

Agenda



Democratic Services Committee

Date: Friday, 17 February 2017
Time: 9.30 am
Venue: Committee Room 1 - Civic Centre
To: Councillors C Ferris (Chair), T Bond, M Evans, C Evans, M Linton, D Mayer, J Mudd, K Thomas and T Watkins

Item		Wards Affected
1	<u>Welsh Agenda/cym</u> (Pages 3 - 4)	
2	<u>Apologies for Absence</u>	
3	<u>Declarations of Interest</u>	
4	<u>Minutes of the Previous Meeting</u> (Pages 5 - 8) Minutes of the meeting of 24 November 2016	
5	<u>Members Induction Pack</u> (Pages 9 - 12)	All Wards
6	<u>Framework Member Role Descriptions and Person Specifications</u> (Pages 13 - 70)	All Wards
7	<u>Scheme of Delegation</u> (Pages 71 - 124)	All Wards
8	<u>Mayoralty</u> (Pages 125 - 130)	All Wards
9	<u>Date of Next Meeting</u> To be advised	

NB. Would members please ensure no printed copies of the agenda are left in the room at the conclusion of the meeting. Leaving paper copies of reports where they can be accessed by unauthorized persons could present a data breach

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Agenda

Pwyllgor Gwasanaethau Democrataidd

Dyddiad: 17 Chwefror 2017

Amser: 9.30 y.b.

Lleoliad: Ystafell Bwyllgor 1 - Y Ganolfan Ddinesig

At: Cynghorwyr : C Ferris (Cadeirydd), T Bond, C Evans, M Evans, M Linton, D Mayer, A Morris, J Mudd, K Thomas & T Watkins

Eitem	Wardiau Dan Sylw
1 <u>Agenda-Cym</u>	
2 <u>Ymddiheuriadau</u>	
3 <u>Datganiadau Diddordeb</u>	
4 <u>Cofnodion</u>	Pob Ward
5 <u>Pecyn Anwytho Aelodau</u>	Pob Ward
6 <u>Disgrifiadau rôl</u>	Pob Ward
7 <u>Cynllun Dirprwyo</u>	Pob Ward
8 <u>Maeryddiaeth</u>	Pob Ward
9 <u>Dyddiad y Cyfarfoed Nesaf</u>	

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Minutes



Democratic Services Committee

Date: 24 November 2016

Time: 9.30 am

Present: Councillors C Ferris (Chair), T Bond, M Evans, C Evans, M Linton, J Mudd, K Thomas and T Watkins

Apologies: None

1 **Welsh Agenda**

2 **Apologies for Absence**

None received.

3 **Declarations of Interest**

None.

4 **Minutes of the Previous Meeting**

The minutes of the meeting held on 21 July 2016 were confirmed as a true record.

5 **Independent Remuneration Panel Draft Report**

The Independent Remuneration Panel for Wales (IRPW) is the body tasked with setting the remuneration levels for Councils in Wales. Each year, they publish a Draft Annual Report which is circulated for comment.

In accordance with the requirements of Section 147 of the Local Government (Wales) Measure 2011 ("the Measure"), the Panel's draft Annual Report, including proposals which would have effect for the municipal year 2017-2018 is available on its website. The consultation will run until 28 November 2016 with the final IRPW report being published in February 2017.

The Democratic Services Committee gave consideration to the report which set out the determinations by the Panel. There were some 51 determinations although 44 to 51 related to Community/Town Councils. The main issues for the Committee were:

- **Determination 1: Basic Salaries** – a 'very modest increase of 0.75% to the basic salary' for councillors. This is the first increase for 3 years and 'follows the slight easing of restraint in the pay of public sector employees'. It represents a £100 increase in the Basic salary for councillors (to £13,400)
- **Determination 2: Senior Salaries** – No increase is proposed for senior salaries

- **Determination 3: Sickness Absence for Senior Salary Holders** – this is proposed in response to feedback from members and authorities. The approach will operate in a similar way to the current ‘family absence’ provisions. This proposal was broadly welcomed by WLGAs members. The Committee had previously agreed that the current arrangements relating to dispensation for absence beyond 6 months worked adequately without such provision.
- **Determination 43: Care Allowances** – The IRP has been concerned for a number of years about the low take up of this allowance. The IRP is proposing to rename ‘Care Allowances’ as ‘Reimbursement of costs of care’ to try to separate it from being perceived as part of an individual councillors’ salary or allowances.

The IRP also proposed changing the way such payments are published by allowing councils to either:

- Publish the details of the amounts reimbursed to named members; or
- The total amount reimbursed by the authority during the year but not attributed to any named member.

Regarding determinations 1 and 2 the Committee agreed that they needed to distance themselves from matters relating to salaries for members and it should be handed solely by the Independent Remuneration Panel.

The Committee had no comment to add to those previously made to the IRP on the determinations apart from the following which provoked discussion:

Determination 8: The Panel has determined to include a provision for specific or additional senior salaries that do not fall within the current Remuneration Framework.

This appeared to imply that the Council could apply for extra senior salaries above the Authority’s cap of 18 but no more than 25, although these senior salary positions would not be part of the Executive which was capped at 10. The determination inferred that any application would need IRP approval. The Committee agreed that further clarification was needed on this.

Determination 43: All authorities must provide for the reimbursement of necessary costs for the care of dependent children and adults (provided by informal or formal carers) and for personal assistance needs up to a maximum of £403 per month. Reimbursement shall only be made on production of receipts from the carer.

Several points were raised:

- Publication of names of those receiving reimbursement would be open and transparent.
- Naming those members being reimbursed for these costs would open up their personal circumstances to the public.
- New members needed to be aware of the availability of this reimbursement of care costs.
- It was confirmed that this was not an allowance but a reimbursement of costs for which a receipt had to be supplied.
- As with all reimbursement of costs it would be open to scrutiny.
- In other jobs there is the offer of flexibility of circumstances which is not open to elected members.
- It was confirmed that the take-up of reimbursement of care costs had gone down in recent years.

There were differing views from members and it was agreed this would be reflected in the response.

In addition the Committee agreed following:

- no comment be made on determination 1
- reiterating the comments previously made by the Committee on determinations 2 & 3
- asking for further clarification on determination 8.
- the committee's comment be noted on determination 43.

Agreed:

The Head of Democratic Services to reply to the Independent Remuneration Panel and supply copies to the Committee members.

6 Date of Next Meeting

16 February 2017 at 9.30am

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Report

Democratic Services Committee

Part 1

Date: 17 February 2017

Item No: 5

Subject Elections 2017: Members' Induction Pack

Purpose To seek the view of the Committee on the content of the proposed induction pack for members elected in the 2017 elections

Author Chief Democratic Services Officer

Ward All Wards

Summary The next Local Government elections are to be held in May 2017. It is likely that the outcome of the election will result in a mix of elected members in terms of experience with some newly elected individuals alongside some returning elected members.

It is proposed that an information Pack is designed for elected members to receive following the election to provide them with some essential information and to provide a series of documents that need to be signed by all members whether they are returning to the Council or newly elected.

The content of the suggested information pack is set out in the report for discussion by the Democratic Services Committee. The purpose of the discussion is to find out if elected members consider that the pack meets the needs of elected members and whether there should be any additional information provided, documents removed from the pack or any other comments

Proposal: To agree the content of the Information Pack to be provided to members following the 2017 elections.

Action by Chief Democratic Services Officer

Timetable Immediate

This report was prepared after consultation with:

- Chief Executive
- Monitoring Officer
- Chief Financial Officer
- Head of People and Business Change
- Democratic Services staff

Background

It is proposed that an information Pack is designed for elected members to receive following the election to provide them with some essential information and to provide a series of documents that need to be signed by all members whether they are returning to the Council or newly elected.

The content of the suggested information pack is set out below for discussion by the Democratic Services Committee. The purpose of the discussion is to find out if elected members consider that the pack meets the needs of elected members and whether there should be any additional information provided, documents removed from the pack or any other comments

The proposals are as follows:

SECTION 1:

- i. A congratulations letter from the Chief Executive
- ii. Information on your declaration of acceptance of Office that needs to be done immediately
- iii. A personal details form to be completed and returned to the Democratic Services Team
- iv. The Code of Conduct for elected members. You must sign to say you have received and read the Code. There will be training sessions on the code and all members, whether newly elected or returning must attend one of the sessions
- v. Declarations of Registerable Interests form and information
- vi. A form relating to gifts or hospitality you may receive as a Councillor along with a protocol agreed by Standards Committee

SECTION 2:

- i. A 'starter' form for newly elected members to enable us to arrange for your allowance to be paid.
- ii. Information on the Members Allowances/salaries scheme.
- iii. An application form to receive your ID badge
- iv. An application form to receive your car parking permit for the Civic Centre Members' car park

SECTION 3:

- i. Pigeon Holes
- ii. How will I receive information on meetings?
- iii. Ward Issues
- iv. Contacts

SECTION 4:

Being a Councillor

You will find in your pigeon hole, in the Members' Lounge, a copy of the Welsh Local Government's guidance on being a Councillor

SECTION 5

Provisional Induction Programme

This will set out more detail on the programme that was agreed by this Committee in 2016

SECTION 6:

IT Equipment:

This section will provide information on IT equipment available; provide information on what members need to do to ensure they are secure; and details of the acceptable use policy

Financial Summary

There are no financial implications in agreeing the contents of the pack

Risks

Risk	Impact of Risk if it occurs* (H/M/L)	Probability of risk occurring (H/M/L)	What is the Council doing or what has it done to avoid the risk or reduce its effect	Who is responsible for dealing with the risk?
Not preparing a pack or failing to do so on time	M	L	A programme of work has been agreed with Democratic Admin staff to enable the pack to be produced in time for election day	Chief Democratic Services Officer
Preparation of the Pack	L	L	Any costs incurred will be met by existing budgets but the obvious impact will be on officer time	Chief Democratic Services Officer

Links to Council Policies and Priorities

This assists in our aim to provide the best possible services to our elected members

Options Available and considered

- To adopt the suggested pack
- To amend the content of the suggested pack
- To take no action and not produce the pack

Preferred Option and Why

To discuss and adopt or amend the suggested pack based on the views of elected members. It is considered that the pack provides essential early information for elected members

Comments of Chief Financial Officer

There are no financial implications in agreeing the content of the pack. There will be some administrative and production costs arising from the making of 50 copies of the pack that will need to be met from existing budgets

Comments of Monitoring Officer

There are no specific legal issues arising from the Report. Councillors are required to sign their declaration of acceptance of office and declaration to abide by the Code of Conduct within 2 months of the election. In accordance with Council policy, member induction training is mandatory for Planning and Licensing Committee members and all members are required to undertake Code of Conduct training. The Council is required to provide appropriate support for members to enable them to discharge their duties as Councillors in accordance with the Local Government (Wales) Measure 2011.

Comments of Head of People and Business Change

The report relates to the induction process of new Members and there are no specific staffing implications as a result. The process of inducting Members is important to ensure that there is compliance with the Code of Conduct and that the various administrative processes that need to be completed are done so in an organised way.

Comments of Cabinet Member

The report author is to confirm that the Cabinet Member has approved the report for consideration by cabinet.

Local issues

There are no local issues

Scrutiny Committees

This is a matter for consideration by the Democratic Services Committee.

Equalities Impact Assessment and the Equalities Act 2010

Equalities Impact Assessment is not required

Children and Families (Wales) Measure

No issues in this report relate directly to Children and Young People

Wellbeing of Future Generations (Wales) Act 2015

The proposed induction programme will include informing elected members of the need to consider the five things public bodies need to think about to show they have applied the sustainable development principle put into place by the Act.

Crime and Disorder Act 1998

Not applicable for this report

Consultation

As set out above.

Background Papers

Information pack for members following 2017 elections.

Dated: January 2017



Report

Democratic Services Committee

Part 1

Date: 17 February 2017

Item No: 6

Subject Framework Member Role Descriptions and Person Specifications: Review of the Constitution

Purpose To consider including the Framework Member Role Descriptions and Person Specifications in the Council's Constitution

Author Chief Democratic Services Officer

Ward All Wards

Summary Committee Members may recall that, at the suggestion of the Democratic Services Committee, the previous version of the Framework Member Role Descriptions and Person Specifications were adopted as a guide

In 2015 an updated version was produced by the WLGA following a series of consultation exercises.

As part of this Committee's commitment to review the constitution, it is suggested that the attached Framework Member Role Descriptions and Person Specifications are recommended to Council for adoption.

These role descriptions are good practice and are included as part of the new model constitution which we need to use as a guide to our own constitution.

It needs to be made clear that these documents are not for use as job descriptions and/or being used as requirements for political appointment to specific roles in the Council.

Their main use will be as a guide about what each role involves. The person specifications will help in identifying what should be included in the Member development programme.

The role descriptions will also provide advice to the public about the various types of tasks undertaken by members in their varying roles

It is suggested that the Framework Member Role Descriptions and Person Specifications are recommended to Council for adoption in readiness for the May elections. They help provide a clear guide for any new Councillors as to the various roles within the Council.

Proposal: To recommend to Council that the Framework Member Role Descriptions and Person Specifications are adopted and included in the Council's Constitution, recognising that these documents are not for use as job descriptions and/or being used as requirements for political appointment to specific roles in the Council.

Action by Chief Democratic Services Officer

Timetable: To be adopted by Council prior to this year's election.

This report was prepared after consultation with:

- Chief Executive
- Monitoring Officer
- Head of Finance
- Head of People & Business Change

Background

As mentioned in the summary, it is suggested that the attached Framework Member Role Descriptions and Person Specifications are recommended to Council for adoption.

These role descriptions are good practice and are included as part of the new model constitution which we need to use as a guide to our own constitution.

It needs to be made clear that these documents are not for use as job descriptions and/or being used as requirements for political appointment to specific roles in the Council.

Their main use will be as a guide about what each role involves. The person specifications will help in identifying what should be included in the Member development programme.

The full set of documents is attached.

Financial Summary

There is no cost to adopting the attached Framework Member Role Descriptions and Person Specifications.

Risks

Risk	Impact of Risk if it occurs* (H/M/L)	Probability of risk occurring (H/M/L)	What is the Council doing or what has it done to avoid the risk or reduce its effect	Who is responsible for dealing with the risk?
That the documents are considered as setting out requirements for political appointments	H	L	<p>This report makes it clear that the attached Framework Member Role Descriptions and Person Specifications are not for use as job descriptions and/or being used as requirements for political appointment to specific roles in the Council</p> <p>There main use will be as a guide about what each role involves. The person specifications will help in identifying what should be included in the Member development programme.</p>	Chief Democratic Services Officer and Group Business Managers
Framework Member Role Descriptions and Person Specifications are not adopted meaning we will need to consider an alternative	M	M	The documents are needed to form part of the Constitution and suggested in the Model Constitution	Chief Democratic Services Officer

Links to Council Policies and Priorities

Use of the role descriptions will help achieve a greater understanding for the public of the various roles undertaken by elected members

Options Available and considered

To adopt the attached Framework Member Role Descriptions and Person Specifications or

To take no action.

Preferred Option and Why

As mentioned in the report, it is suggested that the attached Framework Member Role Descriptions and Person Specifications are recommended to Council for adoption.

These role descriptions are good practice and are included as part of the new model constitution which we need to use as a guide to our own constitution

Comments of Chief Financial Officer

There are no financial implications to adopting the Framework Member Role Descriptions and Person Specifications

Comments of Monitoring Officer

There are no specific legal issues arising from the Report. Under the new modular constitution, it is recommended good practice to include role descriptions for Councillors, Chairs of Committee, the Chair of Council/Mayor, the Leader of the Council and Cabinet Members. These role descriptions are intended to provide transparency in terms of individual roles and responsibilities and the person specifications set out the skills and aptitudes required for each role, which will provide a guide for personal training and development plans. The Council is required to provide Councillors with the opportunity to undertake personal training and development appropriate to their roles in accordance with the Local Government (Wales) Measure 2011.

Comments of Head of People and Business Change

The report relates to guidance provided within Framework Member Roles and Person Specifications that enable the public to better understand roles and for Member Development to be framed more effectively. There are no specific staffing implications.

Comments of Cabinet Member

This is a matter for the Democratic Services Committee and Council

Local issues

There are no local issues

Scrutiny Committees

This is a matter for the Democratic Services Committee and Council

Equalities Impact Assessment and the Equalities Act 2010

Equalities Impact Assessment is not required

Children and Families (Wales) Measure

No issues in this report relate directly to Children and Young People

Wellbeing of Future Generations (Wales) Act 2015

The Framework Documents will help inform the member Development Programme which will include informing elected members of the need to consider the five things public bodies need to think about to show they have applied the sustainable development principle put into place by the Act.

Crime and Disorder Act 1998

Not applicable for this report

Consultation

As set out above.

Background Papers

Framework Member Role Descriptions and Person Specifications

Dated: January 2017

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Framework Member Role Descriptions and Person Specifications

2015

Background

This is a set of generic role descriptions and person specifications for elected members. They are applicable in any authority and are made available as suggestions rather than prescription.

The role descriptions set out the responsibilities and functions of the role of the elected member. The person specifications describe the qualities and skills required of the member in the role and can help when considering personal development.

