 p.m. to 5 p.m. - All Members of Council - Members Roles and Responsibilities in delivering the Council's improvement (Repeat Session)	Carol Shilabeer, Chief Executive PHB & David Powell  Members Roles and Responsibilities in delivering the Council's

## MEMBER DEVELOPMENT PROGRAMME - 2018

	Council Chamber	improvement
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### MARCH

5 [Mon]	10 a.m. to 1 p.m. – Scrutiny Committee Members (Scrutiny Committees A, B and the Audit Committee) Council Chamber	Ian Bottrill Director of Learning for Leadership Cymru
6 [Tues]	10 a.m. to 1 p.m. – Chairs and Vice-Chairs of Committees Council Chamber	Ian Bottrill Director of Learning for Leadership Cymru
28 [Wed]	<i>Offered - Corporate parenting &amp; Safeguarding adults and children - Mandatory</i>	

**CYNGOR SIR POWYS COUNTY COUNCIL.****FULL COUNCIL  
Date 25<sup>th</sup> January 2018**

**REPORT AUTHOR:** County Councillor Jonathan Wilkinson  
Portfolio Holder for Housing and Countryside Services

**SUBJECT:** Proposed delegation of decision-making for Definitive Map Modification Order case – Route from Bankshead, Shropshire to Shepherdswhim, Powys

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**REPORT FOR:** Decision

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**1. Summary**

An application was made to Shropshire Council on 4<sup>th</sup> May 2014 pursuant to section 53 of the Wildlife and Countryside Act 1981 for a Definitive Map Modification Order, to add a bridleway to the Definitive Map and Statement (“the Application”). The application route crosses the county boundary between Shropshire and Powys.

- 1.1 The claimed route is shown on the plan at appendix A marked by a dashed red line on Appendix B which crosses the county boundary between Shropshire and Powys which depicted by a solid green line on Appendix B . The claimed route is in the parish of Bishop’s Castle in Shropshire and community of Churchstoke in Powys. It starts at Bankshead (OS Grid Reference SO 307,899) and runs towards Pentre Cwm in Shropshire. It then crosses the county border into Powys, where it ends on the county road near Shepherdswhim (OS Grid Reference SO 295,905.)
- 1.3 Determining these cases is a statutory duty of both Councils, each being surveying authorities for the purpose of section 53 of the Wildlife and Countryside Act 1981.
- 1.4 One, or both of Powys County Council and Shropshire Council need to decide whether legal Order(s) should be made or not, in respect of the sections of the route in Powys and in Shropshire. The decision is evidence-based; matters such as desirability, maintenance or impact on land management cannot be taken into account.
- 1.5 The purpose of this report is, pursuant to section 101(1)(b) of the Local Government Act 1972, to seek the Council’s authority to delegate to Shropshire County Council the determination of the Application in so far as it related to the County of Powys together with the making of any consequent legal Orders.

- 1.6 Alternatively, a single decision could be made in relation to the whole route by one authority, on behalf of both Councils.
- 1.7 This report and proposed delegation of decision-making, relates to this particular case only; it does not relate to other current or future Definitive Map Modification Order cases.

## **2. Proposal**

- 2.1 Although an application to record this cross border route has been made to Shropshire County Council, no corresponding application has been made to Powys County Council. However, none is required; the process can be initiated without an application, if there is 'discovery of evidence' that the Definitive Map and Statement may need to be modified.
- 2.2 Rather than duplicate the work needed to research the sections of the route within Shropshire and Powys, officers of Shropshire County Council have researched the evidence for the whole route on behalf of both authorities. They have carried out informal 'pre-Order' consultation, involving the affected landowners, path user groups, the relevant Community and Parish Councils, Local Members and others.
- 2.3 An officer of Shropshire Council has prepared a report, summarising their findings. The next stage is for one, or both, Councils to decide whether legal Order(s) should be made or not, in respect of the addition of sections of public rights of way in Powys and in Shropshire.
- 2.4 Under section 101 of the Local Government Act 1972, a local authority can delegate its functions to another local authority. Either Powys County Council or Shropshire Council could choose to delegate their decision making function in respect of the Application and any consequent Order-making to the other authority.
- 2.5 For the reasons set out in this report, it is proposed that responsibility for determining the Application be delegated Shropshire County Council, so that can make a single Definitive Map Modification Order on behalf of both local authorities.

## **3. Options Considered / Available**

- 3.1 The options in respect of this case are that either:
  - Two separate decisions could be made, relating to the sections of the route within Powys and Shropshire respectively. That could lead to two separate legal processes being followed to reach an outcome for each of the two sections of the route;Or:



- A single decision could be made on behalf of both authorities. That would allow for a single legal process to be followed to reach an outcome for both sections of the route.
- 3.2 If a single decision is made in respect of this case, then that decision could be made by either of Powys County Council or Shropshire Council, with the appropriate delegation from the other authority
  - 3.3 Powys County Council's resources to deal with this type of casework are very limited and there are already a number of other cases in progress. If it were decided that Powys County Council should make a decision about this case, then that would take staff time away from other casework that has been allocated higher priority. Alternatively, if the case were placed in the Council's priority list, the decision for the case could be delayed for some years.
  - 3.4 Shropshire Council must take action to conclude the case as far as it affects land in Shropshire, even if no decision is made about the section of the route in Powys at the current time. Shropshire Council is in receipt of a formal application for a Definitive Map Modification Order, which must be determined within the timescales set by the Wildlife and Countryside Act 1981. Exceeding the timescale can result in a direction to make a decision, from the Planning Inspectorate.
  - 3.5 As Shropshire Council is required to commit resources to investigating the section of the route within Shropshire, they have not made any charge for including the section in Powys. Neither have they indicated that they would make any charge if formal decision-making were delegated to them for the whole route. The cost of determining this type of casework is not dependent on the length of the route involved; it is associated with the case as a whole. Shropshire Council have confirmed that they would be prepared to determine the Application on behalf of Powys, should they be requested to do so.
  - 3.6 Given the above, it is proposed that Shropshire Council be asked to make a decision about the whole of the claimed route. That would allow for a conclusion to be reached for both sections at the same time, without impacting on other casework that is already in progress in Powys.

