

# Constitution

## Part 3: Responsibility for Functions

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### Appendix 3: Scheme of Delegation to Officers

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

##### 1 General Delegations to all Chief Officers

**NB: This section relates to those matters delegated to all Chief Officers. To see the scheme of delegation to individual Chief Officers, please see Section 2 below.**

###### 1.1 Human Resources Matters

- (i) To determine operational issues relating to the service area based on the needs of the council; its customers and the service.

All decisions must be within agreed Council policies and within the budget allocation for the service area.

As set out in (ii) below, certain decisions will be subject to consultation with the Monitoring Officer, Head of Finance and Head of People and Business Change. Any dispute will be determined by a Strategic Director.

- (ii) To determine the following subject to consultation with the Monitoring Officer, Head of Finance and Head of People and Business Change.
- the grading of posts within the area;
  - the movement of posts within the service area and between service areas;
  - the creation of new permanent posts or the deletion of posts within the structure of a service area;
  - re-grading / grading
  - salary protection
  - early release of pension
  - market supplements
  - job descriptions and person specifications for all posts within the service area
  - the creation of any new post or the deletion of any new post
  - Individual grading within the service area, including regrading applications.
- (iii) To determine all operational Human Resource matters for the service area. All decisions must be within agreed Council policies and within the budget allocation for the service area. Operational matters include:
- To make appointments other than those reserved to Council.
  - To determine Temporary/Fixed term posts

- To determine any application for secondary employment for employees working a 37 hour week or where the combined hours of the jobs equate to more than 37 hours.
- To determine any change to hours of any post
- To determine any job share arrangement or any scheme of reduced hours of work
- To vary the pattern of the working week
- To determine any secondment arrangements.
- To determine the employment of agency employees and any contract arrangements with agencies or contractors, in line with agreed contract arrangements.
- To determine any Honorarium payments within agreed criteria.
- To determine planned overtime payments.
- To determine salary protection to be applied under the Council's job security policy.
- To determine any progression through grades within any agreed schemes.
- To determine any application for payment of professional fees within the Council's policy
- To work with colleagues to secure redeployment opportunities or development opportunities for unplaced employees and as a last resort, to serve redundancy notices, where there is no suitable alternative employment available with the authority.
- To determine any application for time off for trade union activity in line with agreed policy
- To determine paid or unpaid leave of absence in accordance with Council policy
- To determine whether to allow 'carry over' of leave beyond the requirements of the European Working Time Directive
- To determine Health and Safety arrangements within a service area.
- To authorise attendance at training events or conferences, subject to budget provision being available.
- To determine any disciplinary action in accordance with the Council's disciplinary procedures.
- To determine any application for legal assistance relating to any private prosecution relating to violence at work.

## **1.2 Tenders**

In accordance with the Council's Procurement Strategy Standing Orders and/or Financial Regulations:

- To accept the most economic advantageous tender for work goods or services. Heads of Service will record acceptance of tenders in a register and act in compliance with the Council's agreed procurement strategy and Contract Standing Orders. Records must show when the most economically advantageous tender is not financially the lowest tender received.
- To agree the issuing of orders for work goods and services.
- To submit tenders and make arrangements for carrying out work.

## **1.3 Finance**

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

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

- (i) To authorise an application for planning permission to the Planning Committee in respect of any development of land and/or buildings within the relevant portfolio or service area.

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

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

### **2 Chief Executive**

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

- (i) The Head of Paid Service is a statutory appointment pursuant to Section 4 of the Local Government and Housing Act 1989. As such he holds all Chief Officers to account for their decisions and the performance of their services
- (ii) Under the provisions of the Local Government and Housing Act 1989, to determine when it is appropriate to prepare a report to the Authority setting out proposals in relation to:
  - the manner in which the discharge by the Authority of its different functions is coordinated;
  - the number and grades of staff required by the Authority for the discharge of its functions;
  - the organisation of the Authority's staff; and
  - the appointment and proper management of the Authority's staff.

#### **2.2 As Chief Executive**

- (i) To determine the activities of the Council's Management Team and to coordinate the team's activities.
- (ii) To determine cross-cutting operational issues that cover a range of services
- (iii) To determine necessary actions appropriate for the proper emergency planning of the Council area and, where appropriate adjacent areas, including liaison with other authorities and bodies.
- (iv) To determine necessary action to be taken on behalf of the council in emergencies in consultation with the Leader of the Council, or in the absence of the Leader another member of the Cabinet.
- (v) To determine methods of monitoring and activities in relation to performance management of the Council's staff.
- (vi) To determine the framework for Service Plans by each Service Head.
- (vii) To have overriding authority for all delegated matters of staffing and operations to ensure appropriate allocation of resources to deliver agreed outcomes.

#### **2.3 As Returning Officer**

To effectively fulfil the statutory roll of Returning Officer at all Local Government Elections and to discharge the roll of promoting participation in those elections.

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

#### **3.1 As Director of Social Services**

- (i) To exercise the statutory responsibilities of the role of Director of Social Services and undertake such delegated responsibilities consistent with the discharge of that statutory role as set out in the statutory guidance on the role and accountabilities of the Director of Social Services issued under Part 8 of the Social Services and Wellbeing (Wales) Act 2014 and any other relevant legislation.
- (ii) To determine the responsibilities of the Head of Adult and Community Services and Head of Children and Young People Services for the management and delivery of operational services within social services and the exercise of specific statutory functions on behalf of the Director of Social Services (as set out in the scheme of delegation to Heads of Service), ensuring that systems are in place to monitor the quality and effectiveness of services.
- (iii) To meet the core responsibilities and functions of a Director of Social Services as set out in the Welsh Assembly Government's Code of Practice on the Role of the Director of Social Services (2016) as follows:
  - Providing clear professional and strategic leadership to effectively deliver care and support services which discharge the Council's social services functions and meet the Council's well-being objectives.
  - Having direct access to and advising the Chief Executive and councillors on social services matters and on the direction the council should take in fulfilling its social services responsibilities and ensuring that the Head of Paid Service, Cabinet and councillors have access to the best, up-to-date professional advice and information on all aspects of care and support services.
  - Identifying and advising councillors on priorities, challenges and risks across all aspects of social services, including areas of co-dependency between agencies and circumstances where staffing issues affect the Council's ability to discharge its statutory responsibilities.
  - Ensuring that strong performance management arrangements are in place across social services, and reporting at a corporate level and to members on the authority's performance in respect of these.
  - Ensuring that the authority has proper safeguards to protect vulnerable children and young people, adults and older people, reporting at a corporate level and to members on their effectiveness and briefing the Head of Paid Service and councillors on high-profile cases and other matters likely to cause public concern.
  - Fulfilling overall responsibility for social services workforce planning, training and professional development.
  - Advising councillors on strategies for improving methods of intervention, service provision, practice and use of resources.
  - Ensuring that there are adequate arrangements in place to work effectively with others, both within and outside the authority, in fulfilling its social services functions and in contributing to the achievement of wider policy objectives.
  - Fostering effective joint working relationships both within and outside the local authority, including formal integrated arrangements with health boards.
- (iv) To provide clear professional leadership for Social Services