Where members undertake more than one role it is anticipated that role descriptions would be combined. For example: Overview and Scrutiny committee chairs would be expected to undertake the role of

Elected member
Overview and Scrutiny Member
Overview and Scrutiny Chair

The set covers the following roles:

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▪ Member of DS Committee	15
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▪ Chair of Standards Committee	19
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Section 2:

▪ Person Specifications	39
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This document has been produced collaboratively by the Association, members, officers from the Member Support Officer Network and a task and finish group drawn from the Network. We are grateful to the officers and members of Denbighshire as forerunners in this work, and to the Scrutiny Champions Network for updates in the Overview and Scrutiny Roles.

Suggested amendments and additions are invited from authorities to enable us to continue to develop the set.

Please contact Sarah Titcombe, Policy and Improvement Officer (Democratic Services) WLGA. Tel 029 2046 8638 or e mail sarah.titcombe@wlga.gov.uk

Elected Member Role Description

1 Accountabilities

- To Full Council
- To the electorate of their ward

2 Role Purpose and Activity

- **Representing and supporting communities**
 - To represent ward interests
 - To be an advocate for the Council in the ward and communities they serve
 - To be a channel of communication to the community on council strategies, policies, services and procedures
 - To represent individual constituents and local organisations, undertaking casework on their behalf and serving all fairly and equally
 - To liaise with executive members, other council members, council officers and partner organisations to ensure that the needs of the local communities are identified, understood and supported
 - To be vigilant and do everything possible to protect adults and children at risk from abuse
 - To promote tolerance and cohesion in local communities
- **Making decisions and overseeing council performance**
 - To participate in Full Council meetings, reaching and making informed and balanced decisions, and overseeing performance
 - To participate in informed and balanced decision making on committees and panels to which they might be appointed
 - To adhere to the principles of democracy and collective responsibility in decision making
 - To take corporate responsibility for the protection of vulnerable children and adults
 - To promote and ensure efficiency and effectiveness in the provision of council and other public services
- **Representing the Council (subject to appointment)**
 - To represent the Council on local outside bodies as an appointee of the Council
 - To represent the Council on local partnership bodies, promoting common interest and co-operation for mutual gain
 - To represent and be an advocate for the Council on national bodies and at national events
- **Internal governance, ethical standards and relationships**
 - To promote and support good governance of the Council and its affairs
 - To provide community leadership and promote active citizenship

- To promote and support open and transparent government
 - To support, and adhere to respectful, appropriate and effective relationships with employees of the Council
 - To adhere to the Member's Code of Conduct, the Member/Officer Protocol and the highest standards of behaviour in public office
- **Personal and role development**
- To participate in opportunities for development provided for members by the authority

3 Values

- To be committed to the values of the Council and the following values in public office:
 - Openness and transparency
 - Honesty and integrity
 - Tolerance and respect
 - Equality and fairness
 - Appreciation of cultural difference
 - Sustainability

Leader (and Deputy) Role Description

1 Accountabilities

- To Full Council
- The Public

2 Role Purpose and Activity

- **Providing political leadership to the Council**
 - To be a political figurehead for the Council; to be the principal political spokesperson for the Council.
 - To provide leadership in building a political consensus around council policies
 - To form a vision for the Council and community
 - To provide strong, clear leadership in the co-ordination of policies, strategies and service delivery
- **Appointing the Cabinet***
 - To designate the appropriate portfolios
 - To appoint appropriate elected members to each portfolio
 - To allocate cabinet members to roles with regard to their abilities.
 - To designate the Deputy Leader.
- **Representing and acting as ambassador for the Authority**
 - To represent the Authority to a high standard. Provide a strong, competent and eloquent figure to represent the Authority both within the County and at external bodies.
 - To represent the Authority on the WLGA coordinating committee and the WLGA regional partnership board.
 - To provide leadership and support local partnerships and organisations.
 - To represent the Authority in regional and national bodies as appropriate.
- **Providing leadership within the portfolio**
 - To fulfil the role of a portfolio holder, having regard to the role purpose and activities, and role specification of an executive member
- **Managing and leading the work of the Cabinet and chairing meetings**
 - To ensure the effective running of the Cabinet by managing the forward work programme and ensuring its continuing development.
 - To ensure the work of the Cabinet meets national policy objectives.
 - To advise and mentor other cabinet members in their work.
 - To chair meetings of the Cabinet in line with the Constitution.
 - In the Leader's absence the Deputy Leader should fulfil this role.

- **Participating in the collective decision making of the Cabinet**
 - To work closely with other cabinet members to ensure the development of effective council policies and the budgetary framework for the Council, and the delivery of high quality services to local people.
 - To accept collective responsibility and support decisions made by the Cabinet once they have been made.

- **Working with officers to lead the organisation**
 - To liaise with the Chief Executive, and other appropriate officers, on a regular basis
 - To work with employees of the Council in relation to the strategic vision and direction of the Council, the management roles of officers and the development of policy issues.

- **Leading partnerships and community leadership**
 - To give leadership to local strategic partnerships and local partners in the pursuit of common aims and priorities
 - To negotiate and broker in cases of differing priorities and disagreement
 - To act as a leader of the local community by showing vision and foresight

- **Internal governance, ethical standards and relationships**
 - To promote and support good governance of the Council and its affairs
 - To provide community leadership and promote active citizenship
 - To promote and support open and transparent government
 - To support, and adhere to respectful, appropriate and effective relationships with employees of the Council
 - To adhere to the Member's Code of Conduct, Member/Officer Protocol and the highest standards of behaviour in public office

3 Values

- To be committed to and demonstrate the following values in public office:
 - Openness and transparency
 - Honesty and integrity
 - Tolerance and respect
 - Equality and fairness
 - Appreciation of cultural difference
 - Sustainability
 - Inclusive leadership
 - Consensus building

Deputy Leader

- **To fulfil the duties of the Leader in his or her absence**
- **To assist the Leader in specific duties as required**

* Under constitutional arrangements for a cabinet model, either the Full Council or the Leader may appoint the Cabinet. In Wales it is common practice for the Leader to appoint the Cabinet under this model. This Role Description has been written accordingly, noting that councils may vary this arrangement. In the case of Fourth Option Authorities, the Board should be selected according to the political balance of the Authority.

Cabinet Member Role Description

1 Accountabilities

- To the Leader
- To the Cabinet (through collective responsibility)
- To Full Council

2 Role Purpose and Activities

- **Providing portfolio leadership**
 - To give political direction to officers working within the portfolio
 - To gain the respect of officers within the portfolio; provide support to officers in the implementation of portfolio programmes
 - To provide leadership in the portfolio
 - To liaise with the appropriate scrutiny chair and receive scrutiny reports as required
 - To be accountable for choices and performance in the portfolio
 - To have an overview of the performance management, efficiency and effectiveness of the portfolio
 - To make executive decisions within the Portfolio*
- **Contributing to the setting of the strategic agenda and work programme for the portfolio**
 - To work with officers to formulate policy documents both strategic and statutory. Ensure that the political will of the majority is carried to and through the Cabinet.
 - To provide assistance in working up and carrying through a strategic work programme both political and statutory. Carry out consultations with stakeholders as required. Make sure that the portfolio's forward work programme is kept up to date and accurate.
- **Providing representation for the portfolio**
 - To provide a strong, competent and persuasive figure to represent the portfolio. Be a figurehead in meetings with stakeholders.
- **Reporting and accounting**
 - To report as appropriate to the Leader, Full Council, Cabinet, appropriate chair of scrutiny, regulatory bodies and the media.
 - To be the principal political spokesperson for the portfolio.
 - To appear before scrutiny committees in respect of matters within the portfolio.

- **Taking an active part in cabinet meetings and decision making**
 - To show an interest in and support for the portfolios of others
 - To recognise and contribute to issues which cut across portfolios or are issues of collective responsibility

- **Leading partnerships and community leadership**
 - To give leadership to local strategic partnerships and local partners in the pursuit of common aims and priorities
 - To negotiate and broker in cases of differing priorities and disagreement
 - To act as a leader of the local community by showing vision and foresight

- **Internal governance, ethical standards and relationships**
 - To promote and support good governance of the Council and its affairs
 - To provide community leadership and promote active citizenship
 - To promote and support open and transparent government
 - To support, and adhere to respectful, appropriate and effective relationships with employees of the Council
 - To adhere to the Members' Code of Conduct, Member/Officer Protocol and the highest standards of behaviour in public office

3 Values

- To be committed to the values of the Council and the following values in public office:
 - Openness and transparency
 - Honesty and integrity
 - Tolerance and respect
 - Equality and fairness
 - Appreciation of cultural difference
 - Sustainability
 - Inclusive leadership

* This only applies under constitutional arrangements where individual cabinet members or combinations of cabinet members are given individual responsibility for making decisions on behalf of the Executive.

Chair of the Council Role Description
Also suitable for Mayor* and Presiding Officer

1. Accountabilities

- Full Council

2. Role Purpose and Activity

- **Acting as a symbol of the Council's democratic authority**
 - As the ceremonial head of the Council, to be non-political and uphold the democratic values of the Council
 - To represent the Council at civic and ceremonial functions
- **Chairing Council meetings**
 - To preside over meetings of the Council, so that its business can be carried out efficiently
 - To ensure the Council conducts its meetings in line with the Council's Standing Orders
- **Upholding and promoting the Council's Constitution**
 - To ensure the Constitution is adhered to and, if necessary, to rule on the interpretation of the Constitution
- **Internal governance, ethical standards and relationships**
 - To promote and support good governance of the Council and its affairs
 - To provide community leadership and promote active citizenship
 - To promote and support open and transparent government
 - To support, and adhere to respectful, appropriate and effective relationships with employees of the Council
 - To adhere to the Members' Code of Conduct, Member/Officer Protocol and the highest standards of behaviour in public office
- **Work programming**
 - To prepare and manage an annual work programme for the Council to meet its legal obligations (e.g. setting the budget and the Council Tax and making appointments)

3. Values

- To be committed to the values of the Council and the following values in public office:
 - Openness and transparency
 - Honesty and integrity
 - Tolerance and respect
 - Equality and fairness
 - Appreciation of cultural difference
 - Sustainability

Vice Chair

- **To fulfil the duties of the Chair in his or her absence**
- **To assist the Chair in specific duties as required**

* This Role Description describes the duties of the Chair or Presiding Officer of the Full Council or the Mayor in presiding over Council Meetings. It does not provide the detail of the wider ambassadorial or ceremonial responsibilities required of the Mayor.

Chair of Democratic Services Committee Role Description

1 Accountabilities

- To Full Council

2 Role Purpose and Activity

▪ Providing leadership and direction

- To provide confident and effective management of meetings to facilitate inclusivity, participation and clear decision making

- To lead the committee in its role in:

- Designating the head of Democratic Services
- Keeping under review the provision of staff, accommodation and other resources made available to the Head of Democratic services, ensuring that these are adequate
- Make annual reports to the full council in relation to the above
- Appointing sub committees and chairs of subcommittees to undertake functions delegated by the committee
- Considering reports prepared by the Head of Democratic Services
- Developing the Authority's member support and development strategy
- Ensuring that members have access to a reasonable level of training and development as described in the Authority's member development strategy and the Wales Charter for Member Support and Development
- Ensuring that the budget for member development is sufficient
- Ensuring that members have access to personal development planning and annual personal development reviews
- Work with the member support and development champion where relevant to promote the role of members and necessary support and development.

- To demonstrate integrity and impartiality in decision making which accord with legal, constitutional and policy requirements

▪ Promoting the role of the Democratic Services Committee

- To act as an ambassador for the DS committee, facilitating understanding of the role
- To act within technical, legal and procedural requirements to oversee the functions of the committee fairly and correctly
- To ensure thoroughness and objectivity in the committee, receiving and responding to professional advice in the conduct of meetings.

- **Internal governance, ethical standards and relationships**

- To develop the standing and integrity of the committee and its decision making
- To understand the respective roles of members, officers and external parties operating within the Democratic services committee's area of responsibility
- To promote and support good governance by the Council.

3 Values

- To be committed to the values of the council and the following values in public office:
 - Openness and transparency
 - Honesty and integrity
 - Tolerance and respect
 - Equality and fairness
 - Appreciation of cultural differences
 - Sustainability

Member of a Democratic Services Committee Role Description

1 Accountabilities

- To Full Council
- To the Chair of the Democratic Services committee

2 Role purpose and activity

- **Understanding the nature of the audit committee:**
 - To be aware of and effectively undertake the role of the committee in:
 - Designating the head of Democratic Services
 - Keeping under review the provision of staff, accommodation and other resources made available to the Head of Democratic services, ensuring that these are adequate
 - Make annual reports to the full council in relation to the above
 - Appointing sub committees and chairs of subcommittees to undertake functions delegated by the committee
 - Considering reports prepared by the Head of Democratic Services
 - Developing the Authority's member support and development strategy
 - Ensuring that members have access to a reasonable level of training and development as described in the member development strategy and the Wales Charter for Member Support and Development
 - Ensuring that the budget for member development is sufficient
 - Ensuring that members have access to personal development planning and annual personal development reviews
 - To have sufficient technical, legal and procedural knowledge to contribute fairly and correctly to the function of the committee.
 - To be thorough and objective in receiving and responding to professional advice in the conduct of meetings and issues before the committee

- **Participating in meetings and making decisions**
 - To participate effectively in meetings of the Democratic services committee,
 - To make informed and balanced decisions, within the terms of reference of the committee, which accord with legal, constitutional and policy requirements

- **Internal governance, ethical standards and relationships**
 - To ensure the integrity of the committee's decision making and of his/her own role by adhering to the Code of Conduct(s) and other constitutional and legal requirements
 - To promote and support good governance by the Council
 - To understand the respective roles of members, officers and external parties operating within the Democratic Services committee's area of responsibility

3 Values

- To be committed to the values of the Council and the following values in public office:
 - Openness and transparency
 - Honesty and integrity
 - Tolerance and respect
 - Equality and fairness
 - Appreciation of cultural difference
 - Sustainability

Chair of a Regulatory Committee Role Description

1 Accountabilities

- To Full Council
- To the members of the regulatory committee

2 Role Purpose and Activity

- **Providing leadership and direction**
 - To provide confident and effective management of meetings to facilitate inclusivity, participation and clear decision making
 - To ensure that applicants and other interested parties are satisfied as to the transparency of the regulatory process
 - To demonstrate integrity and impartiality in decision making which accord with legal, constitutional and policy requirements
 - To delegate actions to sub committees as appropriate
- **Promoting the role of the regulatory committee and quasi-judicial decision making**
 - To act as an ambassador for the regulatory committee, facilitating understanding of the role
 - To act within technical, legal and procedural requirements to oversee the functions of the committee fairly and correctly
 - To ensure thoroughness and objectivity in the committee, receiving and responding to professional advice in the conduct of meetings and in individual cases/applications before formal committee meetings
- **Internal governance, ethical standards and relationships**
 - To develop the standing and integrity of the committee and its decision making
 - To understand the respective roles of members, officers and external parties operating within the regulatory committee's area of responsibility
 - To promote and support good governance by the Council.

3 Values

- To be committed to the values of the council and the following values in public office:
 - Openness and transparency
 - Honesty and integrity
 - Tolerance and respect
 - Equality and fairness
 - Appreciation of cultural differences
 - Sustainability

Member of a Regulatory Committee Role Description

1 Accountabilities

- To Full Council
- To the Chair of the regulatory committee

2 Role purpose and activity

- **Understanding the nature of the regulatory committee and quasi-judicial decision making**
 - To be aware of the quasi-judicial nature of regulatory committee decision making
 - To have sufficient technical, legal and procedural knowledge to contribute fairly and correctly to the function of the committee
 - To be thorough and objective in receiving and responding to professional advice in the conduct of meetings and individual cases/applications before the committee
- **Participating in meetings and making decisions**
 - To participate effectively in meetings of the regulatory committee, ensuring that both local considerations and policy recommendations are balanced to contribute to effective decision making
 - To make informed and balanced decisions, within the terms of reference of the committee, which accord with legal, constitutional and policy requirements
- **Internal governance, ethical standards and relationships**
 - To ensure the integrity of the committee's decision making and of his/her own role by adhering to the Code of Conduct(s) and other constitutional and legal requirements
 - To promote and support good governance by the Council
 - To understand the respective roles of members, officers and external parties operating within the regulatory committee's area of responsibility

3 Values

- To be committed to the values of the Council and the following values in public office:
 - Openness and transparency
 - Honesty and integrity
 - Tolerance and respect
 - Equality and fairness
 - Appreciation of cultural difference
 - Sustainability

Chair of Standards Committee Role Description

1 Accountabilities

- To Full Council

2 Role Purpose and Activity

▪ Providing leadership and direction

- To act within technical, legal and procedural requirements to oversee the functions of the committee fairly and correctly
- To ensure thoroughness and objectivity in the committee, receiving and responding to professional advice on the Code of Conduct
- To demonstrate independence, integrity and impartiality in decision making which accord with legal, constitutional and policy requirements
- To provide confident and effective management of meetings to facilitate inclusivity, participation and clear decision making
- To lead the committee in its role in:
 - promoting and maintaining high standards of conduct by Councillors and co-opted members
 - assisting the Councillors and co-opted members to observe the Members' Code of Conduct;
 - advising the Council on the adoption or revision of the Members' Code of Conduct;
 - monitoring the operation of the Members' Code of Conduct;
 - advising, training or arranging to train Councillors, co-opted members on matters relating to the Members' Code of Conduct;
 - granting dispensations to Councillors and co-opted members
 - dealing with any reports from a case tribunal or interim case tribunal, and any report from the Monitoring Officer on any matter referred to that officer by the Public Services Ombudsman for Wales.
 - the exercise of these functions in relation to community councils and the members of those community councils.

