

# Agenda



## Democratic Services Committee

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Date: Thursday, 20 February 2020

Time: 10.00 am

Venue: Committee Room 1 - Civic Centre

To: Councillors D Fouweather (Chair), K Thomas, T Watkins, J Clarke, P Hourahine, J Hughes, M Whitcutt, C Evans and M Evans

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Item	Wards Affected
1	<u>Apologies</u>
2	<u>Declarations of Interest</u>
3	<u>Minutes of the Previous Meeting (Pages 3 - 6)</u>
4	<u>Review of the Constitution-Revised Officer Scheme of Delegation (Pages 7 - 42)</u>
5	<u>IRP Supplementary Report (Pages 43 - 56)</u>
6	<u>Support for Councillors in their Ward Work (Pages 57 - 66)</u>
7	<u>Boundary Commission Review of Electoral Arrangements-Draft Proposals (Pages 67 - 78)</u>
8	<u>Date of next Meeting</u> 21 May 2020

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# Minutes

## Democratic Services Committee

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Date: 24 October 2019

Time: 5.00 pm

Present: Councillors D Fouweather (Chair), M Evans, R Hayat, L Lacey, K Thomas, T Watkins and H Thomas

In Attendance: Lisa Davies (Governance Officer), Gareth Price (Head Of Law & Regulation)

Apologies: Councillors C Evans and Y Forsey

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### 1 **Declarations of Interest**

None

### 2 **Minutes of the Last Meeting**

Minutes of the meeting held on the 14<sup>th</sup> February 2019 were accepted as a true and accurate record

In relation to the minutes from the previous meeting, a Member questioned the sentence 'A Member asked whether the change was due to Councillors having failed previously?' on page 8 of the minutes. They stated that they felt that the grammar was incorrect

The minutes of the meeting held on 25<sup>th</sup> July 2019 were approved as a true and accurate record.

### 3 **Annual Report by the Head of Democratic Services**

The Head of Law and Regulation gave an update on the Annual Report of the Head of Democratic Services

Under the Local Government (Wales) Measure 2011, the Democratic Services Committee is required to keep under review the provision of staff, accommodation and other resources made available to the Head of Democratic Services, to ensure that adequate resources were provided for the responsibilities of the post.

The annual report provided an outline of the resources made available in support of these functions, so that the Committee could fulfil its responsibilities under the Measure.

#### **Agreed:**

The Committee endorsed the annual report of the Head of Democratic Services and the proposals as outlined within the report.

#### 4 **Annual Report of the Democratic Services Committee**

The Head of Law and Regulation gave an update on the Annual Report of the Democratic Services Committee.

The Local Government (Wales) Measure 2011 required each council to establish a Democratic Services Committee. The Measure prescribes the functions of the committee and requires the committee to make a report at least annually to the Council.

This report proposed the content of the Democratic Services Committee's annual report for 2018-19. It also provided evidence that the committee had carried out its required function by reviewing the adequacy of staff to support members. The Committee requested clarification of the recommendation regarding Residential Homes rota visits and whether this should be three or four members.

**Agreed:**

The Committee endorsed the annual report of Democratic Services Committee and the proposals as outlined within the report, for presentation to full Council.

#### 5 **Independent Remuneration Panel for Wales Draft Annual Report 2020**

The Head of Law and Regulation gave an update on the Annual Report 2020.

In 2017 the Panel visited each of the 22 principal councils and met with many members and officers. Since then they had met with all Fire and Rescue and National Park Authorities and continued with the programme of meetings with Community and Town Councillors and Clerks. In this draft Annual Report, the IRP continued to reflect some of the issues that have arisen during their visits. The IRP had previously indicated that payments to councillors had not kept pace with the original comparator the Panel used to establish an appropriate level of remuneration because of pressures on public expenditure. The effect of this can be seen in the tables and graphs in section 3. A more detailed paper will be available on the IRP website.

The IRP proposed an increase in the basic salary of elected members of principal councils and members of both Fire and Rescue Authorities and National Park Authorities to take account of the current rate of inflation which will help prevent further erosion.

The IRP acknowledged that there may be some concerns about the financial impact of this increase when local government in Wales continues to be financially stretched. However, they had to balance the issue of affordability with fairness to members of local councils and recognise that the current level of payments means that many of them struggle financially. As the IRP have consistently indicated, representative democracy does not come without a cost. In the current circumstances the IRP considered that the determinations set out in this Report achieve this balance.

The Committee agreed in principle with the report and had no further comments.

**Agreed:**

That the draft annual report be noted by the Committee.

## 6 **Chair of Council**

The Head of Law and Regulation gave an update on the Chair of Council/Presiding Officer;

The Local Government (Democracy) Wales Act 2013 gave local authorities the power to appoint a Presiding Member (and Deputy Presiding Member) to act as Chair of Council and discharge any other non-executive functions, as determined by the Council. The purpose of having a stand-alone Chair of Council was to reflect the specific role of presiding over Council meetings and the skills required to manage Council business in a fair and efficient manner. These roles and responsibilities are quite distinct and different from the other civic, ambassadorial and ceremonial roles discharged by the Mayor (and Deputy Mayor) as the first Citizen of the City. Many councils in Wales have now gone down this route and have appointed a specialist Presiding Member to chair council meetings.

A Member of the Executive may not be elected as Presiding Member/Chair of Council, but can be elected as a stand-alone Mayor. If remunerated, a Presiding Member is entitled to a Band 3 Senior Salary of (currently) £22,568 and the post would count towards the Senior Salary cap for the Council of 18 posts.

Where a Presiding Member is appointed, the Council must appoint a Deputy Presiding Member. A Deputy Presiding Member cannot be a member of the Executive and is not entitled to be remunerated.

Consequential amendments would be required to the Council's Constitution to reflect the separation of the Chair of Council and Mayoral roles.

The Committee made the following recommendations;

- That the Council should not appoint a Chair of Council/Presiding Member.
- If full Council decided to appoint a Presiding Member, then it was recommended that there should be a rule prohibiting any serving Cabinet Member from being appointed as the Mayor and carrying out a dual role.

## 7 **Draft Work Programme**

The Head of Law and Regulation gave an update to the Committee on the Draft Work Programme.

The purpose of a work programme is to enable the Committee to plan, organise and prioritise its workload. Previously, reports have been brought to the Committee on an ad hoc basis, as and when work was referred. By adopting the suggested work programme in this report, the Committee will be able to plan out its projects and meetings, be clear on its aims and objectives, and properly assess at the end of the year the extent to which its aims have been achieved.

Agreed:

That the Committee endorse the Draft Work Programme and the proposals as outlined within the report.

8 **Date of next Meeting**

20 February 2020



# Report

## Democratic Services Committee

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### Part 1

Date: 20<sup>th</sup> February 2020

Item: 4

### Subject **Revised Scheme of Delegation to Officers**

**Purpose** To agree an updated and revised Officer Scheme of Delegation for recommendation to Council

**Author** Head of Law and Regulation

**Ward** All Wards

**Summary** As part of the forward work programme and the terms of reference for Democratic Services Committee, the Committee is required to keep under review the Council's constitutional governance arrangements.

In accordance with the Council's approved scheme of delegation, which is set out at Part 3 Appendix 3 of the Council's Constitution, a number of statutory functions are delegated to Heads of Service who are authorised to discharge these duties in behalf of the Council. The Officer Scheme of Delegation was last reviewed and updated in October 2017 and since that time there have been a few legislative changes and amendments to Council procedures. These changes and amendments need to be incorporated into a revised and updated scheme of delegation for adoption by full Council.

For the most part, the previous officer scheme of delegation does not require substantive revision. However, since the last review, new legislation has been introduced to deal with sustainable drainage systems ("SuDS") for new developments and additional delegated powers need to be granted to the Head of City Services to enable him to determine applications and all other related functions under Schedule 3 of the Flood and Water Management Act 2010 on behalf of the Council as the SuDs Approving Body ("SAB").

In addition, the existing scheme has been updated to reflect the scheme of delegation granted by full Council to the Head of Regeneration Housing and Investment to determine minor property transactions, as previously recommended by Democratic Services Committee.

**Proposal** **To agree the proposed amendments to the Scheme of Delegation to Officers and to recommend to Council that it is adopted as Part 3 Appendix 3 of the Constitution.**

**Action by** Head of Law and Regulation

**Timetable** Immediate

This Report was prepared after consultation with:

- Chief Executive
- Head of Finance
- Head of People and Business Change
- Heads of Service and Corporate Management Team.



## Background

1. As part of the forward work programme and the terms of reference for Democratic Services Committee, the Committee is required to keep under review the Council's constitutional governance arrangements. Section 37 of the Local Government Act 2000 requires the Council to keep up-to-date and publish its written Constitution. The written Constitution forms part of the Council's Policy Framework and any amendments must, therefore, be formally approved and adopted by full Council.
2. In accordance with the Council's approved scheme of delegation, which is set out at Part 3 Appendix 3 of the Council's Constitution, a number of statutory functions are delegated to Heads of Service who are authorised to discharge these duties in behalf of the Council. The Officer Scheme of Delegation was last reviewed and updated in October 2017 and since that time there have been a few legislative changes and amendments to Council procedures. These changes and amendments need to be incorporated into a revised and updated scheme of delegation for adoption by full Council.
3. Schedule 3 of the Flood and Water Management Act 2010 – Sustainable Drainage Systems (SuDS)

As from January 2019, Schedule 3 of the Flood and Water Management Act 2010 introduced new statutory duties in relation to sustainable drainage for new developments. All new developments of more than 1 dwelling house or where the construction area is 100 square meters or more, will require sustainable drainage systems ("SuDS") for surface water. The SuDS must be designed and built in accordance with Statutory SuDS Standards published by the Welsh Ministers. The legislation also requires surface water drainage systems to be approved by the Council as the designated SuDS Approving Body ("SAB") before the commencement of construction work with drainage implications. The legislative requirements have been introduced on a phased basis in Wales but the full scheme is now in force

4. As SAB, the Council has statutory responsibility for approving and, in specified circumstances, adopting the approved drainage systems. This will involve evaluating and determining SuDS applications, inspecting the drainage work during the course of construction operations and, subject to compliance with statutory standards and conditions, approving and maintaining drainage systems. This will require formal adoption agreements and payment of agreed commuted sums and maintenance payments, if the Council is to take over responsibility for the adopted drainage systems.
5. In order to discharge these functions on behalf of the Council as the SAB and to determine SuDS applications under Schedule 3 of the Flood and Water Management Act, it will be necessary for the Council to grant delegated powers to the Head of City Services, under the officer scheme of delegation.
6. The SuDS application process is entirely separate and distinct from the planning application process, although they can be submitted as part of a combined application. The Council acting as the SAB is separate from the Local Planning Authority and, therefore, the approval processes need to be entirely independent within the Council's decision-making arrangements. A developer may be granted planning approval but not meet the requirements of the SAB process and vice versa. Therefore, the determination of SuDS applications cannot be delated to Planning Committee. Furthermore, SAB approval and adoption duties are technical approval processes akin to Building Regulations technical approval rather than planning decision making.
7. Therefore, it is recommended that these technical decisions relating to the approval and adoptions of SuDS applications and drainage schemes are delegated to the relevant Head of Service, in the same way as Building Regulation applications and the adoption of highways. In this case, the relevant Head of Service is the Head of City Services, as the responsible officer for drainage matters.
8. The proposed additions to the current Officer Scheme of Delegation are set out at section 12.10 of the revised scheme of delegation for the Head of City Services (attached at Appendix A)

## 9. Minor Property Transactions

The opportunity has also been taken to update the officer scheme of delegation to include the delegated powers granted by full Council to the Head of Regeneration Housing and Investment to determine minor property transactions, as previously recommended by Democratic Services Committee. The necessary additions to the current Officer Scheme of Delegation are set out at section 11.10 of the revised scheme of delegation for the Head of Regeneration Housing and Investment (attached at Appendix A).