- (v) To provide advice to the Head of Paid Service and Councillors on the strategic direction and social service responsibilities.
- (vi) To determine and provide strong management of performance and transparent arrangements for planning and delivering improvements in social services
- (vii) To determine and provide arrangements to ensure the safeguarding of children, young people and adults and to report to members on the operation, monitoring and improvement of those safeguarding systems
- (viii) To work with further and Higher Education and the CSSIW to enhance workforce planning and professional development for all staff across the sector.
- (ix) To determine arrangements for governance, strategic direction and operational management
- (x) To report annually to the Council on the delivery, performance risks and plans for improvement on the full range of social services functions.
- (xi) To advise Scrutiny Committees on children's and adult's social services.
- (xii) To determine any guardianship application and to make an order for the discharge of patients subject to guardianship under the Mental Health Act 1983.
- (xiii) To approve the institution of adoption proceedings by a foster parent
- (xiv) To set up an adoption panel in accordance with the Adoption Agencies (Wales) Regulations 2005 and to make such decisions and notifications as to the adoption of children as specified in those regulations.
- (xv) To approve the payment of the legal expense of prospective adoptive parents for children whom the Council as an Adoption Agency is placing for adoption.
- (xvi) To grant allowances to persons who have adopted children in accordance with the Adoption and Children Act 2002 and regulations that may be issued by the Secretary of State.
- (xvii) To determine provision for the accommodation of children in secure accommodation in accordance with Section 119 Social Services and Wellbeing (Wales) Act 2014.
- (xviii) To act as nearest relative, appointee or receiver in all matters in which it is appropriate for an officer of the Council to act.
- (xix) To appoint officers to act as approved mental health professionals under Mental Health Act legislation.
- (xx) To act as the lead director for children and young people's services under Section 27 of the Children Act 2004 to co-ordinate and oversee arrangements to improve the well-being of children in the local authority area.

### **3.2 General**

To determine matters relating to Human Resources, tenders, finance, land and buildings, operational plans and legal agreements relating to social services functions in accordance with the general delegation of powers to all Heads of Service set out in this constitution (except insofar as they have been delegated to the Head of Adult and Community Services and Head of Children and Young People Services).

## **4 Strategic Director – Place**

To determine matters relating to Human Resources, tenders, finance, land and buildings, operational plans and legal agreements relating to the relevant service areas in accordance with the general delegation of powers to all Heads of Service set out in this constitution (except insofar as they have been delegated to the relevant Heads of Service).

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

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

- (i) To determine all operational issues relating to:
- Legal Services
  - Democratic Services, including Scrutiny and Mayoralty
  - Registration Services
  - Electoral registration
  - Public protection, including community safety; environmental health; licensing; trading standards.
  - Marketing and Communications
- (ii) Procedural Issues
- To determine any guidelines to be issued to officers and / or members on legal, procedural and proprietary issues.
  - To affix the Common Seal of the Council to any Deed or other document required to be executed under Seal and to subscribe his name thereto as attesting such sealing.
  - To determine the content of any binding contract or any other such documentation between the Council and any third party.
  - To sign contracts or other formal documents on behalf of the Council (which do not have to be executed as a deed) in accordance with Contract Standing Orders.

### **5.2 As Monitoring Officer**

- (i) To determine any action to be taken and to exercise the powers and responsibilities of the Monitoring Officer for the purpose of Section 5 of the Local Government and Housing Act 1989, part 3 of the Local Government Act 2000 and any other or subsequent relevant legislation.
- (ii) To determine when it is necessary and to issue reports to the Council as Monitoring Officer.
- (iii) To make payments of compensation, provide other benefits or take any other appropriate action to settle maladministration complaints in accordance with Section 92 of the Local Government Act 2000.
- (iv) To monitor and review the Council Constitution and determine any minor or consequential amendments..
- (v) To maintain the statutory register of Members interests in accordance with section 81 of the Local Government Act 2000

### **5.3 Democratic Arrangements and Scrutiny**

- (i) To determine action to be taken as "Proper Officer" for the purposes of implementing the provisions in the Local Government Act 1972 and any other subsequent legislation relating to:
  - a. Exclusion of Reports
  - b. List of Background papers
  - c. identification of Background papers
  - d. "Need to know"
- (ii) To act generally as Proper Officer of the Council unless legislation or the Scheme of Delegation names another officer or unless the Council determines otherwise.
- (iii) To determine arrangements for the proper record and maintenance of records of decisions taken by the Council, the Cabinet or any other element of the decision-making process empowered to take decisions.
- (iv) To determine arrangements to record in the statutory register maintained for the purpose, particulars of any notice given by a member or officer of the Council under Section 117 of the Local Government Act 1972 of any pecuniary interest in a contract or any declarations of personal interest, or gifts and hospitality in accordance with any relevant code of practice.

### **5.4 Legal Proceedings**

- (i) To institute, defend or settle any legal proceedings he or she considers necessary (either in the name of the Council or an individual officer of the Council), at common law or under any enactment, statutory instrument, order or bye-law conferring functions upon the Council or in respect of functions undertaken by 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.

### **5.5 Registration Services**

- (i) To act as "Proper Officer for registration of births, deaths and marriages
- (ii) To determine individuals who will be authorised to attest notices of civil partnerships;
- (iii) To designate a sufficient number of civil partnership registrars and determine who within the authority will be responsible for recording details of the formation into the civil partnership register.
- (iv) To act as Proper Officer for the approval of premises for the conduct of civil marriages and civil partnerships in accordance with the Marriage Act 1949 and the Civil Partnership Act 2004.

### **5.6 Land and Property**

- (i) To determine when appropriate and to sign a suitable certificate of waiver of repayment of improvement grant where a building society proposes to lend in respect of a property, which might qualify for an improvement grant.
- (ii) To determine when and to serve statutory notices to ascertain the legal interest of any person in land.

- (iii) To sign certificates of title and execute any land sale, transfer or lease on behalf of the Council.