3 Values

- To be committed to the values of the council and the following values in public office:
 - Openness and transparency
 - Honesty and integrity
 - Tolerance and respect

- Equality and fairness
- Appreciation of cultural differences
- Sustainability

Member of a Standards Committee Role Description

1 Accountabilities

- To Full Council
- To the Chair of the Standards Committee

2 Role purpose and activity

- **Understanding the nature of the Standards committee and effectively fulfilling its functions by:**
 - promoting and maintaining high standards of conduct by Councillors and co-opted members
 - assisting the Councillors and co-opted members to observe the Members' Code of Conduct;
 - advising the Council on the adoption or revision of the Members' Code of Conduct;
 - monitoring the operation of the Members' Code of Conduct;
 - advising, training or arranging to train Councillors, co-opted members on matters relating to the Members' Code of Conduct;
 - granting dispensations to Councillors and co-opted members
 - dealing with any reports from a case tribunal or interim case tribunal, and any report from the Monitoring Officer on any matter referred to that officer by the Public Services Ombudsman for Wales.
- To have sufficient technical, legal and procedural knowledge to contribute fairly and correctly to the function of the committee.
- To be thorough and objective in receiving and responding to professional advice in the conduct of meetings and issues before the committee
- **Participating in meetings and making decisions**
 - To participate effectively in meetings of the Standards committee,
 - To make informed and balanced decisions, within the terms of reference of the committee, which accord with legal, constitutional and policy requirements
- **Internal governance, ethical standards and relationships**
 - To ensure the integrity of the committee's decision making and of his/her own role by adhering to the Code of Conduct(s) and other constitutional and legal requirements
 - To promote and support good governance by the Council

- To understand the respective roles of members, officers and external parties operating within the Standards committee's area of responsibility

3 Values

- To be committed to the values of the Council and the following values in public office:
 - Openness and transparency
 - Honesty and integrity
 - Tolerance and respect
 - Equality and fairness
 - Appreciation of cultural difference
 - Sustainability

Chair of Audit Committee Role Description

1 Accountabilities

- To Full Council

2 Role Purpose and Activity

▪ Providing leadership and direction

- To demonstrate independence, integrity and impartiality in decision making which accord with legal, constitutional and policy requirements
- To provide confident and effective management of meetings to facilitate inclusivity, participation and clear decision making
- To agree the agendas for Audit Committee meetings
- To lead the committee in its role in:
 - reviewing and scrutinising the authority's financial affairs
 - Making reports and recommendations in relation to the authority's financial affairs
 - Reviewing and assessing the risk management, internal control and corporate governance arrangements of the authority
 - Making reports and recommendations to the authority on the adequacy and effectiveness of those arrangements
 - Overseeing the authority's internal and external audit arrangements
 - Reviewing the financial statements prepared by the authority and approving them when powers are delegated.
 - Developing relationships with internal and external auditors and the Authority's Monitoring Officer
 - Developing a forward work programme designed to deliver the audit committees functions
 - Reviewing and self assessing the performance of the Committee and its members

▪ Promoting the role of the audit committee

- To act as an ambassador for the audit committee, facilitating understanding of the role
- To act within technical, legal and procedural requirements to oversee the functions of the committee fairly and correctly
- To ensure thoroughness and objectivity in the committee, receiving and responding to professional advice in the conduct of meetings and in the audit process

- **Internal governance, ethical standards and relationships**

- Understanding the financial risks associated with corporate governance; being satisfied that the authorities assurance statements including the annual governance statement reflects the risk environment and any activities required to improve it
- To develop the standing and integrity of the committee and its decision making
- To understand the respective roles of members, officers and external parties operating within the audit committee's area of responsibility
- To promote and support good governance by the Council.

3 Values

- To be committed to the values of the council and the following values in public office:
 - Openness and transparency
 - Honesty and integrity
 - Tolerance and respect
 - Equality and fairness
 - Appreciation of cultural differences
 - Sustainability

Member of an Audit Committee Role Description

1 Accountabilities

- To Full Council
- To the Chair of the Audit Committee

2 Role purpose and activity

- **Understanding the role of the Audit Committee and undertaking its functions:**
 - Reviewing and scrutinising the authority's financial affairs
 - Making reports and recommendations in relation to the authority's financial affairs
 - Reviewing and assessing the risk management, internal control and corporate governance arrangements of the authority,
 - Making reports and recommendations to the authority on the adequacy and effectiveness of those arrangements,
 - Overseeing the authority's internal and external audit arrangements
 - Reviewing the financial statements prepared by the authority.
- To have sufficient technical, legal and procedural knowledge to contribute fairly and correctly to the function of the committee.
To be thorough and objective in receiving and responding to professional advice in the conduct of meetings and issues before the committee
- **Participating in meetings and making decisions**
 - To participate effectively in meetings of the audit committee; questioning and seeking clarification on matters falling within the committee's remit
 - To make informed and balanced decisions, within the terms of reference of the committee, which accord with legal, constitutional and policy requirements
- **Internal governance, ethical standards and relationships**
 - Understanding the financial risks associated with corporate governance; being satisfied that the authorities assurance statements including the annual governance statement reflects the risk environment and any activities required to improve it
 - To ensure the integrity of the committee's decision making and of his/her own role by adhering to the Code of Conduct(s) and other constitutional and legal requirements
 - To promote and support good governance by the Council
 - To understand the respective roles of members, officers and external parties operating within the audit committee's area of responsibility

3 Values

- To be committed to the values of the Council and the following values in public office:
 - Openness and transparency
 - Honesty and integrity
 - Tolerance and respect
 - Equality and fairness
 - Appreciation of cultural difference
 - Sustainability

Overview and Scrutiny Chair Role Description

1. Accountabilities

- Full Council
- The Public
- The Committee

2. Role purpose & activity

- **Providing leadership and direction**
 - To provide confident and effective management of the committee
 - To promote the role of overview and scrutiny within the council, liaising effectively with officers, executive members and colleague chairs
 - To promote the integral role and contribution of scrutiny within the authority's wider improvement planning and reporting arrangements
 - To lead joint scrutiny activities with other authorities or organisations when required
 - To champion and promote the role of Overview and Scrutiny to the public, helping the public better understand and, crucially, contribute to and engage with the scrutiny process.
 - To promote the role of Overview and Scrutiny to partner bodies, helping them to understand and engage with the Scrutiny function.
 - To demonstrate an objective and evidence based approach to overview and scrutiny ensuring that scrutiny inquiries are methodologically sound and incorporate a wide range of evidence and perspectives
 - To follow-up scrutiny recommendations, evaluate the impact and added value of overview and scrutiny activity and identify areas for improvement
 - Work closely with scrutiny support staff to drive continual improvements in scrutiny
 - Assist in publicising the work of the scrutiny committee
- **Managing the work programme**
 - To develop a balanced work programme for the committee which includes pre decision scrutiny, policy development and review, investigative scrutiny, holding the executive to account, and performance monitoring
 - To ensure the programme takes account of relevant factors such as: the work programmes of the executive and other committees, strategic priorities and risks, audit and regulatory reports and recommendations, single-integrated plan and partners strategic priorities and relevant community issues
 - To ensure that the public are engaged in scrutiny activities by informing them about the work programme and encouraging participation
 - To ensure that the work programme is delivered

- To report on progress against the work programme to Council, and others as appropriate
 - To ensure that the work programme is manageable and the workload delegated and prioritised to focus on the areas of most benefit or greatest risk to the organisation.
 - To ensure that task and finish/working/sub groups have clear terms of reference and deliver the required outcomes.
- **Leading Joint Scrutiny**
 - To apply the appropriate tests and criteria when deciding whether or not to undertake joint scrutiny
 - To ensure that regional bodies and partnerships are held to account and that their plans are subject to scrutiny
 - To develop protocols and terms of reference for joint working
 - To ensure public engagement in joint scrutiny activities
 - To enable the pooling of scrutiny resources for effective working and outcomes
 - To ensure the equal participation and contribution from all partners as appropriate
- **Effective meeting management**
 - To plan and set agendas containing clear objectives and outcomes for the meeting
 - To ensure that necessary preparation is done beforehand, if necessary, through pre-meetings, including agreeing appropriate lines of questioning
 - To ensure that the approach to overview and scrutiny is impartial and that the committee meeting is conducted without political whipping (as per the Local Government (Wales) Measure 2011)
 - To manage the progress of business at meetings, ensuring that meeting objectives are met, and the code of conduct, standing orders and other constitutional requirements are adhered to
 - To ensure that all participants have an opportunity to make an appropriate contribution
 - To ensure that members of the public are able to contribute to meetings and understand the protocols for public speaking.
- **Involvement and development of committee members**
 - To encourage effective contributions from all committee members in both committee and task and finish groups
 - To assess individual and collective performance within the committee and work to improve scrutiny outcomes
 - To ensure that committee members have the appropriate knowledge and skills to undertake their roles and work with lead members and officers to secure appropriate development.

3. Values

To be committed to the values of the Council and the following values in public office:

- Openness and transparency
- Honesty and integrity
- Tolerance and respect
- Equality and fairness
- Appreciation of cultural difference
- Sustainability

Overview and Scrutiny Member Role Description

1 Accountabilities

- Chair of the appropriate scrutiny committee
- Full Council
- The public

2 Role purpose & activity

- To participate fully in the activities of the Overview and Scrutiny Committee, the development and delivery of its work programme and any associated task and finish groups
- **Scrutinising and developing policy**
 - To assist in the development of council policy through scrutinising of draft policies, and improvement and refinement of existing policy
 - To challenge policies on a sound basis of evidence for example against legislation or local political priority
 - To assess the impact of existing policy and identify areas for improvement
 - To identify where new policies might be required to address forthcoming legislation
- **Holding the Executive to account, monitoring performance and service delivery**
 - To monitor the performance of internal and external providers against standards and targets including questioning of executive and senior officers on the delivery of targets
 - To contribute to the identification and mitigation of risk
 - To investigate and make recommendations to address the causes of under performance or poor performance
 - To monitor action plans or recommendations following external audit, inspection or regulatory reports
 - To evaluate the validity of executive decisions and challenge decisions through call in where appropriate
 - To build trust with the executive so that appropriate matters could be sent to scrutiny for a pre-decision review prior to the executive taking a final decision
- **Promoting the work of Overview and Scrutiny**
 - To promote the role of overview and scrutiny within and outside the council, developing effective internal relationships with officers and other members and external relationships with community representatives.

- To demonstrate an objective non political and evidence based approach to overview and scrutiny, by utilising a wide range of research in any work undertaken including sources of information outside the Council
 - To add value to the decision making and service provision of the authority through effective scrutiny
 - To be able to demonstrate where scrutiny is making a difference by its involvement
- **Community engagement**
 - To use scrutiny as a means to address community issues and engage the public in forward work programmes
 - To encourage stakeholders to participate in the work of the authority
 - To assist in developing locally viable and acceptable policy solutions
 - To build a dialogue around priorities, objectives and performance, among communities and stakeholders
 - To take a county wide perspective in dealing with issues
- **Participating in joint scrutiny**
 - To work within the appropriate terms of reference and protocols governing joint working in scrutiny
 - To apply the appropriate tests and criteria when deciding whether or not to undertake joint scrutiny
 - To contribute to the scrutiny of regional bodies and partnerships
 - To encourage public engagement in joint scrutiny
 - To work effectively with partner scrutineers from other authorities and organisations.
- **Meeting participation**
 - To make adequate and appropriate preparation for meetings through research and briefings and planning meeting strategies
 - To participate in a proactive objective, informed and effective manner taking account of the Code of Conduct, Standing Orders and other constitutional requirements
 - To demonstrate effective scrutiny inquiry skills in questioning, listening and information handling
 - To be non-political
 - To focus on outcomes / making a difference by participation

3. Values

To be committed to the values of the Council and the following values in public office:

- Openness and transparency
- Honesty and integrity
- Tolerance and respect
- Equality and fairness

- Appreciation of cultural difference
- Sustainability

Leader of the Opposition Role Description

1. Accountabilities

- To the nominating group within the constitution

2. Role Purpose and Activity

Providing political leadership for an opposition group

- To be a political figurehead for the opposition group; to be the principal political spokesperson for the Council's opposition.
- To provide leadership in the constructive challenge of the Council's policies
- To constructively challenge the vision for the Council and community where appropriate
- To provide strong, clear leadership in the co-ordination of alternative policies, strategies and service delivery
- **Representing the Authority's opposition**
 - To represent the Opposition Group to a high standard; providing a strong, competent and eloquent figure to represent the opposition within the Authority.
 - To represent the Council on external bodies
- **Internal governance, ethical standards and relationships**
 - To promote and support good governance of the Council and its affairs
 - To provide community leadership and promote active citizenship
 - To promote and support open and transparent government
 - To promote, support, and adhere to respectful, appropriate and effective relationships with employees of the Council
 - To promote, support and adhere to the Member's Code of Conduct, Member/Officer Protocol and the highest standards of behaviour in public office

3. Values

To be committed to and demonstrate the following values in public office:

- Openness and transparency
- Honesty and integrity
- Tolerance and respect
- Equality and fairness
- Appreciation of cultural difference
- Sustainability
- Inclusive leadership
- Consensus building

Role of the Deputy Leader of the Opposition

- To fulfil the duties of the Leader in his or her absence
- To assist the Leader in specific duties as required

Member Champion Purpose and Role

What are Member Champions?

Member Champions exist to provide a voice for traditionally underrepresented groups, or issues which need to be kept at the forefront of council business although they may not be the responsibility of any individual or committee.

Member Champions, (sometimes called lead members) are elected members who in addition to their other council responsibilities make sure that the issue or group that they are championing are taken into account when council policy is being developed and decisions are made. Members act as champions in areas such as children, homelessness, equalities, older people, young people, scrutiny, member support and development, health improvement and anti poverty. There is a statutory role for a lead member of children's and young people's services with a responsibility for over-seeing the arrangements made under sections 25 and 26 of the 2004 Children Act.

Guidance on undertaking the role with regard to the subject knowledge that members need is sometimes available from the outside bodies associated with the issue being championed for example the toolkit for older peoples' champions from the LGA. Otherwise they will be reliant on their authority for guidance in the subject they lead on and also their role as lead member in this area.

What do they do?

Typically, the lead member will:

- Make sure that their area of interest is taken into account when developing policy or making decisions
- Ask questions about performance and resourcing for the area
- Raise the profile of the area and make the authority aware of good practice.
- Engage with external bodies who work in the area
- Engage with other officers and members in relation to the role.
- Engage with community groups with an interest/stake in the area
- Report action to the council

How does their role fit within the corporate structure?

This will vary according to the area/issue that is being championed and how the authority functions. There is potential for confusion and overlap between the role of the member champion and those of the relevant executive member or overview and scrutiny members. The champion role itself could be undertaken by either the relevant executive member or a non executive member.

It is therefore important that members and officers work together to agree roles and action for the area being championed and that there are mechanisms for lead members to report on their activities. It is helpful for the authority to draft a protocol which sets out what powers champions have and do not have, such as whether or not they are able to make decisions on behalf of the authority. Similarly, the appointment

of champions varies between authorities, and includes appointments being made by full council meetings or by the leader.

The Role Description

It is difficult to create a role description that fits with the different roles expected of champions and how they operate in the different authorities' structures. The following is a generic model which will require local adaptation, particularly to reflect the difference that may exist between a statutory role, one undertaken by an executive member and a non executive lead.