#### **4. Preferred Choice and Reasons**

- 4.1 To meet existing statutory duties, further time and other resources will need to be devoted to this case by one or both Councils. It seems more efficient for one Council to devote the resources needed to processing this case to a single outcome than for two Councils to do that separately.
- 4.2 As noted above, officer time and other resources have already been committed to this case by Shropshire Council. Shropshire Council's Rights of Way Mapping and Enforcement Manager has confirmed that

they would be willing to take on responsibility for decision-making and any consequent legal Order in respect of this case. An email confirming this can be found at Appendix B.

- 4.3 Under Shropshire Council's current arrangements, Definitive Map Modification Order applications are not presented to a Committee. Determination is formally delegated to the Head of Infrastructure and Communities.
- 4.4 In Powys, Definitive Map Modification Order cases are determined by the Planning, Taxi Licensing and Rights of Way Committee. The Committee decides whether a legal Order should be made or not.
- 4.4 The Planning, Taxi Licensing and Rights of Way Committee have been consulted about the decision-making procedure for this case. Their comment is that they support the proposed delegation to Shropshire Council.
- 4.5 The preferred choice is that Powys County Council delegates responsibility to Shropshire Council, to make a decision in respect of the section of this route within Powys, as well as the section in Shropshire.
- 4.6 If the delegation is approved, Shropshire Council would then be responsible for processing the case to completion. That may include sealing and advertising a legal Order, referring the case to the Planning Inspectorate and representing it through written representations, informal hearing or public inquiry if necessary.

## **5. Impact Assessment**

- 5.1 Is an impact assessment required? No

## **6. Corporate Improvement Plan**

- 6.1 Processing this case to a conclusion contributes to the Corporate Improvement Plan objective 'Meet statutory provision of rights of way and countryside access.'
- 6.2 The risks associated with determining this case are not affected by the proposed delegation. Both authorities routinely determine this type of casework and both would be subject to the same challenge procedures, which are via the Planning Inspectorate. Costs are rarely awarded in relation to these cases, only being awarded when a party is felt to have behaved in a 'manifestly unreasonable' way that affects a public inquiry.

## **7. Other Front Line Services**

Does the recommendation impact on other services run by the Council or on behalf of the Council? No

If so please provide their comments

**8. Communications**

Have Communications seen a copy of this report? Yes

Have they made a comment? Communications comment is that no proactive communication action is required.

**9. Support Services (Legal, Finance, Corporate Property, HR, ICT, Business Services)**

9.1 Legal - The Professional Lead, Legal Services comments that on reading the report, he is pleased that cross-border interests prevail. It makes sense that one authority should deal with the issue on behalf of both authorities. As Shropshire are well-advanced in dealing with this and have agreed to take it up free of charge, it makes little sense to resist the recommendation.

9.2 Finance - From a financial point of view, Shropshire Council has not made any charge for the work that they have carried out to date; nor have they indicated that they would make any charge if formal decision making were delegated to them for the whole route. Therefore, we are happy with the recommendation made.

**10. Scrutiny**

Has this report been scrutinised? No

If Yes what version or date of report has been scrutinised?  
Please insert the comments.

What changes have been made since the date of Scrutiny and explain why Scrutiny recommendations have been accepted or rejected?

**11. Statutory Officers**

11.1 The Solicitor to the Council (Monitoring Officer) has commented as follows: "I note the legal comment and have nothing to add to the report".

The Head of Financial Services (Acting Section 151 Officer) notes the comments made by the Finance.

**12. Members' Interests**

The Monitoring Officer is not aware of any specific interests that may arise in relation to this report. If Members have an interest they should declare it at the start of the meeting and complete the relevant notification form.

<b>Recommendation:</b>	<b>Reason for Recommendation:</b>
Pursuant to section 101(1)(b) of the Local Government Act 1972 the determination of the Application in so far as it related to the County of Powys together with the making of any consequent legal Orders is delegated to Shropshire County Council.	In the interests of efficiency and need for the application to be determined as soon as is reasonably practicable

<b>Relevant Policy (ies):</b>	
<b>Within Policy:</b>	<b>Within Budget: Y</b>

<b>Relevant Local Member(s):</b>	Councillor Michael J Jones
----------------------------------	----------------------------

<b>Person(s) To Implement Decision:</b>	Shropshire Council's Outdoor Partnerships team
<b>Date By When Decision To Be Implemented:</b>	With immediate effect

Contact Officer:	Siân Barnes
Tel:	01597 827595
Email:	sian.barnes@powys.gov.uk

**Background Papers used to prepare Report:**

- Appendix A Application for Modification Order dated 4<sup>th</sup> May 2014
- Appendix B Plan of the claimed route, in both Powys and Shropshire
- Appendix C Email dated 18th December 2017 from Shropshire Council's Rights of Way Mapping and Enforcement Officer

Form FA1

OFFICIAL USE ONLY

REGISTER NO

WILDLIFE AND COUNTRYSIDE ACT 1981

SHROPSHIRE COUNTY COUNCIL

DEFINITIVE MAP OF RIGHTS OF WAY FOR SHROPSHIRE

APPLICATION FOR MODIFICATION ORDER

To: The Principal Rights of Way Officer  
The Countryside Service  
Shropshire County Council  
The Shirehall  
Abbey Foregate  
Shrewsbury  
SY2 6ND

~~I/WE~~

of BISHOP'S CASTLE TOWN COUNCIL  
TOWN HALL, BISHOP'S CASTLE, SY9 5BG.

hereby apply for an Order under Section 53(2) of the Wildlife and Countryside Act 1981, modifying the Definitive Map and Statement for the area by adding the following right of way:-

A ~~footpath/bridleway/byway~~ open to all traffic\*

from ... BANKS HEAD .....

toWARDS PENTRE CWM (295,905)

As shown on the map accompanying this application.

