

# Report

## Democratic Services Committee

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### Part 1

Date: 21 July 2016

Item No: 7

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

**Purpose** To receive an update on the review of the Scheme of Delegation

**Author** Head of Democratic Services

**Ward** All wards

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

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

The report updates the committee on how this work is progressing

**Proposal:** **To note progress and receive an updated report following the Council's review of the Chief Officer structure**

**Action by** Head of Democratic Services

**Timetable:** In line with the Councils work programme.

This report was prepared after consultation with:

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

## **Background**

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

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

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

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

### **Scheme of Delegation to Cabinet Members**

In May 2016, the new Leader of the Council determined that she would implement some changes to the portfolios of the Cabinet

The new cabinet comprises the following portfolios

- Leader & Chair of Cabinet
- Deputy Leader and Cabinet Member for Environment Sustainability & Transport
- Cabinet Member for Education & Young People
- Cabinet Member for Finance & Resources
- Cabinet Member for Community Services, Work & Skills
- Cabinet Member for Regulatory Functions
- Cabinet Member for Regeneration & Investment
- Cabinet Member for Adult Social Services & Housing
- Cabinet Member for Culture, Leisure & Sport (and Business Manager)

The scheme of delegation to those Cabinet Members is set out in the appendix.

### **Scheme of Delegation to Chief Officers**

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

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

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

A complication has arisen that will not allow this work to be completed as early as hoped. It is understood that the Council is going to be asked in the early autumn to consider a review of the Chief Officer structure.

Whilst most of the work has now been done, it seems appropriate to wait for the review of the structure to be completed and agreed by the Council before the new Scheme of delegation is finalised. The existing scheme is available on the Council’s website

## Financial Summary

There is no cost to receiving this update

## Risks

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

## Links to Council Policies and Priorities

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

## Options Available

- To note progress

## Preferred Option and Why

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

## Comments of Chief Financial Officer

There is no cost to receiving this update

## Comments of Monitoring Officer

The Council is required to prepare, keep up to date and publicise its written constitution under Section 37 of the Local Government Act 2000. The Direction Order made by the Welsh Government in 2001 sets out the information that the constitution must contain and this includes the Council's schemes of delegation to both members and officers, to ensure transparency and accountability for decision-making. The Corporate assessment also identified the need for a wholesale review of the Council's constitution and greater clarity of roles and responsibilities. An initial review of the schemes of delegation has been carried out and this interim report sets out the current Cabinet Members portfolios and delegated responsibilities for individual executive decisions. The review of the officer scheme of delegation has been deferred pending a Council decision on the senior management structure and a further report on this part of the Constitution will be brought to Democratic Services Committee in due course.

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

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

## **Comments of Cabinet Member**

This is a Council function

## **Local issues**

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

## **Scrutiny Committees**

This is a matter or consideration of the Democratic Services Committee

## **Equalities Impact Assessment**

Not required as this relates only to a procedural matter.

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

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

## **Consultation**

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

## **Background Papers**

The Council's Constitution

Dated: 1 July 2016

## **Cabinet Member Portfolios 2016 – 2017**

### **General for all Members of the Cabinet:**

#### **Policies and Policy Documents**

NB: All cabinet members have responsibility to determine and amend any policy or policy documents relating to the Portfolio in line with the Council's policy framework and budget and not including those documents and matters reserved for determination by Council, the Cabinet, other Cabinet Members or officers. All operational matters are to be determined at Chief Officer Level

Policy documents will include:

- Strategies
- Schemes
- Plans
- Guidance documents or supplementary guidance documents
- Eligibility criteria and patterns of provision
- Objectives for service delivery within the portfolio.

#### **Service Planning and Performance**

To determine the service plans for service areas within the portfolio, taking account of the views of the appropriate Scrutiny Committee and to monitor performance against service plans and to determine any actions arising.

#### **Consultation Documents**

To determine the response to any major consultation document or formal inspection document specific to the portfolio or service area.

#### **Statutory Notices**

To determine whether to advertise, consult upon or publish any statutory notices or Orders and to take action upon advertised proposals in the light of any representations received.

### **Variations to Budgets**

To determine any variations to budgets in accordance with Financial Regulations and the Constitution, including virement up to an aggregate total of £100,000 per annum or 10% of the Objective Analysis as set out in the Budget Book (whichever is the lower).

### **Tenders**

To determine a select list of prospective tenders for supply of materials or services within the portfolio and to invite tenders as appropriate and to determine whether to exclude contractors from approved lists.

### **Grants**

- In consultation with the Leader, to determine whether to accept available external grants which require match funding, subject to confirmation of available funding to meet any commitment by the Council. To be informed of a suitable 'exit strategy' for when grant funding ceases
- To agree criteria, limits, eligibilities and distribution within schemes for grant aid and to determine whether to waive conditions relating to grant aid.
- To make grants or provide support to organisations or individuals other than those subject to specific delegations elsewhere within the scheme where the grant amount is £20,000 or above. Decisions on grant applications of less than £20,000 will be determined by Chief Officers acting within agreed criteria.
- To determine circumstances in which repayment of a grant may be waived.