10. Because the Officer Scheme of delegation forms part of the Council's written Constitution and this, in turn, forms part of the Council's Policy framework, then the proposed amendments to Part 3 Appendix 3 of the Council's Constitution will need to be recommended to full Council for approval and adoption.

## Financial Summary

11. There are no financial implications.

## 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 updating and revising the officer scheme of delegation	H	M	Failure to update the scheme of delegation would be contrary to the requirements of Section 37 of the Local Government Act 2000, would be contrary to the principles of transparent and accountable decision-making and could lead to decisions being legally challenged.	Head of Law & Regulation
Updating and revising the officer scheme of delegation	L	L	There would be a clear allocation of functions within the Constitution and transparent and lawful decision-making.	Head of Law & Regulation

## Links to Council Policies and Priorities

12. Clear and transparent decision-making is fundamental to the work of the Council and the delivery of the Corporate Plan. Ensuring that the appropriate governance arrangements are in place is also consistent with the sustainability duty under the Future Generations and Well-Being Act and the well-being goals of a more equal Wales and a Wales of cohesive communities.

## Proposal

13. To agree the proposed amendments to the Scheme of Delegation to Officers and to recommend to Council that it is adopted as Part 3 Appendix 3 of the Constitution.

### **Comments of Chief Financial Officer**

14. There are no financial implications

### **Comments of Monitoring Officer**

15. Set out in the Report

### **Staffing Implications: Comments of Head of People and Business Change**

16. There are no staffing or policy implications

### **Background Papers**

Part 3 Appendix 3 of the Council's Constitution

Dated: 10<sup>th</sup> February 2020.

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# Constitution

## Part 3: Responsibility for Functions

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### Appendix 3: Scheme of Delegation to Officers

#### Section A: GENERAL SCHEME OF DELEGATION APPLYING TO ALL HEADS OF SERVICE

##### 1 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.**

###### 1.1 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 Strategic 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.

## **1.2 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.

## **1.3 Finance**

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

## **1.4 Land and Buildings/Planning**

- (i) 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.

- (ii) On receipt of permission from the Planning Committee or, where appropriate, the Council, to authorise carrying out of such development.
- (iii) To determine operational issues relating to the use of buildings within the portfolio , including adjustments to opening times

## **Section B: SCHEMES OF DELEGATION TO INDIVIDUAL CHIEF OFFICERS**

### **2 Chief Executive**

#### **2.1 As Head of Paid Service**

- (i) 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
- (ii) 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.

#### **2.2 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.

#### **2.3 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.

### **3 Strategic Director - People**

#### **3.1 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 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.

### **3.2 General**

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).

## **4 Strategic Director – Place**

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).

## **5 Head of Law and Regulation**

### **5.1 As Head of Service:**

- (i) 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
- (ii) Procedural Issues
- To determine any guidelines to be issued to officers and / or members on legal, procedural and proprietary issues.
  - 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.
  - To determine the content of any binding contract or any other such documentation between the Council and any third party.
  - 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.

### **5.2 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

### **5.3 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.

### **5.4 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 them 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.

### **5.5 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.

### **5.6 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.

## **5.7 Public Protection**

### **5.7.1 General**

- (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 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:
- (xvii) 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.**

- (xviii) 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.

(xix) (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 licensee.

### 5.7.2 Licensing Act: Arrangements for Applications Relating to Licensed Premises or Individuals

Matter to be dealt with	Sub Committee	Officers
Policy –consulting on proposed changes		<b>x</b>
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	

### 5.7.3 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

<b>Matter to be dealt with</b>	<b>Full Council</b>	<b>Sub-Committee</b>	<b>Officers</b>
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 notice		X	

## **5.8 Marketing and Communications**

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

## **5.9 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.

## **6 Head of Finance**

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

### **6.1 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.

## **6.2 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

## **6.3 Local Taxation**

- (i) 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.
- (ii) To determine methods to compile and maintain records of persons liable for Non-Domestic Rates and Council Tax.
- (iii) 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.
- (iv) To determine all appropriate actions under statute and regulations to collect and enforce the payment of Non-Domestic Rates and Council Tax.
- (v) To determine when to make application to the Magistrates Court for liability orders to be made against defaulters.
- (vi) To determine when to levy distress and take all other actions empowered by the liability order 16
- (vii) To determine applications for mandatory charitable relief.
- (viii) To determine effective measures to maintain the General Fund for Non-Domestic Rating pooling arrangements.
- (ix) To determine appeals against administrative matters and give evidence at Valuation Tribunals.
- (x) 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.
- (xi) To determine circumstances in which to sign agreements for alteration of entries in the local non-domestic rating list.



- (xii) 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.

#### **6.4 As Head of Service**

To determine any operational issues relating to the Following functions:

- Accountancy
- Strategic Procurement
- Income collection
- Internal Audit

#### **6.5 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.

### **7 Head of People and Business Change**

#### **7.1 Human Resources**

To determine all operational issues relating to:

- Strategic Human Resources
- Employment Services
- Total Reward
- Health and Safety issues
- Organisational Development and Training

- (ii) To determine procedures to provide good employee relations with all the recognised trade unions and their representatives.
- (iii) To determine action necessary to ensure adherence to corporate Human Resources policies as agreed by Council.
- (iv) To determine operational actions for all payroll matters and arrange payment of national pay awards.

#### **7.2 Business Change**

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

#### **7.3 Partnership and Policy**

To determine all operational issues relating to

- Partnerships and Planning
- Policy Development
- Performance

#### **7.4 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

## **7.5 Customer Insight**

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

## **7.6 Spatial Data**

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

## **7.7 Wellbeing of Future Generations**

To determine all operational issues relating to the implementation of policies relating to the Well-being of Future Generations (Wales) Act 2015.

## **7.8 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.

# **8 Chief Education Officer**

## **8.1 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).

#### **8.1.1 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.

#### **8.1.2 Education Achievement Service**

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

#### **8.1.3 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

#### **8.1.4 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.

#### **8.1.5 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.

## **8.2 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

## **8.3 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.

## **9 Head of Adult and Community Services**

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

- (i) 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
- (ii) 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.
- (iii) 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.
- (iv) 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.
- (v) To authorise and approve the maintenance costs for any person admitted to any residential accommodation.
- (vi) To authorise the following facilities for any registered disabled person, within the approved budget and within approved policies;
- (vii) attendance at a day activity providing appropriate development opportunities

- (viii) the provision of special facilities
- (ix) minor alterations and adaptations to premises including the installation of appropriate equipment, the works to be supervised by the appropriate professional staff
- (x) 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.
- (xi) 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.
- (xii) 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.
- (xiii) To administer badges for disabled persons as drivers or passengers.
- (xiv) To issue and recall badges in accordance with the Disabled Persons (Badges for Motor Vehicles) Regulations 1982.
- (xv) To discharge the duties towards disabled people under the Social Services and Well-being (Wales) Act 2014 and any other relevant legislation.
- (xvi) 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.
- (xvii) 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.

## **9.2 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

## **9.3 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.

## **10 Head of Children and Young People Services**

### **10.1 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.
- (xxiii) To allow children the subject of a care order to reside at home in accordance with Section 22C of the Children Act 1989
- (xxiv) 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.
- (xxv) 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 .
- (xxvi) 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.
- (xxvii) 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.
- (xxviii) To approve and sign applications for passports for children and young persons in the care of the Council.
- (xxix) To consent to children and young persons in the care of the Council travelling abroad.
- (xxx) To determine the applications of children and young persons in the care of the Council who wish to join HM Forces.
- (xxxi) 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.
- (xxxii) 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.
- (xxxiii) 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.

- (xxxiv) To vary foster care allowances, in line with budgets approved by the Council , and following consultation with the Head of Finance
- (xxxv) 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.
- (xxxvi) 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.
- (xxxvii) 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. .
- (xxxviii) 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.
- (xxxix) To maintain a Panel of Guardians ad Litem in accordance with the Guardians ad Litem and Reporting Officers (Panels) Regulations 1991.
- (xl) 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.
- (xli) 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.
- (xlii) To make decisions to exempt persons from the usual fostering limit in accordance with paragraph 4 of Schedule 7 of the Children Act 1989.
- (xliii) 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.
- (xliv) To exercise the Council's adoption functions under the Adoption Act 1976 and the Adoption and Children Act 2002

## **10.2 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

## **10.3 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.

## **11 Head of Regeneration, Investment and Housing**

### **11.1 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

### **11.2 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)

- (i) 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:
- 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;
  - 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;
  - 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
  - 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
  - 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).

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

### **11.3 Enforcement matters**

- (i) 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.
- (ii) To issue formal enforcement notices or similar under the Planning Acts or associated legislation\*\* unless:
  - a) 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

- b) 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;

- (iii) 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;
- (iv) To serve graffiti removal notices and to issue penalty notices for graffiti and fly posting under the Anti-Social Behaviour Regulations.
- (v) To authorise officers to undertake covert surveillance in accordance with the Regulation of Investigatory Powers Act 2000

#### **11.4 Planning Policy**

- (i) 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;
- (ii) To prepare and agree the evidence base for the Development Plan, including appointing consultants where necessary.

#### **11.5 Building Control**

- (i) The exercise of all powers and duties under the Building Act 1984 and Regulations made there under and related functions:
- (ii) To support national initiatives introduced by the Local Authority Building Control Services, Local Authority National Type Approval Consortium, Building Control Wales or similar.
- (iii) 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.
- (iv) To exercise powers under the Local Government (Miscellaneous Provisions) Act 1982 Section 29 regarding the securing of buildings to prevent unauthorised entry.
- (v) To issue Licences pursuant to the Highways Act 1980 in relation to scaffolding or other structures on the highway and to exercise related powers.
- (vi) To serve Requisitions for Information.