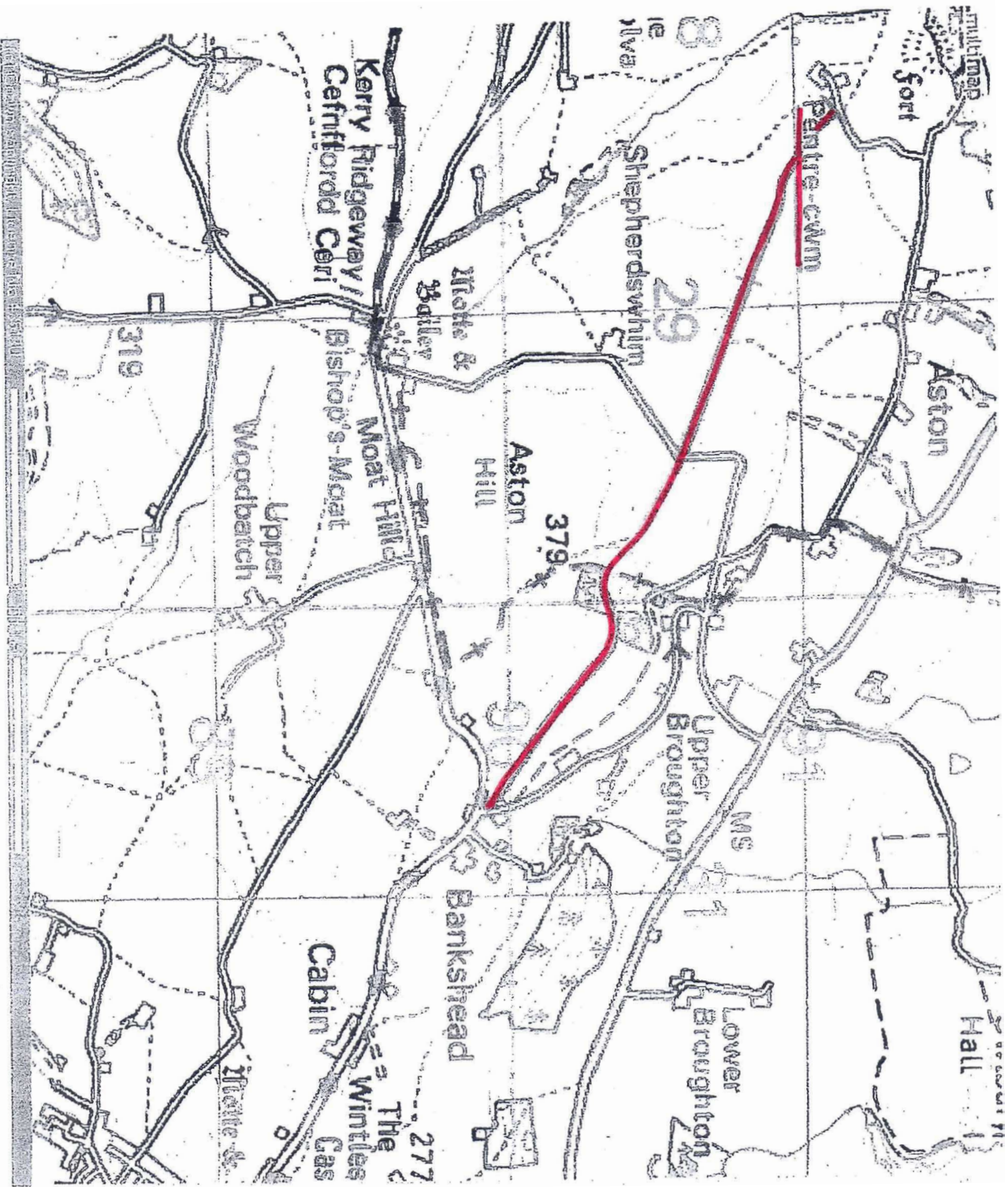
~~I/WE~~ <sup>\*</sup> attach copies of the following documentary evidence, including statements of witnesses, in support of this application:-

\* Have sent in advance rights of way evidence statements

Dated ..... 4.5.04 .....

Signed .  .....

\* delete as appropriate





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



**Sian Barnes (CSP - Countryside Services)**

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**From:** Shona Butter <shona.butter@shropshire.gov.uk>  
**Sent:** 18 December 2017 14:30  
**To:** Sian Barnes (CSP - Countryside Services)  
**Cc:** Lucy Mcfarlane  
**Subject:** Bishop's Castle/Churchstoke Claim

Dear Sian

Further to your discussions with Lucy regarding the above claim which crosses the border into Powys.

I can confirm that Shropshire would be happy to make the decision on the evidence and whether or not to publish an order.

If your authority is happy for us to do this could you please provide us with the necessary delegations to publish the section of the order which crosses the border into Powys.

If you need anything further please let me know.

Regards

Shona Butter  
ROW Mapping & Enforcement Manager  
Shropshire Outdoor Partnerships  
Shropshire Council  
Shirehall  
Abbey Foregate  
Shrewsbury  
Shropshire  
SY2 6ND  
Tel: [REDACTED]  
E-mail: [shona.butter@shropshire.gov.uk](mailto:shona.butter@shropshire.gov.uk)



For more information on where to go in Shropshire visit <http://www.shropshiresgreatoutdoors.co.uk>



 [www.shropshire.gov.uk](http://www.shropshire.gov.uk)

\*\*\*\*\* If you are not the intended recipient of this email please do not send it on to others, open any attachments or file the email locally. Please inform the sender of the error and then delete the original email. \*\*\*\*\*

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**CYNGOR SIR POWYS COUNTY COUNCIL.****COUNTY COUNCIL  
25<sup>th</sup> January 2018****REPORT BY: Solicitor to the Council****SUBJECT: Appointment of Independent (Lay) Member on the  
Standards Committee.**

