

Agenda



Democratic Services Committee

Date: Thursday 23 June

Time: 10.00 am

Venue: Council Chambers, Civic Centre & Microsoft Teams (Hybrid Meeting)

To: Councillors D Fouweather (Chair), E. Corten, M. Spencer, A. Pimm, P. Hourahine, T. Watkins, K. Thomas, T. Harvey, A. Sterry, Gareth Price (Head of Law and Standards), Elizabeth Bryant (Assistant Head of Legal Services), Leanne Rowlands (Democratic and Electoral Services Manager), Felicity Collins (Governance Officer), Taylor Strange (Governance Officer), Anne Jenkins (Governance Team Leader)

Item	Wards Affected
1	<u>Apologies</u>
2	<u>Declarations of Interest</u>
3	<u>Minutes of Meeting held on 30 March 2022</u> (Pages 3 - 10)
4	<u>Forward Work Programme 2022/23</u> (Pages 11 - 16)
5	<u>Revised Scheme of Delegation to Officers</u> (Pages 17 - 66)
6	<u>Date of Next Meeting</u>

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Date of Issue: 16 June 2022

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Minutes



Democratic Services Committee

Date: 30 March 2022

Time: 10.00 am

Present: Councillors C Ferris (Chair), P Hourahine, T Watkins, M Evans and C Townsend

In Attendance: Gareth Price (Head of Law & Standards), Elizabeth Bryant (Assistant Head of Legal Services) and Felicity Collins (Governance Officer)

Apologies: Councillors M Whitcutt, J Clarke, K Thomas, G Giles and C Evans

1 **Apologies**

Councillor Giles, Councillor Clarke, Councillor Whitcutt, Councillor Thomas and Leanne Rowlands.

2 **Declarations of Interest**

None.

3 **Minutes of the Last Meeting**

The minutes of the meeting on 28 February 2022 were accepted and **approved** as an accurate record of the meeting.

Matters Arising

Councillor M. Evans referred to the first page of the minutes of the last meeting where committee brought up the issue of the petition schemes and that the officers had just received advice from the Welsh Government at the time. It was noted that the officers would receive more information to report on for the March meeting and asked if the Committee could have an update on the future information from the Welsh Government.

Head of Law and Standards confirmed that the next item on the agenda would pick up on that point but advised they did not receive further updates in terms of guidance. As the last meeting was based on draft guidance and such guidance would not be available until after May. Therefore advised that the officers are proceeding on the basis of the draft guidance to update the Members verbally.

4 **Participation Strategy Consultation Update (Information Only)**

Gareth Price – Head of Law and Standards

The Lead Officer gave a brief overview report to the Committee on the Participation Strategy and the outcome of the public consultation on the draft strategy approved by committee. The Officer explained that he had an update from the Democratic and Electoral Services manager on the public consultation which was limited to 13-14 responses through the council's website page. In terms of the strategy itself, there were no comments about what was in the strategy but comments about the council not listening to public concerns and how they respond to the same.

It was mentioned that some comments were in relation to the accessibility of the website. Members were informed that the public access is being looked in relation to customer service requests but this was about the accessibility of the governance process and how it works, which is a requirement of the legislation. As it is a dynamic policy with objectives to implement, the criticisms made will be addressed as part of the action plan.

The Head of Service advised that due to the timescales of the plan, there would not be another meeting between March and May. Committee was informed that the consultation responses would not change the draft document that the Members have seen and that it will be presented to full council on 17th May to be adopted. The new Democratic Services Committee would have that on the work programme to keep the plan under review in implementing the engagement strategy.

The Head of Service provided the Committee with a presentational update by the Democratic and Electoral Services Manager which discussed the legislative requirements of formal petition schemes. It was indicated how the council has a process but as it is not documented, the results could not be reported back to committee. The officer highlighted that the council needs to formalise what to do. Members were reminded that this is based on the draft guidance from Welsh Government and that they would try to develop something to present to Council in May. A filtering system was considered so that vexatious petitions would not be dealt with by the council, this could be through validating of the lead petitioners and also whether the council would want a minimum number of signatures before responding to them.

Requirements were discussed for what would not be deemed as a valid petition, such as planning and licensing decisions, code of conduct complaints and statutory appeals as the authority already has processes for those. It was also mentioned that the council could prescribe a timescale for a response to the petitions in question.

The officer welcomed comments and questioning from the Committee.

Committee raised the following points:

- Councillor Hourahine noted how the petitions that he comes across in his ward mostly relate to resident parking and noted the last remark regarding to the timescale; that it should be essential for the council to have a timescale for the petitions to be dealt with. The Member asked the officer to confirm if they could foresee parking coming within these petition schemes.

The Head of Law and Standards confirmed that if the petition scheme met the necessary requirements, then it would be allowed.

- Councillor Hourahine added in some cases, the applications for parking are for a short length of the highway and asked the council to consider that when deciding the guidelines for the petition schemes.

In response, the officer clarified that would not be for the council to consider as they would like the committee's views on that. It was explained that the authority could structure said petition schemes but welcomed the Member's views on ideas such as minimum number of signatures to validate a petition to decide what they think would merit a debate.

An example was used, where a petition regarding residents parking had more than 20 residents' signatures, then it could be deemed valid and would be directed to the Head of Service and relevant Cabinet Member for a decision. The council could log the receipt of the petition in the scheme and record how and when it was responded to. For instance, at a much higher level petition, if traffic restrictions affected a broader community and that the petition had

hundreds of signatures; then it could be more appropriate to be discussed at a scrutiny committee.

The scheme would intend to formalise the petition process and give more substance to it; the officer advised that they would like the committee's views and if they thought it would be appropriate for scrutiny to get involved.