#### **11.6 Planning: Miscellaneous and Procedural Matters**

- (i) To decline to determine planning applications.
- (ii) 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).

- (iii) 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.
- (iv) To agree minor amendments or non-material amendments that involve no significant increase in the scale of development proposed pursuant to the appropriate application.
- (v) To determine responses in relation to:
  - Consultations by utility companies in relation to power lines, pipelines and other utilities infrastructure;
  - Fringe area consultations from other local authorities (where the development concerned does not fall within category 1a(ii) above);
  - Applications submitted to the Infrastructure Planning Commission (or any equivalent successor body).
- (vi) 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).
- (vii) To undertake appropriate assessments and to make determinations under the Habitats Regulations.
- (viii) To compile and maintain all Registers required by the Planning Acts and any orders or regulations made there under.
- (ix) 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.
- (x) 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.
- (xi) Power to authorise officers to sign and issue Decision Notices, Licences and other formal documents as referred to above.
- (xii) 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.

## **11.7 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

### **11.8 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

### **11.9 Regeneration**

- (i) 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;

### **11.10 Community Learning and Libraries**

- (i) To determine any operational issues relating to:
- Community Learning
  - Adult Education;
  - Flying start;
  - Libraries
  - Youth and community services

This includes determination of

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

- Designs and sitings of play areas within new developments

### **11.11 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

### **11.12 Minor Property Transactions**

- (i) To dispose of and acquire freehold interests or grant and acquire leasehold interests on parcels of land not exceeding 100 square metres in extent;
- (ii) To grant/acquire interests in property with an annual value not exceeding £1,000;
- (iii) To grant/acquire easements for services;
- (iv) To grant licenses to graze animals and/or mow grass for haymaking;
- (v) To grant/acquire licenses to use property;
- (vi) To grant/acquire leases for a period of less than 7 years;
- (vii) To grant the release/discharge of covenants relating to Council land;

The relevant Cabinet Member(s) and Ward Member(s) shall be consulted before any decisions are taken in relation to minor property transactions that relate to their portfolios or wards.

### **11.13 General**

- (i) 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

## **12 Head of City Services**

### **12.1 As Head of Service**

- (i) 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.

## **12.2 General delegations for City Services**

- (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.

## **12.3 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 & Regulation.
- (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.

## **12.4 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.

## **12.5 Traffic Orders**

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



## **12.6 Integrated Transport Services**

To determine all operational matters relating to integrated transport services

## **12.7 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.

## **12.8 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.

## **12.9 Reservoirs Act 1985**

- (i) 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.
- (ii) To be responsible for carrying out the Council's duties under the Reservoirs Act 1985.

## **12.10 Flood and Water Management Act 2010**

- (i) To exercise all of the powers and duties of the Council as the designated Sustainable Drainage Systems ("SuDS") Approving Body ("SAB") under Schedule 3 to the Flood Water Management Act 2010.
- (ii) To determine all outline and full SuDS applications on behalf of the SAB;
- (iii) To provide all pre-application advice in relation to SuDS and undertake all necessary statutory consultation;
- (iv) To undertake all statutory inspections and approvals of SuDS work;
- (v) To adopt and maintain SuDS schemes, subject to the conditions and exemptions specified in the 2010 Act and to agree the terms of any adoption agreement, including any commuted sums or maintenance charges.

## **12.11 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.

## **12.12 Litter Control Notices**

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

## **12.13 City Centre Management**

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

## **12.14 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.

#### **12.15 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.

#### **12.16 Floral Displays**

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

#### **12.17 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.

#### **12.18 Sports and Leisure Trust**

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

#### **12.19 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

#### **12.20 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



**To:**

Leaders and Chief Executives of County and County Borough Councils  
Chairs and Chief Executives of National Park Authorities  
Chairs and Clerks of Fire and Rescue Authorities  
Chair and Chief Executive of One Voice Wales  
Leader and Chief Executive of Welsh Local Government Association  
Head of Democratic/Members Services of County and County  
Borough Councils, National Park Authorities and Fire and Rescue Authorities  
Clerks to Community & Town Councils

13 February 2020

Dear Colleagues

**Draft Supplementary Report – Principles relating to the reimbursement of Costs of Care**

For several years, the Panel has endeavoured to find ways to increase the take up of the financial support for members of councils, National Park Authorities and Fire and Rescue Authorities who have care responsibilities or personal needs. We believe that this provision is an important factor to increase and sustain diversity of membership of local authorities.

We keep this provision under constant review and welcome comments and suggestions about ways in which the take up of this financial support can be increased.

This draft Supplementary Report is a stage in this continuing review process. It proposes a set of principles that should be adopted by all relevant authorities. It is a consultation document and the Panel would appreciate comments prior to the publication of the final Report. The consultation will run for eight weeks and responses should be submitted by the **9 April 2020**.

Yours sincerely,

John Bader  
Chair

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# Independent Remuneration Panel for Wales

## Draft Supplementary Report

The Principles relating to the Reimbursement  
of Costs of Care

February 2020

## **Draft Supplementary Report**

### **The Principles in respect of the Reimbursement of Costs of Care (RoCoC)**

#### **Introduction**

The Panel's core principles have been a fundamental feature of its work since it was established and are contained in each Annual Report. These include:

#### **Remuneration**

1.3 The Framework provides for payment to members of relevant authorities who carry a responsibility for serving their communities. The level of payment should not act as a barrier to taking up or continuing in post. There should be no requirement that resources necessary to enable the discharge of duties are funded from the payment. The Framework provides additional payments for those who are given greater levels of responsibility.

#### **Diversity**

1.4 Democracy is strengthened when the membership of relevant authorities adequately reflects the demographic and cultural make-up of the communities such authorities serve. The Panel will always take in to account the contribution its Framework can make in encouraging the participation of those who are significantly under-represented at local authority level.

The provision of financial support for members with care responsibilities or personal needs is an important factor in improving and sustaining the diversity of membership. It is essential that there is clarity in the availability of and the access to this support. We therefore propose to supplement our core principles with additions specifically relating to the costs of care. This draft Supplementary Report sets out our proposals for consultation.

#### **The purpose is:**

To enable all members and co-opted members of relevant authorities to carry out their duties effectively

#### **The Relevant Authorities are:**

22 Local Authorities, 735 Town and Community Councils, 3 National Park and 3 Fire and Rescue Authorities

The Minimum Authorities should do		How this could be done
1 Be clear who it is for	<p>1.1 Members with primary caring responsibilities for a child or adult and or personal support needs where these are not covered by statutory or other provision.</p> <p>1.2 For personal support. This might also include a short term or recent condition not covered by the Equality Act 2010, access to work, Personal Payments, insurance or other provision.</p>	Democratic Services Committees and or Staff to review members' needs annually and when circumstances change
2 Raise Awareness	2.1 Ensure potential candidates, candidates and current members are aware that RoCoC is available to them should their current or future circumstances require.	Ensure clear and easily found information is available on website and in election and appointment materials, at Shadowing and at induction and in the members' "handbook". Signpost to IRPW <a href="#">Payments to Councillors</a> leaflets.
3 Promote a Positive Culture	3.1 Ensure all members understand the reason for RoCoC and support and encourage others to claim where needed.	Encouragement within and across all parties of Relevant Authorities to support members to claim. Agree not to advertise or make public individual decisions not to claim.
4 Set out the approved duties for which RoCoC can be claimed	<p>4.1 <b>Meetings</b> – formal (those called by the Authority) and those necessary to members' work (to deal with constituency but not party issues) and personal development (training, and appraisals.)</p> <p>4.2 <b>Travel</b> – in connection with meetings.</p> <p>4.3 <b>Preparation</b> – reading and administration are part of a member's role. Some meetings and committees require large amounts of reading, analysis or drafting before or after a meeting.</p> <p>4.4 Senior salary holders with additional duties may have higher costs.</p>	<p>Approved duties are usually a matter of fact. Interpretation of the IRPW Regulations are set out in the Annual Report.</p> <p>"Any other duty approved by the authority, or any duty of class so approved, undertaken for the purpose of, or in connection with, the discharge of the functions of the authority or any of its committees."</p>

<p>5 Be flexible about the types of care that can be claimed</p>	<p>5.1 Members should not be “out of pocket”</p> <p>5.2 Models of care and needs vary</p> <p>5.3 Members may use a combination of several care options</p> <p>5.4 Patterns of care may alter over the civic and academic year</p> <p>5.5 Not all care is based on hourly (or part hourly) rates</p> <p>5.6 Where a whole session must be paid for, this must be reimbursed even where the care need is only for part of a session</p> <p>5.7 Members may need to:</p> <p>5.7.1 book and pay for sessions in advance</p> <p>5.7.2 commit to a block contract: week, month or term</p> <p>5.7.3 pay for sessions cancelled at short notice</p> <p>5.8 Where care need straddles two sessions both should be reimbursed</p>	
<p>6 Have a simple claim process</p>	<p>6.1 Members should know how to claim.</p> <p>6.2 The claim process should be clear, proportionate and auditable.</p>	<p>Check claim at members’ appraisals and regular review</p> <p>Flexibility to accept paperless invoices</p> <p>On line form</p> <p>Same or similar form to travel costs claim</p>
<p>7 Comply with IRPW Publication rules</p>	<p>7.1 The IRPW Framework states:</p> <p>“In respect of the publication of the reimbursement of the costs of care, the Panel has decided that relevant authorities should only publish the total amount reimbursed during the year. It is a matter for each authority to determine its response to any Freedom of Information requests it receives. However, it is not intended that details of individual claims should be disclosed.”</p>	





**At:**

Arweinwyr a Phrif Weithredwyr Cyngorau Sir a Chyngorau Bwrdeistref Sirol  
Cadeiryddion a Phrif Weithredwyr Awdurdodau Parciau Cenedlaethol  
Cadeiryddion a Chlercod Awdurdodau Tân ac Achub  
Cadeirydd a Phrif Weithredwr Un Llais Cymru  
Arweinydd a Phrif Weithredwr Cymdeithas Llywodraeth Leol Cymru  
Pennaeth Gwasanaethau Democraidd/Aelodau Cyngorau Sir a Chyngorau  
Bwrdeistref Sirol, Awdurdodau Parciau Cenedlaethol, ac Awdurdodau Tân ac Achub  
Clercod Cyngorau Cymuned a Thref

Annwyl Gyfeillion

13 Chwefror 2020

**Adroddiad Atodol Drafft – Egwyddorion sy'n ymwneud ag ad-dalu Costau Gofal**

Am nifer o flynyddoedd, mae'r Panel wedi gweithio i ddod o hyd i ffyrdd o gynyddu nifer yr aelodau ar Gyngorau, Awdurdodau Parciau Cenedlaethol, ac Awdurdodau Tân ac Achub, sy'n manteisio ar y cymorth ariannol a ddarperir ar gyfer y rheini sydd â chyfrifoldebau gofal neu anghenion personol. Rydym yn credu bod darparu'r cymorth hwn yn bwysig er mwyn cynyddu a chynnal amrywiaeth ymysg aelodau'r sefydliadau hyn.