### **Fees and Charges**

a) To set fees and charges for services or the use of premises within the portfolio and to determine any revisions.

b) To determine subsidies or concessions within any charging or other schemes.

c) To determine circumstances in which payments may be waived.

### **Buildings**

- a) To declare buildings or land surplus to service requirements.
- b) To determine, subject to Planning Permission whether to grant consent for the installation of telecommunications equipment on property or land held within the portfolio.
- c) To determine any programme of modernisation or improvement of property held within the portfolio.

### **Research and studies**

To determine whether to appoint external assistance for research, studies or investigation, subject to budgetary availability.

### **Vehicles**

To determine any programme of replacement of vehicles within the portfolio, subject to available finance.

### **Partnership and Consultation Arrangements**

- To determine whether to enter into any non - statutory partnership or compact arrangements or to take part in any non - statutory forum arrangements, subject to accordance with the Council's policy framework and budget.
- To determine arrangements for arrangements for regular consultation and Liaison with partners, stakeholders or other interested parties

### **Suspension of Standing Orders**

To determine circumstances in which to suspend Standing Orders or waive Contract Standing Orders and Financial Regulations and to ensure the Overview and Scrutiny Committees are informed of action taken and the reasons.

**Pecuniary or Personal Interest / Absence**

- Where a Cabinet Member has a pecuniary or personal interest, he or she should declare the interest and submit the matter for determination by the Leader of the Cabinet or, in the absence of the Leader, the Deputy Leader. In the absence of both, another Cabinet Member may determine the issue.
- Where a Cabinet Member is absent or there is some other reason he or she cannot determine an issue the matter will be determined by the Leader of the Cabinet or, in the absence of the Leader, the Deputy Leader. In the absence of both, another Cabinet Member may determine the issue.



**Specific Delegations to Cabinet Members**

Portfolio		Service Functions
Leader of the Council	Cllr D Wilcox	<p>To determine and amend any policy or policy documents in relation to :</p> <ul style="list-style-type: none"><li>• Performance</li><li>• Fairness</li><li>• Strategic Planning</li><li>• Corporate Planning</li><li>• Public relations and all contact with the press</li><li>• Publicity , Marketing and Communication services</li><li>• Mayoral and Corporate Events</li><li>• Improvement planning</li><li>• Organisational Development</li><li>• Major Projects</li><li>• Constitutional issues</li><li>• Relationships with National Bodies</li><li>• City regions</li><li>• Newport Economic Network</li><li>• Great Western Cities initiative</li><li>• To provide an Overview and control of Strategic Finance (Revenue and capital)</li><li>• To act as Chair of Performance Board</li></ul>

Portfolio		Service Functions
<p>Deputy Leader</p> <p>Cabinet Member for Environment Sustainability and Transport</p>	<p>Cllr R Truman</p>	<p>General:</p> <ul style="list-style-type: none"> <li>• Deputise for the Leader as determined by the Leader</li> <li>• Lead Member for Local Service Board</li> </ul> <p>To determine and amend any policy or policy documents in relation to :</p> <p>Policies and Strategies relating to:</p> <ul style="list-style-type: none"> <li>• Waste Disposal</li> <li>• Refuse</li> <li>• Recycling and Sustainability</li> <li>• Green Services</li> <li>• Crematorium</li> <li>• Civil Contingencies</li> <li>• Traffic matters</li> <li>• Transport and access to the City, not including Newport Transport Bus Company or any other providers</li> <li>• Integrated Transport</li> <li>Road safety</li> <li>• Highways</li> <li>• Drainage</li> <li>• Grounds maintenance</li> <li>• Street cleansing</li> </ul> <p>For clarity; the Cabinet Member will determine traffic orders which receive objections or are contested. Uncontested Orders or those that receive full support are to be determined by the appropriate Chief Officer</p>

Portfolio		Service Functions
Cabinet Member for Education and Young People	G Giles	<p>To determine and amend any policy or policy documents in relation to :</p> <ul style="list-style-type: none"> <li>• Children &amp; Family Services</li> <li>• Education services</li> <li>• Schools</li> <li>• Early Years</li> <li>• School catering</li> <li>• Music Services</li> <li>• Education Inclusion</li> <li>• Safeguarding Children</li> <li>• Domestic Abuse</li> <li>• Child protection</li> <li>• Youth Offending</li> <li>• Integrated family support</li> <li>• Crisis support</li> <li>• Fostering</li> <li>• Services for disabled children</li> <li>• Looked after Children</li> <li>• Parental rights</li> </ul> <p>The Cabinet Member will also determine the following:</p> <ul style="list-style-type: none"> <li>• Any action to be taken to meet minimum standards for local authority adoption services or any other minimum standards relating to children and family services</li> <li>• Any action to be taken arising from any serious case review from the Child Protection Committee</li> <li>• The requirements of any contracted foster carer scheme or similar and to determine any matters relating to the recruitment and retention of foster carers</li> <li>• Any action arising from reports received resulting from visits to residential homes for children and young people</li> <li>• Foster parent carers payments and allowances</li> </ul>