- Councillor M. Evans made the suggestion of the council reviewing the percentages of streets having an input in the petition. For example, they could set a minimum requirement of 40% of the street rather than having a specific number of signatures. The Member agreed that the council does need to engage with the public and members so they are aware of petitions circulating within their wards. The Member agreed that with the larger petitions, it would be important that scrutiny has a role in the discussion. It was mentioned that residents get frustrated at the council and feel that their views are not heard. The Member stressed that if a significant number of people have signed the petition then they have a right to be heard by the scrutiny committee as it would be healthy for democracy.
- Councillor T. Watkins commented in relation to the number of signatures and suggested that this should be dependent on what the petition is about and that the lead petitioner should have direct communication about why their petition would not be considered for a debate. The Member went on to agree that there should be a timescale and that the committee should invite petitioners rather than automatically allowing the residents to go before the scrutiny committee. Once a timescale is given, then they should give feedback to the petitioner and local councillor, and relevant Cabinet Member.

With regard to the points made by the Members, the Head of Law and Standards clarified in terms of the process that the intention would be to develop something the council could present to the AGM on 17 May 2022 to adopt going forward. The petition scheme would be an integral part of public engagement strategy and advised that it may be a case of trial and error with the scheme at first where improvement and refinement may be needed. It was recognised that the ward councillors would need to be informed of the petitions. For instance, a smaller petition could go to the Cabinet Member, and a larger one could go to scrutiny. If the issue is ward specific, then ward members would be invited and informed at the very least which could be built into the scheme.

The officer suggested that it could be treated similarly to questions in council; where they will take a view and the Monitoring Officer and Democratic Services Manager if it's an appropriate petition in terms of the guidance/rules. If so, that could be escalated in line with the process.

The Committee was advised that the officers would take away committee's comments and present a first draft on 17 May 2022 as part of the wider participation strategy. The Head of Service confirmed that they would not want to make the scheme too complicated.

- Councillor M. Evans made the suggestion of using percentages for the matter of it going to debate. For example, if a vast majority did not want it, then that would be wasting officer's time. The Member referred to the surveys that the council used to do, where if only a certain percentage then clearly the point of

view from another time that a resident might not like the council, and may try again to sign their petition off.

The Member also queried the reason for the petition scheme going to the Annual General Meeting in May as there would be many new councillors and thought that the AGM was a formal meeting. The Member advised that the new councillors would be burdened with new information. It was mentioned how the committee got the draft scheme from the latest council meeting and was therefore unsure on why it would be coming back in June.

In response, the Head of Service agreed that it is not ideal and would expect petition schemes and the participation strategy to be on the agenda for the Democratic Services Committee. But advised they have to refine it and by law the council has to have a new petition scheme in place, the same way the participation strategy is needed. Therefore, the council require the scheme to be adopted at the AGM so it can be adopted and refined by the Democratic Services Committee, to have something in place by May.

With regard to the AGM in May not being the place to discuss the matters, the Officer advised that in light of the legislation that the council has to adopt; it is inevitable as the council has a number of housekeeping matters to deal with. It was explained that 17 May is the earliest opportunity that the officers have to take to full council.

- Councillor M. Evans noted he was aware of that, but advised that the council has not yet received the draft guidance from the Welsh Government and stated that they should not be making decisions from draft legislation.

The Head of Law and Standards clarified with the Committee Members that it is not draft legislation, just guidance and that the legislation is already in place.

- Councillor M. Evans went on to query if the officers knew when the final guidance is going to be received in June.

In response, the Lead Officer advised that the consultation period ends 22 May and that they do not expect the guidance until June. It was acknowledged that the timing is not ideal but advised that the council has to adopt a basic scheme that meets the requirements from the legislation and the Democratic Services Committee could refine it once it has been finalised and adopted. Therefore the council legally has to have something adopted to comply with the legislation.

- Councillor Hourahine raised his concern that the process would become overly bureaucratic. It was considered that most articulate residents would not have an issue in expressing their views; but the Members have duties to present those who are unable to. Therefore the Member asked for confirmation on how the councillors could provide support to those residents who cannot express themselves clearly and mentioned it would be something for the council should consider. For instance, those who may have mental health problems.

The Head of Service recognised that is a broader issue but the focus of the committee's meeting is on how to deal with petitions when they come in and advised that, once they are at the stage when residents provide representations, the Officers would look at equality issues.

Members were informed that something new would be discussed to the address the wellbeing duties for public attendance and assured the Member that representation issue would be picked up separately.

The Committee was advised that after May, there will be hybrid meetings and for residents who may be digitally excluded; there would be a facility available for face to face meetings.

- Discussion ensued and Councillor Hourahine made the suggestion that the council could direct petitioners to the equality policy for guidance as a footnote at the bottom of petition schemes.

The Lead Officer confirmed that the officers could do that as lead petitioners would be informed on that, and that a link could be included for accessibility.

5 Independent Remuneration Panel (IRP) Report (Information Only)
Gareth Price – Head of Law and Standards

The Committee was informed that the Independent Remuneration Panel Report (IRPR) has been included within the agenda purely for information but touched on Councillor M. Evans' point about it coming into the AGM for discussion.

The Head of Service explained that this was the final report and there has been no significant changes to it since the draft report from November 2021 with regard to the basic allowances and re-setting of senior salaries.

With regard to full council on 17 May 2022; the council will be asked to adopt the Members Allowance Scheme based on the revised salaries and for house-keeping matters, the officers have to take the report in May for the new council to adopt.

The Members were advised that once the AGM has made appointments in terms of Cabinet Members and Party Leaders, the published member scheme of allowances would put their names against the schedules of senior salaries.

Members acknowledged the officer's points regarding the documentation.