## **5.7 Public Protection**

### **5.7.1 General**

- (i) To appoint and authorise Officers, of the Council, to carry out duties and exercise powers as required or permitted by the relevant "Public Protection" (See below) statutes and statutory instruments,
- (ii) To issue, grant, renew, vary, revoke or refuse licences, registrations, permits, consents or approvals under Public Protection statutes and statutory instruments; or to determine the fitness to hold such licences consult on changes to council licensing policies etc. under Public Protection statutes and statutory instruments, (including those licensing duties/powers that are Council "executive functions" eg Housing Act, Scrap Metal Act) in accordance with Council policies, **UNLESS** for specific licences where the delegations are to the Licensing (Sub) Committee or Panel-as detailed in the Paragraphs e and g, and 11-13 below;
- (iii) To grant or renew all applications for Hackney Carriage Vehicle Licences, Private Hire Vehicle Licences, Hackney Carriage /Private Hire Driver's Licences and Private Hire Operator's Licences. Where refusal is considered possible due to criminal or driving convictions or other matters, then the decision will be taken by the Officer or, depending upon the seriousness/complexity, will be referred to the Licensing Committee (Panel), in accordance with Council Policies;

#### **(Revocation of an existing taxi licence is a matter for the Licensing Committee (Panel));**

- (iv) To suspend any Hackney Carriage or Private Hire Licences in accordance with S60 61 62 and 68 of the Local Government (Miscellaneous Provisions) Act 1976 or instead to serve a "deferred" notice as warning that the licence may be suspended if certain matters are not attended to;
- (v) To revoke any Hackney Carriage or Private Hire Licences in accordance with S60 61 62 and 68 of the Local Government (Miscellaneous Provisions) Act. Where refusal is considered appropriate due to criminal or driving convictions or other matters, then the decision will be taken by the Officer or, depending upon the seriousness/complexity, will be referred to the Licensing Committee (Panel), in accordance with Council Hackney Carriage and Private Hire Policies;
- (vi) To grant, renew, refuse, suspend and revoke "street furniture" licence Section 115E of the Highways Act 1980 and to determine terms and conditions for the grant of such licences.
- (vii) To grant/renew licence under the Lotteries and Amusements Act 1976 / House to House and Street Collections/ Street Trading Part 3 of Schedule 4 Local Government (Miscellaneous Provisions) Act 1982, if no objections are raised.

#### **If objections are raised then the application must go before the Licensing Sub-Committee.**

- (viii) Together with Public Protection officers so authorised by the Head of Service, to charge offences where appropriate for contraventions of Public Protection criminal offences;
- (ix) To enter into an agreement with another Local Authority or Enforcement Body to authorise that Local Authority/ Enforcement Body and its Officers, either, to discharge a function under Public Protection legislation in Newport; or to investigate and institute proceedings against offenders; or to assist with an investigation in Newport under the direct control of the Public Protection officers of Newport City Council; or to enter into an agreement with another Local Authority/ Enforcement Body to allow Public Protection officers of Newport City Council to investigate and for Newport City Council to institute proceedings against offenders for matters relating to that other Local



Authority/ Enforcement Body; or assist with an investigation in that other Local Authority or for that Enforcement Body:

- (x) To appoint the Council's Chief Inspector of Weights and Measures under Section 72(1) of the Weights and Measures Act 1985 and delegates to that the power under section 72(4) of the Act to designate suitably qualified and experienced officers as Deputy Chief Inspectors of Weights and Measures with powers to perform any of the powers and duties of the Chief Inspector in his or her absence or as directed by the Chief Inspector from time to time: and
- (xi) To appoint the Council's Proper Officer for the purposes of the Public Health (Control of Disease) Act 1984 and in respect of the Council Functions relating to notifiable diseases and food poisoning and for the purposes of the Health Protection (Part 2A Orders) (Wales) Regulations 2010;
- (xii) To appoint the Council's Medical Officer for Port Health for the purposes of the Public Health (Ships) Regulations 1979 (as amended), the Public Health (Aircraft) Regulations 1979 (as amended); the International Health Regulations 2005;
- (xiii) To appoint a public analyst as required by Section 27 of the Food Safety Act 1990;
- (xiv) To appoint an agricultural analyst as required by Section 67 of the Agriculture Act 1970;
- (xv) To issue Certificates and exercise powers pursuant to the Safety of Sports Grounds Act 1975, and Fire Safety and Safety of Places of Sport Act 1987 in relation to the use of sports grounds.
- (xvi) The "Public Protection" statutes, common law and statutory instruments to which these delegations apply, including any Regulations or Orders made there under, any amendments and additions thereto, and any licensing/registrations/authorisations/permits/approvals etc. in connection with that legislation, are those that cover:
- (xvii) Community safety, anti-social behaviour, nuisance, food safety and standards, nutrition, health promotion, public health, port health, control of disease and infection, health and safety at work, explosives, licensing and registration, water supply quality and pollution, air quality and pollution, energy, littering, fly posting, fly tipping, land pollution, noise and noise pollution, contaminated land, waste, drainage and sewage, environmental control protection & improvements, nuisance, housing safety and conditions, houses in multiple occupation, camping, caravans, mobile homes and illegal eviction, the condition of buildings and land, fire safety and means of escape, sports and events ground safety, road safety, Hackney Carriage and private hire vehicles, parking, highways and street obstruction, street trading, street and house to house collections, CCTV and security, entertainment, alcohol supply, gambling, consumer protection, consumer credit, age - restricted goods, trading standards, fair trading, advertisements, descriptions, omissions, classifications, counterfeiting, trademarks, product safety, agricultural produce, fertilisers and animal feed, marketing and quality standards, medicines and poisons, animal health and welfare, dog and pest control, imports and exports, weights and measures, trading practices, fraud, deception, forgery, aiding and abetting, conspiracy and the European Communities Act 1972.

**This includes any new legislation that has been passed by Parliament or the Welsh Government that is relevant to the above.**

- (xviii) Sex Shop / Sex Cinemas Local Government (Miscellaneous Provisions) Act 1982, section 2 and schedule 3)/ Lap dancing and other sexual entertainment venues Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (as amended by section 27 of the Policing and Crime Act 2009.
  - To grant, refuse or revoke a Sexual entertainment venue licence is a matter for the Licensing Sub Committee.

(xix) (2) Lap dancing and other sexual entertainment venues Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (as amended by section 27 of the Policing and Crime Act 2009

- To grant, renew, revoke or refuse Sexual entertainment venue licensee.

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

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

### 5.7.3 As to the Gambling Act

Matter to be dealt with	Full Council	Sub-Committee	Officers
Policy –consulting on proposed changes			x
Approving Policy	x		
Policy not to permit casinos	X		
Fee Setting - when appropriate			X (to be approved by Cabinet Member)
Application for premises licences		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Application for a variation to a licence		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn

<b>Matter to be dealt with</b>	<b>Full Council</b>	<b>Sub-Committee</b>	<b>Officers</b>
Application for a transfer of a licence		Where representations have been received from the Commission	Where no representations received from the Commission
Application for a provisional statement		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Review of a premises licence		X	
Application for club gaming /club machine permits		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Cancellation of club gaming/club machine permits		X	
Applications for other permits			X
Cancellation of licensed premises gaming machine permits			X
Consideration of temporary use notice			X
Decision to give a counter notice to a temporary use notice		X	

## **5.8 Marketing and Communications**

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

## **5.9 General Delegations**

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

## **6 Head of Finance**

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

### **6.1 As Section 151 Officer**

- (i) To determine methods for the proper administration of the council's financial affairs.
- (ii) To determine when it is necessary to report to the full Council (or to the Cabinet in relation to an executive function) and Council's external auditor if he or she considers that any proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss or deficiency or if the Council is about to enter an item of account unlawfully.

