

## **SCHEME OF DELEGATION FOR OFFICERS**

### **1. Definition**

- 1.1 In this scheme, 'Chief Officer' means the Chief Executive, Corporate Director and Head of Service.
- 1.2 'Departmental Delegated Scheme' means that scheme which is held and managed by the Chief Officer and sets out the sub-delegations (where appropriate) made by that Chief Officer to those Officers who form part of his or her service (whether employed on a permanent or temporary basis; under a shared service or collaborative arrangement with another body or in the public interest such as authorizing police officers to issue fixed penalty notices or under contractual or commissioned arrangements delivered by a third party) or where there is indirect responsibility for the delivery of some of that service, in the event the officer receiving the sub-delegation does not sit within that particular Chief Officer's service.
- 1.3 Any reference to an Act in this scheme includes reference to any amendment thereto, or re-enactment thereof, of any order or secondary legislation made under it.
- 1.4 Function or power means all relevant functions, powers and duties of the Council, whether under any specific legislation identified in the scheme or not expressly referred to in it, but by implication, given the nature of the function itself as the case may be.
- 1.5 Any reference to a Chief Officer or officers being delegated to carry out or perform any functions in this scheme shall be deemed to include a reference to performing any other functions, even if not specifically referred to, which are necessary or incidental to, or required to facilitate or be conducive to the performance of the function in question.
- 1.6 Subject to any specific restriction in writing, a function or power which may be discharged by a Chief Officer or Officer, may also be discharged by any person formally acting up into that post or interim post holders.
- 1.7 Subject to any specific restriction in writing, a function or power which may also be discharged by any person who is deputizing (whether on a full, part time or an absence basis) for that post.
- 1.8 Any interpretation of this Scheme of Delegation shall be in accordance with the Council's wish that the powers granted to officers under the scheme shall not be construed restrictively.

### **2. General Provisions**

- 2.1 Under this scheme, each Chief Officer is authorised to act on behalf of the Council in relation to any matter within the service areas for which they are responsible. Any exercise of delegated powers shall comply with, and be subject to :-
  - 2.1.1 Any statutory provisions
  - 2.1.2 The Councils overall policy and budget framework

- 2.1.3 Protocol on Member/Officer Relations, the Officers Code of Conduct and where appropriate in liaison with local members.
  - 2.1.4 The Constitution and relevant Rule of Procedure
  - 2.1.5 Financial Regulations
  - 2.1.6 Contract Procedure Rules
  - 2.1.7 The duty of achieving Best Value and Continuous Improvement
  - 2.1.8 Agreed arrangements for recording the decisions.
  - 2.1.9 The taking of and compliance with any legal or other professional advice.
  - 2.1.10 Have regard to sustainability generally and the well-being of current and future generations.
  - 2.1.11 Having regard to the Council's obligations under the Welsh Language Standards and its Welsh Language Policy.
- 2.2 Where the exercise of delegated powers is likely to affect more than one service, the Chief Officer must consult with any other Chief Officer whose service may be so affected.
- 2.3 Without prejudice to his/her delegated powers or to that of the relevant Committee, and in appropriate circumstances only, each Chief Officer should, when exercising his/her powers : -
- 2.3.1 keep the Cabinet fully informed, in particular members of the Cabinet who are the Portfolio Holders for the service area in question and also have due regard to any comments made in the relevant scrutiny committee regarding the matter in question.
  - 2.3.2 ensure, where appropriate, that he/she consults with/or informs the local member(s) in advance;
  - 2.3.3 ensure that he/she consults with/or informs, where appropriate, the Chief Executive. Before exercising a delegated power, each Chief Officer must consider whether the decision is one that should be referred to the appropriate Committee for input or referred to the Cabinet, or appropriate Committee or sub-Committee.
- 2.4 In deciding whether to refer a matter to the Cabinet, Committee or sub-Committee the Chief Officer shall have regard to the following considerations:-
- 2.4.1 day to day decisions on technical or professional issues will normally be taken without reference to Members.
  - 2.4.2 the views of the local member, Portfolio Holder and Chief Executive must be taken into account, where appropriate.