Member Champion Role Description

1. Accountabilities

To Full Council

2. Role Purpose and Activities

Within the Council

- To promote the interest being championed within the Council's corporate and service priorities
- To promote the needs of the client group represented in the interest to the decision makers within the council
- To work with the decision makers in the Council to establish strategies/policies/work plans connected with the interest
- To maintain an awareness of all matters connected with the interest
- To contribute to good practice and the continuous improvement of services and functions related to the interest
- To engage with members in matters related to the interest such as attending Overview and Scrutiny/Cabinet /Full Council meetings etc.
- Raising awareness of and taking a lead role in the development of all members and officers in relation to the interest

In the Community

- To raise the profile of the interest in the community
- To engage with citizens and community groups in matters related to the interest
- To lead and support local initiatives related to the interest

3. Values

- To be committed to the values of the Council and the following values in public office:
 - Openness and transparency
 - Honesty and integrity
 - Tolerance and respect
 - Equality and fairness
 - Appreciation of cultural difference
 - Sustainability
 - Inclusive leadership

Section 2:

Person Specifications

Elected Member Person Specification

To fulfil his or her role as laid out in the role description, an effective member requires the following:

Representing and supporting communities

- Good advocacy skills
- Interpersonal skills
- Integrity and the ability to set aside own views and act impartially
- The ability to present relevant and well reasoned arguments
- Good communication skills

Making decisions and overseeing council performance

- Knowledge and understanding of meetings law, rules and conventions
- An understanding of strategic, policy and service contexts for decisions
- The ability to challenge ideas and contribute positively to policy development

Representing the Council (subject to appointment)

- Good public speaking skills
- Good presentation skills
- The ability to persuade others and act with integrity

Internal governance, ethical standards and relationships

- An understanding of the roles of officers, members and different agencies
- Respect for, and desire to work with, different groups and individuals
- Have knowledge and understanding of the Code of Conduct and Member/Officer Protocol
- A knowledge and commitment to the values of the Council

Personal and role development

- An ability to assess personal and role development needs
- Desire and skills to participate in development

Leader Person Specification

To fulfil his or her role as laid out in the role description, an effective leader requires:

Providing political leadership to the Council

- Knowledge of community strengths, areas of improvement and key issues.
- An understanding of the relationship between national and local politics
- Have a good strategic awareness of issues facing the Council
- An understanding of the Council's strategy, policies and operations

Appointing the Cabinet*

- An understanding of the rules for the appointment of Cabinet Members
- An ability to recognise talent amongst members
- An ability to negotiate the most advantageous appointments within and across political groups
- To appraise, guide and mentor senior members

Representing and acting as ambassador for the Authority

- High level communication skills to communicate to the media, local community and wider audience.
- Good public speaking skills

Providing leadership within the portfolio

- The skills necessary for a cabinet member to fulfil their role.

Managing and leading the work of the Cabinet and chairing meetings of the Cabinet

- An understanding of the Cabinet procedure rules
- Skills to Chair meetings, including encouraging participation from all members.
- A knowledge and understanding of national policy objectives
- An overview of the work being carried out by cabinet members.

Participating in the collective decision making of the Cabinet

- The ability to constructively challenge decisions and suggest alternatives

Working with officers to lead the organisation

- An understanding of the roles and responsibilities of the Chief Executive and other officers

Leading partnerships and community leadership

- Adaptive leadership skills
- Negotiation and brokerage skills
- Creative and lateral thinking skills; the ability to see ahead and be predictive

Internal governance, ethical standards and relationships

- An understanding of the roles of officers, members and different agencies
- Respect for, and desire to work with, different groups and individuals
- Have knowledge and understanding of the Code of Conduct and Member/Officer Protocol
- A knowledge and commitment to the values of the Council

Cabinet Member Person Specification

To fulfil his or her role as laid out in the role description, an effective Cabinet Member requires:

Portfolio leadership

- An understanding of the Council's strategy, policies and operations
- Leadership skills

Contributing to the setting of the strategic agenda and work programme for the portfolio

- The ability to present to others
- The ability to exercise strategic awareness and judgement
- Knowledge of relevant issues and who to involve in decision making
- The ability to persuade others
- Knowledge of Council and national objectives

Providing representation for the Portfolio

- Public speaking skills
- Good presentation skills

Reporting as appropriate

- High level communication skills

Taking an active part in cabinet meetings and decisions

- The ability to constructively challenge decisions and suggest alternatives
- The knowledge, confidence and ability to contribute to discussion and resolution of cross cutting and collective issues

Leading partnerships and community leadership

- Adaptive leadership skills
- Negotiation and brokerage skills
- Creative and lateral thinking skills; the ability to see ahead and be predictive

Internal governance, ethical standards and relationships

- An understanding of the roles of officers, members and different agencies
- Respect for, and desire to work with, different groups and individuals
- Have knowledge and understanding of the Code of Conduct and Member/Officer Protocol
- A knowledge and commitment to the values of the Council

Chair of the Council Person Specification

To fulfil his or her role as laid out in the role description, an effective member requires the following:

Acting as a symbol of the Council's democratic authority

- Good public speaking skills
- An in-depth understanding of role of Chair

Chairing Council meetings

- Skills to chair meetings, to ensure business is carried out effectively and all those attending participate
- An understanding of the Council's Standing Orders

Upholding and promoting the Council's Constitution

- An understanding of the Council's Constitution
- An understanding of when to seek the advice of the Monitoring Officer on issues relating to the Constitution

Internal governance, ethical standards and relationships

- An understanding of the roles of officers, members and different agencies
- Respect for, and desire to work with, different groups and individuals
- Have knowledge and understanding of the Code of Conduct and Member/Officer Protocol
- A knowledge and commitment to the values of the Council

Work programming

- The ability and discipline to plan and manage work programmes

Chair of Regulatory Committee Person Specification

To fulfil his or her role as set out in the role description, an effective regulatory committee chair requires:

- **Providing leadership and direction**
 - Ability to conduct meetings to ensure that applicants feel that they have been dealt with fairly and fully even if their application is refused
 - Understanding of the Council's role and ability to ensuring that stake holders are aware of that role
 - Communication skills
 - Knowledge of local issues
 - Ability to manage the work of the committee
 - Ability to support and develop necessary skills in fellow members of the committee

- **Promoting the role of the regulatory committee and quasi-judicial decision making**
 - Understanding and appreciation of the regulatory framework
 - Ability to inspire and enthuse committee members for the work of the committee
 - Integrity and the ability to set aside own views and act impartially
 - Knowledge and understanding of the relevant code(s) of conduct and protocols and the ability to champion them

- **Internal governance, ethical standards and relationships**
 - Knowledge and understanding of the Code of Conduct(s) and protocols
 - Knowledge of and commitment to the values of the Council

Regulatory Committee Member Person Specification

To fulfil his or her role as laid out in the role/job description, an effective member of a regulatory committee requires the following:

Understanding the nature of the regulatory committee and quasi-judicial decision making

- Integrity and the ability to set aside own views and act impartially
- Knowledge of law, policy and procedures for that regulatory/quasi judicial area
- Maintenance of knowledge
- Objectivity and judgement

Participating in meetings and making decisions

- Ability to listen and to consider and respect the views of other contributors
- Good public speaking skills
- Good advocacy skills

Internal governance, ethical standards and relationships

- Knowledge and understanding of the Code of Conduct(s) and protocols
- Knowledge of and a commitment to the values of the Council

Overview and Scrutiny Chair Person Specification

To fulfil his or her role laid out in the role description an effective Scrutiny Chair requires:

Providing leadership and direction

- Ability to see the 'big picture'
- Understanding of the role and functions of the council
- Understanding of the key strategies, priorities and direction of travel of the Council
- Understanding of the purpose of the scrutiny function and its role in the council's wider improvement planning and reporting arrangements
- Ability to promote an approach to scrutiny which is (a) member led, (b) seeks to provide an evidence based challenge of decision makers and service providers and (c) is an important mechanism for community engagement and service improvements
- Understanding of the legal requirements around scrutiny, including prohibition of political whipping and taking the views of the public into account
- Understanding of the purposes and processes associated with the Councillor Call for Action and the Call In procedure
- Understanding of the terms of reference for the committee and the role of the chair
- Understanding of member support functions
- Understanding of council service, improvement and financial priorities and risks
- Ability to develop work programmes
- Understanding of community issues
- Objectivity and understanding of equalities and diversity
- Negotiation and consensus building
- Ability to build constructive and 'critical friend' relationships with the Executive
- A commitment to personal development in the role
- Commitment to develop other members by mentoring and guidance
- Working closely with scrutiny support officers to ensure the continual development of scrutiny
- Making sure that scrutiny is making a difference

Managing the work programme

- Ability to manage projects and resources
- Ability to manage people
- Ability to prioritise
- Ability to report progress to different groups in different styles – verbally and in writing
- Ability to monitor and constantly review work programmes

Leading Joint Scrutiny

- An ability to create an effective, supportive and welcoming environment for scrutiny members and partner representatives from different organizations

- An ability to see the big picture at the regional level
- A clear understanding of the role and functions of the partnership/regional organization
- An understanding of the key strategies, priorities and direction of travel of the partnership/regional organization
- A commitment to enabling an approach to joint scrutiny which is member-led, provides an evidence-based challenge and is an important mechanism for community engagement and service improvement
- An ability to work constructively with partnerships/regional organisations under scrutiny
- A commitment to develop and embed an apolitical, objective, collective and inclusive scrutiny process
- A commitment to offer guidance and mentorship to scrutiny members
- A willingness to ensure that joint scrutiny makes a difference
- An ability to negotiate and build consensus
- An ability to manage people, projects and resources
- A commitment to raising the profile of joint scrutiny and an ability to champion it within the authority and beyond

Effective meeting management

- Understanding and application of meeting protocols, code of conduct, standing orders and other constitutional requirements including protocols for public speaking and webcasting
- Ability to chair meetings effectively, managing members contributions and the agenda and progressing business to achieve the desired outcomes
- Ability to facilitate effective discussions focussing on the agreed questioning strategy.
- Ability to listen and question effectively
- Ability to prepare and introduce speakers and make them feel at ease when presenting to the committee
- Ability to be impartial and ensure that the committee is acting in a non-political way

Community engagement

- Understanding of the role of scrutiny in enabling local people and communities to contribute to the decision and policy making process
- Knowledge of local issues and expectations
- Ability to work effectively with all members of the community and to build an understanding of the role of scrutiny with the public and stakeholders
- ability to engage with individuals and organisations in the community especially those traditionally excluded
- To promote an understanding that scrutiny is a last resort for matters such as CCfA
- Ability to manage expectations of the public in asking scrutiny to consider issues

Involving and developing of committee members

- Understanding of the role and skills of the scrutiny committee and its individuals
- Ability to support members and the committee in assessing their performance
- Ability to identify any training and development needs and Champion and participate in appropriate learning and development
- Provide mentoring, guidance and support to members in their roles such as members leading task and finish groups

Overview and Scrutiny Member Person Specification

To fulfil his or her role as laid out in the role description, an effective scrutiny member requires:

- Understanding of the role and functions of the council
- Understanding of the key strategies, priorities and direction of travel of the Council
- Understanding of the purpose and a commitment to the scrutiny function
- Full understanding of the scrutiny remit and role, to deliver an approach to scrutiny which is (a) member led, (b) seeks to provide an evidence based challenge of decision makers and service providers and (c) is an important mechanism for community engagement and service improvements
- Understanding of the terms of reference for their own committee and how they relate to others.
- Ability to operate apolitically, objectively and with an understanding of equalities and diversity
- Understanding of member support functions
- Willingness to work within the guidance of the chair
- Willingness to undertake personal development as necessary and understand the skills they need to undertake the role
- Understanding of the legal requirement to take the views of the public into account
- Ability to negotiate and build consensus
- Understanding of the purposes and processes associated with the Councillor Call for Action and the Call In procedure
- Understanding of council service, improvement and financial priorities and risks
- Understanding of community issues
- Engage fully in scrutiny including asking questions

Scrutinising and developing policy

- Knowledge of and ability to evaluate existing policy
- Understanding of best practice
- Understanding of national and local legislative and policy context

Monitoring performance and service delivery and holding the executive to account

- Understanding of the councils improvement programme and associated risk assessment arrangements
- Understanding of the principles and practice of performance management
- Understanding of council's performance management arrangements
- Ability to analyse data and challenge performance
- Understanding of the arrangements for call in
- Ability to act as a critical friend and in a non political way
- Undertake an overview rather than detailed monitoring
- Ability to hold executive members / officers to account for the achievement of targets / objectives

- Monitoring action plans arising from internal or external regulator reviews

Participating in Joint Scrutiny

- A commitment to working jointly with scrutiny members of other authorities and representatives of partner organizations
- An understanding of the role and functions of the partnership/regional organization
- An understanding of the key strategies, priorities and direction of travel of the partnership/regional organization
- A commitment to an approach to joint scrutiny which is member-led, provides an evidence-based challenge and is an important mechanism for community engagement and service improvement
- An ability to operate apolitically, objectively, collectively and inclusively
- Willingness to work within the guidance of the chair
- Willingness to undertake personal development as necessary and understand the skills they need to undertake the role
- An ability to negotiate and build consensus
- Full engagement in scrutiny, including asking questions

Community engagement

- Understanding of the role of scrutiny in enabling local people and communities to contribute to the decision and policy making process
- Knowledge of local issues and expectations
- Ability to work effectively with all members of the community and to build an understanding of the role of scrutiny with the public and stakeholders
- ability to engage with individuals and organisations in the community especially those traditionally excluded

Meeting participation

- Ability to interpret information and data from a range of sources
- Understanding and application of meeting protocols, code of conduct, standing orders and other constitutional requirements
- Ability to participate in meetings including effective listening, questioning and speaking
- Preparation work including considering lines of questioning
- Ability to present information to the committee

Leader of the Opposition Person Specification

To fulfil his or her role as laid out in the role description, an effective leader of the opposition requires:

In providing political leadership for the opposition group

- Knowledge of community strengths, areas of improvement and key issues.
- An understanding of the relationship between national and local politics
- Have a good strategic awareness of issues facing the Council
- An understanding of the Council's strategy, policies and operations
- An ability to challenge different strategies, policies and operations

In representing the Authority's opposition

- High level communication skills to communicate to the media, local community and wider audience.
- Good public speaking skills
- Creative and lateral thinking skills; the ability to see ahead and be foresighted
- Leadership skills

Internal governance, ethical standards and relationships

- An understanding of the roles of officers, members and different agencies
- Respect for, and willingness to work with, different groups and individuals
- A thorough knowledge and understanding of the Code of Conduct and Member/Officer Protocol
- A knowledge of and commitment to the values of the Council

Member Champion Person Specification

Within the Council

- Understanding of the area of interest being championed in terms of council strategies and policy, good practice, improvement and national agendas and the needs of the client group
- Ability to engage with a range of members and officers around the area of interest and listening to requirements
- Ability to advocate on behalf of the area of interest within the council

In the Community

- Understanding of the needs of the community in relation to the interest
- Ability to engage with citizens and community groups in matters related to the interest.
- Ability to lead and support local initiatives related to the interest.
- Ability to represent the position of the council to the community in relation to the interest.



Report

Democratic Services Committee

Part 1

Date: 17 February 2017

Item No: 7

Subject **Review of the Constitution: Scheme of Delegation**

Purpose To consider the outcome of a review of the Scheme of Delegation

Author Head of Democratic Services

Ward All wards

Summary At its previous meetings, the Committee has been informed that the Corporate Assessment contains a proposed action that states: "Reviewing and updating the Council's constitution ensuring that roles, responsibilities and accountabilities are clear, and that all members understand and apply their respective roles in relation to each other without compromising independence"

With this in mind the Committee agreed to review various aspects of the Constitution, one of which would be the Scheme of Delegation.

The Scheme of Delegation aims at making it clear where the distinction lies between the decision making responsibilities of elected members and Chief Officers within the Council

In July 2016 the Committee received an updated report on progress and viewed the Scheme of Delegation to elected members.

The Scheme that relates to officers has been amended and updated.

In general there are few 'new' delegations other than those arising from new legislation or Central Government requirements. There have been a number of changes in the Chief Officer Structure since the original scheme was drafted.

The Scheme of Delegation to officers has been amended incrementally in the past to take account of changes to the officer team and to any new responsibilities that have fallen to the Council owing to changes in legislation, policies or other factors

This report seeks to provide the Council with a scheme that reflects the existing structure. Inevitably incremental changes will need to be made over time as the Council has to react to new legislation, policies

Proposal: **To recommend to Council that the amended scheme is adopted and included in the Constitution**

Action by Head of Democratic Services

Timetable: In line with the Councils work programme.

This report was prepared after consultation with:

- Chief Executive
- Monitoring Officer
- Head of Finance
- Head of People & Business Change

Background

At its previous meetings, the Committee has been informed that the Corporate Assessment contains a proposed action that states: "Reviewing and updating the Council's constitution ensuring that roles, responsibilities and accountabilities are clear, and that all members understand and apply their respective roles in relation to each other without compromising independence"

With this in mind the Committee agreed to review various aspects of the Constitution, one of which would be the Scheme of Delegation.

The Scheme of Delegation aims at making it clear where the distinction lies between the decision making responsibilities of elected members and Chief Officers within the Council

In the simplest terms, Councillors make decisions in relation to new policies and any changes to policies whilst officers would take decisions on operational matters within the policies set by the Council.

Scheme of Delegation to Cabinet Members

The Scheme of Delegation that relates to Elected members was presented to the Democratic Services Committee in July 2016

Scheme of Delegation to Chief Officers

The Scheme of Delegation to officers has been amended incrementally in the past to take account of changes to the officer team and to any new responsibilities that have fallen to the Council owing to changes in legislation, policies or other factors

The review of the Constitution overseen by the Democratic Service Committee includes a more holistic review of the scheme.

This work is underway and discussions have been held with all Chief Officers as to how the scheme should now look.

