

Draft Agenda



Democratic Services Committee – Chair’s Briefing

Date: Wednesday, 30 March 2022

Time: 10:00am

To: Councillor Charles Ferris (Chair), G. Giles, M. Evans, P. Hourahine, T. Watkins, M. Whitcutt, C. Townsend, J. Clarke, K. Thomas, Gareth Price (Head of Law and Standards), Elizabeth Bryant (Assistant Head of Legal Services), Leanne Rowlands (Democratic Services Manager) and Felicity Collins (Governance Officer)

Item	Wards Affected
1	<u>Apologies</u>
2	<u>Declarations of Interest</u>
3	<u>Minutes of the Last Meeting</u> (Pages 3 - 10)
4	<u>Participation Strategy Consultation Update (Information Only)</u>
5	<u>Independent Remuneration Panel (IRP) Report (Information Only)</u>
6	<u>New Officer Scheme of Delegation (Information Only)</u> (Pages 11 - 42)
7	<u>Presiding Member/Chair of Council Update</u> (Pages 43 - 50)
8	<u>Date of Next Meeting</u> Thursday 16 June 10am – 12pm.
9	<u>Live Event</u> Join live event

Contact: Leanne Rowlands, Democracy and Communications Manager
Tel: 01633 656656
E-mail: democratic.services@newport.gov.uk
Date of Issue: Wednesday, 23 March 2022

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Minutes



Democratic Services Committee

Date: 28 February 2022

Time: 10.00 am

Present: Councillors C Ferris (Chair), P Hourahine, J Clarke, T Watkins, K Thomas, M Evans and C Townsend, Gareth Price (Head of Law and Standards), Leanne Rowlands (Democratic Services Manager), Anne Jenkins (Governance Team Leader), Felicity Collins (Governance Officer)

Apologies: Councillors M Whitcutt

1 Apologies

Councillor Whitcutt.

2 Declarations of Interest

None.

3 Minutes of Meeting held on 18 January 2022

The minutes from the meeting of 18 January 2022 were **accepted** and approved as a true record of the last meeting.

Matters Arising

Councillor M. Evans made reference to the mention of petition schemes from 13 December 2021 and asked if the officers had an update for the Committee on the submission of petitions.

The Head of Law and Standards explained that the draft guidance had only just been received and confirmed that the Committee will receive a more detailed report on the options in the March meeting.

4 Members Induction Training (Presentation Update)

Leanne Rowlands – Democratic Services Manager

The Democratic Services Manager updated the Committee and shared the plans for the Members Induction Training for their review and comment. Members were advised of the legislative requirements in place for the Members and the work of the WLGA on a framework for Members in Wales. The Committee was informed that competency frameworks will be used for Members to help them develop.

Key points

The Lead Officer covered the principles and the methods of delivery of the training, noted that the training will have a member centred focus, and that they are looking at how to make the training as engaging as possible.

Members were informed that the training will be taken place on varying platforms, such as face to face training, workshops and e-learning modules to ensure it can be delivered accessibly. There would also be coaching and mentoring.

The Committee was advised of key dates and were informed that there will be 6 clear working days from the count to the Annual General Meeting taking place on 17 May; which is a very tight timescale for turnaround especially with new Members coming in. There will be a big undertaking to conduct core training and inductions with the equipment so the new Members can be ready for the AGM. Members were informed the AGM will be a hybrid meeting so the Democratic Services team need to provide the training as necessary so Members feel comfortable to participate in the meetings.

The Lead Officer covered the curriculum objectives, went through week by week to breakdown the training for the Members. It was summarised that there are 33 modules in total but 16 of which will be mandatory and 6 of those will be mandatory to Members in specific committees. For the rest of the Members, there will be 10 mandatory modules in total which will be broken down over a period of time and more dispersed after the first week of inductions.

The Democratic Services Manager welcomed any questions and comments from the Committee.

Committee raised the following points:

- Councillor T. Watkins queried if the Members of the Committee could have a copy of the presentation.

The Democratic Services Manager confirmed that they will distribute it and that part of the support for prospective candidates and information on training will be available. It was explained they are setting expectations for the first week as there will be lots to work around so it is important to make it clear how busy that week will be. It was discussed that councillors and prospective candidates may have holidays booked so it would be good to warn them in advance.

- Councillor Hourahine thanked the officer for the presentation and mentioned that 3-4 Members on the Standards Committee in the past did not participate in the mandatory modules and asked if there would be sanctions introduced for those who do not participate in the same.

