

Pecyn Dogfennau Cyhoeddus

Cyngor Sir

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

Dyddiad y Cyfarfod
Dydd Iau, 23 Ionawr 2020

Amser y Cyfarfod
10.30 am

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

Dyddiad Cyhoeddi

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

AGENDA

1.	YMDDIHEURIADAU
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Derbyn ymddiheuriadau am absenoldeb.

2.	COFNODION
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Awdurdodi'r Cadeirydd i lofnodi cofnodion y cyfarfodydd a gynhaliwyd ar 10 Hydref a 20 Rhagfyr 2019 fel cofnodion cywir.

([Tudalennau 1 - 40](#))

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

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

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

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

7.	CWESTIYNAU GAN Y CYHOEDD
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7.1. Cwestiwn i'r Aelod Portffolio ar faterion Cyllid, Cefn Gwlad a Thrafnidiaeth gan Gemma Lewis

Allwch chi gadarnhau faint mae Cyngor Sir Powys yn ei dalu am gludiant ysgol i blant o ardal dalgylch Aberhonddu i fynychu addysg Gymraeg yn Ysgolion Calon Cymru neu Ystalyfera pan mai eu darpariaeth agosaf yw'r ysgol newydd yn Aberhonddu?

Mae'r plant yn mynd ar wasanaeth bws lle nad yw'r teithwyr wedi cael archwiliad DBS ac mae achosion lle mae'r bysys yn llawn a lle mae'r plant yn sefyll am gyfnod y daith.

Os na fyddai'r cludiant hwn bellach yn cael ei ariannu gan y cyngor, rwy'n amau y byddai'r niferoedd yn Aberhonddu yn cynyddu, ac yn sgil hynny byddai'r pynciau a ddarperir a'r safonau felly yn cynyddu.

(Tudalennau 41 - 42)

8.	TROSGLWYDDIADAU
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8.1. Trosglwyddiadau ar gyfer Priffyrdd, Trafnidiaeth ac Ailgylchu

(Tudalennau 43 - 46)

8.2. Trosglwyddiad o Dy Ladywell i'r Gronfa Datblygu Economaidd

(Tudalennau 47 - 50)

9.	CYNHADLEDD GWELLA ESTYN YR AWDURDOD LLEOL
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Ystyried adroddiad gan y Cynghorydd Sir Phyl Davies, Aelod Portffolio ar faterion Addysg ac Eiddo.

(Tudalennau 51 - 98)

10.	SWYDD WAG I DDOD AR GYFER AELOD ANNIBYNNOL AR Y
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PWYLLGOR SAFONAU

Ystyried adroddiad gan y Pennaeth Gwasanaethau Cyfreithiol a Democrataidd..
(Tudalennau 99 - 106)

11. CYNRYCHIOLAETH AR BWYLLGORAU A CHYRFF ALLANOL
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Ystyried adroddiad y Pennaeth Gwasanaethau Cyfreithiol a Democrataidd..
(Tudalennau 107 - 116)

12. ARGYMHELLION GAN Y PWYLLGOR GWASANAETHAU DEMOCRATAIDD
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Ystyried argymhellion gan y Pwyllgor Gwasanaethau Democrataidd..
(Tudalennau 117 - 242)

13. RHYBUDD O GYNNIG

O ystyried y ffaith nad yw cael cyfarfodydd llawn y Cyngor yn ofyniad cyfreithiol fel rhan o drawsnewid ysgolion, ac nad yw'n cyflwyno unrhyw beth i'r broses, a chyda'r ffaith fod gwneud y defnydd gorau o adnoddau staff a pheidio â gwastraffu arian yn bwysig, mae'r Cyngor yn cytuno i ddileu'r gofyniad i'r Cyngor llawn gwrdd i drawsnewid ysgolion, ac i ddefnyddio cyfarfodydd a chyfleoedd eraill sy'n ffurfio rhan o'r prosesau cyfreithiol yn hytrach na hyn.

Cynigiwyd gan y Cynghorydd Sir Elwyn Vaughan
Eiliwyd gan y Cynghorydd Sir Phyl Davies

14. CWESTIYNAU YN UNOL Â'R CYFANSODDIAD
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14.1. Cwestiwn i'r Aelod Portffolio dros faterion Cyllid, Cefn Gwlad a Thrafnidiaeth oddi wrth y Cynghorydd Sir Les Skilton

Rwy'n deall fod Powys wedi derbyn grant o £3 miliwn oddi wrth Lywodraeth Cymru.

Defnyddiwyd rhan o'r grant hwn i brynu 20 o fsys newydd ar gyfer gweithredwyr o fewn Powys tuag at gludiant cyhoeddus.

A all yr aelod portffolio roi gwybod i mi a'r aelodau, a yw Powys wedi prynu bysys ail-law oddi wrth rai gweithredwyr? A allwch gadarnhau a yw hyn yn gywir a pham?

(Tudalennau 243 - 244)

14.2. Cwestiwn i'r Aelod Portffolio dros faterion Pobl Ifanc a Diwylliant oddi wrth y Cynghorydd Sir Huw Williams

Mewn Bwletin Gwella a Sicrwydd diweddar, ysgrifennwyd fod, *'goruchwyliaeth yn y gweithle (Gwasanaethau Plant) yn hanfodol mewn amrywiaeth cyflawn o ffyrdd. Mae lefelau cydymffurfiaeth presennol yn isel, er eu bod yn cynyddu ychydig, a nawr fod y strwythur ar waith, rhaid trafod hyn fel mater brys'*. A all yr aelod portffolio, felly, gyflwyno adroddiad cynnydd cymharol, o fis Medi 2019 hyd at fis Rhagfyr, gan gynnwys:

- i) tystiolaeth o nifer y gweithwyr cymdeithasol cymwys, gweithwyr cymdeithasol sydd newydd gymhwyso a gweithwyr cymdeithasol asiantaeth sy'n derbyn lefel briodol, reolaidd ac wedi'i strwythuro o oruchwyliaeth o fewn y gweithle, a
- ii) beth yw llwyth achosion presennol pob gweithiwr ar gyfartaledd ac a yw'r gwaith yn briodol i lefel cymwysterau a hyfforddiant pob gweithiwr?

(Tudalennau 245 - 248)

14.3. **Cwestiwn i'r Aelod Portffolio dros faterion yr Amgylchedd oddi wrth y Cyngorydd Sir David Thomas**

Derbyniodd trigolion yn wardiau Tawe Uchaf, Aber-craf, Ystradgynlais, Ynyscedwyn a Chwmtwrch wasanaeth casglu deunyddiau ailgylchu gwaeth na gwael dros gyfnod y Nadolig. Y rheswm dros hyn oedd diffyg cynllunio strategol a chyfathrebu gan y Cyngor gyda Chynghorwyr a'r gymuned.

Beth fydd y Cyngor yn ei wneud i sicrhau na fydd hyn yn digwydd eto?

(Tudalennau 249 - 250)

14.4. **Cwestiynau i'r Aelod Portffolio dros faterion yr Amgylchedd oddi wrth y Cyngorydd Sir Gareth Ratcliffe**

Fel y mae banciau yn encilio o gymunedau Powys ac mae tâl yn cael ei godi ar rai cymunedau i dynnu arian o beiriannau arian parod lleol, pryd fydd Cyngor Sir Powys yn dechrau cyflwyno systemau taliadau gyda chardiau led led y sir er mwyn cefnogi busnesau gan ei bod hi'n anoddach trin a thrafod arian parod?

(Tudalennau 251 - 252)

14.5. **Cwestiwn i'r Aelod Portffolio dros faterion Cyllid, Cefn Gwlad a Thrafnidiaeth oddi wrth y Cyngorydd Sir Gareth Ratcliffe**

Yn dilyn pryderon a fynegwyd gan drigolion Y Gelli Gandryll eu bod yn gweld cynnydd mewn ail gartrefi yn dod yn "fusnesau" er mwyn trafod a mynd i'r afael gyda'r cynnydd yn nhreth y cyngor, a fydd y cyngor yn gallu adolygu effaith ail gartrefi ar gymunedau er mwyn cefnogi trigolion lleol ynghyd â'r gymuned fusnes i sicrhau ein bod yn cael tymor 12 mis ac nad yw cartrefi yn cael eu gadael yn wag am rannau mawr o'r flwyddyn gan atgyfnerthu ein cymunedau felly ar gyfer heriau'r dyfodol?

(Tudalennau 253 - 254)

14.6. **Cwestiwn i'r Aelod Portffolio dros faterion yr Amgylchedd oddi wrth y Cynghorydd Sir Karen Laurie-Parry**

Mae nifer o drigolion wedi darllen neges ar Gyfryngau Cymdeithasol lle mae Cyngor Sir arall wedi adrodd am arbedion ariannol o ran Torri Glaswellt, trwy blannu blodau gwyllt sy'n ddeniadol iawn i'r llygad, ac yn annog cynnal pili-palaod, gwenyn ac ati.

Lle mae ymylon glaswellt ac argloddiau llydan iawn, mae trigolion wedi gofyn am ystyried a fyddai'n arbed costau ac yn rheolaeth well ar amser i weithwyr dorri glaswellt ar 3 troedfedd o ymylon y ffyrdd yn unig a chaniatáu i flodau gwyllt a blannwyd eisoes i barhau i dyfu?

Oni fyddai hyn yn rhyddhau amser, er mwyn i Weithwyr Llaw yr Adran Briffyrdd, gynnal gwaith cynnal a chadw mawr ei angen a ddynodwyd ar ffyrdd Dosbarth 'B', ffyrdd ymylol a draeniau cysylltiedig?

(Tudalennau 255 - 256)

14.7. **Cwestiwn i'r Aelod Portffolio dros faterion yr Amgylchedd oddi wrth y Cynghorydd Sir Karen Laurie-Parry**

Mae pryderon difrifol gan nifer o drigolion yn fy Ward o ran y toriadau gyda goleuadau stryd. Mae hyn yn fwy dychrynlyd, yn benodol, mewn ardaloedd lle mae pobl mewn oed yn byw, sy'n ofni am eu diogelwch yn ystod y nos, oherwydd penderfyniad y Cyngor Sir i droi rhai goleuadau stryd i ffwrdd. Fe wnafl gyflwyno Neuadd Terrace, Bronllys fel un enghraifft.

Mae diogelwch a lles trigolion mewn oed a thrigolion diamddiffyn, yn benodol, yn arbennig o bwysig, felly a all yr Aelod Portffolio awgrymu sut y gallwn ganfod y costau i sicrhau fod anghenion ein trigolion pryderus yn cael eu diwallu?

(Tudalennau 257 - 258)

14.8. **Cwestiwn i'r Aelod Portffolio dros faterion yr Amgylchedd oddi wrth y Cynghorydd Sir Elwyn Vaughan**

O ystyried y pryderon cynyddol am ddefnyddio Glyffosad (Glyphosate) fel chwynladdwr o fewn ein cymunedau, a'r ffaith y bu nifer o achosion ymglyfreithio proffil uchel llwyddiannus sydd werth miliynau o bunnoedd yn erbyn Monsanto, a bod adroddiadau o 18,400 o achosion cyfreithiol ar y gweill yn erbyn Bayer, oherwydd adroddiadau o bryderon iechyd am y defnydd o Glyffosad, a'r pryderon am effaith y defnydd o Glyffosad ar yr amgylchedd, a all yr aelod portffolio ymgymryd i gynnal arolwg brys ar y defnydd o Glyffosad gan yr awdurdod ac unrhyw un o'i gontractwyr, gan edrych ar enghreifftiau eraill o arfer gorau ac adrodd yn ôl i'r Cyngor ymhen amser gydag argymhellion pendant?

(Tudalennau 259 - 268)

14.9. **Cwestiwn i'r Arweinydd oddi wrth y Cyngorydd Sir William Powell**

Tra'n cydnabod yr adnoddau, boed yn ariannol ac mewn ymdrechion dynol, sy'n cael eu hymrwymo gan Gyngor Sir Powys i'w Weithgor Allanol ar Brexit a'r gweithio sylweddol ac arwyddocaol a gyflawnir mewn partneriaeth, gydag asiantaethau'r sector cyhoeddus a phreifat ac aelodau etholedig, mae un maes lle y gallwn – a lle y gellir dadlau y dylwn – wneud mwy.

Gan fod Llywodraeth newydd etholedig y DU yn gwrthod cyflwyno hawliau ymgartrefu/preswyllo awtomatig i Wladolion yr Undeb Ewropeaidd a gafodd eu haddo gan yr Ymgyrch Pleidleisio dros Adael yn Refferendwm 2016, a bod yr holl ddiwygiadau i'r Mesur Gadael yn ailbennu'r hawliau hyn – ac i greu mecanwaith apelio hyd yn oed – wedi cael eu gwrthod gan Lywodraeth Ei Mawrhydi, mae nifer o Wladolion Swistir a Gwladolion yr Undeb Ewropeaidd a'r Ardal Economaidd Ewropeaidd ym Mhowys a led led Cymru yn wynebu her enfawr wrth geisio sicrhau Statws Preswilydd Sefydlog oddi wrth y Swyddfa Gartref.

Rwy'n ymwybodol fod dolen wybodaeth ar y Statws Preswilydd Sefydlog ar wefan Cyngor Sir Powys sy'n tywys tuag at Gov.UK – a hefyd yn ymwybodol o lawlyfr 'y cyntaf i'r felin' ar gyfer cynghorwyr sydd â diddordeb. Fodd bynnag, o ystyried yr her enfawr yr ydym wedi'i chydabod dros amser ar Gofrestr Risg Corfforaethol Cyngor Sir Powys o ran y dirywiad llym mewn trigolion ym Mhowys o oedran gweithio, oni fyddai'n briodol, heb amheuaeth, i'r Awdurdod fabwysiadu dull 'y gorau o fewn y dosbarth' tuag at gefnogi'r categori hanfodol hwn o weithwyr. Mae mesurau rhagweithiol wedi'u cymryd o fewn awdurdodau cyfagos, yn fwyaf nodedig, Sir Fynwy, Sir Gaerfyrddin a dros y ffin yn Swydd Henffordd, sy'n cynnwys sesiynau galw heibio, cyfarfodydd cymunedol a chyswllt â'r gwasanaethau llyfrgelloedd perthynol, er mwyn mynd ati oll i gefnogi Gwladolion yr Undeb Ewropeaidd sy'n dymuno parhau i fyw, gweithio a chyfrannu tuag at ein cymunedau.

A fydd yr Arweinydd yn rhoi ystyriaeth i raglen fwy rhagweithiol o gefnogaeth, yn unol ag enw da Powys ar gyfer lletygarwch, dyngarwch a chwarae teg?

(Tudalennau 269 - 270)

15. CAIS AM GYFNOD O ABSENOLDEB
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Ar ddiwedd y cyfarfod ffurfiol bydd sesiwn briffio ar Fargen Twf Canolbarth Cymru.

**MINUTES OF A MEETING OF THE COUNTY COUNCIL HELD AT COUNCIL
CHAMBER - COUNTY HALL, LLANDRINDOD WELLS ON THURSDAY, 10
OCTOBER 2019**

PRESENT

County Councillor B Baynham (Chair)

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

1.	APOLOGIES
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Apologies for absence were received from County Councillors K W Curry, S C Davies, M J Dorrance, L Fitzpatrick, E A Jones, E Jones, G Jones and J Wilkinson

2.	MINUTES
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The Chair was authorised to sign the minutes of the last meeting held on 11th July 2019 as a correct record.

3.	DECLARATIONS OF INTEREST
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County Councillors M Barnes, L Corfield, B Davies, E Durrant, L George, J Gibson-Watt, S Hayes, A Jenner, DR Jones, EM Jones, J Jones, MJ Jones, D Jones-Poston, F Jump, H Lewis, K Lewis, P Lewis, S McNicholas, D Meredith, C Mills, G Morgan, R Powell, W Powell, DR Price, P Pritchard, G Pugh, J Pugh, L Roberts, P Roberts, K Roberts-Jones, D Selby, T Van-Rees, E Vaughan, A Williams, G Williams, H Williams, J Williams, JM Williams, R Williams and S Williams declared personal non prejudicial interests in Item 9, the notice of motion on pension fund divestment from fossil fuels, as members of the Local Government Pension Fund. County Councillors P Davies, EM Jones, D Meredith and T Van-Rees declared prejudicial interests in this item.

County Councillors P Davies, J Evans, G Morgan and G Thomas declared personal and prejudicial interests in item 16, the notice of motion on rewilding. County Councillors J Charlton, MJ Jones and R Powell declared personal, non-pecuniary interests in this item.

4. CHAIR'S ANNOUNCEMENTS

The Chair had circulated details of her engagements to Members by email.

The Chief Executive of the Chartered Trading Standards Institute, Leon Livermore, presented Councillor James Evans with the Institute's hero award for political leadership in Trading Standards. He also presented a partnership award to the Trading Standards team and Dyfed Powys Police for their work in tackling the supply of counterfeit goods and illegal tobacco.

5. LEADER'S ANNOUNCEMENTS

The Leader thanked Councillors Stephen Hayes and Martin Weale who had left the Cabinet for their work and she welcomed Councillors Graham Breeze and Heulwen Hulme onto the Cabinet.

She updated Council on the Mid Wales Growth Deal following the announcement of an initial £55m promised by the Westminster Government and on meetings with the Secretary of State for Wales and Welsh Government Minister for International Relations and the Welsh Language.

The Leader congratulated EvaBuild, winners of the Powys Business Awards sponsored by the Council. She urged everyone to get involved in the budget consultation, the Big Squeeze, and in events to mark White Ribbon Day on 25th November. The Leader had been a guest at the Wales in Bloom awards in Ystradgynlais and Councillor Susan McNicholas was pleased to advise Council that the town had won the gold award and was awaiting the results of Britain in Bloom.

The Leader also advised Council of a visit to Blaubeuren in Germany to mark 40 years of the twinning with Brecon where there had been agreement on promoting tourism and economic development. Finally, she was pleased to note that the Council had received a City of Sanctuary award for its work in resettling Syrian refugees in the county.

6. PUBLIC QUESTIONS

6.1. Question to the Portfolio Holder for Education from Katherine Lewis

Assuming that you were both aware and approved of the content of Dr Caroline Turner's recent letter to all Headteachers regarding the Global climate strike on Friday 20th September 2019, I would like to know on what grounds an issue that has been taught as part of both Science & Geography curricula for at least the past three decades could be deemed "Political"?

Response

Thank you for your question. I agree that issue of climate change is not of itself a political matter, but when "strike action" by pupils and staff is called for, and

a school site is being proposed as the base for a rally, this makes it political. I am sure that this is what Dr Turner was referring to in her letter.

In her supplementary question Ms Lewis asked how punitive repercussions aimed at deterring young learners from having a voice in an emergency that directly affects them could be justified, and given the duty of care to its citizens of all ages, how the Council was planning to raise climate emergency awareness and put effective, practical, comprehensive climate planning in place.

The Portfolio Holder advised that there was a lot of work going on in schools and agreed that it was important that young people had a voice. He would provide a more detailed written response.

7.	DRAFT VISION 2025 OUR CIP UPDATE AND ANNUAL PERFORMANCE REPORT 2019
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The Leader and Portfolio Holders presented the draft Vision 2025 CIP Update and Annual Performance Report 2019. The report set out updates to the Council's Vision 2025 Corporate Improvement Plan and detailed performance during 2018-19 against delivering the well-being objectives. The report was supported by animations or moovlys to make it more accessible to the public.

The Leader and Portfolio Holders presented details of key achievements in their areas and answered questions from members. The Leader rejected comments from some members that the report wasn't an open, balanced and realistic self-assessment of performance. The Head of Transformation and Communications confirmed that all of the information contained within the report related to 2018/19.

It was moved by the Leader and duly seconded and by 46 votes to 8 it was

RESOLVED	Reason for Decision:
<p>To approve the DRAFT Vision 2025 CIP Update and Annual Performance Report 2019 (in Appendix A to the report).</p>	<p>To ensure the report gives a balanced and open account of Powys County Council's performance during the 2018-19 financial year, against the well-being objectives set out in Vision 2025: Our Corporate Improvement Plan 2018-2023.</p> <p>To ensure the Council meets its statutory obligations as outlined in the Well-being of Future Generations (Wales) Act 2015 and Local Government (Wales) Measure 2009.</p>

Council adjourned at 12.59 and reconvened 13.53.
 County Councillors D Davies, A Jenner, J Jones, C Mills, P Pritchard, J Pugh, M Weale and A Williams left the meeting.

PRESENT

County Councillor B Baynham (Chair)

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

8.	BUDGET VIREMENTS
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8.1. Virements for Highways, Transport and Recycling

It was moved by County Councillor A Davies and seconded by County Councillor M Alexander and by 46 votes to 0 it was

RESOLVED	Reason for Decision:
To approve the virement for the Highways Core Allocation and the Highways Asset Management Plan as set out in Table 1 of the report.	To ensure appropriate virements are carried out that reflect the forecasted capital spend.

8.2. Virements for Gwernyfed High School

The Portfolio Holder for Education and Property confirmed that the budget allocated was for the school development and not the Mansion House. It was moved by County Councillor A Davies and duly seconded and by 43 votes to 1 with 2 abstentions it was

RESOLVED	Reason for Decision:
To approve the virement for Gwernyfed High School as set out in paragraph 2.1 of the report.	To ensure appropriate virements are carried out that reflect the forecasted capital spend.

8.3. Virement for 21st Century School Projects

It was moved by County Councillor A Davies and seconded by County Councillor K Roberts-Jones and by 47 votes to 0 with 1 abstention it was

RESOLVED	Reason for Decision:
To approve the virement for Gwernyfed High School as set out in paragraph 2.1 of the report.	To ensure appropriate virements are carried out that reflect the forecasted capital spend.

The Chair advised that she was changing the running order of the agenda to take the notice of motion on the pension fund next.

9.	NOTICE OF MOTION - POWYS PENSION DISVESTMENT FROM FOSSIL FUELS
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The Monitoring Officer advised that councillors who were members of the Local Government Pension Scheme that they should declare a personal non pecuniary interest which they should declare but which did not prevent them from speaking and voting on the motion. He advised that councillors with shares in companies engaged in fossil fuel extraction had personal and prejudicial interests which they should declare and leave the chamber. He further advised members of the Pensions and Investment Committee to abstain from voting.

County Councillors M Barnes, L Corfield, B Davies, E Durrant, L George, J Gibson-Watt, S Hayes, A Jenner, DR Jones, EM Jones, J Jones, MJ Jones, D Jones-Poston, F Jump, H Lewis, K Lewis, P Lewis, S McNicholas, D Meredith, C Mills, G Morgan, R Powell, W Powell, DR Price, P Pritchard, G Pugh, J Pugh, L Roberts, P Roberts, K Roberts-Jones, D Selby, T Van-Rees, E Vaughan, A Williams, G Williams, H Williams, J Williams, JM Williams, R Williams and S Williams declared personal non prejudicial interests as members of the Local Government Pension Fund.

County Councillors P Davies, EM Jones, D Meredith and T Van-Rees declared prejudicial interests and left the chamber whilst the motion was considered.

The motion was moved by County Councillor Emily Durrant and seconded by County Councillor Jackie Charlton who advised that a number of Welsh pension funds had signed up to divestment of funds from companies engaged in the extraction of fossil fuels. The Chair of the Pensions and Investment Committee advised that the Committee would be happy to consider the motion and that it already followed Local Authority Pension Fund Forum guidelines supporting the transition to a low carbon environment.

By 22 votes to 18 with 4 abstentions it was

RESOLVED that this council calls for support for the Powys County Council Pension Fund Committee to consider the following:

- **Continue the ongoing support for the principle of divestment in companies engaged in fossil fuel extraction, in order to divest from direct ownership of equities and corporate bonds, as well as any comingled funds, of companies engaged in fossil fuel extraction**
- **The Adoption of the United Nations Sustainable Development Goal 13:-
“To take urgent action to combat climate change and its impact”**
- **And; to request and actively encourage that members of the Wales Pension Partnership consider divestment within a period of five years**

County Councillors P Davies, EM Jones, D Meredith and T Van-Rees returned to the meeting.

County Councillor P Lewis left the meeting at 14.20.

10. CHANGES TO THE FINANCIAL REGULATIONS FOR VIREMENTS

Council considered the report of the Head of Finance proposing a change to Financial Regulations so that the re-profiling of capital budgets between financial years, provided always that the overall project budget remains the same, was not a virement requiring Council approval. The change had been recommended by the Democratic Services Committee.

It was moved by County Councillor E Vaughan and seconded by County Councillor P Davies and by 51 votes to 1 it was

RESOLVED	Reason for Decision:
That the changes to the Financial Regulations are approved.	To allow the roll forward of capital budgets and finding to a future year providing the overall budget remains the same.

County Councillor E Durrant left at 14.24.

11. EFFICIENCY SAVINGS REPORT AS AT 31ST AUGUST 2019

Council was advised that savings of £11.628m (54%) had been delivered to date. Heads of Service had provided assurance that a further £6.393m (29%) could be delivered by year end. The remaining £3.672m (17%) were considered to be unachievable in the current financial year. £1.809m of these were expected to be achieved in full next year, leaving £2.156m of savings that were considered unachievable on a permanent basis. The Senior Leadership Team were collectively developing a recovery plan to identify alternative means of bridging this gap and proposals would be submitted to Cabinet for consideration. The Portfolio Holder for Finance confirmed that he would share details of unachievable savings with the Finance Panel. It was accepted that impact assessments had not been robust enough in the past which was why an integrated business modelling approach had been adopted.

The report was moved by County Councillor Aled Davies and duly seconded and by 49 votes to 0 it was

RESOLVED	Reason for Decision:
That the contents of the report are noted.	To understand the impact of savings delivery on the 2019/20 Budget and glean assurance that action is being taken to address the shortfall in the 2019/20 budget.

12. RECOMMENDATIONS FROM THE DEMOCRATIC SERVICES COMMITTEE**Questions by Members at Council and Speaking at Council Meetings**

Council considered the recommendation of the Democratic Services Committee that a system of nominated speakers by the political groups be introduced and that there be a 3 month trial of a system of questions to Heads of Service for operational matters and Portfolio Holders for policy matters. This would require a suspension of Rule 4.29 of the Constitution for the period of the trial.

It was moved by County Councillor Elwyn Vaughan and seconded by County Councillor Karl Lewis and by 48 votes to 0 with 1 abstention it was

RESOLVED	Reason for Decision:
<p>(i) That Rule 4.29 of the Constitution is suspended for an initial period of 3 months to allow a trial of a "Formal Questions at Any Other Time" process,</p> <p>(ii) That the trial be reviewed by the Democratic Services Committee at the end of that period with delegated power to the Chair of the Democratic Services committee in consultation with the Committee to extend the trial period.</p> <p>(iii) During the trial period referred to in (i) and (ii) above a new Rule 4.29A to 4.29C as set out in Appendix 1 is adopted.</p> <p>(iv) That the Council implements a process of having nominated speakers to items on Council agendas (in addition to other Members making different / additional points), in accordance with amended Rule 4.47 as set out in Appendix 1.</p> <p>(v) That a workshop for Members be held to explain the new processes prior to their implementation.</p>	<p>(i) To allow Members to ask formal questions of Portfolio Holders at any time rather than waiting for meetings of the Council.</p> <p>(ii) To allow nominated speakers to speak on Council agenda items.</p> <p>(iii) To explain the new processes to Members before implementation.</p>

Constitution

Council considered the recommendation of the Democratic Services Committee proposing a number of amendments to the Constitution in respect of the rules for

dealing with amendments to motions, recorded votes, Financial Procedure Rules and the Local Resolution Protocol.

County Councillor Pete Roberts proposed an amendment seconded by County Councillor James Gibson-Watt that there should be a single deadline of 5 p.m. the day prior to the meeting for submitting both substantial and simple amendments to motions which was passed by 39 votes to 4 with 2 abstentions. This became the substantive motion and by 39 votes to 5 with 2 abstentions it was

RESOLVED	Reason for Decision:
To amend Rule 4.49 Section 4 of the Constitution so that substantial and simple amendments must be received by the Monitoring Officer in writing by 5 p.m. the day prior to the meeting.	To review and update the Constitution.

By 48 votes to 1 it was

RESOLVED	Reason for Decision:
To amend Rule 4.66 Section 4 in respect of recorded votes, Section 16 in respect of Financial Procedure Rules and Section 25 Local Resolution Protocol.	To review and update the Constitution.

County Councillor Mark Barnes left the meeting at 15.02.

13. APPOINTMENTS TO COMMITTEES AND OUTSIDE BODIES
--

13.1. Powys Community Health Council

RESOLVED that County Councillor Lucy Roberts be appointed to Powys Community Health Council.

13.2. Brecon and Radnor Sports Partnership

RESOLVED that County Councillor Claire Mills be appointed to Brecon and Radnor Sports Partnership

13.3. Community Chest Sportlot

RESOLVED that County Councillor Jon Williams be appointed to Community Chest Sportlot.

13.4. Appointments made by political groups and approved by the Monitoring Officer

Council noted the appointment of County Councillor Iain McIntosh to the Standards Committee in place of Sarah Lewis.

14. NOTICE OF MOTION - WHITE RIBBON CAMPAIGN

Council debated the following motion moved by County Councillor Michael Williams and seconded by County Councillor David Meredith:

Powys County Council supports the White Ribbon campaign.

The White Ribbon campaign encourages men to:

- engage other men to talking about violence against women and girls;
- wear a white ribbon;
- pledge never to commit, excuse or remain silent about male violence against women.

Members spoke in favour of the motion and members and staff were encouraged to take part in the events being organised on White Ribbon Day on 25th November. The Leader was asked to raise the campaign with the Public Service Board.

By 45 votes to 1 it was

RESOLVED that Powys County Council supports the White Ribbon campaign.

The White Ribbon campaign encourages men to:

- **engage other men to talking about violence against women and girls;**
- **wear a white ribbon;**
- **pledge never to commit, excuse or remain silent about male violence against women.**

County Councillor Karl Lewis left the meeting at 15.18

15. NOTICE OF MOTION - NATIONAL DEVELOPMENT FRAMEWORK
--

The motion was withdrawn by the proposer and seconder.

16. NOTICE OF MOTION - CONSERVATION AND REWILDING
--

The Monitoring Officer advised that members with land in the area of the proposed scheme or with friends or relatives with land should declare a personal and prejudicial interest. He further advised that members in a position of management with bodies either supporting the scheme or opposing it should declare prejudicial interests. Ordinary members of the organisations should declare personal interests.

County Councillors P Davies, J Evans, G Morgan and G Thomas declared personal and prejudicial interests and left the Chamber whilst this matter was considered.

County Councillors J Charlton, MJ Jones and R Powell declared personal, non-pecuniary interests.

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

Council notes the project led by Rewilding Britain in the area from Machynlleth and Llanidloes to Aberystwyth, called 'Summit to Sea' that covers 38,000 hectares.

Whilst the Council states its support for conservation work within our communities it is opposed to the activities of Rewilding Britain in Mid Wales. It furthermore calls on the 'Summit to Sea project' to cut ties with Rewilding Britain and for any future management structure to be rooted within the communities, be led by those communities it serves, and include such partners as the farming unions, Mentrau Iaith and local authorities as a fundamental starting point.

In speaking to the motion Councillors Vaughan and Davies argued that the scheme was an imposition on Welsh speaking communities that relied on farming which if implemented would wreck livelihoods.

By 41 votes to 0 with 1 abstention it was

RESOLVED that Council notes the project led by Rewilding Britain in the area from Machynlleth and Llanidloes to Aberystwyth, called 'Summit to Sea' that covers 38,000 hectares.

Whilst the Council states its support for conservation work within our communities it is opposed to the activities of Rewilding Britain in Mid Wales.

It furthermore calls on the 'Summit to Sea project' to cut ties with Rewilding Britain and for any future management structure to be rooted within the communities, be led by those communities it serves, and include such partners as the farming unions, Mentrau Iaith and local authorities as a fundamental starting point.

17. QUESTIONS IN ACCORDANCE WITH THE CONSTITUTION
--

17.1. Question to the Portfolio Holder for Finance, Countryside and Transport from County Councillor Gareth Ratcliffe

Over the last couple of years Powys County Council has looked to remove services and place them in control of the communities. Hay Swimming pool

was taken over by a dedicated group of volunteers and presently provide the service to over 450 people. This service would have been lost and is vital to the community as without it the local school would not be able to support the level of provision and would result in a minimum of lessons each year just to meet the national curriculum. This comes at a cost to the local community who are working hard to keep the service going but at times there are large maintenance bills or development that are needed to bring them to a legal and safe standard. For example Hay swimming pool is having to renew its pool lining at a cost in the region of £18k inc VAT. The community have raised with support from residents and local community organisations just over £11k.

With this in light will the portfolio holder look at forming a budget to allow community groups that have taken over service to apply for loans to support the service within their community that have been adopted?

Response

The Council is under significant financial pressure, we are having to prioritise our limited resources on core council services. To introduce a loans scheme would require additional resource that we do not have. Community groups are able to access other sources of funding and we can assist in signposting groups to potential funding streams.

In response to Councillor Ratcliffe's supplementary question, the Portfolio Holder agreed to provide members with details of other funding sources.

17.2. Question to the Portfolio Holder for Finance, Countryside and Transport from County Councillor Karen Laurie-Parry

Powys County Council being such a large rural area, has a large expenditure on Contracted Coach costs, be it public transport or school transport.

I understand that a former Director did ask Cabinet, for All Coach Transport Costs, be it public or school, to be reviewed to ascertain where any savings could be made and I too, did highlight concerns I had, regarding empty coaches operating at certain times of the day. There are probably logical reasons, but as we are expecting a further squeeze on budgets, do you consider that the former Director's professional request should be undertaken?

Whilst realising that again this is a sensitive area, could the Portfolio Holder explain and confirm, whether or not such a Full Public and School Transportation Cost Review has taken place or will be undertaken?

Response

The Council undertook a review of transport in July 2018 when we tendered new home to school and local bus service contracts. The review saw a total of 33 dedicated school transport vehicles being withdrawn. Learners who travelled on those vehicles which were withdrawn have been redistributed to other contracted school or local bus services.

We continue to monitor transport spend on a month by month basis, but we have to continue to meet our statutory obligations by transporting nearly 5500 learners to school on a daily basis and ensure that the 1.1m passengers that use our public transport network of buses annually receive a value for money service.

There was no supplementary question.

County Councillor Aled Davies left the meeting at 16.00.

17.3. Question to the former Portfolio Holder for Learning and Welsh Language from County Councillor James Gibson-Watt

The Portfolio Holder has recently dismissed appeals by parents from the Brecon High School catchment area applying for school transport for their children to Ysgol Calon Cymru Builth Wells campus to study through the medium of Welsh, on the grounds that the Welsh medium provision at Brecon High School is comparable to the provision at Ysgol Calon Cymru, despite the fact that Welsh medium provision at Brecon High School is demonstrably not as extensive as at Ysgol Calon Cymru, especially in Years 10 and 11.

Given the above how does the Portfolio Holder justify her decision to dismiss the appeals in circumstances in which Powys County Council is still providing school transport to some learners from the Brecon High School catchment area to Welsh medium provision at Ysgol Calon Cymru Builth Wells campus; and can she confirm that her decision to dismiss these appeals is compliant with current Equalities legislation and the provisions in Powys County Council's Welsh Education Strategic Plan?

Response

You will be aware that the Authority's Home-to-School Transport Policy states clearly that free transport is provided for eligible pupils to their nearest suitable or catchment school that provides education through the medium of English or Welsh. In the case of learners from the Brecon area, Brecon High School is the nearest provider of Welsh-medium secondary education.

A few years ago, a number of parents from the Brecon area were refused transport to Builth Wells High School for Welsh-medium provision due to Brecon High School being their closest provider. The parents took this decision to a transport appeal and were granted free transport on the basis that the provision at Builth Wells High School was deemed, by the Portfolio Holder for Education at the time, to be more suitable than the provision at Brecon High School.

Upon hearing parental appeals this year, I was provided with information which shows that the difference in terms of number of subjects available in Welsh at Ysgol Calon Cymru and Brecon High School is now of a similar level. There are a similar number of Welsh medium subjects being provided at both school in years 7-9, although there is a greater difference in years 10 and 11.

It was my decision, therefore, not to grant free transport as the provision is comparable in both schools and therefore does not contradict equalities legislation or the aspirations of the authority's WESP.

In response to Councillor Gibson-Watt's supplementary question as to whether she considered her response equitable, the Portfolio Holder noted that there was no

difference in the categorisation between the two schools at Key Stage 3 and therefore no justification to transport to other than the nearest school.

