

# Constitution



## Part 3: Responsibility for Functions

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### Appendix 1: Terms of Reference

#### 1 Council

##### 1.1 Reserved Matters

- a) adopting and changing the Constitution;
- b) approving or adopting the documents which constitute the Policy Framework, the Budget and any application to the Welsh Government in respect of any Housing Land Transfer;
- c) subject to the urgency procedure contained in Standing Order 27 set out in the Council's Standing Orders in Part 4, Appendix 1 of this Constitution, making decisions about any matter in the discharge of an executive function which is covered by the Policy Framework or the Budget where the decision maker is minded to make it in a manner which would be contrary to the Policy Framework or contrary to/or not wholly in accordance with the Budget;
- d) appointing the Leader of the Cabinet; and Chairs of any committees other than executive committees;
- e) agreeing and/or amending the Terms of Reference for Committees deciding on their composition and making appointments to them; **NB:** This does not relate to appointments to the Cabinet, or any Cabinet Committees, as the responsibility for the composition and appointments rest with the Leader, subject to maxima imposed by the Welsh Government;
- f) appointing representatives to outside bodies unless the appointment is an executive function or has been delegated by the Council;
- g) adopting an allowances scheme for Councillors;
- h) conferring the title of Honorary Alderman or Freedom of the City;
- i) changing the name of the area;
- j) The appointment of the Head of Paid Service will be made by the Council. A special committee of the Council which will include at least one Member of the Cabinet may be appointed to make a recommendation to the Council but the final decision will rest with the council;
- k) The appointment of Directors and the Heads of Service will be made by the Council or a special committee of the Council acting with delegated powers which will include at least one Member of the Cabinet. The decision of the special committee will be reported to the Council;
- l) All decisions on Chief Officers' remuneration;
- m) making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or personal Bills;

- n) making an Order identifying a place as a designated public place for the purposes of police powers in relation to alcohol consumption;
- o) power to dissolve community councils;
- p) power to make orders for grouping communities;
- q) power to make orders for dissolving groups and separating community councils from groups;
- r) duty to divide constituency into polling districts;
- s) power to divide electoral divisions into polling districts at local government elections;
- t) powers in respect of holding of elections;
- u) power to fill vacancies in the event of insufficient nominations;
- v) functions relating to sea fisheries;
- w) consider reports by the Monitoring Officer or Section 151 Officer;
- x) all local choice functions set out in Part 3 of this Constitution which the Council decides should be undertaken by itself rather than the Executive; and
- y) all other matters which, by law, must be reserved to Council.

## **1.2 Regulatory Items**

- a) To determine those planning applications identified for determination by full Council by the Leader of the Council in consultation with the Chair of the Planning Committee on advice from appropriate officers.
- b) To make, amend, revoke, re-enact or adopt byelaws and promoting or opposing the making of local legislation or personal Bills.
- c) To make any order identifying a place as a designated public place for the purposes of police powers in relation to alcohol consumption.
- d) To determine the appropriateness of the Council's response to maladministration reports of the Commissioner for Local Government Administration (Ombudsman) in accordance with the recommendations of the relevant Scrutiny Committee.
- e) To receive any reports from the Monitoring Officer and/or the Section 151 Officer.
- f) To consider any reports by an appointed independent person into misconduct by the Head of Paid Service, s151 Officer, Monitoring Officer and Head of Democratic Services.

## **1.3 A Public Forum**

- a) To provide a forum for public debate on issues identified. Debates on issues not reserved to the Council for determination would need to conclude in a recommendation to the Cabinet, cabinet member or Officer with the power to take the decision.
- b) To maintain links with the Police and other authorities and to provide a Committee for questioning other organisations providing services to Newport's citizens.

- c) To provide an opportunity for questions to the Leader and Cabinet Members and Chairs of Committees as set out in the Council's Standing Orders.

## **2 Cabinet**

The Cabinet will be responsible for effective implementation of Council policy and for delivering services in line with those policies and the budget.

The Cabinet has wide-ranging leadership roles. Its Chair will be the Leader of the Council and he or she will introduce items for discussion at each meeting.