Rydym yn adolygu'r ddarpariaeth hon yn gyson, gan groesawu sylwadau ac awgrymiadau ynghylch sut y gellid annog mwy o bobl i fanteisio ar y cymorth.

Mae'r Adroddiad Atodol drafft yn gam yn y broses adolygu barhaus. Mae'n cynnig set o egwyddorion y dylai pob awdurdod perthnasol eu mabwysiadu. Dogfen ymgynghori yw hon, a byddai'r Panel yn ddiolchgar o gael eich sylwadau cyn cyhoeddi'r Adroddiad terfynol. Bydd yr ymgynghoriad ar agor am gyfnod o wyth wythnos, a dylid anfon eich ymatebion erbyn **9 Ebrill 2020**.

Yn gywir,

John Bader  
Cadeirydd

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# Panel Annibynnol Cymru ar Gydabyddiaeth Ariannol

## Adroddiad Atodol Drafft

Yr Egwyddorion yn ymwneud ag Ad-dalu  
Costau Gofal

Chwefror 2020

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## **Adroddiad Atodol Drafft**

### **Egwyddorion mewn perthynas ag Ad-dalu Costau Gofal**

#### **Cyflwyniad**

Mae egwyddorion craidd y Panel wedi bod yn nodwedd hanfodol o'i waith ers ei sefydlu ac maent wedi'u cynnwys ym mhob Adroddiad Blynyddol. Mae'r rhain yn cynnwys:

#### **Cydnabyddiaeth ariannol**

1.3 Mae'r Fframwaith yn darparu ar gyfer taliadau i aelodau o awdurdodau perthnasol sydd â chyfrifoldeb am wasanaethu eu cymunedau. Ni ddylai lefel y gydnabyddiaeth ariannol fod yn rhwystr i ymgymryd â'r gwaith na pharhau ag ef. Ni ddylai fod unrhyw ofyniad bod adnoddau sy'n angenrheidiol i'w galluogi i gyflawni eu dyletswyddau'n cael eu hariannu o'r taliad. Mae'r Fframwaith yn rhoi taliadau ychwanegol i'r rhai y rhoddir mwy o gyfrifoldeb iddynt.

#### **Amrywiaeth**

1.4 Caiff democratiaeth ei chryfhau pan fo aelodaeth o awdurdodau perthnasol yn adlewyrchu'n ddigonol gyfansoddiad demograffig a diwylliannol y cymunedau a wasanaethir gan y cyfryw awdurdodau. Bydd y Panel wastad yn ystyried pa gyfraniad y gall ei fframwaith ei wneud i annog y rhai a dangynrychiolir yn sylweddol i gyfranogi ar lefel awdurdod lleol.

Mae darparu cymorth ariannol i aelodau sydd â chyfrifoldebau gofal neu anghenion personol yn ffactor bwysig wrth wella a chynnal amrywiaeth ymhlith aelodau. Mae'n hanfodol bod eglurder o ran argaeledd y cymorth hwn a mynediad ato. Rydym felly yn cynnig ychwanegiadau i'n hegwyddorion craidd yn ymwneud yn benodol â chostau gofal. Mae'r Adroddiad Atodol drafft hwn yn nodi ein cynigion ar gyfer ymgynghoriad.

#### **Y diben yw:**

Galluogi holl aelodau ac aelodau cyfetholedig awdurdodau perthnasol i ymgymryd â'u dyletswyddau'n effeithiol.

#### **Yr Awdurdodau Perthnasol yw:**

22 Awdurdod Lleol, 735 Cyngor Tref a Chymuned, 3 Parc Cenedlaethol a 3 Awdurdod Tân ac Achub

Y lleiafswm y dylai'r Awdurdodau ei wneud		Sut mae mynd ati i wneud hyn
1 Nodi'n glir ar gyfer pwy mae'r gofal	<p>1.1 Aelodau sydd â phrif gyfrifoldeb am ofalu am blentyn neu oedolyn a/neu sydd ag anghenion cymorth personol lle nad yw'r rhain yn dod o dan ddarpariaeth statudol neu ddarpariaeth arall.</p> <p>1.2 Ar gyfer cymorth personol. Gall hyn hefyd gynnwys cyflwr byrdymor neu gyflwr diweddar nad yw'n berthnasol i Ddeddf Cydraddoldeb 2010, mynediad i waith, Taliadau Personol, yswiriant neu ddarpariaeth arall.</p>	Staff a/neu Bwyllgorau Gwasanaethau Democrataidd i adolygu anghenion aelodau yn flynyddol a phan fo amgylchiadau'n newid.
2 Gwella ymwybyddiaeth	2.1 Sicrhau bod darpar ymgeiswyr, ymgeiswyr ac aelodau cyfredol yn gwybod bod Ad-daliadau Costau Gofal ar gael iddynt os yw eu hamgylchiadau cyfredol neu eu hamgylchiadau yn y dyfodol yn mynnu hynny.	Sicrhau bod gwybodaeth glir a hawdd ei chanfod ar gael ar y wefan ac mewn deunyddiau ynghylch etholiad a phenodi, mewn sesiynau cysgodi ac yn y sesiwn gynefino ac yn "llawlyfr" yr aelodau. Cyfeirio at daflenni Panel Annibynnol Cymru ar Gydnabyddiaeth Ariannol yn ymwneud â <a href="#">Thaliadau i Gynghorwyr</a> .
3 Hyrwyddo diwylliant cadarnhaol	3.1 Sicrhau bod yr holl aelodau yn deall y rheswm dros Ad-dalu Costau Gofal ac yn cefnogi ac annog eraill i hawlio os oes angen.	Anogaeth o fewn ac ar draws yr holl bleidiau yn yr Awdurdodau Perthnasol i gefnogi aelodau i hawlio. Cytuno i beidio hysbysebu neu gyhoeddi unrhyw benderfyniadau unigol i beidio â hawlio.

<p>4 Amlinellu'r dyletswyddau a gymeradwywyd ar gyfer hawlio ad-daliad costau gofal</p>	<p>4.1 <b>Cyfarfodydd</b> – ffurfiol (y rhai y mae'r Awdurdod yn eu galw) a'r rhai sy'n angenrheidiol i waith aelodau (i ymdrin â materion yr etholaeth ond nid materion y blaid) a datblygiad personol (hyfforddiant a gwerthusiadau.)</p> <p>4.2 <b>Teithio</b> – mewn cysylltiad â mynd i gyfarfodydd.</p> <p>4.3 <b>Paratoi</b> – mae darllen a gweinyddu yn rhan o rôl yr aelod. Ar gyfer rhai cyfarfodydd a phwyllgorau, mae angen gwneud llawer iawn o waith darllen, dadansoddi neu ddrafftio cyn neu ar ôl y cyfarfod.</p> <p>4.4 Efallai y bydd gan ddeiliaid cyflogau uwch, sydd â dyletswyddau ychwanegol, gostau uwch.</p>	<p>Mater o ffaith yw dyletswyddau a gymeradwyir fel rheol Mae dehongliad o Reoliadau Panel Annibynnol Cymru ar Gydnabyddiaeth Ariannol wedi'i nodi yn yr Adroddiad Blynyddol.</p> <p>“Unrhyw ddyletswydd arall a gymeradwyir gan yr awdurdod, neu unrhyw ddyletswydd o ddsbarth a gymeradwyir felly, ac yr ymgwymerir â hi at ddibenion cyflawni swyddogaethau'r awdurdod neu unrhyw un o'i bwyllgorau neu mewn cysylltiad â'u cyflawni.”</p>
<p>5 Bod yn hyblyg o ran y gwahanol fathau o gymorth y gellid hawlio ar eu cyfer</p>	<p>5.1 Ni ddylai Aelodau fod ar eu colled</p> <p>5.2 Mae modelau ac anghenion gofal yn amrywio</p> <p>5.3 Gall Aelodau ddefnyddio cyfuniad o sawl dewis gofal</p> <p>5.4 Gall patrymau gofal amrywio dros y flwyddyn ddinesig ac academiaidd</p> <p>5.5 Nid yw pob gofal yn seiliedig ar gyfraddau fesul awr (neu ran o awr)</p> <p>5.6 Os oes rhaid talu am sesiwn gyfan, rhaid ad-dalu'r gost yn llawn hyd yn oed os mai ond rhan o sesiwn a oedd ei angen</p> <p>5.7 Gall fod angen i Aelodau wneud y canlynol:</p> <p>5.7.1 archebu a thalu am sesiynau ymlaen llaw</p> <p>5.7.2 ymrwymo i gontract bloc: wythnos, mis neu dymor</p> <p>5.7.3 talu am sesiynau a gafodd eu canslo ar fyr rybudd</p> <p>5.8 Os yw'r angen am ofal mynd ymlaen i ail sesiwn, dylid ad-dalu cost y ddwy sesiwn</p>	

<p>6 Sicrhau proses hawlio syml</p>	<p>6.1 Dylai'r aelodau wybod sut i hawlio. 6.2 Dylai'r broses hawlio fod yn glir, yn gymesur ac yn archwiliadwy.</p>	<p>Gwirio hawliadau yng ngwerthusiadau ac adolygiadau rheolaidd yr aelodau Hyblygrwydd i dderbyn anfonebau di-bapur Ffurflen ar-lein Yr un ffurflen neu ffurflen debyg ar gyfer hawlio costau teithio</p>
<p>7 Cydymffurfio â rheolau Panel Annibynnol Cymru ar Gydabyddiaeth Ariannol o ran cyhoeddi</p>	<p>7.1 Mae Fframwaith Panel Annibynnol Cymru ar Gydabyddiaeth Ariannol yn nodi:</p> <p>"Mewn perthynas â chyhoeddi ad-daliadau costau gofal, mae'r Panel wedi penderfynu mai dim ond y cyfanswm a ad-dalwyd yn ystod y flwyddyn y dylai'r awdurdodau perthnasol ei gyhoeddi. Mater i bob awdurdod yw penderfynu ar ei ymateb i unrhyw geisiadau Rhyddid Gwybodaeth y bydd yn eu derbyn. Fodd bynnag, ni fwriedir i fanylion unrhyw hawliadau unigol gael eu datgelu."</p>	

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# Report

## Democratic Services Committee

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### Part 1

Date: 20<sup>th</sup> February 2020

Item: 6

**Subject** **Support for Councillors in their Ward Work**

**Purpose** To consider the outcome of the review of support for Councillors in their Ward work and make any recommendations to Council regarding Neighbourhood Committees/Ward Meetings.