Financial Summary

There is no cost to receiving this update

Risks

Risk	Impact of Risk if it occurs* (H/M/L)	Probability of risk occurring (H/M/L)	What is the Council doing or what has it done to avoid the risk or reduce its effect	Who is responsible for dealing with the risk?
The SOD is not updated – leading to uncertainty over where responsibilities lie.	M	M	A review of the scheme is underway	Head of Democratic Services
Staff time used on updating these documents means there is an opportunity cost	M	M	The proposed documents are being prepared without any additional staff costs to the Council	Head of Democratic Services

Links to Council Policies and Priorities

The proposed review will help the Council meet the Council's wish to provide the best possible affordable services to members and the public

Options Available

- To note progress

Preferred Option and Why

The Committee is asked to note progress at this stage and to agree that the Scheme is amended in line with any changes arising from the proposed structural review

Comments of Chief Financial Officer

There is no cost to adopting this update

Comments of Monitoring Officer

In accordance with the Local Government Act 2000, the Council is required to adopt and maintain a written constitution which must include a Scheme of Delegation for officers and members, to ensure transparency and accountability for decision-making. At officer level, most operational decisions and statutory functions are delegated to and discharged by the relevant Heads of Service in accordance with Section 101 of the Local Government Act 1972 (in relation to non-executive functions) and the Local Government Act 2000 (in relation to executive decisions). Only strategic policy decisions are reserved to the cabinet and cabinet members. This revised scheme does not change anything of substance but updates the previous scheme by referring to new legislation and ensuring that the correct functions sit with the relevant Heads of Service following various service restructures.

Staffing Implications: Comments of Head of People and Business Change

There are no staffing issues other than the use of staff time to prepare and update the Constitution.

Comments of Cabinet Member

This is a Council function

Local issues

There are no local issues as this is a matter relating to the democratic process and is for the Council as a whole to consider.

Scrutiny Committees

This is a matter or consideration of the Democratic Services Committee

Equalities Impact Assessment

Not required as this relates only to a procedural matter.

Children and Families (Wales) Measure

This report does not relate to any issues relating specifically to children and young people

Consultation

Statutory Officers and Officers involved in the decision making process have been consulted

Background Papers

The Council's Constitution

Dated: January 2017

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Scheme of Delegation to Officers

This document constitutes Part 3, Appendix 3 of the Council Constitution

Revised: April 2017 via C=Democratic Services Committee

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Section 1: GENERAL SCHEME OF DELEGATION APPLYING TO ALL HEADS OF SERVICE

GENERAL DELEGATIONS TO ALL CHIEF OFFICERS

NB: This section relates to those matters delegated to all Chief Officers. To see the scheme of delegation to individual Chief Officers, please see Section 2 below.

1. Human Resources Matters

- (i) To determine operational issues relating to the service area based on the needs of the council; its customers and the service.

All decisions must be within agreed Council policies and within the budget allocation for the service area.

As set out in (ii) below, certain decisions will be subject to consultation with the Monitoring Officer, Head of Finance and Head of People and Business Change. Any dispute will be determined by a Corporate Director.

- (ii) To determine the following subject to consultation with the Monitoring Officer, Head of Finance and Head of People and Business Change.
- the grading of posts within the area;
 - the movement of posts within the service area and between service areas;
 - the creation of new permanent posts or the deletion of posts within the structure of a service area;
 - re-grading / grading
 - salary protection
 - early release of pension
 - market supplements
 - job descriptions and person specifications for all posts within the service area
 - the creation of any new post or the deletion of any new post
 - Individual grading within the service area, including regrading applications.
- (iii) To determine all operational Human Resource matters for the service area. All decisions must be within agreed Council policies and within the budget allocation for the service area. Operational matters include:
- To make appointments other than those reserved to Council.
 - To determine Temporary/Fixed term posts
 - To determine any application for secondary employment for employees working a 37 hour week or where the combined hours of the jobs equate to more than 37 hours.

- To determine any change to hours of any post
- To determine any job share arrangement or any scheme of reduced hours of work
- To vary the pattern of the working week
- To determine any secondment arrangements.
- To determine the employment of agency employees and any contract arrangements with agencies or contractors, in line with agreed contract arrangements.
- To determine any Honorarium payments within agreed criteria.
- To determine planned overtime payments.
- To determine salary protection to be applied under the Council's job security policy.
- To determine any progression through grades within any agreed schemes.
- To determine any application for payment of professional fees within the Council's policy
- To work with colleagues to secure redeployment opportunities or development opportunities for unplaced employees and as a last resort, to serve redundancy notices, where there is no suitable alternative employment available with the authority.
- To determine any application for time off for trade union activity in line with agreed policy
- To determine paid or unpaid leave of absence in accordance with Council policy
- To determine whether to allow 'carry over' of leave beyond the requirements of the European Working Time Directive
- To determine Health and Safety arrangements within a service area.
- To authorise attendance at training events or conferences, subject to budget provision being available.
- To determine any disciplinary action in accordance with the Council's disciplinary procedures.
- To determine any application for legal assistance relating to any private prosecution relating to violence at work.

2. Tenders

In accordance with the Council's Procurement Strategy Standing Orders and/or Financial Regulations:-

- To accept the most economic advantageous tender for work goods or services. Heads of Service will record acceptance of tenders in a register and act in compliance with the Council's agreed procurement strategy and Contract Standing Orders. Records must show when the most economically advantageous tender is not financially the lowest tender received.

- To agree the issuing of orders for work goods and services
- To submit tenders and make arrangements for carrying out work.

3. Finance

- To exercise powers of virement from within own budgets within overall corporate guidelines and agreed limits.
- To control service budgets within overall agreed limits subject to the strategies, policies, objectives and targets agreed by the Council.
- To determine grants in accordance with within agreed criteria and Financial regulations
- To determine applications for financial or other assistance from staff in accordance with any schemes approved by the Council.

4. Land and Buildings/Planning

- To authorise an application for planning permission to the Planning Committee in respect of any development of land and/or buildings within the relevant portfolio or service area.
- On receipt of permission from the Planning Committee or, where appropriate, the Council, to authorise carrying out of such development.
- To determine operational issues relating to the use of buildings within the portfolio , including adjustments to opening times

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CHIEF EXECUTIVE

As Head of Paid Service

The Head of Paid Service is a statutory appointment pursuant to Section 4 of the Local Government and Housing Act 1989. As such he holds all Chief Officers to account for their decisions and the performance of their services

- I. Under the provisions of the Local Government and Housing Act 1989, to determine when it is appropriate to prepare a report to the Authority setting out proposals in relation to:
 - the manner in which the discharge by the Authority of its different functions is coordinated
 - the number and grades of staff required by the Authority for the discharge of its functions
 - the organisation of the Authority's staff and
 - the appointment and proper management of the Authority's staff

As Chief Executive

- i. To determine the activities of the Council's Management Team and to coordinate the team's activities.
- ii. To determine cross-cutting operational issues that cover a range of services
- iii. To determine necessary actions appropriate for the proper emergency planning of the Council area and, where appropriate adjacent areas, including liaison with other authorities and bodies.
- iv. To determine necessary action to be taken on behalf of the council in emergencies in consultation with the Leader of the Council, or in the absence of the Leader another member of the cabinet.
- v. To determine methods of monitoring and activities in relation to performance management of the Council's staff
- vi. To determine the framework for Service Plans by each Service Head
- vii. To have overriding authority for all delegated matters of staffing and operations to ensure appropriate allocation of resources to deliver agreed outcomes.

As Returning Officer

To effectively fulfil the statutory roll of Returning Officer at all Local Government Elections and to discharge the roll of promoting participation in those elections.

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Strategic Director - People

As Director of Social Services

- I. To exercise the statutory responsibilities of the role of Director of Social Services and undertake such delegated responsibilities consistent with the discharge of that statutory role as set out in the statutory guidance on the role and accountabilities of the Director of Social Services issued under Part 8 of the Social Services and Wellbeing (Wales) Act 2014 and any other relevant legislation.
- II. To determine the responsibilities of the Head of Adult and Community Services and Head of Children and Young People Services for the management and delivery of operational services within social services and the exercise of specific statutory functions on behalf of the Director of Social Services (as set out in the scheme of delegation to Heads of Service), ensuring that systems are in place to monitor the quality and effectiveness of services.
- III. To meet the core responsibilities and functions of a Director of Social Services as set out in the Welsh Assembly Government's Code of Practice on the Role of the Director of Social Services (2016) as follows:
 - Providing clear professional and strategic leadership to effectively deliver care and support services which discharge the Council's social services functions and meet the Council's well-being objectives.
 - Having direct access to and advising the Chief Executive and councillors on social services matters and on the direction the council should take in fulfilling its social services responsibilities and ensuring that the Head of Paid Service, Cabinet and councillors have access to the best, up-to-date professional advice and information on all aspects of care and support services.
 - Identifying and advising councillors on priorities, challenges and risks across all aspects of social services, including areas of co-dependency between agencies and circumstances where staffing issues affect the Council's ability to discharge its statutory responsibilities.
 - Ensuring that strong performance management arrangements are in place across social services, and reporting at a corporate level and to members on the authority's performance in respect of these.
 - Ensuring that the authority has proper safeguards to protect vulnerable children and young people, adults and older people, reporting at a corporate level and to members on their effectiveness and briefing the Head of Paid Service and councillors on high-profile cases and other matters likely to cause public concern.
 - Fulfilling overall responsibility for social services workforce planning, training and professional development.

- Advising councillors on strategies for improving methods of intervention, service provision, practice and use of resources.
- Ensuring that there are adequate arrangements in place to work effectively with others, both within and outside the authority, in fulfilling its social services functions and in contributing to the achievement of wider policy objectives.

Fostering effective joint working relationships both within and outside the local authority, including formal integrated arrangements with health boards.

- IV. To provide clear professional leadership for Social Services
- V. To provide advice to the Head of Paid Service and Councillors on the strategic direction and social service responsibilities.
- VI. To determine and provide strong management of performance and transparent arrangements for planning and delivering improvements in social services
- VII. To determine and provide arrangements to ensure the safeguarding of children, young people and adults and to report to members on the operation, monitoring and improvement of those safeguarding systems
- VIII. To work with further and Higher Education and the CSSIW to enhance workforce planning and professional development for all staff across the sector.
- IX. To determine arrangements for governance, strategic direction and operational management
- X. To report annually to the Council on the delivery, performance risks and plans for improvement on the full range of social services functions.
- XI. To advise Overview and Scrutiny Committees on children's and adult's social services.
- XII. To determine any guardianship application and to make an order for the discharge of patients subject to guardianship under the Mental Health Act 1983.
- XIII. To approve the institution of adoption proceedings by a foster parent
- XIV. To set up an adoption panel in accordance with the Adoption Agencies (Wales) Regulations 2005 and to make such decisions and notifications as to the adoption of children as specified in those regulations.
- XV. To approve the payment of the legal expense of prospective adoptive parents for children whom the Council as an Adoption Agency is placing for adoption.
- XVI. To grant allowances to persons who have adopted children in accordance with the Adoption and Children Act 2002 and regulations that may be issued by the Secretary of State.

- XVII. To determine provision for the accommodation of children in secure accommodation in accordance with Section 119 Social Services and Wellbeing (Wales) Act 2014.
- XVIII. To act as nearest relative, appointee or receiver in all matters in which it is appropriate for an officer of the Council to act.
- XIX. To appoint officers to act as approved mental health professionals under Mental Health Act legislation.
- XX. To act as the lead director for children and young people's services under Section 27 of the Children Act 2004 to co-ordinate and oversee arrangements to improve the well-being of children in the local authority area

General

- XXI. To determine matters relating to Human Resources, tenders, finance, land and buildings, operational plans and legal agreements relating to social services functions in accordance with the general delegation of powers to all Heads of Service set out in this constitution (except insofar as they have been delegated to the Head of Adult and Community Services and Head of Children and Young People Services)

Strategic Director – Place

- I. To determine matters relating to Human Resources, tenders, finance, land and buildings, operational plans and legal agreements relating to the relevant service areas in accordance with the general delegation of powers to all Heads of Service set out in this constitution (except insofar as they have been delegated to the relevant Heads of Service)

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HEAD OF LAW and REGULATION

1. As Head of Service:

To determine all operational issues relating to:

- Legal Services
- Democratic Services, including Scrutiny and Mayoralty
- Registration Services
- Electoral registration
- Public protection, including community safety; environmental health; licensing; trading standards.
- Marketing and Communications

2. Procedural Issues

- I. To determine any guidelines to be issued to officers and / or members on legal, procedural and proprietary issues.
- II. To affix the Common Seal of the Council to any Deed or other document required to be executed under Seal and to subscribe his name thereto as attesting such sealing.
- III. To determine the content of any binding contract or any other such documentation between the Council and any third party.
- IV. To sign contracts or other formal documents on behalf of the Council (which do not have to be executed as a deed) in accordance with Contract Standing Orders.

3. As Monitoring Officer

- I. To determine any action to be taken and to exercise the powers and responsibilities of the Monitoring Officer for the purpose of Section 5 of the Local Government and Housing Act 1989, part 3 of the Local Government Act 2000 and any other or subsequent relevant legislation.
- II. To determine when it is necessary and to issue reports to the Council as Monitoring Officer.
- III. To make payments of compensation, provide other benefits or take any other appropriate action to settle maladministration complaints in accordance with Section 92 of the Local Government Act 2000.
- IV. To monitor and review the Council Constitution and determine any minor or consequential amendments..
- V. To maintain the statutory register of Members interests in accordance with section 81 of the Local Government Act 2000

4. Democratic Arrangements and Scrutiny

- I. To determine action to be taken as "Proper Officer" for the purposes of implementing the provisions in the Local Government Act 1972 and any other subsequent legislation relating to :
 - a. Exclusion of Reports
 - b. List of Background papers
 - c. identification of Background papers
 - d. "Need to know"
- II. To act generally as Proper Officer of the Council unless legislation or the Scheme of Delegation names another officer or unless the Council determines otherwise.
- III. To determine arrangements for the proper record and maintenance of records of decisions taken by the Council, the Cabinet or any other element of the decision-making process empowered to take decisions.
- IV. To determine arrangements to record in the statutory register maintained for the purpose, particulars of any notice given by a member or officer of the Council under Section 117 of the Local Government Act 1972 of any pecuniary interest in a contract or any declarations of personal interest, or gifts and hospitality in accordance with any relevant code of practice.

5. Legal Proceedings

- I. To institute, defend or settle any legal proceedings he or she considers necessary (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 then and to lodge appeals against any decisions affecting the discharge of any of the Council's functions. For the avoidance of doubt, this delegation shall extend to the taking of all procedural steps, including the service of any notices, statutory or otherwise, counter-notices and notices to quit.
- II. 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 or any modification or re-enactment thereof.

6. Registration Services

- I. To act as "Proper Officer for registration of births, deaths and marriages
- II. To determine individuals who will be authorised to attest notices of civil partnerships;
- III. To designate a sufficient number of civil partnership registrars and determine who within the authority will be responsible for recording details of the formation into the civil partnership register.
- IV. To act as Proper Officer for the approval of premises for the conduct of civil marriages and civil partnerships in accordance with the Marriage Act 1949 and the Civil Partnership Act 2004.

7. Land and Property

- I. To determine when appropriate and to sign a suitable certificate of waiver of repayment of improvement grant where a building society proposes to lend in respect of a property, which might qualify for an improvement grant.
- II. To determine when and to serve statutory notices to ascertain the legal interest of any person in land.
- III. To sign certificates of title and execute any land sale, transfer or lease on behalf of the Council.