### **2.1 Recommendation to Council**

- a) To make recommendations to the Council on plans and strategies which make up the Policy Framework of the Council, taking into account the observations of the Scrutiny Committees.
- b) To make recommendations to the Council on the proposed Capital and Revenue Budget.
- c) To make recommendation to the Council the proposed levels of Council Tax and any corporate pricing or charging policies.
- d) To make recommendations to Council on any other matters reserved for determination by the Council.

### **2.2 Executive Functions**

- a) To agree operational policies, programmes, schemes and strategies within the Council's Policy Framework other than those which make up the policy framework.
- b) Acting within Council Policy and the Council's Budget, to discharge the functions of the Council except those functions reserved for discharge by the Council whether at a meeting of the Council or through any other Committee and except as provided for in the Constitution.
- c) To monitor regularly the overall performance of the Revenue and Capital Expenditure Programme and to agree detailed allocations within the policy framework and budget agreed by Council.
- d) To take decisions in relation to the deployment of resources (financial, human, land or property) to deliver the Budget and policies agreed by Council.
- e) To decide on significant changes in service delivery and resource allocation within the Policy Framework and Budget of the Council.
- f) To undertake the Council's functions as shareholder in relation to Newport Transport Ltd and any other the company which the Council might establish.
- g) To make any Compulsory Purchase Orders.
- h) To determine any matters within the scheme of delegation to individual Cabinet Members which have been referred to the Cabinet.
- i) To act upon any External Audit Management Letter.
- j) To act upon the Annual Report by the Internal Auditor.
- k) To decide upon any proposals relating to the use of reserves.

- l) To decide upon proposals relating to any expenditure not within estimates.
- m) To give necessary authorisation for borrowing, investment and Treasury management within the Council Policy Framework and Budget.
- n) To issue formal warnings to, and to suspend delegated powers from, schools under the School Standards and Framework Act.
- o) To determine grant applications at values above those set out in Financial Regulations.
- p) To foster and monitor relationships with outside bodies and to agree the basis of any partnerships with other public, private, voluntary and community sector organisations.
- q) To deal with proposed virement outside the delegated limits of Officers and individual Cabinet Members, up to an aggregate total of £250,000 per annum or 15% of the Objective Analysis as set out in the Budget Book (whichever is the lower), following receipt of a report containing the comments of the Head of Finance and Scrutiny.
- r) To determine the Wales Programme for Improvement Action Plan after consideration of any recommendations from the Scrutiny Committees.
- s) To act as the Council's Social Services Committee.
- t) To establish any sub-committee of the Cabinet and to grant any delegated executive powers.
- u) To agree performance management frameworks and procedures.
- v) To agree the content of any policy agreement or similar with the Assembly Government .
- w) To determine a response to any consultation document of a corporate nature or not delegated elsewhere in the scheme of delegation.
- x) To monitor any action taken in relation to management or performance information.
- y) To determine any strategic matters recommended by the Urban Regeneration Company or any similar organisation, other than those matters reserved to Council or the Regulatory Committees.
- z) To undertake all matters which, by law or as provided in the Constitution, are executive functions and which are not delegated to individual Cabinet Members or officers.

### **3 Scrutiny Committees**

The Council will appoint Scrutiny Committees to discharge the functions conferred by Section 21 of the Local Government Act 2000. The Council will determine the portfolios overseen, and the specific areas of work of each Committee. The following Terms of Reference will apply to each of the Scrutiny Committees.

Scrutiny Committees will:

- a) hold the Council's executive to account;
- b) monitor the performance and success of services and the outcomes of policies;
- c) contribute to corporate policy and strategy development by way of pre-decision scrutiny of all Policy Framework documents;

- d) contribute to service improvement & policy development reviews and studies as commissioned by the Cabinet, Cabinet Members or the Council;
- e) consider any proposals for matters to be considered by the Scrutiny Committees received from City Councillors or members of the public, and
- f) hear any call in submitted by any member provided the call-in is in accordance with the grounds agreed by the Council.