Portfolio		Service Functions
Cabinet Member for Regeneration and Investment	J Richards	<p>To determine and amend any policy or policy documents in relation to :</p> <ul style="list-style-type: none"> <li>• Planning and Development Services</li> <li>• Local Development Plan – Not reserved to Council</li> <li>• Regeneration including housing as regeneration – Other Housing issues to be determined by the CM for Adult &amp; Community Services</li> <li>• Communities First</li> <li>• Economic Development</li> <li>• Tourism</li> </ul>

Portfolio		Service Functions
Cabinet Member for Regulatory functions	R Poole	<p>Strategies and Policies relating to:</p> <ul style="list-style-type: none"><li>• Licensing, other than those reserved to Council or the Licensing Committee</li><li>• Taxi's</li><li>• Public Protection</li><li>• Community Safety</li><li>• Environmental Health</li><li>• Trading Standards</li><li>• Legal Services</li><li>• Registration Services</li><li>• Electoral Registration</li></ul>

Portfolio		Service Functions
Cabinet Member for Finance and Resources	M Whitcutt	<p>To determine and amend any policy or policy documents in relation to :</p> <ul style="list-style-type: none"> <li>• All financial matters</li> <li>• All Assets and Resources</li> <li>• Any Corporate HR Policies, including strategies relating to Health &amp; Safety</li> <li>• Corporate terms and conditions of service.</li> <li>• Setting of grades throughout the Council's establishment.</li> <li>• Appeal as to a grading issue</li> <li>• Concurrent expenditure to community councils.</li> <li>• Criteria for applications and to determine whether to support applications for funds from the Welsh Church Fund</li> <li>• Any policy issues relating to property or the Council's relationship with NORSE as it relates to property matters</li> <li>• Any land and property acquisitions and disposals not delegated to the Head of Law and Regulation.</li> <li>• Criteria for honorarium payments</li> <li>• Any policies relating to Equalities not reserved to cabinet or Council</li> <li>• Procurement policies</li> <li>• To undertake any Collective bargaining activity and to determine and implement any Consultative or negotiation machinery.</li> </ul>

Portfolio		Service Functions
Cabinet Member for Adult and Social Services	P Cockeram	<p>To determine and amend any policy or policy documents in relation to :</p> <ul style="list-style-type: none"> <li>• Adult Social Services</li> <li>• Care in the Community for older people</li> <li>• Third Sector- Strategic issues</li> <li>• Substance misuse</li> <li>• Occupational Therapy</li> <li>• Frailty Strategies</li> <li>• Mental Health</li> <li>• Learning Disability</li> <li>• Residential services to older people</li> <li>• Homecare</li> <li>• Supported living</li> <li>• Supporting people</li> <li>• Housing issues other than housing as regeneration</li> </ul>

Portfolio		Service Functions
CM for Community Services, Work and Skills	R Jeavons	<ul style="list-style-type: none"> <li>• All matters relating to Community Centres</li> <li>• Strategies for reducing the number of young people not in employment, education or training (NEET's)</li> <li>• The Skills Agenda</li> <li>• The anti- poverty agenda</li> <li>• Flying start</li> <li>• Families First</li> <li>• Communities First</li> <li>• Youth Services</li> <li>• Play development</li> <li>• Strategies to develop business skills and identify training needs in the City</li> <li>• Strategies to overcome worklessness</li> <li>• To develop strategies to develop prospects and training to help young people into jobs or to start and develop a business</li> <li>• Member development</li> <li>• The Council's Face to Face Centre and Contact Centre.</li> <li>• Housing Benefits</li> <li>• Council Tax Benefits</li> <li>• Information Risk and governance</li> <li>• Customer Insight</li> <li>• Corporate Image</li> <li>• Communication within the organisation</li> <li>• Information Management</li> <li>• Improving access to services</li> <li>• ICT Strategies</li> <li>• Digital Innovation within the City Council</li> <li>• Strategies for public engagement</li> </ul>





Portfolio		Service Functions
Cabinet Member for Culture, Leisure and Sport  Business Manager	D Harvey	<ul style="list-style-type: none"><li>• Residual Matters with the Sports and Leisure Trust, Newport LIVE , including the Riverfront Theatre and Arts Centre</li><li>• Museum and Heritage</li><li>• Museum and Art Gallery;</li><li>• Newport Ship</li><li>• Transporter Bridge</li><li>• Parks</li><li>• Adult Education</li><li>• Library Services</li></ul>