8. Public Protection

- i. To appoint and authorise Officers, of the Council, to carry out duties and exercise powers as required or permitted by the relevant “Public Protection” (See paragraph xv below) statutes and statutory instruments,
- ii. To issue, grant, renew, vary, revoke or refuse licences, registrations, permits, consents or approvals under Public Protection statutes and statutory instruments; or to determine the fitness to hold such licences consult on changes to council licensing policies etc. under Public Protection statutes and statutory instruments, (including those licensing duties/powers that are Council “executive functions” eg Housing Act, Scrap Metal Act) in accordance with Council policies, **UNLESS** for specific licences where the delegations are to the Licensing (Sub) Committee or Panel-as detailed in the Paragraphs e and g, and 11-13 below;
- iii. To grant or renew all applications for Hackney Carriage Vehicle Licences, Private Hire Vehicle Licences, Hackney Carriage /Private Hire Driver's Licences and Private Hire Operator's Licences. Where refusal is considered possible due to criminal or driving convictions or other matters, then the decision will be taken by the Officer or, depending upon the seriousness/complexity, will be referred to the Licensing Committee (Panel), in accordance with Council Policies;
(Revocation of an existing taxi licence is a matter for the Licensing Committee (Panel));
- iv. To suspend any Hackney Carriage or Private Hire Licences in accordance with S60 61 62 and 68 of the Local Government (Miscellaneous Provisions) Act 1976 or instead to serve a "deferred" notice as warning that the licence may be suspended if certain matters are not attended to;
- v. To revoke any Hackney Carriage or Private Hire Licences in accordance with S60 61 62 and 68 of the Local Government (Miscellaneous Provisions) Act. Where refusal is considered appropriate due to criminal or driving convictions or other matters, then the decision will be taken by the Officer or, depending upon the seriousness/complexity, will be referred to the Licensing Committee (Panel), in accordance with Council Hackney Carriage and Private Hire Policies;
- vi. To grant, renew, refuse, suspend and revoke “street furniture” licence Section 115E of the Highways Act 1980 and to determine terms and conditions for the grant of such licences.
- vii. To grant/renew licence under the Lotteries and Amusements Act 1976 / House to House and Street Collections/ Street Trading Part 3 of Schedule 4 Local Government (Miscellaneous Provisions) Act 1982, if no objections are raised.
If objections are raised then the application must go before the Licensing Sub-Committee.
- viii. Together with Public Protection officers so authorised by the Head of Service, to charge offences where appropriate for contraventions of Public Protection criminal offences;

- ix. To enter into an agreement with another Local Authority or Enforcement Body to authorise that Local Authority/ Enforcement Body and its Officers, either, to discharge a function under Public Protection legislation in Newport; or to investigate and institute proceedings against offenders; or to assist with an investigation in Newport under the direct control of the Public Protection officers of Newport City Council; or to enter into an agreement with another Local Authority/ Enforcement Body to allow Public Protection officers of Newport City Council to investigate and for Newport City Council to institute proceedings against offenders for matters relating to that other Local Authority/ Enforcement Body; or assist with an investigation in that other Local Authority or for that Enforcement Body:
- x. To appoint the Council's Chief Inspector of Weights and Measures under Section 72(1) of the Weights and Measures Act 1985 and delegates to that the power under section 72(4) of the Act to designate suitably qualified and experienced officers as Deputy Chief Inspectors of Weights and Measures with powers to perform any of the powers and duties of the Chief Inspector in his or her absence or as directed by the Chief Inspector from time to time: and
- xi. To appoint the Council's Proper Officer for the purposes of the Public Health (Control of Disease) Act 1984 and in respect of the Council Functions relating to notifiable diseases and food poisoning and for the purposes of the Health Protection (Part 2A Orders) (Wales) Regulations 2010;
- xii. To appoint the Council's Medical Officer for Port Health for the purposes of the Public Health (Ships) Regulations 1979 (as amended), the Public Health (Aircraft) Regulations 1979 (as amended); the International Health Regulations 2005;
- xiii. To appoint a public analyst as required by Section 27 of the Food Safety Act 1990;
- xiv. To appoint an agricultural analyst as required by Section 67 of the Agriculture Act 1970;
- xv. To issue Certificates and exercise powers pursuant to the Safety of Sports Grounds Act 1975, and Fire Safety and Safety of Places of Sport Act 1987 in relation to the use of sports grounds.
- xvi. The "**Public Protection**" statutes, common law and statutory instruments to which these delegations apply, including any Regulations or Orders made there under, any amendments and additions thereto, and any licensing/registrations/authorisations/permits/approvals etc. in connection with that legislation, are those that cover:
Community safety, anti-social behaviour, nuisance, food safety and standards, nutrition, health promotion, public health, port health, control of disease and infection, health and safety at work, explosives, licensing and registration, water supply quality and pollution, air quality and pollution, energy, littering, fly posting, fly tipping, land pollution, noise and noise pollution, contaminated land, waste, drainage and sewage, environmental control protection & improvements, nuisance, housing safety and conditions, houses in multiple occupation, camping, caravans, mobile homes and illegal eviction, the condition of buildings and land, fire safety and means of escape, sports and events ground safety, road safety, Hackney Carriage and private hire vehicles, parking, highways and street obstruction, street trading, street and house to house collections, CCTV and security, entertainment, alcohol supply, gambling, consumer protection, consumer credit, age -restricted goods, trading standards, fair trading, advertisements, descriptions, omissions, classifications, counterfeiting, trademarks, product safety, agricultural produce, fertilisers and animal feed, marketing and quality standards, medicines and poisons, animal health and welfare, dog and pest control, imports and exports, weights and measures, trading practices, fraud, deception, forgery, aiding and abetting, conspiracy and the European Communities Act 1972.

This includes any new legislation that has been passed by Parliament or the Welsh Government that is relevant to the above.

9. Licensing Act: Arrangements for Applications Relating to Licensed Premises or Individuals

Matter to be dealt with	Sub Committee	Officers
Policy –consulting on proposed changes		x
Application for personal licence	If a Police objection	If `No` objection
Application for personal licence with `Unspent` Convictions	All cases	
Application for premises licence/club premises certificate	If a relevant representation made	If `No` relevant representation made
Application for ` Provisional Statement `	If a relevant representation made	If `No` relevant representation made
Application to vary premises licence/club premises certificate	If a relevant representation made	If `No` relevant representation made
Application to vary designated premises Supervisor	If a Police representation	All other cases
Request to be removed as designated premises supervisor		All cases
Application for transfer of premises licence	If a Police objection	All other cases
Application for Interim Authorities	If a Police representation	All other cases
Decision on whether a complaint is irrelevant frivolous vexations etc.		All cases
Decision to object when Local Authority is a `Consultee` and not the `Lead Authority`	All cases	
Determination of a Police representation to a temporary Event Notice	All cases	

10. As to the Gambling Act

Matter to be dealt with	Full Council	Sub-Committee	Officers
Policy –consulting on proposed changes			x
Approving Policy	x		
Policy not to permit casinos	X		
Fee Setting - when appropriate			X (to be approved by Cabinet Member)
Application for premises licences		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Application for a variation to a licence		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Application for a transfer of a licence		Where representations have been received from the Commission	Where no representations received from the Commission
Application for a provisional statement		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Review of a premises licence		X	
Application for club gaming /club machine permits		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Cancellation of club gaming/club machine permits		X	
Applications for other permits			X
Cancellation of licensed premises gaming machine permits			X
Consideration of temporary use notice			X
Decision to give a counter notice to a temporary use		X	

Matter to be dealt with	Full Council	Sub-Committee	Officers
notice			

11. (1) Sex Shop / Sex Cinemas Local Government (Miscellaneous Provisions) Act 1982, section 2 and schedule 3)/ Lap dancing and other sexual entertainment venues Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (as amended by section 27 of the Policing and Crime Act 2009).

To grant, refuse or revoke a Sexual entertainment venue licence is a matter for the Licensing Sub Committee.

(2) Lap dancing and other sexual entertainment venues Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (as amended by section 27 of the Policing and Crime Act 2009

To grant, renew, revoke or refuse Sexual entertainment venue licence.

12. Marketing and Communications

To determine any operational matters relating to the Council’s marketing and communications functions.

13. General Delegations

To determine matters relating to Human Resources, tenders, finance, land and buildings, operational plans and legal agreements relating to this service area and as contained in the general delegation of powers to all Heads of Service set out in Part 1 of this scheme of delegation

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HEAD OF FINANCE

The chief financial officer must be qualified through membership of a specified professional accountancy body

1. As Section 151 Officer

- I. To determine methods for the proper administration of the council's financial affairs.
- II. To determine when it is necessary to report to the full Council (or to the Cabinet in relation to an executive function) and Council's external auditor if he or she considers that any proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss or deficiency or if the Council is about to enter an item of account unlawfully.

Financial Management

- I. To determine and maintain adequate and effective systems of internal audit for their accounting records and control systems
- II. To determine systems required to carry out the Council's obligations under the Accounts and Audit Regulations including the need to maintain an adequate system of internal audit.
- III. To determine and issue guidelines, as necessary, in respect of finance.
- IV. To determine methods and take action to manage: the Council's funds and accounts; reserves and provisions; any trusts held and any pension fund affecting Council employees.
- V. To determine arrangements for the billing, collection, recovery and writing off of Council Tax, Non Domestic Rates and other amounts or debts due to the Council.
- VI. To determine when and how to borrow and repay debt on behalf of the Council.
- VII. To determine when and how to invest monies on behalf of the Council.
- VIII. To determine interest rates charged for amounts borrowed and lent by the Council.
- IX. To determine when to sign bond certificates on behalf of the Council.
- X. To determine the parameters for the officer car loan scheme.
- XI. To sign cheques and pay amounts due on behalf of the Council.
- XII. To determine operational actions in relation to collection and debt recovery in connection with sundry debts and mortgages, including the writing off of debt.
- XIII. To determine and make adequate and secure arrangements for the collection and banking of cash.
- XIV. To determine circumstances in which to write off irrecoverable debts
- XV. To determine the method of finance for individual projects in the Capital Programme.
- XVI. To administer the Members' Allowance Scheme.
- XVII. To administer the spending of the Church Funds
- XVIII. To determine the Tax base.
- XIX. To determine expenditure of any amounts from contingencies in consultation with the Chair of the Cabinet and the Head of Paid Service
- XX. To review and determine changes in Contract Standing Orders and / or Financial Regulations for recommendation to the Council
- XXI. To review and determine detailed procurement guidelines and processes
- XXII. To determine and undertake anti-fraud measures, including data matching

3. Local Taxation

- a. To take all decisions required for local Non-Domestic Rating List and Council Tax Valuation List display and public inspection and to update and maintain the accuracy of the lists throughout the period that they are effective.
- b. To determine methods to compile and maintain records of persons liable for Non-Domestic Rates and Council Tax.
- c. To determine when and how to serve demand Notices on all persons liable to pay Non-Domestic Rates and Council Tax, detailing the payments required.
- d. To determine all appropriate actions under statute and regulations to collect and enforce the payment of Non-Domestic Rates and Council Tax.
- e. To determine when to make application to the Magistrates Court for liability orders to be made against defaulters.
- f. To determine when to levy distress and take all other actions empowered by the liability order 16
- g. To determine applications for mandatory charitable relief.
- h. To determine effective measures to maintain the General Fund for Non-Domestic Rating pooling arrangements.
- i. To determine appeals against administrative matters and give evidence at Valuation Tribunals.
- j. To determine method of bringing to the attention of the Valuation Office Agency all material facts that affect the accuracy of the rating and valuation lists.
- k. To determine circumstances in which to sign agreements for alteration of entries in the local non-domestic rating list.
- l. To determine methods to liaise with all agencies, including the Valuation Office Agency and the Magistrates Courts on matters associated with the administration, billing, collection and enforcement.

4. As Head of Service

To determine any operational issues relating to the Following functions:

- Accountancy
- Strategic Procurement
- Income collection
- Internal Audit

5. **General**

To determine matters relating to Human Resources, tenders, finance, land and buildings, operational plans and legal agreements relating to this service area and as contained in the general delegation of powers to all Heads of Service set out in Part 1 of this scheme of delegation

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HEAD OF PEOPLE AND BUSINESS CHANGE

1. Human Resources

- a) To determine all operational issues relating to :
- Strategic Human Resources
 - Employment Services
 - Total Reward
 - Health and Safety issues
 - Organisational Development and Training
- b) To determine procedures to provide good employee relations with all the recognised trade unions and their representatives.
- c) To determine action necessary to ensure adherence to corporate Human Resources policies as agreed by Council.
- d) To determine operational actions for all payroll matters and arrange payment of national pay awards.

2. Business Change

To determine all operational issues relating to Business Service development and Business Improvement, Including the BIP Team

3. Partnership and Policy

To determine all operational issues relating to

- Partnerships and Planning
- Policy Development
- Performance

4. IT Systems and support

- I. To determine standards of technology to be used by elected members and employees and to determine standards of communications systems appropriate to members, officers and schools and other Council functions, particularly in regard to advances in technology.
- II. To determine arrangements to ensure the confidentiality, integrity and availability of all data held in Council ICT systems.
- III. To determine standards of technology used to provide a comprehensive internal communications system.
- IV. To determine standards and when to take advantage of technological changes relating to ICT and communication in all forms.

V. To determine requests for I.C.T. and Communications purchases

VI. To determine the appropriate level of operational support for IT systems

vii. To determine all operational issues relating to:

- Electronic Document management systems
- Information Development
- Document Services

5. Customer Insight

- To determine operational issues in relation to the gathering, recording, analysis and maintenance of customer insight data.

6. Spatial Data

- To determine all operational issues in relation to the gathering, recording and maintenance of spatial data.
- To determine the naming and numbering of streets

7. General

To determine matters relating to Human Resources, tenders, finance, land and buildings, operational plans and legal agreements relating to this service area and as contained in the general delegation of powers to all Heads of Service set out in Part 1 of this scheme of delegation

CHIEF EDUCATION OFFICER

Chief Education Officer

As Chief Education Officer

- I. To determine operational issues relating to: Education Resources and Planning , including Early Years Integration; 21CS Capital Programme; Education Business; School Admissions & Appeals; Service Development; Outdoor Education Advisor
- II. To determine the pattern of operational services within the service area, ensuring that systems are in place to monitor the quality and effectiveness of services.
- III. To determine arrangements for governance, strategic direction and operational management in the service area
- IV. To determine circumstances in which to make formal representations to a governing body, on behalf of the Authority, about the performance of a head teacher.
- V. To determine appointments of persons recommended or accepted for appointment by governing bodies to fill teaching posts in schools unless the person so recommended does not meet any staff qualification requirements applicable to the post.
- VI. To conclude upon determinations of governing bodies of schools relating to the potential dismissals and any subsequent appeals against such dismissals, which are within the Authority's powers to determine.
- VII. To determine adjustments to designated areas of individual schools for admission purposes. Significant adjustments will be determined by the Cabinet Member.
- VIII. To determine Instruments of Government for School Governing Bodies.
- IX. To determine any action to be taken by the Local Authority in response to a report following an inspection of any school, including the appointment of additional governors , and the removal of those additional governors
- X. To take any necessary action to prevent or to address a breakdown in discipline at any school
- XI. To determine the name of a school, taking account of any proposals by the governing body.

- XII. To determine appointments to temporary governing bodies only (Permanent appointments are to be made using the agreed procedures).

Improvement and Inclusion

- I. To determine a pattern of provision for education otherwise than at school.
- II. To determine any action to be taken in relation to the education of children looked after by the local authority.
- III. To determine any advice or guidelines to schools on all matters regarding attendance, special educational needs, exclusions and equal opportunity issues
- IV. To exercise the powers and duties of the authority in relation to children's employment
- V. To determine applications for free school meals
- VI. To determine applications for other benefits available to eligible families, including free transport to schools outside of the Council's agreed policies.
- VII. To determine Instruments of Government for School Governing Bodies.

Education Achievement Service

To determine any operational issues arising from decisions taken by the Education Achievement Service

Attendance at School

- I. To exercise the powers and duties of the Authority in respect of children excluded from school and to determine suitable arrangements for the continuing education of pupils who are excluded or otherwise unable to attend school.
- II. To authorise any proceedings necessary to enforce any enactment relating to the non-attendance of pupils at school, or education other than at school.
- III. To determine the allocation of Education Welfare Officers to schools

- IV. To undertake the powers and duties of the Authority under Section 36 of the Children Act 1989 regarding Education Supervision Orders and any subsequent statutory powers
- V. To determine patterns for home to school transport with agreed policies.
- VI. To determine appropriate transport arrangements in accordance with the Authority's policies

Special Educational Needs

- I. To determine arrangements for children to be assessed in accordance with the requirements of the Education Acts, to secure the special educational provision which should be made for them and to maintain and review statements of special educational need in accordance with any regulations concerning these.
- II. To determine out of County placements for children with special needs
- III. To determine the pattern of specialist education for pupils with special educational needs.
- IV. To determine special needs funding arrangements.
- V. To determine appropriate arrangements for support parents under the Education Act Provisions.

Curriculum and School Standards

- I. To exercise the responsibility of the Authority for securing school improvement, including the setting of targets.
- II. To determine the pattern of in-service training and such other support for school staff and governors as appropriate.
- III. In accordance with arrangements approved by the Secretary of State to determine complaints concerning alleged failures of schools to comply with the National Curriculum, including in conjunction with the Newport SACRE, the requirements for religious education and collective worship, and the arrangements for statutory assessment and moderation of the National Curriculum.
- IV. To determine whether application is to be made to the Secretary of State to direct that a Local Authority maintained school be authorised to conduct curriculum experiments outside the National Curriculum

- V. In the case of foundation schools to exercise any advisory rights relating to the appointment of head teachers, deputy head teachers or other teaching or ancillary staff conferred by agreement or legislation.
- VI. To determine the appointment of Schools Clerks
- VII. To exercise the powers and duties under the School Teacher (Appraisal) Regulations 1991 in respect of head teachers.
- VIII. To determine action to be taken arising from reports by the schools inspectorate, following discussion with appropriate governors and the head teacher.
- IX. To determine processes for target setting in schools.
- X. To determine methods to ensure the implementation of any ICT Project or other curriculum developments in schools.
- XI. To determine the methodology to be used in relation to literacy, numeracy or similar initiatives.
- XII. To exercise the powers of the Local Education Authority in respect of the Licensed Teacher Scheme.