### **3.1 Overview and Scrutiny Management Committee**

#### **Policy Review and Policy Development**

- Policy Reviews for all Council areas
- Policy development for all Council areas

#### **Coordinate and manages all policy development and reviews.**

- Set up ad hoc Policy Review Groups for pre decision scrutiny;
- Utilise the skills and interest of non-executive members when setting up PRG group's membership;
- Set the terms of reference and ensure that the group work within the agreed parameters.
- Receive and approve final reports of the Policy Review Groups.

#### **Consider the implementation of projects/ schemes/legislation that impact upon the whole council.**

Such as:

- City Deal;
- Change Programme;
- Fairness Equalities and Impact Assessments;
- Welsh Language Scheme;
- Wellbeing of Future Generations Act;
- Corporate Assessment;
- Public Engagement;
- Risk Register
- Performance Management Framework;

#### **Scrutiny of Corporate plans, strategies and frameworks**

Consultation on Corporate strategies, plans and frameworks; Such as:

- Corporate Plan;
- Strategic Equalities Plan;
- Director of Social Services Annual Report;

#### **Consider the Draft Budget Proposals and coordinate the response from Scrutiny on the draft budget proposals.**

- Consider the draft Budget Proposals from a strategic point of view.
- Coordinate the comments from the Performance Scrutiny Committees on the budget proposals and ensure that there is no duplication within the comments;
- Consider the effectiveness of the budget process, and the public engagement process.

#### **Manages Scrutiny Member Training**

- Ensure adequate training is available for scrutiny members;
- Identify any training needs of scrutiny members;
- Manage Scrutiny Seminar list.

#### **Approve and monitor the Scrutiny Annual Report**

- Consider improvements that should be made within the scrutiny process;
- Approve the Scrutiny Annual Report;
- Monitor the implementation of the actions within the Annual Report.

### **Recommendations monitoring on Scrutiny Recommendations resulting from reviews**

- Undertake regular monitoring of recommendations made by Scrutiny;
- Ensure that recommendations have been implemented appropriately;
- Assess the extent to which the intended outcome has been achieved;
- Determine if further work/ investigation/review is required following the initial recommendation.

### **Coordinate the programme for the Performance Scrutiny Committees**

- Receive the meeting schedule, minutes from the Performance Scrutiny Committees and receive updates on the implementation of the work programmes;

## **3.2 Performance Scrutiny Committee: People / Performance Scrutiny Committee: Place and Corporate**

### **Holding the Executive to Account for its performance within the relevant Directorate(s)**

Three broad areas: *Performance , Budget and Risk*

#### **Monitoring of performance**, focusing on:

- Achievement of outcomes and actions within service plans;
- Scrutinising progress in improvements to areas of poor performance;
- Assessing the extent to which performance objectives are contributing to the overall objectives and priorities of the Council.
- Assessing the extent to which performance is in keeping with the performance management strategy;

#### **Budget Monitoring**

- Scrutinising variances in budget;
- Assessing the extent to which performance is being achieved within budget;
- Reviewing the outcomes and the delivery of agreed savings plans;

#### **Budget Proposals**

- Scrutinising of Service specific proposals a part of the budget consultation process;
- Assessing the anticipated impact of the budget proposals on services, performance, service users, partnerships and staffing levels;
- Considering the contribution of the budget proposals to the achievement of corporate priorities and objectives;
- Consideration the budget proposals within the context of the wellbeing of future generations, fairness and equalities impact, sustainability, partnership arrangements and the efficiency agenda;
- Consideration of the extent to which savings form part of a coherent strategy supported by appropriate evidence for decision making.

#### **Risk**

- Monitoring areas of high risk and assessing the effectiveness of actions to mitigate these risks.

To advise the Overview and Scrutiny Management Committee of its work programme and its on going implementation.

To undertake detailed examination or review of service area performance where necessary. Monitor the implementation of any recommendations made to the Cabinet in relation to the performance of the service area.