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**REPORT FOR: Decision**

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1. At the meeting of the County Council on the 18<sup>th</sup> May 2017 arrangements were agreed to fill a vacancy in the office of an Independent (Lay) Member on the Standards Committee including the appointment of a Panel to interview applicants and make appropriate recommendations to the County Council.
2. The Standards Committee appointed County Councillor Sarah Lewis as the County Councillor representative on the Panel and the Chair of Standards Committee and the Monitoring Officer appointed Community Councillor Hugh Pattrick as the Community Council representative on the Panel. The two Independent (Lay) Members completing this five Member Panel were the Chair of Standards Committee Mrs H Rhydderch-Roberts and the Mrs J Evans. The High Sheriff Mrs S Thompson acted as Independent Panel Member. The Panel appointed Mrs Rhydderch-Roberts as Chair.
3. Following public advertisement of this vacancy in the local press and on the Powys County Council website expressions of interest were received from 35 members of the public.
4. Applications were received from 15 eligible candidates and these were considered at a shortlisting meeting of the Panel on 23<sup>rd</sup> October 2017. Six applicants were invited to interview on 8<sup>th</sup> November 2017.
5. The Panel recommend that Mrs Chris Mulholland be appointed as Independent (Lay) Member for a period of 6 years from 25<sup>th</sup> January 2018 which is the date that the post becomes vacant.

<b>Recommendation:</b>		<b>Reason for Recommendation:</b>	
To note the contents of this report and to consider the Panel's recommendation and appoint Mrs Chris Mulholland as an Independent (Lay) Member for a period of 6 years from 25 <sup>th</sup> January 2018.		To comply with the requirements for Independent (Lay) members of the Standards Committee as required by the Standards Committees (Wales) Regulations 2001 (as amended).	
<b>Relevant Policy (ies):</b>	N/A		
<b>Within Policy:</b>	<b>N/A</b>	<b>Within Budget:</b>	<b>N/A</b>

<b>Relevant Local Member(s):</b>	N/A		
<b>Person(s) To Implement Decision:</b>	Solicitor to the Council (Monitoring Officer)		
<b>Date By When Decision To Be Implemented:</b>	Immediately following the Council meeting.		
<b>Contact Officer Name:</b>	<b>Tel:</b>	<b>Fax:</b>	<b>Email:</b>
Clive Pinney – Solicitor to the Council	01597 826746	01597 826220	clive.pinney@powys.gov.uk

**Background Papers used to prepare Report:**

## CYNGOR SIR POWYS COUNTY COUNCIL

## COUNTY COUNCIL MEETING

25<sup>th</sup> January, 2018

## Council Forward Work Programme 2018

22 February	Budget & Medium Term Financial Strategy Children's Services Improvement Plan
8 March	Council Tax Resolution Children's Services Improvement Plan Report on Boundary Commission proposals Treasury Management Strategy Statement and Annual Investment Strategy Pay Policy Statement Presentation by the Chief Fire Officer
20 April	Corporate Improvement Plan Well Being Plan Local Development Plan Children's Services Improvement Plan
17 May Annual Meeting	Appointment of Chair of Council Vice Chair of Council Assistant Vice Chair of Council Allocation of seats on Committees Appointments to Committees Allocation of Scrutiny Committee Chairs Appointment of Democratic Services Committee Chair Appointments to the Brecon Beacons National Park Authority Appointments to the WLGA  Children's Services Improvement Plan

	Schedule Of Members and Co-Opted Members' Salaries, Allowances and Expenses
12 July	Annual Council Reporting Framework  Children's Services Improvement Plan  Members' Allowances & Expenses – To receive for information details of Members' expenses for the previous financial year.
18 October	Approval of the Annual Performance Report  Children's Services Improvement Plan

# 16.1

## CYNGOR SIR POWYS COUNTY COUNCIL

County Council  
25<sup>th</sup> January 2018

**REPORT AUTHOR:** County Councillor Phyl Davies, Portfolio Holder for Property and Waste

**SUBJECT:** Question from County Councillor Elwyn Vaughan

**What was the original total cost of the development of 'Y Gaer' in Brecon and what is the total cost by now? How was it financed and how is it being financed now?**

**Answer**

<b>Y Gaer (cultural hub, Brecon)</b>		<b>Summary of capital project cost &amp; funding sources</b>	
<b>Funding source</b>	<b>Status</b>	<b>Amounts</b>	<b>Amounts (£)</b>
Brecknock Art Trust	(secured)		£100,000
Brecknock Society & Museum Friends	(secured)		£170,000
Other trusts & individual donors	(secured)		£80,000
Army Community Covenant Grant	(secured)		£150,000
CADW	(accounted for but not yet secured)		£127,000
MALD	(secured)		£250,000
Heritage Lottery Fund (HLF)	(secured)		£3,012,100 <sup>1</sup>
RCPP (Welsh Government) Application	(applied for)	£1,000,000	
<b>Total partnership / match funding (secured)</b>		<b>£3,889,100</b>	
Powys County Council	(secured)		£9,157,952
<b>Total secured funding (September 2017)</b>			<b>£13,047,052</b>
<b>Total project cost at commencement (May 2016)</b>		<b>£10,387,557<sup>2</sup></b>	
<b>Difference (May 2016 to September 2017)</b>		<b>£2,659,495</b>	

<sup>1</sup> **Note:** HLF funding awards made up of – £141,200 + £2,497,100 +£373,800

<sup>2</sup> **Note:** Figure of £10,387,577 includes Brecknock Museum Forward Replacement Roof at cost of £630,503

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



# 16.2

## CYNGOR SIR POWYS COUNTY COUNCIL

County Council  
25<sup>th</sup> January 2018

**REPORT AUTHOR:** County Councillor Martin Weale, Portfolio Holder for Regeneration and Planning

**SUBJECT:** Question from County Councillor Kathryn Silk

**What percentage of householders and businesses in Powys has access to broadband speeds of 10Mbps or greater?**

### **Answer**

The availability of broadband services across Powys varies according to the type of infrastructure that has been installed or is being accessed. The expanse of the county and rural nature requires a variety of approaches. The latest figures available from Think Broadband.com (June 2017) indicate that the following levels of coverage have been achieved in Powys:

- Just over 80% of premises have access to broadband speeds of 10MBs and above.
- In terms of UK standard Superfast Broadband (minimum download speed 24MBs) approximately 77% of premises in Powys are able to access services.
- In terms of Openreach Full Fibre availability (the highest available speed) Powys has 15.93% of premises connected.