## **6.2 Financial Management**

- (i) To determine and maintain adequate and effective systems of internal audit for their accounting records and control systems
- (ii) To determine systems required to carry out the Council's obligations under the Accounts and Audit Regulations including the need to maintain an adequate system of internal audit.
- (iii) To determine and issue guidelines, as necessary, in respect of finance.
- (iv) To determine methods and take action to manage: the Council's funds and accounts; reserves and provisions; any trusts held and any pension fund affecting Council employees.
- (v) To determine arrangements for the billing, collection, recovery and writing off of Council Tax, Non Domestic Rates and other amounts or debts due to the Council.
- (vi) To determine when and how to borrow and repay debt on behalf of the Council.
- (vii) To determine when and how to invest monies on behalf of the Council.
- (viii) To determine interest rates charged for amounts borrowed and lent by the Council.
- (ix) To determine when to sign bond certificates on behalf of the Council.
- (x) To determine the parameters for the officer car loan scheme.
- (xi) To sign cheques and pay amounts due on behalf of the Council.
- (xii) To determine operational actions in relation to collection and debt recovery in connection with sundry debts and mortgages, including the writing off of debt.
- (xiii) To determine and make adequate and secure arrangements for the collection and banking of cash.
- (xiv) To determine circumstances in which to write off irrecoverable debts
- (xv) To determine the method of finance for individual projects in the Capital Programme.
- (xvi) To administer the Members' Allowance Scheme.
- (xvii) To administer the spending of the Church Funds
- (xviii) To determine the Tax base.
- (xix) To determine expenditure of any amounts from contingencies in consultation with the Chair of the Cabinet and the Head of Paid Service
- (xx) To review and determine changes in Contract Standing Orders and / or Financial Regulations for recommendation to the Council
- (xxi) To review and determine detailed procurement guidelines and processes
- (xxii) To determine and undertake anti-fraud measures, including data matching

## **6.3 Local Taxation**

- (i) To take all decisions required for local Non-Domestic Rating List and Council Tax Valuation List display and public inspection and to update and maintain the accuracy of the lists throughout the period that they are effective.
- (ii) To determine methods to compile and maintain records of persons liable for Non-Domestic Rates and Council Tax.
- (iii) To determine when and how to serve demand Notices on all persons liable to pay Non-Domestic Rates and Council Tax, detailing the payments required.
- (iv) To determine all appropriate actions under statute and regulations to collect and enforce the payment of Non-Domestic Rates and Council Tax.
- (v) To determine when to make application to the Magistrates Court for liability orders to be made against defaulters.
- (vi) To determine when to levy distress and take all other actions empowered by the liability order 16
- (vii) To determine applications for mandatory charitable relief.
- (viii) To determine effective measures to maintain the General Fund for Non-Domestic Rating pooling arrangements.
- (ix) To determine appeals against administrative matters and give evidence at Valuation Tribunals.
- (x) To determine method of bringing to the attention of the Valuation Office Agency all material facts that affect the accuracy of the rating and valuation lists.
- (xi) To determine circumstances in which to sign agreements for alteration of entries in the local non-domestic rating list.

- (xii) To determine methods to liaise with all agencies, including the Valuation Office Agency and the Magistrates Courts on matters associated with the administration, billing, collection and enforcement.

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

To determine any operational issues relating to the Following functions:

- Accountancy
- Strategic Procurement
- Income collection
- Internal Audit

#### **6.5 General**

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

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

#### **7.1 Human Resources**

To determine all operational issues relating to:

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

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

#### **7.2 Business Change**

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

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

To determine all operational issues relating to

- Partnerships and Planning
- Policy Development
- Performance

#### **7.4 IT Systems and support**

- (i) To determine standards of technology to be used by elected members and employees and to determine standards of communications systems appropriate to members, officers and schools and other Council functions, particularly in regard to advances in technology.

- (ii) To determine arrangements to ensure the confidentiality, integrity and availability of all data held in Council ICT systems.
- (iii) To determine standards of technology used to provide a comprehensive internal communications system.
- (iv) To determine standards and when to take advantage of technological changes relating to ICT and communication in all forms.
- (v) To determine requests for I.C.T. and Communications purchases
- (vi) To determine the appropriate level of operational support for IT systems
- (vii) To determine all operational issues relating to:
  - Electronic Document management systems
  - Information Development
  - Document Services

## **7.5 Customer Insight**

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

## **7.6 Spatial Data**

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

## **7.7 Wellbeing of Future Generations**

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

## **7.8 General**

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

# **8 Chief Education Officer**

## **8.1 As Chief Education Officer**

- (i) To determine operational issues relating to: Education Resources and Planning , including Early Years Integration; 21CS Capital Programme; Education Business; School Admissions & Appeals; Service Development; Outdoor Education Advisor
- (ii) To determine the pattern of operational services within the service area, ensuring that systems are in place to monitor the quality and effectiveness of services.
- (iii) To determine arrangements for governance, strategic direction and operational management in the service area

- (iv) To determine circumstances in which to make formal representations to a governing body, on behalf of the Authority, about the performance of a head teacher.
- (v) To determine appointments of persons recommended or accepted for appointment by governing bodies to fill teaching posts in schools unless the person so recommended does not meet any staff qualification requirements applicable to the post.
- (vi) To conclude upon determinations of governing bodies of schools relating to the potential dismissals and any subsequent appeals against such dismissals, which are within the Authority's powers to determine.
- (vii) To determine adjustments to designated areas of individual schools for admission purposes. Significant adjustments will be determined by the Cabinet Member.
- (viii) To determine Instruments of Government for School Governing Bodies.
- (ix) To determine any action to be taken by the Local Authority in response to a report following an inspection of any school, including the appointment of additional governors, and the removal of those additional governors
- (x) To take any necessary action to prevent or to address a breakdown in discipline at any school
- (xi) To determine the name of a school, taking account of any proposals by the governing body.
- (xii) To determine appointments to temporary governing bodies only (Permanent appointments are to be made using the agreed procedures).

#### **8.1.1 Improvement and Inclusion**

- (i) To determine a pattern of provision for education otherwise than at school.
- (ii) To determine any action to be taken in relation to the education of children looked after by the local authority.
- (iii) To determine any advice or guidelines to schools on all matters regarding attendance, special educational needs, exclusions and equal opportunity issues
- (iv) To exercise the powers and duties of the authority in relation to children's employment
- (v) To determine applications for free school meals
- (vi) To determine applications for other benefits available to eligible families, including free transport to schools outside of the Council's agreed policies.
- (vii) To determine Instruments of Government for School Governing Bodies.

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

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

#### **8.1.3 Attendance at School**

- (i) To exercise the powers and duties of the Authority in respect of children excluded from school and to determine suitable arrangements for the continuing education of pupils who are excluded or otherwise unable to attend school.