**Author** Head of Law and Regulation

**Ward** All Wards

**Summary** Democratic Services Committee agreed to review support for Councillors in their ward work as part of the work programme for 2018-19. The Committee agreed the scope of a further review of these support and engagement arrangements in July 2018. The previous research had focused predominantly on the engagement methods themselves, and Neighbourhood Committees / ward meetings in particular. Therefore, the focus of this additional review was specifically in relation to the practical support that Councillors need to undertake their ward work effectively, through all the different methods available to them.

The Committee has received interim presentations on upgrades to Members IT and the development on an on-line members Took-Kit to assist and support Councillors in carrying out their representational roles within their local communities. However, because of changes in key personnel and membership of the Committee, the outcome of the review was never formally concluded and signed-off. In particular, no final conclusions were drawn on whether the Neighbourhood Committees/ward meeting should continue in their current format in the light of the significant developments in other methods of engaging with local communities within individual wards.

Therefore, this Report summaries the outcome of the review of support for Councillors in their Ward work and invites the Committee to consider the options regarding Neighbourhood Committees/Ward Meetings.

**Proposal** **To note the outcome of the review of support for Councillors in their Ward work and to consider any recommendations to Council regarding Neighbourhood Committees/Ward Meetings.**

**Action by** Head of Law and Regulation

**Timetable** Immediate

This Report was prepared after consultation with:

- Chief Executive
- Head of Finance
- Head of People and Business Change
- Heads of Service and Corporate Management Team.

## Background

1. Democratic Services Committee agreed to review support for Councillors in their ward work as part of the work programme for 2018-19. The Annual Report commented that:-  
  
*“The Democratic Services team had recently reviewed the guidance for Members on ward meetings. The actual system of ward meeting support for Members was last updated in 2014 and focussed only upon ward meetings, not other ward activity. As few wards hold ward meetings a review was needed of this as well as the general support offered to all Members for ward work. This could also include the issue raised at the Committee’s February meeting, highlighting the need for a protocol regarding enquiries from/about other wards.”*
2. The last in-depth research had previously been undertaken in 2011, when the old Neighbourhood Committee system was under review, and the Local Service Board was looking at options for partnership engagement.
3. While there had been many developments since this review, particularly in technology and the ways in which people prefer to communicate, many of the themes and issues facing ward-level engagement were still current. Therefore, the Committee agreed the scope of a further review of these support and engagement arrangements in July 2018. The previous research had focused predominantly on the engagement methods themselves, and Neighbourhood Committees / ward meetings in particular. Therefore, the focus of this additional review was specifically in relation to the practical support that Councillors need to undertake their ward work effectively, through all the different methods available to them.
4. In accordance with the scoping exercise and methodology agreed by Committee, the Democratic Services team then carried out a detailed review of alternative options and best practice for public engagement and the range of tools and other methods available to Councillors to communicate and engage with their local residents. To facilitate and inform this process, detailed consultation was undertaken with both elected members and senior officers
5. In November 2018, the (then) Head of Democratic Services gave a presentation to the Committee outlining progress with the review and the outcome of the initial consultation. A call for evidence survey had been carried out during the summer and 19 responses had been received from elected members. Further discussions had also been held with Heads of Service and Corporate Directors and other senior managers who provide support for ward meetings. The initial responses indicated that other methods of engagement and communication with local residents were considered to be more effective than the quarterly ward meetings, for example ward surgeries, public consultation meetings, the use of social media and newsletters. It was also clear that there was a significant disparity between wards in relation to the frequency and nature of the ward meetings. The Committee asked the officers to undertake more work in relation to these alternative methods of engaging with local residents and how they could be developed and improved.
6. At the Democratic Services Committee meeting in February 2019, the Committee received two further presentations on upgrades to Members IT and the development on an on-line members Took-Kit to assist and support Councillors in carrying out their representational roles within their local communities. As part of the Modernised Council theme, which underpins the delivery of the Corporate Plan, significant enhancements to IT infrastructure were being introduced which would radically change the way in which the Council communicated with its residents and businesses. All computers were being upgraded to the new Windows Office 365 and additional features included Skype for business, voice and video chat and group meetings. The Windows Office suite could also be used on personal devices, with secure access to email using Multi-Factor Authentication (MFA) and a secure log-in through a mobile telephone application. These enhancements to Members IT have significantly improved the ability of Councillors to communicate and engage effectively with their local constituents through the use of e-mail and social media. In addition, the development of the Information Station, the Council’s web-site, the

CRM system and the My-Newport Account and application have transformed the way in which residents communicate and conduct business with the Council.

7. The Committee were also advised about proposals to improve support for Members through the development of an online toolkit on the Council's intranet page. Training material, forms and guides would be made available to Members on-line, with a central source of information that is quicker and easier to keep up to date. Councillors will also have access to a wider range of training tools, guides and information to support their development. The "Democratic Process" section of the intranet contains contact information, presentations from seminars and training sessions and contact information for all Councillors. However, this will be enhanced and developed to include additional information and provide a comprehensive "Members Area" on the intranet with more detail on how to deal with queries and key contact points. In terms of supporting Councillors, the Tool-Kit can include answers to frequently asked questions, access to forms, guidance on the use of social media and other relevant information to support members in their ward work. The Committee were supportive of the development of these on-line tools, to improve and increase their options for engaging with residents and carrying out their representational roles.
8. Because of changes in key personnel and membership of the Committee, the outcome of the review was never formally concluded and signed-off. In particular, no final conclusions were drawn on whether the Neighbourhood Committees/ward meeting should continue in their current format in the light of the significant developments in other methods of engaging with local communities within individual wards.

9. Neighbourhood Committees/ward meetings

Neighbourhood Committees were originally introduced by the Council in the 1990's and, at the time, this was an innovative approach to engaging with the public in the local ward areas. The meetings provided an opportunity for consultation and debate on issues affecting the ward. The Neighbourhood meeting were held in every ward on a quarterly basis and they were organised and supported by dedicated Neighbourhood Committee clerks. The meetings were formal in nature and organised on traditional committee lines, with the senior ward member chairing the meeting and published agendas and minutes. However, they were never decision-making bodies and therefore not strictly Council "committees".

10. Over time, the role of the Neighbourhood Committee changed significantly, particularly with the development of Executive governance arrangements and advancements in technology, with more effective ways of communicating and engaging with much larger numbers of local residents. The meetings became preoccupied with individual complaints and matters that could generally be dealt with by way of the City Contact Centre or the Information Station. Attendance at meetings was generally limited and the outcomes were also limited. Analysis of the attendance at Neighbourhood Committees showed a wide disparity in attendance across the city with the most well attended meeting averaging just over 40 residents and the least well attended averaging just 4. Often the people attending were the same individuals at each meeting, indicating that the meetings were failing to reach specific sectors of the community, such as younger people. Evidence from minutes showed that the meetings tended to be dominated by questions on police matters and questions to Councillors on individual complaints.
11. Following the review in 2011, the structured arrangements for quarterly Neighbourhood Committee meetings in each ward were changed to a more flexible approach to ward meetings. There were no longer dedicated Committee Clerks to organise and manage the meetings and they were supported by Heads of Service and senior managers, acting as support officers. The meetings were held at times and at venues agreed with the ward Councillors, who also set the topics for discussion at the public meetings. There were no longer any formal agendas reports or minutes and the ward meetings were conducted on a more informal basis, as a means of engagement and communication with the public. Although there was a limit of three ward

meetings in any calendar year, it was left to the discretion of the members in each ward as to how and when any meetings were arranged, if at all.

12. As the Council had modernised its working patterns, increasingly more opportunities had arisen for the Council to engage with the public, including transactional web opportunities, the City Contact Centre and the Information Station. Many of the complaints that had previously been raised at neighbourhood committees could be more efficiently dealt with through one of these customer service avenues. That enabled ward Councillors to focus on more difficult cases where a higher level of intervention is required. In recognition of this, some ward councillors hold ward surgeries immediately before or after their ward meetings in an effort to direct these queries into a more appropriate forum. However, the ward meetings are no longer used as a means of people raising individual complaints or issues.
13. The ward meetings have been particularly effective as a vehicle for public consultation, for example in relation to the budget, the Local Well-Being Plan, the Local Development Plan and the Community Strategy, or where there are significant local concerns raised about a ward matter. However, even in these cases, attendance and participation has been limited, particularly in certain areas and with certain hard-to-reach sections of the community.
14. Since 2011, and with the advent of new technology and other methods of engagement and communication with the public, the numbers of ward meetings has declined significantly. Some wards hold ward meetings on a regular basis, others only call meetings in response to specific issues, for example as part of a consultation exercise. Some wards do not use ward meetings at all, as they find other communication methods more effective. A ward meeting is only one of a number of tools available to Councillors to engage with their residents. Ward meetings will not suit all wards, and, where used, they are intended to compliment other ward activities, for example:
  - Ward surgeries
  - Meeting with individuals / groups by request
  - Community events
  - Social media
  - Newsletters
  - Blogs
15. Appendix 1 is a table which sets out details of the ward meetings held in each of the wards between 2012 (following the review) and 2018. The Table at Appendix 2 shows the current ward meeting arrangements, the designated Lead and Support officers and the frequency at which they take place. There has been a gradual decline in numbers over the years and, currently, ward meetings are never held in 9 wards, they are arranged infrequently in 3 others and are only held regularly in 8 wards. Even in these 8 wards, attendance is variable.
16. When they were first introduced, neighbourhood committees had a key role in direct relationship building between the Council, Councillors and residents, when few other options were available. Now there are many ways for people to engage and communicate with the Council and their ward members and vice versa. The current practice of more flexible ward meeting is not applied consistently across all wards and a disproportionate amount of officer time is being spent in supporting those wards that still hold these meetings on a regular basis. As part of this current review, the feed-back from the consultation with senior lead and support officers is that the meetings are increasingly difficult to support as they are still largely focussed on specific issues and problems which can, more appropriately, be addressed through other channels of communication. The outcomes of the meetings are more productive where they are focused on a specific consultation exercise, such as the budget or the well-being plan. These public meetings could be arranged on an ad hoc basis when there was a particular need.

## **Financial Summary**

17. There are no significant financial implications as a consequence of this review or the ward meetings. The members' tool-kit will be developed within existing resources. There is no budget for ward meetings but any costs of hiring venues for the meetings and printing posters for circulation by members is met from within the Democratic Services budget. The total costs are no more than £3,000 per annum. However, a significant amount of senior officer time is spent in supporting the meetings.

## **Risks**

18. There are no specific risks arising from the review or in relation to any recommendation regarding Neighbourhood Committee/ward meetings.