## **3.3 Performance Scrutiny Committee - Partnerships**

### **Holding the Public Services Board to account for their performance.**

- As the designated Scrutiny Committee for the PSB:
  - a) review or scrutinise the decisions made or actions taken by the Board;
  - b) review or scrutinise the Board's governance arrangements;
  - c) make reports or recommendations to the Board regarding its functions or governance arrangements;
  - d) consider matters relating to the Board as the Welsh Ministers may refer to it and report to the Welsh Ministers accordingly;
  - e) carry out other functions in relation to the Board that are imposed on it by the Act.
- Maintain a proactive and positive relationship with the PSB;
- Monitor the performance of the PSB against partnership plans and priorities as part of the performance cycle;
- To ensure democratic accountability and scrutinise the work of the Board;
- Use existing legislative powers as necessary to put in place joint arrangements, including 'co-opting' persons who are not members of the authority to sit on the committee as required.

#### **Key considerations:**

- Performance of the PSB against agreed objectives;
- Effectiveness of governance arrangements, including budget management, consultation arrangements, procurement procedures, risk management, performance management and accountability arrangements.
- Scrutinising the contribution of the Council to the partnership;
- Evaluating the overall effectiveness of the partnership;
- Ensuing public engagement and citizen focused partnerships and strategies.
- Undertake formal consultation on key documents as required.

Monitor the implementation of any recommendations made to the PSB in relation to the performance of the service area.

Forward any recommendations made to the PSB to the Minister / Future Generations Commissioner

#### **Holding partnerships to account for their performance.**

To include - EAS, Newport Live, Norse, SRS and Joint Commissioning arrangements

- Performance of the partners against agreed objectives;
- Effectiveness of governance structures;
- Undertake formal consultation on key documents as required.

#### **Scrutiny of community safety issues and associated partnerships: Designated Committee for Crime and Disorder**

- To consider Councillor Calls for Action (CCfA) that arise through the council's agreed CCfA process;
- To consider actions undertaken by the responsible authorities on the CSP.

Monitor the implementation of any recommendations made to the any of the Partnerships.

To advise the Overview and Scrutiny Management Committee of its work programme and its on-going implementation

## **4 Governance and Audit Committee**

The Local Government (Wales) Measure 2011 (The Measure) (as amended by the Local government & Elections (Wales) Act 2021) requires the Council to appoint a Governance and Audit Committee. The Measure (as amended) prescribes the functions of the Governance and Audit Committee as:

- (a) Reviewing and scrutinising the authority's financial affairs;
- (b) Making reports and recommendations in relation to the authority's financial affairs

- (c) Reviewing and assessing the risk management, internal control, performance assessment and corporate governance arrangements of the authority
- (d) Making reports and recommendations to the authority on the adequacy and effectiveness of those arrangements
- (e) review and assess the authority's ability to handle complaints effectively
- (f) make reports and recommendations in relation to the authority's ability to handle complaints effectively
- (g) Oversee the council's internal and external audit arrangements and
- (h) Review the financial statements prepared by the authority

#### **4.1 Terms of Reference**

To exercise the following functions and take the following resolved decisions, under delegated powers:

- (i) To appoint the Chair and Deputy Chair of the Governance and Audit Committee
- (j) To receive and approve the Council's Annual Statement of Accounts in accordance with the Accounts and Audit Regulations
- (k) To receive and approve the Annual Internal Audit Report from the Chief Internal Auditor
- (l) To receive and approve the Annual Internal Audit Plan
- (m) To review and approve the annual programme for internal audits, the audit priorities and effectiveness of the programme in providing adequate assurance in respect of the Council's main business risks
- (n) To review and monitor the effectiveness of the Council's system of internal control and the proper administration of its financial affairs, including corporate governance and risk management arrangements, the control environment and associated anti-fraud and anti-corruption arrangements
- (o) To engage with external auditors and inspection agencies and other relevant bodies to ensure that there are effective relationships between external and internal audit.