17.4. Question to the Leader from County Councillor William Powell

Given the likelihood of either a General Election or a Confirmatory Vote on Brexit in the coming weeks – and concerns around anomalies in the recent General Election - what is the Leader doing, in liaison with the Returning Officer to review guidance on Purdah, as it affects Powys County Council Officers, Members and County Council assets, to ensure that it is consistent, lawful and proportionate?

Response

Thank you for the question. As you are aware, the running of elections is not an issue for the Leader of Council, but is solely the responsibility of the Returning Officer and her staff. However, I confirm that the Head of Legal and Democratic Services will review any purdah guidance that may be required going forward.

In response to Councillor Powell's supplementary question it was confirmed that purdah guidance to staff would be reviewed.

17.5. Question to the Portfolio Holder for Environment from County Councillor Elwyn Vaughan

What is the portfolio holder's proposed action following the independent report obtained by Abermule residents which suggest that the ecology survey undertaken by PCC was both sub-standard and not in accordance with good practice or the legislation and that consequently the presence of great crested newts on site cannot be properly discounted? Specifically, will the portfolio holder offer categoric assurance that no works will commence on site until the legislation in this respect has been fully complied with?

Response

The ecology mitigation scheme is being undertaken in line with 2001 best practice and in full compliance with the development licence issued for the site by Natural Resources Wales (NRW). The initial great crested newt trapping exercise was undertaken in October and November 2018, which was subsequently approved and signed off by NRW. This is an ongoing process, the next phase of which is the supervised search and clearance of habitat within the site immediately prior to commencement of works to ensure that the site is clear of newts.

The independent report provided by the community group was a desktop exercise with no site visits undertaken by the ecologist and based on information submitted by the group, which does raise the issue of impartiality. The consultant used by the Council is recognised as a professional company and undertakes ecological and biodiversity projects throughout the UK. They have certified environmental and quality management systems and use qualified,

experienced ecologists. NRW have since met the community group and have confirmed to us that they (NRW) are happy with our approach.

We can therefore confirm that all legislation has been, and will be, fully complied with both prior to and during construction.

In his supplementary question Councillor Vaughan asked for assurance that the rest of the site would be for private enterprise and not used for other Council services and that the Council would look for other business park sites in the Severn Valley. The Portfolio Holder gave an assurance that there were no current plans to relocate other Council services to the Abermule site. Other economic development opportunities for the area would be considered as part of the Mid Wales Growth Deal.

County Councillor T Van-Rees left at 16.08.

17.6. Question to the Portfolio Holder for Economic Development, Housing and Regulatory Services from County Councillor James Gibson-Watt

Could the Portfolio Holder outline the efforts made by Powys County Council to promote Welsh Government's 'Targeted Regeneration Investment' grants to town centre retail shop owners and long-term tenants in Powys's market towns?

Response

A press release announcing the funding was circulated in the spring, which initiated enquiries.

Follow up promotion has been centred locally on the specific towns highlighted (for Powys, these are Newtown, Llandrindod Wells and Brecon). Local Officers are working with a number of applicants to develop applications for the grant, as well as speaking with relevant business network groups to promote the opportunity.

There was no supplementary question.

17.7. Question to the Portfolio Holder for Education from County Councillor Jon Williams

When Tesco built their new store in Llandrindod, they gave £700,000 to build a new Scout hut. This was built with extra money added from PCC to add a youth centre on the side. For many years the scouts have had to deal with other users of the building using their space and causing damage. There was an agreement over the use of the building and the formulation of a management committee to run the building. These have not been honoured even though the scouts have tried over many years to get PCC to deal with the issues. A few weeks ago, PCC called a meeting with the users of the building to tell them they had applied for grant funding to make part of the building an office and drop in centre. This is obviously a safeguarding issue for the youth groups who use the building. There are still many unresolved issues over ownership and management of the building, which the scouts have had no reply from PCC since January 2019

when it was stated “we will get back to you shortly”. Can the portfolio holder please tell me, why they have not received a reply, why PCC have not honoured the agreement to form a management committee and why they have gone against the original agreement which states “ It is proposed that use of the new facility by other organisations shall be restricted to youth groups, only. Any future proposal to allow use by non-youth groups will be subject to agreement by the management committee and ultimate approval by the Council's Board following consultation with existing user groups including the Scouts.”?

Response

The Llandrindod Scout Hut and Youth Centre has been used by a number of organisations over the years since it was built – these include the Scouts, Youth Service, and Credu. The building also housed the Pupil Referral Unit until July of this year, which means that the building is now not being fully utilised.

In order to explore opportunities to fully utilise the building, the authority is currently exploring the possibility of developing an Integrated Family Centre to be housed in the building, which will be able to provide valuable support to families in the area. Following the recent departure of the Pupil Referral Unit from the building known as the Llandrindod Youth Centre. Although an application to the Welsh Government for grant support has been made, the outcome of this is not yet known.

Officers called a meeting of all current and potential users at the beginning of September. This was the first meeting to discuss potential future use, and it was very important that all users were round the table from the beginning.

If the grant application is successful and the authority decides to proceed with establishing an Integrated Family Centre on the site, then it will be a fantastic opportunity for all organisations to work together to meet the needs of families and young people in Llandrindod. However, the authority will ensure that it consults with all users to discuss the operational implications of this.

In order to ensure full compliance with any agreement regarding the Centre and its use, I will be recommending that a Centre Management Committee is established as soon as possible.

In his supplementary question Councillor Williams asked if the family centre would be put into the unused part of the building leaving the scouts as the sole users of the rest of the building to honour the original commitment to provide a purpose built scout hall for Llandrindod in return for vacating the Drill Hall. The Portfolio Holder committed to meeting Councillor Williams and all the other parties involved.

17.8. Question to the Portfolio Holder for Young People and Culture from County Councillor Gareth Ratcliffe

Can the portfolio holder please provide an update on the consultation with communities and user groups on the future of libraries across Powys County Council in line with the budget proposals for this year’s budget and also the work planned for the budget round for 2020/21?

Response

The report on the consultation with communities and user groups on the future of libraries has been compiled, and a press release of the headline results has been sent out. The full report is with translation, and will go up on the website once it is completed.

We are very grateful to everyone who took part in all of the consultation meetings or sent us their ideas online, by post or through the libraries, and to those members who took part in all of the meetings held. We had a tremendous response overall, and have been left in no doubt how much residents value their libraries for the wide range of services and support which are available, in particular:

- access to free computers
- book and DVD loans
- story time sessions, coding clubs and the summer reading challenge activities for children
- advice and information from the librarians who double up as council customer service officers.

Libraries are seen as safe and social places for people to use and deemed particularly important in supporting those who may be more vulnerable in society. Respondents also rated highly the volunteers who have been supporting the service and keeping libraries open for longer.

The consultation has highlighted the role of the library service as the front face of Powys County Council in many of our communities, and we need to consider the impact of other decisions and service changes on residents who access support through libraries. The library service supports transformation agendas, particularly digital transformation, through providing the means for those without the technology or the ability to use it, to have supported access and not be disenfranchised.

Libraries and other leisure and cultural services are also key to thriving communities and the prevention of escalated need, increasing overall wellbeing opportunities and the perception of Powys as a good place to live, work and play. There is huge potential to work with Town and Community Councils and the 3rd sector to transform the offer for the better, but we will need every one of you to work with us to achieve this.

We will be considering further all of the views given in order to prepare plans for the future, and are in discussions with various interested community groups to transform service delivery so we can make the savings needed and develop the local offer for a sustainable, long term future. Given the current economic situation for the council, there can be no doubt that the future will remain very challenging, and we will continue to need the help of all local members to reach solutions in your areas, to provide valued services in partnership and through different delivery models. If you have any further suggestions for your local library, or are able to provide sponsorship or practical help and support, please do not hesitate to let me know. The library service will be following up on each and every suggestion on a library by library basis.

The Housing & Community Development service, which includes libraries, has put forward their budget proposals for 2020/21, and these will be considered as part of the budget setting process. The services will be urgently investigating

alternative delivery models, further co-locations and partnership arrangements, and income generation including sponsorship, patronage and Friends of groups.

Councillor Ratcliffe asked if the budget proposals relating to libraries would be the same as were proposed last year. The Portfolio Holder said that there was ongoing work with each community to ensure long term sustainability of the service.

17.9. Question to the Portfolio Holder for Young People and Culture from County Councillor Karen Laurie-Parry

In March, 2019, I was assured by a former Director, that there would be a final financial analysis, as to who might be responsible for the delay in the construction of Y Gaer, Brecon and therefore increased costs.

All reasons would be forensically examined, to consider where fault lies and the former Director even offered to remain available, to Powys County Council to assist with any background information, for as long as is required.

A detailed file was being kept, on all aspects of the construction. This file was to be analysed towards the end of the contract, to identify if claims against any party can be pursued fruitfully. The risks of pursuing a claim, will need careful analysis because Powys County Council knows, that the legal process can be costly, without any guarantee of success.

Whilst appreciating that this is a sensitive area, can the Portfolio Holder explain and confirm, what is the position regarding the forensic analysis? Also, will Powys County Council be able to enforce Court Procedures for reimbursement of payments made, to both the contracted Construction Company and contracted Project Management Company / Quantity Surveyors, if the Contract was not delivered on time and within the Contract budget?

Response

The y Gaer contract sum was fixed at £9.65m in July 2018, so programme delays have not incurred additional expense for the Council since that time. The project, its financial status and progress, is being robustly managed and overseen by the y Gaer Project Board comprising relevant Portfolio Holders and officers. The Project Board, which meets regularly, receives and inspects detailed project management / programme updates along with financial reports outlining progress, issues and matters for consideration, examination and decision.

The overall project will be reviewed once completed and any subsequent recommendations will be implemented. Decisions will be continually reviewed and reflected upon.

Councillor Laurie-Parry had a number of supplementary questions which she was asked to put into writing to the Portfolio Holder.

18.	DIRECT PAYMENTS
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The direct payments video would be shown during the Member Development day on 31st October.

County Councillor B Baynham (Chair)

**COFNODION CYFARFOD O'R CYNGOR SIR A GYNHALIWD YN SIAMBR Y
CYNGOR – NEUADD Y SIR, LLANDRINDOD DDYDD IAU 10FED HYDREF 2019**

YN BRESENNOL

Y Cynghorydd Sir B Baynham (Cadeirydd)

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

1.	YMDDIHEURIADAU
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Derbyniwyd ymddiheuriadau gan y Cynghorwyr Sir K W Curry, S C Davies, M J Dorrance, L Fitzpatrick, E A Jones, E Jones, G Jones a J Wilkinson

2.	COFNODION
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Awdurdodwyd y Cadeirydd i lofnodi cofnodion y cyfarfod diwethaf a gynhaliwyd ar 11^{eg} Gorffennaf 2019 fel cofnod cywir.

3.	DATGANIADAU O DDIDDORDEB
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Datganodd y Cynghorwyr Sir M Barnes, L Corfield, B Davies, E Durrant, L George, J Gibson-Watt, S Hayes, A Jenner, DR Jones, EM Jones, J Jones, MJ Jones, D Jones-Poston, F Jump, H Lewis, K Lewis, P Lewis, S McNicholas, D Meredith, C Mills, G Morgan, R Powell, W Powell, DR Price, P Pritchard, G Pugh, J Pugh, L Roberts, P Roberts, K Roberts-Jones, D Selby, T Van-Rees, E Vaughan, A Williams, G Williams, H Williams, J Williams, JM Williams, R Williams ac S Williams diddordebau personol anragfarnus yn eitem 9, sef rhybudd o gynnig ar waredu cronfa bensiwn o danwydd ffosiledig, fel aelodau o'r Gronfa Pensiwn Llywodraeth Leol. Datganodd y Cynghorwyr Sir P Davies, EM Jones, D Meredith a T Van-Rees diddordebau rhagfarnus yn yr eitem hon.

Datganodd y Cynghorwyr Sir P Davies, J Evans, G Morgan a G Thomas diddordeb personol a diddordebau rhagfarnus yn eitem 16, sef y rhybudd o gynnig ar ail-wylltio. Datganodd y Cynghorwyr Sir J Charlton, MJ Jones a R Powell diddordebau personol, anariannol yn yr eitem hon.

4.	CYHOEDDIADAU'R CADEIRYDD
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Roedd y Cadeirydd eisoes wedi dosbarthu manylion ei hymrwymiaadau i Aelodau trwy ebost.

Cyflwynodd Leon Livermore, Prif Weithredwr Institiwt Safonau Masnach Siartredig wobr arwyr yr Institiwt i'r Cynghorydd James Evans am arweinyddiaeth wleidyddol ym maes Safonau Masnach. Hefyd cyflwynodd wobr partneriaeth i dîm Safonau Masnach y Cyngor a Heddlu Dyfed Powys am eu gwaith i drechu cyflenwi nwyddau ffug a thybaco anghyfreithlon.

5. CYHOEDDIADAU'R ARWEINYDD

Diolchodd yr Arweinydd i'r Cynghorwyr Stephen Hayes a Martin Weale oedd wedi gadael y Cabinet, am eu gwaith, ac estynnwyd croeso i'r Cynghorwyr Graham Breeze a Heulwen Hulme fel aelodau'r Cabinet.

Rhodddwyd diweddariad i'r Cyngor ar Fargen Twf Canolbarth Cymru yn sgil cyhoeddi £55 miliwn cychwynnol a addawyd gan Lywodraeth San Steffan ac ar gyfarfodydd gydag Ysgrifennydd Gwladol Cymru a Gweinidog Llywodraeth Cymru sy'n gyfrifol am Gysylltiadau Rhyngwladol a'r Iaith Gymraeg.

Estynnwyd llongyfarchiadau gan yr Arweinydd i gwmni EvaBuild, enillwyr Gwobrau Busnes Powys, a noddwyd gan y Cyngor. Anogwyd pawb i gyfrannu at yr ymgynghoriad ar y gyllideb, Y Wasgfa Fawr, ac mewn digwyddiadau i nodi Diwrnod Rhuban Gwyn ar 25^{ain} Tachwedd. Roedd yr Arweinydd wedi mynychu gwobrwyon Blodeuo gyda'r RHS - Cymru yn Ystradgynlais ac roedd y Cynghorydd Susan McNicholas yn hapus i hysbysu'r Cyngor i'r dref ennill y wobr aur, a'u bod yn disgwyl canlyniadau 'Britain in Bloom'.

Nododd yr Arweinydd hefyd iddi ymweld â Blaubeuren yn yr Almaen i goffau 40 mlynedd ers i'r dref gefeillio â thref Aberhonddu, a chytunwyd i hyrwyddo twristiaeth a datblygiad economaidd. Yn olaf, pleser oedd cofnodi i'r Cyngor dderbyn gwobr Dinas Lloches am ei waith mewn perthynas ag adsefydlu ffoaduriaid o Syria yn y sir.

6. CWESTIYNAU GAN Y CYHOEDD

6.1. Cwestiwn i Ddeiliad y Portffolio Addysg gan Katherine Lewis

A chymryd yn ganiataol eich bod yn ymwybodol o ac wedi cymeradwyo cynnwys llythyr diweddar y Dr Caroline Turner at Benaethiaid ysgolion y sir mewn perthynas â'r streic byd eang ar thema'r hinsawdd ar ddydd Gwener 20fed Medi 2019, hoffwn wybod, ar ba sail y gellir dyfarnu fod pwnc a ddysgwyd fel rhan o'r cwricwlwm Gwyddoniaeth a Daearyddiaeth ers o leiaf 30 mlynedd yn "Wleidyddol"?

Ymateb

Diolch am eich cwestiwn. Rwyf yn cytuno nad yw pwnc newid yn yr hinsawdd yn fater gwleidyddol fel y cyfryw, ond wrth ystyried galwad i ddisgyblion a staff "streicio" gyda'r bwriad o ddefnyddio safle ysgol fel lleoliad ar gyfer rali, mae hyn

yn golygu ei fod yn fater gwleidyddol. Rwyf yn siŵr taw dyna roedd y Dr Turner yn cyfeirio ato yn ei llythyr.

Yn ei chwestiwn atodol, gofynnodd Ms Lewis sut y gellir cyfiawnhau sgil-ffeithiau cosbol gyda'r nod o atal dysgwyr ifainc rhag lleisio barn mewn perthynas ag argyfwng sy'n effeithio arnynt yn uniongyrchol, ac wrth ystyried ei ddyletswydd gofal tuag at ddinasyddion o bob oed, sut roedd y Cyngor yn bwriadu codi ymwybyddiaeth am yr argyfwng yn yr hinsawdd a sicrhau cynlluniau effeithiol, ymarferol a chynhwysfawr mewn perthynas â'r hinsawdd.

Nododd Deiliad y Portffolio fod llawer o waith yn digwydd o fewn ysgolion, a chytunodd ei fod yn bwysig i bobl ifanc gael lleisio barn. Byddai'n rhoi ymateb ysgrifenedig mwy manwl.

7.	GWELEDIGAETH DDRAFFT 2025 - DIWEDDARIAD AR Y CYNLLUN GWELLA CORFFORAETHOL AC ADRODDIAD PERFFORMIAD BLYNYDDOL 2019
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Cyflwynodd yr Arweinydd a'r Deiliaid Portffolio diweddariad ar y Cynllun Gwella Corfforaethol o ran Gweledigaeth ddrafft 2025 ac Adroddiad Perfformiad Blynyddol 2019. Roedd yr adroddiad yn olrhain diweddariadau Cynllun Gwella Corfforaethol y Cyngor mewn perthynas â Gweledigaeth 2025 ac yn nodi manylion ei berfformiad yn ystod 2018-19 yn erbyn cyflawni'r amcanion llesiant. Defnyddiwyd animeiddiadau neu 'moovlys' i ategu'r adroddiad i'w wneud yn fwy hygyrch i'r cyhoedd.

Cyflwynwyd manylion y prif gyraeddiadau gan yr Arweinydd a'r Deiliaid Portffolio mewn perthynas â'u meysydd arbenigol, ac atebwyd cwestiynau gan aelodau. Gwrthododd yr Arweinydd sylwadau gan rai aelodau nad oedd yr adroddiad yn hunanasesiad agored, cytbwys a realistig o berfformiad. Cadarnhaodd y Pennaeth Trawsnewid a Chyfathrebu fod yr holl wybodaeth yn yr adroddiad yn ymwneud â 2018/19.

Cynigiodd yr Arweinydd, ac eiliwyd y cynnig, a gyda 46 pleidlais o blaid, ac 8 yn erbyn,

PENDERFYNWYD	Rheswm dros y Penderfyniad:
Cymeradwyo'r Diweddariad DRAFFT o ran Cynllun Gwella Perfformiad ar Weledigaeth 2025 a'r Adroddiad Perfformiad Blynyddol 2019 (Atodiad A yr adroddiad).	<p>Sicrhau fod yr adroddiad yn gofnod cytbwys ac agored o berfformiad Cyngor Sir Powys yn ystod blwyddyn ariannol 2018-19, yn erbyn yr amcanion llesiant a nodwyd yng Ngweledigaeth 2025: Ein Cynllun Gwella Corfforaethol ar gyfer 2018-2023.</p> <p>Sicrhau fod y Cyngor yn bodloni ei ddyletswyddau statudol fel y nodir yn Neddf Llesiant Cenedlaethau'r Dyfodol (Cymru) 2015 a Mesur Llywodraeth Leol (Cymru) 2009.</p>

Torrodd y cyfarfod rhwng 12.59 a 13.53.

Gadawodd y Cynghorwyr Sir D Davies, A Jenner, J Jones, C Mills, P Pritchard, J Pugh, M Weale ac A Williams y cyfarfod.

YN BRESENNOL

Y Cynghorydd Sir B Baynham (Cadeirydd)

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

8. TROSGLWYDDIADAU CYLLIDEB

8.1. Trosglwyddiadau ar gyfer Priffyrdd, Trafnidiaeth ac Ailgylchu

Cynigiodd y Cynghorydd Sir A Davies ac eiliodd y Cynghorydd Sir M Alexander a gyda 46 pleidlais o blaid, a 0 yn erbyn

PENDERFYNWYD	Rheswm dros y Penderfyniad:
Cymeradwyo'r trosglwyddiad ar gyfer Dyranriad Priffyrdd Craidd a'r Cynllun Rheoli Asedau Priffyrdd, fel y'r amlinellir yn Nhabl 1 yr adroddiad.	Sicrhau y caiff trosglwyddiadau priodol eu cyflawni sy'n adlewyrchu'r gwariant cyfalaf a ragwelir.

8.2. Trosglwyddiadau ar gyfer Ysgol Uwchradd Gwernyfed

Cadarnhaodd y Deiliad Portffolio dros Addysg ac Eiddo fod y gyllideb a ddyrannwyd ar gyfer datblygu'r ysgol, ac nid y Plasty. Cynigiodd y Cynghorydd Sir A Davies ac eiliwyd y cynnig, a gyda 43 o blaid ac 1 yn erbyn, a 2 yn ymatal

PENDERFYNWYD	Rheswm dros y Penderfyniad:
Cymeradwyo'r trosglwyddiad ar gyfer Ysgol Uwchradd Gwernyfed fel y nodir ym mharagraff 2.1 yr adroddiad.	Sicrhau y gwneir trosglwyddiadau priodol sy'n adlewyrchu'r gwariant cyfalaf a ragwelir.

8.3. Trosglwyddiad ar gyfer Prosiectau Ysgolion yr 21ain Ganrif

Cynigiodd y Cynghorydd Sir A Davies ac eiliodd y Cynghorydd Sir K Roberts-Jones a, gyda 47 o blaid, 0 yn erbyn, ac 1 yn ymatal

PENDERFYNWYD	Rheswm dros y Penderfyniad:
Cymeradwyo'r trosglwyddiad ar	Sicrhau y gwneir trosglwyddiadau

gyfer Ysgol Uwchradd Gwernyfed fel y nodir ym mharagraff 2.1 yr adroddiad.	priodol sy'n adlewyrchu'r gwariant cyfalaf a ragwelir.
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Cyhoeddodd y Cadeirydd ei bod yn newid trefn yr agenda er mwyn delio gyda'r rhybudd o gynnig ar y gronfa pensiwn nesaf.

9.	RHYBUDD O GYNNIG – GWAREDU TANWYDD FFOSILEDIG O BENSIWN POWYS
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Nododd y Swyddog Monitro y dylai cynghorwyr sy'n aelodau o Gynllun Pensiwn Llywodraeth Leol ddatgan diddordeb personol anariannol, ond ni fyddai hyn yn eu hatal rhag siarad a phleidleisio ar y cynnig. Nododd y dylai cynghorwyr sydd â chyfranddaliadau mewn cwmnïau sy'n gweithio ym maes tynnu tanwydd ffosiledig ddatgan diddordebau personol a rhagfarnus, ac y dylai'r cynghorwyr hyn adael y siambr. Hefyd nododd na ddylai aelodau'r Pwyllgor Pensiynau a Buddsoddiadau pleidleisio ar y cynnig.

Datganodd y Cynghorwyr Sir M Barnes, L Corfield, B Davies, E Durrant, L George, J Gibson-Watt, S Hayes, A Jenner, DR Jones, EM Jones, J Jones, MJ Jones, D Jones-Poston, F Jump, H Lewis, K Lewis, P Lewis, S McNicholas, D Meredith, C Mills, G Morgan, R Powell, W Powell, DR Price, P Pritchard, G Pugh, J Pugh, L Roberts, P Roberts, K Roberts-Jones, D Selby, T Van-Rees, E Vaughan, A Williams, G Williams, H Williams, J Williams, JM Williams, R Williams ac S Williams diddordebau personol anragfarnus fel aelodau o Gronfa Pensiwn Llywodraeth Leol.

Datganodd y Cynghorwyr Sir P Davies, EM Jones, D Meredith a T Van-Rees diddordebau rhagfarnus, a gadawsant y siambr yn ystod trafodaethau ar y cynnig.

Cynigiwyd y cynnig gan y Cynghorydd Sir Emily Durrant ac fe'i heiliwyd gan y Cynghorydd Sir Jackie Charlton, oedd wedi nodi fod nifer o gronfeydd pensiwn yng Nghymru wedi cytuno i waredu cronfeydd gan gwmnïau sy'n ymwneud â thynnu tanwydd ffosiledig. Nododd Cadeirydd y Pwyllgor Pensiynau a Buddsoddiadau y byddai'r Pwyllgor yn hapus i ystyried y cynnig, a'i fod eisoes yn dilyn canllawiau Fforwm Cronfa Pensiwn Awdurdodau Lleol o ran cefnogi newid i amgylchedd carbon isel.

Gyda 22 pleidlais o blaid, 18 yn erbyn a 4 yn ymatal

PENDERFYNWYD fod y cyngor yn galw am gefnogaeth i Bwyllgor Cronfa Pensiwn Cyngor Sir Powys ystyried y canlynol:

- **Parhau â'r gefnogaeth barhaus o ran egwyddor gwaredu cwmnïau sy'n ymwneud â thynnu tanwydd ffosiledig, er mwyn gwaredu perchnogaeth uniongyrchol ecwiti a bondiau corfforaethol yn ogystal ag unrhyw gronfeydd**

cymysg, cwmnïau sy'n ymwneud â thynnu tanwydd ffosiledig

- **Mabwysiadu Nod 13 Datblygu Cynaliadwy'r Cenhedloedd Unedig:-**
“Cymryd camau ar frys i fynd i'r afael â newid yn yr hinsawdd a'i effaith”
- **Ac; i ofyn ac annog y dylai aelodau Partneriaeth Pensiynau Cymru ystyried gwaredu o fewn cyfnod o bum mlynedd**

Dychwelodd y Cyngorwyr Sir P Davies, EM Jones, D Meredith a T Van-Rees i'r cyfarfod.

Gadawodd y Cyngorydd Sir P Lewis y cyfarfod am 14.20.

10.	NEWIDIADAU I REOLIADAU ARIANNOL MEWN PERTHYNAS Â THROSLWYDDIADAU
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Bu'r Cyngor yn ystyried adroddiad y Pennaeth Cyllid oedd yn cynnig newid i'r Rheoliadau Ariannol er mwyn ailwampio cyllidebau cyfalaf rhwng blynyddoedd ariannol, mor bell â bod y gyllideb gyffredinol ar gyfer prosiectau'n aros yr un peth, ac nid oedd angen cymeradwyaeth y Cyngor ar gyfer y trosglwyddiad. Y Pwyllgor Gwasanaethau Democrataidd oedd wedi argymhell y newid.

Cynigiodd y Cyngorydd Sir E Vaughan ac eiliodd y Cyngorydd Sir P Davies a gyda 51 pleidlais o blaid ac 1 yn erbyn

PENDERFYNWYD	Rheswm dros y penderfyniad:
Cymeradwyo'r newidiadau i'r Rheoliadau Ariannol.	Caniatáu trosglwyddo ymlaen cyllidebau cyfalaf a chyllid i flwyddyn yn y dyfodol mor bell â bod y gyllideb gyffredinol yn aros yr un peth.

Gadawodd y Cyngorydd Sir E Durrant y cyfarfod am 14.24.

11.	ADRODDIAD ARBEDION EFFEITHLONRWYDD AR 31AIN AWST 2019
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Hysbyswyd y Cyngor y llwyddwyd i wneud arbedion gwerth £11.628 miliwn (54%) hyd yn hyn. Roedd Penaethiaid Gwasanaethau wedi cadarnhau y byddai £6.393 miliwn arall (29%) yn cael ei arbed erbyn diwedd y flwyddyn. Ystyriwyd nad oedd yr arbedion eraill gwerth £3.672 miliwn (17%) yn bosib yn y flwyddyn ariannol gyfredol. Roedd disgwyl y gellir gwireddu £1.809 miliwn o'r rhain yn ystod y flwyddyn nesaf, fyddai'n gadael gwerth £2.156 miliwn o arbedion nad oedd yn bosib eu gwireddu ar sail barhaol. Roedd yr Uwch Dîm Arwain ar y cyd yn llunio cynllun adfer i adnabod ffyrdd eraill o bontio'r bwlch yma, a byddai cynigion yn mynd gerbron y Cabinet i'w hystyried. Cadarnhaodd Deiliad y Portffolio Cyllid y byddai'n rhannu manylion arbedion nad oedd yn bosib eu gwireddu gyda'r Panel Cyllid. Derbyniwyd nad oedd asesiadau effaith wedi bod

yn ddigon cadarn yn y gorffennol, a dyna'r rheswm dros fabwysiadu dull o weithio a seilir ar fodel busnes integredig.

Cynigiwyd yr adroddiad gan y Cynghorydd Sir Aled Davies ac ar ôl ei eilio, gyda 49 pleidlais o blaid a 0 yn erbyn

PENDERFYNWYD	Rheswm dros y Penderfyniad:
Nodi cynnwys yr adroddiad.	Deall effaith y broses o wneud arbedion ar Gyllideb 2019/20 a cheisio sicrwydd fod camau'n digwydd er mwyn mynd i'r afael â'r diffyg yng nghyllideb 2019/20.

12. ARGYMHELLION Y PWYLLGOR GWASANAETHAU DEMOCRATAIDD

Cwestiynau gan Aelodau yn y Cyngor a thrwy siarad mewn Cyfarfodydd y Cyngor

Roedd y Cyngor wedi ystyried argymhelliad y Pwyllgor Gwasanaethau Democrataidd y dylid cyflwyno system o siaradwyr enwebedig ar sail grwpiau gwleidyddol ac y dylid cynnal cyfnod arbrofol o 3 mis ar gyfer cwestiynau i Benaethiaid Gwasanaethau ar faterion gweithredol, a Deiliaid Portffolio ar faterion polisi. Byddai hyn yn golygu atal Rheol 4.29 y Cyfansoddiad yn ystod y cyfnod treial.

Cynigiodd y Cynghorydd Sir Elwyn Vaughan ac eiliodd y Cynghorydd Sir Karl Lewis, a gyda 48 pleidlais o blaid, 0 yn erbyn ac 1 yn ymatal

PENDERFYNWYD	Rheswm dros y Penderfyniad:
<p>(i) Atal Rheol 4.29 y Cyfansoddiad am gyfnod cychwynnol o 3 mis i ganiatáu cyfnod treial o broses "Cwestiynau Ffurfiol ar Unrhyw Amser Arall",</p> <p>(ii) Y dylai'r Pwyllgor Gwasanaethau Democrataidd adolygu'r cyfnod treial ar ddiwedd y cyfnod hwnnw gyda phwerau dirprwyedig i Gadeirydd y Pwyllgor Gwasanaethau Democrataidd trwy ymgynghori â'r Pwyllgor i ymestyn y cyfnod treial.</p> <p>(iii) Yn ystod y cyfnod treial a gyfeirir ato yn i) ac (ii) uchod, y dylid mabwysiadu Rheol newydd</p>	<p>(i) Caniatáu i Aelodau ofyn cwestiynau ffurfiol i Ddeiliaid Portffolio ar unrhyw adeg, yn lle gorfod aros am gyfarfodydd o'r Cyngor.</p> <p>(ii) Caniatáu i siaradwyr enwebedig siarad ar eitemau ar agenda'r Cyngor.</p> <p>(iii) Egluro'r prosesau newydd i Aelodau cyn eu rhoi ar waith.</p>

<p>4.29A - 4.29C fel y nodir yn Atodiad 1.</p> <p>(iv) Y dylai'r Cyngor weithredu proses o gael siaradwyr enwebedig ar eitemau ar agenda'r Cyngor (yn ogystal ag Aelodau eraill fyddai'n gallu gwneud pwyntiau gwahanol/ychwanegol), yn unol â Rheol 4.47 diwygiedig fel y nodir yn Atodiad 1.</p> <p>(v) Y dylid cynnal gweithdy ar gyfer Aelodau i egluro'r prosesau newydd cyn eu rhoi ar waith.</p>	
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Y Cyfansoddiad

Bu'r Cyngor yn ystyried argymhelliad y Pwyllgor Gwasanaethau Democraataidd oedd yn cynnig nifer o welliannau i'r Cyfansoddiad mewn perthynas â'r rheolau ar gyfer delio gyda gwelliannau i gynigion, pleidlais a gofnodir, Rheolau Gweithdrefnau Ariannol a'r Protocol Datrys yn Lleol.

Cynigiodd y Cynghorydd Sir Pete Roberts welliant a eiliwyd gan y Cynghorydd Sir James Gibson-Watt y dylid cael un amser cau, sef 5 o'r gloch y.p. ar y diwrnod cyn y cyfarfod, er mwyn cyflwyno gwelliannau sylweddol a syml i gynigion; derbyniwyd y gwelliant gyda 39 pleidlais o blaid, 4 yn erbyn, a 2 yn ymatal. Hwn wedyn oedd y cynnig terfynol, a gyda 39 pleidlais o blaid, 5 yn erbyn a 2 yn ymatal

PENDERFYNWYD	Rheswm dros y Penderfyniad:
Diwygio Rheol 4.49 Adran 4 y Cyfansoddiad sy'n mynnu y dylai'r Swyddog Monitro dderbyn diwygiadau sylweddol a syml ysgrifenedig erbyn 5 p.m. ar y diwrnod cyn y cyfarfod.	Adolygu a diweddarau'r Cyfansoddiad.

Gyda 48 pleidlais o blaid, ac 1 yn erbyn

PENDERFYNWYD	Rheswm dros y Penderfyniad:
Diwygio Rheol 4.66 Adran 4 mewn perthynas â phleidlais a gofnodir, Adran 16 mewn perthynas â Rheolau Gweithdrefnau Ariannol, ac Adran 25, Protocol Datrys yn Lleol.	Adolygu a diweddarau'r Cyfansoddiad.

Gadawodd y Cynghorydd Sir Mark Barnes y cyfarfod am 15.02.

13. PENODIADAU I BWYLLGORAU A CHYRFF ALLANOL

13.1. **Cyngor Iechyd Cymuned Powys**

PENDERFYNWYD penodi'r Cynghorydd Sir Lucy Roberts i Gyngor Iechyd Cymuned Powys.

13.2. **Partneriaeth Chwaraeon Brycheiniog a Maesyfed**

PENDERFYNWYD penodi'r Cynghorydd Sir Claire Mills i Bartneriaeth Chwaraeon Brycheiniog a Maesyfed

13.3. **Sportlot y Gist Gymunedol**

PENDERFYNWYD penodi'r Cynghorydd Sir Jon Williams i Sportlot, Y Gist Gymunedol.

13.4. **Penodiadau a wnaethpwyd gan grwpiau gwleidyddol ac a gymeradwywyd gan y Swyddog Monitro**

Nododd y Cyngor y penodwyd y Cynghorydd Sir Iain McIntosh i'r Pwyllgor Safonau yn lle Sarah Lewis.

14. RHYBUDD O GYNNIG – YMGYRCH Y RHUBAN GWYN

Bu'r Cyngor yn trafod y cynnig canlynol a gynigiwyd gan y Cynghorydd Sir Michael Williams ac a eiliwyd gan y Cynghorydd Sir David Meredith:

Mae Cyngor Sir Powys yn cefnogi ymgyrch y Rhuban Gwyn.

Mae ymgyrch y Rhuban Gwyn yn annog dynion i:

- Ymgysylltu â dynion eraill er mwyn trafod trais yn erbyn menywod a merched;
- Wisgo rhuban gwyn;
- Ymrwymo i beidio cyflawni, maddau, nag aros yn ddistaw ynghylch trais gan ddynion yn erbyn menywod.

Siaradodd Aelodau o blaid y cynnig, ac anogwyd aelodau a staff i gymryd rhan mewn digwyddiadau a drefnir ar Ddiwrnod y Rhuban Gwyn ar 25ain Tachwedd. Gofynnwyd i'r Arweinydd ddwyn sylw'r Bwrdd Gwasanaethau Cyhoeddus at yr ymgyrch.

Gyda 45 pleidlais o blaid, ac 1 yn erbyn

PENDERFYNWYD FOD Cyngor Sir Powys yn cefnogi ymgyrch y Rhuban Gwyn.

Mae ymgyrch y Rhuban Gwyn yn annog dynion i:

- **Ymgysylltu â dynion eraill er mwyn trafod trais yn erbyn menywod a merched;**
- **Wisgo rhuban gwyn;**
- **Ymrwymo i beidio cyflawni, maddau nag aros yn ddistaw ynghylch trais gan ddynion yn erbyn menywod.**

Gadawodd y Cynghorydd Sir Karl Lewis y cyfarfod am 15.18

15.	RHYBUDD O GYNNIG – FFRAMWAITH DATBLYGU CENEDLAETHOL
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Roedd y cynigydd a'r eilydd wedi tynnu'r cynnig yn ôl.