2.4.3 if a decision is likely to have a significant impact on the Councils' profile, is likely to attract unfavourable comment in the news media, or may have substantial financial implications there will be a presumption in favour of referring it to members.

2.5 Functions are not delegated where:

2.5.1 they are reserved by law or by this Constitution to the Council

2.5.2 they may not by law be delegated to an Officer

2.5.3 they are reserved to a Cabinet Member or Members.

2.6 The powers listed in this Scheme shall be construed in conjunction with any powers delegated by any Committee.

2.7 The Chief Executive and Directors are authorised, in the absence of or inability to act of the Chief Officers reporting to them, to exercise all powers delegated from time to time to those Chief Officers except where specifically prevented from so acting by limitation of statute, professional qualification or where other arrangements have been made in the relevant delegation.

2.8 The Chief Executive and Directors are authorised to take or authorise in consultation with the relevant Committee or Sub-Committee Chair or Vice-Chair, or in their absence the Chair or Vice-Chair of the Cabinet, any action on any matter within the Terms of Reference of the relevant Committee or Sub-Committee which they consider to be of such urgency that it cannot await a meeting of that Committee or Sub-Committee provided that such action shall be reported for information to the next available meeting of the relevant Committee or Sub-Committee.

2.9 The Chief Executive and Directors are authorised to take or authorise in consultation with the Chair and Vice-Chair of the Cabinet, any action on any matter within the Terms of Reference of the Cabinet which they consider to be of such urgency that it cannot await a meeting of the Cabinet provided that such action shall be reported for information to the next available meeting of the Cabinet.

2.10 The relevant Director and each Head of Service is responsible for ensuring compliance with the Data Protection Act 1998, Freedom of Information Act 2000, Environmental Information Regulations 2004, Human Rights Act 1998, the Health and Safety at Work etc. Act 1974 and the Safeguarding of Vulnerable Groups Act 2006 (as amended by the Protection of Freedoms Act 2012) in so far as his/her service is concerned, including compliance with any decision of the Councils' Freedom of Information Exemptions Panel.

### **3. General Delegations**

3.1 Each Chief Officer (having consulted with the relevant Portfolio Holder where appropriate) is authorised to take any action necessary to protect or promote the Councils interests, subject to the restrictions in 2 above.

- 3.2 Without prejudice to the generality of the provisions in 2 above, this includes exercising his/her professional judgment to take such decisions as are necessary to implement the Councils policies and to promote the management and delivery of the services which are his/her responsibility.
- 3.3 Any powers granted to a Chief Officer may be discharged either in his/her absence by such Officers as may be authorised by him/her in accordance with any general or specific instructions given. In the absence of the Chief Officer, any Officer appointed by him/her to deputise on his/her behalf may also authorise the exercise of delegated powers, subject to any statutory provision preventing any deputy from acting. For the avoidance of doubt such authorizations may not be granted to persons who are not Officers of the Council unless there is an arrangement facilitating joint working with the relevant person's employing authority. Such authorisations under this paragraph shall include authorization to issue and sign statutory notices in the name of the relevant chief officer or other person with delegated functions.

It shall be the responsibility of the Chief Officer to maintain an up to date list of Departmental Delegations where this is appropriate. Where a Chief Officer holds such a Departmental Scheme of Delegation, this shall be provided to the Monitoring Officer on an annual basis and changes notified within 25 days to enable the Monitoring Officer to keep the central register updated.