6 New Officer Scheme of Delegation (Information Only)
Gareth Price – Head of Law and Standards
Elizabeth Bryant – Assistant Head of Legal Services

The Head of Service provided a brief overview to the Committee and reiterated that the new Officer Scheme of Delegation is a work in progress where they will look to refine and finalise. It was noted that there were no substantive changes to the current delegation but specific function were re-allocated to the new Heads of Service, following the senior management restructure and the re-alignment of services.

For example, public protection previously came under Law and Standards and taxi/licensing and all of the environmental health sections were under Head of Law and Standards, but these functions were transferring to the new Head of Environment & Public Protection. It would ensure that the right officer delegation sits within the right service area and advised that it is a lot more complicated than it seems because the council are having to disaggregate some of the services. The Head of Law and Standards paid credit to the Assistant Head of Legal Services, Elizabeth Bryant who undertook a lot of work on that.

The Members were informed that it is a work in progress and the intention would be to finish between the current time and May for the Members to sign off on 17 May.

The officers welcomed any queries from the Committee.

Committee raised the following points:

- Councillor Watkins queried how the scheme of delegation would affect the scrutiny committees.

The Head of Law and Standards advised that the officer scheme delegation is purely about decisions made at officer level. In relation to the scrutiny committees; the majority of that would depend on what the make-up will be of the newly elected council.

Currently, there were two Performance Scrutiny Committees that scrutinised service plans and they were based on the old People and Place/Corporate Directorates. Members were informed that there are currently four corporate directorates and the grouping of services is different. In addition, there would be a new performance self-assessment process that the Head of People, Policy and Transformation was developing.

Members were advised that the officers would need to look at that with the chairs of scrutiny; which would be a bigger piece of work in terms of new performance.

- The Chair referred to the points three and seven in the Responsibility of Regeneration section to make bids for European funding, and asked if that would be now a thing of the past.

The Head of Law and Standards advised they could omit the reference to 'European'. As the council still would receive external grant funding, levelling up funding and internal grant funding. The Member was advised that they could pick that up as part of the refinement.

The Lead Officer also mentioned that the Heads of Services were fine tuning other things such as the planning process; where currently the planning applications go to the committee because property assets and the corporate assets currently sit with the same Head of Service.. The officer highlighted the conflict which is under the delegation, of determining their own planning applications. As a result of property and assets moving to People, Policy & Transformation, the officers need to tweak that delegation so it can sit with a different area of service for a better purpose.

- Councillor Hourahine mentioned that to his understanding that scientific and academic areas are still applicable for European funding and noted that he was unsure on how that would affect the council but made the suggestion of new wording within the document instead of completely withdrawing it.

In response, the Head of Service advised that with the scheme of delegation, it would be inappropriate to withdraw all reference to European as that is to do with the external grant funding; that might have covered the EU, but did advise that other grants could filter through.

7 Presiding Member/Chair of Council Update

Gareth Price – Head of Law and Standards

The Head of Service gave a brief overview to the Committee and explained that the 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 17 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 Officer gave more information on how the process would work in practice; the revised role description of the Presiding Member and Vice Chair is detailed in the document. Members were advised that in the report, 76% of councils in Wales have a Presiding Member. The Committee was advised that the councils have already taken that decision but the main point is that the Presiding Member appointment is a matter for full council and will be the first item for the AGM in May.

The Head of Service went into detail to explain the nomination and appointment process of the Presiding Member in Council and advised that the role would be up for review each year, with nothing to prevent the chair of council being re-elected. And highlighted the distinction between the Chair and ceremonial role of the Mayor; that the Mayor simply represents the council as the first citizen at internal and external events.

The Officer referred to other council practices, by agreement on the parties of the council; should the Presiding Member be appointed from one group, the Deputy Presiding Member could be nominated by the other group. This was mentioned as it could be something that the groups may wish to consider after May 2022.

The officer welcomed any comments and questioning from the committee.

Committee raised the following points:

- Councillor M. Evans raised concern of a potentially long meeting in May for the newly elected Members. The Member asked whether the Presiding Member would have a casting vote.

In response, the Head of Service confirmed that the Presiding Member would have a second and casting vote and advised that this was noted in the report but would need to make an amendment to the council standing orders as a consequence to the change. The Presiding Member would have the same rights as the Mayor and the individual chairing the meetings could call the vote.

- The Chair queried whether the current Mayor, Councillor David Williams would open the meeting as Mayor.

The Lead Officer advised assuming if Councillor Williams would be re-elected. And should he be elected in, then the Mayor would open the AGM and the first item on the agenda would be the nominations for the Presiding Member and then after being appointed; that individual would take the chair for the rest of the AGM.

- The Chair queried if it would be conceivable there would have to be elections within the parties to vote for the Members as speakers.

The Officer advised that they could not comment on that but the nominations will be received in council. If there would be more than one individual, then there would be a vote and the appointment would be made for the Member who receives the most votes. How that works within the groups would be of no concern to the Head of Service.

The Chair thanked the committee for their input and the officers for their time.

Thursday 16 June 10am – 12pm

- 9 **Live Event**
[Democratic Services Committee, 30 March 2022 - YouTube](#)

The meeting terminated at 10.59 am

Report



Democratic Services Committee

Part 1

Date: 23rd June 2022

Subject Forward Work Programme 2022/23

Purpose To consider and agree the Forward Work Programme for Democratic Services Committee for 2022/23.

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

Ward City wide

Summary The purpose of a work programme is to enable the Committee to plan, organise and prioritise its workload.

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

The Committee is also asked to consider the frequency and timing of the scheduled meetings.

Proposal To agree the Committee's Work Programme.

Action by Head of Law & Standards and Democratic & Electoral Services Manager

Timetable Immediate

This report was prepared after consultation with:

- Chief Executive
- Strategic Directors
- Head of Finance
- Head of People, Policy & Transformation

Background

1. Terms of reference

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

2. The terms of reference for the Committee are set out in the Constitution, and meet the requirements of the prescribed functions within the Measure.