16.	RHYBUDD O GYNNIG - CADWRAETH AC AIL-WYLLTIO
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Nododd y Swyddog Monitro y dylai aelodau sydd â thir yn ardal y cynllun arfaethedig, neu sydd â ffrindiau neu berthnasau sydd â thir, ddatgan diddordeb personol a rhagfarnus. Nododd hefyd y dylai aelodau sydd â swyddi rheoli gyda chyrrff sydd ynteu'n cefnogi'r cynllun neu'n gwrthwynebu'r cynllun, ddatgan diddordebau rhagfarnus. Dylai aelodau cyffredin y sefydliadau hyn ddatgan diddordebau personol.

Datganodd y Cynghorwyr Sir P Davies, J Evans, G Morgan a G Thomas diddordebau personol a rhagfarnus a gadawsant y Siambr yn ystod trafodaethau ar y mater hwn.

Datganodd y Cynghorwyr Sir J Charlton, MJ Jones ac R Powell diddordebau personol anariannol.

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

Mae'r Cyngor yn nodi fod y prosiect dan arweiniad 'Rewilding Britain' yn ardal o Fachynlleth a Llanidloes i Aberystwyth, gyda'r teitl 'O'r Môr i'r Mynydd' sy'n cynnwys 38,000 hectar.

Er bod y Cyngor yn nodi ei gefnogaeth ar gyfer gwaith cadwraeth o fewn ein cymunedau, mae'n gwrthwynebu gweithgareddau 'Rewilding Britain' yng Nghanolbarth Cymru.

Hefyd, mae'n galw ar 'Brosiect O'r Môr i'r mynydd' i dorri cysylltiadau gyda 'Rewilding Britain' ac y dylai unrhyw strwythur rheoli yn y dyfodol gael ei seilio o fewn y cymunedau, dylai cael ei arwain gan y cymunedau a wasanaethir a dylai cynnwys partneriaid megis yr undebau amaethyddol, y Mentrau Iaith ac awdurdodau lleol fel man cychwyn sylfaenol.

Wrth gefnogi'r cynnig, dadl y Cynghorwyr Vaughan a Davies oedd bod y cynllun yn manteisio ar gymunedau Cymraeg eu hiaith sy'n dibynnu ar amaethyddiaeth, fyddai'n difetha eu bywoliaeth pe gaiff ei roi ar waith.

Gyda 41 pleidlais o blaid, 0 yn derbyn, ac 1 yn ymatal

PENDERFYNWYD fod y Cyngor yn nodi'r prosiect dan arweiniad Rewilding Britain yn yr ardal o Fachynlleth a Llanidloes i Aberystwyth, gyda'r teitl 'O'r Môr i'r mynydd' sy'n cynnwys 38,000 hectar.

Er bod y Cyngor yn cyhoeddi ei gefnogaeth ar gyfer gwaith cadwraeth o fewn ein cymunedau, mae yn erbyn gweithgareddau Rewilding Britain yng Nghanolbarth Cymru. Yn ogystal mae'n galw ar 'Brosiect O'r Môr i'r Mynydd' i dorri unrhyw gysylltiadau gyda Rewilding Britain ac y dylai unrhyw strwythur rheoli yn y dyfodol fod yn seiliedig yn y cymunedau, dylai cael ei arwain gan y cymunedau a wasanaethir, a dylai cynnwys partneriaid megis yr undebau amaethyddol y Mentrau Iaith ac awdurdodau lleol fel man cychwyn sylfaenol.

17. CWESTIYNAU'N UNOL A'R CYFANSODDIAD

17.1. Cwestiwn i Ddeiliad y Portffolio Cyllid, Cefn Gwlad a Thrafnidiaeth gan y Cynghorydd Sir Gareth Ratcliffe

Dros y blynyddoedd diweddar, mae Cyngor Sir Powys wedi ceisio rhoi gwasanaethau dan reolaeth cymunedau. Grŵp o wirfoddolwyr ymroddedig sydd wedi ysgwyddo cyfrifoldeb am bwll nofio'r Gelli Gandryll ac ar hyn o bryd maent yn darparu gwasanaeth i fwy na 450 o bobl. Byddai'r gwasanaeth hwn wedi cael ei gollu ac mae'n hanfodol i'r gymuned, oherwydd heb y pwll nofio ni fyddai'r ysgol leol wedi gallu cefnogi'r ddarpariaeth a byddai'n golygu lleiafswm gwersi bob blwyddyn er mwyn bodloni gofynion sylfaenol y cwricwlwm cenedlaethol. Mae'n golygu cost i'r gymuned leol, sy'n gweithio'n galed i sicrhau fod y gwasanaeth yn parhau ond ar adegau mae biliau mawr am waith cynnal a chadw neu ddatblygiadau y mae angen eu talu i sicrhau fod safonau'r pwll yn gyfreithiol ac yn ddiogel. Er enghraifft, mae pwll nofio'r Gelli Gandryll yn gorfod adnewyddu leinin y pwll fydd yn costio rhyw £18mil, gan gynnwys TAW. Mae'r gymuned wedi codi ychydig dros £11 mil gyda chefnogaeth trigolion a sefydliadau'r gymuned leol.

Wrth gofio hyn, a wnaiff deiliad y portffolio ystyried sefydlu cyllideb fydd yn caniatáu i grwpiau cymunedol sydd wedi ysgwyddo cyfrifoldeb am wasanaethau, wneud cais am fenthyciadau i gefnogi'r gwasanaeth a fabwysiadwyd gan y gymuned?

Ymateb

Mae pwysau ariannol sylweddol ar y Cyngor; rydym yn gorfod blaenoriaethu'r adnoddau prin sydd gennym ar wasanaethau craidd y cyngor. Byddai angen adnoddau ychwanegol er mwyn cyflwyno cynllun benthyciadau, ac nid yw'r adnoddau hynny gennym. Mae gan grwpiau cymunedol fynediad at ffynonellau cyllid eraill, a gallwn helpu cyfeirio grwpiau at ffrydiau cyllid potensial.

Wrth ymateb i gwestiwn atodol y Cynghorydd Ratcliffe, cytunodd Deiliad y Portffolio iddarparu manylion ffynonellau cyllid eraill i aelodau.

17.2. Cwestiwn i Ddeiliad y Portffolio Cyllid, Cefn Gwlad a Thrafnidiaeth gan y Cynghorydd Sir Karen Laurie-Parry

Gan fod Cyngor Sir Powys yn ardal wledig mor eang, mae ei wariant ar gostau Bysiau Contract yn uchel, boed yn gludiant cyhoeddus neu gludiant ysgol.

Rwyf yn deall i Gyfarwyddwr blaenorol ofyn i'r Cabinet adolygu'r holl gostau Cludiant ar gyfer Bysiau, boed yn gludiant cyhoeddus neu i ysgolion, er mwyn cadarnhau a fyddai'n bosib gwneud unrhyw arbedion, ac yn ogystal tynnais i sylw at y pryderon oedd gennyf ynghylch bysiau mawr gwag sy'n rhedeg ar adegau penodol yn ystod y dydd. Mae'n debyg bod yna resymau dros hyn, ond gan ein bod yn disgwyl mwy o bwysau ar y gyllideb, ydych chi'n ystyried y dylid cydymffurfio â chais proffesiynol y Cyfarwyddwr blaenorol?

Wrth sylweddoli fod hwn yn faes sensitif wrth gwrs, a fyddai Deiliad y Portffolio'n gallu egluro a chadarnhau a gynhaliwyd Adolygiad llawn o Gostau Cludiant Cyhoeddus ac i Ysgolion, neu a fydd hyn yn digwydd?

Ymateb

Mae'r Cyngor wedi cynnal adolygiad o gludiant ym mis Gorffennaf 2018 pan ofynnwyd i gwmnïau dendro ar gyfer cytundebau newydd o ran bysiau ar gyfer disgyblion ysgol a gwasanaethau bysiau lleol. Yn sgil yr adolygiad, tynnwyd yn ôl cyfanswm o 33 cerbyd cludiant ysgol dynodedig. Mae dysgwyr oedd yn teithio ar y cerbydau hynny, bellach yn cael eu cludo ar wasanaethau ysgolion eraill neu wasanaethau bysiau lleol eraill.

Rydym yn parhau i fonitro gwariant ar gludiant o fis i fis, ond mae'n rhaid inni fodloni ein dyletswyddau statudol a chludo tua 5500 o ddysgwyr i'r ysgol yn ddyddiol, a sicrhau fod y 1.1 miliwn sy'n teithio ar ein rhwydwaith o fysiau cludiant cyhoeddus bob blwyddyn yn derbyn gwasanaeth sy'n rhoi gwerth am arian.

Doedd dim cwestiwn atodol.

Gadawodd y Cynghorydd Sir Aled Davies y cyfarfod am 16.00.

17.3. Cwestiwn i gyn Deiliad y Portffolio Addysg a'r Iaith Gymraeg gan y Cynghorydd Sir James Gibson-Watt

Yn ddiweddar mae Deiliad y Portffolio wedi gwrthod apêl rhieni dalgylch Ysgol Uwchradd Aberhonddu oedd yn gwneud cais am gludiant ysgol ar gyfer eu plant i gampws Ysgol Calon Cymru, Llanfair-ym-Muallt i astudio trwy gyfrwng y Gymraeg, ar y sail fod darpariaeth cyfrwng Cymraeg Ysgol Uwchradd Aberhonddu yn gymharol â darpariaeth Ysgol Calon Cymru, er gwaethaf y ffaith nad yw darpariaeth cyfrwng Cymraeg Ysgol Uwchradd Aberhonddu yn amlwg mor helaeth â darpariaeth Ysgol Calon Cymru, yn enwedig ym Mlynnyddoedd 10 ac 11.

Wrth ystyried yr uchod, sut gall Deiliad y Portffolio gyfiawnhau ei phenderfyniad i wrthod apêl y rhieni mewn amgylchiadau lle mae Cyngor Sir Powys yn parhau i ddarparu cludiant ysgol i rai o ddysgwyr dalgylch Ysgol Uwchradd Aberhonddu i ddarpariaeth cyfrwng Cymraeg ar gampws Ysgol Calon Cymru yn Llanfair-ym-Muallt; ac a wnaiff hi gadarnhau fod ei phenderfyniad i wrthod apêl y rhieni yn cydymffurfio â deddfwriaeth Cydraddoldeb a darpariaethau Cynllun Strategol Cymraeg mewn Addysg

Cyngor Sir Powys? Ymateb

Byddwch yn ymwybodol fod Polisi Cludiant Ysgol yr Awdurdod yn nodi'n glir y darperir cludiant am ddim i ddisgyblion cymwys i'r ysgol neu ddalgylch agosaf sy'n darparu addysg trwy gyfrwng y Gymraeg neu Saesneg. Yn achos dysgwyr ardal Aberhonddu, Ysgol Uwchradd Aberhonddu yw'r darparwr agosaf sy'n cynnig addysg uwchradd cyfrwng Cymraeg.

Ychydig flynyddoedd yn ôl, gwrthodwyd cludiant i nifer o rieni o ardal Aberhonddu i Ysgol Uwchradd Llanfair-ym-Muallt ar gyfer darpariaeth cyfrwng Cymraeg gan taw Ysgol Uwchradd Aberhonddu oedd y darparwr agosaf. Aethpwyd â'r penderfyniad hwn i apêl gan y rhieni a dyfarnwyd cludiant am ddim iddynt ar y sail y tybir fod darpariaeth Ysgol Uwchradd Llanfair-ym-Muallt, gan Ddeiliad Portffolio Addysg ar y pryd, yn fwy addas na darpariaeth Ysgol Uwchradd Aberhonddu.

Wrth wrando ar achosion apêl rhieni eleni, derbyniais wybodaeth oedd yn dangos fod nifer y pynciau sydd ar gael trwy gyfrwng y Gymraeg yn Ysgol Calon Cymru ac Ysgol Uwchradd Aberhonddu, bellach yn debyg iawn. Ym mlynnyddoedd 7-9 darperir nifer debyg o bynciau cyfrwng Cymraeg yn y ddwy ysgol, er mae mwy o wahaniaeth ym mlynnyddoedd 10 ac 11.

Penderfynais felly, peidio dyfarnu cludiant am ddim oherwydd mae'r ddarpariaeth yn gymharol yn y ddwy ysgol, ac felly nid yw'n groes i ddeddfwriaeth cydraddoldeb na dyheadau CSCA yr awdurdod.

Wrth ymateb i gwestiwn atodol y Cynghorydd Gibson-Watt o ran a oedd ei hymateb yn gydradd yn ei barn hi, nododd Deiliad y Portffolio nad oedd unrhyw wahaniaeth rhwng categorïau'r ddwy ysgol yng Nghyfnod Allweddol 3, ac felly ni ellir cyfiawnhau cludiant i unrhyw ysgol ar wahân i'r ysgol agosaf.

17.4. Cwestiwn i'r Arweinydd gan y Cynghorydd Sir William Powell

Wrth ystyried y tebygolrwydd y cynhelir naill ai Etholiad Cyffredinol neu Bleidlais Gadarnhau ar Brexit yn ystod yr wythnosau nesaf – a phryderon ynghylch anghysondebau yn yr Etholiad Cyffredinol diweddar – beth mae'r Arweinydd yn ei wneud, ar y cyd â'r Swyddog Canlyniadau i adolygu cyfarwyddyd ar Enciliad, a'r ffordd y mae'n effeithio ar Swyddogion, Aelodau Cyngor Sir Powys ac asedau'r Cyngor Sir, i sicrhau ei fod yn gyson, yn gyfreithiol a chymesur?

Ymateb

Diolch am y cwestiwn. Fel y byddwch yn ymwybodol, nid mater i Arweinydd y Cyngor yw'r drefn o redeg etholiadau, ond yn hytrach cyfrifoldeb y Swyddog Canlyniadau a'i staff yw. Er hynny, gallaf gadarnhau y bydd Pennaeth y Gwasanaethau Cyfreithiol a Democrataidd yn adolygu unrhyw gyfarwyddyd o ran enciliad fydd ei angen wrth symud i'r dyfodol.

Wrth ymateb i gwestiwn atodol y Cynghorydd Powell, cadarnhawyd y byddai adolygiad ar gyfarwyddyd i staff ar enciliad yn cael ei gynnal.

17.5. Cwestiwn i Ddeiliad y Portffolio ar gyfer yr Amgylchedd gan y Cynghorydd Sir Elwyn Vaughan

Beth mae'r deiliad portffolio yn bwriadu ei wneud yn sgil yr adroddiad annibynnol a dderbyniwyd gan drigolion Aber-miwl sy'n awgrymu fod yr arolwg ecoleg a gynhaliwyd gan CSP yn ddiffygiol o ran safon ac nid oedd yn cydymffurfio ag arfer dda na ddeddfwriaeth, ac felly nid yw'n bosib y gellir diystyru presenoldeb y fadfall gribog ar y safle? Yn benodol, a wnaiff deiliad y portffolio gadarnhau na fydd unrhyw waith yn cychwyn ar y safle nes cydymffurfio'n llwyr â deddfwriaeth mewn perthynas â hyn?

Ymateb

Mae'r cynllun lliniaru ecoleg yn cael ei gyflawni'n unol ag arfer orau 2001 ac yn cydymffurfio'n llawn â'r drwydded datblygu a gyhoeddwyd gan Gyfoeth Naturiol Cymru (CNC) ar gyfer y safle hwn. Cynhaliwyd ymarfer cychwynol i ddal madfallod cribog yn ystod mis Hydref a mis Tachwedd 2018, a chymeradwywyd a chadarnhawyd yr ymarfer hwn gan CNC. Mae hon yn broses barhaus, a'r cam nesaf fydd chwilio a chlirio'r cynefin ar y safle dan oruchwyliaeth yn union cyn cychwyn ar y gwaith i sicrhau nad oes madfallod cribog ar y safle.

Ymarfer pen bwrdd oedd yr adroddiad annibynnol a ddarparwyd gan y grŵp cymunedol, ac ni chynhaliwyd unrhyw ymweliadau â'r safle gan yr ecolegydd, ac roedd yn seiliedig ar wybodaeth a gyflwynwyd gan y grŵp yn unig, sy'n codi mater amhleidioldeb. Cwmni proffesiynol cydnabyddedig yw'r ymgynghorydd a ddefnyddiwyd gan y Cyngor, ac mae'n cynnal prosiectau ecolegol a bioamrywiaeth ar hyd a lled y DU. Mae ganddynt systemau amgylcheddol a rheoli ansawdd ardystiedig ac maent yn defnyddio ecolegwyr profiadol a chymwys. Ers hynny mae CNC wedi cwrdd â'r grŵp cymunedol ac wedi cadarnhau i'r cyngor eu bod nhw (CNC) yn hapus gyda'n ffordd o weithio.

Felly gallwn gadarnhau ein bod wedi cydymffurfio â'r holl ddeddfwriaeth berthnasol hyd yma, ac y byddwn yn parhau i gydymffurfio â deddfwriaeth berthnasol, cyn ac yn ystod y broses adeiladu.

Yn ei gwestiwn atodol, gofynnodd y Cynghorydd Vaughan am sicrwydd y byddai gweddill y safle ar gyfer mentrau preifat, ac ni fyddai'n cael ei ddefnyddio ar gyfer gwasanaethau eraill y Cyngor ac y byddai'r Cyngor yn chwilio am safleoedd parc busnes eraill yn Nyffryn Hafren. Cadarnhaodd y Deiliad Portffolio nad oedd unrhyw gynlluniau ar hyn o bryd i adleoli gwasanaethau eraill y Cyngor i safle Aber-miwl. Byddai cyfleoedd datblygu economaidd eraill ar gyfer yr ardal yn cael eu hystyried fel rhan o Fargen Twf Canolbarth Cymru.

Gadawodd y Cynghorydd Sir T Van-Rees y cyfarfod am 16.08.

17.6. Cwestiwn i Ddeiliad y Portffolio ar gyfer Datblygu Economaidd, Tai a Gwasanaethau Rheoleiddiol gan y Cynghorydd Sir James Gibson-Watt

A wnaiff Deiliad y Portffolio olrhain ymdrechion Cyngor Sir Powys i hyrwyddo grantiau 'Targedu Buddsoddiad mewn Adfywio' Llywodraeth Cymru i berchnogion siopau manwerthu canol y dref a thenantiaid hirdymor trefi marchnad Powys?

Ymateb

Cyhoeddwyd datganiad i'r wasg oedd yn nodi manylion y cyllid yn y gwanwyn, oedd wedi arwain at ymholiadau.

Mae gweithgareddau hyrwyddo dilynol wedi canolbwyntio ar drefi lleol penodol (ym Mhowys, sef: Y Drenewydd, Llandrindod ac Aberhonddu). Mae Swyddogion Lleol yn gweithio gyda nifer o ymgeiswyr i ddatblygu ceisiadau ar gyfer grantiau, yn ogystal â siarad â grwpiau rhwydwaith busnes perthnasol i hyrwyddo'r cyfle.

Doedd dim cwestiwn atodol.

17.7. Cwestiwn i Ddeiliad y Portffolio Addysg gan y Cyngorydd Sir Jon Williams

Pan adeiladodd Tesco eu siop newydd yn Llandrindod, rhoddwyd £700,000 gan y cwmni i adeiladu neuadd newydd i'r Sgowtiaid. Adeiladwyd y neuadd gydag arian ychwanegol gan CSP i ychwanegu canolfan ieuentid at yr ochr. Ers nifer o flynyddoedd mae'r sgowtiaid wedi gorfod delio gyda grwpiau eraill yn defnyddio'r adeilad ac yn achosi difrod. Roedd cytundeb i ddefnyddio'r adeilad a sefydlu pwyllgor rheoli i redeg yr adeilad. Ni anrhydeddwyd y rhain er i'r sgowtiaid geisio dros nifer o flynyddoedd i annog CSP i ddelio gyda'r problemau. Ychydig wythnosau yn ôl galwodd CSP gyfarfod gyda defnyddwyr yr adeilad i'w hysbysu eu bod wedi gwneud cais am gyllid grant i bryder diogelu o safbwynt y grwpiau ieuentid sy'n defnyddio'r adeilad. Mae llawer o broblemau dal heb eu datrys o ran perchnogaeth a rheoli'r adeilad, ac nid yw'r Sgowtiaid wedi derbyn ymateb gan CSP ers Ionawr 2019 pan nodwyd "byddwn yn cysylltu â chi eto'n fuan". A wnaiff Deiliad y Portffolio ddweud wrthyf, pam nad ydynt wedi derbyn ateb eto, pam nad yw CSP wedi anrhydeddu'r cytundeb i sefydlu pwyllgor rheoli, a pham maent wedi mynd yn groes i'r cytundeb gwreiddiol sy'n nodi "y cynnig yw y cyfyngir defnydd o'r cyfleusterau newydd i sefydliadau eraill, sydd yn grwpiau ieuentid yn unig. Bydd unrhyw gynnig arall yn y dyfodol i ganiatáu defnydd gan grwpiau nad ydynt yn grwpiau ieuentid, yn destun cytundeb gan y pwyllgor rheoli a bydd gofyn i Fwrdd y Cyngor gymeradwyo hyn ar ôl ymgynghori â grwpiau sydd eisoes yn defnyddio'r adeilad, gan gynnwys y Sgowtiaid."?

Ymateb

Mae nifer o sefydliadau wedi defnyddio Neuadd Sgowtiaid a Chanolfan Ieuentid Llandrindod dros y blynyddoedd ers ei adeiladu - ymhlith y rhain mae'r Sgowtiaid, y Gwasanaeth Ieuentid a Credu. Hefyd roedd yr adeilad yn gartref i'r Uned Cyfeirio Disgyblion tan ddiwedd Gorffennaf eleni, sy'n golygu nad yw'r adeilad yn cael ei ddefnyddio'r llawn bellach.

Er mwyn ystyried cyfleoedd i ddefnyddio'r adeilad yn llawn, ar hyn o bryd mae'r awdurdod yn ystyried y posibilrwydd o ddatblygu Canolfan Teuluol Integredig yn yr adeilad, fydd yn gallu cynnig cymorth gwerthfawr i deuluoedd yr ardal. Ers i'r Uned Cyfeirio Disgyblion adael yr adeilad yn ddiweddar, a elwir yn Ganolfan Ieuentid Llandrindod. Er ein bod wedi gwneud cais am gymorth grant i Lywodraeth Cymru, nid ydym yn gwybod canlyniad ein cais eto.

Roedd Swyddogion wedi galw cyfarfod o holl ddefnyddwyr presennol a photensial yr adeilad ar ddechrau mis Medi. Hwn oedd y cyfarfod cyntaf i drafod

defnydd o'r adeilad yn y dyfodol, ac roedd yn hynod bwysig fod yr holl ddefnyddwyr o gwmpas y bwrdd o'r cychwyn cyntaf.

Os bydd y cais am gyllid grant yn llwyddo, ac mae'r awdurdod yn penderfynu bwrw ymlaen i sefydlu Canolfan Teuluol Integredig ar y safle, wedyn bydd yn gyfle gwych i'r holl sefydliadau gydweithio i ddiwallu anghenion teuluoedd a phobl ifanc Llandrindod. Fodd bynnag, bydd yr awdurdod yn gofalu y bydd yn ymgynghori â'r holl ddefnyddwyr i drafod goblygiadau ymarferol hyn.

Er mwyn cydymffurfio'n llawn ag unrhyw gytundeb mewn perthynas â'r Canolfan a'i defnydd, byddaf yn argymhell sefydlu Pwyllgor Rheoli'r Canolfan cyn gynted â phosib.

Yn ei gwestiwn atodol, gofynnodd y Cynghorydd Williams a fyddai'r canolfan teuluol yn defnyddio'r rhan o'r adeilad nad yw'n cael ei ddefnyddio ar hyn o bryd, gan adael y sgowtiaid fel unig ddefnyddwyr gweddill yr adeilad er mwyn anrhydeddu'r ymrwymiad gwreiddiol i ddarparu neuadd sgowtiaid pwrpasol yn Llandrindod ar ôl iddyn nhw adael y Neuadd Ymarfer. Roedd Deiliad y Portffolio wedi ymrwymo i gwrdd â'r Cynghorydd Williams a'r holl bartion perthnasol eraill.

17.8. Cwestiwn i Ddeiliad y Portffolio Pobl Ifanc a Diwylliant gan y Cynghorydd Sir Gareth Ratcliffe

A wnaiff Deiliad y Portffolio roi diweddariad ar yr ymgynghoriad gyda chymunedau a grwpiau defnyddwyr ar ddyfodol llyfrgelloedd ar draws Cyngor Sir Powys yn unol â'r cynigion yn y gyllideb ar gyfer eleni, a hefyd o ran y gwaith sydd ar y gweill ar gyfer cyllideb 2020/21?

Ymateb

Mae'r adroddiad ar yr ymgynghoriad gyda chymunedau a grwpiau defnyddwyr ar ddyfodol ein llyfrgelloedd wedi cael ei lunio, ac rydym wedi dosbarthu datganiad i'r wasg ar y prif ganlyniadau. Mae'r adroddiad llawn yn cael ei gyfieithu ar hyn o bryd, a bydd yn cael ei lanlwytho i'r wefan ar ôl cwblhau'r gwaith yma.

Rydym yn ddiolchgar iawn i bawb sydd wedi cymryd rhan yn y cyfarfodydd ymgynghori neu sydd wedi anfon eu syniadau atom ar-lein, trwy'r post neu drwy'r llyfrgelloedd, ac i'r aelodau hynny sydd wedi cyfrannu at y cyfarfodydd a gynhaliwyd. Ar y cyfan cawsom ymateb rhagorol, a does dim dwywaith ynghylch gwerth y llyfrgelloedd i drigolion y sir, ar gyfer yr amrediad eang o wasanaethau a chymorth sydd ar gael trwyddynt, yn benodol:

- Mynediad am ddim at gyfrifiaduron
- Bentyg llyfrau a DVDau
- Sesiynau straeon, clybiau codio a gweithgareddau'r her darllen dros yr haf i blant
- Cyngor a gwybodaeth gan lyfrgellwyr sydd hefyd yn gweithredu fel swyddogion gwasanaethau cwsmer y cyngor.

Ystyrir fod llyfrgelloedd yn lleoedd diogel a chymdeithasol i bobl, ac maent yn hynod bwysig yn benodol o ran cefnogi aelodau mwyaf bregus ein cymdeithas efallai. Roedd ymatebwyr hefyd wedi rhoi sgôr uchel i werth y gwirfoddolwyr sydd wedi bod yn cefnogi'r gwasanaeth ac yn cadw llyfrgelloedd ar agor yn hirach.

Mae'r ymgynghoriad wedi tynnu sylw at rôl y gwasanaeth llyfrgelloedd fel wyneb blaen Cyngor Sir Powys llawer o'n cymunedau, ac mae angen inni ystyried effaith penderfyniadau eraill a newidiadau i wasanaethau ar drigolion sy'n cael

mynediad at gymorth trwy'r llyfrgelloedd. Mae gwasanaeth y llyfrgelloedd yn cefnogi agendâu trawsnewid, yn benodol trawsnewid digidol, trwy ddarparu cyfrwng i'r sawl sydd heb dechnoleg neu'r gallu i'w defnyddio, gael mynediad â chymorth ati, a pheidio cael eu difreinio.

Hefyd mae llyfrgelloedd a gwasanaethau hamdden a diwylliannol eraill yn allweddol i gymunedau llewyrchus, ac atal cynnydd mewn angen, a thrwy hynny cynyddu cyfleoedd llesiant cyffredinol a'r cysyniad fod Powys yn lle da i fyw, gweithio a chwarae. Mae potensial enfawr i weithio gyda Chynghorau Tref a Chymuned a'r Trydydd Sector i drawsnewid y cynnig er gwell, ond bydd angen i bob un ohonoch weithio gyda ni i wireddu hyn.

Hefyd byddwn yn ystyried yr holl sylwadau a gyflwynwyd er mwyn paratoi cynlluniau at y dyfodol, ac rydym yn cynnal trafodaethau gyda grwpiau cymunedol amrywiol sydd â diddordeb er mwyn trawsnewid y dull o gyflenwi gwasanaethau i wneud yr arbedion sydd eu hangen a datblygu'r cynnig lleol ar gyfer dyfodol cynaliadwy, hirdymor. Wrth ystyried sefyllfa economaidd bresennol y cyngor, does dim dwywaith y bydd y dyfodol yn parhau'n heriol, a bydd angen cymorth parhaus yr holl aelodau lleol i sicrhau atebion yn eich ardaloedd, er mwyn cynnig gwasanaethau gwerthfawr mewn partneriaeth a thrwy fodelau cyflenwi gwahanol. Os oes gennych unrhyw awgrymiadau eraill ar gyfer eich llyfrgell leol, neu os gallwch ddarparu nawdd neu gefnogaeth a chymorth ymarferol, croeso ichi gysylltu â mi. Bydd y gwasanaeth llyfrgelloedd yn ystyried pob un o'r awgrymiadau fesul llyfrgell.

Mae'r Gwasanaeth Tai a Datblygu Cymunedol, sy'n cynnwys llyfrgelloedd, wedi cyflwyno eu cynigion ar gyfer cyllideb 2020/21, a byddant yn destun ystyriaeth fel rhan o'r broses o osod y gyllideb. Bydd y gwasanaethau'n ymchwilio i fodelau cyflenwi eraill ar frys, trefniadau i gydleoli llyfrgelloedd eraill a threfniadau partneriaeth, a ffyrdd i greu incwm, gan gynnwys nawdd, nawddogaeth a grwpiau Ffrindiau.

Gofynnodd y Cyngorydd Ratcliffe os byddai'r cynigion ar gyfer y gyllideb mewn perthynas â llyfrgelloedd yr un peth â'r hyn a gynigiwyd y llynedd. Dywedodd Deiliad y Portffolio bod gwaith parhaus ym mhob cymuned i sicrhau cynaliadwyedd hirdymor y gwasanaeth.

17.9. Cwestiwn i Ddeiliad y Portffolio Pobl Ifanc a Diwylliant gan y Cyngorydd Sir Karen Laurie-Parry

Ym mis Mawrth 2019, cefais sicrwydd gan gyn Cyfarwyddwr, y byddai dadansoddiad ariannol terfynol o ran pwy oedd yn gyfrifol am yr oedi mewn perthynas ag adeiladu'r Gaer, Aberhonddu, ac felly'r holl gostau ychwanegol.

Byddai'r holl resymau'n destun archwiliad trwyadl, er mwyn cadarnhau lle mae'r bai. Ac roedd y cyn Cyfarwyddwr hefyd wedi cynnig bod ar gael o hyd, i Gyngor Sir Powys er mwyn helpu gydag unrhyw wybodaeth gefndir, mor bell ag y byddai angen.

Roedd ffeil fanwl yn nodi'r holl fanylion, ar holl agweddau ar yr adeiladu. Y bwriad oedd dadansoddi'r ffeil tua diwedd y cytundeb, er mwyn adnabod a

fyddai'n fuddiol hawlio costau yn erbyn unrhyw un. Bydd angen dadansoddi'n ofalus y risg o wneud hawliad oherwydd fel y mae Cyngor Sir Powys yn gwybod, gall y broses gyfreithiol fod yn gostus, heb unrhyw sicrwydd o lwyddiant.

Er fy mod yn gwerthfawrogi taw maes sensitif yw hwn, a wnaiff Deiliad y Portffolio egluro a chadarnhau beth yw'r sefyllfa mewn perthynas â dadansoddiad fforensig? Hefyd, fydd Cyngor Sir Powys yn gallu gorfodi Gweithdrefnau Llys i dalu unrhyw daliadau a wnaethpwyd i'r Cwmni Adeiladu a gontractiwyd, a'r Cwmni Rheoli Prosiect /Syrfewyr Meintiol a gontractiwyd, os nad oedd y Contract wedi cael ei gyflawni ar amser ac yn unol â chyllideb y Contract?

Ymateb

Ym mis Gorffennaf 2018, y swm a gytunwyd ar gyfer y contract ar y Gaer oedd £9.65 miliwn, felly nid yw'r oedi gyda'r rhaglen wedi golygu unrhyw gostau ychwanegol i'r Cyngor ers hynny. Mae'r prosiect, ei statws ariannol a'r cynnydd, yn destun rheolaeth gadarn, ac yn cael ei oruchwylio gan Fwrdd Prosiect y Gaer sy'n cynnwys Deiliaid Portffolio a swyddogion perthnasol. Mae'r Bwrdd Prosiect, sy'n cwrdd yn rheolaidd, yn derbyn ac yn archwilio diweddariadau manwl o ran rheoli'r prosiect / y rhaglen ynghyd ag adroddiadau ariannol sy'n olrhain cynnydd, problemau a materion i'w hystyried, eu harchwilio a'u penderfynu.

Bydd y prosiect yn gyffredinol yn destun adolygiad ar ôl ei gwblhau a bydd unrhyw argymhellion yn sgil hynny'n cael eu gweithredu. Byddwn yn adolygu ac yn myfrio ar benderfyniadau'n barhaus.

Roedd gan y Cynghorydd Laurie-Parry nifer o gwestiynau atodol, a gofynnwyd iddi ysgrifennu at y Deiliad Portffolio gyda manylion.

18. TALIADAU UNIONGYRCHOL

Byddai'r fideo ar daliadau uniongyrchol yn cael ei ddangos yn ystod y Diwrnod Datblygu Aelodau ar 31ain Hydref.

Y Cynghorydd Sir B Baynham (Cadeirydd)

MINUTES OF A MEETING OF THE COUNTY COUNCIL HELD AT COUNCIL CHAMBER - COUNTY HALL, LLANDRINDOD WELLS ON FRIDAY, 20 DECEMBER 2019

PRESENT

County Councillor B Baynham (Chair)

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

On behalf of the Council the Chair expressed condolences to the families of two long-serving members of staff, Jill Ramwell and Paul Jones, who had died recently.

The chair welcomed County Councillors Jake Berriman, Liz Rijnenberg and Les Skilton to their first Council meeting.

1.	APOLOGIES
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Apologies for absence were received from County Councillors L V Corfield, S C Davies, L Fitzpatrick, J Gibson-Watt, D R Jones, G Jones, M J Jones, K Laurie-Parry, P E Lewis, C Mills, JG Morris, D Rowlands, J Wilkinson, J Williams and S L Williams.

2.	DECLARATIONS OF INTEREST
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There were no declarations of interest reported.

3.	LADYWELL GREEN INFANTS SCHOOL AND HAFREN C.P. JUNIOR SCHOOL
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The Head of Legal and Democratic Services explained that the decision to close Ladywell Green Infants School and Hafren C.P. Junior School and establish a new English-medium primary school for pupils aged 4-11 on the current sites would be made by the Cabinet taking into account any comments made by Council.

Council received details of the consultation that had been carried out from 26th September to 7th November. Of 16 responses received 10 had been in favour of the proposal. The Portfolio Holder for Education and the Senior Manager – Education Services answered questions from Members.

Councillor Phil Pritchard sought an assurance that once a decision had been made, the new school would not be given away to any clubs as had happened in Welshpool. It was confirmed that the proposal was to establish a new school.

Councillor Hywel Lewis asked for clarification of the term all-through school and was advised that in this case it meant the merger of an infants school and a junior CP school to form a new 4-11 English-medium primary school.

Councillor David Selby was happy with the consultation process and with the proposal. He sought an assurance that there would be no slippage and that the end result would be a new school. The Portfolio Holder confirmed this noting that the council would be able to access 21st century schools funding.

Councillor Stephen Hayes expressed concern that there was no recognition in the report that the schools were sited in the middle of the campus for the North Powys Wellbeing Project. He referred to the Cabinet meeting of 17th September 2019 when an undertaking had been given that any future decision about a new school building would be brought back to Cabinet for consideration as part of the wider discussion about the site and the North Powys Wellbeing Project. He noted that the Council was not the only organisation involved in the Project and that partners might be concerned if the council was seen to be taking decisions in isolation. The Portfolio Holder advised that the report dealt only with the amalgamation of the two schools and confirmed that there would need to be a wider discussion on the development of the site. The report to be considered by Cabinet would be amended to reflect this point. It was also confirmed that the schools service was working closely with the project team and that plans for the development of the site would require Cabinet approval.

Councillor Gareth Ratcliffe asked if all of the objections raised in the consultation had been addressed and was advised that all of the issues had been responded to and that there would be the opportunity for further objections during the next stage of the process.

Councillor Lucy Roberts sought an assurance that this proposal would not limit further reorganisation opportunities and the Portfolio Holder confirmed that it would not.