**What is the Cabinet doing to ensure that all households and businesses have such access?**

### **Answer**

- The Council has supported Welsh Government in delivering the roll out of broadband infrastructure across Powys during Phase 1 of its implementation programme up to the end of December 2017.
- This support will continue in the next phase of the programme from January 2018-2023 which will aim to address the hard to reach locations not covered in the first phase of the programme.
- The Council is working with Welsh Government to encourage the take up of the new service by businesses and domestic users across Powys.
- In July 2017, the Council provided a consultation response to the Welsh Government Consultation on Next Generation Access Broadband. The

response highlighted potential geographic areas within Powys that should be prioritised for Phase 2 of the programme and emphasised the importance of supporting alternative solutions for connecting isolated communities and businesses.

- Supporting the delivery of improved digital connectivity and take up across the County has also been included as is a prioritised action within the Council's Vision 2025 Economy Programme.

**What assessment has the Cabinet made of the economic disadvantage suffered by households and businesses that do not have such access?**

**Answer**

- The Council has assessed the impact of broadband provision in Powys through the evidence base gathered for the Powys Well Being of Future Generations Action Plan. An analysis undertaken of internet speeds at 131 Powys village hall postcode locations in September 2016 confirmed that outside of the main urban centres connectivity was a significant issue in rural communities.
- Evidence of the economic impact on businesses has been obtained through Superfast Broadband Workshop events hosted across Powys since 2015.

# 16.3

## CYNGOR SIR POWYS COUNTY COUNCIL

County Council  
25<sup>th</sup> January 2018

**REPORT AUTHOR:** County Councillor Rosemarie Harris, Leader

**SUBJECT:** Question from County Councillor Matthew Dorrance

**Will the Leader publish a progress report on the delivery of her administration's Vision 2025 document?**

**Answer**

I had not planned to publish a "Progress Report" on the Vision but I could do that – possibly annually.

I had intended, and we have started, holding regular seminars for the whole Council because I would like all Councillors involved in any discussions.

Officers are also in the process of setting up the discussion groups which will support the small Programme Boards dedicated to each area of work. When they are set up, all Councillors will have the opportunity to make an input into any area of work on the Vision.

To date, work is ongoing towards achieving an Economic Growth Deal for Mid Wales, especially since the announcement contained within the UK Government Budget. The Cabinet have also met and discussed the way forward with Guto Bebb MP who at the time was the Under Secretary of State for Wales and we are in the process of setting up political meetings between us and Ceredigion County Council and Ministers.

There are a number of positive reports on different aspects of the work within the Vision and these will be reported at a Council Seminar.

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

# 16.4

## CYNGOR SIR POWYS COUNTY COUNCIL

County Council  
25<sup>th</sup> January 2018

**REPORT AUTHOR:** County Councillor Martin Weale, Portfolio Holder for Regeneration and Planning

**SUBJECT:** Question from County Councillor Matthew Dorrance

**What assessment has the Cabinet made of the impact of its planned closure of Brecon's Tourist Information Centre on the local economy?**

### **Answer**

The overall budget reduction strategy was agreed by full Council in February 2014 as part of the budget setting process, and the current plan to achieve the saving by March 2018 was confirmed by the then Head of Service for Regeneration and Regulatory Services and myself as the Portfolio Holder for Regeneration and Planning in July 2017.

The way in which visitors' access information has changed dramatically in recent years and it is anticipated that developments in new technology and changes in consumer behaviour will continue to shape the future of visitor information services. To reflect this trend and to meet the expectations of the visitor, the Tourism Service is placing a greater emphasis on digital information provision through website development, mobile technology, app development and expanding the scope of social media through Facebook, Twitter, Instagram etc, and working with partners such as Visit Wales, neighbouring local authorities and local destinations to make information more readily accessible to our visitors. In the longer term it is anticipated that digital information provision will far exceed any other form of information provision and developments in this area will be a priority to meet the needs of the majority of visitors who currently do not use information centres at all

An assessment of the impact of the planned closure was not undertaken at the time of the original decision but has been subsequently undertaken and has been reviewed by the Cabinet Sub-Group.

A copy of the impact assessment can be made available, should it be required.

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

# 16.5

## CYNGOR SIR POWYS COUNTY COUNCIL

County Council  
25<sup>th</sup> January 2018

**REPORT AUTHOR:** County Councillor William Powell, Member of the Dyfed Powys Police and Crime Panel

**SUBJECT:** Question from County Councillor Elwyn Vaughan

**What are the priorities for policing our deep rural communities in Powys?**

### **Answer**

Thank you for the question.

Rural Crime across the Dyfed-Powys Police Force area is a priority for the Police and for the Police and Crime Commissioner. The Commissioner Dafydd Llywelyn includes rural and wildlife crime as part of his First Priority of the Police and Crime Plan 2017-2021: Keeping Communities Safe (see below).

*‘Together with the police and partners, I will better understand rural and wildlife crime, the impact of this on rural communities and how we can work together to protect our natural environment’.*

The Commissioner also has a joint Rural Crime Strategy with Dyfed-Powys Police in which the Commissioner reiterates his Police and Crime Plan Priorities (see below).

- Keep our communities safe
- Safeguard the vulnerable
- Protect our communities from serious threats
- Connect with communities

The Rural Crime Strategy includes the Main Challenges for Dyfed-Powys with rural crime (see below).