To exercise the following functions and make recommendations, where appropriate

- (p) To monitor and oversee the implementation and outcomes of the internal audit programme and, where necessary, review and make recommendations regarding unsatisfactory audit reports
- (q) To review the adequacy of the Council's internal audit resources and to make recommendations, where necessary
- (r) To seek assurances on the adequacy of Cabinet, Cabinet Member and/or management responses to internal audit advice, findings and recommendations and monitor implementation and compliance with agreed action plans
- (s) To consider the Annual Audit and Inspection Letter, make any recommendations to Cabinet and to monitor the Council's response to individual risks or areas of concern identified in the Letter
- (t) To consider the Annual Report on Treasury Management and Prudential Indicators and make recommendations to Council



- (u) To receive and consider inspection reports from external regulators and inspectors and to make recommendations and, where necessary, monitor implementation and compliance with agreed action plans
- (v) To monitor and review decisions to waive Contracts Standing Orders and urgent executive decisions taken without consultation and to make recommendations where appropriate.
- (w) To make recommendations to the Head of Finance and Monitoring Officer in relation to the Financial Procedures and Regulations set out in the Council's Constitution
- (x) To recommend to the Council the appointment of further lay members, where appropriate

## **Appendix 3**

### **Draft WLGA Chair of Governance and Audit Committee Role Description 2021**

#### **1. Accountabilities**

To Full Council

#### **2. Role Purpose and Activity**

##### **Providing leadership and direction**

- To demonstrate independence, integrity, and impartiality in decision making according to legal, constitutional and policy requirements
- To provide confident and effective management of meetings to facilitate inclusivity, participation and clear decision making
- To comply with the authority's Code of Conduct
- To work according to the Terms of Reference for the Committee
- To work with senior officers of the authority including the Chief Financial Officer and Head of Internal Audit (or equivalent), to agree the forward work programme and to set agendas for the Committee.
- To work with other members of the authority to ensure that the work of the Committee is communicated to and aligns with that of the Cabinet, Standards and Scrutiny functions whilst maintaining appropriate independence.
- To promote the role of the committee within the authority.
- To report as required to Council
- To participate in and contribute to training and development required for the role
- To support committee members to develop the skills required for the role.
- To lead the committee in responding to any recommendations made by the Auditor General for Wales

##### **Leading the Committee in its role in reviewing and scrutinising the authority's financial affairs**

- Make reports and recommendations in relation to the authority's financial affairs
- Oversee the authority's internal and external audit arrangements
- Work with internal and external auditors
- Review the financial statements prepared by the authority and approve them when powers are delegated including making relevant reports and recommendations

##### **Leading the Committee in its role in contributing to the effective performance of the authority**

- Review the draft report of the authority's annual self-assessment. Make recommendations for changes to the conclusions or actions that the authority intends to take
- Make recommendations in response to the draft report of the authority's Panel Assessment (commissioned once per term **from May 2022**)
- Review and assess the authority's ability to handle complaints effectively.
- Make reports and recommendations to the authority about the authority's ability to handle complaints effectively.

##### **Leading the Committee in its role in Reviewing and assessing the Governance, Risk Management and Control of the authority**

- Review and assess the risk management, internal control, and corporate governance arrangements of the authority
- Make reports and recommendations to the authority on the adequacy and effectiveness of those arrangements
- Review and assess the financial risks associated with corporate governance, and be satisfied that the authority's assurance statements including the annual governance statement reflect the risk environment and any activities required to improve it

### **3. Values**

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

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

## **5 Democratic Services Committee**

The Local Government (Wales) Measure 2011 (The Measure) requires the Council to appoint a democratic services committee. The Measure prescribes the functions of the democratic service committee as:

- a) designating the Head of Democratic Services;
- b) keeping under review the provision of staff, accommodation and other resources made available to the head of democratic services in order that it is adequate for the responsibilities of the post
- c) making reports, at least annually, to the Council in relation to these matters.
- d) the City Council may wish to consider widening the role of the Democratic Services Committee to include the consideration of any proposed amendments to the council's constitution for recommendation to the executive where appropriate and to the council, and
- e) the DSC cannot perform other functions, apart from overseeing the democratic services functions prescribed in the Measure and, therefore, cannot discharge any dual role (for example doubling-up as a Scrutiny committee).

### **5.1 Terms of Reference**

To exercise the following functions:

- a) to appoint 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:

- h) the provision of support and advice to meetings of the Council, committees, sub-committees and joint-committees;
- i) promoting the role of Overview and Scrutiny;
- j) the provision of support and advice to Overview and Scrutiny;
- k) the provision of support and advice to individual Councillors in carrying out their roles as Members
- l) such other democratic services functions as may be prescribed from time to time by Regulations made by the Welsh Ministers;
- m) and make recommendation to Cabinet and Council, as appropriate;
- n) to review the adequacy of the Council's democratic services resources and to make recommendations, where necessary, and
- o) 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.