The Head of Service responded by confirming that the council does not have enforcement sanctions but clarified the rules, if Members do not complete the mandatory training, then they cannot sit on Planning and Licensing committees. However, there was no sanction that could be imposed if members do not undertake the mandatory Code of Conduct training. It was stressed that members are required to agree to comply with the Code of Conduct when signing their Declaration/Acceptance of Office but unfortunately there are no enforcement sanctions if they do not attend the mandatory training. Welsh Government have advised that they do not intend to change the rules before the May elections, as recommended by the Richard Penn review, to include a commitment to the training as part of the Declaration of acceptance of office. However with the Council and the Ombudsman, the Code of Conduct training is mandatory but with no means of compulsion.

Committee was informed that the council organised a number of refresher training sessions for those members but however if some did not attend, the council electronically sent them the training information.

One additional enforcement provision in the new legislation is that Leaders of the individual political groups have a personal responsibility to maintain ethical standards within their groups. Therefore they are expected to ensure their political members attend the mandatory training.

- A comment was made by Councillor M. Evans that it was good to see that the team acknowledges that less is more in the approach and mentioned that a large amount of information could be overwhelming for the Members. The Member went on to address the hybrid meeting proposal for May as he believed that restrictions may be lifted by then as the council would want face to face interaction in the civic centre and stressed this decision to put a meeting online in May was not a decision the Member would like to support.

In response, the Head of Law and Standards clarified the misunderstanding, it would be a hybrid meeting with members physically in the chambers, as they would be entitled to do so, with the option of technology to have councillors dial in remotely. There would be no requirement for the Members to dial in remotely, subject to restrictions. The “hybrid” meeting was a requirement of the new legislation and was intended to give members a personal choice about whether to attend the meeting in person or remotely. Assuming there were no Covid restrictions in place in May, then all members who wanted to come into the Council Chamber would be entitled to do so. No “decision” had been taken to continue with remote meetings after May.

- Councillor M. Evans also asked if the Members could have reassurance that the log in for the e-learning courses would be straight forward as the ones arranged on the NHS log in are difficult to access for Members.

The Democratic Services Manager confirmed that they are looking into the issues for that and are putting something together.

- Councillor Townsend expressed support for Councillor M. Evans’ view on hybrid meetings and stated she would prefer to be in the civic centre as she has residents complaining about the Councillors not meeting in the council chambers. It was noted that it could be seen as a cop-out therefore noted she was keen to get back to face to face as virtual is not conducive to easy discussions. The Member went on to thank the Head of Service for the explanation.

At the end of the discussion, the Head of Service asked the Members to pass on the message to their parties that as there are 6 working days between the count and the AGM to get essential training done. Therefore requested for the Members to inform their peers that it will be a big commitment of their time on those days to sign up for the declarations of office, training on council meetings and IT equipment etc. It was noted that would be extremely helpful for the Democratic Services team if Members could make themselves available on those days.

Agreed:

The Chair agreed for the Members to note that time frame and to report back to their parties accordingly.

5 Member Surveys (Presentation Update)

Leanne Rowlands – Democratic Services Manager

The Democratic Services Manager went over the requirements for the coming months such as conducting exit surveys which are intended to gain feedback from Members in order to improve the support, which is linked into the participation strategy and to understand the

experience from the Members. The manager listed the three other surveys to be conducted; an Ethical Standards Exit Survey, a Diversity Survey and a Candidate Survey.

Key points

The Lead Officer went into details of the types of questions that the Members would be answering in the surveys. It was stressed to the Members that the answers to the surveys will be completely confidential and the findings would be anonymised.

Members were advised that the council recognise the challenges of the large number of surveys such as the potential crossover of requirements. For example, the demographic questions. It was noted that the Members could experience survey fatigue and that could be a challenge in getting a reasonable response rate to be objective with the findings.

The Committee were informed that the council could review the questions and consider the crossovers as an opportunity to consolidate at least three surveys into one so it could be more palatable. The Data Cymru survey is separate and will be carried out in the normal way so therefore there is not a way for the team to consolidate that one.

Members were briefed on the timeline of the survey process. The questions of the survey will be done on 10 March, the Data Cymru Candidate Survey will be live from 28 March, as it has been through the consultation period. Then the officers will bring back any surveys to the next Committee meeting at 30 March.