- 3.4 Authority to serve requisitions for information under the Local Government (Miscellaneous Provisions) Act 1976 or other enabling legislation.
- 3.5 Each Chief Officer is authorised to manage assets, vehicles and equipment belonging to the Service for which he/she has responsibility.
- 3.6 Each Chief Officer is authorised to act on financial matters, in accordance with the Financial Regulations and Contract Procedure Rules.
- 3.7 In consultation with Head of Legal, HR and Democratic Services. Where appropriate, each Chief Officer is authorised to act in relation to staffing matters in accordance with any relevant HR Policies and to appoint staff below Chief Officer level.
- 3.8 Each Chief Officer is entitled to submit planning applications in pursuance of approved schemes (but not the determination of the application)
- 3.9 To approve fees and charges, (and subject to any limit on such charge or fee set by statute) including any subsidies and concessions, in accordance with the policy adopted by Cabinet on the setting of Fees and Charges. Decisions on these matters are subject to the agreement of the Head of Finance and Assets, and subject to the provisions of the Local Government Act 2003 in respect of lawful charging and trading provisions. (this does not include fees and charges that are set by the Planning and Licensing Committees or Housing Rents which are set by reference to Housing Rents Setting Policy or subsequent amendment)
- 3.10 All Chief Officers may approve the submission of bids for grant funding and to accept any grant offered, subject to any funding requirement from the Council being contained within existing budgets. Where such a funding requirement cannot be

afforded from existing budgets, the consent of the Head of Finance and Assets must be obtained before a bid is made or a grant is accepted. Where appropriate, the advice of the Head of Legal, HR and Democratic Services should be sought on the terms and conditions of acceptance or submission of a grant.

- 3.11 In accordance with any policy adopted by the Cabinet on grants, to determine grants to other bodies or individuals (including determining parameters or criteria for decisions by Officers on such grants.
- 3.12 Subject to any specific restriction in writing, a function or power which may be discharged by a Chief Officer, may also be discharged by any person who holds a post which is a successor post to that of the original Chief Officer following any reorganisation, restructure or similar process including any changes made to the job titles of Chief Officer posts.
- 3.13 Any reference in this Scheme to any legislation or to any Council procedure or rule shall be deemed to include a reference to any successor legislation, procedure or rule as may be introduced or enacted by way of substitution, revision or amendment. This provision shall be interpreted as in addition to the provisions of paragraph 1.6
- 3.14 All Chief Officers exercise their delegated authority within their own area. However, due to the urgency of the circumstances, where the matter cannot wait and it is not practicable for a Corporate Director to exercise their authority under 2.7, another Chief Officer may carry out the delegation where there are not specific restrictions on them doing so.
- 3.15 If the Council acquires a new function it may be necessary for this to be reported to the Cabinet so that a decision can be taken on any new delegations to officers. However, in the absence of such a decision, the Chief Officer with responsibility for the relevant services shall be deemed to have full delegated authority to discharge the function on the Council's behalf in accordance with these General Provisions and Functions unless it is a function reserved to the Cabinet or a Committee of the Council.
- 3.16 In the event of a local government reorganisation, where an officer of any transferor authority was, before reorganisation day, specifically authorised to enter into a contract, prepare and execute a document (subject to contract procedural rules) or take any other action; if that contract is not entered into, document not executed, or as the case may be, action not taken before reorganisation day, the officer of the Council holding the corresponding office shall, on and after reorganisation day, be deemed to have the authority previously granted to the former officer.

#### **4. To The Chief Executive (Head of Paid Service)**

- 4.1 Any decision, whether it is normally the responsibility of the Cabinet, Cabinet committee or individual Cabinet Member, where the decision has to be taken immediately in response to a major civil emergency as defined in the Major Emergency Management Plan.