## **6 Planning Committee**

### **6.1 Planning Applications and Determinations**

The Head of Regeneration , Investment & Housing (and in the absence of the Head of Service, the Development Services Manager) has delegated powers 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 in the following cases which shall be determined by the Planning Committee or, where appropriate, by the Planning Site Sub Committee (See below):

- a) 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;
- b) Applications where an Elected Member has requested that an application be determined by the Planning Committee, giving planning reasons for that request, in accordance with the Protocol for Delegated Powers;
- c) Any application
  - made by any Elected Member of the Council; or
  - made by any Officer employed within the Regeneration and Regulatory Services Area and who works in close association with the Development Services Section for example as a regular consultee, other than where that application is submitted solely in that Officer's professional capacity as a Council employee and where the Officer has no personal or non-pecuniary interest in the outcome of the application; or
  - in respect of which an Elected Member of the Council has been consulted as a neighbour; or
  - in respect of which The Head of Regeneration , Investment & Housing 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 , Investment & Housing considers it appropriate for the matter to be determined by Planning Committee

## **6.2 Planning Enforcement**

The Head of Regeneration, Investment & Housing (and in the absence of the Head of Service, the Development Services Manager) has delegated powers to issue Enforcement Notices, Listed Building Enforcement Notices, Stop Notices, Breach of Condition Notices, Unsightly Land Notices (under Section 215 of the Planning Act), Hedgerow Replacement Notices and Tree Replacement Notices except in the following cases where the matter is to be determined by the Planning Committee:

- 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.

## **6.3 Advertisement Consent**

To determine applications for Advertisement Consent

## **6.4 Lawful Development Certificates**

To determine applications for Certificates of Lawful Use or Development

## **6.5 Mining Operations**

To determine matters relating to Mineral working and conditions to which old mining permissions, relevant planning permissions relating to dormant sites or active Phase 1 or II sites, or mineral permissions relating to mining sites, as the case may be, are to be subject.

## **6.6 Preservation of Trees and Important Hedgerows**

The following powers relating to the preservation of trees:

- a) Confirmation of Tree Preservation Orders,
- b) Power to dispense with duty to replant tree (including trees in conservation areas),
- c) Power to enforce duty to replace trees (including trees in conservation areas),
- d) Execution and recovery of costs of works following failure to comply with Notice (including trees in conservation areas),
- e) Determination of applications for consent for works to trees protected by Tree Preservation Orders (including trees on Council land),
- f) Power to apply for Injunction to restrain works to trees, and
- g) Powers relating to protection of important hedgerows.

## **6.7 Hazardous Substances**

The following powers relating to Hazardous Substances:

- a) Determination of Hazardous Substances applications (including Variation of Condition applications and Continuation of Consent applications),
- b) Revocation and Modification powers, and
- c) Enforcement powers (including power to serve a Contravention Notice and Injunction applications)

## **6.8 Listed Buildings and Conservation Areas**

- a) Determination of Listed Buildings Applications and related powers
- b) Determination of Conservation Area Consent
- c) Power to serve a Building Preservation Notice and related powers
- d) Power to issue enforcement notice in relation to listed buildings and demolition of unlisted building in conservation area
- e) Power to serve a Repairs Notice
- f) Power to apply for an Injunction
- g) Power to execute urgent works

## **6.9 Miscellaneous Powers**

- a) Power to serve a completion notice.
- b) Power to require discontinuance of a use.
- c) Power to determine applications for Certificates of Appropriate Alternative Development.
- d) Power to serve purchase notices.
- e) Powers related to Blight Notices.
- f) Power to make and confirm Footpath Diversion and Stopping Up Orders pursuant to the planning legislation.
- g) Power to make recommendations in relation to proposals for the lopping, felling or carrying out of significant works to trees on Council land (which are not protected by Tree Preservation Orders).
- h) Power to make recommendations to the Council, Cabinet and relevant Cabinet Member.
- i) (1) in relation to any draft Development Plan or other statutory plan proposals and policies including supplemental planning policies strategies or guidance formulated by the Cabinet.
- j) (2) in relation to policies concerning operational matters affecting the discharge of Committee's powers, and
- k) (3) in relation to Crown Land consultations and fringe area consultations from other local authorities