- Protecting vulnerable people
- Farm and agricultural crime
- Heritage crime
- Rural isolation
- Tourism
- Business and food crime
- Road Safety
- Serious and organised crime
- Wildlife crime

Dyfed-Powys Police plans regarding rural crime will be enforced across the Force area.

I am embedding a link to the Rural Crime Strategy 2017 for your information.

<https://www.dyfed-powys.police.uk/en/advice/rural-policing/>

My Police and Crime Panel colleagues, Cllr David Evans, Cllr Les George and I can seek an update from the Commissioner to any further questions you may have at the forthcoming Police and Crime Panel meeting on the 26<sup>th</sup> January at Ceredigion County Hall in Aberaeron.



# 16.6

## CYNGOR SIR POWYS COUNTY COUNCIL

County Council  
25<sup>th</sup> January 2018

**REPORT AUTHOR:** County Councillor Myfanwy Alexander, Portfolio Holder for Education

**SUBJECT:** Question from County Councillor Sandra Davies

**The Fair Funding Formula – this document is usually circulated for consultation around the Christmas season – to my knowledge this has not yet been out for consultation: when will this be circulated?**

### **Answer**

Under the Schools Forum (Wales) Regulations 2003 every local authority must have a local schools budget forum (known as a schools forum). Schools forums are key to developing informed and confident dialogue between authorities and their schools on budgetary issues including schools' funding levels for the coming years, pressures on future years' budgets, changes to local funding formula and reviewing contracts/service level agreements for services to schools.

Local authorities are required to consult their schools forum annually on matters relating to their Schools Budget and changes to their Scheme for Financing Schools. Authorities can also consult their forums on other matters concerning the funding of schools, for example the financial implications of arrangements for free school meals, arrangements for insurance and arrangements for the use of pupil referral units and the education of children otherwise than at school. The most recent meeting of the Schools Forum was on 23<sup>rd</sup> January and their advice will be formally presented to Councillors as part of the budget setting for 2018-19.

In addition, the Local Authority is undertaking a full activity-led review of the School Funding Formula. Doing this does not generate new funding for the Local Authority or schools, but will ensure that we continue to make the fairest possible distribution of available funding between schools.

Given reductions in specific grants this year and the continuing pressure on public service budgets it continues to be a challenging time for School Governing Bodies to meet their statutory responsibilities not to develop a budget deficit and maintain high quality learning opportunities for our children and young people. We remain grateful for all of their voluntary efforts to fulfil their statutory governance responsibilities. We also all remain committed to prioritising school funding in these challenging times.



## CYNGOR SIR POWYS COUNTY COUNCIL

County Council  
25<sup>th</sup> January 2018

**REPORT AUTHOR:** County Councillor Phyl Davies, Portfolio Holder for Property & Waste  
County Councillor James Evans, Portfolio Holder for HR, ICT and Communications

**SUBJECT:** Question from County Councillor Sandra Davies

**Much has been mentioned of late of the increasing elderly population and the associated pressures on front line services. There is an increase in dementia, people who have mobility issues and more demand on carers / care providers.**

**Powys no longer provides a list of dates for refuse collection which can cause confusion for people and their carers. Not everyone has access to a computer to access information.**

**It was unfortunate that just before Christmas the weather resulted in disruption to the collection service. It was unclear when refuse was to be collected.**

**Added to this confusion was a change to normal collection day over Christmas and yet a different collection day for the New Year?**

**What plan does the portfolio holder for refuse/recycling have to ensure that members of the public know when to put out their rubbish for collection: both black bins (purple sacks) and coloured boxes?**

**Are the two portfolio holders working together to communicate this effectively?**

### **Answer**

We have been going through a process of optimising all the waste and recycling collection routes in order to maximise the efficiency of our crews and vehicles. This will result in a change in collection day for most households. This will be clearly communicated by letter prior to the change taking place. With the letter will be a new guide to recycling along with the upcoming dates for the three weekly residual collections.

When the three weekly residual collections were introduced a list of dates was issued for the following year. A postcode checking facility was then introduced on our website where residents can type in their postcode to receive the next five collection dates. This is not only very convenient for the majority of residents who

use such technology but is also invaluable for our customer services staff as when residents call in, they can enter the postcode and then tell the caller the dates. This system has worked very well and also saves the significant cost of sending out a calendar to all residents.

Unfortunately inclement weather, such as experienced before Christmas, does impact on the service we provide. It is of course essential that we only take the vehicles on roads on which it is safe to do so and we must also consider the safety of our staff when handling waste and recycling at the kerbside. We did try to get the message regarding disruptions to collections out as widely as possible using the website, social media and via customer services. However, by the very nature of the changing weather conditions, it is difficult to instantly communicate such changes.

Collections over Christmas are an issue for all local authorities as they try to balance providing a service with allowing staff to enjoy the festive season and spend time with their families. This was again communicated wherever possible including in all the local papers and media websites. Again, a mail drop to all households is very expensive when we are trying to minimise our costs across all council services.

The portfolio holders are of course aware of the problems of communicating these messages and work closely with both the Waste and Recycling Service and the Communications Team to effectively publicise any changes, planned or otherwise.

# 16.8

## CYNGOR SIR POWYS COUNTY COUNCIL

County Council  
25<sup>th</sup> January 2018

**REPORT AUTHOR:** County Councillor Myfanwy Alexander, Portfolio Holder for Education

**SUBJECT:** Question from County Councillor David Meredith

**I understand that two consultants have been engaged to assist with the drafting of a revised Authority Fair Funding School Policy. As these appointments are on top of having engaged a permanent Director of Education can the Cabinet Member for Education make a statement on the Department's use of consultants?**

### **Answer**

The consultant being used in support of the Formula Review is Susan Fielden. She is working on a commission from the Resources Directorate team. Susan is recognised as an expert in her field- having advised the UK government on funding policy and having worked closely also with ASCL- the Association of School and College Leaders in analysing education funding. Susan's engagement was a one day visit to undertake a "Health Check" and offer an opinion on the current Schools Funding Formula.