The Committee’s terms of reference are:

- (a) To designate the Head of Democratic Services
- (b) To consider reports by the Head of Democratic Services in accordance with Section 9(1)(h) of the Local Government (Wales) Measure 2011 (adequacy of resources to discharge democratic services functions) within 3 months and make recommendations to Council, as appropriate
- (c) To ensure that all reports of Democratic Services Committee under Section 11 of the Local Government (Wales) Measure 2011 (recommendations regarding the adequacy of resources to discharge democratic services functions) are circulated to all Members and considered within 3 months
- (d) To require the attendance of any Members or officers of the Council to answer questions and invite other persons to attend meetings, as required
- (e) To require any Member or officer attending meetings to answer any questions (unless they are to refuse on legal grounds)
- (f) To appoint one or more sub-committees and to arrange for the discharge of any of its functions by such a sub-committee
- (g) To review and monitor the effectiveness of the Council’s democratic services functions, including:
 - the provision of support and advice to meetings of the Council, committees, sub-committees and joint-committees
 - promoting the role of Overview and Scrutiny
 - the provision of support and advice to Overview and Scrutiny
 - the provision of support and advice to individual Councillors in carrying out their roles as Members
 - such other democratic services functions as may be prescribed from time to time by Regulations made by the Welsh Ministers
 - make recommendation to Cabinet and Council, as appropriate.
- (h) To review the adequacy of the Council’s democratic services resources and to make recommendations, where necessary
- (i) To review and monitor the effectiveness of the Council’s corporate governance and decision-making processes and the terms of the

Council's Constitution and make recommendations, as necessary, to Cabinet and/or the Council.

3. The Democratic Services Committee is comprised on 10 elected members. In accordance with political balance rules, there are 7 Labour members, 1 Conservative member, 1 Newport Independent Party member and 1 member from the Lliswerry independent group. The Chair of the Committee is a member of the largest Opposition group, as required by the Measure, and is appointed by Council at the AGM.

4. **Forward work programme**

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

5. The Democratic Services Committee annual report, presented to Council in November 2021 included the following priorities for the current year:

- (a) **Constitution Review**

The Committee has continued with the work of systematically reviewing the various parts of the Council's Constitution, with a view to changing to the new modular style of document previous agreed by the Committee.

- (b) **Local Government & Elections (Wales) Act 2021**

The Committee has continued to review the current governance arrangements regarding the conduct of remote meetings and future governance arrangements, to meet the requirements of legislative changes in the Local Government and Elections (Wales) Act, for example in relation to hybrid meetings, remote access and live broadcasting and public participation and engagement.

- (c) **Covid-19 Recovery Aims and Objectives**

The Committee will also consider any corporate governance issues arising from the Council's Covid-19 response and the recovery aims and objectives.

- (d) **Annual Reports**

In addition, the committee will continue to provide consultation responses to the IRP draft report and keep under review the adequacy of the Council's democratic services resources and make recommendations, where necessary.

- (e) **Democratic Services Annual Report**

Both the Committee and the Head of Democratic Services are required to produce an annual report to Council each year, and this is built into the forward work programme.

6. The draft work programme in [Appendix 1](#) has been populated with the provisional dates for future meetings and those work items that recur on an annual basis, such as the IRP annual report and the Democratic Services Annual report to Council in November.

7. However, there are a number of items of work that follow-on from the priorities set out in the last Annual Report and the various governance reports that were presented to, and adopted by, Council at the AGM on 17th May 2022. This work relates specifically to the on-going review of the Constitution and corporate governance arrangements to meet the requirements of legislative changes in the Local Government and Elections (Wales) Act 2021, and in particular:-
- the need to monitor and keep under review the policies and procedures in relation to hybrid meetings, remote access and live broadcasting;
 - the requirement to monitor and review the implementation of the Public Participation and Engagement Strategy and to monitor compliance with the actions and measures set out in the plan to improve participation and engagement;
 - the need to monitor and review the effectiveness of the Council's petitions scheme;
 - the draft Competency Framework and Induction Curriculum for Members following the elections, and ongoing member training and development needs
8. The Committee are asked to consider when they wish to consider these matters and the priorities for undertaking these reviews as part of the forward work programme. The Governance Team will then ensure that the Forward Work programme is updated accordingly and that the relevant items are include on the agendas for future meetings.
9. In accordance with the requirements of the Measure, each Committee is required to review annually the timing and frequency of their meetings, to ensure that they are sufficient and convenient in order to effectively conduct business. The timing of the meetings can be varied according to the availability and preferences of the majority of the Committee members, although the use of hybrid technology and multi-location meetings should provide greater flexibility in terms of attendance.

Financial Summary

10. There are no financial implications

Risks

Risk	Impact of Risk if it occurs* (H/M/L)	Probability of risk occurring (H/M/L)	What is the Council doing or what has it done to avoid the risk or reduce its effect	Who is responsible for dealing with the risk?
No action taken	M	L	Work programming arrangements are in place to ensure they are timely, meaningful, informative, and transparent, balanced, monitored, and joined up.	Head of Law & regulation and Democratic and Electoral Services Manager
The process is not embraced by	M	M	If there is proliferation of unplanned or late items, the opportunity to ensure work programming is timely,	Head of Law & Regulation and Democratic and Electoral

report authors and members			meaningful, informative, and transparent, balanced, monitored, and joined up will diminish	Services Manager
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*Taking account of proposed mitigation measures.

Links to Council Policies and Priorities

These proposals will help the Council provide the best possible service to members and will provide information to the public and elected members.

Proposal

To consider and agree the Committee’s Forward Work Programme for 2022/23.

Comments of Chief Financial Officer

There are no financial implications in adopting a programme of work.

Comments of Monitoring Officer

There are no legal implications in adopting a programme of work

Comments of Head of People Policy & Transformation

There are no specific staffing or policy implications in adopting a programme of work.