## **6.10 Planning Site Sub Committee**

Where the Planning Committee determines that an application is to be subject to a site visit, the appointed Planning Site Sub Committee shall be granted delegated powers to:

- a) Determine planning applications (grant or refuse) in line with the powers delegated to the Planning Committee.
- b) Authorise formal enforcement action to be taken, or determine that no further action should be taken; in line with the powers delegated to the Planning Committee.
- c) Or, if it considers that a proposal merits further debate based on the findings of the site visit, it could refer the matter back to full Planning Committee.

## **7 Licensing Committee**

To exercise, under delegated powers, the functions of the Council relating to licensing, registration and enforcement under the following Acts relating to the specified matters:

- a) To grant, renew, suspend and revoke licences for hackney carriages and private hire vehicles (where the decision has not been delegated to the Head of Law and Standards)
  - As to hackney carriages, the Town Police Clauses Act 1847, as extended by section 171 of the Public Health Act 1875 and section 15 of the Transport Act 1985; and sections 47, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976);
  - As to private hire vehicles, sections 48, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976
- b) To grant, renew, suspend and revoke licences for drivers of hackney carriages and private hire vehicles (where the decision has not been delegated to the Head of Law and Standards.)(Sections 51, 53, 54, 59, 61 and 79 of the Local Government (Miscellaneous Provisions) Act 1976).
- c) To grant, renew, suspend and revoke licences for operators of hackney carriages and private hire vehicles (where the decision has not been delegated to the Head of Law and Standards) (Sections 55 to 58, 62 and 79 of the Local Government (Miscellaneous Provisions) Act 1976).
- d) To register pool promoters (Schedule 2 to the Betting, Gaming and Lotteries Act 1963).
- e) To grant track betting licences (Schedule 3 to the Betting, Gaming and Lotteries Act 1963).
- f) To licence inter-track betting schemes (Schedule 5ZA to the Betting, Gaming and Lotteries Act 1963).
- g) To grant permits in respect of premises with amusement machines (where the decision has not been delegated to the Head of Law and Standards) (Schedule 9 to the Gaming Act 1968).
- h) To register societies wishing to promote lotteries (Schedule 1 to the Lotteries and Amusements Act 1976 (c.32)).
- i) To grant permits in respect of premises where amusements with prizes are provided (where the decision has not been delegated to the Head of Law and Standards) (Schedule 3 to the Lotteries and Amusements Act 1976).
- j) To issue cinema and cinema club licences (where the decision has not been delegated to the Head of Law and Standards) (Section 1 of the Cinemas Act 1985).
- k) To issue theatre licences (where the decision has not been delegated to the Head of Law and Standards) (Sections 12 to 14 of the Theatres Act 1968 (amended by the Local government Act 1972, section 204 (6) and the Local Government, Planning and Land Act 1980, section 1(6), Schedule 6 paragraph 11 and Schedule 34, Pt VI)).
- l) To grant, renew, revoke and transfer entertainment licences (where the decision has not been delegated to the Head of Law and Standards) (Section 12 of the Children and Young Persons Act 1933, section 79 of the Licensing Act 1964, sections 1 to 5 and 7 of, and Parts I and II of the Schedule to, the Private Places of Entertainment (Licensing) Act 1967 and Part I of, and Schedules 1 and 2 to, the Local Government (Miscellaneous Provisions) Act 1982)).
- m) To licence sex shops and sex cinemas (The Local Government (Miscellaneous Provisions) Act 1982, section 2 and Schedule 3).
- n) To licence performances of hypnotism (The Hypnotism Act 1952).
- o) To licence pleasure boats and pleasure vessels (Section 94 of the Public Health Acts Amendment Act 1907 (amended by the Local Government Act 1974, Schedule 6, paragraph 1, section 18 of the Local Government (Miscellaneous Provisions) Act 1976) and section 186 of the Local Government, Planning and Land Act 1980 (Section 94(8) was substituted by the Deregulation (Public Health Acts Amendment Act) Order 1997 (S.I. 1997/1187)).