Committee made the following points:

- Councillor K. Thomas referred to the issue of survey fatigue and asked if any new questions would be in the surveys that the Members would not have come across beforehand.

The Democratic Services Manager confirmed that there would not be new areas but the new part of work is linked in with the participation strategy. Therefore some of the data capturing is linking into that, to be monitored.

- Councillor M. Evans also noted the issue of survey fatigue and expressed concern that the team may not get responses from people due to that. It was noted there are separate bodies but queried if the Members could receive one survey instead of three. The Member suggested that the Members could be provided with one page with an opportunity to put comments in.

The Member went on to highlight that with the exit survey's question on induction training; individuals may not remember from 5 years ago as it has been a long time since then. The Member suggested if they could be asked to comment on general training as less is more, and alluded that point from the prior discussion.

6 **Draft Guidance on Constitutions (Information Only)**

Gareth Price – Head of Law and Standards

The Head of Law and Standards informed the Committee that the document is a draft document issued by Welsh Government shortly before the agenda went out so it has been included for information purposes only. Therefore no decisions from the Committee are required.

Members were informed that the team would be happy to pick up questions from the Committee.

Committee raised the following points:

- Councillor Hourahine queried if the Head of Service meant he would answer their questions directly or send them onto the Welsh Government.

The Head of Service confirmed that it depended on the type of question. If it would be comments on the draft documentation then the council would be happy to pass them on to the Welsh Government as a consultation response.

- Councillor T. Watkins asked where the budget would come from for the political assistance role as discussed earlier.

The Head of Law and Standards stated that it would be the council paying for the political group advisers if they were minded to employ them.

- The Member went on to ask if the council would then have to get funding from the Welsh Government for the role or if it would come out of the council budget.

In response, the Officer replied that it would come out of the staffing budget to pay for the political assistants. No additional funding for that.

- Councillor Hourahine queried if the political adviser roles would be paid pro-rata to the number of seats.

The Head of Law and Standards advised that the group would need to have at least 10% of the Members in the council to qualify for the adviser. So as from May, with the increase in Council membership to 51 Councillors, each group would have to have at least 6 Members to be eligible for a political assistant. Subject to having sufficient members, then the 3 largest groups on the Council would be entitled to appoint a single political assistant. But it is not proportionate to the number of seats, more to the number of Members to qualify for the assistance.

- The Chair referred to section 56 of the delegated powers and queried if this was new legislation to the council.

The Lead Officer confirmed that this is previous advice from the 2011 measure, therefore it is not new and is a restatement of previous guidance and is advisory for the council.

- The Chair queried if the council is implementing the section 56.
The Head of Law confirmed that section 56 is a discretionary power and the council has never implemented the delegation of decisions to non-executive members. Some councils have used this power where they have large areas and ward committees within individual communities. They have given delegated powers to the non-executive members on those ward committees. However, in Newport the scheme of delegation for individual executive decision-making was to Cabinet Members and Heads of service.
- The Chair referred to page 35 about the co-option of non-members onto scrutiny committees and asked the officers if the council are adhering to that.

The Head of Service confirmed that the council does and has done since 2000 as it is a requirement from the Local Government Act. For instance in education, the scrutiny committee has statutory co-opted members.

- The Chair asked if the council publishes their forward work programme.

The Head of Law and Standards stated that the Council currently does that and highlighted that in every meeting Members agree their work programme and is published as a public document and uploaded on the website.

- With regard to joint oversee scrutiny committees; the Chair asked if the council are still doing those.

The Head of Service clarified that the council has a number of joint scrutiny committees because the more collaboration there is, then the more joint committees would be needed.

For example, regional joint scrutiny will be required for the Corporate Joint Committees and we are also looking at establishing a joint corporate scrutiny committee for the PSB which has gone regional. As more services deliver on a regional basis via collaboration; therefore there is a requirement for regional scrutiny and joint scrutiny committees with the participating councils. The Members would see more of this as the council moves toward collaboration and joint delivery of services.

- The Chair mentioned if this has been a long term aspiration of the council coming into practice.

The Head of Law and Standards confirmed the ability to set up a joint scrutiny has been available since the previously mentioned 2011 measure. The need to set them up has developed more recently as the council moves to more regional collaboration.

- Councillor T. Watkins asked if the individual Members could comment on the draft copy and if those comments would be sent to the Welsh Government or Newport City Council.

In response, the Head of Service informed the Member to send their comments back to the council so they can forward them on to the Welsh Government. Members were reminded that the draft copy is just a reinstatement of legislation that has been in place for years.