Background Papers

None

Dated: 10th June 2022

Appendix 1

Work Programme: June 2022 to May 2023

Meeting	Agenda Items	Lead Officer
23 rd June 2022	<ul style="list-style-type: none">• Forward work programme• Amended officer scheme of delegation	Head of Law & Standards
21 st July 2022	<ul style="list-style-type: none">• Review of ward meetings• Guide to the Constitution	Democratic and Electoral Services Manager Head of Law & Standards
20 th October 2022	<ul style="list-style-type: none">• IRP Annual Report• D&ES Manager Annual Report• DSC Annual Report	Democratic and Electoral Services Manager and Head of Law & Standards
23 rd February 2023	<ul style="list-style-type: none">• IRP Annual Report	Head of Law & Standards
27 th April 2023		

Report



Democratic Services Committee

Part 1

Date: 23rd June 2022

Subject Revised Scheme of Delegation to Officers

Purpose To agree an updated and revised Officer Scheme of Delegation and to recommend to Council that it be adopted as Part 3 Appendix 3 of the Constitution.

Author Head of Law & Standards

Ward City wide

Summary At the Annual General Meeting in May 2022, Council agreed and adopted an amended officer scheme of delegation to reflect the new senior management re-structure and the re-alignment of services. There were no substantive changes to the previous scheme of delegation but responsibility was been transferred, where appropriate, to the new Head of Service.

However, it has since come to light that further amendments are required to update the Planning scheme of delegation and to reflect the Chief Executive's powers to discharge specific statutory functions in relation to elections, as the Council's designated Returning Officer. The opportunity has also been taken to make some minor corrections in relation to specific service responsibilities.

Proposal To agree an updated and revised Officer Scheme of Delegation and to recommend to Council that it be adopted as Part 3 Appendix 3 of the Constitution

Action by Head of Law & Standards

Timetable In line with legislative requirements

This report was prepared after consultation with:

- Chief Executive
- Strategic Directors
- Head of Finance
- Heads of Service and Corporate Management Team.

Background

1. Section 37 of the Local Government Act 2000 requires the Council to keep up-to-date and publish its written Constitution. As part of its terms of reference, Democratic Services Committee has responsibility for monitoring and reviewing the Council's corporate governance arrangements and make recommendation to Council, where necessary, to update the written Constitution. The written Constitution forms part of the Council's Policy Framework and any amendments must, therefore, be formally approved and adopted by full Council.
2. In accordance with the Council's approved scheme of delegation, which is set out at Part 3 Appendix 3 of the Council's Constitution, a number of statutory functions are delegated to Heads of Service who are authorised to discharge these duties in behalf of the Council.
3. At the Annual General Meeting in May 2022, Council agreed and adopted an amended officer scheme of delegation to reflect the new senior management re-structure and the re-alignment of services. There were no substantive changes to the previous scheme of delegation but responsibility was been transferred, where appropriate, to the new Head of Service.
4. However, it has since come to light that further amendments are required to update the Planning scheme of delegation and to reflect the Chief Executive's powers to discharge specific statutory functions in relation to elections, as the Council's designated Returning Officer. The opportunity has also been taken to make some minor corrections in relation to specific service responsibilities
5. Therefore, these further changes and amendments have been incorporated into a revised and updated scheme of delegation for consideration by democratic services committee and adoption by full Council.

6. **Planning scheme of delegation.**

Under the Planning scheme of delegation, the Head of Regeneration and Economic Development is given delegated authority to determine "minor" or straightforward planning applications and only those major applications, with strategic or regional implications, are reserved to full Planning Committee. However, the one exception was in relation to planning applications submitted in relation to Council property or assets, where all applications, of whatever nature, had to be referred to full Planning Committee. This was because the Head of Regeneration and Economic Development was "conflicted" because she was also responsible for corporate assets and property. Therefore, to ensure openness and transparency and to avoid any perception of bias, where the same officer was responsible for both the planning application and its determination, all planning applications in relation to corporate property and assets had to be determined by Planning Committee.

7. However, under the new senior management structure and re-alignment of services, responsibility for corporate property and assets has now been transferred to the Head of People Policy and Transformation. All planning applications in relation to corporate property and assets will, in future, be submitted on behalf of the Head of People Policy and Transformation and, therefore, there is a clear separation of functions in relation to the submission and determination of these planning

applications. Because there is no longer any conflict of interest on the part of the Head of Regeneration and Economic Development and the planning function is entirely independent of the corporate property service, then there is no reason why planning applications in relation to corporate property and assets should not be determined under officer delegated powers in the same way as other external planning applications. This would free-up Planning Committee to deal with the larger, more contentious planning applications and they would not have to consider relatively minor or straightforward corporate applications.

8. Therefore, proposed amendments have been made to the schemes of delegation for both the Head of Regeneration and Economic Development and the Head of People Policy and Transformation to provide a simplified and more streamlined process for the submission and determination of planning applications in relation to corporate property and assets. The new section 1.4 will enable the Head of People Policy and Transformation to arrange for the submission and, subject to approval, the implementation of corporate planning applications. The amendments to the planning scheme of delegation to the Head of Regeneration and Economic Development in section 7.2 will enable her to determine with these corporate planning applications, if they are not matters that would otherwise have to be referred to Planning Committee of full Council.
9. The scheme of delegation still provides for planning applications to be determined by Planning Committee where an elected member is an applicant or statutory consultee or where any officer involved in the application is closely connected or associated with the Development Control service, to maintain independence and transparency. There is also the facility for individual elected members to refer a proposed delegated decision to Planning Committee, where they are dissatisfied with the outcome and there are genuine planning reasons for the referral, as with external planning applications.
10. **Chief Executive's delegated powers as Returning Officer**