- (ii) To authorise any proceedings necessary to enforce any enactment relating to the non-attendance of pupils at school, or education other than at school.
- (iii) To determine the allocation of Education Welfare Officers to schools
- (iv) To undertake the powers and duties of the Authority under Section 36 of the Children Act 1989 regarding Education Supervision Orders and any subsequent statutory powers
- (v) To determine patterns for home to school transport with agreed policies.
- (vi) To determine appropriate transport arrangements in accordance with the Authority's policies

#### **8.1.4 Special Educational Needs**

- (i) To determine arrangements for children to be assessed in accordance with the requirements of the Education Acts, to secure the special educational provision which should be made for them and to maintain and review statements of special educational need in accordance with any regulations concerning these.
- (ii) To determine out of County placements for children with special needs
- (iii) To determine the pattern of specialist education for pupils with special educational needs.
- (iv) To determine special needs funding arrangements.
- (v) To determine appropriate arrangements for support parents under the Education Act Provisions.

#### **8.1.5 Curriculum and School Standards**

- (i) To exercise the responsibility of the Authority for securing school improvement, including the setting of targets.
- (ii) To determine the pattern of in-service training and such other support for school staff and governors as appropriate.
- (iii) In accordance with arrangements approved by the Secretary of State to determine complaints concerning alleged failures of schools to comply with the National Curriculum, including in conjunction with the Newport SACRE, the requirements for religious education and collective worship, and the arrangements for statutory assessment and moderation of the National Curriculum.
- (iv) To determine whether application is to be made to the Secretary of State to direct that a Local Authority maintained school be authorised to conduct curriculum experiments outside the National Curriculum
- (v) In the case of foundation schools to exercise any advisory rights relating to the appointment of head teachers, deputy head teachers or other teaching or ancillary staff conferred by agreement or legislation.
- (vi) To determine the appointment of Schools Clerks
- (vii) To exercise the powers and duties under the School Teacher (Appraisal) Regulations 1991 in respect of head teachers.
- (viii) To determine action to be taken arising from reports by the schools inspectorate, following discussion with appropriate governors and the head teacher.



- (ix) To determine processes for target setting in schools.
- (x) To determine methods to ensure the implementation of any ICT Project or other curriculum developments in schools.
- (xi) To determine the methodology to be used in relation to literacy, numeracy or similar initiatives.
- (xii) To exercise the powers of the Local Education Authority in respect of the Licensed Teacher Scheme.

## **8.2 As Head of Service**

To determine operational issues relating to:

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

## **8.3 General**

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

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

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

- (i) To undertake assessments of the need for care and support, determine eligibility and make arrangements for meeting those assessed needs of adults and carers in accordance with the Council's statutory duties under the Social Services and Well-Being (Wales) Act 2014
- (ii) To exercise the Council's functions under Part 4 of the Social Services and Well-Being (Wales) Act 2014 to maintain and review care and support plans to meet the assessed needs of adults and carers.
- (iii) To exercise the Council's functions under Section 15 of the Social Services and Well-Being (Wales) Act 2014 in providing or arranging preventative services, to include delaying the need for care and support, minimizing the effect on disabled persons of their disabilities and preventing people from suffering from abuse and neglect.
- (iv) To be responsible for discharging the Council's safeguarding role in relation to adults at risk in accordance with part 7 of the Social Services and Well-Being (Wales) Act 2014.
- (v) To authorise and approve the maintenance costs for any person admitted to any residential accommodation.
- (vi) To authorise the following facilities for any registered disabled person, within the approved budget and within approved policies;
- (vii) attendance at a day activity providing appropriate development opportunities

- (viii) the provision of special facilities
- (ix) minor alterations and adaptations to premises including the installation of appropriate equipment, the works to be supervised by the appropriate professional staff
- (x) To contribute, where appropriate, and within local and / or national guidance, to the cost of adaptations to premises where the person is not eligible for a grant.
- (xi) To make arrangements for the burial or cremation of deceased residents of residential or nursing homes and to act in the administration of their estates in the absence of family or other individuals able to do so.
- (xii) To authorise the making of the necessary amendment orders providing for exemption for disabled car badge holders in accordance with the Disabled Persons (Badges for Motor Vehicles) Regulations 1982.
- (xiii) To administer badges for disabled persons as drivers or passengers.
- (xiv) To issue and recall badges in accordance with the Disabled Persons (Badges for Motor Vehicles) Regulations 1982.
- (xv) To discharge the duties towards disabled people under the Social Services and Well-being (Wales) Act 2014 and any other relevant legislation.
- (xvi) Within the arrangements for the hearing of representations and complaints in accordance with Part 10 of the Social Services and Well-Being (Wales) Act 2014 to respond to recommendations of complaint review panels including application of financial redress, as considered appropriate within the framework of the Council's policy on remedies to complaints, Financial Regulations and where necessary in consultation with the Monitoring Officer.
- (xvii) To be responsible for the exercise of the Council's functions under the Mental Health Act 1983 in relation to the welfare of mentally disordered people and under the Mental Capacity Act 2005 in relation to people lacking mental capacity.

## **9.2 As Head of Service**

To determine all operational issues relating to the following:

- Safeguarding services including the protection of vulnerable adults
- Quality Assurance, including performance; planning and development; quality assurance; substance misuse; commissioning and contracts;
- Occupational Therapy Services
- CRT and Frailty Services
- Mental Health Services to adults and older people, including assertive outreach
- Adult Disability learning
- End to end services including adult assessment and the review team
- Provider services including residential; homecare; supported living and supporting people

## **9.3 General**

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

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

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

- (i) To maintain the Child Protection Register.
- (ii) To undertake assessments of the need for care and support, determine eligibility and make arrangements for meeting those assessed needs of children in accordance with the Council's statutory duties under the Social Services and Well-Being (Wales) Act 2014
- (iii) To safeguard and promote the well-being of looked after children in accordance with Section 78 of the Social Services and Well-Being (Wales) Act 2014
- (iv) To exercise the Council's functions under Part 6 of the Social Services and Well-Being (Wales) Act 2014 to secure sufficient accommodation and maintenance for looked after children and to maintain and review care and support plans.
- (v) To exercise the functions of the Council under Sections 120 and 121 of the Social Services and Well-Being (Wales) Act 2014 in relation to children accommodated by health and education authorities or in residential care homes or mental nursing homes.
- (vi) To inspect arrangements for the care of children accommodated in independent schools in accordance with Section 87 of the Children Act 1989.
- (vii) To exercise the powers of the Council under Section 7 of the Children Act 1989 to report to the Court on the welfare of children in private proceedings.
- (viii) To exercise any functions of the Council relating to Orders with respect to children in family proceedings under Part II of the Children Act 1989.
- (ix) To exercise the powers of the Council under Section 16 of the Children Act 1989 to provide advice, assistance and befriending under the terms of a Family Assistance Order.
- (x) To exercise the functions of the Council under Section 17 of the Children Act 1989 to safeguard and promote the welfare of children in need including financial assistance within current budgetary limits.
- (xi) To determine provision for the day-care of pre-school children and provision for out-of-school and holiday care and activities as appropriate in accordance with the duties and powers of the Council under Section 18 of the Children Act 1989.
- (xii) To determine arrangements for the financial and other support of young people formerly looked after by the Council and by others under Section 24 of the Children Act 1989 within current budgetary limits.
- (xiii) To determine the assessment scale in respect of financial contribution by a parent or young person to any service provided by the Council under Part III of the Children Act 1989 and part 6 of the Social Services and Well-Being (Wales) Act 2014. .
- (xiv) To vary or waive the charges for any service provided by the Council under Part III of the Children Act 1989 and part 6 of the Social Services and Well-Being (Wales) Act 2014.
- (xv) To exercise the functions of the Council in relation to the duty to make investigations as necessary to decide whether action should be taken to safeguard or promote the welfare of children in accordance with Section 47 of the Children Act 1989.