The council would look for comments on the technical aspects and the guidance will relate back to any part of drafting and new legislative provisions.

7 **Democracy Handbook (Information Only)**

Gareth Price – Head of Law and Standards

The Head of Law and Standards informed the Committee that the Democracy Handbook provided is currently a draft document with more to follow. When the final version is issued, the Members can input their comments and raise queries on the same.

Committee raised the following points:

- Councillor T. Watkins queried if there is a timeline on the two documents mentioned.

The Head of Service stated that in terms of consultation; the council has not been given a formal consultation period. It was explained that they will not get the final versions of the documents until after the elections in May. It was noted that despite there is not a timescale, the sooner the committee can respond, the better.

- Councillor T. Watkins expressed his concern that if the documents are ready after the election, there could be more pressure on the new candidates being elected in May.

The Lead Officer clarified that there would not be pressure on the candidates themselves, as it is more of a focus on the governance process. Members were assured that the work being carried out until May is to ensure the basics are in place so the current constitution would meet the necessary requirements. For instance, with the petition schemes, they could be in place by May with a very basic policy but the new council may wish to review and improve on this. The documents are constantly being refined and reviewed and the new Democratic Services Committee could look into those.

- The Chair agreed with the comment from page 79 that training is a process and not an event and commented that the council should revisit the petition schemes.

In response, the Head of Service confirmed that advice has only just come out so when they develop the petition scheme they will take it into consideration. The guidance has not been finalised yet with regard to the approach which may need to be revisited after May. However, Committee was informed that officers will bring options for consideration in March.

8 **Date of next Meeting**

Wednesday 30 March 10am – 12pm.

9 **Live Event**

[Democratic Services Committee, 28 February 2022 - YouTube](#)

Meeting terminated at 10:53 hrs.

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Constitution

Part 3: Responsibility for Functions

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

- (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, Policy and Transformation. 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, Policy and Transformation.
- 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 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

- (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 Statutory functions

- (i) The Chief Executive is a statutory appointment pursuant to Section 54 of the Local Government and Elections (Wales) Act 2021.
- (ii) Under the provisions of the Local Government and Elections (Wales) Act 2021 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 co-ordinated;
 - the council's arrangements in relation to—
 - (i) financial planning,
 - (ii) asset management, and
 - (iii) risk management
 - 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 Head of Service.
- (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.

STRATEGIC DIRECTORS

3 STRATEGIC DIRECTOR – SOCIAL SERVICES

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 Services, the Head of Children Services, the Head of Education, and the Head of Prevention and Inclusion 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 Services, the Head of Childrens Services, the Head of Prevention and Inclusion and the Head of Education).

4 STRATEGIC DIRECTOR – TRANSFORMATION AND CORPORATE

4.1 As Director of Transformation and Corporate

4.2 General

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 Head of Law and Standards, the Head of People Policy and Transformation and the Head of Finance).

5. STRATEGIC DIRECTOR – ENVIRONMENT AND SUSTAINABILITY

5.1 As Director of Environment and Sustainability

5.2 General

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 Head of Regeneration and Economic Development, the Head of Housing and Communities, the Head of Environment and Public Protection and the Head of City Services.

HEADS OF SERVICE

6 Head of Law and Standards

6.1 As Head of Service:

(i) To determine all operational issues relating to:

- Legal Services
- Democratic Services, including Scrutiny and Mayoralty
- Registration Services
- Electoral registration
- Coroners Service

(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.

6.2 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

6.3 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.

6.4 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 then and to lodge appeals against any decisions affecting the discharge of any of the Council's functions. For the avoidance of doubt, this delegation shall extend to the taking of all procedural steps, including the service of any notices, statutory or otherwise, counter-notices and notices to quit.
- (ii) To authorise officers of the Council to prosecute or defend or appear in any legal proceedings by virtue of the provisions of Section 223 of the Local Government Act 1972 or any modification or re-enactment thereof.

6.5 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.

6.6 Land and Property

- (i) To determine when and to serve statutory notices to ascertain the legal interest of any person in land.
- (ii) To sign certificates of title and execute any land sale, transfer or lease on behalf of the Council.

6.7 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.

7 Head of Finance

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

7.2 As Head of Service

To determine any operational issues relating to the following functions:

- Accountancy
- Strategic Procurement and Payments
- Income collection and Tax
- Internal Audit
- Benefits
- Customer Services

7.3 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.