As Head of Service

To determine operational issues relating to:

- Education Resources and Planning , including Early Years; Education Business; and Business Development and contracts;
- Engagement and Learning, including the Music Service; GEMMS and Education Welfare services
- Inclusion Services , including Education Psychology the Cylchdro centre and Improvement advice services; and

General

To determine matters relating to Human Resources, tenders, finance, land and buildings, operational plans and legal agreements relating to this service area and as contained in the general delegation of powers to all Heads of Service set out in Part 1 of this scheme of delegation

HEAD OF ADULT AND COMMUNITY SERVICES

The discharge of the following statutory duties is on behalf of the statutory Director of Social Services:

- (a) To undertake assessments of the need for care and support, determine eligibility and make arrangements for meeting those assessed needs of adults and carers in accordance with the Council's statutory duties under the Social Services and Well-Being (Wales) Act 2014
- (b) To exercise the Council's functions under Part 4 of the Social Services and Well-Being (Wales) Act 2014 to maintain and review care and support plans to meet the assessed needs of adults and carers.
- (c) To exercise the Council's functions under Section 15 of the Social Services and Well-Being (Wales) Act 2014 in providing or arranging preventative services, to include delaying the need for care and support, minimizing the effect on disabled persons of their disabilities and preventing people from suffering from abuse and neglect.
- (d) To be responsible for discharging the Council's safeguarding role in relation to adults at risk in accordance with part 7 of the Social Services and Well-Being (Wales) Act 2014.
- (e) To authorise and approve the maintenance costs for any person admitted to any residential accommodation.
- (f) To authorise the following facilities for any registered disabled person, within the approved budget and within approved policies;
 - attendance at a day activity providing appropriate development opportunities
 - the provision of special facilities
 - minor alterations and adaptations to premises including the installation of appropriate equipment, the works to be supervised by the appropriate professional staff
 - To contribute, where appropriate, and within local and / or national guidance, to the cost of adaptations to premises where the person is not eligible for a grant.
- (g) To make arrangements for the burial or cremation of deceased residents of residential or nursing homes and to act in the administration of their estates in the absence of family or other individuals able to do so.
- (h) To authorise the making of the necessary amendment orders providing for exemption for disabled car badge holders in accordance with the Disabled Persons (Badges for Motor Vehicles) Regulations 1982.
- (i) To administer badges for disabled persons as drivers or passengers.
- (j) To issue and recall badges in accordance with the Disabled Persons (Badges for Motor Vehicles) Regulations 1982.
- (k) To discharge the duties towards disabled people under the Social Services and Well-being (Wales) Act 2014 and any other relevant legislation.

- (l) Within the arrangements for the hearing of representations and complaints in accordance with Part 10 of the Social Services and Well-Being (Wales) Act 2014 to respond to recommendations of complaint review panels including application of financial redress, as considered appropriate within the framework of the Council's policy on remedies to complaints, Financial Regulations and where necessary in consultation with the Monitoring Officer.

- (m) To be responsible for the exercise of the Council's functions under the Mental Health Act 1983 in relation to the welfare of mentally disordered people and under the Mental Capacity Act 2005 in relation to people lacking mental capacity.

As Head of Service

To determine all operational issues relating to the following:

- Safeguarding services including the protection of vulnerable adults
- Quality Assurance, including performance; planning and development; quality assurance; substance misuse; commissioning and contracts;
- Occupational Therapy Services
- CRT and Frailty Services
- Mental Health Services to adults and older people, including assertive outreach
- Adult Disability learning
- End to end services including adult assessment and the review team
- Provider services including residential; homecare; supported living and supporting people

General

To determine matters relating to Human Resources, tenders, finance, land and buildings, operational plans and legal agreements relating to this service area and as contained in the general delegation of powers to all Heads of Service set out in Part 1 of this scheme of delegation

HEAD OF CHILDREN AND YOUNG PEOPLE SERVICES

The discharge of the following statutory duties on behalf of the statutory Director of Social Services:

- i. To maintain the Child Protection Register.
- ii. To undertake assessments of the need for care and support, determine eligibility and make arrangements for meeting those assessed needs of children in accordance with the Council's statutory duties under the Social Services and Well-Being (Wales) Act 2014
- iii. To safeguard and promote the well-being of looked after children in accordance with Section 78 of the Social Services and Well-Being (Wales) Act 2014
- iv. To exercise the Council's functions under Part 6 of the Social Services and Well-Being (Wales) Act 2014 to secure sufficient accommodation and maintenance for looked after children and to maintain and review care and support plans.
- v. To exercise the functions of the Council under Sections 120 and 121 of the Social Services and Well-Being (Wales) Act 2014 in relation to children accommodated by health and education authorities or in residential care homes or mental nursing homes.
- vi. To inspect arrangements for the care of children accommodated in independent schools in accordance with Section 87 of the Children Act 1989.
- vii. To exercise the powers of the Council under Section 7 of the Children Act 1989 to report to the Court on the welfare of children in private proceedings.
- viii. To exercise any functions of the Council relating to Orders with respect to children in family proceedings under Part II of the Children Act 1989.
- ix. To exercise the powers of the Council under Section 16 of the Children Act 1989 to provide advice, assistance and befriending under the terms of a Family Assistance Order.
- x. To exercise the functions of the Council under Section 17 of the Children Act 1989 to safeguard and promote the welfare of children in need including financial assistance within current budgetary limits.
- xi. To determine provision for the day-care of pre-school children and provision for out-of-school and holiday care and activities as appropriate in accordance with the duties and powers of the Council under Section 18 of the Children Act 1989.
- xii. To determine arrangements for the financial and other support of young people formerly looked after by the Council and by others under Section 24 of the Children Act 1989 within current budgetary limits.
- xiii. To determine the assessment scale in respect of financial contribution by a parent or young person to any service provided by the Council under Part III of the Children Act 1989 and part 6 of the Social Services and Well-Being (Wales) Act 2014. .

- xiv. To vary or waive the charges for any service provided by the Council under Part III of the Children Act 1989 and part 6 of the Social Services and Well-Being (Wales) Act 2014.
- xv. To exercise the functions of the Council in relation to the duty to make investigations as necessary to decide whether action should be taken to safeguard or promote the welfare of children in accordance with Section 47 of the Children Act 1989.
- xvi. To take such action as is necessary under Section 31 of the Children Act 1989 to bring a child or young person before a Court where there are grounds for bringing care proceedings.
- xvii. To present an application to a Court for the variation or discharge of any care order or supervision order in accordance with Section 39 of the Children Act 1989.
- xviii. To exercise responsibilities in respect of Section 36(8) of the Children Act 1989, relating to Education Supervision Orders.
- xix. To present an application to a Court for a Child Assessment Order, an Emergency Protection Order or a Recovery Order under Part V of the Children Act 1989.
- xx. To determine appropriate accommodation for children in need in pursuance of the Council's duty under Sections 20 to 23 of the Children Act 1989, including the provision of placements outside the City as necessary.
- xxi. To exercise the functions of the Council to undertake parental responsibility for children who are the subject of Care Orders and to make arrangements for reasonable contact with birth parents and others in accordance with Sections 33 and 34 of the Children Act 1989.
- xxii. To give consent to medical or surgical treatment for children who are subject of Care Orders or who are accommodated by the local authority.

To allow children the subject of a care order to reside at home in accordance with Section 22C of the Children Act 1989

- xxiii. To make contributions towards the maintenance of children placed with a person as a result of a Child Arrangements Order in accordance with paragraph 15 of Schedule 1 of the Children Act 1989.
- xxiv. To determine payment of the legal expenses of applicants for a Child Arrangements Order or other Section 8 Orders under the Children Act 1989 in respect of children in care to the extent that the Legal Services Commission funding is not available .
- xxv. To change the names of children who are the subject of a care order in favour of the Council, subject to the requirements of Section 33 of the Children Act 1989.
- xxvi. To give consent to the marriage of a young person in care pursuant to Section 3 of the Marriage Act 1949 as amended by the Family Law Reform Act 1969.

- xxvii. To approve and sign applications for passports for children and young persons in the care of the Council.
- xxviii. To consent to children and young persons in the care of the Council travelling abroad.
- xxix. To determine the applications of children and young persons in the care of the Council who wish to join HM Forces.
- xxx. To exercise the powers of the Council under Section 125 of the Social Services and Well-Being (Wales) Act 2014 in relation to the death of children looked after by local authorities.
- xxxi. To exercise the functions of the Council under Part VI of the Children Act 1989 in relation to the provision of accommodation for children in community homes.
- xxxii. To arrange loans to foster parents to provide accommodation for sibling groups by extending their present homes or to purchase larger homes, the amount of the outstanding loan to be reduced by way of a special allowance for as long as they care for foster children, subject to consultation with the Head of Finance.
- xxxiii. To vary foster care allowances, in line with budgets approved by the Council , and following consultation with the Head of Finance
- xxxiv. To sanction payment of the cost of the initial clothing and equipment required by children looked after by the Council who are placed in boarding schools and other establishments within current budgetary limits.
- xxxv. To approve applications to go on school expeditions, including expeditions abroad, of children looked after by the Council including expenditure on equipment and pocket money within current budgetary limits.
- xxxvi. To make payments to promote contact between parents, families and friends with children looked after by the Council in accordance with Section 96 of the Social Services and Well-Being (Wales) Act 2014. .
- xxxvii. To assess the contributions to be paid towards board and lodging by working children, provided that the amount remaining for weekly personal allowance and clothing allowance should not be less than the amount currently approved under the payment of foster care allowances.
- xxxviii. To maintain a Panel of Guardians ad Litem in accordance with the Guardians ad Litem and Reporting Officers (Panels) Regulations 1991.
- xxxix. To exercise the functions of the Council undertake Part VII of the Children Act 1989 in relation to the provision of accommodation by voluntary organisations.

- xl. To exercise the powers conferred on the Council under Part IX of the Children Act 1989 in respect of arrangements for the care of privately fostered children.
- xli. To make decisions to exempt persons from the usual fostering limit in accordance with paragraph 4 of Schedule 7 of the Children Act 1989.
- xlii. To grant applications for and impose conditions of registration of child minding the day-care for young children under Part XA of the Children Act 1989.
- xliii. To exercise the Council's adoption functions under the Adoption Act 1976 and the Adoption and Children Act 2002

As Head of Service

To determine operational issues in relation to:

- Safeguarding Services including child protection and quality assurance, domestic abuse, child protection, and acting as the Local Authority Designated Officer
- Youth Offending Services
- Integrated Family Support Services including substance misuse, family support and crisis support;
- Mentoring, assessment and planning services
- Resources including residential, fostering and placement matching and support services
- Services to disabled children; and
- Services to looked after children and young people

General

To determine matters relating to Human Resources, tenders, finance, land and buildings, operational plans and legal agreements relating to this service area and as contained in the general delegation of powers to all Heads of Service set out in Part 1 of this scheme of delegation

HEAD OF REGENERATION INVESTMENT AND HOUSING

Section 1: As Head of Service

To determine all operational matters in relation to the following

- Development Services , including building control; Development management; and planning policy
- Regeneration ;
- Housing and Community Regeneration, including community development; Community Regeneration; private sector housing; and preventative services;
- Community Learning and Libraries including Adult Education; flying start; libraries and youth and community services; and
- Museum and Heritage Services, including the Museum and Art gallery; the Newport Ship and the Transporter Bridge

Section 2: Development Management

The Head of Service has authority to carry out the following:

In the absence of an appointed Head of Service, the following authority passes to the Development Services Manager:

- (a) To determine all applications made under planning legislation*, including granting applications which are a departure from the Development Plan in force at the time of decision, except:
- i. Applications for outline or full planning permission where the development is defined as ‘major’ development in Article 2 of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 (as amended or modified by subsequent legislation) and where the site does not already benefit from an extant consent (outline or detailed) for a similar type and scale of development;
 - ii. Applications where an Elected Member has requested that an application be determined by the Planning Committee, giving planning reasons for that request, in accordance with the Protocol for Delegated Powers;
 - iii. Any matter to be determined where a judgement is made by the Leader of the Council in consultation with the Chair and Deputy Chair of the Planning Committee, on advice from appropriate officers that the matter is one that should be considered by Council
 - iv. Any matter which has been delegated to any Cabinet Member or to a Head of Service or any matter which is the responsibility of the Cabinet or Council

v. Any application

- made by any Elected Member of the Council; or
- made by any Officer employed within the Regeneration and Regulatory Services Area and who works in close association with the Development Services Section for example as a regular consultee, other than where that application is submitted solely in that Officer's professional capacity as a Council employee and where the Officer has no personal or non-pecuniary interest in the outcome of the application; or
- in respect of which an Elected Member of the Council has been consulted as a neighbour; or
- in respect of which the Head of Regeneration and Regulatory Services has responsibility for any aspect of the management of any land or buildings to which the application relates; or
- in any other circumstance where the Head of Regeneration and Regulatory Services considers it appropriate for the matter to be determined by Planning Committee

Such matters shall be determined by Planning Committee (where that matter falls within its Terms of Reference).

* This includes applications for planning permission, Reserved Matters, advertisement consent, Listed Building consent, Conservation Area consent, Hazardous Substances consent, the discharge of planning conditions, works to trees protected by Tree Preservation Orders, notifications of works to trees located within Conservation Areas, applications for Lawful Development Certificates, Hedgerow Removal, and any determinations (including granting consent) in relation to permitted development rights under the General Permitted Development Order (including telecommunications, demolition and agricultural determinations.

- To negotiate and determine the Heads of Terms for Section 106 planning contributions and/or contributions under the Community Infrastructure Levy, including deferred payments, time-limited discounts and setting the level of the monitoring fee;
- To agree any variations to Section 106 agreements or contributions under the Community Infrastructure Levy in liaison with the Ward Members, or, where that agreement was made by the Planning Committee, in liaison with the Ward Members and the Chair and Deputy Chair of Planning Committee;
- To defend the Council's decisions on planning matters at appeal and making all decisions relating to the conduct of appeals, including agreeing Statements of Common Ground, planning contributions and any other obligations pursuant to Section 106 agreements or the Community Infrastructure Levy, wording draft conditions, instructing expert witnesses, and seeking awards of costs when appropriate. In the case of appeals against non-determination, determining the Council's case to be presented at appeal unless the application falls within category (a)i or (a)ii above;

- To make and confirm (where unopposed) footpath diversions/stopping up orders pursuant to the Town and Country Planning Act 1990.
- To make and confirm (where unopposed) Tree Preservation Orders pursuant to the Town and Country Planning Act 1990.
- To provide informal pre-application advice
- To authorise the removal of telephone call boxes.

Section 3: Enforcement matters

- (a) To investigate and resolve complaints of unauthorised development (enforcement complaints) including issuing Planning Contravention Notices and Requisitions for Information, instigating prosecution proceedings, action under the Proceeds of Crime Act, taking direct action, removing and/or obliterating advertisements and placards, and/or resolving to take no further action where formal enforcement action is not considered expedient.
- (b) To issue formal enforcement notices or similar under the Planning Acts or associated legislation** unless:
 - i. The unauthorised development in question is defined as ‘major’ development in Article 2 of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 (as amended or modified by subsequent legislation); or
 - ii. Where a Ward Member has requested that the matter be determined by the Planning Committee, giving planning reasons for that request, in accordance with the Protocol for Delegated Powers;

** This includes issuing Enforcement Notices, Listed Building Enforcement Notices, Stop Notices, Breach of Condition Notices, Unsightly Land Notices (under Section 215 of the Planning Act), Hedgerow Replacement Notices and Tree Replacement Notices;

- (c) To investigate and determine complaints relating to high hedges including issuing Remedial Notices under the Anti-Social Behaviour Act, except where a Ward Member calls the item to Planning Committee giving relevant reasons for that request; and taking direct action to implement the requirements of a Notice issued under the High Hedges regulations and/or instruct the Head of Law and Standards (or other appropriate officer) to instigate prosecution proceedings for failure to comply with such a Notice;

- (d) To serve graffiti removal notices and to issue penalty notices for graffiti and fly posting under the Anti-Social Behaviour Regulations.

To authorise officers to undertake covert surveillance in accordance with the Regulation of Investigatory Powers Act 2000

Section 4: Planning Policy

- (a) To agree minor changes to the Development Plan during the Plan-making process, and to make decisions in consultation with the Cabinet Member for Regeneration regarding any other changes;
- (b) To prepare and agree the evidence base for the Development Plan, including appointing consultants where necessary.

Section 5: Building Control

- (a) The exercise of all powers and duties under the Building Act 1984 and Regulations made there under and related functions:
- (b) To support national initiatives introduced by the Local Authority Building Control Services, Local Authority National Type Approval Consortium, Building Control Wales or similar.
- (c) To carry out any incidental functions or supplementary services including SAP energy performance certificates, and Code for Sustainable Homes and BREEAM assessments and certification, including setting fees for those services.
- (d) To exercise powers under the Local Government (Miscellaneous Provisions) Act 1982 Section 29 regarding the securing of buildings to prevent unauthorised entry.
- (e) To issue Licences pursuant to the Highways Act 1980 in relation to scaffolding or other structures on the highway and to exercise related powers.
- (f) To issue Certificates and exercise powers pursuant to the Safety of Sports Grounds Act 1975, and Fire Safety and Safety of Places of Sport Act 1987 in relation to the use of sports grounds.
- (g) To serve Requisitions for Information.

Section 6: Planning: Miscellaneous and Procedural Matters

- (a) To decline to determine planning applications.