## **Links to Council Policies and Priorities**

19. Effective public engagement is a key priority for the Council, underpinning the Corporate Plan and other major policies. The Wellbeing of Future Generations Act also places huge emphasis on the importance of public involvement and engagement in all areas of our business. This review has taken into account the wider engagement activity of the Council, and how the work of Councillors both contributes to and can draw from wider intelligence gathering by the Council and its partners.

## **Proposal**

20. To note the outcome of the review of support for Councillors in their Ward work and to consider any recommendations to Council regarding Neighbourhood Committees/Ward Meetings.
21. The options would include cancelling the ward meetings altogether and only convening public meetings in wards on an ad hoc basis when there was a particular need, continuing with the current arrangements or reverting to a more structured basis.

## **Comments of Chief Financial Officer**

22. There are no financial implications

## **Comments of Monitoring Officer**

23. Set out in the Report

## **Staffing Implications: Comments of Head of People and Business Change**

24. There are no staffing or policy implications

## **Background Papers**

None

Dated: 10<sup>th</sup> February 2020.

### Appendix 1 Ward Meetings 2012-2018

Ward Name	Total Ward Meetings	Dates of Meetings Held
Alway	2	12/02/2013 6.30pm 06/10/2014 7pm
Allt-yr-yn	15	18/10/2012 6pm 07/02/2013 10am 06/06/2013 6pm 28/10/2013 10.30am 18/02/2014 10.30am 17/05/2014 6.30pm 30/10/2014 6pm 13/05/2015 10.30am 29/10/2015 6.30pm 13/01/2016 6pm 19/07/2016 10am 21/02/2017 6.30pm 16/01/2018 6.30pm 18/07/2018 10am 20/11/2018 6pm
Beechwood	6	15/04/2013 7pm 09/10/2014 6pm 08/04/2014 6pm 15/10/2015 6pm 18/04/2018 6pm 05/09/2018 6pm
Bettws	1	13/10/2014 (no time)
Caerleon	14	28/01/2012 7pm 11/06/2013 6.30pm 03/10/2013 2.30pm 03/02/2014 6.30pm 03/06/2014 6.30pm 02/10/2014 6.30pm 02/02/2015 6.30pm 01/06/2015 2.30pm 26/10/2015 2.30pm 12/07/2016 6.30pm 16/02/2017 2.30pm 06/02/2018 2.30pm 04/06/2018 6.30pm 15/10/2018 (no time)
Gaer	1	18/10/2016 6.30pm
Graig	No ward meetings	
Langstone	8	19/11/2013 6.30pm 26/03/2014 6.30pm 27/06/2014 6.30pm 11/11/2014 6.30pm 17/03/2015 6.30pm 26/06/2015 6.30pm 06/10/2015 6.30pm 19/04/2016 6.30pm
Llanwern	11	07/05/2014 7pm 21/07/2014 7pm 13/10/2014 7pm 12/01/2015 7.30pm

		13/05/2015 7pm 02/11/2015 6.30pm 08/02/2016 7pm 20/06/2016 7pm 03/10/2016 7pm 13/02/2017 7pm 03/09/2017 6pm
Liswerry	No ward meetings	
Malpas	7	01/07/2013 6pm 02/10/2014 6.30pm 30/03/2015 6.30pm 17/11/2015 7pm 29/11/2016 6pm 14/03/2017 6pm 25/01/2018 6pm
Marshfield	No ward meetings	
Pillgwenlly	1	21/07/2017 6.30pm
Ringland	5	06/11/2012 6.30pm 14/05/2013 6.30pm 10/12/2013 6.30pm 11/11/2014 6.30pm 20/03/2018 6.30pm
Rogerstone	18	27/02/2013 7pm 19/06/2013 7pm 17/09/2013 7pm 10/12/2013 7pm 11/02/2014 7pm 14/05/2014 7pm 18/09/2014 7pm 19/11/2014 7pm 03/03/2015 7.30pm 24/06/2015 7pm 29/10/2015 7pm 29/02/2016 7pm 07/07/2016 7pm 27/10/2016 7pm 09/02/2017 7pm 28/02/2018 7pm 21/06/2018 7pm 24/10/2018 7pm
Shaftesbury	17	25/10/2012 6pm 23/01/2013 6pm 06/03/2013 6pm 12/06/2013 6pm 13/11/2013 6pm 15/01/2014 6pm 16/04/2014 6pm 24/09/2014 6pm 04/02/2015 6pm 09/09/2015 6pm 21/01/2016 6pm 23/03/2016 6pm 15/09/2016 6pm 15/03/2017 6pm 25/01/2018 6pm 17/05/2018 6pm 13/09/2018 6pm



St Julians	13	22/11/2012 6pm 17/04/2013 6.30pm 08/08/2013 6pm 20/11/2013 7pm 27/03/2014 6.30pm 24/07/2014 6.30pm 04/12/2014 6.30pm 01/10/2015 6pm 13/12/2015 6pm 13/03/2018 6pm 03/05/2018 6pm 05/07/2018 6pm 13/11/2018 6pm
Stow Hill	17	04/10/2012 7pm 07/02/2013 7pm 06/06/2013 7pm 10/10/2013 7pm 06/02/2014 7pm 12/06/2014 7pm 09/10/2014 7pm 12/02/2015 7pm 11/06/2015 7pm 08/10/2015 7pm 04/02/2016 7pm 02/06/2016 7pm 06/10/2016 7pm 09/02/2017 7pm 08/02/2018 7pm 14/06/2018 7pm 11/10/2018 7pm
Tredegar	3	26/10/2012 2pm 16/04/2013 6pm 18/08/2014 2pm
Victoria	8	19/11/2012 6.30pm 28/02/2013 6pm 24/06/2013 6.30pm 24/07/2013 6.30pm 20/01/2014 6.30pm 23/07/2014 6.30pm 23/10/2014 6.30pm 20/10/2015 6.30pm

## Appendix 2 Current ward meeting arrangements

WARD	LEAD OFFICER	SUPPORT OFFICER	FREQUENCY
Allt Yr Yn	Rhys Cornwall	Shaun Powell	Regular
Alway	Gareth Price	Jonathan Keen	Never
Beechwood	Sally Ann Jenkins	Mary Ryan	Regular
Bettws	Meirion Rushworth	Emma Johnson	Never
Caerleon	Bev Owen	Keir Duffin	Regular
Gaer	Sally Ann Jenkins	<b>Vacancy</b>	Never
Graig	Keir Duffin	David Price	Never
Langstone	Keir Duffin	Lucy Jackson	Infrequent
Lliswerry	<b>Vacancy</b>	Vanessa Griffin	Never
Llanwern	Gareth Price	<b>Vacancy</b>	Infrequent
Malpas	Meirion Rushworth	Owen James	Regular
Marshfield	Paul Jones	Leanne Rowlands	Never
Pillgwenlly	Rhys Cornwall	Rachael Davies	Never
Ringland	Sarah Morgan	Andrew Powles	Infrequent
Rogerstone	Chris Humphrey	Lucy Jackson	Regular
Shaftesbury	Paul Jones	Tracy McKim	Regular
St Julians	<b>Vacancy</b>	<b>Vacancy</b>	Regular
Stow Hill	<b>Vacancy</b>	Dan Jones	Regular
Tredegar Park	Bev Owen	Tracey Brooks	Never
Victoria	Chris Humphrey	Silvia Gonzalez-Lopez	Never

# Report

## Democratic Services Committee

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### Part 1

Date: 20<sup>th</sup> February 2020

Item: 7

**Subject** **Local Democracy and Boundary Commission for Wales Review of Electoral Arrangements for the City of Newport**

**Purpose** To consider the Draft Proposals issued by the Local Democracy and Boundary Commission for Wales for the revised Electoral Arrangements for Newport and make recommendations to Council regarding a response to the statutory consultation.

**Author** Head of Law and Regulation

**Ward** All Wards

**Summary** The Local Democracy and Boundary Commission for Wales is reviewing the electoral arrangements for the City of Newport with a view to considering and formulating proposals for future arrangements. This is part of the Commission's programme to review all principal councils in Wales, in time for new arrangements to be introduced for the next local government elections in 2022. Newport is the 17<sup>th</sup> council to be reviewed.

The Commission published initial consultation documents on 30<sup>th</sup> January 2019, showing the current elector to Councillor ratios in the City and how these compare to their Council Size Policy and ideal ratios. A cross-party working group was set up to review the evidence and options for future electoral arrangements in Newport, and formulate a draft response to the Commission's initial consultation process. The group's final report was presented to full Council on 30<sup>th</sup> April 2019, when the recommendations were approved and adopted. The Council's proposals and preferred options were then submitted to the Commission for consideration.

The Commission's Draft Proposals were then finalised in October 2019 but not published until January 2020. The Council has until 8<sup>th</sup> April 2020 to formulate and submit any response to the draft proposals. The Commission will then consider any consultation responses before finalising their proposals, which will be submitted to the Welsh Government Ministers for approval, with or without modification. The necessary Order will then be made to implement the new electoral arrangements prior to the next local government elections in May 2022.

In summary the draft proposals would establish a Council of 49 Members and 22 Wards, compared to the current 50 Members and 20 Wards.

The Communities of Wentlooge and Coedkernew would be moved from the current Marshfield Ward and merged with the existing Tredegar Park Ward to form a new Tredegar Park and Marshfield East Ward. The new Ward would have 2 Members, while the remainder of Marshfield would have 1.

Part of the existing community of Graig would be merged with the Community of Rogerstone. The existing Rogerstone Ward would be divided into three new Wards with 4 members between them.

Part of the existing community of Pillgwenlly would be transferred to Stow Hill, both Wards retaining 2 Members each.

The Community of Bishton would transfer from Llanwern to Langstone. The Community of Nash would transfer from Liswerry to Llanwern with representation unchanged.

The wards of Bettws and Beechwood would remain unchanged but membership would be reduced from 3 members to 2 in each ward.

**Proposal** To make recommendations to Council regarding a response to the Draft Proposals issued by the Local Democracy and Boundary Commission for Wales for the revised Electoral Arrangements for Newport.

**Action by** Head of Law and Regulation

**Timetable** Immediate

This Report was prepared after consultation with:

- Chief Executive
- Leader of the Council
- Head of Finance
- Head of People and Business Change

## Background

1. The Local Democracy and Boundary Commission for Wales is reviewing the electoral arrangements for the City of Newport with a view to considering and formulating proposals for future arrangements. This is part of the Commission's programme to review all principal councils in Wales, in time for new arrangements to be introduced for the next local government elections in 2022. Newport is the 17th council to be reviewed.
2. The Commission published initial consultation documents on 30<sup>th</sup> January 2019, showing the current elector to Councillor ratios in the City and how these compare to their Council Size Policy and ideal ratios. This policy places Newport in Category 2, with a Council Size Aim of 49 Councillors in total. Currently Newport has 109,423 electors and a membership of 50 - an average of one councillor to 2,188 electors. Applying the council size aim of 49 Councillors will result in a ratio of one councillor to 2,233 electors.