7.4 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

7.5 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.

7.6 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

7.7 General

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

8 Head of People Policy and Transformation

8.1 As Head of Service

To determine all operational issues relating to:

- Human Resources
- Operational Development and training
- Health and Safety
- Policy and Partnership
- Intelligence Hub
- Digital Services and Complaints
- Business Transformation
- PR & Communications
- Assets

8.2 Human Resources

- (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.

8.2 Business Transformation

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

8.3 Partnership and Policy

To determine all operational issues relating to

- Partnerships and Planning
- Policy Development
- Performance

8.4 Digital Services

- (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

8.5 Complaints

8.6 Intelligence Hub

8.6.1 Customer Insight

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

8.6.2 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

8.7 PR and Comms

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

8.8 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.

8.9 Assets

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.

8.10 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 EDUCATION (Chief Education Officer)

9.1 As Head of Service

To determine operational issues relating to:

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

9.2 As Chief Education Officer

- (i) To determine operational issues relating to: Education Resources and Planning, including ; 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).

9.2.1 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.

9.2.2 Education Achievement Service

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

9.2.3 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

9.2.4 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.

9.2.5 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.

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 ADULT SERVICES

10.1 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

10.2 The discharge of the following statutory duties 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 Wellbeing (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 Wellbeing (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.

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 CHILDREN SERVICES

11.1 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

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

11.3 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.

12 HEAD OF PREVENTION AND INCLUSION

12.1 As Head of Service

To determine operational issues in relation to:

- Families First
- Flying Start
- Youth Services
- Childrens Prevention
- Early Years Integration, FIS and play
- DFGs
- Substance misuse

12.3 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.

13 HEAD OF REGENERATION AND ECONOMIC DEVELOPMENT

13.1 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;
- Museum and Heritage Services, including the Museum and Art gallery; the Newport Ship and the Transporter Bridge
- Theatre and Arts Centre, Riverfront
- Newport Live, including: business support, catering services, leisure operations and business development

13.2 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.

13.3 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

13.4 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.

13.5 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.

13.6 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.

13.7 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

13.8 Regeneration

To determine any operational issues relating to:

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

13.9 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

13.10 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.

13.11 Newport Live

To determine all operational matters relating to the relationship with the Newport Live

13.12 General

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

14 HEAD OF HOUSING AND COMMUNITIES

14.1 As Head of Service

To determine operational matters relating to:

- Strategic housing
- Housing needs and homelessness
- HSG/Supporting people
- Community Regeneration to include Libraries, Community Hubs, operational management of Community Centres, Community Development and Community First legacy.

14.2 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

14.2 Community Regeneration

- (i) To determine any operational issues relating to:
 - Housing and Community Regeneration, including community development; Community Regeneration; private sector housing; and preventative services;
 - Community Learning
 - Libraries
 - Community Hubs
 - Community Centres
 - Community Development
 - Community ServicesThis 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

14.3

14.4 General

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

15 HEAD OF ENVIRONMENT AND PROTECTION

15.1 As Head of Service

To take all operational decisions in relation to:

- Environmental Services including
- Waste disposal
- Recycling and Sustainability
- Green Services
- Cremation Services
- Refuse
- Grounds maintenance
- Street cleansing services
- Parks and outdoor recreation

15.2 Public Protection

15.2.1 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.

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

Matter to be dealt with	Sub Committee	Officers
Policy –consulting on proposed changes		x
Application for personal licence	If a Police objection	If `No` objection
Application for personal licence with `Unspent` Convictions	All cases	
Application for premises licence/club premises certificate	If a relevant representation made	If `No` relevant representation made
Application for ` Provisional Statement `	If a relevant representation made	If `No` relevant representation made
Application to vary premises licence/club premises certificate	If a relevant representation made	If `No` relevant representation made
Application to vary designated premises Supervisor	If a Police representation	All other cases
Request to be removed as designated premises supervisor		All cases
Application for transfer of premises licence	If a Police objection	All other cases

Application for Interim Authorities	If a Police representation	All other cases
Decision on whether a complaint is irrelevant frivolous vexations etc.		All cases
Decision to object when Local Authority is a `Consultee` and not the `Lead Authority`	All cases	
Determination of a Police representation to a temporary Event Notice	All cases	

15.2.3 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
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	
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15.3 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.

15.4 Litter Control Notices

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

15.5 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.

15.6 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.