It has also come to light, following the local elections, that the section in the officer scheme of delegation in relation to the Chief Executive's delegated powers as Returning Officer for elections is incomplete. There are a number of statutory powers in relation to the conduct of elections that are delegated by Council to the Chief Executive, under the section of the Constitution that refers to the allocation of functions and responsibilities. In accordance with the Functions and Responsibilities (Wales) Regulations, these are non-executive functions which the Council arranges to discharge through the Returning Officer. These functions include the power to declare and give notice of a casual vacancy, in the event of the resignation or disqualification of a Councillor and also the power to appoint temporary community council members where a community council is inquorate and, therefore, unable to co-opt additional members.
11. Therefore, an additional section 2.3 has been added to the Chief Executive's scheme of delegation to refer to these specific power in relation to elections. These are not new or additional powers, as they are already allocated to the Chief Executive under the Constitution, but they are now incorporated in the officer scheme of delegation, for consistency and ease of reference.

12. **Minor amendments.**

The opportunity has also been taken to make some minor corrections in relation to specific service responsibilities. For example, sections 7.7 and 7.8 have been revised to update the delegated powers of the Head of Regeneration and Economic Development in relation to grant approvals and events and marketing. Responsibility for City Centre management has been transferred from the Head of City Services to the Head of Regeneration and Economic Development and delegated powers for footpath diversions, graffiti and ASBO notices have been transferred to the Head of environment & Public Protection. Delegated powers in relation to Empty Dwelling Management orders, Gypsy and traveller assessments and Social Housing grant have been transferred to the Head of Housing and communities.

Financial Summary

13. There are no financial implications

Risks

Risk	Impact of Risk if it occurs* (H/M/L)	Probability of risk occurring (H/M/L)		What is the Council doing or what has it done to avoid the risk or reduce its effect	Who is responsible for dealing with the risk?
Not updating and revising the officer scheme of delegation	H	M		Failure to update the scheme of delegation would be contrary to the requirements of Section 37 of the Local Government Act 2000, would be contrary to the principles of transparent and accountable decision-making and could lead to decisions being legally challenged.	Head of Law & Regulation
Updating and revising the officer scheme of delegation	L	L		There would be a clear allocation of functions within the Constitution and transparent and lawful decision-making.	Head of Law & Regulation

*Taking account of proposed mitigation measures.

Links to Council Policies and Priorities

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

Proposal

To agree an updated and revised Officer Scheme of Delegation and to recommend to Council that it be adopted as Part 3 Appendix 3 of the Constitution

Comments of Chief Financial Officer

There are no financial implications

Clear responsibilities and delegation is important to facilitate good financial management and planning. This document also links with other key documents such as Council Contract Standing Orders and Financial Regulations which govern the framework under which these delegations should be exercised in relation to financial matters.

Comments of Monitoring Officer

Set out in the Report.

Comments of Head of People Policy & Transformation

As outlined in the report clear and transparent decision-making is fundamental to the work of the Council and the delivery of the Corporate Plan. Ensuring that the appropriate governance arrangements are in place is also consistent with the sustainability duty under the Well-Being of Future Generations Act.

There are no direct HR implications arising from the report, and the responsibilities are in line with current staffing structures as agreed by Council.

Background Papers

Part 3 Appendix 3 of the Council's Constitution

Dated: 10th June 2022

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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 Head of Law and Standards (Monitoring Officer), Head of Finance and Head of People, Policy and Transformation. Any dispute will be determined by the Strategic Director Transformation and Corporate.

- (ii) To determine the following subject to consultation with the Head of Law and Standards (Monitoring Officer), Head of Finance and Head of People, Policy and Transformation.

- 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;
- 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.

(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 grade starting point and 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 Councils 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 expenditure in accordance with agreed grant criteria and Council Financial regulations and Contract Standing Orders

1.4 Land and Buildings

- (i) To authorise an application for planning permission to the Planning Committee or the Head of Regeneration and Economic Development under delegated authority 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 or the Head of Regeneration and Economic Development under delegated authority, 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—
- financial planning,
- asset management, and
- 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

- (i) To effectively fulfil the statutory role of Returning Officer at all Local Government Elections and to discharge all electoral functions under the representation of the People act and all Orders and Regulations made thereunder;
- (ii) To effectively promote participation in those elections.
- (iii) To declare vacancies under Section 86 of the Local Government Act 1972;
- (iv) To give public notice of casual vacancies under Section 87 of the Local Government Act 1972;

- (v) To make temporary appointments to community councils where they are inquorate under Section 90 of the Local Government Act 1972;
- (vi) To determine fees and conditions for supply of copies of, or extracts from, elections documents.

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, 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 Chief Executive, 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 Chief Executive 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 CIW 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 approve the payment of the legal expense of prospective adoptive parents for children whom the Council as an Adoption Agency is placing for adoption.
- (xv) 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.
- (xvi) To determine provision for the accommodation of children in secure accommodation in accordance with Section 119 Social Services and Wellbeing (Wales) Act 2014.
- (xvii) To act as nearest relative, appointee or receiver in all matters in which it is appropriate for an officer of the Council to act.
- (xviii) To appoint officers to act as approved mental health professionals under Mental Health Act legislation.
- (xix) 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, and the Head of Prevention and Inclusion).

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, strategic performance and risk management 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 REPORTING DIRECTLY TO THE CHIEF EXECUTIVE

6 HEAD OF EDUCATION (Chief Education Officer)

6.1 As Head of Service

To determine operational issues relating to:

- Education Resources and Planning, School Reorganisation and School Admissions.
- School Improvement;
- Early Years Education.
- Engagement and Learning, including the Music Service; GEMMS and Education Welfare Services
- Inclusion Services, including Education Psychology, ALN & SEN and the Pupil Referral Unit.