### 3. Statutory Framework

The Commission's role in reviewing electoral arrangements is set out in the Local Government (Democracy) (Wales) Act 2013. Its primary function in reviewing electoral arrangements is to seek to ensure "effective and convenient local government" - this was further described by the Commission in its presentation to Council as "coherent electoral wards with common interests and good internal communications links".

Electoral arrangements are defined in the Act as:

- (a) the total number of Members on the Council;
- (b) the number, type and boundaries of the electoral wards;
- (c) the number of Councillors for each electoral ward;
- (d) the names of electoral wards.

4. Through the review, the Act requires the Commission to:
  - (a) seek to ensure that the ratio of electors to Councillors is, as nearly as may be, the same in every electoral ward;
  - (b) foster community identity by
    - (i) Fixing boundaries that are easily identifiable
    - (ii) Not breaking local ties
  - (c) take account of
    - (i) any discrepancy between the number of electors and the number of people eligible to vote;
    - (ii) any change to the number or distribution of electors in the next five years
5. The existing communities and community wards are the building blocks for electoral wards. There is also the power to amend communities / community wards as a consequence of changes to electoral wards, but this must be put forward at draft proposal stage to allow for the proper consultation on changes to a community.
6. The Commission's preference is for single member wards, but multi-member wards (up to three members) will be considered in cases supported by evidence to the character of the ward, or in the interests of electoral parity. Wards with more than three members will only be considered if this is the existing pattern and there is substantial evidence of local support for such a ward.

### 7. Council proposals.

A cross-party working group was set up to review the evidence and options for future electoral arrangements in Newport, and formulate a draft response to the Commission's initial

consultation process. The group's final report was presented to full Council on 30<sup>th</sup> April 2019, when the following recommendations were approved and adopted:-

- (a) **Recommendation 1:** To support the minor amendments to the ward boundaries to address the anomalies set out in the report.
  - (b) **Recommendation 2:** To move Llanwern Community into Ringland.
  - (c) **Recommendation 3:** To create two new wards of Rogerstone West community ward (two Councillors) and combining Rogerstone North and East community wards (two Councillors);
  - (d) **Recommendation 4:** To add the "Riverside" area of Pillgwenlly to Stow Hill
  - (e) **Recommendation 5:** To add St Brides and Coedkernew Community Wards to Tredegar Park;
  - (f) **Recommendation 6:** To retain three Councillors in Beechwood;
  - (g) **Recommendation 7:** To retain three Councillors in Bettws
  - (h) **Recommendation 8:** To retain four representatives in Lliswerry, and agree the English spelling for this ward as Lliswerry and not Liswerry.
8. The Council's preferred options were submitted to the Commission for consideration, together with the other consultation responses. The Commission's Draft Proposals were then finalised in October 2019 but not published until January 2020. The Council has until 8<sup>th</sup> April 2020 to formulate and submit any response to the draft proposals. The Commission will then consider any consultation responses before finalising their proposals, which will be submitted to the Welsh Government Ministers for approval, with or without modification. The necessary Order will then be made to implement the new electoral arrangements prior to the next local government elections in May 2022.
9. **The Draft Proposals for the revised Electoral Arrangements for Newport.**

In summary the draft proposals would establish a Council of 49 Members and 22 Wards, compared to the current 50 Members and 20 Wards.

- (a) The Communities of Wentlooge and Coedkernew would be moved from the current Marshfield Ward and merged with the existing Tredegar Park Ward to form a new Tredegar Park and Marshfield East Ward. The new Ward would have 2 Members, while the remainder of Marshfield would have 1.
  - (b) Part of the existing community of Graig would be merged with the Community of Rogerstone. The existing Rogerstone Ward would be divided into three new Wards with 4 members between them.
  - (c) Part of the existing community of Pillgwenlly would be transferred to Stow Hill, both Wards retaining 2 Members each.
  - (d) The Community of Bishton would transfer from Llanwern to Langstone. The Community of Nash would transfer from Liswerry to Llanwern with representation unchanged.
  - (e) The wards of Bettws and Beechwood would remain unchanged but membership would be reduced from 3 members to 2 in each ward.
10. The Commission's draft proposals to change the arrangement of electoral wards are intended to achieve a significant improvement in the level of electoral parity across the City of Newport. The

Commission proposes a council of 49 members, a reduction from the current size of 50. This results in a proposed average of 2,233 electors per member. This would create 22 electoral wards, an increase from 20 existing wards.

11. The largest under-representation (in terms of electoral variance) within the proposals are **Beechwood, Bettws and Tredegar Park and Marshfield East** (23% above the proposed county average). At present the greatest under-representation is in **Tredegar Park** (48% above the proposed county average). The largest over-representation (in terms of electoral variance) within the proposals is **Shaftesbury** (18% below the proposed county average). At present the greatest over-representation is in Stow Hill (26% below the proposed county average).
12. The Commission is proposing 18 multi-member wards in county consisting of: 10 two-member electoral wards; seven three-member electoral wards; and, one four-member electoral ward. The Commission has proposed no changes to nine electoral wards.
13. The Commission received consultation representations from Newport City Council, two community councils, one county councillor, Newport City Council Labour Group, Newport East Labour Party and two members of the public.

#### 14. Retained wards

The Commission has considered the electoral arrangements of the existing electoral wards and the ratio of local government electors to the number of councillors to be elected. It is proposed that the existing arrangements should be retained within the following nine electoral wards.

- Allt-yr-yn
- Alway
- Caerleon
- Gaer
- Malpas
- Ringland
- Shaftesbury
- St Julians
- Victoria

The only proposed variance is the Welsh electoral ward name for St. Julians. The Commission propose the Welsh language name of **Sain Silian** based on The County Borough of Newport (Electoral Changes) Order 2002, and retain the English language name of **St Julians**. The Welsh Language Commissioner considered the name and is in agreement with the proposed Welsh language name.

#### 15. Graig and Rogerstone.

The existing Graig electoral ward is comprised of the Community of Graig. It has 4,842 electors (5,383 projected) represented by two councillors which is 8% above the proposed county average. The electoral ward has an estimated population of 4,723 eligible voters. The existing Rogerstone electoral ward is comprised of the Community of Rogerstone. It has 8,859 electors (9,322 projected) represented by three councillors which is 32% above the proposed county average. The electoral ward has an estimated population of 8,290 eligible voters.

16. The Commission received five representations concerning these wards from: Newport City Council, Newport City Council Labour Group, Newport East Labour Party, a resident of Allt-yr-yn and a resident of Rogerstone. The Council had recommended that two new wards be created: Rogerstone West (with two councillors) and combining Rogerstone North and East community wards to create another two-member ward. However, the Council had considered an alternative option of three new wards of: Rogerstone West (two councillors), Rogerstone North (one councillor) and Rogerstone East (one councillor).

17. The Commission proposes that the area of Afon Village should be combined with the West ward of the Community of Rogerstone to form an electoral ward of 5,064 electors which, represented by two ward councillors. They consider that the area has no communication links to the remainder of the Graig ward without going through the Community of Rogerstone. It is the view of the Commission that these arrangements best address the existing inappropriate levels of electoral variance whilst creating easily identifiable boundaries. This would result in a level of representation that is 13% above the proposed county average.
18. The Commission has given the proposed electoral ward the Welsh language name of **Gorllewin Tŷ-du**; and the English language name of **Rogerstone West**. The Welsh Language Commissioner is in agreement with the proposed name. The Commission are open to any suggestions for alternative names.
19. The Commission proposes that the East ward of the Community of Rogerstone form an electoral ward of 2,365 electors (2,308 projected) represented by one councillor, which would result in a level of representation that is 6% above the proposed county average. The Commission has given the proposed electoral ward the Welsh language name of **DwyrainTŷ-du** and the English language name of **Rogerstone East**. The Welsh Language Commissioner is in agreement with the proposed name.
20. As a consequence, the Commission proposes that the North ward of the Community of Rogerstone should form an electoral ward of 2,423 electors (2,375 projected) represented by one councillor, would result in a level of representation that is 9% above the proposed county average. The Commission has given the proposed electoral ward the Welsh language name of **GogleddTŷ-du**; and the English language name of **Rogerstone North**. The Welsh Language Commissioner is in agreement with the proposed name.
21. The Commission proposes that, following the transfer of Afon Village to Rogerstone West the remainder of the Community of **Graig** should form an electoral ward of 3,849 electors which, if represented by two councillors, would result in a level of representation that is 14% below the proposed county average. The name would remain the same.
- 22. Marshfield and Tredegar Park**
- The existing Marshfield electoral ward is composed of the Communities of Coedkernew, Marshfield, Michaelstone-y-Fedw and Wentlooge. It has 4,718 electors (5,172 projected) represented by two councillors which is 6% above the proposed county average. The electoral ward has an estimated population of 5,013 eligible voters.
23. The existing Tredegar Park electoral ward is comprised of the Community of Tredegar Park. It has 3,310 electors (3,666 projected) represented by one councillor which is 48% above the proposed county average. The electoral ward has an estimated population of 3,437 eligible voters.
24. The Commission received four representations concerning this ward from: Newport City Council, Newport City Council Labour Group, Newport East Labour Party and a resident of Allt-yr-yn.
37. Newport City Council recommended that the Community of Tredegar Park be combined with the St Brides ward of the Community of Wentlooge and the Community of Coedkernew to form a two-member ward. The remainder of Marshfield would form a single member ward.
25. The Commission proposes that the Communities of Coedkernew, Tredegar Park and Wentlooge be combined to form an electoral ward of 5,497 electors (6,051 projected) represented by two councillors, which would result in a level of representation that is 23% above the proposed county average.



26. The Commission has given the proposed electoral ward the Welsh language name of **ParcTredegar a Dwyrain Maerun**; and the English language name of **Tredegar Park and Marshfield East**. The Welsh Language Commissioner is in agreement with the proposed name.

27. The Commission recognises that Tredegar Park has a unique identity, however, they do not consider it appropriate for it to retain such a significant level of under-representation and alternative arrangements need to be considered. The Commission agrees with the recommendation the Council and the improvement in electoral parity. However, the Commission considered that it was not necessary or desirable to split St Brides from the Community of Wentlooge.

28. Therefore, the Commission, proposes that the Communities of Marshfield and Michaelstone-y-Fedw be combined to form an electoral ward of 2,531 electors (2,787projected) represented by one councillor, which would result in a level of representation that is 13% above the proposed county average. The Commission has given the proposed electoral ward the Welsh language name of **Gorllewin Maerun**; and the English language name of **Marshfield West**. The Welsh Language Commissioner is in agreement with the proposed name.