16 Head of City Services

16.1 As Head of Service

- Civil Contingencies
- Street Scene Services and Area Services, including:
 - Street works
 - Traffic and transport
 - Highways
 - Drainage
 - Road safety
- I. Integrated Transport Services
 - Active Travel.

16.2 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.

16.3 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 & Standards .
- (vii) To make emergency and temporary prohibition Orders and Notices under Section 14 of the Road Traffic Regulation Act 1984, as amended.
- (viii) To give instructions to issue notices under Section 184 of the Highways Act 1980 (which notify owners of premises that the Council intends to construct vehicle cross - over's and to recover the cost from the owners)
- (ix) To issue certificates for payment in respect of highway construction or other engineering works.

16.4 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.

16.5 Traffic Orders

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

16.6 Integrated Transport Services

To determine all operational matters relating to integrated transport services

16.7 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.

16.8 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.

16.9 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.

16.10 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.

16.11 City Centre Management

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

16.12 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.

16.13 Floral Displays

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

16.14 General

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

Report



Democratic Services Committee

Part 1

Date: 30th March 2022

Subject Presiding Member/Chair of Council

Purpose To update the Committee concerning the arrangements, roles and responsibilities for the Presiding Member.

Author Democratic and Electoral Services Manager and Head of Law & Standards

Ward City wide

Summary On 25th January 2022 Council resolved to appoint a Presiding Member to chair meetings of full Council as from May 2022 and facilitate these meetings in a hybrid environment. This report provides further details of the arrangements, roles and responsibilities for the Presiding Member.

Proposal To note the contents of the report, and the procedural arrangements.

Action by Democratic and Electoral Services Manager

Timetable In line with Annual General Meeting

This report was prepared after consultation with:

- Head of Law and Regulation
- Head of Finance
- Head of People and Business Change

Background

On 25th January 2022, full Council resolved to appoint a Presiding Member to chair the hybrid Council meetings from their inception in May 2022. The role of Presiding Member will be distinct from the wider civic and ceremonial duties required of the Mayor.

This report provides further details of the arrangements, roles and responsibilities for the Presiding Member. The appointment of the Chair of Council/ Presiding Member and the Vice-Chair/Deputy Presiding Member will be determined at the Council Annual General Meeting on 17th May 2022. Council will also be asked to endorse the necessary changes to the Constitution as a consequence of the adoption of the new Presiding Member role.

The Local Government and Elections (Wales) Act 2021 aims to enable a local democracy which reflects Wales' diversity as a nation, provide local government with new ways to support and serve their communities and reinvigorate local democracy in Wales.

The Act requires that principal councils in Wales encourage local people to participate in local government through a number of changes to the constitution and arrangements prescribed in the legislation.

The Act encourages Local Authorities to adopt strategies with arrangements that suit their own circumstances.

Under the legislation Newport City Council will be moving to hybrid meeting arrangements for full Council and other meetings required under statutory arrangements. Hybrid meetings will facilitate attendees to fully participate in the meeting either from the Council Chambers, or through digital means at another location. This change supports members to balance their Councillor roles and responsibilities with other obligations, such as caring for dependents or other paid employment. Hybrid meetings also make the meetings more accessible for attendees in general.

Changes to Constitution

The constitution is being amended to update the new arrangements, and guidance and protocols for hybrid meetings is currently in development.

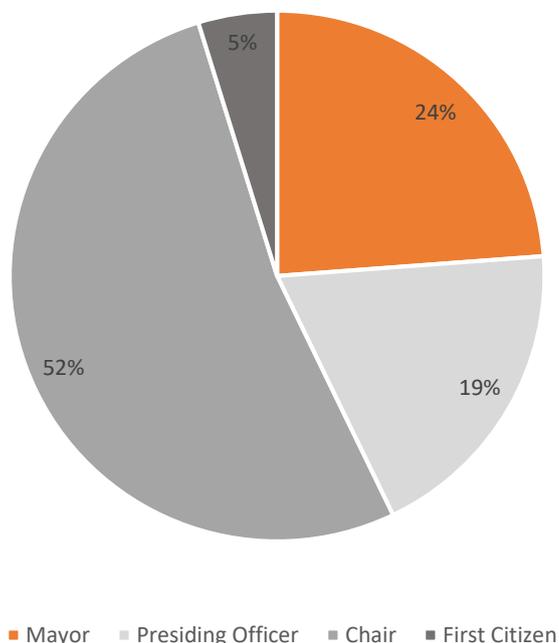
Chairing hybrid meetings will be more challenging than chairing meetings which are run completely in person or completely on Teams, simply due to the complications that attendees being in different locations naturally present. New technology has been installed to support the new arrangements, but hybrid meetings will require the chair to manage and oversee Members in the Chamber, plus Members attending virtually, including those wishing to speak and vote. Under the legislation, Council meetings will continue to be broadcast live to the public, and available to view following the meeting. Therefore, the Council meetings continue to be a very highly visible function of the Council that support transparency around decision making and effects the reputation of the Council.