Councillor Elwyn Vaughan advised that he had submitted a motion for the next meeting which would end the requirement for Council to meet and consider school reorganisation proposals before they were considered by Cabinet. He was supported in this by Councillor Michael Williams.

Statement by the Leader

The Leader thanked all of the staff who had been involved in the General Election and in particular the election team led by Sandra Matthews.

County Councillor B Baynham (Chair)

**COFNODION CYFARFOD Y CYNGOR SIR A GYNHALIWYD YN SIAMBR Y
CYNGOR, NEUADD Y SIR, LLANDRINDOD DDYDD GWENER, 20 RHAGFYR 2019**

YN BRESENNOL

Y Cynghorydd Sir B Baynham (Cadeirydd)

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

Ar ran y Cyngor mynegodd y Cadeirydd gydymdeimlad â theuluoedd dau aelod staff a fu'n gweithio i'r Cyngor am amser maith, Jill Ramwell a Paul Jones, a fu farw yn ddiweddar.

Croesawodd y cadeirydd y Cynghorwyr Sir Jake Berriman, Liz Rijnenberg a Les Skilton i'w cyfarfod cyntaf o'r Cyngor.

1.	YMDDIHEURIADAU
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Derbyniwyd ymddiheuriadau am absenoldeb gan y Cynghorwyr Sir L V Corfield, S C Davies, L Fitzpatrick, J Gibson-Watt, D R Jones, G Jones, M J Jones, K Laurie-Parry, P E Lewis, C Mills, J G Morris, D Rowlands, J Wilkinson, J Williams ac S L Williams.

2.	DATGANIADAU O FUDDIANT
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Ni chafwyd unrhyw ddatganiadau o fuddiant.

3.	YSGOL BABANOD LADYWELL GREEN AC YSGOL PLANT IAU G.S. HAFREN
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Esboniodd Pennaeth y Gwasanaethau Cyfreithiol a Democrataidd y byddai'r penderfyniad i gau Ysgol Babanod Ladywell Green ac Ysgol Plant Iau GS Hafren a sefydlu ysgol gynradd cyfrwng Saesneg newydd ar gyfer disgyblion 4-11 oed ar y safleoedd presennol yn cael ei wneud gan y Cabinet gan ystyried unrhyw sylwadau a wneir gan y Cyngor.

Derbyniodd y Cyngor fanylion yr ymgynghori a gynhaliwyd rhwng 26 Medi a 7 Tachwedd. O'r 16 ymateb a dderbyniwyd, roedd 10 wedi bod o blaid y cynnig. Atebodd yr Aelod Portffolio dros faterion Addysg a'r Uwch Reolwr - Gwasanaethau Addysg gwestiynau gan yr Aelodau.

Gofynnodd y Cynghorydd Phil Pritchard am sicrwydd na fyddai'r ysgol newydd yn cael ei rhoi i unrhyw glybiau fel y digwyddodd yn y Trallwng unwaith y byddai

penderfyniad wedi'i wneud. Cadarnhawyd mai'r cynnig oedd sefydlu ysgol newydd.

Gofynnodd y Cynghorydd Hywel Lewis am eglurhad o'r term 'ysgol pob oed' a dywedwyd wrtho ei fod, yn yr achos hwn, yn golygu uno ysgol fabanod ac ysgol GS iau i ffurfio ysgol gynradd newydd cyfrwng Saesneg i ddisgyblion 4-11 oed.

Roedd y Cynghorydd David Selby yn hapus gyda'r broses ymgynghori a chyda'r cynnig. Gofynnodd am sicrwydd na fyddai llithriad ac mai'r canlyniad yn y pen draw fyddai ysgol newydd. Cadarnhaodd yr Aelod Portffolio hyn gan nodi y byddai'r cyngor yn gallu cael gafael ar gyllid ysgolion yr 21^{ain} ganrif.

Mynegodd y Cynghorydd Stephen Hayes bryder nad oedd unrhyw gydnabyddiaeth yn yr adroddiad bod yr ysgolion wedi'u lleoli yng nghanol y campws ar gyfer Prosiect Lles Gogledd Powys. Cyfeiriodd at gyfarfod y Cabinet ar 17 Medi 2019 pan roddwyd addewid y byddai unrhyw benderfyniad am adeilad ysgol newydd yn y dyfodol yn cael ei ddwyn yn ôl i'r Cabinet ei ystyried fel rhan o'r drafodaeth ehangach am y safle a Phrosiect Lles Gogledd Powys. Nododd nad y Cyngor oedd yr unig sefydliad a oedd yn ymwneud â'r Prosiect ac y gallai partneriaid fod yn bryderus pe gwelid bod y cyngor yn gwneud penderfyniadau ar ei ben ei hun. Dywedodd yr Aelod Portffolio fod yr adroddiad yn delio ag uno'r ddwy ysgol yn unig a chadarnhaodd y byddai angen trafodaeth ehangach ar ddatblygiad y safle. Byddai'r adroddiad i'w ystyried gan y Cabinet yn cael ei ddiwygio i adlewyrchu'r pwynt hwn. Cadarnhawyd hefyd bod y gwasanaeth ysgolion yn gweithio'n agos gyda'r tîm prosiect ac y byddai angen i gynlluniau ar gyfer datblygu'r safle gael eu cymeradwyo gan y Cabinet.

Gofynnodd y Cynghorydd Gareth Ratcliffe a ymdriniwyd â'r holl wrthwynebiadau a godwyd yn yr ymgynghoriad. Dywedwyd wrtho yr ymatebwyd i'r holl faterion a godwyd ac y byddai cyfle i dderbyn gwrthwynebiadau pellach yn ystod cam nesaf y broses.

Gofynnodd y Cynghorydd Lucy Roberts am sicrwydd na fyddai'r cynnig hwn yn cyfyngu ar gyfleoedd pellach i ad-drefnu a chadarnhaodd yr Aelod Portffolio na fyddai.

Dywedodd y Cynghorydd Elwyn Vaughan ei fod wedi cyflwyno cynnig ar gyfer y cyfarfod nesaf a fyddai'n dileu'r gofyniad i'r Cyngor gyfarfod ac ystyried cynigion ar gyfer ad-drefnu ysgolion cyn iddynt gael eu hystyried gan y Cabinet. Cefnogwyd ef yn hyn o beth gan y Cynghorydd Michael Williams.

Datganiad gan yr Arweinydd

Diolchodd yr Arweinydd i'r holl staff a oedd wedi bod yn ymwneud â'r Etholiad Cyffredinol ac yn benodol y tîm etholiadol dan arweiniad Sandra Matthews.

Y Cynghorydd Sir B Baynham (Cadeirydd)

7.1

CYNGOR SIR POWYS COUNTY COUNCIL

County Council
23rd January 2020

REPORT AUTHOR: County Councillor Aled Davies, Portfolio Holder for Finance, Countryside and Transport

SUBJECT: Question from Gemma Lewis

Could you please confirm how much Powys County Council pay for school transport for children from the Brecon catchment area to attend Welsh education in Calon Cymru or Ystalyfera when their closest provision is the new school in Brecon?

The children access a service bus where passengers have not been DBS checked and there have been instances where the buses are full and children stand for the duration of the journey.

If this transport was no longer funded by the council, I suspect that the numbers would increase in Brecon and therefore the subject provision and standards.

Response

The Council's Home to School Transport Policy states that we will provide free transport to learners to their nearest suitable or catchment school if they meet the eligible criteria. For learners living in the Brecon area, the nearest Welsh-medium secondary provision is at Brecon High School. However, in accordance with the Policy, parents are able to appeal decisions where transport has been refused. This is the case with learners currently being transported to Ysgol Gyfun Ystalyfera and Ysgol Calon Cymru.

Currently, the Council spends £132,575 per annum to transport learners from the Brecon High School catchment area to Welsh Medium education in Ystalyfera and Ysgol Calon Cymru in Builth Wells. It is the Councils' policy to convey entitled learners to school on public transport wherever possible. There are around 1200 learners who are currently taken to school by public transport on a daily basis.

The Council is committed to improving the provision of Welsh-medium education across the whole county. A new vision for education is currently being developed and Welsh-medium education is a key part of the new vision. We will be engaging with all stakeholders in February to develop this vision into reality.

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

8.1

CYNGOR SIR POWYS COUNTY COUNCIL

23 January 2020

REPORT AUTHOR: Aled Davies
Portfolio Holder for Finance

SUBJECT: Virements for Highways, Transport and Recycling

REPORT FOR: Decision

1 **Summary**

1.1 This report is to request a capital virement in respect of the Vehicle Replacement Programme.

2 **Proposal**

2.1 The Vehicle Replacement Programme has been estimated at £3.222m which is £1.100m more than the original budget of £2.122m. The virement recommends increasing the budget by £1,099,814 to accommodate this additional spend. The budget increase will be funded from the Transport and Equipment Fund which is revenue reserve.

2.2 A review of the Vehicle Replacement Programme has been undertaken by an officer group from Finance and Highways, Transport and Recycling. The result of the review is a 10 year estimate of the likely replacement programme which is affordable from the reserve and contributions to the reserve to reflect use by the services.

2.3 There is a risk that the actual delivery dates may fall into 2020/21. Vehicles have a long lead time and are usually manufactured to order.

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

- 9.1 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.

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

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

The Head of Finance (Section 151 Officer) notes the comment of Capital and Financial Planning Accountant.

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

Recommendation:	Reason for Recommendation:
To approve the virement for the Vehicle Replacement Programme.	To ensure appropriate virements are carried out that reflect the forecasted capital spend.

Contact Officer: Jane Thomas Tel: 01597-827789 Email: jane.thomas@powyscc.gov.uk
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Relevant Local Member(s):	
Person(s) To Implement Decision:	Jane Thomas
Date By When Decision To Be Implemented:	ongoing
Is a review of the impact of the decision required?	N
If yes, date of review	n/a

Background Papers used to prepare Report:

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

8.2

CYNGOR SIR POWYS COUNTY COUNCIL

23rd January 2020

REPORT AUTHOR: County Councillor Aled Davies
Portfolio Holder for Finance

SUBJECT: Virement from Ladywell House to Economic Development Fund

REPORT FOR: Full Council Decision

1 **Summary**

1.1 This report is requested as part of the Council's virement process to seek approval of a virement approved at Cabinet on the 17th December 2020 to transfer capital budget from the Ladywell House project to a new fund that supports Economic Development.

2 **Proposal**

2.1 A £1,029,872 Economic Stimulus capital grant has been received from Welsh Government and will be used to support the Ladywell House project. This grant will allow part of the core capital funding used to support Ladywell project to be reallocated to fund Economic Development projects in future years. In addition, this grant provides extra funding totalling £365,000 allowing additional works for additional occupancy space, building in some flexibility and car park surfacing and lighting.

2.2 A virement is requested to transfer the £664,872 balance of capital borrowing which will no longer be required to fund the development at Ladywell House. This will fund economic development activities and is to be utilised in 2020/21.

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

- 9.1 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.

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

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

The Head of Finance (Section 151 Officer) notes the comment of the Capital and Financial Planning Accountant.

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

Recommendation:	Reason for Recommendation:
That the virement set out in paragraph 2.2 of the report is approved.	To ensure appropriate virements are carried out that reflect the forecasted capital spend.

Contact Officer: Jane Thomas Tel: 01597-827789 Email: jane.thomas@powyscc.gov.uk
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Relevant Local Member(s):	
Person(s) To Implement Decision:	Jane Thomas
Date By When Decision To Be Implemented:	ongoing
Is a review of the impact of the decision required?	N
If yes, date of review	n/a

Background Papers used to prepare Report:

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

January 2020

PORTFOLIO HOLDER: Cllr Phyl Davies**REPORT AUTHOR: Lynette Lovell - Interim Chief Education Officer****SUBJECT: Local Authority Estyn Improvement conference**

REPORT FOR: Information

1. Foreword

Powys Local Authority Education Service was inspected in July 2019. The report was published on September 10th 2019. The Estyn report was considered by Full Council on 10th September 2019.

The inspection team concluded that “...*there are many areas of the authority’s work causing significant concern, such as those relating to school organisation, financial management, school governance, lack of action regarding schools causing concern and the co-ordination of provision for pupils with special educational needs or who may require extra support. These issues affect school leadership, staffing structures, curriculum planning and staff morale.*”

Therefore, the Local Authority required follow up activity which included an improvement conference in the first instance.

On 28th November 2019, Tony Bate HMI chaired an improvement conference focused on the Local Authority’s education services for children and young people. The conference was carried out in accordance with the Estyn guidance handbook.

The purpose of a post-inspection improvement conference was to ensure that the authority had understood the reasons for the inspection judgements, and had developed appropriate plans to address shortcomings.

The conference focussed on the recommendations in the recent inspection report

2. Conference process

During the conference, inspectors considered the authority’s improvement plans and sought assurance that the Authority:

- has identified and understood the current issues

- has coherent plans to address these issues
- has sufficient resources to implement its plans
- has rigorous processes in place to monitor the implementation of its plans and evaluate the impact.

3. What has happened after the conference?

Following the conference, officers have presented a Post Inspection Action Plan outlining the improvement journey and actions required, mindful of the matters raised during the day. This included putting the detailed actions from the PIAP into lower level team plans thus ensuring the strategic priorities in the PIAP remain the main focus for monitoring progress. The Education Service has already commenced the work on the improvements at pace. The Education Service, along with the Corporate Transformation team, are already working in collaboration with headteachers, teachers and governors to develop a case for change and a vision for the future of education provision in Powys. This will form an integral part of the improvement journey. Papers are being taken to Cabinet on 21st January for approval followed by engagement with the wider public in February 2020.

A letter dated 14th January 2020 was received by the Chief Executive of the Authority to confirm the outcome of the conference and a copy is attached as Appendix 1. A copy of the letter has been sent to the Council's Leader, the Welsh Government, the Wales Audit Office, and WLGA.

The letter stated that the Local Authority has "... demonstrated that it has identified and understood the current issues appropriately and has a clear commitment to addressing the issues that were raised during the inspection. It is developing coherent plans and is building leadership capacity which have the potential to secure sustainable improvements. Overall, the authority has identified sufficient resources to implement its plans has begun to consider any barriers to progress and associated risks."

A copy of the PIAP approved by Estyn is attached as Appendix 2.

Recommendation:

That the Council notes the Estyn letter dated 14th January 2020 and the Post Inspection Action Plan.

Caroline Turner
Chief Executive
Powys County Council
County Hall
Llandrindod Wells
Powys
LD1 5LG

14 January 2020

Dear Dr Turner,

Re: Post-inspection Improvement Conference in Powys County Council

On 28 November 2019, Tony Bate HMI chaired a post-inspection improvement conference in Powys County Council.

The purpose of the post-inspection improvement conference was to ensure that the authority understood the reasons for the inspection judgements, and that it is developing appropriate plans to address shortcomings. The conference focused on the recommendations in the recent inspection report:

- R1 Improve standards in secondary schools, and especially the performance of more able learners
- R2 Improve the evaluation, planning and coordination of provision for learners with special educational needs and other pupils who may require extra support
- R3 Improve the consistency and impact of senior leaders in improving the quality of education services and continue to strengthen the rigour, scrutiny and challenge about performance of the authority's services
- R4 Ensure that the organisation of provision for non-maintained, post16; Welsh-medium education and secondary education meets the needs of the children and young people of Powys
- R5 Continue to improve the quality of financial management in schools and take appropriate action to address schools with significant deficit budgets

During the conference, the local authority demonstrated that it has identified and understood the current issues appropriately and has a clear commitment to addressing the issues that were raised during the inspection. It is developing coherent plans and is building leadership capacity which have the potential to secure sustainable improvements. Overall, the authority has identified sufficient resources to implement its plans has begun to consider any barriers to progress and associated risks.

The conference enabled participants to explore areas of the improvement plan which would benefit from being strengthened, such as to implement rigorous processes to monitor the implementation of its plans and evaluate the impact. The local authority link inspectors for Powys will contact the authority to provide more detail regarding the suggested improvements.

We will formally review the authority's progress in around 12 to 18 months. This will be in the form of a progress conference. The purpose of the progress conference is to review the extent to which the local authority has progressed its plans in addressing the recommendations identified by the inspection. In light of our view of the progress made by the local authority at that stage and its plans for further improvement, we will consider how likely it is the authority could be removed from follow-up in a year's time. If we think that it is likely that the authority will be able to demonstrate enough progress to be removed from follow-up, we will plan a monitoring visit. However, if we think that the authority will require more time, we will facilitate a second progress conference.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Clive Phillips', written in a cursive style.

Clive Phillips
Assistant Director

POWYS COUNTY COUNCIL

Estyn Inspection July 2019

Education Services: Post Inspection Action Plan

December 2019

Tudalen 55

Yn agored a blaengar - Open and enterprising



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Recommendation 1: Improve standards in secondary schools, and especially the performance of more able learners

Recommendation Leads: SCA / DL

Rationale

The priorities for this recommendation reflect a sustained and consistent focus on raising standards in secondary schools. We currently have three secondary schools in an Estyn follow up category. Over the last few years, the core inspections that have been undertaken in our secondary schools have resulted in all but two of our schools being placed in an Estyn follow up category. There are schools in Powys that remain 'schools causing concern'. Whilst this focus is on standards and leadership in secondary schools, we must maintain the progress and standards in primary schools particularly the transition and tracking of the more able and talented pupils and monitor their progress in secondary schools. Fundamental to this work is the need for professionals to support schools to ensure learners develop strong relationships, with a positive sense of self and have the ability to manage their own health and emotions.

Priorities:

- a) [Improve pupil outcomes in secondary schools particularly Capped 9 scores and A-A*](#)
- b) [Reduce the number of secondary schools in an Estyn follow up category and sustain progress over time.](#)
- c) [Improve the quality of leadership in secondary schools including middle leaders to ensure succession planning.](#)
- d) [Sustain standards in primary and develop effective transition arrangements that ensures the continued progress of pupils into KS3 and beyond.](#)
- e) [Improve attendance in secondary schools by reducing the number of schools in the bottom 25% when compared to similar schools.](#)
- f) [Continue to reduce the level of permanent and fixed-term exclusions.](#)
- g) [Improve the skills and ability of Governing Bodies to impact school improvement, undertake effective decision-making and budget management.](#)
- h) [Implement a strategic approach for developing mental and emotional health across all schools in the local authority.](#)

Priority a): Improve pupil outcomes in secondary schools particularly Capped 9 scores and A-A*

Success Criteria:

- i. Powys outcomes for 5A* - A at GCSE are above the Wales average through increased challenge and support from the LA
 - Eight secondary schools above 20%, at least 4 secondary schools above 22% and at least 1 secondary school above 25% by July 2020;
 - Nine secondary schools above 20%, eight secondary schools above 22% and two secondary schools above 25% by July 2021;
 - Nine secondary schools above 22% and six secondary schools above 25% by July 2022.
- ii. Improve CAP 9 points for all pupils
 - By July 2020, nearly all Powys secondary schools achieve in line and seven secondary schools achieve above expected outcomes;
 - By July 2021, many secondary schools have an average point score above 385 and a minority have an average score above 400.

No.	Actions	Start date	End date	Monitoring / Milestones	Lead officer	Resource implications
1	Improve pedagogy across key stage 3 and key stage 4 in order to further develop pupil independence and provide effective differentiation and challenge for all pupils.	Sep 2019	Jul 2021	Dec 2019: North Powys OLEVI programme and sharing of good practice within conference, training and senior leader agenda items. April 2020: Evaluation of 2018 / 2019 OLEVI programme and bespoke training on data walls and LWT across secondary schools undertaken. July 2020: Evaluation of 2019 / 2020 OLEVI programme and use of Lesson Box as part of school professional development programme.	CA1 / CA4	£8000

				<p>Dec 2020: South Powys secondary schools successfully enrolled onto OLEVI programme. Evaluation of T & L provision as part of SV1.</p> <p>April 2021: In school variation in T & L and pedagogical principles decreasing.</p>		
2	Ensure that all schools have a whole school approach to ensuring high expectations of all pupils, in particular more able pupils.	Oct 2019	Jul 2021	<p>Dec 2019: Collation of evidence from SV1 reports on current MAT position across all schools.</p> <p>April 2019: All Secondary Schools received NACE consultation and sharing of good practice on effective curriculum planning.</p> <p>July 2020: Evaluation of provision and its impact on progress of MAT pupils. All secondary schools completed the NACE audit tool.</p> <p>Dec 2020: Improvement in LA 5 A* / A outcomes against modelled outcomes at KS4.</p>	SCA / CA1 / CA4	Within existing resources

Evaluation and comments:

Priority b): Reduce the number of secondary schools in an Estyn follow up category and sustain progress over time.

Success Criteria:

- i. Reduce the number of secondary schools in an Estyn follow up category to two or less by July 2020 and to one school by July 2021.

No.	Actions	Start date	End date	Monitoring / Milestones	Lead officer	Resource implications
1	Strengthen termly School Improvement Boards for Schools Causing Concern and bespoke leadership support.	Sep 2019	Jul 2020	<p>Termly meetings with ERW Secondary Support Group are used to evaluate that individual schools make strong progress against Estyn recommendation / PIAP / SDP targets.</p> <p>Reports from School Improvement Boards show that all schools are making the expected progress against their PIAP.</p> <p>March 2020 – Most recommendations of those schools attending SIBs have improved.</p> <p>Individual schools make strong progress against leadership categorisation.</p> <p>July 2020 – Nearly all recommendations of schools attending SIBs display positive progress.</p>	CA1 / CA2	ERW funding for Secondary Support Group

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Evaluation and comments:

Priority c): Improve the quality of leadership in secondary schools including middle leaders to ensure succession planning

Success criteria:

- i. Most middle leaders able to accurately set targets and be accountable for standards of attainment in their curriculum area

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No.	Actions	Start date	End date	Monitoring / Milestones	Lead officer	Resource implications
1	To support middle leaders to be effective in their roles to lead, monitor and be held to account for improving standards and provision.	Sep 2019	Jul 2020	<p>December 2019 - All secondary schools to be challenged during SV1 over the variance in KS4 predictions and actual outcomes.</p> <p>During SV2 and SV3 senior and middle leaders are challenged over accuracy of tracking and assessment procedures.</p> <p>During SV2 & SV3 evaluate how well schools use information to support progress of individual pupils - including boys.</p> <p>June 2020 - Most SV2 and SV3 reports indicate that most CPD has impacted positively on outcomes and provision, including within school variation.</p>	CA2 / CA1	Within existing resources

2	Secure leadership in secondary schools remains a focus in Powys. Recruitment and growing future leadership / succession planning to be a priority.	Sep 2019	Sep 2021	<p>December 2019 - All schools with C and D categories have leadership priorities in their SDPs agreed at SV1</p> <p>January 2020 - All head teacher performance objectives are focused and robust in securing improvement Transformation policy identifies clear strategies for the leadership of small schools e.g. federation of schools. (Link to Recommendation 4) Good practice is shared during area headteacher meetings.</p> <p>Jan 2021 – Above 85% primary schools and 65% secondary schools categorised as A or B for leadership.</p>	CA2 / SCA / CA1	Within existing resources
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Evaluation and comments:

Priority d): Sustain standards in primary and develop effective transition arrangements that ensures the continued progress of pupils into KS3 and beyond.

Success criteria:

- i. Most learners maintain expected progress from key stage 2 to key stage 3.

No.	Actions	Start date	End date	Monitoring / Milestones	Lead officer	Resource implications
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1	To ensure learner outcomes are maintained or improved following transition from primary to secondary education, with particular regard to more able learners by securing an improved quality and consistency in teaching and learning through cluster based professional learning.	Jan 2020	Jul 2021	Challenge Advisers to support clusters in effective transition arrangements	SCA / CA1	Within existing resources
		Sep 2021	Jul 2022	March 2020 – establish at least one cluster pilot for effective transition. Challenge Advisers to monitor progress of identified groups of pupils during Year 7 and Year 8 of Secondary school. July 2020 – Most pupils maintain or improve progress from Year 7 to Year 8		
2	Engage pupils in developing effective provision across all schools and give all pupils a greater voice in how they design, investigate and lead their own learning.	Oct 2019	Jul 2020	Curriculum engagement to be an agenda item on each Youth Forum meeting Each school council to complete a questionnaire about pupil engagement. Spring and summer visits to focus on pupil led learning. July 2020 - Most school councils able to explain how they are involved in developing their own learning.	CA4 / CA1	Within existing resources

Evaluation and comments:

Priority e): Improve attendance in secondary schools by reducing the number of schools in the bottom 25% when compared to similar schools

Success criteria:

- i. Improve attendance in secondary schools to 94.8% (2019/20) and 95% (2020/21)
- ii. A minimum of a 10% reduction in term-time holiday requests from high schools (2017/18 = 2,287 sessions, target is 2,059)

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No.	Actions	Start date	End date	Monitoring / Milestones	Lead officer	Resource implications
1	Bespoke support from the EWO and supported by challenge advisers, following the attendance SLA structure for each of the secondary schools in quartile 4.	4 Nov 2019	Dec 2019	<p>Termly attendance updates to SSMT</p> <p>Attendance in autumn term 2019 – at least 94.2% or higher</p> <p>Attendance by March 2020 – at least 94.4%</p> <p>Attendance by July 2020 – at least 94.8%</p> <p>Dec 2020 - 30% (2) reduction of high schools in quartile 4 (2017/18 there were 6 six schools in quartile 4)</p>	ALN1	Within existing resources

Evaluation and comments:

Priority f): Continue to reduce the level of permanent and fixed-term exclusions

Success criteria:

- i. Minimum of 10% reduction in fixed-term exclusions (2017/18 = 491, target is 442 sessions)
- ii. A reduction of 50% in permanent exclusions (2017/18 = 10, target is 5)

No.	Actions	Start date	End date	Monitoring / Milestones	Lead officer	Resource implications
1	Target high excluding schools with additional training offer for staff in relation to dealing with challenging behaviour – Initial pilot project, with evaluation and tracking to analyse impact	4 Nov 2019	Jul 2020	Termly report to SSMT on number of exclusions Comparisons to be made against previous years exclusion data. Reduction of 10% on previous year's data as a termly milestone.	ALN1 / YEC	Within existing resources

Evaluation and comments:**Priority g): Improve the skills and ability of Governing Bodies to impact school improvement, undertake effective decision-making and budget management**

Success criteria:

- i. By July 2020, most schools judged to have effective governing bodies

No.	Actions	Start date	End date	Monitoring / Milestones	Lead officer	Resources implications
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1	<p>Support governing bodies of both primary and secondary schools to provide effective challenge on progress and standards of pupils (data and work scrutiny)</p> <p>Create system of cluster chair of governor meetings (1 per term) for chairs to develop their understanding of their role in challenging the work of the school</p>	Sep 2019	Jul 2020	<p>July 2020 - Most governing bodies judged to have an effective governing body (SV1, SV2, SV3 and Estyn inspection reports).</p> <p>Most governing body minutes indicate awareness (through committee feedback) of the challenge to school regarding progress and standards.</p>	CA3	Within existing resources
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Evaluation and comments:

Priority h): Implement a strategic approach for developing pupils' mental and emotional health across the local authority

Success criteria:

- i. Implement an agreed Mental and Emotional Health Strategy
- ii. An appropriately trained workforce
- iii. Improved joint working with appropriate multi-agency partners that supports pupil's mental and emotional health across the authority

No.	Actions	Start date	End date	Monitoring / Milestones	Lead officer	Resource implications
1	Develop a Mental and Emotional Health Strategy / Whole School Approach	Sep 2019	Mar 2020	Jan 2020: approved by SSMT and supported by Emotional Wellbeing & Mental Health joint workstreams	PEP (overall) HoC / SP / SCM	£59k grant from WG

				Mar 2020: available to be issued to schools	(multiagency integrated response) CA4 (curriculum)	
2	<p>Implementation of the Powys Mental and Emotional Health Strategy To include:</p> <ul style="list-style-type: none"> • Implementation plan • Training of the workforce • Mechanisms for continued support/supervision 	Jan 2020	Jul 2022	<p>Continued monitoring by SSMT and Emotional Wellbeing & Mental Health joint workstreams</p> <p>Feb 2020: Implementation plan agreed with SSMT and Schools</p> <p>Feb 2020: SSMT agree training proposals</p> <p>Mar 2020: Schools staff including Emotional Wellbeing & Mental Health leads & ELSAs to access Hwb training materials</p>	<p>SSMT (across curriculum development, advisory and support services)</p>	<p>Explore grant funding opportunities for training.</p> <p>To include elements of:</p> <p>‘Building a Healthy Wales’ funding</p> <p>PDG – CLA (£159k by March 2020)</p> <p>In-reach pilot funding (£88k by March 2020)</p> <p>Welsh Gov. whole school approach funding (incl. £16.4k for</p>

							training by March 2020)
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Evaluation and comments:

Recommendation 2: Improve the evaluation, planning and coordination of provision for learners with special educational needs and other pupils who may require extra support

Recommendation Leads: HoS / CR

Rationale

Estyn reported that there is inadequate coordination, evaluation and planning across the authority for pupils with special educational needs (SEN) or who may require extra support. The priorities in this recommendation address the main shortcomings in relation to leadership and management within SEN/ALN services.

Priorities:

- a) [Ensure that senior officers provide strong leadership that drives improvement.](#)
- b) [Ensure that schools and other stakeholders have a clear understanding of the services that are available to support pupils with SEN / ALN and other pupils who may require support and that processes for accessing these services are clear and robust](#)
- c) [Develop robust procedures for the planning of services, to include an audit of current provision, based on reliable data, a rationale for proposed changes, costs and clear timescales](#)
- d) [Improve the coordination of provision for pupils with SEN and other groups both within the Schools Service and with external agencies](#)

Priority a): Ensure that senior officers provide strong leadership that drives improvement

Success criteria:

- i. All managers have a clear understanding of what needs to be improved within their given areas and work strategically to drive improvement
- ii. Performance management has identified underperformance
- iii. Support and mentoring has been provided for managers where required

iv. Underperformance has been addressed

No.	Actions	Start date	End date	Monitoring/Milestones	Lead officer	Resource implications
1	Provide mentoring for relevant ALN officers See workforce development plan R3	Oct 2019	Apr 2020	Evidence of mentoring Improved performance	CR / ALN	Within existing resources
2	Develop and implement a robust system of performance management See performance management element of R3	Oct 2019	Ongoing	Information on performance management processes (policy, timetable) Evidence that performance management meetings have taken place Senior Leaders ensuring adherence to the Framework	HoS	Within existing resources
3	Identify and tackle underperformance in relation to the coordination, evaluation and planning of services for pupils with SEN / ALN and other groups	Oct 2019	Mar 2020	Evidence of action taken Improved performance	HoS / ALN	Within existing resources

Evaluation and comments:

Priority b): Ensure that schools and other stakeholders have a clear understanding of the services that are available to support pupils with SEN / ALN / groups and that processes for accessing these services are clear and robust

Success criteria:

- i. Schools and other stakeholders have a clear understanding of the services that are available to support pupils with SEN / ALN / groups, including pupils that have BESD
- ii. Processes for accessing these services are clear and robust
- iii. There are clear entry and exit criteria for specialist provision
- iv. Policies and guidance provide clear guidance to schools and other stakeholders
- v. Central services communicate well with schools

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No.	Actions	Start date	End date	Monitoring/Milestones	Lead officer	Resource implications
1	Agree and share a corporate vision for pupils with SEN / ALN and other groups	Oct 2019	March 2020	Dec 2019 - Vision statement agreed by team Mar 2020 – Vision shared with schools, elected members Mar 2020 – Vision reflected in policies and strategies	CR / ALN / ALN Managers	Within existing resources
2	Produce clear policies and guidance on SEN / ALN and other groups.	Sep 2019	Feb 2020	Feb 2020 - Amended SEN / ALN policy and behaviour policy Feb 2020 – other groups policy produced	CR / ALN / ALN Managers	Within existing resources
3	Provide schools with clear information on the roles and responsibilities of each member of the ALN team	Oct 2019	Jan 2020	Jan 2020 - Information provided to schools	CR / ALN Managers	Within existing resources
4	Produce clear entry and exit criteria for specialist provisions, including	Oct 2019	Mar 2020	Feb 2020 – Entry / exit criteria produced	CR / ALN2 /	Within existing resources

	special schools, PRU and specialist centres			Mar 2020 – Entry / exist criteria to be shared with schools	ALN1	
5	Improve communication and consultation with schools	Oct 2019	Ongoing	Feedback from schools	ALN team	Within existing resources

Evaluation and comments:

Priority c): Develop robust procedures for the planning of services, to include an audit of current provision, based on reliable data, a rationale for proposed changes, costs and clear timescales

Success criteria:

- i. There is a clear map of all services available to support schools, including central services and outreach services
- ii. The LA has a clear understanding of the effectiveness of services
- iii. All planning procedures are robust and lead to effective change

No.	Actions	Start date	End date	Monitoring/Milestones	Lead officer	Resource implications
1	Complete an audit/review of the provision currently available for pupils with SEN / ALN and other groups (to include special schools, specialist centres, special school outreach services, PRU and central teams)	Oct 2019	Apr 2020	Dec 2109 Analysis of gap in central services Jan 2020 and ongoing – Directory of training provided by central services and special schools (Eventbrite) Feb 2020 - Audit of the number of pupils (current and projected) with social, emotional and behavioural difficulties (BESD) on the SEN register	CR / ALN2 / ALN1 & ERW	Within existing resources

				<p>Feb 2020 - Audit of current BESD provision, including age range and numbers of places in each provision and identify gaps</p> <p>Feb 2020 - Audit of the number of pupils (current and projected) with SEN/ALN (not including BESD) on the SEN register</p> <p>April 2020 – Analysis of gaps in relation to specialist centres</p>		
2	Evaluate the effectiveness of current provision	Oct 2019	Apr 2020	<p>Dec 2019 – Information gained through discussion with headteachers in headteachers meetings and visits to schools</p> <p>Jan 2020 – Specialist centre review report</p> <p>Jan 2020 - SLA between the LA and providers of outreach support, including a process of monitoring and evaluating the effectiveness, impact and value for money of the support.</p> <p>Feb 2020 – Analysis of quality of outreach reports</p> <p>Feb 2020 – Tools identified for evaluating the effectiveness of support</p>	CR / ALN2 and other ALN Managers	Within existing resources + ERW (Sue Painter)

				Spring/summer 2020 – Perception survey		
				July 2020 – Service areas have trialled above tools		
3	Produce robust proposals for the development of services with financial implications and proposed timescales for implementation	Nov 2019	Jul 2020	<p>Apr 2020 – Include in the vision document initial proposals for SEN / ALN</p> <p>Jul 2020 - Proposals developed for SEN / ALN provision as part of school reorganisation</p> <p>Proposals taken forward if appropriate</p> <p>See R4</p>	CR / ALN2 / ALN1 + ERW (Sue Painter)	Resource implications

Evaluation and comments:

Priority d): Improve the coordination of provision for pupils with SEN and other groups both within the Schools Service and with external agencies

Success criteria:

- i. ALN officers work well with other teams within the Schools Service
- ii. ALN officers work effectively with special school, specialist centre and PRU headteachers to ensure a co-ordinated approach to services across Powys
- iii. Education, children's services and health work together effectively at both a strategic and operational level

No.	Actions	Start date	End date	Monitoring/Milestones	Lead officer	Resource implications
1	Develop a co-ordinated approach to support and provision for pupils through the PIP	Sep 2019	Dec 2019	Sep 2019 - Terms of reference Sep 2019 and ongoing - Minutes of panel meetings Nov 2019 – interim review of PIP	ALN Managers	Within existing resources
2	Improve joint working in identified areas within central teams	Jan 2020	Jul 2020	Feb 2020 - Areas where joint working is not effective have been identified Feb 2020 - Examples of effective joint working Jul 2020 – Evidence of improved joint working	ALN / ALN Managers	Within existing resources
3	Ensure that education services, children’s services and health have a clear understanding of each other’s roles and work together effectively	Jan 2020	July 2020	Mar 2020 – Meetings with children’s services and health to discuss joint working Mar 2020 - Options for commissioning therapy services (SALT, OT, physio) have been considered Jul 2020 – Joint working protocol produced, if considered appropriate Jul 2020 - Evidence of liaison between education/children's services and health	CR / ALN1	Within existing resources Financial implications

Evaluation and comments:

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Recommendation 3: Improve the consistency and impact of senior leaders in improving the quality of education services and continue to strengthen the rigour, scrutiny and challenge about performance of the authority's services

Recommendation Leads: HoS / DL

Rationale

This recommendation focuses our attention on developing effective leadership that has high ambitions for the future of education in Powys. A service that provides improved provision and works closely with schools and stakeholders to raise standards for all learners. This will require rapid improvements in: leadership, staff culture, training and appraisal; self-evaluation and rigorous scrutiny that will inform decision making, communication and governance.