- (xvi) To take such action as is necessary under Section 31 of the Children Act 1989 to bring a child or young person before a Court where there are grounds for bringing care proceedings.
- (xvii) To present an application to a Court for the variation or discharge of any care order or supervision order in accordance with Section 39 of the Children Act 1989.
- (xviii) To exercise responsibilities in respect of Section 36(8) of the Children Act 1989, relating to Education Supervision Orders.
- (xix) To present an application to a Court for a Child Assessment Order, an Emergency Protection Order or a Recovery Order under Part V of the Children Act 1989.
- (xx) To determine appropriate accommodation for children in need in pursuance of the Council's duty under Sections 20 to 23 of the Children Act 1989, including the provision of placements outside the City as necessary.
- (xxi) To exercise the functions of the Council to undertake parental responsibility for children who are the subject of Care Orders and to make arrangements for reasonable contact with birth parents and others in accordance with Sections 33 and 34 of the Children Act 1989.
- (xxii) To give consent to medical or surgical treatment for children who are subject of Care Orders or who are accommodated by the local authority.
- (xxiii) To allow children the subject of a care order to reside at home in accordance with Section 22C of the Children Act 1989
- (xxiv) To make contributions towards the maintenance of children placed with a person as a result of a Child Arrangements Order in accordance with paragraph 15 of Schedule 1 of the Children Act 1989.
- (xxv) To determine payment of the legal expenses of applicants for a Child Arrangements Order or other Section 8 Orders under the Children Act 1989 in respect of children in care to the extent that the Legal Services Commission funding is not available .
- (xxvi) To change the names of children who are the subject of a care order in favour of the Council, subject to the requirements of Section 33 of the Children Act 1989.
- (xxvii) To give consent to the marriage of a young person in care pursuant to Section 3 of the Marriage Act 1949 as amended by the Family Law Reform Act 1969.
- (xxviii) To approve and sign applications for passports for children and young persons in the care of the Council.
- (xxix) To consent to children and young persons in the care of the Council travelling abroad.
- (xxx) To determine the applications of children and young persons in the care of the Council who wish to join HM Forces.
- (xxxi) To exercise the powers of the Council under Section 125 of the Social Services and Well-Being (Wales) Act 2014 in relation to the death of children looked after by local authorities.
- (xxxii) To exercise the functions of the Council under Part VI of the Children Act 1989 in relation to the provision of accommodation for children in community homes.
- (xxxiii) To arrange loans to foster parents to provide accommodation for sibling groups by extending their present homes or to purchase larger homes, the amount of the outstanding loan to be

reduced by way of a special allowance for as long as they care for foster children, subject to consultation with the Head of Finance.

- (xxxiv) To vary foster care allowances, in line with budgets approved by the Council , and following consultation with the Head of Finance
- (xxxv) To sanction payment of the cost of the initial clothing and equipment required by children looked after by the Council who are placed in boarding schools and other establishments within current budgetary limits.
- (xxxvi) To approve applications to go on school expeditions, including expeditions abroad, of children looked after by the Council including expenditure on equipment and pocket money within current budgetary limits.
- (xxxvii) To make payments to promote contact between parents, families and friends with children looked after by the Council in accordance with Section 96 of the Social Services and Well-Being (Wales) Act 2014. .
- (xxxviii) To assess the contributions to be paid towards board and lodging by working children, provided that the amount remaining for weekly personal allowance and clothing allowance should not be less than the amount currently approved under the payment of foster care allowances.
- (xxxix) To maintain a Panel of Guardians ad Litem in accordance with the Guardians ad Litem and Reporting Officers (Panels) Regulations 1991.
- (xl) To exercise the functions of the Council undertake Part VII of the Children Act 1989 in relation to the provision of accommodation by voluntary organisations.
- (xli) To exercise the powers conferred on the Council under Part IX of the Children Act 1989 in respect of arrangements for the care of privately fostered children.
- (xlii) To make decisions to exempt persons from the usual fostering limit in accordance with paragraph 4 of Schedule 7 of the Children Act 1989.
- (xliii) To grant applications for and impose conditions of registration of child minding the day-care for young children under Part XA of the Children Act 1989.
- (xliv) To exercise the Council's adoption functions under the Adoption Act 1976 and the Adoption and Children Act 2002

## **10.2 As Head of Service**

To determine operational issues in relation to:

- Safeguarding Services including child protection and quality assurance, domestic abuse, child protection, and acting as the Local Authority Designated Officer
- Youth Offending Services
- Integrated Family Support Services including substance misuse, family support and crisis support;
- Mentoring, assessment and planning services
- Resources including residential, fostering and placement matching and support services
- Services to disabled children; and
- Services to looked after children and young people

## **10.3 General**

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

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

### **11.1 As Head of Service**

To determine all operational matters in relation to the following

- Development Services , including building control; Development management; and planning policy;
- Regeneration;
- Housing and Community Regeneration, including community development; Community Regeneration; private sector housing; and preventative services;
- Community Learning and Libraries including Adult Education; flying start; libraries and youth and community services; and
- Museum and Heritage Services, including the Museum and Art gallery; the Newport Ship and the Transporter Bridge

### **11.2 Development Management**

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

(In the absence of an appointed Head of Service, the following authority passes to the Development Services Manager)

- (i) To determine all applications made under planning legislation\*, including granting applications which are a departure from the Development Plan in force at the time of decision, except:
  - Applications for outline or full planning permission where the development is defined as 'major' development in Article 2 of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 (as amended or modified by subsequent legislation) and where the site does not already benefit from an extant consent (outline or detailed) for a similar type and scale of development;
  - Applications where an Elected Member has requested that an application be determined by the Planning Committee, giving planning reasons for that request, in accordance with the Protocol for Delegated Powers;
  - Any matter to be determined where a judgement is made by the Leader of the Council in consultation with the Chair and Deputy Chair of the Planning Committee, on advice from appropriate officers that the matter is one that should be considered by Council
  - Any matter which has been delegated to any Cabinet Member or to a Head of Service or any matter which is the responsibility of the Cabinet or Council
  - Any application made by any Elected Member of the Council; or made by any Officer employed within the Regeneration and Regulatory Services Area and who works in close association with the Development Services Section for example as a regular consultee, other than where that application is submitted solely in that Officer's professional capacity as a Council employee and where the Officer has no personal or non-pecuniary interest in the outcome of the application; or
    - in respect of which an Elected Member of the Council has been consulted as a neighbour; or
    - in respect of which the Head of Regeneration and Regulatory Services has responsibility for any aspect of the management of any land or buildings to which the application relates; or

- in any other circumstance where the Head of Regeneration and Regulatory Services considers it appropriate for the matter to be determined by Planning Committee

Such matters shall be determined by Planning Committee (where that matter falls within its Terms of Reference).