Support and training will be put in place to support the Member chairing full Council, however this will require a new set of skills and these are expected to be developed over time. This will require a significant investment in time and effort from both the Member and support staff in order to become competent in this new arena.

A new approach to chairing Council will be beneficial in providing focus on the development of this newly required skill set and the efficient and effective deployment of hybrid meetings.

Context

The majority (76%) of Welsh Local Authorities appoint a Presiding Member, Chair or First Citizen to a role that primarily chairs full Council. Some of these have separate mayoral roles, and some Local Authorities no longer have a mayoral role at all.



The common procedural thread that runs throughout the arrangements for all 16 of the Local Authorities with a Presiding Officer is that they nominate, vote for, and elect the chair at their annual general meeting (AGM).

This reflects the existing procedures in Newport, whereby the Chairs of Committees are nominated and elected at the AGM. The appointment of a Presiding Member will be the first appointment made at the AGM in May 2022 under this agenda item. A Deputy Presiding Member will also be appointed at the first AGM.

Roles and Responsibilities

The Local Government (Democracy) Wales Act 2013 Section 51 amended the Local Government Act 1972 and gave local authorities in Wales 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.

In accordance with Section 24A of the Local Government Act 1972 (as amended), full Council must determine whether to have a Presiding Member and may determine the functions of the Presiding Member and the term of office of that member. The functions of the Presiding Member may in particular include any function of the Chair of the Council in relation to its meetings and proceedings.

A member of the Executive may not be elected as the Presiding Officer. A Presiding Member is entitled to a Band 3 Senior Salary (£25,593 as from May 2022) and the post will count towards the Senior Salary cap for the Council of 18 posts. The Mayor will continue to be entitled to a civic salary of £25,593 as from May, for the civic and ceremonial responsibilities attached to the role. The Deputy Presiding Member/Vice Chair of Council is not entitled to any senior salary.

A Presiding Member continues in office until the occurrence of:-

- (a) the Presiding Member's resignation or disqualification;
- (b) a successor becoming entitled to act as a Presiding Member;
- (c) the Council determining not to have an office of Presiding Member; or
- (d) an Ordinary Council election.

The appointment of the Chair of Council/Presiding Member will be the first item of business to be determined at the Council AGM in May. The Mayor-making ceremony will be carried out separately, as a purely ceremonial function. The Presiding Member would hold office for a period of 12 months, subject to reappointment. Unlike the Mayor, who is elected on seniority and only serves in office for one municipal year, the appointment of the Presiding Officer is determined by a majority of votes at the AGM, based upon the requirements of the post, and may be re-elected

The Council must also appoint a Deputy Presiding Member. A Deputy Presiding Member cannot be a member of the Executive and is not entitled to be remunerated. However, the Deputy Presiding Member may do anything authorised or required to be done by the Presiding Member in the absence of that Member. There could be an agreed informal protocol between the respective groups on the new Council that the Deputy Presiding Member should be nominated by another group to the Presiding Member's group. However, as the legal requirement is that both appointments have to be voted on in full Council, then any such arrangement would have to be on an informal basis.

The Presiding Member would preside over meetings of the full Council and ensure Council meetings are conducted in line with the Council's Constitution. The Presiding member could also chair all-member training and development sessions. The post-holder could also undertake all other administrative functions relating to the application of the Council's Constitution previously assigned to the Mayor. For example, the Presiding Member would also carry out those duties required under the Family Absence for Members of Local Authorities (Wales) Regulations 2013. This is currently assigned to the Mayor, in terms of "authorising" family absences, but in practice the need for such authorisation has never arisen as Members can be absent for 6 months under the general law and any prolonged absences can be sanctioned by Council.

A revised Role Description for the Presiding Member and Deputy Presiding Member is attached at [Appendix 1](#) and Council will be asked to approve that role description at the AGM in May.