Priorities:

- a) [Develop robust self-evaluation systems that provide feedback which informs effective improvement planning](#)
- b) [Focus on improving education services through the effective leadership and consistency in approach of senior officers in order to support schools and have a positive impact on all learners in Powys](#)
- c) [Ensure that the quality and performance of the authority's services are rigorously scrutinised and challenged through the agreed channels](#)

Priority a): Develop robust self-evaluation systems that provide feedback which informs effective improvement planning

Success Criteria:

- i. Full understanding and implementation of the new Powys County Council [Performance Management and Quality Assurance Framework](#) across the service
- ii. Self-evaluation processes are honest, rigorous and drive improvement at pace to improve the quality of service delivery, provision and standards in schools
- iii. All senior leaders have a detailed understanding of what effective self-evaluation is in relation to their service area

- iv. Staff have a clear understanding of self-evaluation outcomes and the priorities for improvement which are reflected in team meetings and individual performance management
- v. Every service section in the Education department has a detailed action plan based on a thorough and rigorous self-evaluation of quantitative and qualitative factors.
- vi. Appraisals are meaningful, to support staff development, and ensure that every member of staff is clear regarding their contribution to the service area plan.

No.	Actions	Start date	End date	Milestones / Monitoring	Lead officer	Resource implications
1	Develop and implement a robust self-evaluation process that involves all line managers and relevant stakeholders, which will include the creation of a self-evaluation timetable.	Dec 2019	Jan 2021	SSMT	HoS	Within existing resources
2	Develop service work plans where the high level priorities are known to all officers and opportunities for linking up work across the service are developed	Nov 2019	Feb 2020	SSMT monitoring team plans	HoS	Within existing resources
3	Stakeholder feedback is incorporated into decision making, and outcomes are communicated back to stakeholders	Nov 2019	Mar 2021	SSMT monitoring progress	HoS	Within existing resources
4	All staff understand and are involved in self-evaluation processes	Jan 2020	Jan 2021	Calendar of self-evaluation work feeds agreed evaluations into the Self Evaluation Report following challenged by SSMT.	HoS	Within existing resources

				The self-evaluation report is scrutinised through agreed committee and informs forward planning		
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Evaluation and comments:

Priority b): Focus on improving education services through the effective leadership and consistency in approach of senior officers in order to support schools and have a positive impact on all learners in Powys

Success criteria:

- i. Communication and professional relationships between schools and the local authority are improved and have a positive impact on service delivery
- ii. The quality of services provided is clearly evidenced through positive stakeholder feedback
- iii. An embedded workforce development strategy promotes effective leadership and high-quality service delivery
- iv. Continuing professional development is evidenced throughout the service
- v. There is a positive culture which encourages accountability and responsibility
- vi. Every staff member is clear regarding their contribution to the service area action plan

No.	Actions	Start date	End date	Milestones / Monitoring	Lead officer	Resource implications
1	Establish clear approaches to communication and stakeholder engagement to strengthen relationships with our key partners, including learners in our schools	Nov 2019	Mar 2021	Weekly SSMT Monthly Schools Transformation Board Monthly I & A Board Monthly Scrutiny	HoS / DL / SIM	Within existing resources
2	Develop and implement a Schools Service communication strategy	Nov 2019	Mar 2021	SSMT approve strategy for implementation across the service	HoS / SIM / CO	Within existing resources
3	Set service expectations about response times for all	Jan 2020	Jan 2021	SSMT approve Charter / SLA. Monitoring through Head Teacher	SIM / CO	Within existing resources

	communication with schools – Communications Charter / SLA			meetings and the Head Teacher Perception Survey		
4	Establish clear approaches to stakeholder engagement and feedback to strengthen relationships with our key partners, including with learners in our schools	Oct 2019	Oct 2020	SSMT agree a calendar of events and planned approaches to suit stakeholder need	HoS	Within existing resources
5	Improve collaborative working within Schools Service, PCC and with external partners and ensure that it is actively promoted and championed	Oct 2019	Ongoing	More effective use of Business Intelligence data and the building of professional relationships to support integrated service delivery	HoS	Within existing resources
6	Embed a service-wide culture that is underpinned by the PCC Staff Values (positive, professional, progressive, open and collaborative)	Nov 2019	Mar 2021	Percentage of staff appraisals Attendance at training Effective team meetings are in place Staff engagement survey findings	HoS	Within existing resources
7	Develop and implement an effective workforce development strategy that supports service wide improvement and individual professional development	Nov 2019	Mar 2020	Workforce & Organisation Development collate all plans to create a corporate plan	HoS	Within existing resources
8	The needs of children and young people in education are fully represented in key discussions and decision making	Nov 2019	Ongoing	Challenge Advisor School Visits Weekly SSMT Monthly Schools Transformation Board Monthly I & A Board Monthly Scrutiny	HoS	Within existing resources

Evaluation and comments:

Priority c): Ensure that the quality and performance of the authority's services are rigorously scrutinised and challenged through the agreed channels

Success Criteria:

- i. Full understanding and implementation of the new Powys County Council [Performance Management and Quality Assurance Framework](#) across the service
- ii. Effective quality assurance and challenge is embedded throughout the service
- iii. Improvement and consistency in the overall quality of reports to Executive and Scrutiny.
- iv. Portfolio Holder is well informed and receives regular updates prior to reports being submitted to Scrutiny Committee and/or Cabinet
- v. All elected members and committees responsible for ensuring accountability are in receipt of accurate reports and are aware of key strategies, approaches and changes

No.	Actions	Start date	End date	Milestones / Monitoring	Lead officer	Resource implications
1	Develop and establish effective scrutiny and governance so that decision-making is made from a well-informed position and effective challenge is facilitated	Nov 2019	Feb 2020	Clear and approved scrutiny and governance protocols are in place	HoS	Within existing resources
2	Ensure that a full schools service forward work programme is created and maintained	Oct 2019	Dec 2019	Weekly SSMT monitoring of work programme	HoS	Within existing resources
3	Develop service work plans where the high level priorities are known to all officers and opportunities for linking up work across the service are developed	Oct 2019	Ongoing	Presented to SSMT	HoS	Within existing resources
4	Full understanding and implementation of the updated Powys County Council Performance	Jan 2020	Mar 2020	Senior Leaders ensuring adherence to the Framework	HoS	Within existing resources

	Management and Quality Assurance Framework across the service					
5	Effective integrated business planning reflects the needs of PCC service delivery	Oct 2019	Ongoing	Quarterly reporting Senior leadership team Portfolio Holder	HoS	Within existing resources
6	Develop and implement meaningful KPIs that reflect the most important aspects of service delivery and give an overview of operational performance	Oct 2019	Ongoing as part of annual reporting	SSMT regularly monitoring KPIs and undertake quarterly reporting Timetable of monitoring to effectively track progress	HoS	Within existing resources

Evaluation and comments:

Recommendation 4: Ensure that the organisation of provision for non-maintained, post16; Welsh-medium education and secondary education meets the needs of the children and young people of Powys

Recommendation Leads: ST / GR

Rationale

This recommendation is designed to ensure that Powys will develop a schools' estate that provides for the educational needs of all of its children and young people in language-appropriate, high quality, purposeful, efficient school environments.

Tudalen 85

Priorities:
a) <u>Ensure that school organisation priorities (non-maintained, post-16 and Welsh-medium) are integral to the wider reviews of all primary, secondary and special provision in the authority, and bring forward proposals at pace (to agreed dates) to deliver a cohesive vision for learners and schools in Powys.</u>
b) <u>Review the School Organisation Policy to ensure that all proposals utilise clear, agreed criteria for determining their level of priority, and criteria to be deployed by elected members to help determine those proposals.</u>
c) <u>Develop a new Welsh in Education Strategic Plan, and ensure that proposals are brought forward at pace to deliver the priorities in that Plan.</u>
d) <u>Agree the resources required within the council in order to be able to formulate coherent proposals, manage sustained stakeholder engagement and formal consultations, and to see plans through to completion.</u>
e) <u>Ensure that elected members and key stakeholders are fully aware of the evidence base and the risks and benefits associated with different options (including, 'do nothing' options) and maintain effective risk registers and business cases for all emerging and implemented proposals</u>

Priority a): Ensure that school organisation priorities (non-maintained, post-16 and Welsh-medium) are integral to the wider reviews of all primary, secondary and special provision in the authority, and bring forward proposals at pace (to agreed dates) to deliver a cohesive vision for learners and schools in Powys

Success criteria:

- i. A clear vision for effective and efficient schools will be developed in partnership with key stakeholders so that teachers, parents and pupils can be confident that the curriculum for Wales will transform the learning of every child in Powys. The vision should recognize the needs of different learners, and embrace non-maintained, primary, secondary and special settings, and show how the local authority will plan for the growth in Welsh-medium education as an entitlement for all learners.

No.	Actions	Start date	End date	Monitoring/ Milestones	Lead officer	Resource implications
1	Bring to a satisfactory conclusion all processes currently underway to reform school organisation arrangements in Powys	Ongoing	Sep 2021	Schools Transformation Board/Cabinet Completion according to current planning	STP	Transition support for schools that are merging. Additional support required from HR, Finance, Governor Support Service
2	Provide stakeholder briefings on the Powys schools' configuration during October-December 2019. Seek partner views on the challenges and seek suggestions possible ways forward.	Oct 2019	Dec 2019	Schools Transformation Board Hold after school meetings with staff at all secondary schools by January 2020	ST	Costs associated with holding schools transformation conference and other

						stakeholder events
3	Following engagement, bring forward a clear vision for learners that can underpin the future of schooling in Powys, that is sustainable, age-appropriate and efficient and which can provide settings that can deliver the curriculum for Wales for every child, a growth in provision in Welsh, a wealth of sporting and cultural opportunities and a choice of academic and vocational qualifications for older learners and which can provide specialist support for learners who need support beyond mainstream classrooms.	Jan 2020	Jan 2020	Schools Transformation Board By the end of January 2020, take to Cabinet a vision document and a case for change to our school estate	ST	£300k estimated staffing additional (linked to resource planning in priority d) Unknown costs re. transition to new model
4	Hold extensive public engagement and secure the support of elected members to develop the vision into a series of practical steps to build a phased programme of reviews, proposals, consultations and delivery plans to implement rapid transformation.	Feb 2020	Mar 2020	Use a range of methods to engage as many people as possible (including learners) around a vision for schools. Complete by early March 2020 Schools Transformation Board	ST	Within existing resources
5	Bring forward models that can deliver the vision for learners, with clear priorities for implementing the vision for learners.	April 2020	May 2020	Bring forward for approval a vision document that includes guiding principles and priorities for future school organisation, including the first phase of reforms needed, before end of May 2020.	ST	Within existing resources

Evaluation and comments:**Priority b): Review the School Organisation Policy to ensure that all proposals utilise clear, agreed criteria for determining their level of priority, and criteria to be deployed by elected members to help determine those proposals**

Success criteria:

- i. Following stakeholder engagement, develop a checklist of ambitions that will provide the basis for the prioritization of all proposals brought forward, and for subsequent decision-making to be carried out in line with those priorities to secure the delivery of educational transformation for learners in Powys.

No.	Actions	Start date	End Date	Monitoring/Milestones	Lead officer	Resource implications
1	Stakeholder engagement to seek clear understanding and consensus around the challenges faced, identify priorities and help generate relevant frameworks and criteria for emerging proposals and subsequent decision-making.	Oct 2019	Dec 2019	Complete first phase of engagement with schools by January 2020. Schools Transformation Board	STP	Within existing resources
2	Seek Cabinet agreement to engage with public on revised Schools Organisation approaches and processes, including agreeing the criteria for decision-making on future school organisation plans	Jan 2020	Jan 2020	Seek agreement before the end of January 2020 to open engagement. Schools Transformation Board	STP	Within existing resources

Evaluation and comments:

Priority c): Develop a new Welsh in Education Strategic Plan, and ensure that proposals are brought forward at pace to deliver the priorities in that Plan

Success criteria:
 i. The local authority will publish a new Welsh in Education Strategic Plan which will provide a comprehensive basis for the planned growth in Welsh medium education to achieve the ambitions of Cymraeg 2050.

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No.	Actions	Start date	End Date	Monitoring/Milestones	Lead officer	Resource implications
1	Implement unfinished aspects of the current plan.	Oct 2019	Until completion	SSMT	ST	Within existing resources
2	Re-establish and engage the Welsh-medium Forum to ensure strategic oversight	Jan 2020	Jul 2020	Before February 2020 conduct the first meeting of a newly-constituted forum and agree remit. SSMT and Schools Transformation Board	ST	Co-ordinator required – cost to be confirmed approx. £50k
3	Develop and publish new WESP in accordance with Welsh Government requirements, ensuring that activity focuses on stimulating growth in Welsh-medium pupil numbers	From February 2020	Seek early completion – July 2020	By July 2020 have a new WESP available for wider engagement, and be tied in with proposals around future school organisation. Cabinet	ST	
4	Ensure that all proposals brought forward to re-organise schools in Powys have considered the opportunities (and potential threats)	Jan 2020	Ongoing	Schools Transformation Board	STP	Within existing resources

	for the development of Welsh medium education.					
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Evaluation and comments:

Priority d): Agree the resources required within the council in order to be able to formulate coherent proposals, manage sustained stakeholder engagement and formal consultations, and to see plans through to completion

Success criteria:

- i. The reform of schools will be underpinned by a whole-council commitment from inception to completion, with clear responsibilities agreed between services to ensure ongoing success, including ensuring that educational values underpin and drive the reform process.

No.	Actions	Start date	End date	Monitoring/Milestones	Lead officer	Resource implications
1	Prepare a resource plan to identify and agree the resources required once the scale of the Schools Organisation Work Programme has been identified ensuring clear definition of roles and responsibilities of all departments involved in School Organisation to ensure seamless joint working	Jan 2020	Apr 2020	By April 2020 seek clarity from cabinet about scale of ambition in order to put a programme team in place from summer 2020. Schools Transformation Board	ST	Financial implications to be calculated

Evaluation and comments:

Priority e): Ensure that elected members and key stakeholders are fully aware of the evidence base and the risks and benefits associated with different options (including, ‘do nothing’ options) and maintain effective risk registers and business cases for all emerging and implemented proposals

Success criteria:

- i. Elected member and key stakeholders make informed decisions, under effective scrutiny, which allows robust action to be taken to transform the educational offer in Powys.

No.	Actions	Start date	End Date	Monitoring/Milestones	Lead officer	Resource implications
1	Member and stakeholder engagement sessions to ensure that all understand key data and the compelling case for change – including members, school leaders, learners and the wider community.	Oct 2019	Dec 2019, but ongoing through the change process	Ensure regular engagement of members on the journey through the development of ideas, proposals and plans. Each quarter there should be recorded events and activities to show what has been done. Schools Transformation Board	HoS / HTC	Costs involved in holding events
2	Create effective opportunities for stakeholders to engage with whatever agreed programme emerges.	Oct 2019	Ongoing through the change process	Over the programme (which might be up to 10 years in duration) have a half-yearly evaluative update on the effectiveness of stakeholder engagement.	ST	Costs involved with holding events

Evaluation and comments:

Recommendation 5: Continue to improve the quality of financial management in schools and take appropriate action to address schools with significant deficit budgets

Recommendation Leads: FB2 / GR

Rationale

This recommendation needs to be implemented to ensure that over a period of time, there will be a reduction in the overall size of budget deficits held by Powys schools, brought about through improved financial management at school level and a re-alignment of the local authority's delegated schools' budget to underpin the necessary changes needed to support greater equity and learner entitlement across Powys.

Priority a): Develop a whole-authority approach to improving the quality of, and support for, school financial management through encouraging schools to share expertise whilst developing proposals with schools for a sustainable model of deployment and professional learning for business managers

Success Criteria:

- i. Improved and ongoing engagement with headteachers, governors and their finance managers, the local authority develops strong relationships based on professional trust, enabling schools to share growing amounts of financial and planning information with each other and the local authority, for mutual benefit.
- ii. Improved collaboration on budget planning and management, school deficits will be more effectively managed through early identification of the challenges, clarity of responsibilities and effective monitoring.
- iii. The principle of multi-school business managers is developed, creating a specialist career path designed to enable all schools to have access to well-trained business managers, enabling headteachers to focus increasingly on managing the changes in the system in relation to teaching, learning and school leadership

No.	Actions	Start date	End date	Monitoring/Milestones	Lead officer	Resource implications
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1	Develop and provide extensive governor, headteacher and finance manager training for financial management of schools	Nov 2019	Ongoing	Better engagement, meeting expectations and agreed protocols, keeping budgets on track. Improved uptake and confidence of governors Termly report on level of engagement to Portfolio holder and scrutiny	FB2	Within existing resources
2	Provide opportunities for elected members to understand the challenges around managing the LA delegated schools' budget,	Jan 2020	Ongoing	Improved challenge and understanding by LA governors of their roles and ensure through member engagement that links between school organisation and budgets is made clear. Provide termly report for portfolio holder and scrutiny on engagement with members.	HoF / FB2	Within existing resources
3	Develop and implement a new sustainable model for employing and training business managers across Powys on a cluster basis	Sep 2019	Sep 2021	Highly trained and effective finance information and business management in partnership with governing bodies and a recognized training provider. SSMT / HoF report to Portfolio Holder and Scrutiny on a termly basis our progress	FB2 / FMO / ST	Financed by the Rural and Small Schools Grant

Priority b): Maintain a rolling programme of review of the school budget formula, including improved benchmarking and inter-authority comparisons to ensure that the formula meets the needs of all learners in Powys

Success criteria:

- i. All headteachers and elected members will understand the unique challenges faced by the current models for funding schools in Powys and the possible consequences of reviews to formulae, including 'do nothing' options
- ii. The authority, in managing the changing needs of schools will engage with partner authorities and use relevant benchmarking information, mindful of the need to ensure equity for all pupils in all of the authority's schools
- iii. There will be a clear and understood protocol for managing the budgets of schools (including those in exceptional circumstances) and all schools will understand the roles and responsibilities of all parties in managing their budgets and the risks associated with managing deficits
- iv. The authority will deliver a fully understood and agreed scheme for financing schools

No.	Actions	Start date	End date	Monitoring	Lead officer	Resource implications
1	Review and publish the scheme for financing schools through the appropriate channels of engagement.	Jul 2019	July 2020	Schools forum and SSMT Meeting from January to July 2020 bring about proposals before summer holiday on future delegated budget arrangements for Powys schools.	FB2	Within existing resources
2	During the process of setting a budget deficit, every school should be mindful of the risks involved and have a clear strategy for monitoring the deficit and its repayment.	Jan 2020	Ongoing	Finance surgeries held twice yearly SSMT have overview of school balances Risk register completion to accompany budget plan submittal for school in deficit. Report termly to Portfolio Holder and Scrutiny on the level of engagement and the success of efforts to manage scale of budget deficits.	FB2	Within existing resources
3	In a deficit situation, any deviation that may add to the deficit should be agreed by both Governors finance	Oct 2019	Ongoing	Monthly forecasting information submitted by high schools	FB2 / SSMT	Within existing resources

	committee and the LA. Officer should update portfolio holder, cabinet and scrutiny on schools' budget balances.			Report to Portfolio Holder, Cabinet and Scrutiny on a termly basis		
4	Maintain continuous oversight of the schools' budget formula and engage with the schools' forum to consider how changes to the formula would affect school budgets and if necessary, bring forward proposals in the autumn term annually to consider changes to the formula for the next financial year.	Sep 2019	Ongoing	By end of each summer term, have clear proposals regarding changes to formula for the following year. By July 2020 have an 'ideal' budget formula that can be deployed once Powys schools have gone through the modernisation programme. Schools Forum / SSMT / Formula Review Group / ensure all schools funded fairly	FB2 / SSMT	Within existing resources
5	Maintain regular comparison with national benchmarking and/or other LA data	Sep 2019	Ongoing	Report on an annual basis how a typical Powys school budget compares with a sample of rural authorities in Wales (suggest schools of 60, 120, 210, 320 (our largest primary school) at primary. At secondary compare schools of 500, 700 and 900 pupils. Schools Forum / SSMT / Formula Review group	FB2 / FB1	Within existing resources

Evaluation and comments

Appendices:

Lead Officer Details

Initials	Job Role
ALN	Senior Manager: ALN and Inclusion
ALN1	ALN Manager: Vulnerable Learners with a Specialism in Attendance
ALN2	ALN Manager: Vulnerable Learners with a Specialism in ALN/SEN
CA1	Challenge Advisor
CA2	Challenge Advisor
CA3	Challenge Advisor
CA4	Challenge Advisor
CO	Communications and Engagement Officer
CR	Education Consultant – Caroline Rees
DL	Education Consultant – Debbie Lewis
FB1	Finance Business Partner
FB2	Finance Business Partner
FMO	Finance Manager Operations/Professional Lead for Finance (IR35)
GR	Service Improvement Officer – Geraint Rees
HoC	Head of CAMHS
HoF	Head of Finance (Section 151 Officer)
HoS	(Interim) Chief Education Officer
HTC	Head of Transformation and Communication
PEP	Principal Educational Psychologist
SCA	Senior Challenge Advisor

SCM	Strategic Commissioning and Project Manager
SIM	Strategic Improvement Manager (Schools)
ST	Senior Manager: Schools Transformation
STP	Schools Transformation and Welsh-Medium Education Programme Manager
YEC	Youth Engagement and Progression Framework Co-ordinator

Abbreviations

ALN	Additional Learning Needs	-
BESD	Behavioural, Emotional and Social Difficulties	-
CLA	Children Looked After	-
CPD	Continuing Professional Development	-
ELSAs	Emotional Literacy Support Assistants	-
ERW	Education Through Regional Working	Educational consortia that provides regional support and training
KPIs	Key Performance Indicators	-
KS	Key Stage	Relates to stage of education for specific age groups
MAT	More Able and Talented	-
NACE	National Association for Able Children in Education	-
OLEVI	Leadership in Teaching and Learning Training Programme	-
PCC	Powys County Council	-
PDG	Pupil Development Grant	Provided by Welsh Government to all Local Authorities
PIAP	Post Inspection Action Plan	-
PRU	Pupil Referral Unit	-

SaLT	Speech and Language Therapy	-
SDP	School Development Plan	-
SEN	Special Educational Needs	-
SLA	Service Level Agreement	-
SSMT	Schools Service Management Team	-
SV	School Visit Reports by Challenge Advisors	1, 2, or 3 refer to the school term
	Trent	Powys County Council's staff management information system
WESP	Welsh in Education Strategic Plan	-

CYNGOR SIR POWYS COUNTY COUNCIL

County Council
23 January, 2020

REPORT BY: Head of Legal and Democratic Services [Monitoring Officer]

SUBJECT: Forthcoming Independent Member vacancy on the Standards Committee

REPORT FOR: Decision

1. Background

- 1.1 The term of office of an Independent Member of the Standards Committee, Mrs Claire Jackson, ends on 21 June, 2020. Mrs Jackson will have completed one term of six years. Although she is eligible to be appointed for a further term of four years, she has advised that she does not wish to continue.

2. Appointments process

- 2.1 The County Council will therefore need to undertake an appointment process for a new Independent Member to replace Mrs Jackson in accordance with the Standards Committees (Wales) Regulations 2001 (as amended). Details of the process are provided in Appendix 1.

RECOMMENDATION TO THE COUNTY COUNCIL:	Reason for Recommendation:
That the arrangements to make an appointment to the Standards Committee be approved.	To fill a vacancy arising in June 2020.

Contact Officer:	Clive Pinney, Head of Legal and Democratic Services [Monitoring Officer]
Tel:	01597-826746
Email:	clive.pinney@powys.gov.uk

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

CYNGOR SIR POWYS COUNTY COUNCIL

County Council – 23 January 2020

Arrangements to fill one vacancy arising from the completion of a term of office of an Independent (Lay) Member on the Standards Committee**1. Forthcoming Vacancy on the Standards Committee.**

- 1.1 The term of office of an Independent Member of the Standards Committee, Mrs Claire Jackson, ends on 21 June, 2020. Mrs Jackson will have completed one term of six years and although she is eligible to be appointed for a further term of four years, she has advised that she does not wish to continue.
- 1.2 The County Council will therefore need to undertake an appointment process for a new Independent Member to replace Mrs Jackson in accordance with the Standards Committees (Wales) Regulations 2001 (as amended). The Regulations and the Constitution provide that Independent Members are appointed for not less than 4 years and not more than 6 years and the convention has been to appoint for a 6 year term. Approval is sought from the County Council for officers to commence the appointments process to ensure a new Independent Member can commence their appointment from 22 June 2020.
- 1.3 The starting point under the regulations is a requirement for the Council to publish an advertisement in not less than two newspapers (which are not published by the Council) circulating within Powys advising local government electors that the Council is seeking to appoint an independent (lay) member to its Standards Committee. Such advertisement may also, if the Council considers appropriate, notify electors:
 - (a) that the chairperson and vice-chairperson of the Standards Committee are elected from independent (lay) persons; and
 - (b) the qualities and experience that may be required of independent (lay) members serving on the Standards Committee.
- 1.4 Additionally the Council can also publish such advertisement in any newspaper that it publishes or online. It is intended to publish information on the Council's website.
- 1.5 A suggested draft newspaper advertisement based on the one used on the last occasion is attached as **Appendix A** which will appear in the County Times and the Brecon and Radnor Express. Other news releases will also be made referring to the information on the Council's website.
- 1.6 The Council is also required under the regulations to:
 - (a) Establish criteria for the appointment of independent members to its Standards Committee, and
 - (b) Publish those criteria in the newspaper advertisement referred to above.

- 1.7 A draft set of criteria (based on that used on the last occasion) is attached as **Appendix B** .
- 1.8 The regulations further stipulate that the Council must establish a Panel to:
- (a) Consider every application received;
 - (b) Apply the criteria established in considering applications;
 - (c) Make recommendations to the County Council in relation to applications.
- N.B.** Appointments of Independent (Lay) members must be made by the County Council which must have regard to the recommendations of the Panel.
- 1.9 The previous practice of such Panels has been to invite applicants to attend before the Panel for interview. There may also be need to consider a shortlisting stage in the event of there being a number of applicants.
- 1.10 The regulations go on to provide that a Panel established by the Council must not consist of more than 5 panel members one of whom must be a “lay panel member” and one of whom must be a member of a community council. In this context “lay panel member” means someone who is not or has not been a County Councillor and is not or has not been an independent member of the Standards Committee.
- 1.11 Based upon the composition of panels established previously it is suggested that the panel on this occasion comprises the following:
- Lay Panel Member (Who normally Chairs the Panel) – Lord Lieutenant or the High Sheriff
 - Chair of the Standards Committee
 - Independent ‘Lay’ Member of the Standards Committee.
 - 1 County Council representative from the Standards Committee – to be selected by the Standards Committee
 - 1 Town / Community Council representative from the Community Standards Sub-Committee – to be selected by the Sub-Committee
- 1.12 In the event of the non-availability of any member of the Panel it is suggested in accordance with past practice that the function of appointing a substitute be delegated to the Monitoring Officer in consultation with the Chair of the County Council and the Chair of the Standards Committee.
- 1.13 A provisional timetable for the appointment process in this connection is set out in **Appendix C** and is recommended for adoption by the County Council. It will be observed that this timetable anticipates that the County Council will make the formal appointment of a new Independent (Lay) Member to the Standards Committee at its Meeting in May 2020.
- 1.14 Given the obvious need to attract the widest interest and encourage as many suitable candidates as possible to apply it is suggested that the Chair and Vice Chair of the Standards Committee be authorised to take such steps as appear necessary to them to achieve these objectives. This to include (but not be limited to)

the power to (i) add to and modify the contents of the newspaper notice (subject to compliance with the regulations); (ii) undertake additional advertising/awareness raising steps; and (iii) produce additional literature/promotional material.

JOIN OUR STANDARDS COMMITTEE

The Council has a vacancy for an Independent (Lay) Member and is looking for a person who would be interested in joining the Standards Committee.

You would join four County Councillors and four other Independent (Lay) Members on the 9 person Standards Committee. You would also sit on the Standards Community Sub-Committee dealing with standards issues relating to all the town and community councils in Powys.

Independent (Lay) Members receive a co-optees allowance of £99 for a half day or £198 for a whole day. Travel expenses may also be claimed.

Further details are obtainable on the Powys County Council website: www.powys.gov.uk or to find about more about the role of the Standards Committee and obtain an application form contact:

Carol Johnson (Clerk to the Standards Committee)
Powys County Council
Llandrindod Wells
Powys
LD1 5LG
Tel (01597) 826980

e-mail: carol.johnson@powys.gov.uk

The deadline for receipt of application is 28 February, 2020.



CYNGOR SIR POWYS COUNTY COUNCIL

STANDARDS COMMITTEE

Criteria for the Appointment of Independent (Lay) Members

1. An interest in seeking to uphold and promote high ethical standards in local government.
2. Candidates should be able to demonstrate the following qualities:-
 - (a) good character;
 - (b) understanding and communication skills;
 - (c) social awareness, including an understanding of local communities within Powys;
 - (d) maturity and sound temperament;
 - (e) sound judgement.
3. Members of the Standards Committee must be able to give a commitment to serve on the Committee and its Sub-Committee as required.
4. Some knowledge of local authority or public sector business, or knowledge or experience gained within a regulatory or ethical standard area, would be an advantage.
5. The following are not eligible to serve as Independent (Lay) Members of the Standards Committee by virtue of regulations made by the National Assembly for Wales :-
 - (i) a councillor, officer, or the spouse of a councillor or officer, of Powys County Council, any other Welsh county council, a Welsh National Park Authority, or a Fire Authority or Town or Community Council in Wales.* N.B. 'Officers' includes all staff of one of these authorities including teaching staff.
 - (ii) any person who was previously a member or officer of Powys County Council (post 1996).
 - (iii) any person who, within the previous 12 months, was a member or officer of any other Welsh county council, or a Welsh Fire Authority.

*Town and Community Councillors are welcome to apply but would be required to resign from their Town or Community Council role if appointed as an Independent Member.

APPENDIX C

Provisional Timetable for Appointments Panel 2020

It is necessary to have Panel of no more than 5 Members including a Lay Member and a Community Councillor.

Agree process at Council	Thur	23 January 2020
Delegate appointment of Standards Committee Panel Members to Standards Committee and Community Sub-Committee	Wed	12 February 2020
Press Notice to papers	Fri	31 January 2020
Notice in the papers (2 papers)	Fri	7 & 8 February 2020
News release and publication on the Council's website / social media – ongoing Social media promotion	Fri/Sat	7 & 8 February 2020
Re-issue of press release (if necessary)	w/c	17 February,2020
Closing date for applications	Fri	28 February 2020
Shortlisting (left longer after closing date to give time to copy pack for selection panel)	w/c	16 – 20 March 2020
Panel Sitting	w/c	30 March 2020
County Council to confirm appointment (and commencement of term of office)		14 May 2020

Term of office of Mrs C Jackson finishes on 21 June, 2020.

CYNGOR SIR POWYS COUNTY COUNCIL

County Council
23 January, 2020

REPORT BY: Head of Legal and Democratic Services
SUBJECT: Committee and Outside Body Representation

REPORT FOR: Decision

1. Committee Representation.

- 1.1 Following the recent elections for 3 new County Councillors and the formation of a new political group, it has been necessary to revise the membership of committees.
- 1.2 Consultation has been undertaken with the political groups and as a result the revised membership details for the Council's committees is attached (**Appendix 1**)

RECOMMENDATION TO THE COUNTY COUNCIL:	Reason for Recommendation:
That the revised membership details for the Council's Committees be approved.	To revise the membership of committees following the election of new Councillors and the establishment of a new political group

2. Brecon Beacons National Park Authority Representation.

- 2.1 The Council has been advised by the Deputy Minister for Local Government and Housing that the reduction in Powys County Council representation on the National Park Authority (from the current 8 members to 6 members) will take effect from 1st April 2020
- 2.2 Consultation has taken place with the political groups and the proposed revised representation from the Council on the BBNPA from 1st April, 2020 is as follows:

Current Membership to 31st March, 2020	Revised Membership from 1st April 2020
Independents (3) County Councillors: Michael J. Jones Karen Laurie-Parry Phil Pritchard Edwin Roderick	Independents (2) County Councillors:
Conservatives (2) County Councillors:	Conservatives (2) County Councillors:

Iain McIntosh	Iain McIntosh
Liberal Democrats / Green (2) County Councillors: Gareth Ratcliffe Emily Durrant	Liberal Democrats / Green (1) County Councillors:
Labour (1) County Councillors: Susan McNicholas	Labour (1) County Councillors: Susan McNicholas
Plaid Cymru (0)	Plaid Cymru (0)
Action for Powys (0)	Action for Powys (0)

RECOMMENDATION TO THE COUNTY COUNCIL:	Reason for Recommendation:
That the revised Council representation on the BBNPA from 1st April 2020 Council be approved.	To revise the Council's representation on the BBNPA in accordance with the decision of Welsh Government.

3. Powys Community Health Council.

To appoint a Member from Brecon and Radnor onto the Powys Community Health Council to fill a current vacancy.

RECOMMENDATION TO THE COUNTY COUNCIL:	Reason for Recommendation:
That the Council appoint a representative from Brecon and Radnor to the Powys Community Health Council.	To fill a vacancy on the Powys Community Health Council.

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

Appointment of Councillors to Committees 2019-2020

Learning and Skills Scrutiny Committee (9 Councillors plus 5 Co-Opted Members)

Independents (3)

County Councillors:

David Jones

Karen Laurie-Parry

Edwin Roderick

Conservatives (2)

County Councillors:

Lucy Roberts

Gwynfor Thomas

Liberal Democrats / Green (2)

County Councillors:

Pete Roberts (Chair)

Bryn Davies (Plaid Cymru Group)

Labour (1)

County Councillors:

Sandra Davies

Plaid Cymru (0)

Action for Powys (0)

Health and Care Scrutiny Committee (14 Councillors)

Independents (5)

County Councillors:

Dai Davies

Michael Williams

Kath Roberts-Jones

Emyr Jones

Stephen Hayes

Conservatives (3)

County Councillors:

Dan Rowlands

Amanda Jenner

Gwilym Williams (Chair)

Liberal Democrats / Green (3)

County Councillors:

Jackie Charlton

Gareth Morgan

Roger Williams

Labour (2)

County Councillors:
Susan McNicholas
Liz Rijnenberg

Plaid Cymru (0)**Action for Powys (1)**

Ange Williams

Economy, Residents, Communities and Governance Scrutiny Committee (13 Councillors and 1 Co-Opted Member)**Independents (4)**

County Councillors:
E. Michael Jones
David Evans
Gareth Jones
Phil Pritchard

Conservatives (3)

County Councillors:
Mark Barnes
Iain McIntosh
Jonathan Wilkinson

Liberal Democrats / Green (3)

County Councillors:
David Selby
Kelvyn Curry
James Gibson-Watt

Labour (1)

County Councillors:
Matthew Dorrance (Chair)

Plaid Cymru (0)**Action for Powys (1)**

Jeremy Pugh

Audit Committee (14 Councillors plus 1 Lay Member):**Independents (5):**

County Councillors:
David Jones
Michael J Jones
Karen Laurie-Parry

Tim Van-Rees
Michael Williams

Conservatives (3):

County Councillors:
Karl Lewis
Gwynfor Thomas
Les Skilton

Liberal Democrats / Green (3):

County Councillors:
John Morris
Roger Williams
William Powell

Labour (2):

County Councillor:
David Thomas
David Meredith

Plaid Cymru (0)

Action for Powys (1)

Ange Williams

Democratic Services Committee (14)

Independents (5)

County Councillors:
Linda Corfield
Dai Davies
David Evans
Karen Laurie-Parry
Stephen Hayes

Conservatives (3)

County Councillors:
Diane Jones-Poston
Dan Rowlands
Elwyn Vaughan (Plaid Cymru)

Liberal Democrats/ Green (3)

County Councillors:
Jackie Charlton
Roger Williams
Kathryn Silk

Labour (2)

County Councillor:
Sarah Williams
Sandra Davies

Plaid Cymru (0)

Action for Powys (1)

Martin Weale

Planning, Taxi Licensing and Rights of Way Committee (21)

Independents (7)

County Councillors:

Linda Corfield

E Michael Jones,

Michael J Jones,

Hywel Lewis,

David Price,

Phil Pritchard

Gareth Jones

Conservatives (5)

County Councillors:

Gareth Pugh,

Les George,

Karl Lewis,

Gwilym Williams,

Iain McIntosh

Liberal Democrats / Green (4)

County Councillors:

David Selby,

Kathryn Silk,

Roger Williams

Francesca Jump

Labour (2)

County Councillors:

Huw Williams,

David Jones (Independent Group)

Plaid Cymru (1)

County Councillor:

Elwyn Vaughan

Action for Powys (1)

Jon Williams

Licensing Act 2003 Committee (14)

Independents (5)

County Councillors:

Linda Corfield,

Hywel Lewis,
Michael Williams
Emyr Jones
VACANCY

Conservatives (3)

County Councillors:

Iain McIntosh,
Les George,
Karl Lewis,
Gwilym Williams

Liberal Democrats / Green (3)

County Councillors:

Francesca Jump,
Kathryn Silk
William Powell

Labour (2)

County Councillor:

David Thomas
Huw Williams

Plaid Cymru (0)

Action for Powys (1)

Jon Williams,

Employment and Appeals Committee (14)

Independents (5)

County Councillors:

David Jones,
Kath Roberts-Jones,
Michael Williams
Phil Pritchard
Edwin Roderick

Conservatives (3)

County Councillors:

Claire Mills,
~~Neil Morrison,~~
Lucy Roberts
Les Skilton

Liberal Democrats / Green (3)

County Councillors:

Francesca Jump,
Gareth Ratcliffe,
Emily Durrant

Labour (2)

County Councillor:
David Meredith
David Thomas

Plaid Cymru (0)**Action for Powys (1)**

Jon Williams,

Pensions and Investment Committee (5)**Independents (2)**

County Councillors:
Arwel Jones,
Timothy Van-Rees

Conservatives (1)

County Councillor:
Peter Lewis

Liberal Democrats / Green (1)

County Councillor:
John Morris

Labour (1)

County Councillor:
Huw Williams

Plaid Cymru (0)**Action for Powys (0)****Standards Committee (4)****Independents (1)**

County Councillor:
Kath Roberts-Jones

Conservatives (1)

County Councillor:
Iain MacIntosh

Liberal Democrats / Green (1)

County Councillor:
Kathryn Silk

Labour (1)

County Councillor:
Susan McNicholas

Outside Bodies.