### 29. **Pillgwenlly and Stow Hill**

The existing Pillgwenlly electoral ward is comprised of the Community of Pillgwenlly. It has 5,099 electors (8,902 projected) represented by two councillors which is 14% above the proposed county average. The electoral ward has an estimated population of 6,134 eligible voters. The existing Stow Hill electoral ward is comprised of the Community of Stow Hill. It has 3,290 electors (4,499 projected) represented by two councillors which is 26% below the proposed county average. The electoral ward has an estimated population of 4,122 eligible voters.

30. The Commission received four representations concerning this ward from: Newport City Council, Newport City Council Labour Group, Newport East Labour Party and a resident of Allt-yr-yn. The Council recommended that an area described as 'Riverside' on the eastern boundary of Pillgwenlly be transferred to the Community of Stow Hill. However, the Council also considered the alternative option of transferring the Mon Bank development into Stow hill.

31. The Commission has agreed with the alternative option considered by the Council, namely that the Mon Bank development be combined with the Community of Stow Hill to form an electoral ward of 4,101 electors, represented by two councillors, which would result in a level of representation that is 8% below the proposed county average. The Commission has given the proposed electoral ward the single name of **Stow Hill**, based on The County Borough of Newport (Electoral Changes) Order 2002. The Welsh Language Commissioner is in agreement with the proposed name.

32. As a consequence, the Commission proposes that the remainder of the Community of Pillgwenlly form an electoral ward of 4,288 electors, represented by two councillors, which would result in a level of representation that is 4% below the proposed county average. The Commission has given the proposed electoral ward the Welsh language name of **Pilgwenlli**; and the English language name of **Pillgwenlly**, based on The County Borough of Newport (Electoral Changes) Order 2002. The Welsh Language Commissioner is in agreement with the proposed name.

### 33. **Langstone, Liswerry and Llanwern**

34. The existing Langstone electoral ward is composed of the Communities of Langstone, Llanvaches and Penhow. It has 3,750 electors (4,039 projected) represented by two councillors which is 16% below the proposed county average. The electoral ward has an estimated population of 3,883 eligible voters. The existing Liswerry electoral ward is composed of the Communities of Liswerry and Nash. It has 9,176 electors (11,445 projected) represented by four councillors which is 3% above the proposed county average. The electoral ward has an

estimated population of 10,028 eligible voters. The existing Llanwern electoral ward is composed of the Communities of Bishton, Goldcliff, Llanwern and Redwick. It has 3,180 electors (14,283 projected) represented by one councillor which is 42% above the proposed county average. The electoral ward has an estimated population of 2,805 eligible voters.

35. The Commission received seven representations concerning this ward from: Newport City Council, Llanwern Community Council, Nash Community Council, Cllr Martin Kellaway (Llanwern), Newport City Council Labour Group, Newport East Labour Party and a resident of Allt-yr-yn. The Council recommended that the Community of Llanwern be combined with the Community of Ringland to remain a three-member ward. The remaining Communities of Bishton, Goldcliff and Redwick would form a single-member ward.
36. The Commission proposes that the Communities of Bishton, Langstone, Llanvaches and Penhow are combined to form an electoral ward of 5,279 electors (6,037 projected), represented by two councillors, which would result in a level of representation that is 18% above the proposed county average. The Commission has given the proposed electoral ward the Welsh language name of **Trefsgob a Langstone**; and the English language name of **Bishton and Langstone**. The Welsh Language Commissioner is in agreement with the proposed name. The Commission would welcome any suggestions for alternative names.
37. As a consequence, the Commission proposes that the Communities of Goldcliff, Llanwern, Nash and Redwick are combined to form an electoral ward of 1,861 electors (12,539 projected) represented by one councillor, which would result in a level of representation that is 17% below the proposed county average. The Community of Nash has been included within Llanwern because it shares a common identity with established community, communication and social links within the area. The Commission has given the proposed electoral ward the Welsh language name of **Llan-wern**; and the English language name of **Llanwern**, based on The County Borough of Newport (Electoral Changes) Order 2002. The Welsh Language Commissioner recommended the single name of *Llan-wern*.
38. It was not considered appropriate to include the Community of Llanwern with Ringland as it was mixing two areas which do not have a shared identity and are bisected by the A48. Furthermore, the projected very large increase in electorate for Llanwern would result in the two areas being separated in a future electoral review as the area would not be sustainable with three-members, nor would the creation of a future five- or six-member ward be appropriate. The Commission considers that the proposed electoral wards shares a common identity and would provide for an effective electoral ward which would build on the established community, communication and social links within the area. If the electorate for this ward increases to the level projected, then it would be appropriate to add members to this ward only. Providing a longer term and more sustainable solution to the existing and future electorate for the area.
39. The Draft Proposals acknowledge that this does not resolve the electoral inequality that will be created by the projected increase of 11,000 electors in the Community of Llanwern. However, the Commission felt that establishing a separate electoral ward for Llanwern provided opportunities for more flexibility in the future.
40. The Commission considered adding an additional member to the proposed Llanwern electoral ward but this would create a current adverse variance of some 50% of the proposed county average. The Commission believes that a more suitable solution would be for the Council to carry out a community review of the area once the developments are completed. Such a review can be used by the Council to propose consequential changes to the electoral wards as a consequence of redrawing the community boundaries in the area, including an increase to the number of members needed. Alternatively, the Commission could review the electoral arrangements of Newport City Council at the start of the next electoral review programme which will commence in 2023. New arrangements would then be in place for the 2027 local government elections.

41. As a consequence, it is proposed that the Community of Liswerry forms an electoral ward of 8,966 electors (11,191 projected) represented by four councillors, which would result in a level of representation that is nine electors above the proposed county average. The Commission has given the proposed electoral ward the single name of **Liswerry**, based on The County Borough of Newport (Electoral Changes) Order 2002. The Council suggested a single name of Lliswerry for the electoral ward. The Welsh Language Commissioner recommended the Welsh language name of *Llyswry*.

#### 42. **Bettws and Beechwood**

The existing Bettws electoral ward is comprised of the Community of Bettws. It has 5,480 electors (6,332 projected) represented by three councillors which is 18% below the proposed county average. The electoral ward has an estimated population of 6,221 eligible voters. The existing Beechwood electoral ward is comprised of the Community of Beechwood. It has 5,485 electors (6,154 projected) represented by three councillors which is 18% below the proposed county average. The electoral ward has an estimated population of 6,029 eligible voters.

43. The Commission received four representations concerning this ward from: Newport City Council, Newport City Council Labour Group, Newport East Labour Party and a resident of Allt-yr-yn. The Council recommended that both wards retain three-members, citing the number of unregistered adults in Bettws as a reason for over-representation and stating that it would be untenable to represent Beechwood with just two-members.

44. The Commission proposes that both Bettws and Beechwood are reduced to two-member wards. The Community of Bettws would form an electoral ward of 5,480 electors (6,332 projected) represented by two councillors (a reduction of one), which would result in a level of representation that is 23% above the proposed county average. It suggests that the Community of Beechwood forms an electoral ward of 5,485 electors (6,154 projected) represented by two councillors (a reduction of one), which would result in a level of representation that is 23% above the proposed county average

45. The Commission has given the proposed electoral ward of Bettws the Welsh language name of *Betws*; and the English language name of **Bettws**, based on The County Borough of Newport (Electoral Changes) Order 2002. The Welsh Language Commissioner recommends a single name of *Betws*. The ward name of **Beechwood** remains unchanged.

46. It is the view of the Commission that these arrangements best address the projected inappropriate levels of electoral variance whilst meeting the council size aim for the review.

#### 47. **Minor Amendments to ward boundaries**

It its recommendations and proposals to the Commission, the Council include a number of proposed changes to existing ward boundaries to correct historical anomalies. The Commission have not considered it appropriate to include these changes within the review as they do not materially affect electoral variances. They consider that it is more appropriate for the Council to make these changes as part of a community review. However, because of the timescales for conducting a community view, it would not be possible to complete this in time for the changes to be introduced prior to the 2022 local elections. Therefore, the Commission have suggested that the Council defer its community review until after the next elections.

#### **Financial Implications**

48. Any increase or decrease in the overall number of Councillors in the final proposals of the Commission will impact on the number of allowances drawn from Members Allowances budget, the levels of which are externally set by the Independent Remuneration Panel for Wales

#### **Risks**

49. There are no specific risks arising from the draft proposals. However, if there are concerns about any of the proposals and, in particular, about under-representation in Bettws and Beechwood as a consequence of the proposed reduction in ward councillors from three to two, then the Council has the opportunity to make representations to this effect as part of the statutory consultation.

#### **Links to Council Policies and Priorities**

50. This is a statutory review by the independent Local Democracy and Boundary Commission for Wales, aiming to improve electoral parity between the different parts of the City.

#### **Proposal**

51. To consider the Draft Proposals issued by the Local Democracy and Boundary Commission for Wales for the revised Electoral Arrangements for Newport and make recommendations to Council regarding a response to the statutory consultation.
52. The Council has the option of not making any further representations at this stage, but there is the opportunity to raise any concerns about any of the proposals and, in particular, about under-representation in Bettws and Beechwood as a consequence of the proposed reduction in ward Councillors from three to two. The original Council recommendations stated that the representation in these wards should be retained as three members because of social and economic disadvantage and problems within the communities which generates additional work for their elected representatives and also, in relation to Bettws, the fact that there are large numbers of people who are not registered on the electoral register.

#### **Comments of Chief Financial Officer**

53. There are no direct budget impacts of responding to this Consultation. Any increase/decrease in Member numbers will have budget impact coming from allowances paid and support costs such as IT provision etc. These will need to be assessed and built into budgets when final recommendations are known.

#### **Comments of Monitoring Officer**

54. Set out in the Report

#### **Staffing Implications: Comments of Head of People and Business Change**

55. The Local Democracy and Boundary Commission for Wales Review of Electoral Arrangements for the City of Newport details an approach to a statutory consultation and as a result there are no human resource implications. In responding to the consultation the Council will be able to provide feedback on how the proposals further develop the Well-being of Future Generations Act well-being goals, as they apply to citizens and communities within Newport. Newport City Council has provided population estimates to support this process and more data can be accessed to support the Committee and the Council in this exercise.

#### **Equalities Impact Assessment and the Equalities Act 2010**

56. Not applicable

#### **Children and Families (Wales) Measure**

57. Not applicable

#### **Wellbeing of Future Generations (Wales) Act 2015**

58. This is a statutory review being carried out by the Boundary Commission, and supports the Wellbeing Goal “A Wales of Cohesive Communities” within the Wellbeing of Future Generations (Wales) Act 2015.

### **Background Papers**

Policies and other background documents and final reviews published on the Local Democracy and Boundary Commission for Wales’ website at <https://ldbc.gov.wales/>

Report to Council 30<sup>th</sup> April 2019.

Dated: 13<sup>th</sup> February 2020.

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