The Education Directorate or Schools Service has made comparatively little use of consultants. At the moment there is one highly experienced part time short term consultant supporting key school improvement and ALN/ Inclusion strategy changes. He has been secured on short term funding which has enabled the Director to fulfil a key leadership role in development of the Corporate Leadership and Governance Plan in response to regulatory concerns.

The other main situation in which the Education Directorate or Schools Service has used consultancy over recent times has been in the technical development of business cases to secure Welsh Government capital funding for major projects of benefit to local communities.

The use of consultancy within the Directorate is therefore very limited and in each case has allowed a legacy of increased skills and experience amongst our local workforce.

The Resources Directorate - Finance are currently looking to engage some interim support to fill the Schools Finance Manager vacancy. This may be filled by either agency or a consultant depending on what is available.

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

# 16.9

## CYNGOR SIR POWYS COUNTY COUNCIL

County Council  
25<sup>th</sup> January 2018

**REPORT AUTHOR:** County Councillor Phyl Davies, Portfolio Holder for Property & Waste and County Councillor Jonathan Wilkinson, Portfolio Holder for Housing and Countryside Services

**SUBJECT:** Question from County Councillor Roger Williams

**What assessment has the Cabinet made of (a) the financial and (b) the operational performance of The Heart of Wales Property Services Ltd?**

### **Answer**

The Heart of Wales Property Services Ltd is a company established in 2017, jointly owned by Powys County Council and Kier Ltd, which delivers responsive maintenance services to council homes, corporate properties (including schools) and building design services.

- a) It is too premature to make a full assessment of the financial position as HOWPS has only been trading since 3 July 2017 and we are not yet at Powys CC's year end. Finances are reported at the monthly Board meeting.
- b) There is a monthly Contract Management Forum which is attended by key officers from HOWPS and Powys CC in which HOWPS operational performance is measured against Key Performance Indicators and Operational Reports.  
The Key Performance Indicators are also discussed in a monthly Board Meeting which is attended by the Board Members (4 from Kier and 4 from Powys County Council). Where issues are identified, these are raised and progress is tracked on a weekly basis.

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



## CYNGOR SIR POWYS COUNTY COUNCIL

County Council  
25<sup>th</sup> January 2018

**REPORT AUTHOR:** County Councillor Liam Fitzpatrick, Portfolio Holder for Highways

**SUBJECT:** Question from County Councillor Roger Williams

**What assessment has the Cabinet made of the condition of unclassified roads in Powys?**

**Answer**

The condition of our unclassified roads is monitored through routine inspections of the road network. The frequency of inspections is set on a hierarchical basis and will take place typically on 6 or 12 monthly cycles. Roads in urban areas serving residential areas or with significant usage will be inspected more frequently whilst those in rural areas providing access to a limited number of properties will be on 12 monthly inspections. The purpose of these inspections is to identify work that is required in the short term as well as to assess overall condition and programme more major work such as surface dressing.

SCANNER surveys are currently a requirement of Welsh Government only for assessing the condition of classified roads across Wales. These more detailed technical surveys using computer analysis are not considered to represent value for money on the unclassified network. It is however proposed as part of the Highways Asset Management Plan (HAMP) development to introduce a new inspection regime that will also include a coarse visual assessment of condition at each inspection. Whilst not comprehensive or scientifically based it should provide a broad measure of condition.

Road Type	Road km	SCANNER Survey Frequency
A (Class 1)	238	Annual
B (Class 2)	604	Annual
C (Class 3)	2,102	4 Year Cycle
U (Unclassified)	2,126	None

For information, the last recorded SCANNER surveys on unclassified roads were undertaken in 2011/2012 and based on SCANNER principles for surveying. The survey records a range of factors including profile along the road (ride quality); across the road (rutting); cracking and texture depth (skidding) and these are combined to produce an overall factor which is reported on the traffic light basis

(Red/Amber/Green). See <http://www.ukroadsliaisongroup.org/en/asset-condition/road-condition-information/data-collection/scanner/> for more detail.

The condition of the unclassified roads recorded in 2011/2012 is shown in the table below with 30.2% in the red category (in need of further investigation) which amounts to 640km. Comparisons are included for C and A roads in the same year and the current year 2016/2017.

	<b>11/12 Unclassified (U roads)</b>	<b>11/12 Class 3 (C roads)</b>	<b>11/12 Class 1 (A roads)</b>	<b>16/17 Class 3 (C roads)</b>	<b>16/17 Class 1 (A roads)</b>
<b>Red %</b>	<b>30.2%</b>	<b>15.1%</b>	<b>6.2%</b>	<b>24.4%</b>	<b>3.5%</b>
<b>Amber %</b>	<b>25.2%</b>	<b>44.1%</b>	<b>24.6%</b>	<b>43.2%</b>	<b>28.5%</b>
<b>Green %</b>	<b>44.6%</b>	<b>40.8%</b>	<b>69.2%</b>	<b>32.3%</b>	<b>68.0%</b>

In 2011/2012 the percentage of U roads in the red category was double that of C roads although the total in the Amber and Red categories was broadly comparable. Looking at C roads for 2016/2017 the condition has deteriorated compared with 2011/2012, and the unclassified condition is therefore likely that the percentage of roads in the Red category has also increased beyond 30.2%.

Based on the 2011/2012 data of 30.2% of unclassified roads in the red category, if for example the 640km were treated with surface dressing (minimum treatment) the cost would be c£8.5M, if the treatment was resurfacing then it would be c£30M. This would not reduce the red percentage to zero however but is an indicator of the potential costs if we wanted to significantly improve the condition.

Survey results for classified roads are published annually and are available via their website <http://gov.wales/statistics-and-research/road-lengths-conditions/?lang=en>.