The appointment of a stand-alone Presiding Member would leave the Mayor free to act as the ceremonial head of the Council and to represent the Council at all civic and ceremonial functions. He/she would continue to use the title of "Mayor" or "Maer" and chair of the council would be entitled to the style of "civic chair" or "cadeirydd dinesig".

Other consequential amendments will be required to the Council's Constitution to reflect the separation of the Chair of Council and Mayoral roles. In particular, the member role descriptions, Article 5 (Chairing the Council) and Part 4 Appendix 2 (Standing Orders).

Financial Summary

Councillors receive a basic allowance and those holding certain positions (for example, a cabinet member or chair of a scrutiny committee) receive an additional allowance to reflect

the extra workload and commitments involved. Once adopted, the scheme of allowances for 2022/23 will be based on the [report by the Independent Remuneration Panel for Wales](#). The financial implications associated with this change the difference between the basic salary for Members, and the Band 3 Chair salary as set by the Independent Remuneration Panel. The annual difference is £8,793. The IRP does not make any provision for remuneration for Deputy Presiding Member.

Risks

Risk	Impact of Risk if it occurs* (H/M/L)	Probability of Risk occurring	What is the Council doing or what has it done to avoid the risk or reduce it's effect	Who is responsible for dealing with the Risk?
Reputational risk of poor hybrid meeting management	H	L	Development plan regarding training and support for Presiding Member	Democratic and Electoral Services Manager

*Taking account of proposed mitigation measures.

Links to Council Policies and Priorities

This links with the Strategic Equality Plan 2020-24. The commonality with the Equality Plan is ensuring that the Council has strong leadership and clear governance in place that will benefit all protected characteristics.

Comments of Chief Financial Officer

There will be no adverse financial impact as a result of this proposal. The authority maintains a recurring "Members' Allowance" budget which includes sufficient provision to fund the additional £8,793 required to fund this proposal.

Comments of Monitoring Officer

Set out in the report

Comments of Head of People and Business Change

There are no workforce implications arising out of the report as this is a member structural change.

Effective governance arrangements are fundamental to the work of the Council and the delivery of the Corporate Plan and a move to hybrid meetings supports the development of A More Equal Wales; creating an environment that underpins increased diversity in decision-makers.

Local Issues

Not applicable.

Equalities Impact Assessment and the Equalities Act 2010

The role of Presiding Member supports equality through clear and consistent leadership, and in supporting the family absence legislation as part of the role.

Wellbeing of Future Generations (Wales) Act 2015

Effective deployment of hybrid meetings supports the development of A More Equal Wales; creating an environment that underpins increased diversity in decision-makers. The Strategy does not adversely affect any of the other Well-being Goals for Wales.

Effective governance arrangements are 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.

Background Papers

- [Council Meeting 25th January 2022](#)
- [The Strategic Equality Plan 2020-2024](#)

Appendix 1

Presiding Member/Chair of the Council Role Description

1. Accountabilities

- Full Council

1. Role Purpose and Activity

- **Acting as a symbol of the Council's democratic authority**
 - As the Chair of Council, to be non-political and uphold the democratic values of the Council.
- **Chairing Council meetings**
 - To preside over meetings of the Council, so that its business can be carried out efficiently.
 - To ensure the Council conducts its meetings in line with the Council's Standing Orders.
 - Chairing all-member training and development sessions from the Council Chambers.
- **Upholding and promoting the Council's Constitution**
 - To ensure the Constitution is adhered to and, if necessary, to rule on the interpretation of the Constitution
- **Internal governance, ethical standards, and relationships**
 - To promote and support good governance of the Council and its affairs.
 - To provide community leadership and promote active citizenship.
 - To promote and support open and transparent government.
 - To support, and adhere to respectful, appropriate, and effective relationships with employees of the Council.
 - To adhere to the Members' Code of Conduct, Member/Officer Protocol, and the highest standards of behaviour in public office
- **Other administrative functions**

- To undertake such other administrative functions relating to the application of the Council's constitution, as may be required from time to time.
- To carry out those duties required under the Family Absence for Members of Local Authorities (Wales) Regulations 2013 in relation to the authorisation of family absences.

2. Work programming

- To prepare and manage an annual work programme for the Council to meet its legal obligations (e.g. setting the budget and the Council Tax and making appointments)

3. Values

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

Vice Chair/Deputy Presiding Member

The Vice chair/Deputy Presiding Member will assume the Presiding Member's responsibilities in their absence;

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