- 4.2 Authorising Officers to undertake particular roles on behalf of the Council, where such authorisation is an executive function and has been delegated to the Head of Paid Service.
- 4.3 To represent the views of the Council in responding to consultations with the Council by any outside body.
- 4.4 As Returning Officer, to apply the annually agreed uplift in respect of election fees for local government purposes in consultation with colleagues in other authorities in North Wales.
- 4.5 Carrying out the following functions imposed on the Council by emergency planning regulations:-
- Civil Defence (General Local Authority Functions) Regulations 1993 - preparation, exercise and implementation of plans for civil defence purposes, including complying with directions from the designated Minister
  - Public Information for Radiation Emergencies Regulations 1992 - supplying information to the public in the event of a radiation emergency involving transport of radioactive substances
  - Pipelines Safety Regulations 1996 - preparation of and charges for a plan in respect of a major accident hazard pipeline
  - Control of Major Accident Hazards Regulations 1999 - preparation, testing and charges for off-site emergency plan for major accident hazards
- Radiation (Emergency Preparedness and Public Information) Regulations 2001 - preparation of, testing and charges for off-site emergency plan and supplying information to the public in the event of radiation emergencies involving premises.
- 4.6 To act on a day to day basis, as appropriate, as the Head of Paid Service and in the following areas:-
- Strategic Development and Leadership
  - Management of the Council as a whole
  - Performance Management of the Council as a whole
  - Service Modernisation and Continuous Improvement
  - Major Projects
  - Communication with the Media
  - Medium and Major Corporate Risks
  - External Relationships
  - Civil Contingency

- 4.7 To act as an Authorised Officer for the purposes of the Regulation of Investigatory Powers Act 2000, in particular in respect of the acquisition of confidential private information within the meaning of this Act.
- 4.8 In consultation with the Leader of the Council, to give instructions for the flying of the relevant flag or flags on Council Offices on significant occasions either high in celebration or half mast as appropriate.
- 4.9 In the absence or inability of the Chief Executive to act he/she will designate a Corporate Director to exercise the above delegations and other functional responsibilities as he/she deems appropriate.

**5. To the Head of Facilities, Assets and Housing.**

- 5.1 To have responsibility for the operation, maintenance and strategy in respect of all Council facilities, assets, housing, leisure and library buildings and public conveniences, catering, civic arrangements relating to facility management and council allotments.
- 5.2 To act as the proper officer representing the Corporate Landlord and in the absence or inability of the Head of Facilities, Assets and Housing, such powers shall be delegated to the Deputy Officer (Lead Officer – Corporate Property and Housing Stock).
- 5.3 To institute and conduct civil proceedings for the recovery of monies (whether from tenanted premises or otherwise) owed to the Council in consultation with the Head of Legal, HR and Democratic Services.
- 5.4 To negotiate and settle rentals and other terms for short term licences, easements and wayleaves, including those required by statute upon terms agreed by statutory formula or otherwise, subject to appropriate consultation with Local Members.
- 5.5 To make home loss payments under the provisions of the Land Compensation Act 1973 (amount calculated by statutory formula related to rateable value)
- 5.6 To make disturbance payments under the provisions of the Land Compensation Act 1973.
- 5.7 In consultation with the Corporate Director: Economy and Public Realm, to negotiate the acquisition and/or disposal of land for all purposes, in conjunction with the Councils Asset Management Group and/or the Strategic Investment Group and subject to the results thereof being reported to all Members for information, where appropriate.
- 5.8 To value all property assets of the Council
- 5.9 To value properties for mortgage or grant and for other approved purposes, including the property assets of elderly persons entering the care of Social Services, where their assets are taken into consideration.