- (b) To Finally Dispose of applications under Article 29(15) of the Town & Country Planning (Development Management Procedure) (Wales) Order 2012 (or equivalent provision amending this provision).
- (c) To add, delete or amend conditions or reasons for refusal and/or reasons for taking enforcement action in relation to decisions made under delegated powers or, in liaison with the Chair of Planning Committee[#], in relation to Committee decisions.
- (d) To agree minor amendments or non-material amendments that involve no significant increase in the scale of development proposed pursuant to the appropriate application.
- (e) To determine responses in relation to:
 - i. Consultations by utility companies in relation to power lines, pipelines and other utilities infrastructure;
 - ii. Fringe area consultations from other local authorities (where the development concerned does not fall within category 1a(ii) above);
 - iii. Applications submitted to the Infrastructure Planning Commission (or any equivalent successor body).
- (f) To make any determination under the Environmental Assessment Regulations (including a decision regarding whether an Environmental Statement is required and the scope of such an assessment).
- (g) To undertake appropriate assessments and to make determinations under the Habitats Regulations.
- (h) To compile and maintain all Registers required by the Planning Acts and any orders or regulations made there under.
- (i) To make any determinations (including decisions of an administrative nature) regarding the processing of any applications received (including decisions relating to the validity, adequacy of information provided and fees payable), and correcting errors on Decision Notices.
- (j) Proper Officer function for signing Decision Notices or Certificates issued as a result of the exercise by the Council of any functions pursuant to the Planning Acts or Regulations or Orders made thereunder or to the Building Regulations or Orders made thereunder.
- (k) Power to authorise officers to sign and issue Decision Notices, Licences and other formal documents as referred to above.

- (l) Power to authorise officers for the purposes of the powers of entry onto land granted by the Planning Acts, Building Act, the Environment Act, the Anti Social Behaviour Regulations and any regulations made there under;

(For the avoidance of any doubt where any judgment has to be made, for example, concerning whether any development is minor or is in accordance with the Development Plan policies, such decision shall be made by the Head of Regeneration, Investment and Housing).

Should the Chair of Planning Committee be unavailable, authority shall pass to another member of the Planning Committee.

Section 7: Grant Applications

- I. To determine grant applications for building and related improvement in industrial and commercial improvement areas under Sections 5 and 6 of the Inner Urban Areas Act or similar or subsequent legislation and to administer relevant grants under the Strategic development Scheme or subsequent schemes to a value of £20,000
- II. To determine business grants to a value of £20,000
- III. To determine whether to make bids for European Funding and to determine methods of processing schemes, subject to determination of whether to accept grant aid in line with Council policies

Section 8: Strategic Housing

- I. To determine any operational matters relating to the Council's strategic Housing function
- II. To determine the allocation of funds available for Renovation and Repairs Grants
- III. To determine when to carry out work in connection with improvement grants on behalf of owners at their expense, and with their agreement, in accordance with the Local Government and Housing Act 1989
- IV. To determine circumstances in which divulge information relating to tenants as follows: (Subject to the requirements of the Data Protection Act)
 - Tenancy references to building societies providing the authority of the tenant is given.
 - Tenancy references in confidence to other local authorities irrespective of authority given by tenant.
 - Forwarding addresses only to statutory bodies, e.g. utility companies, Post Office, British Gas etc.
 - forwarding addresses only to other agencies on receipt of a search fee

Section 9: Regeneration

To determine any operational issues relating to :

- Regeneration of the City Centre
- Regeneration of the wider City Region
- Housing and Community Regeneration, including community development; Community Regeneration; private sector housing; and preventative services;

Section 10: Community Learning and Libraries

To determine any operational issues relating to:

- Community Learning
- Adult Education;
- Flying start;
- Libraries
- Youth and community services

This includes determination of

- I. Activity programmes
- II. Promotional and marketing activities for the Council's facilities within the service area.
- III. Improvements upgrading or additions to facilities within the service area, subject to available finance.
- IV. Any management agreements for leisure facilities or community learning facilities either owned by the service area or used by the service area.
- V. Management arrangements for all premises used primarily for community, youth or adult education, including community centres on school sites
- VI. Applications for Grant Aid of £5,000 or less- Higher amounts to be determined by the Cabinet member
- VII. Charges for the hire of facilities, pricing structures, coaching and other fees subject to the Council's agreed charging policies
- VIII. Conditions of hire
- IX. Operating times
- X. Designs and sitings of play areas within new developments

Section 11: Museum and Heritage Services

To determine any operational issues relating to museum and heritage services including:

- Museum and Art Gallery; including use of any reserve funds
- Newport Ship and
- Transporter Bridge

Section 12: General

To determine matters relating to Human Resources, tenders, finance, land and buildings, operational plans and legal agreements relating to this service area and as contained in the general delegation of powers to all Heads of Service set out in this constitution

HEAD OF STREETSCENE AND CITY SERVICES

Section 1: As Head of Service

To take all operational decisions in relation to:

- I. Environmental Services including
 - Waste disposal
 - Recycling and Sustainability
 - Green Services
 - Cremation Services
 - Refuse
 - Civil Contingencies
- II. Street Scene Services and Area Services, including:
 - Street works
 - Traffic and transport
 - Highways
 - Drainage
 - Road safety
 - Grounds maintenance
 - Street cleansing services
- III. Integrated Transport Services
- IV. Theatre and Arts Centre , Riverfront
- V. Sports and Leisure Trust including:
 - Business support
 - Catering services
 - Leisure operations and business development
 - Parks and outdoor recreation
 - Active community programmes.

Section 2: General delegations for Street Scene

- I. To enter into Section 38, 278 and 111 Agreements in connection with development affecting public highways.
- II. To determine Transport Grant submissions to the National Assembly.
- III. To determine traffic calming priority lists.
- IV. To approve the adoption of highways maintainable at public expense.
- V. To determine the siting of School Crossing Patrols.
- VI. To determine issues relating to the operation of the Transporter Bridge.
- VII. To determine street naming and numbering of properties.
- VIII. To determine any issues relating to bus shelters
- IX. To determine day to day operational issues relating to home to school transport.

Section3: Engineering and Construction

- i. To adopt roads and sewers where agreements exist under Sections 38 and 278 of the Highways Act 1980 and Section 18 of the Public Health Act 1936.
- ii. To adopt roads and sewers under Section 228 of the Highways Act 1980 and Section 17 of the Public Health Act 1936 where no Adoption Agreements exist.
- iii. To deal with applications under Section 152 of the Highways Act 1989 for consent to fix or place any overhead beams, rail, pipe, cable, wire or other similar apparatus over, along or across a highway.
- iv. To serve Notices under Section 134 of the Highways Act 1959 requiring the lopping of vegetation over highways and certain other roads and paths.
- v. Execute repairs to unadopted roads and rear access lanes in accordance with the provisions of Section 47 of the Public Health Act 1961 to prevent or remove danger to persons or vehicles with an annual cost limit of £10,000. Schemes of above £10,000 shall be determined by the Cabinet Member.
- vi. Approve terms for connections to Council sewers and the granting of any necessary easements on terms to be agreed by the Head of Law & Standards.
- vii. To make emergency and temporary prohibition Orders and Notices under Section 14 of the Road Traffic Regulation Act 1984, as amended.
- viii. To give instructions to issue notices under Section 184 of the Highways Act 1980 (which notify owners of premises that the Council intends to construct vehicle cross - over's and to recover the cost from the owners)
- ix. To issue certificates for payment in respect of highway construction or other engineering works.

Section 4: Statutory Appointments

To determine the statutory appointment of a person (to be known as the "Traffic Manager") to perform such tasks as the authority consider will assist them to perform their network management duty

Section 5: Traffic Orders

To determine and implement non - contested Traffic Orders. Orders which receive representations are to be determined by the Cabinet Member.

Section 6: Integrated Transport Services

To determine all operational matters relating to integrated transport services

Section 7: Statutory duty to the Council to secure the 'expeditious movement of traffic'

- I. To exercise the powers and duties of the Council in relation to Street Works conferred by Part III New Roads and Street Works Act 1991.
- II. To authorise officers so that they may issue Fixed Penalty Notices under section 95 of the New Roads and Street Works Act as amended by section 41 of the Traffic Management Act 2004.

Section 8: Gating of Certain Types of Highways

To determine in consultation with the Head of Law and Regulation the making of any Orders for the gating of any highways, including alleys.

Section 9: Reservoirs Act 1985

- To appoint a Supervision Engineering and an Inspection Engineer from the Welsh Office Panel to supervise, inspect and report appropriately as required by the Reservoirs Act 1985.
- To be responsible for carrying out the Council's duties under the Reservoirs Act 1985.

Section 10: Nominations to Contracts

To issue nominations to contracts subjected to the estimated costs being recorded and a report being made to the appropriate committee if the variation causes the tender sum to be exceeded by more than 10%.

Section 11: Waste management and Recycling

To determine all operational matters relating to Waste management and Recycling. All policy matters are to be determined by the Cabinet Member, cabinet or Council as appropriate.

Section 12: Litter Control Notices

To serve Street Litter Control Notices under Sections 93 and 94 of the Environmental Protection Act 1990.

Section 13: City Centre Management

To determine all operational matters relating to overall management of the City Centre, and the City Centre Rangers.

Section 14: Countryside and Footpaths

- I. To make orders for diversion and extinguishment of public rights of way under the Highways Act 1980.
- II. To service notices and take appropriate action under the enforcement provisions of the Highways Act 1980 where public rights of way are affected.
- III. To make orders concerning public rights of way under the Wildlife and Countryside Act 1981.
- IV. To act within the Council's powers and duties under the Countryside and Rights of Way Act 2000.

Section 15: Cremation Services

To determine all operational matters relating to the Gwent Crematorium. All policy matters are to be determined by the Gwent Cremation Joint Committee, Cabinet Member, Cabinet or Council as appropriate.

Section 16: Floral Displays

To determine the submission of applications for the entry of Newport and Caerleon in the annual "Wales in Bloom" Competition.

Section 17: Riverfront Theatre and Arts Centre

To determine all operational matters relating to the Theatre and Arts Centre. All policy matters are to be determined by the Cabinet Member, Cabinet or Council as appropriate.

Section 18: Sports and Leisure Trust

To determine all operational matters relating to the relationship with the Sport and Leisure Trust

Section 19: Customer Services and Benefits

- I. To determine operational issues in relation to the Council's Face to Face Centre and Contact Centre.
- II. To determine all operational issues relating to Housing and Council Tax Benefits

General

To determine matters relating to Human Resources, tenders, finance, land and buildings, operational plans and legal agreements relating to this service area and as contained in the general delegation of powers to all Heads of Service set out in Part 1 of this scheme of delegation



Report

Democratic Services Committee

Part 1

Date: 17 February 2017

Item No: 8

Subject **Mayoralty**

Purpose To consider making a recommendation to the Council about deferral of acceptance of office for inclusion in the Council's Constitution

Author Chief Democratic Services Officer

Ward All Wards

Summary Newport City Council's method of selecting the Mayor is fair and balanced and determined exclusively on seniority. What this means is that the longest serving member on the Council who has not served as the Mayor will be nominated to serve as Mayor, irrespective of which political party he or she represents.

However, from time to time the prospective incoming Mayor may need to defer his or her election as Mayor for personal reasons.

There is no written protocol to take account of this situation but in the past there has been an informal agreement between the parties that an individual can defer for twelve months

This appears to be a reasonable position as it will allow the individual time to resolve any specific issues but it also takes away the opportunity for individuals to 'pick and choose' when they serve as Mayor.

It is suggested that a form of words is written into the constitution that allows an individual to defer for one year from his or her original nomination date and that any longer deferral be a matter for decision by the Council

One other issue to be clarified refers to an election year. In January of each year an individual is nominated to serve as Mayor. Obviously in an election year, if the individual who is nominated fails to retain his or her seat then the Mayoralty will fall to the next in line, according to seniority

Another complication may arise in an election year. An individual could be re-elected to the Council following an absence and, on strict seniority rules would qualify as Mayor in the year of his or her election. However by that time the Council will have already made a nomination for the coming year.

It is suggested that in such circumstances the person already nominated by the Council will become Mayor in the election year and the re-elected member will take his other place according to seniority in the following year. Any agreed deferrals will then be extended for a further period of time.

Finally an issue about the format of the AGM. In previous years, for practical reasons, the outgoing Mayor has chaired the official part of the Council AGM which deals with the relevant Council appointments – Leader, Chairs of Committees etc. – and this is followed by the ceremonial Mayor-making part, when the new Mayor is officially sworn-in. That has never been a problem where the outgoing Mayor remains as an elected Councillor. However, where the out-going Mayor is not re-standing in the elections or is not re-elected, then his/her term of office as a Councillor will have ceased before the AGM. Therefore, he/she should not Chair the official Council AGM in May. In the circumstances, it is suggested that the ceremonial Mayor-making process should now be conducted first to enable the new Mayor to be appointed and to chair the official Council business at the AGM.

Proposal To adopt the proposed protocol set out in the Summary

Action by Chief Democratic Services Officer

Timetable Immediate

This report was prepared after consultation with:

- Chief Executive
- Monitoring Officer
- Head of People & Business Change
- Group Leaders

Background

As mentioned in the summary Newport City Council's method of selecting the Mayor is fair and balanced and determined exclusively on seniority. What this means is that the longest serving member on the Council who has not served as the Mayor will be nominated to serve as Mayor, irrespective of which political party he or she represents.

However, from time to time the prospective incoming Mayor may need to defer his or her election as Mayor for personal reasons. There is no written protocol to take account of this situation but in the past there has been an informal agreement between the parties that an individual can defer for twelve months

The report summary makes suggestions as to how this could be formalised in the Council's Constitution

One other issue referred to above refers to an election year. Again the report summary makes suggestions as to how this could be formalised in the Council's Constitution

Finally the report addresses the format and running order of the AGM

Financial Summary

There are no financial implications for the Council

Risks

Risk	Impact of Risk if it occurs* (H/M/L)	Probability of risk occurring (H/M/L)	What is the Council doing or what has it done to avoid the risk or reduce its effect	Who is responsible for dealing with the risk?
No protocol is agreed and informal arrangements continue	M	L	This report suggests a more formal approach	Chief Democratic Services Officer
A formal arrangement could prevent someone with a genuine reason from deferring for longer	M	L	The report suggests giving the power to extend the deferral in certain circumstance	Chief Democratic Services Officer

Links to Council Policies and Priorities

The proposals are intended to clarify an existing informal arrangement and provide clarity to elected members and the public

Options Available and considered

- To adopt a protocol and include in the constitution
- Allow informal arrangements to continue

Preferred Option and Why

To adopt a protocol and include in the constitution to clarify an existing informal arrangement and provide clarity to elected members and the public

Comments of Chief Financial Officer

There are no financial implications

Comments of Monitoring Officer

The Mayor has both a constitutional role, as Chair of the Council, and a civic and ceremonial role in accordance with the prerogative rights granted under Royal Charter. In accordance with Section 23 of the Local Government Act 1972, the election of the Chair is the first item of business transacted at the Council Annual General Meeting in May and the decision is taken by a simple majority of votes cast. However, the custom and practice has always been to nominate the Mayor for the forthcoming municipal year beforehand, based on seniority, and for that appointment to be formalised unanimously at the subsequent AGM. It has also been the protocol that prospective Mayors can defer their term of office by up to 12 months, for personal reasons, but for no longer. Therefore, it would be advisable to formalise this arrangement within the constitution.

Difficulties can arise in an election year where the nominated Mayor is not re-elected or where a new Member is re-elected to the Council, following a period of absence, and is entitled to be appointed as Mayor on grounds of seniority because of previous service. Where the nominated Member is not re-elected, then the next senior Member is then nominated and appointed at the AGM. However, where a Member is re-elected who has greater seniority, it would still be appropriate to confirm the appointment of the previous nominee and for the newly elected Member to take his/her turn in the following Mayoral year. Again, this practice could be formalised within the constitution, in order to avoid any uncertainty or confusion. Legally, a decision to appoint the civic Mayor as the statutory Chair of Council can only be taken at the AGM in May and, therefore, it is not possible to fetter or pre-empt this decision, but if the protocol is formalised and only the Mayor-elect is nominated, the legal decision is then a formality.

In previous years, for practical reasons, the outgoing Mayor has chaired the official part of the Council AGM which deals with the relevant Council appointments – Leader, Chairs of Committees etc. – and this is followed by the ceremonial Mayor-making part, when the new Mayor is officially sworn-in. That has never been a problem where the outgoing Mayor remains as an elected Councillor. However, where the out-going Mayor is not re-standing in the elections or is not re-elected, then his/her term of office as a Councillor will have ceased before the AGM. Therefore, he/she should not Chair the official Council AGM in May. In the circumstances, it is suggested that the ceremonial Mayor-making process should now be conducted first to enable the new Mayor to be appointed and to chair the official Council business at the AGM.

Comments of Head of People and Business Change

There are no staffing, performance or policy issues arising from the report. It offers a pragmatic solution to a series of potential issues within the current Constitutional arrangements under certain circumstances.

Comments of Group Leaders

Leader of the Council; Leader of the Opposition; and the Leader of the Independent Group have indicated they are happy to support the proposals

Local issues

There are no local issues

Scrutiny Committees

This is a matter for consideration by the Democratic Services Committee.

Equalities Impact Assessment and the Equalities Act 2010

Equalities Impact Assessment is not required

Children and Families (Wales) Measure

No issues in this report relate directly to Children and Young People

Wellbeing of Future Generations (Wales) Act 2015

No issues in this report

Crime and Disorder Act 1998

Not applicable for this report

Consultation

As set out above.

Background Papers

None

Dated: January 2017

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