Powys has been consistently at the bottom of the condition table, having the highest percentage of classified road network in need of further investigation (Red category). This is due to the high percentage of C roads in Powys compared with other authorities which distorts the combined figures. When separated out our performance on A and B roads is comparable with other councils.

## CYNGOR SIR POWYS COUNTY COUNCIL

County Council  
25<sup>th</sup> January 2018

**REPORT AUTHOR:** County Councillor Stephen Hayes, Portfolio Holder for Adult Services

**SUBJECT:** Question from County Councillor Huw Williams

**Can the Portfolio holder for Adult Social Care clarify which specific, Service led need, prompted the successful request to Cabinet, in late 2017, for additional financial support?**

### **Answer**

No request has been made to Cabinet for additional financial support within the current financial year. Further, no call has so far been made upon the Adult Social Care Reserve of £2.75m established to provide additional support against business case within this financial year, although a case is now being prepared for accessing £321k of this reserve in year, against the cost of preparing for and responding to the CIW inspection of Adult Social Services.

As part of formulating the Cabinet's recommendation to Council in respect of the 2018-19 budget, Cabinet has considered pressures totalling £9.4m which the service will face in the coming year, and as members will already be aware, the budget to be recommended includes an uplift of £6.8m to manage a part of those pressures; the balance being addressed by the service within existing resource. Additionally, the service is being asked to make efficiency savings of £1.4m within the financial year. It is acknowledged that this approach carries some risk. A major part of the proposed uplift will again be held as a reserve, released only against business case.

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

## CYNGOR SIR POWYS COUNTY COUNCIL

County Council  
25<sup>th</sup> January 2018

**REPORT AUTHOR:** County Councillor Emily Durrant, Member of the Brecon Beacons National Park Authority

**SUBJECT:** Question from County Councillor William Powell

**In the light of the recently advertised Review of the BBNPA Local Development Plan (2007 – 2022), how will National Park Members ensure that the Authority engages proactively with its constituent communities and their County, Town and Community Council representatives, to enhance the effectiveness and transparency of the process?**

**In particular, how will BBNPA members ensure that the LDP review is based on sustainable development principles and takes account both of deliverability of housing allocations and the adequacy of employment allocations and mixed use sites, to meet the aspirations and needs of the local community, as well as the overarching policy priorities of Welsh Government?**

### **Answer**

Many thanks for this question and for giving me the opportunity to bring the consultation process to the attention of Members and the public.

The Brecon Beacons National Park Authority is currently in the early stages of developing its Review Report therefore questions pertaining to the detail of any replacement plan are premature at this stage. Once the Authority has drafted its Report, it will be consulted on publicly for a period of 8 weeks.

The Authority will be required to consult with its stakeholders and communities at various stages through the Review process and, like any other Local Planning Authority, will have to meet the 'tests of soundness' set out in Planning Policy Wales and the Welsh Government's LDP Manual. For ease of reference, these are:

- Test 1: Does the plan fit? (i.e. is it consistent with other plans?)
- Test 2: Is the plan appropriate? (is the plan appropriate for the area in light of the evidence?)
- Test 3: Will the plan deliver? (is it likely to be effective?)

I am happy to update Members as the consultation progresses if that is their wish.

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

## CYNGOR SIR POWYS COUNTY COUNCIL

County Council  
25<sup>th</sup> January 2018

**REPORT AUTHOR:** County Councillor Rachel Powell, Portfolio Holder for Children, Youth, Libraries and Leisure Services

**SUBJECT:** Question from County Councillor Gareth Morgan

**The recent decision of Cabinet to close Staylitttle Outdoor Education Centre has caused considerable concern across Powys. Can the portfolio holder confirm that a full public consultation (including with schools in Powys) and a full Impact Assessment were undertaken before the item came before Cabinet for decision, in line with the requirements of the Well-Being of Future Generations Act?**

### **Answer**

At the time of the options being considered to make the necessary savings from the Leisure Service in the Medium Term Financial Strategy, the previous Cabinet agreed that full public consultation for Staylitttle was not necessary. The central Schools Service was kept fully informed and was part of the project board discussions and developments throughout the whole process. The schools were also kept updated of developments, however it is unfortunate that only a small number of schools in Powys utilise the Staylitttle facility (which has been a similar picture for a number of years, with many regularly using out of county provision), therefore the impact was considered small to moderate. A full impact assessment was undertaken prior to the report going to Cabinet with comments from a variety of services included

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



## CYNGOR SIR POWYS COUNTY COUNCIL

County Council  
25<sup>th</sup> January 2018

**REPORT AUTHOR:** County Councillor Phyl Davies, Portfolio Holder for Property and Waste

**SUBJECT:** Question from County Councillor William Powell

With the imminent completion of the new area Ysgol y Mynydd Du with library/community facilities on Hay Road, Talgarth, the current Bronllys and Talgarth school sites will shortly become redundant, as will Talgarth Branch Library. While understanding the importance of Powys County Council observing protocol, and avoiding any precipitate action, it is important to make comprehensive plans to consult on the future use of these sites, taking account not only of County Council policy, but also community sensibility and local aspirations.

This is especially the case in the context of the Talgarth assets, as they are more extensive and fall within the Brecon Beacons National Park planning regime, comprising: the former Youth and Community Centre, the Current Primary School, Army Cadet Hut, Library and the locally cherished School Field.

Given the level of interest and concern felt locally about these key sites, will the Cabinet Member liaise with his relevant portfolio colleagues and me as Local Member to initiate a scoping meeting to discuss, openly and transparently, the future of these assets at the heart of the town?

Given the historic experience locally of the dereliction of the former Mid Wales Hospital site, and the short comings surrounding the disposal of that site, it is imperative that we adopt an open and proactive approach, involving Talgarth Town Council, local stakeholders and BBNPA.

### **Answer**

I would be happy to meet with you and take on board any feedback you may have regarding the future of the assets in Talgarth. Any final decisions will of course need to be made in line with professional advice and in line with our policies and with the objectives of the Council.

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