Brecon Beacons National Park Authority:

Independents (3)

County Councillors:

Michael J. Jones

Karen Laurie-Parry

Phil Pritchard

Edwin Roderick

Conservatives (2)

County Councillors:

Iain McIntosh

Liberal Democrats / Green (2)

County Councillors:

Gareth Ratcliffe

Emily Durrant

Labour (1)

County Councillors:

Susan McNicholas

Plaid Cymru (0)

County Councillors:

Action for Powys (0)

Welsh Local Government Association (WLGA)

Independents (2)

County Councillors:

Rosemarie Harris

Conservatives (1)

County Councillors:

Aled Davies

Liberal Democrats / Green (0)

County Councillors:

Labour (0)

County Councillors:

Matthew Dorrance

Plaid Cymru (0)

County Councillors:

Action for Powys (0)

Welsh Local Government Association (WLGA) Executive Board.

Independents (1)

County Councillors:
Rosemarie Harris

Conservatives (0)

County Councillors:

Liberal Democrats / Green (0)

County Councillors:

Labour (0)

County Councillors:

Plaid Cymru (0)

County Councillors:

Action for Powys (0)

CYNGOR SIR POWYS COUNTY COUNCIL

County Council – 23 January 2020

REPORT BY: Head of Legal and Democratic Services
SUBJECT: Recommendations from the Democratic Services Committee

REPORT FOR: Decision

1. Constitution.

1.1 Section 13 – Responsibility for Functions

The amendments to the Constitution were considered by the Democratic Services Committee on 15 January 2020 as attached at **Appendix 1**.

1.2 Although there are many amendments, they can be summarised as follows:

- To reflect changes to the Senior Leadership Team;
- To simplify the Scheme of Delegation to delegate functions to the relevant Head of Service instead of specific post holders within the Service, with the ability to sub-delegate;
- To reflect specific requests for amendments from Planning and Licensing Services (see pages 4 – 12 / 15 – 33 / 70 – 80 [Planning] and 14 / 67 – 69 [Licensing]);
- Removal of the Portfolio Holder responsibility list which, if approved by Council, will in future be published on the Council's website and will not require formal amendment of the Constitution every time a change to the portfolio structure takes place;

RECOMMENDATION TO THE COUNTY COUNCIL:	Reason for Recommendation:
That the amendments to Section 13 of the Constitution be approved.	To review and update the Constitution.

2. Annual Reports from Representatives on Outside Bodies.

2.1 At its meeting on 15 January, 2020 the Democratic Services Committee considered the arrangements for representation on outside bodies (**Appendix 2**). Representatives are appointed at the Council's AGM and Democratic Services Committee recommend to Council that the Council should receive an annual report from the representatives on each outside body to inform Council of the work of those outside bodies.

2.2 The AGM appoints representatives to the following bodies:

- Mid and West Wales Fire and Rescue Authority

- Dyfed Powys Police and Crime Panel
- Brecon Beacons National Park Authority
- Welsh Local Government Association

RECOMMENDATION TO THE COUNTY COUNCIL:	Reason for Recommendation:
That representatives on outside bodies appointed by the Council at an AGM provide an annual report on the work of those outside bodies. Such reports will not be taken at the AGM but shall be programmed on the Council agenda	To provide information from representatives on outside bodies to Council on the work of those outside bodies.

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

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

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

Who can be Decision Makers?

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

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

Principles of Decision Making

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

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

13.3 Functions fall into the following categories:

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

Index:

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

Colour Code:

Pages:

Tudalen 120	Planning, Taxi Licensing and Rights of Way Committee	Schedule 1 – Pages 4 – 11; 14 – 25; Schedule 2 – Pages 59 – 67;
	Full Council	Schedule 1 – Pages 12; 26 – 27; 29; 30 – 32; 38 – 43 Schedule 2 – Pages 44 – 46; Schedule 3 – Pages 70 – 76; 78; Schedule 4 – Pages 79 - 81
	Licensing Act 2003 Committee	Schedule 1 – Page 13; Schedule 2 – Pages 57 – 58;
	Officers	Schedule 1 – Pages 28; 38;
	Pensions and Investment Committee	Schedule 1 – Page 30;
	Audit Committee	Schedule 1 – Pages 33 – 36;
	Democratic Services Committee	Schedule 1 – Page 36;
	Employment and Appeals Committee	Schedule 1 – Page 37;
	Cabinet	Schedule 2 – Pages 47 – 56; Schedule 3 – Page 77;
	Area (Shire) Committees	Schedule 2 – Pages 68 – 69;

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

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

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

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

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

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

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

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

	development already carried out.	1990.		Planning Officer with the ability to further sub-delegate	Planning Officer is that the planning application should be approved;
A4	Power to decline to determine application for planning permission.	Section 70A of the Town and Country Planning Act 1990.	Planning, Taxi Licensing and Rights of Way Committee	Subject to column 5 Delegated to Relevant Planning Officer with the ability to further sub-delegate	C. Where the planning application is made by or on behalf of the County Council or relates to or affects Council land or premises (whether or not actually occupied by the Council) ;
A5	Duties relating to the making of determinations of planning applications.	Sections 69, 76 and 92 of the Town and Country Planning Act 1990 and Articles 8, 10 to 13, 15 to 22 and 25 and 26 of the Town and Country Planning (General Development Procedure) Order 1995 (SI 1995/419) and directions made there under.	Planning, Taxi Licensing and Rights of Way Committee	Subject to column 5 Delegated to Relevant Planning Officer with the ability to further sub-delegate	With the exception of the following which are delegated to the Relevant Planning Officer:
A6	Power to determine applications for planning permission made by a local authority, alone or jointly with another person.	Section 316 of the Town and Country Planning Act 1990 and the Town Country Planning General Regulations 1992 (SI 1992/1492).	Planning, Taxi Licensing and Rights of Way Committee	No delegation Subject to column 5 Delegated to Relevant Planning Officer	<ul style="list-style-type: none"> Any application other than those designated as a major application in accordance with the definition set out in the Town and Country Planning (Development Management Procedure) (Wales) Order 2012
A7	Power to make determinations, give approvals and agree certain other matters relating to the exercise of permitted development rights.	Parts 6, 7, 11, 17, 19, 20, 21 to 24, 30 and 31 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 (SI 1995/418).	Planning, Taxi Licensing and Rights of Way Committee	Subject to column 5 Delegated to Relevant Planning Officer with the ability to further sub-delegate	<ul style="list-style-type: none"> Discharge of conditions applications; Non-material amendment application; Application and notifications relating to Trees
A8	Power to enter into planning obligation, regulating development or use of land.	Section 106 of the Town and Country Planning Act 1990.	Planning, Taxi Licensing and Rights of Way Committee	Subject to column 5 Delegated to Relevant Planning Officer with the ability to further sub-delegate	<ul style="list-style-type: none"> Prior notifications as specified in Part 6, 7, 11 & 31 of the Town and Country Planning (General Permitted
				PROVIDED ALWAYS that	

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

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			when exercising this power the Relevant Planning Officer (and the Planning, Rights of Way and Taxi Licensing Committee in the event of that committee exercising that power) shall stipulate the time limit within which such agreement shall be concluded. In the event that it is not concluded within such time limit, the Relevant Planning Officer (or as the case may be the Planning, Rights of Way and Taxi Licensing Committee) shall refuse any related Planning Application, unless satisfied that the delay is unavoidable and that there is sufficient evidence for him / her / the committee to conclude that the matter will be concluded within a further reasonable time period, whereupon a fresh time limit shall be imposed.	<p><u>Development) Order 1995 (as amended);</u></p> <ul style="list-style-type: none"> • <u>Hedgerow notifications;</u> • <u>Applications for pre-application advice</u> • <u>Land which forms part of the highway verge</u> <p>D. Where the planning application is required to be accompanied by an <u>Environmental Statement under the EIA Regulations;</u></p> <p>E.D. Where the planning application is submitted by or on behalf of any Member or any member of staff employed in Development Control<u>Management</u>, the Chief Executive, Strategic Directors and Directors, Heads of Service, or officers who are in regular contact with Development Control<u>Management</u>.</p> <p>F.E. Where a Councillor registers a request in accordance with the Planning Call-In Procedure set out in the</p>
A9	Power to issue a certificate of existing or proposed lawful use or development.	Sections 191(4) and 192(2) of the Town and Country Planning Act 1990.	Planning, Taxi Licensing and Rights of Way Committee	Subject to column 5 Delegated to Relevant Planning Officer with the ability to further sub-delegate
A10	Power to serve a completion notice.	Section 94(2) of the Town and Country Planning Act 1990.	Planning, Taxi Licensing and Rights of Way Committee	Subject to column 5 Delegated to Relevant Planning Officer with the ability to further sub-delegate
A11	Power to grant consent for the display of advertisements.	Section 220 of the Town and Country Planning Act 1990 and the Town and	Planning, Taxi Licensing and Rights of Way Committee	Subject to column 5 Delegated to Relevant Planning Officer with the

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

	Country Planning (Control of Advertisements) Regulations 1992.		ability to further sub-delegate	<p>Planning Protocol in Section 19 that a planning application be referred to the Planning, Taxi Licensing and Rights of Way Committee for decision and not determined by the Relevant Planning Officer;</p> <p>(See conditions at the top of the column)</p> <p>(See conditions at the top of the column)</p>
A12 Power to authorise entry onto land.	Section 196A of the Town and Country Planning Act 1990.	Planning, Taxi Licensing and Rights of Way Committee	Subject to column 5 Delegated to Relevant Planning Officer with the ability to further sub-delegate	
A13 Power to require the discontinuance of a use of land.	Section 102 of the Town and Country Planning Act 1990.	Planning, Taxi Licensing and Rights of Way Committee	No delegation	
A14 Power to serve a planning contravention notice, breach of condition notice or stop notice, <u>enforcement warning notice and temporary stop notice.</u>	Sections 171C, <u>171E</u> , <u>173ZA</u> , 187A and 183(1) of the Town and Country Planning Act 1990.	Planning, Taxi Licensing and Rights of Way Committee	<p>Subject to column 5 Delegated to Relevant Planning Officer with the ability to further sub-delegate</p> <p>PROVIDED ALWAYS that the Relevant Planning Officer before and during the exercise of this power shall have appropriate discussions with the Local Representative for the electoral division affected so that the Councillor may be fully appraised and have a proper opportunity of making his / her views known.</p>	
A15 Power to issue an enforcement notice.	Section 172 of the Town and Country Planning Act 1990.	Planning, Taxi Licensing and Rights of Way Committee	<p>Subject to column 5 Delegated to Relevant Planning Officer with the ability to further sub-delegate</p> <p>PROVIDED ALWAYS that the Relevant Planning Officer before and during the</p>	

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SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

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

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

	dormant sites or active Phase I or II sites, or mineral permissions relating to mining sites, as the case may be, are to be subject.	Environment Act 1995 (c 25) and paragraph 6(5) of Schedule 14 to that Act.		delegate PROVIDED ALWAYS that the Relevant Planning Officer before and during the exercise of this power shall have appropriate discussions with the Councillor for the electoral division affected so that the Local Representative may be fully appraised and have a proper opportunity of making his / her views known.	the column)
A19	Power to require proper maintenance of land.	Section 215(1) of the Town and Country Planning Act 1990.	Planning, Taxi Licensing and Rights of Way Committee	Subject to column 5 Delegated to Relevant Planning Officer with the ability to further sub-delegate	(See conditions at the top of the column)
A20	Power to determine applications for listed building consent, and related powers.	Sections 16(1) and (2), 17 and 33(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (c 9).	Planning, Taxi Licensing and Rights of Way Committee	Subject to column 5 Delegated to Relevant Planning Officer with the ability to further sub-delegate.	(See conditions at the top of the column)
A21	Power to determine applications for conservation area consent.	Section 16(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, as applied by section 74(3) of that Act).	Planning, Taxi Licensing and Rights of Way Committee	Subject to column 5 Delegated to Relevant Planning Officer with the ability to further sub-delegate	(See conditions at the top of the column)
A22	Duties relating to applications for listed building consent and conservation area consent.	Section 13(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and regulations 3 to 13 of the Planning (Listed Buildings and Conservation Areas) Regulations 1990 and paragraph 127 of the Welsh Office circular	Planning, Taxi Licensing and Rights of Way Committee	Subject to column 5 Delegated to Relevant Planning Officer with the ability to further sub-delegate	(See conditions at the top of the column)

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

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	61/96: Planning and the Historic Environment: Historic Buildings and Conservation Areas.			
A23	Power to serve a building preservation notice, and related powers.	Sections 3(1) and 4(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.	Planning, Taxi Licensing and Rights of Way Committee	Subject to column 5 Delegated to Relevant Planning Officer with the ability to further sub-delegate
A24	Power to issue a listed building enforcement notice.	Section 38 of the Planning (Listed Buildings and Conservation Areas) Act 1990.	Planning, Taxi Licensing and Rights of Way Committee	Subject to column 5 Delegated to Relevant Planning Officer with the ability to further sub-delegate. PROVIDED ALWAYS that the Relevant Planning Officer before and during the exercise of this power shall have appropriate discussions with the Councillor for the electoral division affected so that the Local Representative may be fully appraised and have a proper opportunity of making his / her views known.
A25	Powers to acquire a listed building in need of repair and to serve a repairs notice.	Sections 47 and 48 of the Planning (Listed Buildings and Conservation Areas) Act 1990.	Planning, Taxi Licensing and Rights of Way Committee	No delegation
A26	Power to apply for an injunction in relation to a listed building.	Section 44A of the Planning (Listed Buildings and Conservation Areas) Act 1990.	Planning, Taxi Licensing and Rights of Way Committee	Subject to column 5 Delegated to Relevant Planning Officer with the ability to further sub-delegate.
				(See conditions at the top of the column)
				(See conditions at the top of the column)
				(See conditions at the top of the column)

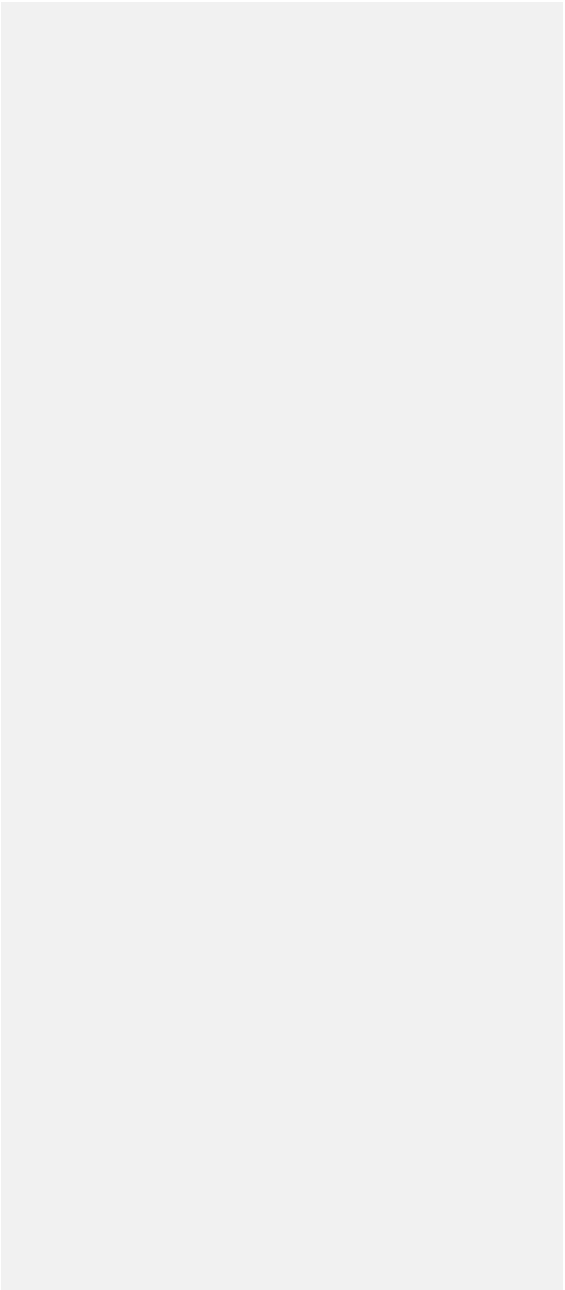
SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

			PROVIDED ALWAYS that the Relevant Planning Officer before and during the exercise of this power shall have appropriate discussions with the Councillor for the electoral division affected so that the Local Representative may be fully appraised and have a proper opportunity of making his / her views known.	
A27 Power to execute urgent works.	Section 54 of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990.	Planning, Taxi Licensing and Rights of Way Committee	Subject to column 5 Delegated to Relevant Planning Officer with the ability to further sub-delegate.	(See conditions at the top of the column)
A28 Power related to mineral working.	Schedule 9 of the Town and Country Planning Act 1990.	Planning, Taxi Licensing and Rights of Way Committee	No delegation	(See conditions at the top of the column)
A29 Power related to footpaths and bridleways.	Section 257 of the Town and Country Planning Act 1990.	Planning, Taxi Licensing and Rights of Way Committee	The Rights of Way Officer or his / her duly authorised representative <u>Head of Housing and Community Development with the ability to further sub-delegate</u> subject to consultation with Development Management.	(See conditions at the top of the column) (See conditions at the top of the column)
A30 Power as to certification of appropriate alternative development.	Section 17 of the Land Compensation Act 1961 (c 33).	Planning, Taxi Licensing and Rights of Way Committee	Subject to column 5 Delegated to Relevant Planning Officer with the ability to further sub-delegate	<u>(See conditions at the top of the column)</u>
A31 Duties in relation to purchase notices.	Sections 137-144 of the Town and Country Planning Act 1990.	Planning, Taxi Licensing and Rights of Way Committee	No delegation	(See conditions at the top of the column)
A32 Powers related to blight notices.	Sections 149-171 of the Town and Country	Planning, Taxi Licensing and Rights of Way Committee	No delegation	(See conditions at the top of the column)

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

	Planning Act 1990.			
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SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

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

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

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

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

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

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

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

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

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

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

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

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

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

			(iv ii) Issues relating to the use of a vehicle contrary to the Intended Use Policy for Hackney Carriages are to be considered by a Sub-Committee.	
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SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

Column 1	Column 2	Column 3	Column 4	Column 5
B Licensing and registration functions (in so far as not covered by any other paragraph of this Schedule) including: ⁶	Provision of Act or Statutory Instrument	Delegated to	Sub-Delegation	Conditions and / or Limitations on Delegation and Sub-Delegation
B4 Power to license drivers of hackney carriages and private hire vehicles.	Sections 51, 53, 54, 59, 61 and 79 of the Local Government (Miscellaneous Provisions) Act 1976.	Planning, Taxi Licensing and Rights of Way Committee	<p>(i) <u>Power to license driver</u> Ddelegated to the relevant officerrelevant <u>Head of Service</u> with the ability to further sub-delegate.</p> <p>(ii) <u>Where in the officers opinion the applicant does not meet</u> (with the ability to further sub-delegate) save where there is consideration as to whether the applicant has satisfied the "Fit and Proper<u>Suitability</u> Criteria" in general and in particular to the <u>Council's Policy on Treatment of</u></p>	

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

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			<p>Convictions, Cautions and Charges and the DVLA medical fitness criteria the matter will be referred to the sub-committee</p> <p>(iii) In respect of licensed drivers who in the officers opinion no longer meet the 'Fit and Proper' Suitability criteria, and the DVLA medical fitness criteria, power is delegated to the relevant officer relevant Head of Service with the ability to further sub-delegate to suspend the licence.</p> <p>(iv) Following suspension under (iii) above, for those licensed drivers who in the officers opinion no longer meet the 'Suitability' criteria and the</p>	
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SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

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			<p>DVLA medical fitness criteria, power is delegated to the sub-committee to revoke the licence.</p> <p>(v) Where the licence holder has been disqualified from driving the licence can be revoked by the relevant Head of Service with the ability to further sub-delegate</p>	
B5	Power to license operators of private hire vehicles.	Sections 55 to 58, 62 and 79 of the Local Government (Miscellaneous Provisions) Act 1976.	Planning, Taxi Licensing and Rights of Way Committee	<p>(i) Power to license operator delegated to the relevant officer relevant Head of Service with the ability to further sub-delegate.</p> <p>(ii) Where in the officers opinion the applicant does not meet the “Fit and Proper Suitability Criteria” in general and in particular to the Council’s Policy on Treatment of</p>

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

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			<p><u>Convictions, Cautions and Charges</u> the matter will be referred to the sub-committee</p> <p>(iii) In respect of licensed operators who in the officers opinion no longer meet the 'Fit and Proper' Suitability' criteria, power is delegated to the relevant officer relevant Head of Service with the ability to further sub-delegate to suspend the licence.</p> <p>(iv) Following suspension under (iii) above, for those licensed operators who in the officers opinion no longer meet the 'Suitability' criteria, power is delegated to the sub-committee to revoke the</p>	
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SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

			<p style="text-align: center;"><u>licence</u></p> <p>Delegated to the relevant officer (with the ability to further sub-delegate) save where there is consideration as to whether the applicant has satisfied the "Fit and Proper Criteria" in general and in particular to the Council's Policy on Treatment of Convictions, Cautions and Charges.</p>	
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SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

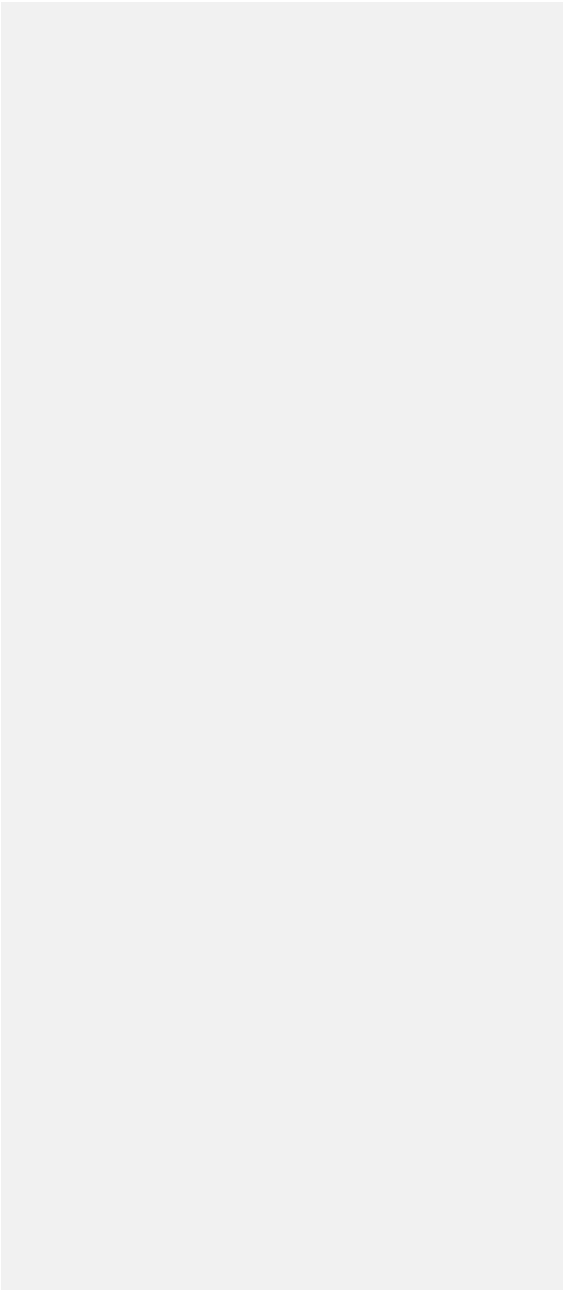
Column 1	Column 2	Column 3	Column 4	Column 5
B Licensing and registration functions (in so far as not covered by any other paragraph of this Schedule) including: ⁷	Provision of Act or Statutory Instrument	Delegated to	Sub-Delegation	Conditions and / or Limitations on Delegation and Sub-Delegation
B12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

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

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

Act 1982.	further sub-delegate.
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SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

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

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

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

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

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

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

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

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

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

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

Commented [WR1]: Children's Services?

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

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

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

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

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

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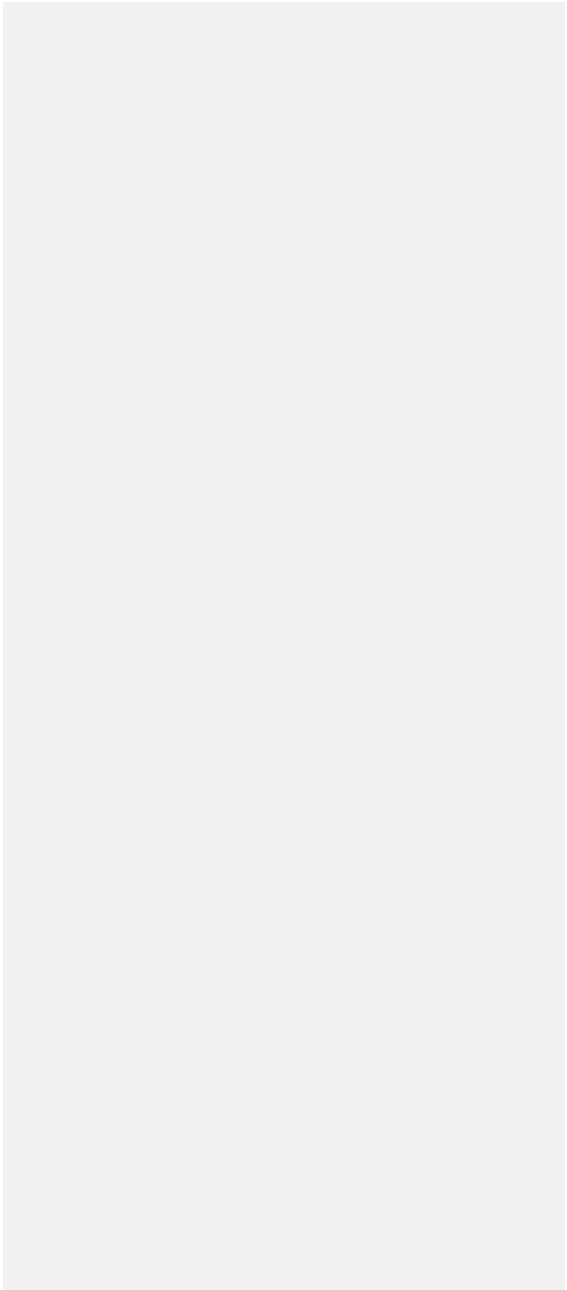
Column 1	Column 2	Column 3	Column 4	Column 5
B Licensing and registration functions (in so far as not covered by any other paragraph of this Schedule) including: ¹³	Provision of Act or Statutory Instrument	Delegated to	Sub-Delegation	Conditions and / or Limitations on Delegation and Sub-Delegation
B36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

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

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

B41 Power to sanction use of parts of buildings for storage of celluloid.	Section 1 of the Celluloid and Cinematograph Film Act 1922 (c 35).	Planning, Taxi Licensing and Rights of Way Committee	Delegated to the relevant officer relevant Head of Service with the ability to further sub-delegate.	
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SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

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

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

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

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

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

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

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

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SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

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

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SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

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

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

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

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

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

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

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SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

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

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SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

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

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SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

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

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

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

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

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

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

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

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

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

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

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

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SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

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

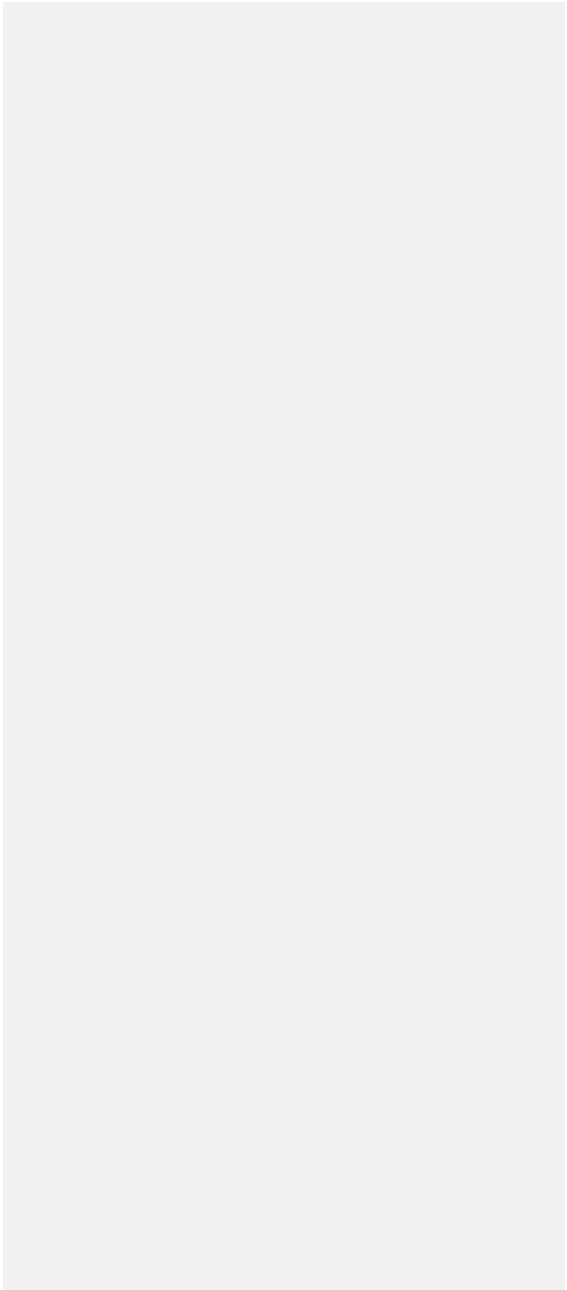
Column 1	Column 2	Column 3	Column 4	Column 5
J Functions Relating to Highways	Provision of Act or Statutory Instrument	Delegated to	Sub-Delegation	Conditions and / or Limitations on Delegation and Sub-Delegation
J1 Power to consent to temporary deposits or excavation in streets.	County Council meeting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

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SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

etc. in part of metallised highway.			further sub-delegate.	
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SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

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

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SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

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

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SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

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

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

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

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

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

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

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

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

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

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

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

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

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SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

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

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SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

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

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SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

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

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SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

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

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SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

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

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

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

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SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

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

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SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

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

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SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

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

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SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

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

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SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

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

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

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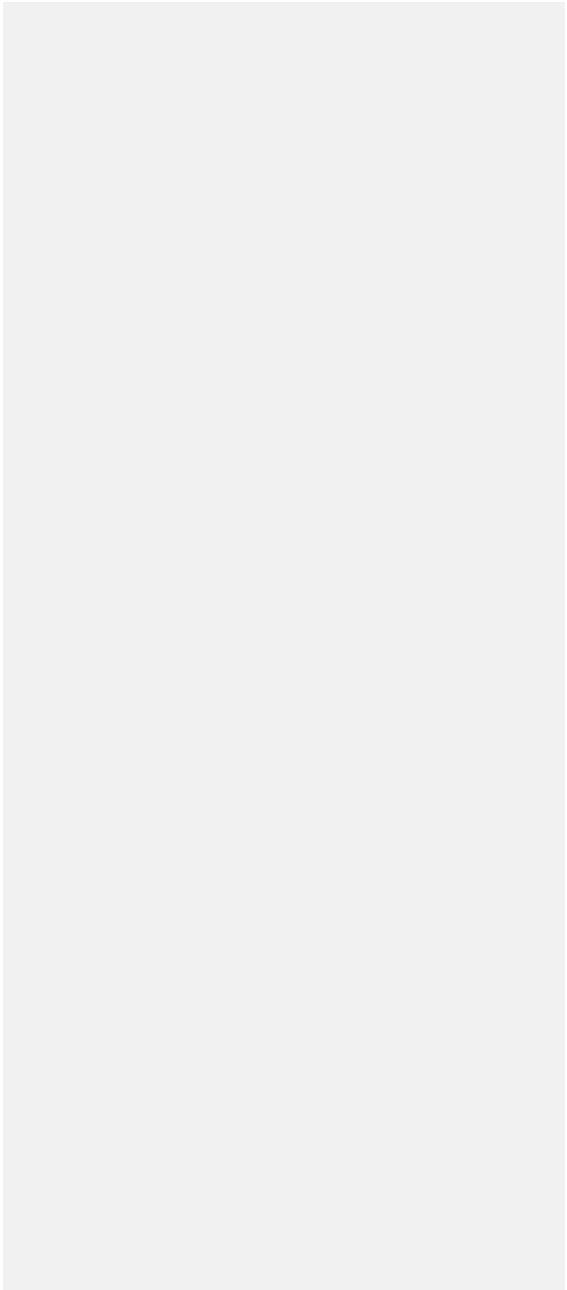
Column 1	Column 2 Provision of Act or Statutory Instrument	Column 3 Delegated to	Column 4 Sub-Delegation	Column 5 Conditions and / or Limitations on Delegation and Sub-Delegation
4. Provision, operation and maintenance of on-street and off-street car parking, including charging.		Cabinet	The Executive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

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SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

<p><u>Local Regeneration Fund and Basic Credit Approval in accordance with policy and budget set by the Executive.</u></p>				
<p>(ii) <u>administering Built Heritage Grants for Montgomeryshire to the Montgomeryshire Area (Shire) Committee.</u></p>		<p><u>Cabinet</u></p>		

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SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

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Column 1	Column 2	Column 3	Column 4	Column 5	
	Provision of Act or Statutory Instrument	Delegated to	Sub-Delegation	Conditions and / or Limitations on Delegation and Sub-Delegation	
23	Licensing functions in accordance with Part 2 of the Licensing Act 2003 except section 6.	Part 2 of the Licensing Act 2003 except section 6.	Licensing Act 2003 Committee	<p>(i) Where the application is contested, the application will be determined by a Licensing Committee has authority to appoint 3 Member Sub-Committees to hear and determine applications under the Licensing Act 2003 (Liquor Licensing)</p> <p>(ii) Where the application is uncontested the application will be determined by the relevant Head of Service with the ability to further sub-delegate and also the power to sub-delegate</p> <p>(iii) Where there is an application to review an existing licence the application will be determined by a 3 Member Sub-Committee under the Licensing Act 2003 .</p>	
24	Functions in respect of gambling under the following provisions of the Gambling Act 2005:	Gambling Act 2005 (c.19)	Licensing Act 2003 Committee	No delegation	
(a)	section 29-- licensing authority information;	Gambling Act 2005 – Section 29	Licensing Act 2003 Committee	Delegated to the relevant officer relevant Head of Service with the ability to further sub-delegate.	