\* This includes applications for planning permission, Reserved Matters, advertisement consent, Listed Building consent, Conservation Area consent, Hazardous Substances consent, the discharge of planning conditions, works to trees protected by Tree Preservation Orders, notifications of works to trees located within Conservation Areas, applications for Lawful Development Certificates, Hedgerow Removal, and any determinations (including granting consent) in relation to permitted development rights under the General Permitted Development Order (including telecommunications, demolition and agricultural determinations).

- (ii) To negotiate and determine the Heads of Terms for Section 106 planning contributions and/or contributions under the Community Infrastructure Levy, including deferred payments, time-limited discounts and setting the level of the monitoring fee;
- (iii) To agree any variations to Section 106 agreements or contributions under the Community Infrastructure Levy in liaison with the Ward Members, or, where that agreement was made by the Planning Committee, in liaison with the Ward Members and the Chair and Deputy Chair of Planning Committee;
- (iv) To defend the Council's decisions on planning matters at appeal and making all decisions relating to the conduct of appeals, including agreeing Statements of Common Ground, planning contributions and any other obligations pursuant to Section 106 agreements or the Community Infrastructure Levy, wording draft conditions, instructing expert witnesses, and seeking awards of costs when appropriate. In the case of appeals against non-determination, determining the Council's case to be presented at appeal unless the application falls within category (a)i or (a)ii above;
- (v) To make and confirm (where unopposed) footpath diversions/stopping up orders pursuant to the Town and Country Planning Act 1990.
- (vi) To make and confirm (where unopposed) Tree Preservation Orders pursuant to the Town and Country Planning Act 1990.
- (vii) To provide informal pre-application advice
- (viii) To authorise the removal of telephone call boxes.

### **11.3 Enforcement matters**

- (i) To investigate and resolve complaints of unauthorised development (enforcement complaints) including issuing Planning Contravention Notices and Requisitions for Information, instigating prosecution proceedings, action under the Proceeds of Crime Act, taking direct action, removing and/or obliterating advertisements and placards, and/or resolving to take no further action where formal enforcement action is not considered expedient.
- (ii) To issue formal enforcement notices or similar under the Planning Acts or associated legislation\*\* unless:
  - a) The unauthorised development in question is defined as 'major' development in Article 2 of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 (as amended or modified by subsequent legislation); or

- b) Where a Ward Member has requested that the matter be determined by the Planning Committee, giving planning reasons for that request, in accordance with the Protocol for Delegated Powers;

\*\* This includes issuing Enforcement Notices, Listed Building Enforcement Notices, Stop Notices, Breach of Condition Notices, Unsightly Land Notices (under Section 215 of the Planning Act), Hedgerow Replacement Notices and Tree Replacement Notices;

- (iii) To investigate and determine complaints relating to high hedges including issuing Remedial Notices under the Anti-Social Behaviour Act, except where a Ward Member calls the item to Planning Committee giving relevant reasons for that request; and taking direct action to implement the requirements of a Notice issued under the High Hedges regulations and/or instruct the Head of Law and Standards (or other appropriate officer) to instigate prosecution proceedings for failure to comply with such a Notice;
- (iv) To serve graffiti removal notices and to issue penalty notices for graffiti and fly posting under the Anti-Social Behaviour Regulations.
- (v) To authorise officers to undertake covert surveillance in accordance with the Regulation of Investigatory Powers Act 2000

#### **11.4 Planning Policy**

- (i) To agree minor changes to the Development Plan during the Plan-making process, and to make decisions in consultation with the Cabinet Member for Regeneration regarding any other changes;
- (ii) To prepare and agree the evidence base for the Development Plan, including appointing consultants where necessary.

#### **11.5 Building Control**

- (i) The exercise of all powers and duties under the Building Act 1984 and Regulations made there under and related functions:
- (ii) To support national initiatives introduced by the Local Authority Building Control Services, Local Authority National Type Approval Consortium, Building Control Wales or similar.
- (iii) To carry out any incidental functions or supplementary services including SAP energy performance certificates, and Code for Sustainable Homes and BREEAM assessments and certification, including setting fees for those services.
- (iv) To exercise powers under the Local Government (Miscellaneous Provisions) Act 1982 Section 29 regarding the securing of buildings to prevent unauthorised entry.
- (v) To issue Licences pursuant to the Highways Act 1980 in relation to scaffolding or other structures on the highway and to exercise related powers.
- (vi) To serve Requisitions for Information.

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

- (i) To decline to determine planning applications.
- (ii) To Finally Dispose of applications under Article 29(15) of the Town & Country Planning (Development Management Procedure) (Wales) Order 2012 (or equivalent provision amending this provision).



- (iii) To add, delete or amend conditions or reasons for refusal and/or reasons for taking enforcement action in relation to decisions made under delegated powers or, in liaison with the Chair of Planning Committee#, in relation to Committee decisions.
- (iv) To agree minor amendments or non-material amendments that involve no significant increase in the scale of development proposed pursuant to the appropriate application.
- (v) To determine responses in relation to:
  - Consultations by utility companies in relation to power lines, pipelines and other utilities infrastructure;
  - Fringe area consultations from other local authorities (where the development concerned does not fall within category 1a(ii) above);
  - Applications submitted to the Infrastructure Planning Commission (or any equivalent successor body).
- (vi) To make any determination under the Environmental Assessment Regulations (including a decision regarding whether an Environmental Statement is required and the scope of such an assessment).
- (vii) To undertake appropriate assessments and to make determinations under the Habitats Regulations.
- (viii) To compile and maintain all Registers required by the Planning Acts and any orders or regulations made there under.
- (ix) To make any determinations (including decisions of an administrative nature) regarding the processing of any applications received (including decisions relating to the validity, adequacy of information provided and fees payable), and correcting errors on Decision Notices.
- (x) Proper Officer function for signing Decision Notices or Certificates issued as a result of the exercise by the Council of any functions pursuant to the Planning Acts or Regulations or Orders made thereunder or to the Building Regulations or Orders made thereunder.
- (xi) Power to authorise officers to sign and issue Decision Notices, Licences and other formal documents as referred to above.
- (xii) Power to authorise officers for the purposes of the powers of entry onto land granted by the Planning Acts, Building Act, the Environment Act, the Anti Social Behaviour Regulations and any regulations made there under;

(For the avoidance of any doubt where any judgment has to be made, for example, concerning whether any development is minor or is in accordance with the Development Plan policies, such decision shall be made by the Head of Regeneration, Investment and Housing).