6.2 As Chief Education Officer

- (i) To determine operational issues relating to: Education Resources and Planning, including; 21CS Capital Programme; Education Business Support; School Admissions & Appeals; Service Development, Outdoor Education Advisor, Early Years settings, School Improvement, ALN, SEN, Educational Psychology and the Pupil Referral Unit.
- (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 determine any necessary action which results from a school which 'causes concern' set out in the Welsh Government Schools Causing Concern Circular 202/ 2016.
- (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).
- (xiii) To direct schools to go over Published Admission Number where appropriate.
- (xiv) To determine the Fair Funding Budget Formula for Schools and delegate the responsibility for individual school budgets to the Head Teacher and Governing Body of each School.

6.2.1 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.

6.2.2 Education Achievement Service

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

6.2.3 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

6.2.4 Special Educational Needs/ Additional Learning 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.

6.2.5 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/ Curriculum for Wales 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 / Curriculum for Wales.
- (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.

6.3 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.

7. HEAD OF REGENERATION AND ECONOMIC DEVELOPMENT

7.1 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
- Tourism and Events (Destination Management)
- Theatre and Arts Centre, Riverfront
- Newport Live, including: business support, catering services, leisure operations and business development
- To respond to any Welsh Government consultations or similar engagement events in consultation with the Cabinet Member

7.2 Development Management

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

(In the absence of the Head of Service, the Development Services Manager shall have delegated authority to carry out the following functions)

- (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 Planning Committee Code of Practice;
 - 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 who works within or 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 Economic Development 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 Economic Development 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, and minor amendments 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 i or ii above;

- (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 and negotiate and agree terms for Planning Performance Agreements.
- (viii) To authorise the removal of telephone call boxes.

7.3 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 and recovering associated debt, 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 and section 99 of the Building Act 1984), 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 authorise officers to undertake covert surveillance in accordance with the Regulation of Investigatory Powers Act 2000

7.4 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 with responsibility for planning regarding any other changes;
- (ii) To prepare and agree the evidence base for the Development Plan, including appointing consultants where necessary.

7.5 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 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.
- (v) To serve Requisitions for Information and to investigate and resolve issues with unauthorised development including issuing Notices and instigating prosecution proceedings, taking direct action and recovering associated debt, and/or resolving to take no further action where formal enforcement action is not considered expedient.

7.6 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 (ii) above);
 - Applications for Developments of National Significance submitted to Planning and Environment Decisions Wales (or any equivalent successor body)
 - Applications for Nationally Significant Infrastructure Projects submitted to the Planning Inspectorate (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 and Economic Development).

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

7.7 Economic Development

- (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 assess, approve and issue business grants in accordance with any funding approved by the Cabinet Member with responsibility for Economic Development matters;
- (iii) To determine whether to make bids for Funding and to determine methods of processing schemes, subject to determination of whether to accept grant aid in line with Council policies.

7.8 Regeneration

To determine any operational issues relating to:

- Regeneration of the City Centre including preparing and submitting bids for funding (subject to relevant approval from Cabinet Member. Cabinet or Council where required to accept funding).
- Regeneration of the wider City Region and where relevant, the wider Gwent or Cardiff Capital Region (subject to relevant approval from Cabinet Member. Cabinet or Council where required).
- Determination of activity programmes, consultation and project management for regeneration projects.
- Preparation of strategic place or building based strategies (subject to relevant approval from Cabinet Member. Cabinet or Council where required).
- Promotional and marketing activities associated with regeneration projects and activities.

7.9 Culture, Museum, and Heritage Services

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

- Museum and Art Gallery; including use of any reserve funds, changes to displays/exhibits and operating hours;
- Newport Ship including access by the public;
- Transporter Bridge including changes to operating hours, and all matters relating to the operation and management of the visitor centre and associated visitor/user activities.
- Culture, including strategies, promotion and accessing/allocating related funding (subject to relevant approval from Cabinet Member. Cabinet or Council where required).

7.10 Newport Live

- To determine all operational matters relating to the relationship with the Newport Live and Council owned operational leisure buildings
- 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.

7.11 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.

HEADS OF SERVICE REPORTING TO THE STRATEGIC DIRECTORS

8 Head of Law and Standards

8.1 As Head of Service:

(i) To determine all operational issues relating to:

- Legal Services and Insurance
- 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.

8.2 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

8.3 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.
- (v) To administer the Members' Allowance Scheme

8.4 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.

8.5 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.

8.6 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.

8.7 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.

9 Head of Finance

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

9.2 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

9.3 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 an unbalanced budget, 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.
- (iii) To report to full Council for the purposes of budget determination, on the robustness of budget estimates and the adequacy of financial reserves, including the minimum level of general reserves.

9.4 Financial Management

- (i) To determine and maintain adequate and effective systems of internal control systems and accounting records;
- (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 sign cheques and pay amounts due on behalf of the Council;
- (xi) To determine operational actions in relation to collection and debt recovery in connection with sundry debts and mortgages, including the writing off of all debt and making provision for doubtful debts;
- (xii) To determine and make adequate and secure arrangements for the collection and banking of cash;
- (xiii) To determine circumstances in which to write off irrecoverable debts;
- (xiv) To determine the method of finance for individual projects in the Capital Programme and the acquisition of assets;
- (xv) To administer the spending of the Church Funds;
- (xvi) To determine the Tax base;
- (xvii) To determine expenditure of any amounts from contingencies in consultation with the Chair of the Cabinet and the Chief Executive;
- (xviii) To review and determine changes in Contract Standing Orders and / or Financial Regulations for recommendation to the Council;
- (xix) To review and determine detailed procurement guidelines and processes;
- (xx) To determine and undertake anti-fraud measures, including data matching.