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

(b) section 30--other exchange of information;	Gambling Act 2005 – Section 30	Licensing Act 2003 Committee	Delegated to the relevant officer <u>relevant Head of Service</u> with the ability to further sub-delegate.	
(c) section 166-- resolution not to issue casino licences;	Gambling Act 2005 – Section 166	Licensing Act 2003 Committee	No delegation	
(d) section 212 and regulations made under that section-- fees;	Gambling Act 2005 – Section 212	Licensing Act 2003 Committee	No delegation	
(e) section 284-- removal of exemption;	Gambling Act 2005 – Section 284	Licensing Act 2003 Committee	The Licensing Committee has authority to appoint 3 Member Sub-Committees to hear and determine applications under the Licensing Act 2003 (Liquor Licensing).	

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

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exchange of information;	Section 350	Committee	officer relevant Head of Service with the ability to further sub-delegate.	
(j) Part 5 of Schedule 11--registration with local authority.	Gambling Act 2005 – Part 5 of Schedule 11	Licensing Act 2003 Committee	Delegated to the relevant officer relevant Head of Service with the ability to further sub-delegate.	

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

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

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

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

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

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

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

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

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

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

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

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

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

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overall plans determined by the Executive relating to :				
(a) Local Improvement Programmes;				
(b) The general Highway Maintenance Programme;				
(c) Non-structural Bridge Maintenance.				
2A. The making of Permanent Traffic Regulation Orders		Cabinet	the relevant Area (Shire) Committee save for those Traffic Regulation Orders numbered (i) to (ii) specified in column 5 which must be made by Cabinet and to Traffic Regulation Order numbered (iii) in column 5 which are delegated to the relevant Portfolio Holder.	Traffic Regulation Orders relating to: (i) Water Break It's Neck (ii) Moelfre City (iii) car parks and car park charging. N.B. Temporary Traffic Regulation Orders are the responsibility of the Cabinet (but subject to delegation) in accordance with 2B(1) above.
3. Promoting and developing local road safety initiatives.		Cabinet	the relevant Area (Shire) Committee	
Miscellaneous functions relating to Local Grants				
(i) the determination of Built Heritage Grants funded from the town specific allocations of Local Regeneration Fund and Basic Credit		Cabinet	the relevant Area (Shire) Committee	

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Approval in accordance with policy and budget set by the Executive.				
(ii) — administering Built Heritage Grants for Montgomeryshire to the Montgomeryshire Area (Shire) Committee.		Cabinet	the relevant Area (Shire) Committee who in turn have delegated these to the Montgomeryshire Built Heritage Grants Sub-Committee	

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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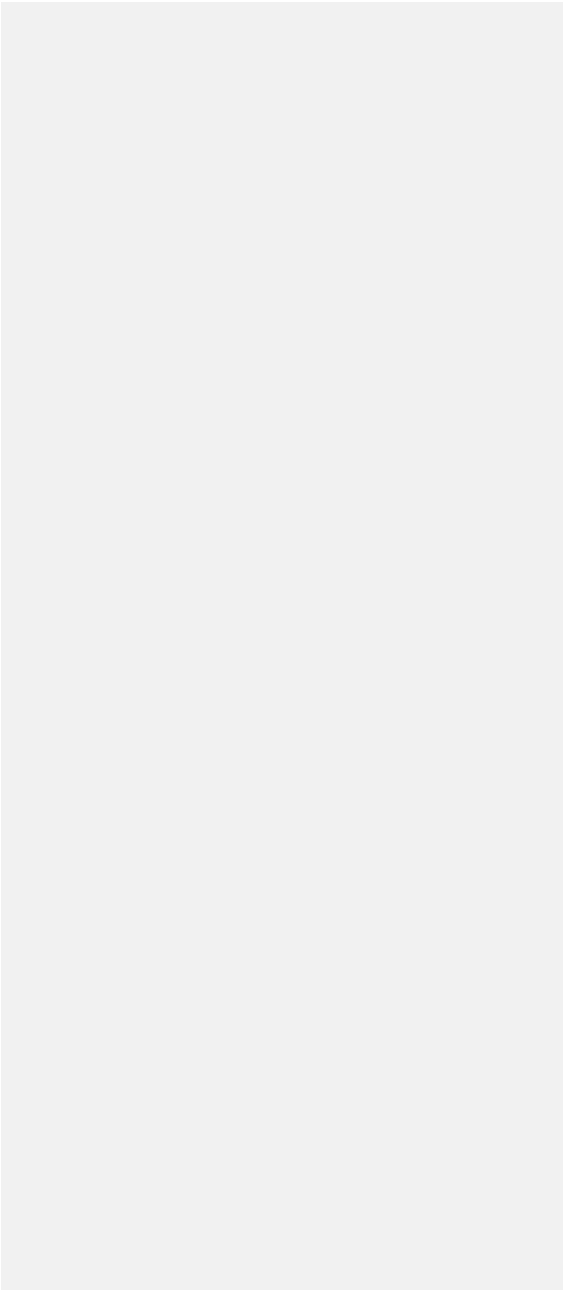
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Column 1	Column 2	Column 3	Column 4	Column 5
Function	Provision of Act or Statutory Instrument	Delegated to	Sub-Delegation	Conditions and / or Limitations on Delegation and Sub-Delegation
<p>2 Where the Cabinet:</p> <p>(i) is minded to determine a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

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

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DELEGATION TO OFFICERS

Management Structure – Section 11

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

Specific Delegation to Officers

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

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

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

13.7.1 in accordance with any legal requirement;

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

13.7.3 in accordance with this Constitution including:

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

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

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

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

~~13.7.4 taken following consultation, as appropriate with:~~

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

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

13.8.1 Any ~~powers conferred upon any of the Chief and/or Deputy Chief Officers~~ ~~officers~~ may further sub-delegate in writing any of the ~~powers~~ functions referred to above ~~may be exercised by~~ to another officer. The Chief or Deputy Chief Officer may authorise further sub-delegation in writing on such terms as he or she sees fit. It is the duty of each Chief Officer and Deputy Chief Officer to keep and maintain a Scheme of Delegation (in a format to be approved by the Monitoring Officer) in respect of the functions for which they are responsible, and to provide the Monitoring Officer with copies of the Scheme of Delegation as and when amended.

13.8.2 ~~an authorised officer in his / her absence or at other times in accordance with any general directions of that officer.~~ In the absence of an authorised officer, ~~that officer~~, any officer designated in writing to deputise for that officer in his / her absence may ~~authorise similarly the exercise of those powers~~ functions of the absent officer.

General Delegations – Staff Employment

- 13.9 The Council's Chief Officers and Deputy Chief Officers are authorised to act in relation to the appointment, dismissal, discipline and determination of all other matters relating to the employment of staff subject to the individual's terms and conditions of employment, the Officer Employment Procedure Rules as set out in Section 11 of this Constitution, ~~and the conditions upon which they are employed as are specified in~~ the Management of Change Process and the relevant employment policies of the Council contained on the Powys County Council Intranet.
- 13.10 The Council's Chief Officers and Deputy Chief Officers ~~may hereby~~ authorise appropriate line managers in his / her service area to exercise those powers set out in Rule 13.9 above. ~~of appointment, dismissal, discipline determination of all other~~

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

~~matters relating to the employment of staff, and the conditions upon which they are employed as are specified in the Management of Change Process and the relevant employment policies of the Council contained on the Powys County Council Intranet.~~

- 13.11 The Council's Chief Officers and Deputy Chief Officers ~~are~~ may authorise in writing staff to exercise such powers of entry, inspection and survey of land, buildings or premises and may issue any necessary evidence or authority as may be appropriate to the execution of their duties and in respect of which the Council has statutory powers.
- 13.12 Where such delegation to an officer has occurred the Chief Officer or Deputy Chief Officer making the delegation shall keep a register of such delegations and send a copy to the Monitoring Officer.

General Delegations – Property

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

General Delegations – Legal and Procedural

- 13.16 The ~~Solicitor to the Council~~Head of Legal and Democratic Services is authorised:-

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

- 13.16.1 to serve statutory notices ~~to ascertain the legal interest of any person in land;~~
- 13.16.2 to institute, defend or settle legal proceedings (either in the name of the Council or an individual officer of the Council), at common law or under any enactment, statutory instrument, order or bye-law conferring functions upon the Council or in respect of functions undertaken by them and to lodge an appeal against any decision affecting the Council. For the avoidance of doubt, this authority shall extend to the taking of all procedural steps, including the service of notices, statutory or otherwise, counter-notices and notices to quit and to compromise and settle disputes involving the Council which are not yet the subject of legal or other formal proceedings;
- 13.16.3 to authorise officers of the Council to prosecute or defend or appear in any legal proceedings by virtue of the provisions of Section 223 of the Local Government Act 1972.
- 13.17 Without prejudice to the generality of the powers of the ~~Solicitor to the Council~~ Head of Legal and Democratic Services to institute proceedings, the Council's Chief Officers and Deputy Chief Officers, shall have power to institute proceedings either in the name of the Council or in the name of an officer under those statutory provisions which relate to their respective service areas, a list of which enabling statutory provisions shall be ~~maintained~~ supplied to and recorded by the ~~Solicitor to the Council~~ Head of Legal and Democratic Services.

Delegation to Specific Officers

~~13.18 Without prejudice to the general delegation described above, the following specific functions and powers (non-exhaustive list) are delegated to the following officers:~~

A. — Head of Regeneration, Property and Commissioning

Development Management

- ~~13.19 To exercise these planning functions delegated to the Head of Regeneration, Property and Commissioning~~ Property, Planning and Public Protection by the Planning Protocol adopted by the Council contained in Section 19 of this Constitution.
- ~~13.20 To determine the need or otherwise, for a formal Environmental Assessment and decide what data should be contained in environmental statements;~~
- ~~13.21 To determine (whether through formal "application" or otherwise) the need for specific planning permission;~~
- ~~13.22 To determine the need for publicity and the form of such;~~
- ~~13.23 To request applicants to provide more detailed information where needed to enable a proper consideration of an application;~~

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- ~~13.24 To determine applications for prior approval in relation to permitted development proposals for agricultural, forestry and telecommunications permitted development in accordance with General Development Orders;~~
- ~~13.25 To respond objectively to consultations from neighbouring planning authorities in respect of development proposals outside the Council's area of responsibility;~~
- ~~13.26 To respond positively to consultations in respect of crown development where there are no written objections from any party;~~
- ~~13.27 To respond to consultations from the Forestry Commission in respect of forestry proposals;~~
- ~~13.28 To approve details reserved by condition;~~
- ~~13.29 To approve minor amendments to approved developments; (minor defined as any amendment not necessitating the requirement for a fresh application to be made);~~
- ~~13.30 To determine the form and content of conditions to be recommended to the Secretary of State or Inspector in cases where an application is taken to appeal or an application has been deemed to have been made following the issue of an Enforcement Notice;~~
- ~~13.31 To issue "Breach of Condition Notices" and "Contravention Notices" under the Town and Country Planning Acts.~~
- ~~13.32 Following consultation with the Chair and/or Vice Chair of the planning committee to issue emergency Tree Preservation Orders and Enforcement and Stop Notices under the Town and Country Planning Acts (with a report to Committee thereafter);~~
- ~~13.33 To determine applications for "Certificates of Lawfulness";~~
- ~~13.34 To decline to accept repetitive applications for planning permission under the Town and Country Planning Act 1990 pursuant to the Planning and Compensation Act 1991 where the receipt involves a second re-submission following two previous refusals and there being no change in planning circumstances;~~
- ~~13.35 Following consultation with the Chair and/or Vice Chair of the planning committee, to serve Building Preservation Notices in respect of buildings which are not listed as buildings of special architectural or historic interest but which the Council considers are of such interest (with a report to Committee thereafter);~~
- ~~13.36 The non-discretionary elements of the process in relation to the Hedgerow Regulations 1997 subject to report for information to the planning committee.~~

Building Control

- ~~13.37 Administration of the Building Regulations function under the Building Regulations 2010 (Processing of Full Plans, Building Notice and Regularisation Applications)~~
- ~~13.38 Land Charges CON29~~
- ~~13.39 Administration of the Building and Approved Inspectors (Amendment) Regulations 2010~~
- ~~13.40 Administration of the Competent Persons registers under the Building Regulations 2010~~

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- ~~13.41 Enforcement of the Building Regulations under the Building Act 1984~~
- ~~13.42 Dealing with dangerous structures and demolitions of buildings under the Building Act 1984~~
- ~~13.43 Administration of Street Naming and Numbering of new Developments/Streets under the Public Health Act 1925~~
- ~~13.44 Administration of Local Government (Miscellaneous Provisions) Act 1982 (Dangerous Trees)~~
- ~~13.45 Street Name Plates Maintenance & Repair Public Health Act 1925 – Section 17-19~~

Regulatory Services

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

B. — Head of Housing and Community Development

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

C. — Head of Professional Services and Commissioning Finance

Finance – General

- ~~13.52 All matters relating to billing, collection and recovery of revenue payable to the Council, and also administration and payment of Housing Benefit and Council Tax Benefit.~~
- ~~13.53 To exercise discretion over the payment of death grants from the Pension Fund in accordance with the Local Government Pension Scheme Regulations 1995.~~
- ~~13.54 To make the following determinations (not later than the 30th September in the financial year following that in which the transaction in question occurred):~~
 - ~~13.54.1 that expenditure for capital purposes which is to be reimbursed by another person is capitalised;~~

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- ~~13.54.2 that a credit approval is to be used as authorisation either to capitalise expenditure or to enter into or vary a credit arrangement;~~
- ~~13.54.3 that a credit approval is in whole or in part to be transferred to another authority;~~
- ~~13.54.4 that usable capital receipts are to be applied either to meet expenditure for capital purposes or as voluntary provision for credit liabilities (including credit cover for credit arrangements);~~
- ~~13.54.5 that an amount not less than Minimum Revenue Provision (and any voluntary amounts as credit cover for credit arrangements) is to be set aside from the revenue account as provision for credit liabilities.~~

D. — Head of Children’s Services

- ~~13.55 Power to institute or defend legal proceedings, on the Council’s behalf, brought under the Children Act 1989, Adoption Act 1976, the courts’ inherent jurisdiction, and any other statute relevant to the welfare of children in force to date and in the future, and to appear before the Court.~~
- ~~13.56 Decisions regarding the functions of the Adoption Panel of Powys.~~
- ~~13.57 Responsibility for the promotion of claims under the Criminal Injuries Compensation scheme for Looked After Children.~~
- ~~13.58 Representation at, and organisation of, the Area Child Protection Social Services Strategic Group and any duties or responsibilities arising therefrom, i.e. Case Reviews and accountability for the investigation of complaints relating to children in Local Authority care.~~
- ~~13.59 Decision making in respect of the Placement with Parents Regulations.~~
- ~~13.60 Decision making in respect of issues arising from the Powys Foster Panel.~~
- ~~13.61 Responsibilities for the implementation of rights and responsibilities under statute for Children With Disabilities and Young Carers under the Carers Recognition Act.~~
- ~~13.62 Responsibility for the promotion and organisation of the Youth Offending Team and any duties arising from its work and activities.~~
- ~~13.63 Taking decisions on the application for Secure Accommodation under Section 25 of the Children Act 1989.~~
- ~~13.64 Health and Safety Regulations for staff employed within the Group.~~
- ~~13.65 Implementation of the Council’s Improvement Review Programme and subsequent action plans.~~
- ~~13.66 Ensuring compliance with the maintenance of standards in Local Authority-run Children’s Homes, Day Centres, Family Centres and Voluntary Sector resources used by the Authority. Ensuring that such placements meet the standards set by the Director of Social Services, in accordance with the appropriate legislation or regulations.~~
- ~~13.67 Providing a forum for users to assist the Authority in its strategic planning and providing a detailed report to the Director of Social Services.~~

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- ~~13.68 Taking decisions on Out-of-County Placements, on both social, educational and health grounds. Ensuring that such placements meet standards set by the Director of Social Services in accordance with the appropriate legislation.~~
- ~~13.69 Taking decisions on the payment of residence allowances under the Council's current policy in respect of children in the care of the Council who are subject to Residence Orders.~~
- ~~13.70 Approving foster care allowances and approving changes to the rates in accordance with current Council policy.~~
- ~~13.71 Refusing contact for a child in care under Section 34 (6) of the Children Act 1989.~~
- ~~13.72 Approving the payment of monies under Section 17 or 24 of the Children Act 1989.~~
- ~~13.73 Purchasing accommodation and / or services for children assessed as in need or at risk which met the standards set by the Director of Social Services, in accordance with statute and regulation.~~
- ~~13.74 Decisions regarding control, allocation, virement, and monitoring of revenue budget provision and associated resources for Children's Services.~~
- ~~13.75 Taking decisions relating to disputes on Ordinary Residence.~~
- ~~13.76 Decisions on entering into recognisance or surety for release on bail of any child accommodated in a Council home.~~
- ~~13.77 Commissioning, purchasing and procuring appropriate services.~~
- ~~13.78 Ensuring compliance with the objectives and requirements of the National Assembly's Children First initiative.~~
- ~~13.79 Preparing the Children's Services Plan, in accordance with National Assembly requirements.~~
- ~~13.80 Implementing and processing data from the National Framework for Assessment of Children in Need and their families, in accordance with National Assembly requirements.~~

~~E. Head of Adult Social Care Services~~

- ~~13.81 Appointment of Approved Social Workers under the Mental Health Act 1983.~~
- ~~13.82 Undertaking any applications necessary under the Mental Health Act.~~
- ~~13.83 Undertaking the financial and property management for adults deemed incapable by virtue of disability or mental illness.~~
- ~~13.84 Provision of Disability Services.~~
- ~~13.85 Acting as Receiver for the Court of Protection, in respect of a person incapable of managing their own affairs.~~
- ~~13.86 Approving special expenditure on funerals for those in Local Authority Homes~~
- ~~13.87 Approving applications for aids and adaptations under the various Health and Disability Acts in force at the relevant time.~~
- ~~13.88 Approving financial assistance for the purchase of television licences for those who qualify~~
- ~~13.89 Operating discretion on the enforcement of charges where applicable for services provided by the Authority, either in whole or in part.~~
- ~~13.90 Operating discretion on the provision of services under a Care Assessment.~~
- ~~13.91 Ensuring compliance with the Carers Recognition Act and the Carers and Disabled Children's Act 2000.~~

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

- ~~13.92 Approving payments for grants for adaptations for the homes of those with a disability, in accordance with Council policy.~~
- ~~13.93 Purchasing services and accommodation for elderly disabled and mentally ill clients which meet the standards set by the Director of Social Services, in accordance with statute and regulations.~~
- ~~13.94 Health and Safety of the employees of the Group.~~
- ~~13.95 Implementation of the Council's Improvement Review programme and subsequent action plans.~~
- ~~13.96 Implementation of the Vulnerable Adults policy and the operational issues flowing from that document.~~
- ~~13.97 Decisions regarding the control, allocation, viement and monitoring of revenue budget provision and other resources for Adult Services.~~
- ~~13.98 Providing a forum for users to assist the Authority in its strategic planning and providing a report to the Director of Social Services.~~
- ~~13.99 Taking decisions on disputes on Ordinary Residence.~~
- ~~13.100 Issuing Disabled Persons' Badges under Section 21 of the Chronically Sick and Disabled Persons Act.~~
- ~~13.101 Commissioning, purchasing or procuring appropriate services.~~
- ~~13.102 Approval for payment of travel expenses of relatives visiting a patient in hospital in cases of financial hardship.~~

DELEGATION TO CABINET PORTFOLIO HOLDERS.

SPECIFIC RESPONSIBILITY FOR CABINET FUNCTIONS (PORTFOLIOS)

General Provisions

- 13.103 As indicated in Schedule 1 of Rule 13.3 above certain functions cannot be undertaken by the Cabinet or can only be undertaken to a limited extent or in specified circumstances.
- 13.104 Subject to this, any relevant provisions in other legislation, and any contrary provisions in this Constitution, all other functions of the Local Authority are to be the responsibility of the Cabinet and the Leader is responsible for the delegation of those functions to other Cabinet members.
- 13.105 The Leader has determined that the individual Cabinet Members (including the Leader) are to have responsibility for specific functions (portfolios) allotted to them as ~~set out in Rule 13.111~~ amended from time to time and published on the Council's website.
- 13.106 The Leader has authorised the individual Cabinet Members allocated the portfolios amended from time to time and published on the Council's website ~~detailed in Rule 13.111~~ to take decisions personally (or may sub-delegate in accordance with Rule 5.13) in respect of such portfolios subject to any provision in legislation or this Constitution requiring

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

functions to be undertaken by the Council or any of its committees and subject to the powers, duties and responsibilities of officers in the exercise of functions pursuant to their Statutory and Proper Officer posts and the general and specific delegation of functions to officers above. It is to be expected that as many decisions as possible are taken by Cabinet Members with only strategic and important decisions to be made at Cabinet meetings.

Decision-Making by Cabinet Members.

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

- 13.107.1 Any legal or statutory restrictions;
- 13.107.2 Any specific provisions or limitations in this Constitution including:
 - 13.107.2.1 powers delegated to officers;
 - 13.107.2.2 the Financial Procedure Rules;
 - 13.107.2.3 the Contracts Procedure Rules;
 - 13.107.2.4 the Policy and Budget Framework set by the Council (subject to the regulations relating to the taking of urgent decisions);
 - 13.107.2.5 the Access to Information Rules;
- 13.107.3 The Members' Code of Conduct. The advice of the Monitoring Officer should always be sought in cases of doubt;
- 13.107.4 The requirement to consult with the local member(s) if the issue being considered is of a local nature;
- 13.107.5 The requirement to consider whether referral to one or more scrutiny committees where the issue, in the view of the ~~Cabinet Member~~Leader and the Joint Chairs Steering Group, is one which warrants a pre-decision review by such a committee or committees;
- 13.107.6 Advice given by the Chief Executive, Monitoring Officer, Section 151 Officer, Strategic Director, Director or Head of Service ;
- 13.107.7 The requirement to consult with another Cabinet Member(s) where the issue involves two or more portfolio areas and / or those Cabinet Members share responsibility;
- 13.107.8 The requirement always to consider whether in all the circumstances the decision should be one for the Cabinet as a whole to take.

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

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

- 13.108.1 ensure that wherever possible and appropriate the subject matter is included within the forward work programme approved by the Cabinet;
 - 13.108.2 comply fully with the Access to Information Rules with respect to the preparation of written reports, recording and implementing decisions.
- 13.109 Nothing in this Scheme of Delegation prevents the Cabinet from exercising functions which under this Scheme would otherwise be exercised by an individual Member of the Cabinet.

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

Decision Notices.

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

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SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

13.111 Portfolios

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

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SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

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	<p><u>Provision of and support for use of data</u> <u>Early years education</u> <u>Welsh Medium/ Bilingual Education</u> <u>Welsh Education scheme</u> <u>14-19 Learning Pathways</u> <u>Basic skills strategic intervention programme</u> <u>Workforce remodelling</u> <u>School Organisation Review</u> <u>Post 16 Education</u> <u>School Transport Policy</u> <u>Lifelong Learning (adult continuing education incl. Welsh for Adults)</u></p> <p><u>Welsh Language</u></p>
<p><u>Portfolio Holder for Children's Youth, Libraries and Leisure Services</u></p> <p><u>Councillor Rachel Powell</u></p>	<p><u>Children's Services</u></p> <p><u>Lead Member for Children</u> <u>Partnership Coordination</u> <u>Youth Offending Service</u> <u>Child Protection</u> <u>Commissioning and Policy for Children's Services</u> <u>Powys Executive Safeguarding Group</u> <u>Safeguarding</u> <u>Children with Disabilities including Residential Respite Unit</u> <u>Family Placement Teams</u> <u>Children's Social Work Teams</u> <u>Children and Young People's Partnership</u> <u>Childcare</u> <u>Adoption</u> <u>Fostering</u> <u>Leaving Care</u> <u>Out of Hours Service</u></p>

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

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	<p>Corporate Parenting Looked after Children</p> <p>Culture Libraries (Public Library Service & Schools Library Service) Arts and Culture (Theatres, Galleries, Museums, Youth Theatre, Youth Music, Community Dance, Arts Strategy, Arts Development, Management and Commissioning)</p> <p>Youth Service YFC</p> <p>Leisure Leisure (Recreation and Leisure policy, Leisure and Sports Centres, Outdoor Pursuits Centres, Indoor Bowling Centre, Sports Development (Generic Sports Development, Sports Specific Sports Development – Football, Rugby, Cricket, Netball, Hockey, Disability Sport) Outdoor Recreation (Parks and Open Spaces, Playgrounds, Sports Pitches – Bowls, Football, Rugby</p>
<p>Portfolio Holder for Finance</p> <p>Deputy Leader Councillor Aled Davies</p>	<p>Finance Welfare Reform Consultee on all grants made to individuals by portfolio holders</p> <p>Income and awards Pensions</p> <p>Performance</p> <p>Business Services Employment Services Business Support</p> <p>Member Development & Support</p>

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

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	<p><u>Legal Services</u> <u>Scrutiny Services</u> <u>Democratic Services</u> <u>Electoral Registration and Elections</u> <u>Land Charges</u></p> <p><u>Commissioning</u> <u>Procurement</u></p> <p><u>Change Champion</u></p> <p><u>Sustainability</u> <u>Climate Change & Sustainable Development</u> <u>Sustainability Strategy</u></p> <p><u>Emergency Planning</u> <u>Community Safety</u></p>
<p><u>Portfolio Holder for Adult Services</u></p> <p><u>Councillor Stephen Hayes</u></p>	<p><u>Adult Social Care</u></p> <p><u>Mental Health</u> <u>Older People</u> <u>Disabled People</u> <u>Learning Disabilities</u> <u>Carers Services</u> <u>Substance Misuse</u> <u>(Operational services covers both care management and provider services)</u> <u>Commissioning and Contracting</u> <u>Adult Social Services Policy Interpretation and Development.</u> <u>Domiciliary Care</u> <u>Health and Well Being</u></p>

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

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	<p><u>Health Intervention Programme, Exercise on Prescription, Cardiac Rehabilitation).</u></p> <p><u>Health, Social Care and Well-Being Partnership</u></p>
<p><u>Portfolio Holder for Regeneration and Planning</u></p> <p><u>Councillor Martin Weale</u></p>	<p><u>Planning</u></p> <p><u>Development Management and Planning Control.</u></p> <p><u>Enhancement of Conservation Areas.</u></p> <p><u>Listed Building control and advice.</u></p> <p><u>Built Heritage Conservation grants.</u></p> <p><u>Designation and safeguarding of trees the subject of Tree Preservation Orders.</u></p> <p><u>Planning Enforcement.</u></p> <p><u>Building Control, including health and safety of buildings, dangerous structures.</u></p> <p><u>Street naming and numbering service</u></p> <p><u>Development and Planning Policy, input into regional planning policy development.</u></p> <p><u>Minerals and Waste Planning.</u></p> <p><u>Designation</u></p> <p><u>Land Drainage associated with planning and land use</u></p> <p><u>Regeneration</u></p> <p><u>Community Regeneration</u></p> <p><u>Community Enablement Fund/Welsh Church Acts</u></p> <p><u>Communities First</u></p> <p><u>Business Services</u></p> <p><u>Business Grants</u></p> <p><u>Business Advice.</u></p> <p><u>Opportunity Wales and other contracts</u></p> <p><u>Tourism</u></p> <p><u>Tourist Information Service</u></p> <p><u>Europe</u></p> <p><u>European funds</u></p> <p><u>Powys Regeneration Partnership</u></p>

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

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	<p><u>European policy</u> <u>External funding</u></p> <p><u>Economic Development</u> <u>Village Halls</u></p> <p><u>Town and Community Councils</u></p> <p><u>Growing Mid Wales (Economic Development)</u></p>
<p><u>Portfolio Holder for Highways</u> <u>Councillor Liam Fitzpatrick</u></p>	<p><u>Highways</u> <u>Transport Planning and Policy</u> <u>Traffic management</u> <u>Road safety</u> <u>Development Management</u> <u>Transport Co-ordination</u> <u>Highway asset Management</u> <u>Network management</u> <u>TRACC</u> <u>Highways Engineering Design – Contract, Procurement, Administration & Supervision</u> <u>Highways Maintenance (Technical Advice);</u> <u>Highways Maintenance Operations (e.g. Winter Maintenance);</u> <u>Fleet Management (including Fuel Management);</u> <u>Car parks</u> <u>Trunk Road Agency</u></p> <p><u>Growing Mid Wales (Transport)</u></p> <p><u>Statutory Compliance</u> <u>Building Maintenance Operations</u> <u>Servicing Contracts and testing</u> <u>Street Cleaning</u></p>

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

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	<p><u>Public Conveniences</u> <u>Grounds Maintenance</u> <u>Markets</u> <u>Land Drainage</u></p> <p><u>Central Wales Infrastructure Collaboration</u></p>
<p><u>Portfolio Holder for Housing and Countryside Services</u> <u>Councillor Jonathan Wilkinson</u></p>	<p><u>Welsh Housing Quality Standard</u></p> <p><u>Housing</u> <u>Public Sector Housing (landlord function)</u> <u>Supporting People</u> <u>Homelessness</u> <u>Private Sector Housing</u> <u>Affordable Housing</u></p> <p><u>County Farms Estate</u></p> <p><u>Environmental Health</u></p> <p><u>Trading Standards</u></p> <p><u>Countryside Services (Countryside Rights of Way, Maintenance, Open Access, Biodiversity, Commons Registration, National Trails, Village Greens).</u></p> <p><u>Building Design</u> <u>Gypsies & Travellers</u></p>
<p><u>Portfolio Holder for Property and Waste</u> <u>Councillor Phyl</u></p>	<p><u>Property and Assets</u> <u>Catering and Cleaning</u> <u>Workshops</u> <u>Community Asset Transfers</u></p>

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

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<p><u>Davies</u></p>	<p><u>Archives</u></p> <p><u>Recycling and Waste Management</u> <u>Refuse Collection</u></p> <p><u>Sustainability, Green Dragon and Carbon Management</u></p>
<p><u>Portfolio Holder for HR, ICT and Communications</u></p> <p><u>Councillor James Evans</u></p>	<p><u>Human Resources</u> <u>Human Resources Strategy, Advice and Policy Development</u> <u>Organisational Development (Equalities, Training, Pay and Policy)</u> <u>Occupational Health and Safety</u> <u>Corporate Policy</u> <u>Equalities</u></p> <p><u>ICT</u></p> <p><u>Communications</u> <u>Design and Print</u></p> <p><u>Central / Corporate Services</u> <u>Organisational development and partnership support Statistics and Analysis Research</u></p> <p><u>Ombudsman</u> <u>Members' Standards and Ethical Issues</u> <u>Coroner's Service</u></p> <p><u>Customer Services</u> <u>Complaints Management</u> <u>Information Management & Compliance</u> <u>Registration of Births, Deaths and Marriages</u></p>

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

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Call-in

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

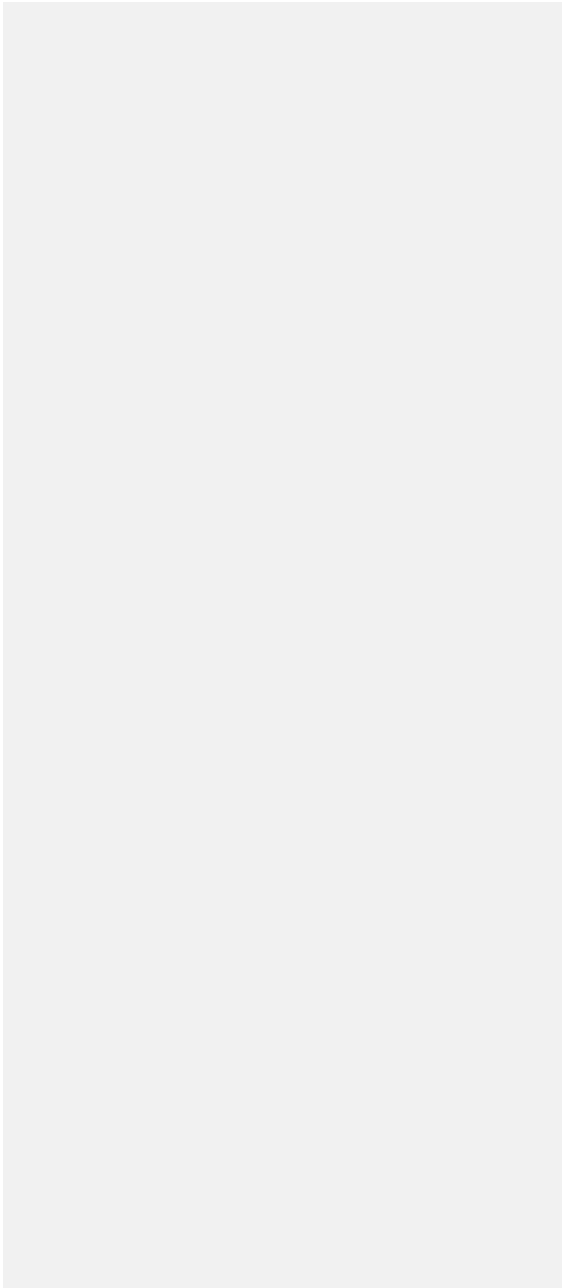
Cabinet Committees.

13.113 The Leader has not established any Cabinet Committees.

~~**Area (Shire) Committees.**~~

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

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

CYNGOR SIR *POWYS* COUNTY COUNCIL

Members

APPOINTMENTS TO OUTSIDE BODIES: SPECIFIC INFORMATION RELATING TO POWYS COUNTY COUNCIL

Status	Version
Policy Author	Democratic Services Committee
Date of Issue	
Agreed by	
Date of Previous Issue	
Review Date	

1. Introduction

In addition to your involvement in the Council, you may also be formally appointed by the Council as its representative on a variety of organisations [see 2 below]. Such organisations include statutory authorities, charities, partnerships, community organisations and Local Education Authority [LEA] school governors. Service on such outside bodies is an established part of a Member's role. You will be able to use your knowledge and skills as a Councillor to assist the organisation.

In addition to the above, you may be invited to become a member of a local organisation in your ward because you are the local Councillor [see 5 below].

This document provides information specific to Powys County Council and is supported by further information produced by the Welsh Local Government Association [WLGA] – available via the following links in the Members Library:

- Leaflet for Members Appointments to Outside Bodies: The Councillor's Role - [WLGA leaflet-for-members-appointments-to-outside-bodies-the-councillors-role\[1\].pdf](#)
- Members' Toolkit - Appointments to Outside Bodies: The Councillors' Roles - General Guidance & Potential Pitfalls and Conflicts - [WLGA members-toolkit\[1\].pdf](#)

2. Appointment

The Council and Executive [and the Shire Committees up to April 2018] have the role of agreeing appointments of Members to a range of organisations. These formal appointments are made at the Council's Annual General Meetings [AGMs], after an election or at other meetings as required. You should discuss the reason for your appointment with the relevant officer in the Council and with the outside body.

Some appointments to organisations will require you to become a trustee or director. In such cases, you will have a specific role in this organisation and you should ensure that you understand your role. Information for trustees and directors is given in the WLGA document referred to in 1. above - Members' Toolkit - Appointments to Outside Bodies: The Councillors' Roles - General Guidance & Potential Pitfalls and Conflicts.

When you have been appointed you will need to ensure details of your appointment are included on your Register of Interests shown on your webpage on the Council's website. Throughout your term of office as a Councillor, you should ensure that this record is kept up to date.

The organisation to which you are appointed may undertake a CRB check after your formal appointment.

Where vacancies occur in organisations, where the appointments were previously made by the Shire Committee, Democratic Services will send an email to the Members in the relevant areas advising them of the vacancy and asking

for any nominations and if more than one nomination is received, a ballot will take place.

3. Reporting back

The Council has agreed that where Members are formally appointed to represent the Council they should report on the work of the organisation to the appointing Committee i.e. Council, Executive or for appointments previously made by the Shires to Members via the Members Bulletin. The Member feedback form [Appendix 1] can be used [Note: there is no requirement for LEA school governors to report back to Council].

In addition:

- Reports in respect of statutory organisations including Mid and West Wales Fire & Rescue Authority, Dyfed Powys Police and Crime Panel and Brecon Beacons National Park Authority be provided once a year to a Council meeting prior to the Council's Annual meeting [NOTE this would not be to a Council meeting considering the budget],
- Reports in respect of other organisations and charities be made on an annual basis and that these be included in the Members bulletin and
- That a joint report should be produced where more than one Member is appointed to an organisation.

Where reports are to be made to the Council or the Executive a schedule of dates will be produced so that the individual member know when reports are to be added to the Agendas.