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

## **11.7 Grant Applications**

- (i) To determine grant applications for building and related improvement in industrial and commercial improvement areas under Sections 5 and 6 of the Inner Urban Areas Act or similar or subsequent legislation and to administer relevant grants under the Strategic development Scheme or subsequent schemes to a value of £20,000
- (ii) To determine business grants to a value of £20,000

- (iii) To determine whether to make bids for European Funding and to determine methods of processing schemes, subject to determination of whether to accept grant aid in line with Council policies

### **11.8 Strategic Housing**

- (i) To determine any operational matters relating to the Council's strategic Housing function
- (ii) To determine the allocation of funds available for Renovation and Repairs Grants
- (iii) To determine when to carry out work in connection with improvement grants on behalf of owners at their expense, and with their agreement, in accordance with the Local Government and Housing Act 1989
- (iv) To determine circumstances in which divulge information relating to tenants as follows: (Subject to the requirements of the Data Protection Act)
- Tenancy references to building societies providing the authority of the tenant is given.
  - Tenancy references in confidence to other local authorities irrespective of authority given by tenant.
  - Forwarding addresses only to statutory bodies, e.g. utility companies, Post Office, British Gas etc.
  - forwarding addresses only to other agencies on receipt of a search fee

### **11.9 Regeneration**

- (i) To determine any operational issues relating to:
- Regeneration of the City Centre
  - Regeneration of the wider City Region
  - Housing and Community Regeneration, including community development; Community Regeneration; private sector housing; and preventative services;

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

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

This includes determination of

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

- Designs and sitings of play areas within new developments

### **11.11 Museum and Heritage Services**

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

- Museum and Art Gallery; including use of any reserve funds
- Newport Ship and
- Transporter Bridge

### **11.12 Minor Property Transactions**

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

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

### **11.13 General**

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

## **12 Head of City Services**

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

- (i) To take all operational decisions in relation to:
  - I. Environmental Services including
    - Waste disposal
    - Recycling and Sustainability
    - Green Services
    - Cremation Services
    - Refuse
    - Civil Contingencies
  - II. Street Scene Services and Area Services, including:
    - Street works
    - Traffic and transport
    - Highways
    - Drainage
    - Road safety
    - Grounds maintenance

- Street cleansing services
- III. Integrated Transport Services
- IV. Theatre and Arts Centre, Riverfront
- V. Sports and Leisure Trust including:
  - Business support
  - Catering services
  - Leisure operations and business development
  - Parks and outdoor recreation
  - Active community programmes.

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

- (i) To enter into Section 38, 278 and 111 Agreements in connection with development affecting public highways.
- (ii) To determine Transport Grant submissions to the National Assembly.
- (iii) To determine traffic calming priority lists.
- (iv) To approve the adoption of highways maintainable at public expense.
- (v) To determine the siting of School Crossing Patrols.
- (vi) To determine issues relating to the operation of the Transporter Bridge.
- (vii) To determine street naming and numbering of properties.
- (viii) To determine any issues relating to bus shelters
- (ix) To determine day to day operational issues relating to home to school transport.

## **12.3 Engineering and Construction**

- (i) To adopt roads and sewers where agreements exist under Sections 38 and 278 of the Highways Act 1980 and Section 18 of the Public Health Act 1936.
- (ii) To adopt roads and sewers under Section 228 of the Highways Act 1980 and Section 17 of the Public Health Act 1936 where no Adoption Agreements exist.
- (iii) To deal with applications under Section 152 of the Highways Act 1989 for consent to fix or place any overhead beams, rail, pipe, cable, wire or other similar apparatus over, along or across a highway.
- (iv) To serve Notices under Section 134 of the Highways Act 1959 requiring the lopping of vegetation over highways and certain other roads and paths.
- (v) Execute repairs to unadopted roads and rear access lanes in accordance with the provisions of Section 47 of the Public Health Act 1961 to prevent or remove danger to persons or vehicles with an annual cost limit of £10,000. Schemes of above £10,000 shall be determined by the Cabinet Member.
- (vi) Approve terms for connections to Council sewers and the granting of any necessary easements on terms to be agreed by the Head of Law & Regulation.
- (vii) To make emergency and temporary prohibition Orders and Notices under Section 14 of the Road Traffic Regulation Act 1984, as amended.
- (viii) To give instructions to issue notices under Section 184 of the Highways Act 1980 (which notify owners of premises that the Council intends to construct vehicle cross - over's and to recover the cost from the owners)
- (ix) To issue certificates for payment in respect of highway construction or other engineering works.

## **12.4 Statutory Appointments**

To determine the statutory appointment of a person (to be known as the "Traffic Manager") to perform such tasks as the authority consider will assist them to perform their network management duty.

## **12.5 Traffic Orders**

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

## **12.6 Integrated Transport Services**

To determine all operational matters relating to integrated transport services

## **12.7 Statutory duty to the Council to secure the 'expeditious movement of traffic'**

- (i) To exercise the powers and duties of the Council in relation to Street Works conferred by Part III New Roads and Street Works Act 1991.
- (ii) To authorise officers so that they may issue Fixed Penalty Notices under section 95 of the New Roads and Street Works Act as amended by section 41 of the Traffic Management Act 2004.

## **12.8 Gating of Certain Types of Highways**

To determine in consultation with the Head of Law and Regulation the making of any Orders for the gating of any highways, including alleys.

## **12.9 Reservoirs Act 1985**

- (i) To appoint a Supervision Engineering and an Inspection Engineer from the Welsh Office Panel to supervise, inspect and report appropriately as required by the Reservoirs Act 1985.
- (ii) To be responsible for carrying out the Council's duties under the Reservoirs Act 1985.

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

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

## **12.11 Waste Management and Recycling**

To determine all operational matters relating to Waste management and Recycling. All policy matters are to be determined by the Cabinet Member, cabinet or Council as appropriate.

## **12.12 Litter Control Notices**

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

## **12.13 City Centre Management**

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

## **12.14 Countryside and Footpaths**

- (i) To make orders for diversion and extinguishment of public rights of way under the Highways Act 1980.
- (ii) To service notices and take appropriate action under the enforcement provisions of the Highways Act 1980 where public rights of way are affected.
- (iii) To make orders concerning public rights of way under the Wildlife and Countryside Act 1981.
- (iv) To act within the Council's powers and duties under the Countryside and Rights of Way Act 2000.

#### **12.15 Cremation Services**

To determine all operational matters relating to the Gwent Crematorium. All policy matters are to be determined by the Gwent Cremation Joint Committee, Cabinet Member, Cabinet or Council as appropriate.

#### **12.16 Floral Displays**

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

#### **12.17 Riverfront Theatre and Arts Centre**

To determine all operational matters relating to the Theatre and Arts Centre. All policy matters are to be determined by the Cabinet Member, Cabinet or Council as appropriate.

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

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

#### **12.19 Customer Services and Benefits**

- (i) To determine operational issues in relation to the Council's Face to Face Centre and Contact Centre.
- (ii) To determine all operational issues relating to Housing and Council Tax Benefits

#### **12.20 General**

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