9.5 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
- (vii) To determine applications for mandatory charitable relief.
- (viii) To determine applications for discretionary rates relief in line with agreed Council policy.
- (ix) To determine effective measures to maintain the General Fund for non-domestic rating pooling arrangements
- (x) To determine appeals against administrative matters and give evidence at Valuation Tribunals.
- (xi) 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.
- (xii) To determine circumstances in which to sign agreements for alteration of entries in the local non-domestic rating list.
- (xiii) 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 of all revenues and taxation matters.

9.6 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

9.7 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.

10 Head of People Policy and Transformation

10.1 As Head of Service

To determine all operational issues relating to:

- Human Resources
- Employment Services
- Organisational Development and training
- Health and Safety
- Policy and Partnership
- Performance Management and Organisational Risk
- Intelligence Hub
- Digital Services and Complaints
- Business Transformation
- PR & Communications
- Assets

10.2 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.
- (v) To determine pay and grading matters in line with the Council's collective agreement regarding job evaluation

10.2 Business Transformation

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

10.3 Partnership and Policy

To determine all operational issues relating to:

- Partnerships and Planning
- Policy Development

- Engagement
- Organisational Planning, Performance and Risk Management

10.4 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 lead on the partnership with the Shared Resource Service (SRS) and IT support provision
- (vi) To manage the centrally held IT budgets and issue of IT equipment
- (vii) To determine all operational issues relating to:
 - Electronic Document management systems
 - Information Development and Risk Management
 - Document Services

10.5 Complaints

To manage complaints and compliments in accordance with the Council's complaints policy.

10.6 Intelligence Hub

10.6.1 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 co-ordinate and manage all data sets for the Council
- (iii) To determine the naming and numbering of streets

10.7 PR and Comms

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

10.8 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 and the Equalities Act 2010.

10.9 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.

10.10 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.

11. HEAD OF ADULT SERVICES

11.1 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

11.2 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 off 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.

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 CHILDREN SERVICES

12.1 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

12.2 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.
- (xxxi) To exercise the powers of the Council under Section 125 of the Social Services and Well-Being (Wales) Act 2014 in relation to the death of children looked after by local authorities.
- (xxxii) To exercise the functions of the Council under Part VI of the Children Act 1989 in relation to the provision of accommodation for children in community homes.
- (xxxiii) To arrange loans to foster parents to provide accommodation for sibling groups by extending their present homes or to purchase larger homes, the amount of the outstanding loan to be reduced by way of a special allowance for as long as they care for foster children, subject to consultation with the Head of Finance.
- (xxxiv) To vary foster care allowances, in line with budgets approved by the Council, and following consultation with the Head of Finance
- (xxxv) To sanction payment of the cost of the initial clothing and equipment required by children looked after by the Council who are placed in boarding schools and other establishments within current budgetary limits.
- (xxxvi) To approve applications to go on school expeditions, including expeditions abroad, of children looked after by the Council including expenditure on equipment and pocket money within current budgetary limits.
- (xxxvii) To make payments to promote contact between parents, families and friends with children looked after by the Council in accordance with Section 96 of the Social Services and Well-Being (Wales) Act 2014. .

- (xxxviii) To assess the contributions to be paid towards board and lodging by working children, provided that the amount remaining for weekly personal allowance and clothing allowance should not be less than the amount currently approved under the payment of foster care allowances.
- (xxxix) To maintain a Panel of Guardians ad Litem in accordance with the Guardians ad Litem and Reporting Officers (Panels) Regulations 1991
- (xl) To 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

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 PREVENTION AND INCLUSION

13.1 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

13.3 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.

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
- Communities to include Libraries, Community Hubs, operational management of Community Centres, Community Development and Communities First legacy.
- Community Cohesion and Resettlement

14.2 Strategic Housing

- (i) To determine any operational matters relating to the Council's strategic Housing function
- (ii) In consultation with Cabinet member, develop housing strategies prior to submission to Welsh Government which include, but are not limited to the Local Housing Strategy, Housing Prospectus, Gypsy and Traveller Accommodation Assessment, Local Housing Market Assessment, the Housing Support Grant Annual Spend Plan, Housing Support Grant Budget, Housing Support Grant Delivery Plan and Housing Support Programme Strategy.
- (iii) To submit the PDP detailing how Newport's Social Housing Grant award will be allocated including the introduction of new schemes to meet budget allocation.
- (iv) To take action in respect of the management of unauthorised encampments, including those by Gypsies and Travellers.
- (v) To approve Empty Dwelling Management Orders in respect of empty resident properties.
- (vi) To approve loans granted under the Safe, Warm and Secure Loan Scheme.
- (vii) 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 Communities

(i) To determine any operational issues relating to:

-
- Community Learning
- Libraries
- Community Hubs
- Community Centres
- Community Support and Development
- Community Services

This includes determination of

- Anti-poverty programmes
- 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 required for 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, and other fees subject to the Council's agreed charging policies
- Conditions of hire
- Operating times

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
- Carbon and Climate change

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;

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

- 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, 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, Hackney Carriage and private hire vehicles, 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	

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 Ground, Parks and Recreation

To determine all operational matters relating to grounds, parks and recreation.

15.7 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.

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
 - Integrated Transport Services
 - Active Travel.
 - Countryside

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.
- (x) To determine issues relating to the maintenance of the Highways Act 1981 to include preventing obstruction of the highway.

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 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.

16.9 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.

16.10 Countryside and Footpaths

- (i) To make orders for diversion and extinguishment of public rights of way under the Highways Act 1980.
- ii) To make and confirm (where unopposed) footpath diversions/stopping up orders pursuant to the Town and Country Planning Act 1990
- (iii) To service notices and take appropriate action under the enforcement provisions of the Highways Act 1980 where public rights of way are affected.
- (iv) To make orders concerning public rights of way under the Wildlife and Countryside Act 1981.
- (v) To act within the Council's powers and duties under the Countryside and Rights of Way Act 2000.

16.11 General

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

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