When making either written or verbal reports you should also ensure that these do not breach the organisation's or the Members' Code of Conduct or confidentiality rules.

As part of the reporting back process the Council can review representation if for example you are not considered to be undertaking your role appropriately or if it considers that representation is no longer required.

4. Allowances, insurances and indemnities

The Council has authorised attendance at meetings of outside bodies, where a formal appointment has been made, as an approved duty for members. Where you undertake such duties, you can claim travelling and/or subsistence allowances. However, some organisations may pay allowances in accordance with their own rules. If this is the case, you must not claim any from the Council.

Some organisations will have insurances/indemnities, which will cover the actions of its membership. If these are not available, the Council's indemnity will cover you when you are acting on behalf of the Council.

5. Membership of organisations in your ward as a result of being a councillor

There will be many organisations in your ward in which previous Councillors have had an interest and in some cases participated in their committees. In such

circumstances, it is for you as a new Councillor to decide whether and how you relate to such organisations. If you participate in any committees, you will do so as the ward councillor, as no formal appointment has been made by the Council. You should not purport to act as the Council's representative on an outside body unless a formal appointment by the Council has been made.

Councillors participating in organisations in this way however, must still comply with the Code of Conduct of that organisation, if it has one or comply with the Members' Code of Conduct. There is no requirement to report back to Council on the activity of such organisations.

POWYS COUNTY COUNCIL

REPORT ON APPOINTMENT TO OUTSIDE ORGANISATION

Name of Member	
----------------	--

Name of Outside Body	
----------------------	--

Appointment made by – delete as applicable	Council/ Cabinet/ previous Shires
--	-----------------------------------

Date[s] and time[s] of meeting[s]	
-----------------------------------	--

Venue of meeting[s]	
---------------------	--

Nature of Representation (tick all that apply)

PCC representative or substitute	
Director/Trustee or other role	

Main issues considered at the meeting[s]:

At the meeting[s], were there any implications for the Council in terms of:

Services provided by the Council	YES / NO
Funding/grants	YES /NO
County Council policies (please state policy areas)	YES / NO
Other	YES / NO

If Yes please give details

Dates of future meetings:

--

Please return this form to Democratic Services as soon as possible after the meeting.

Please note:

The information provided in this form will be made available to other Members via a report to Council or Cabinet or via the Members Bulletin.

14.1

CYNGOR SIR POWYS COUNTY COUNCIL

County Council
23rd January 2020

REPORT AUTHOR: County Councillor Aled Davies, Portfolio Holder for Finance, Countryside and Transport

SUBJECT: Question from County Councillor Les Skilton

I understand Powys received a grant of about £3 million from the Welsh Government.

Part of this grant was used to purchase 20 new buses for operators within Powys for public transport.

Can the portfolio holder inform me and members have Powys purchased second-hand buses from some of these operators? Could you please confirm if this is correct and why?

Response

The Council was awarded Transport Grant funding provided by the Welsh Government to purchase buses that are provided as part of the local bus service contract that exists between suppliers and the Council to provide services on behalf of the Council. The contract allows for the Supplier or the Council to provide the vehicles, and the Council opted to purchase vehicles. The reason for this is because this reduces the revenue contribution the Council makes to the Contractor to provide the service. The buses are, and remain the property of, the Council throughout the duration of the contract. At the end of the contract, they will be disposed of by the Council and any money achieved by their disposal will be returned to the Council. The buses are operated by the successful bus companies that successfully bid to operate the contract(s).

The vehicles purchased by the Council were the same vehicles that the contractors had ordered when the contracts were awarded in July 2018 – so in effect the Council paid for the vehicles rather than the Contractor. Where operators had ordered their vehicle and had not received them, the Council secured the funding against other company assets until the vehicles had been delivered. Where the Contractor had already received the vehicles and they were being used to perform the contract, the Council simply paid for them (instead of the Contractor). In all cases, the operator is the legal 'Registered Keeper' of the vehicles, but the vehicles are owned by the Council.

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

14.2

CYNGOR SIR POWYS COUNTY COUNCIL

County Council
23rd January 2020

REPORT AUTHOR: County Councillor Rachel Powell, Portfolio Holder for Young People and Culture

SUBJECT: Question from County Councillor Huw Williams

In a recent Improvement and Assurance Board Bulletin, it was written, that, *'workplace supervision (Children's Services) is vital in a whole variety of ways, current compliance levels are low, although slightly rising, and now that the structure is in place, must be addressed as a matter of urgency'*. Can the portfolio holder, therefore, provide a comparative progress report, from September 2019 to December, to include:

- i) evidence of the numbers of qualified, newly qualified and agency social workers receiving structured, regular and appropriate level of workplace supervision, and
- ii) what is the current average case load for each worker and is the work appropriate to each worker's qualification and training level?

Response

Evidence of the numbers of qualified, newly qualified and agency social workers receiving structured, regular and appropriate level of workplace supervision

Children's Services Leadership Team are committed to ensuring all operational staff receive dedicated, formal 1:1 supervision every month, in addition to any informal, group and peer supervision that takes place. The Children's Leadership Team recognise that their performance indicator, the percentage of operational staff who have had case supervision on a monthly basis, is currently not at the percentage level that we aspire to reach as part of our continued improvement journey.

The percentage of operational staff who have had Case Supervision on a monthly basis is one of the services top 5 performance indicators.

Since September when the restructure was completed, performance has ranged between 80% and 85% and our internal target has been set at 90%. During this time period training has been provided to Managers around supervision, the model, process and expectations in line with a new reflective policy adopting Signs of Safety. Further analysis of more in depth supervision data across the whole service is being currently being assessed by the Children's Leadership Team. Findings so

far are reassuring that there are no trends showing a particular team, type of post holder or individual that is not receiving supervision each month.

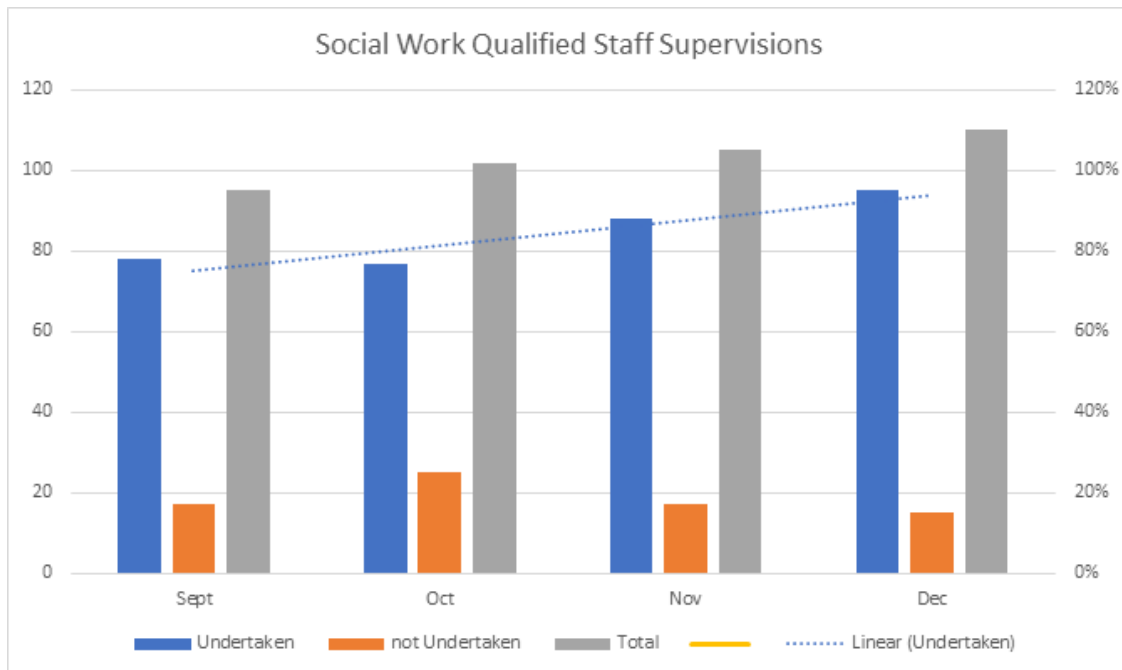
A breakdown of qualified, newly qualified and agency social workers are provided in the tables below.

The numbers in the tables are per individual employee and not full time equivalents (FTE) and the total number has increased each month as staff have been appointed.

Supervisions are not due where staff are absent for 2 weeks or more during the month and are not included in these reports. This may be due to Annual Leave, Sick leave or Maternity leave or end of employment. Staff with absences of less than 2 weeks within the month are included in the reports.

Annual leave and sickness is not recorded for all Agency staff on trent and so this will have impact on the figures above.

All (includes all Qualified Social Workers, Newly Qualified and Agency) Qualified Social Work Staff Supervision – Breakdown of Data



In conclusion supervision recording is part of the weekly data assurance meetings between Senior Managers and Team Managers, supported and facilitated by the Improvement Team. Supervision performance is also scrutinised at the monthly Head of Service and Senior Manager performance meetings. Supervision performance is reviewed and discussed as a group in the monthly Operational Management Team meetings.

Now that Managers have all received supervision training and the new Signs of Safety supervision policy has gone live, the Children's Leadership Team continues to be committed to embedding the importance of good quality and regular supervision for all staff. The continued monitoring and analysis of the supervision data will allow Senior Managers to identify and forecast if there are any weaknesses or potential issues that may arise in teams which could have an impact on staff receiving their supervision and aim to address them promptly.

As Portfolio Holder, I am assured on the reasons and rationale for some staff not having had supervision within the Month which includes sickness absence, rescheduled by just a few days which misses the cut off point for reporting.

What is the current average case load for each worker and is the work appropriate to each worker's qualification and training level?

An analysis has been undertaken to compare the average caseload in comparison to the previous year:

In Autumn 2019 the average caseload for qualified social workers was 16.16.

In Autumn 2018 the average caseload for qualified social workers was 23.8.

The majority of cases are held by Social Workers and Senior Social Workers in each team which is appropriate for their social work qualification and training level.

Principal Social Workers hold a smaller number of more complex cases when required. This reflects their managerial level and responsibilities within the team and their increased experience as a practitioner.

Team Managers do not hold cases, which is appropriate for this leadership position.

In addition to this, of the 8 Newly Qualified Social Workers in the service at this present time:

2 are non-case holding.

2 are very recent newly qualified social workers and they have an average caseload of 8.

4 are at the end of their newly qualified social worker status (April 2020) and they have an average caseload of 14.

These average case load for Newly Qualified Social Workers varies to reflect at what point they are in their first year of practice. The focus is on their continued professional development and supporting them to develop and grow confidently as practitioners as their experience increases.

Senior Managers and Team Managers review their teams individual caseloads on a regular basis and when assigning new cases to staff to ensure workloads and fair and manageable.

14.3

CYNGOR SIR POWYS COUNTY COUNCIL

County Council
23rd January 2020

REPORT AUTHOR: County Councillor Heulwen Hulme, Portfolio Holder for Environment

SUBJECT: Question from County Councillor David Thomas

Residents in the in Tawe Uchaf, Aber-craf, Ystradgynlais, Ynyscedwyn and Cwmtwrch wards received a worse than poor recycling collection service over the Christmas period. This was because of a lack of strategic planning and communication from the Council with Councillors and the community.

What will the Council do to ensure this doesn't happen again?

Response

The Christmas period is a problematic time of year in terms of kerbside waste and recycling collections due to a number of factors. There is understandably a considerable rise in materials to collect, with it being essential to continue to provide a service, whilst recognising the need and value for staff to have time off work with their families.

There is no expectation for collections to be undertaken on Christmas Day, Boxing Day and New Year Day, so with the knock-on effect of missing these days, and with the additional waste and recycling generated at this time of year, there is a considerable 'catch-up' required. Like most authorities, we do this by providing a service on the weekends following these days, and have had this arrangement in place for a number of years. Staff are asked to work on these weekends, for which they do receive an overtime payment, as opposed to some other Councils where it is a contractual requirement.

The majority of staff recognise the service need and respond well by making the effort to come in to work as necessary. This was the indeed the case in our Rhayader, Newtown and Welshpool Depots, where rounds were collected as planned and advertised, with very few problems. Unfortunately, this was not the case in the Brecon depot, where a significant minority of staff failed to turn in to work, either by refusing to work, or by initially agreeing but then not attending as planned. This was a significant let down and impacted badly on the arrangements that had been planned by supervisors and manager and advertised as such. Despite supervisors and managers attempting to reduce the impact to the public by covering some of the collection rounds themselves, there was as you describe a lower than acceptable performance.

It is simply not possible to get additional staff in at short notice at this time of year to cover for this period, and even if it were, then it would of course be at a considerable extra cost and anyone involved would of course had to have received appropriate training to carry out the work.

The arrangements were planned and advertised well in advance, and as previously stated were honoured in most cases. When the problems became apparent we did use all available channels to let residents know of changes. This is always difficult at short notice, but is helped with the use of social media. We also had notifications on our website when residents reported missed collections.

This is a problem specific to the Christmas period with staff generally willing to work on other Bank Holidays, but work is already underway to address the issue for future years. Many Councils simply make the Christmas working arrangements contractual, which will be considered as one of our options going forward.

Unfortunately, should this approach be adopted, it will unfairly penalise those staff who regularly do make the effort. The HTR senior management team has been restructured recently, with all the waste & recycling function now being overseen by one senior manager. Following on from this, the manager is currently reviewing the operational service area and Bank Holiday working will form part of this review. The Senior Manager for Waste and Recycling Services has offered to meet with Council Members in the Tawe Uchaf, Aber-craf, Ystradgynlais, Ynyscedwyn and Cwmtwrch wards to hear and understand their concerns first hand, so that we can work to address them.

14.4

CYNGOR SIR POWYS COUNTY COUNCIL

County Council
23rd January 2020

REPORT AUTHOR: County Councillor Heulwen Hulme, Portfolio Holder for Environment

SUBJECT: Question from County Councillor Gareth Ratcliffe

As banks are withdrawing from Powys communities and some communities are being charged to withdraw cash from the local cash machine when will Powys county council start to introduce card payments system to their car parking machines across the county to support businesses as cash is becoming harder to handle?

Response

The Council is currently working with suppliers to introduce card payment facilities within the busiest car parks. A total of 20 out of the 55 machines in 17 car parks will have card payment facility shortly. The following list identifies the car parks that will have the card payments installed as part of phase 1 of the programme. Other car parks will also be upgraded in the future should this phase prove successful and funding becoming available.

Church St, Welshpool

Berriew St, Welshpool

Severn Stars, Welshpool

Gravel, Newtown [2 machines]

Back Lane, Newtown

Maengwyn St, Machynlleth

Dark Lane Rhayader

Mount St, Llanidloes

High St, Llandrindod

Knighton Hotel, Knighton

Oxford Rd, Hay [2 machines]

The Groe, Builth Wells

The Watton, Brecon

George St, Brecon [2 machines]

Beaufort Rd, Crickhowell

Kensington, Brecon

Canal Rd, Brecon

14.5

CYNGOR SIR POWYS COUNTY COUNCIL

County Council
23rd January 2020

REPORT AUTHOR: County Councillor Aled Davies, Portfolio Holder for Finance, Countryside and Transport

SUBJECT: Question from County Councillor Gareth Ratcliffe

Following concerns raised by residents of Hay that they are seeing an increase in second homes becoming "businesses" to get around the increase in council tax will the council review the impact of second homes on communities to support the local residents as well as the business community to ensure we have a 12 month season and homes are not left empty for large parts of the year thus strengthening our community for future challenges?

Response

When a property in Council Tax is identified as a liable person's second home it means it is furnished but not the person's sole or main residence (i.e. occupied periodically). Therefore it could reasonably be expected to follow that the person or persons may spend significant amounts of time and be involved in community elsewhere where their sole or main residence actually is. There is nothing defined in legislation as to how much time needs to be spent at each home.

Therefore it follows in Council tax that someone may have a second home as defined above and use it as a holiday home for their own purposes. Some may choose to let the property out as a holiday let for others on a commercial basis.

In Business Rates legislation there is then the ability for a person who is commercially letting a property as a holiday home to be moved from the Council Tax rating list to the Business Rates rating list when they reach a threshold. This does then give the liable people the ability to receive a small business rates relief in their circumstances. The liable person(s) as a threshold have to be actively marketing their property for 140 days per year and actually let the property for 70 days per year.

The person must apply to the Valuation Office Agency for Wales (VOA) and be able to evidence the marketing and letting before the VOA would make the decision to change the property to a commercial one on the Business Rates rating list. Following that move of rating lists, it is then the responsibility of the VOA to review the lists regularly to make sure the circumstances still apply in each and any case, and they should then move a property back to Council tax rating list if they do not fulfil the criteria.

I hope you can see from the above that the local authority has very little control or ability in legislation or policy or decision to determine how second homes are managed in that sense in Powys communities.

Also as you will be aware Welsh Government allowed Councils in Wales to introduce premiums for properties identified as second homes or long term empty. Powys Council introduced this change in line with Welsh Government policy in an attempt to encourage properties in both categories back into active use as main homes or into other uses and where the person decides to retain the property as empty or as a second home, then their liability is increased to take account of that lesser use.

Since the inception of the premium for second homes, there has been very little movement in second home numbers and also there has not been a significant move of properties from the Council Tax rating list to the Business Rates rating list for this type of property.

I am aware that Welsh Government are undertaking a review of the legislation and the policy around empty homes and second homes and also how the premiums have impacted these two categories of properties as well.

Also representation has been made to Welsh Government by Welsh Treasurers to look at the crossover between Council Tax second homes and holiday lets in Business Rates and whether this is having a positive or negative impact on revenue raising for Councils, the impact on communities and also the development of tourism in the County.

So I hope you can see we are mindful where we can to ensure that policy and legislation is challenged and reviewed taking account of the impacts on Powys and its communities where possible.

14.6

CYNGOR SIR POWYS COUNTY COUNCIL

County Council
23rd January 2020

REPORT AUTHOR: County Councillor Heulwen Hulme, Portfolio Holder for Environment

SUBJECT: Question from County Councillor Karen Laurie-Parry

Time & Cost Saving Management - Grass Cutting on Trunk Roads & County Council maintained highways.

Many residents have read a Social Media post whereby another County Council had reported financial savings in Grass Cutting, by planting wild flowers which are very pleasing to the eye, and encourage the sustainment of butterflies, bees etc.

Residents have asked for consideration where there are very wide grass verges and embankments, would it not be cost-saving and better time management of workers to grass cut just 3 feet of verge and to allow the already planted wild flowers to take effect?

Might this not free-up time, for the Highways Department Manual Workers, to undertake identified much needed highway maintenance work on 'B' Class roads, other side roads and associated drainage?

Response

Powys County Council currently has 127 Roadside Verge Nature Reserves (RVNR's) on the County road network which all have individual management plans to benefit the species present on that site. The database of these RVNR's will be emailed to Members for information.

The Rural grass verge cutting contract specification is already limited to a 1.2 metre width of cut with additional width of cut only at junctions or where there are visibility issues.

The Urban grass verges are where we are looking to reduce the areas that are currently cut. We have a number of projects ongoing, where we have worked with local groups to identify areas that can be left uncut. Please find below a list of some of the groups we are working with:

- Brecon Beacons National Park
- Presteigne Town Council
- "On the verge" – Creating wildlife havens Talgarth
- Radnorshire Wildlife Trust
- Brecknock Wildlife Trust

- Montgomeryshire Wildlife Trust
- Crickhowell Town Council
- Hay-on-Wye Community Group

If you have any specific areas that you feel would benefit from remaining uncut, then please contact the HGSS Contracts & Programmes Manager Brian Price and I am sure he will be able to arrange for the area to be assessed.

14.7

CYNGOR SIR POWYS COUNTY COUNCIL

County Council
23rd January 2020

REPORT AUTHOR: County Councillor Heulwen Hulme, Portfolio Holder for Environment

SUBJECT: Question from County Councillor Karen Laurie-Parry

A number of residents in my Ward are seriously concerned regarding the cut-backs in street lighting. This is particularly more alarming, where there are older residents, who fear for their safety during the night time, due to the County Council decision to withdraw certain street lights. I will give Neuadd Terrace, Bronllys as one example.

Safety and the well-being of particularly older and vulnerable residents is an utmost priority, so please could the Post Holder suggest how we might find the costs to ensure that our concerned residents needs are met?

Response

Thank you for your query regarding the lighting within your ward. The lighting within this area has not been reduced any further since the original energy saving projects in 2009. We are of course always looking at the lighting provision within the county, and looking at further improvements and energy saving that can be made by using new technology e.g. Dimming and reprogramming the existing lights to more specific outputs, due to the inflation of energy costs year on year this is becoming essential. At present any significant changes of the lighting is consulted with the local town and community councils along with the councillors, before any changes are made. In terms of making funding available to ensure that concerns of residents are met, unfortunately it is most unlikely that any additional funding will be available and it should be born in mind that although the street lighting does provide obvious benefit in some areas, it is not a statutory requirement like the majority of other highway works.

All councillors do have access to the information showing the locations and status of the lights through Geo Discoverer. Details of how to access this information will be emailed to Members.

If there are any lights that are noted to be off when the inventory is showing the light as on, we will be happy to attend to the fault.

We are currently considering arrangements for the future whereby local councils can have a greater input into this provision, and tailor it more to suit their specific locality.

Should such an arrangement be considered viable, proper consultation will be held well in advance.

14.8

CYNGOR SIR POWYS COUNTY COUNCIL

County Council
23rd January 2020

REPORT AUTHOR: County Councillor Heulwen Hulme, Portfolio Holder for Environment

SUBJECT: Question from County Councillor Elwyn Vaughan

In view of the increasing concerns about the use of Glyphosate as a weed killer within our communities, and the fact that there have been a number of high profile successful multi million pound litigation cases against Monsanto, and a reported 18,400 pending legal cases against Bayer, due to reported health concerns as result of using glyphosate, and the concerns about the effect of the use of glyphosate on the environment, will the portfolio holder undertake a urgent review of the use of glyphosate by the authority and any of its contractors and look at best practice alternatives and report back to Council in due course with firm recommendations?

Response

Welsh Local Government Association have recently issued the attached information from APSE on the topic of glyphosate use by local authorities.

The Trunk Road network is managed by the North & Mid Wales Trunk Road Agency through a Service Delivery Agreement with Powys, where they specify one herbicide treatment of kerbs and channels during May and also one herbicide treatment of filter drains sections, again during May. Welsh Government are reviewing this process and I know a trial was carried out in North Wales with a hot water system this summer, but we have not seen the results from this trial as yet.

As far as Powys' treatments on our own network are concerned, we limit herbicide treatment to the bare minimum. This is to a large degree this is due to the reduced available budget, but also in consideration of the balance between the environmental impact and our duty to maintain the highways. The core areas of town centres and housing estates receive one routine treatment in May, with any other area only receiving treatment on a reactive needs basis. Currently this herbicide application is the 'Nomix Total Droplet' system.

We do have an issue with the presence of Japanese Knotweed and other invasive weeds in some areas of Powys, and these are treated with glyphosate via a stem injector where possibly or with a knapsack sprayer for the larger clumps; whilst all ragwort is removed by hand.

As part of a demonstration of an Infrared system back in August, we treated an urban area in Brecon town, which proved quite successful, so are evaluating this as a viable alternative to adopt.



APSE briefing: Glyphosate- Where do local authorities stand?

This briefing is provided to all APSE member authorities but will be of particular interest to those officers responsible for grounds maintenance, parks and street cleansing services.

Key Issues:

- Following the publication of a report from the International Agency for Research on Cancer (IARC) in 2015 which found that glyphosate was “a probable human carcinogen”, there has been a great deal of debate across the world as to whether the herbicides which include glyphosate are safe to use.
- This debate has been heightened by recent court rulings in the United States which have awarded multi-million dollar damages to citizens who have claimed continued use of glyphosate has caused them to develop cancer.
- National agencies across the world have declared glyphosate to be safe to use, suggesting it poses no threat. However some countries have now decided to ban glyphosate or severely curtail its use.
- Regarding the UK, it continues to say glyphosate based products are safe to use, but local authorities now find themselves caught between legal advice and the moral question of knowing there have been successful claims that glyphosate has caused cancers.
- APSE has therefore produced this briefing note, itself taking legal advice, as to where local authorities stand in this situation.

Background

The mention of glyphosate tends to drive people into two camps: those who advocate its use as a cheap, effective and readily available herbicide, essential to grounds maintenance and agricultural practices all over the country, and a second group who see it as a potentially dangerous carcinogenic substance which should be banned from use.

Glyphosate as a product is rarely used on its own, but as part of a group of chemicals in products such as Roundup, Pathclear or Weedol, which in themselves are far more toxic than glyphosate on its own.

Local authorities across the country still use glyphosate-based products in large quantities, despite calls to reduce chemical use and move towards a more integrated weed management approach.

There are few alternatives to glyphosate and even those which are seen as alternatives are often still in a pilot phase and much more expensive to use, which considering the budget cuts many local authority parks and grounds maintenance services have suffered, do not make these products attractive.

However, recent United States court rulings against Monsanto, the supplier of one of the world's leading glyphosate-based products, Roundup, has led to the awarding of millions of dollars in damages to plaintiffs who claim to have contracted cancer as a result of the prolonged use of glyphosate-based products. Currently there are over 18,400 lawsuits alleging links between Roundup pesticide and cancer going through, or about to go through the US courts. This situation has led many users to reconsider glyphosate's safety as well as the possibility of legal actions being taken against them.

These concerns has resulted in some UK local authorities joining a growing group of organisations and countries around the world which have banned the use of glyphosate and glyphosate-based herbicides.

Therefore the question has to be asked, where does a local authority stand in relation to using a European Union licenced product which has scientific backing as being safe to use, against the possibility of legal action being taken by employees or residents who claim the use of glyphosate has given them cancer.

Safety concerns

The original safety concerns over the dangers from glyphosate came out of a report from the International Agency for Research on Cancer (IARC) in 2015 which found that glyphosate was "a probable human carcinogen".

This report has been roundly attacked by the manufacturers of glyphosate and called into question by many countries' regulatory bodies which argue that glyphosate is safe to use; it has over 40 years of use and 800 studies behind it. However, critics of glyphosate state that many of these studies can be called into question, as a large proportion were commissioned by the industry which created glyphosate and therefore cannot be trusted.

Despite assurances from national and regulatory bodies (such as the European Food Safety Authority) some UK local authorities have taken the decision to either ban glyphosate and glyphosate-based herbicide use totally, or at least in specific areas, such as schools, playgrounds, parks and pavements i.e. areas where there is a high public footfall or where high risk groups are present.

Against such a complicated and conflicting catalogue of information, where do local authorities stand in relation to the continued use of glyphosate-based products whilst at the same time being aware of the potential hazards and legal implications of using this herbicide?

Where do local authorities stand?

Claims to date have mainly been against the suppliers. For instance, in the US, a groundskeeper at a California county school was awarded \$79 million after arguing that his cancer was caused by several years of exposure to Roundup. As noted above, there are numerous other claims ongoing in the US and we are now also seeing litigation outside of the US. A recent claim has been brought in Australia against Bayer (the parent company of Monsanto) claiming that glyphosate was linked to a claimant's cancer. In addition to this claim there are also reportedly landscape gardeners, council workers and farmers seeking to bring further lawsuits.

As the use of glyphosate-based products is still legal in the UK (glyphosate is an approved active substance on the EU Pesticides Database until 15 December 2022), local authorities cannot be criminally prosecuted simply for using these products. Nevertheless, the Health and Safety Executive (**HSE**) enforce regulations relating to the advertisement, sale, storage, supply and use of pesticides as part of a work activity to ensure the health and safety of employees and persons affected by such work activity is protected. Local authorities themselves are required to enforce controls in respect of the advertisement, sale, supply, storage and use of pesticides for those areas not under the HSE's jurisdiction, including sports grounds, gardens and parks.

In particular, the Plant Protection Products (Sustainable Use) Regulations 2012 (**the Regulations**) require a person who uses or permits an individual to use a plant protection product (pesticide) to ensure that all reasonable precautions are taken to protect human health and the environment and specifically notes that the amount of pesticide used and the frequency of use must be as low as reasonably practicable when pesticides are used in areas used by the general public or by vulnerable groups. Failure to comply with the Regulations, as well as general health and safety legislation requiring an organisation to protect the health, safety and welfare of its employees and those affected by their undertaking, can result in a criminal prosecution and fine.

It is therefore imperative that local authorities using glyphosate products are aware of their legal obligations and continue to use these pesticides accordingly. Conducting thorough risk assessments to understand the impact of using these products and putting in place suitable control measures, including the provision of information, instruction, training and personal protective equipment to persons using pesticides directly is fundamental.

Local authorities should also consider the possibility that future civil claims could be made against them by persons exposed to glyphosate-based products. Much like asbestos-related claims, if it can be proven that exposure to glyphosate during the course of employment has links to cancer, there may be the possibility of a compensation claim. The robustness of the risk assessments undertaken and control measures implemented by local authorities will therefore be fundamental to ensuring any such claims can be prevented or challenged in the future.

For members of the public, such as park users, it is likely to be much more difficult (although not necessarily impossible) for them to establish that regularly using a park treated with Roundup or another glyphosate-based product would have caused or contributed to their cancer therefore limiting the ability for successful claims against local authorities. Nevertheless, local authorities should note increasing pressure from resident groups and other interested parties have been seen elsewhere, with members of the public campaigning for organic pesticides to be used or for no pesticides to be used.

In New York, legislation has been introduced to ban glyphosate-based products from public parks and other properties. Other countries, such as Italy and Portugal, have also

imposed bans on the use of glyphosate-based products in public areas. France and Germany, are seeking to phase-in prohibitions on glyphosate use.

In the UK, a number of local authorities have taken their own steps to impose restrictions on the use of glyphosate-based products and other pesticides and herbicides. For example Croydon, Lewes, Glastonbury, Wadebridge and the London Borough of Hammersmith & Fulham are all reportedly banning the use glyphosate-based products in public areas.

Whilst glyphosate currently remains an approved pesticide in the EU, in light of the successful prosecutions around the world and the growing concerns about glyphosate, it may be prudent for all local authorities to carefully consider the scale of glyphosate use, the likely risks arising, the potential to limit the reliance on glyphosate-based products and the ability to find a suitable alternative product to prepare for the future.

Financial implications

Banning glyphosate-based products will come at a cost. The Crop Protection Agency (whose members include major producers of pesticides and herbicides) stated that banning glyphosate-based products would cost councils an estimated £228 million in higher costs to use alternatives. There may also be additional costs involved in terminating contracts and re-procuring alternatives.

The anti-glyphosate lobby argue that there are organic methods to manage weeds and use manual or other mechanical methods (such as foamstream). However, these alternatives also have cost implications for local authorities and glyphosate-based products remain particularly cost-effective for invasive type weeds.

At this stage, local authorities have a choice. The continued use of glyphosate products responsibly (and in accordance with legal requirements) is permitted and allows for a cost effective solution to the need for pesticide use. Alternatively, local authorities may feel public pressure to limit the use of glyphosate products, or ban their use entirely. Either way, all local authorities need to give serious consideration to the future of using glyphosate products.

As the levels of public interest surrounding these products and the number of successful claims continues to grow, the risk of the products being banned in the EU increases as, no doubt, does the appetite of potential claimants. Local authorities should take the

opportunity whilst the use of glyphosate remains lawful to identify an appropriate, cost effective solution and potential alternative products to ensure the financial implications of using glyphosate can be appropriately managed.

As a footnote, Bayer has recently committed to spend £5.6 billion on weed killer research which will reduce its environmental impact by up to 30% through more targeted and reduced use of chemicals. In addition, Bayer has recently signed an agreement with a UK company for exclusive world-wide rights to commercialise its pollinator friendly bioinsecticide. Therefore whilst still claiming there is a place for glyphosate, Bayer are clearly looking at alternative and more nature-based products.

APSE Comment

Unfortunately there is no right or wrong answer to the question is it safe to continue to use glyphosate products.

Some will argue that 40 years evidence proves it is safe to use whilst others will argue a good deal of the research which proves this has come from the manufactures of glyphosate.

There is the issue of successful claims in court that the continued use of glyphosate has led to cancer together with thousands more cases awaiting judgement. There is also the concern that these claims are now appearing in several countries across the globe and if such a case were to be brought in the UK, whether Local Authorities would be able to cope with paying any damages awarded against them, as well as the cost of finding alternatives.

Equally now that we have seen this 'link', proven or not, then morally should we continue using a product which although highly effective and affordable, could potential pose a threat to our residents.

It appears the only realistic option at the moment, until affordable and effective alternatives can be found is to use glyphosate products as sparingly as possible and away from high public footfall areas. The adoption of more integrated weed control approaches is clearly the way to go as this reduces exposure to chemicals and can also improve levels of biodiversity. Obviously there may be a need for the public to accept higher levels of

weeds as a result, but perhaps this is a price they would be willing to accept if it means the potential threat from chemical spraying can be avoided.

Despite protestations from the manufacturers of glyphosate that they are being unfairly treated and the claims are based more on public opinion rather than hard scientific facts, they are now looking at more natural weed and pest control methodologies such as bioinsecticides, which perhaps in the long-run will be the most positive outcome of this debate.

APSE thanks Walker Morris, LLP for their guidance and advice on this briefing. This briefing does not constitute direct legal advice to local authorities and local authorities and other parties should always secure their own independent legal advice on the matters of litigation, risk and health and safety of workers and the public referred to in this briefing.

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14.9

CYNGOR SIR POWYS COUNTY COUNCIL

County Council
23rd January 2020

REPORT AUTHOR: County Councillor Rosemarie Harris, Leader

SUBJECT: Question from County Councillor William Powell

Whilst acknowledging the resource, both financial and human that is being committed by Powys County Council to its Brexit External Working Group and the significant amount of partnership working, both with public and private sector agencies and elected members, there is one area where we could – and arguably should – do more.

As the newly elected UK Government has refused to grant EU Nationals the automatic settlement rights that were promised by the Vote Leave Campaign in the 2016 Referendum, and all amendments to the Withdrawal Bill to reinstate these rights – and even to create an appeals mechanism - were rejected by HM Government, many EU, EEA and Swiss Nationals in Powys and throughout Wales face a daunting challenge in seeking to secure Settled Status from the Home Office.

I am aware of the Settled Status information link to Gov.UK on our PCC website – and of a ‘first come, first served’ booklet for interested Councillors. However, given the huge challenge that we have recognised over time on our PCC Corporate Risk Register in terms of the sharp decline in Powys residents of working age, it would surely be appropriate for the Authority to adopt a ‘best in class’ approach to supporting this vital category of workers. Proactive measures have already been undertaken in neighbouring authorities, notably Monmouthshire, Carmarthenshire and across the border in Herefordshire, involving drop in sessions, community meetings and a link with the respective library services, all to support EU Nationals wishing to continue living, working and contributing to our communities.

Will the Leader give consideration to a more proactive programme of support, in line with Powys’ reputation for hospitality, humanitarianism and fair play?

Response

According to the latest figures (7th November 2019) since the European Union Settlement Scheme opened 790 applications have been received from Powys. Powys County Council have been promoting the scheme through our social media channels and the Brexit pages on our website. In addition corporate communications have been sent to all staff and elected members. All messaging has been based on Home Office advice. In recent weeks publicity materials provided by the Home Office

have been distributed and displayed in libraries throughout Powys, and library staff have received a briefing pack on the scheme.

Support has been made available to Powys County Council staff in applying to the EU Settled Status Scheme, if requested.

Since the referendum we have been in constant contact with the commissioned service providers, in order to ensure their business continuity, and that any EU national staff are supported in applying for settled status. As Powys County Council receive updates from UK and Welsh Government, these are distributed to relevant service areas and service providers to ensure that there is clear, authoritative information on the rights of EU citizens.

The Welsh Government have now appointed Community Cohesion Coordinator (hosted by Carmarthenshire County Council, working throughout Dyfed-Powys) and a Community Cohesion Officer (working throughout Powys and Ceredigion). These are able to offer advice and assistance to citizens, and will be organising a series of events to help with EUSS applications and other community cohesion based information. These first of these will be held in Ystradgynlais Welfare Hall on 31st January 2020 from 09:30 to 13:30. Communications around this have been issued, with further activities planned.

These new appointees are also currently in the process of arranging EUSS scheme training for frontline staff (in collaboration with Travelling Ahead). Once details of this have been confirmed with the Learning and Development team, details will be made available to staff.

Other local authorities are undertaking different activities, however based on the number of EU national citizens in Powys, the Strategic Brexit Coordination Group deems this level of support appropriate, this position is regularly reviewed.