- p) To licence market and grant street trading consents and licences (where the decision has not been delegated to the Head of Law and Standards) (Part III of, and Schedule 4 to, the Local Government (Miscellaneous Provisions) Act 1982).
- q) To license night cafes and take-away food shops (Section 2 of the Late Night Refreshment Houses Act 1969 (\* Amended by the Local Government Act 1972, section 204 (9)).
- r) To license dealers in game and the killing and selling of game (Sections 5, 6, 17, 18 and 21 to 23 of the Game Act 1831; sections 2 to 16 of the Game Licensing Act 1860, section 4 of the Customs and Inland Revenue Act 1883, sections 12(3) and 27 of the Local Government Act 1874, and section 213 of the Local Government Act 1972).
- s) To license scrap yards (Section 1 of the Scrap Metal Dealers Act 1964).
- t) Power to license premises for the breeding of dogs (Section 1 of the Breeding of Dogs Act 1973 and Section 1 of the Breeding and Sale of Dogs (Welfare) Act 1999).
- u) Power to license pet shops and other establishments where animals are bred or kept for the purposes of carrying on a business (Section 1 of the Pet Animals Act 1951; section 1 of the Animal Boarding Establishments Act 1963; the Riding Establishments Acts 1964 and 1970 section 1 of the Breeding of Dogs Act 1973, and sections 1 and 8 of the Breeding and Sale of Dogs (Welfare) Act 1999).
- v) Power to license zoos (Section 1 of the Zoo Licensing Act 1981 (amended by the Local Government, Planning and Land Act 1980, Schedule 6, paragraph 6, and by section 3 of the Protection of Animals (Amendment) Act 1988)).
- w) To grant licences for House to House and Street Collections for charitable and other causes. (Section 5 of the Police, Factories etc. (Miscellaneous Provisions) Act 1916 and section 2 of the House to House Collections Act 1939 (The 1939 Act was amended by the Local Government Act 1972, Schedule 29, paragraph 23. The 1916 Act and the 1939 Act are repealed (prospectively) by the Charities Act 1992)).

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



<b>Matter to be dealt with</b>	<b>Sub Committee</b>	<b>Officers</b>
Determination of a Police representation to a temporary Event Notice	All cases	

#### **As to the Gambling Act:**

<b>Matter to be dealt with</b>	<b>Full Council</b>	<b>Sub-Committee</b>	<b>Officers</b>
Three year Licensing Policy	X		
Policy not to permit casinos	X		
Fee Setting - when appropriate			X (to be approved by Executive Councillor)
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	

## **8 Standards Committee**

The Standards Committee will have the following roles and functions in accordance with Part III of the Local Government Act 2000 and Regulations made hereunder:

- a) Promoting and maintaining high standards of conduct by councillors, co-opted members and church and parent governor representatives;
- b) Assisting the councillors, co-opted members and church and parent governor representatives to observe the Members' Code of Conduct;
- c) Advising the Council on the adoption or revision of the Members' Code of Conduct;
- d) Monitoring the operation of the Members' Code of Conduct;

- e) Advising, training or arranging to train councillors, co-opted members and church and parent governor representatives on matters relating to the Members' Code of Conduct;
- f) Granting dispensations to councillors, co-opted members and church and parent governor representatives from requirements relating to interests set out in the Members' Code of Conduct;
- g) Dealing with any reports from a case tribunal or interim case tribunal, and any report from the Monitoring Officer on any matter referred to that Officer by the Local Commissioner in Wales and determining appropriate action;
- h) The exercise of (a) to (g) above in relation to the community councils and the members of those community councils.

The Standards Committee will also exercise the following additional functions and shall make recommendations to Council:

- i) Providing advice to the Council on the Council's Codes of Practice, including the Officers' Code of Conduct and the Whistle Blowing policy;
- j) Monitoring and updating the Codes of Practice as required;
- k) Overseeing the Council's confidential complaints procedure.