- 5.10 To recommend and negotiate rents and rent reviews and appropriate terms for all managed property, including any agricultural estate land and buildings, but not any property falling within the purview of the Housing department.
- 5.11 To negotiate and agree lease agreements, including rent reviews leased by and to the Council, subject to reports to any Asset Management Group and to Members, where appropriate.
- 5.12 To take action upon reports concerning mortgage defaulters.
- 5.13 To manage all allotment sites including the allocation of and the taking of action against tenants of untidy allotments.
- 5.14 To exercise the following powers in respect of property matters in consultation with and on terms and conditions agreed by the Head of Legal, HR and Democratic Services: -
- 5.14.1 Disposals of freehold interest in land up to the market value is up to £30k, to include disposals at an undervalue.
- 5.14.2 Disposals of freehold interest in land, including disposals at an undervalue (taking into account any local policy adopted), where the market value is between £30,001 and £1,000,000 (one million) in consultation with the S.151 Officer, the Monitoring Officer and the Lead Member.
- 5.14.3 To undertake all other disposals, following a decision by the Cabinet or the Lead Member in accordance with their delegated functions.
- 5.14.4 Granting leases at market value, or under market value (taking into account any local policy adopted), up to a rental commitment of £1,000,000 for the term; including renewal of leases not longer than the original lease. This delegation includes (but not limited to) all matters to do with agricultural estate leases and tenancies, and all other tenancies, wayleaves, easements, licences, change of user or assignments. This delegation includes powers to terminate tenancies and licences, and to sign tenancy agreements and licences, except:
- a) granting tenancies for agricultural estate. Officers to conduct interviews and make recommendations to the Lead Member.
  - b) Notices to quit for tenants of agricultural estate, such decision to be taken by the Lead Member on advice from Officers.
- 5.14.5 Acquisitions of land by freehold or leasehold, up to a market value or rental commitment for the term of the lease up to £30,000 if funding is available.
- 5.14.6 Acquisitions of land by freehold or leasehold, up to a market value or rental commitment for the term of the lease from £30,001 and £1,000,000; if funding is available and in consultation with the Lead Member, S.151 Officer and the Monitoring Officer.
- 5.14.7 Purchase of land/easements for highway and drainage schemes and the making of stopping up orders, subject to a) the cost of the acquisitions being



available within the capital funding scheme or b) in cases where the acquisition is in order to facilitate the disposal of land and property under 6.31.1, the cost being covered by the capital receipts being generated.

- 5.14.8 The renewal of any lease or tenancy, subject to budget provision being available to continue to pay charges under the lease or tenancy.
- 5.14.9 To undertake all other acquisitions and taking of leases or tenancies, following a decision by Cabinet or the Lead Member in accordance with their delegated functions.
- 5.14.10 Miscellaneous powers in respect of property:
- The Service of Statutory Notices
  - Appropriation of property between services.
  - Lodging and settlement of rating appeals, including representation in the Valuation Tribunal
  - Other property management and emergency matters including granting consent for tenants improvements, reallocation and apportionment of milk quota and settlement of end of tenancy and dilapidation claims.
- 5.15 Authorising Officers to appear on the Authority's behalf to conduct proceedings in the Magistrates Court under s.223 Local Government Act 1972.
- 5.16 To act in accordance with any powers set out in the Council's Contract Procedure Rules.
- 5.17 Power to vary charges or to agree promotional packages or to introduce minor new charges to cover the cost of all departmental activities and facilities in compliance with s.19 Local Government (Miscellaneous Provisions) Act 1976 in relation to certain leisure functions.
- 5.18 Authority to accept or reject gifts, bequests or loans to the Council's Museum Service within the terms of the Policy
- 5.19 To comply with the Activity Centres (Young Persons Safety) Act 1995 and any regulations made thereunder, including holding any licence required by virtue of these provisions, or designating an appropriate Officer for such purposes.
- 5.20 To keep under review (and ensure relevant staff awareness) any safeguarding practices and procedures including registration (if required) with any Safeguarding Authorities and reporting matters on safeguarding to the Statutory Lead Director for Children and Young People and/or the Statutory Director of Social Services, where appropriate.
- 5.21 To have overall responsibility pursuant to the Health and Safety At Work etc. Act 1974 including carrying out any risk assessments and taking steps to minimise such risks to health and safety, or designating an appropriate Officer for such purposes in accordance with the Management of Health and Safety at Work Regulations 1999.

- 5.22 To ensure the provision of statutory youth services jointly with the Head of Education and Children's Services.
- 5.23 To ensure the provision of facilities and organized leisure time occupation connected with any training and education pursuant to the Council's duties as set out in the Learning and Skills Act 2000 in consultation with the Head of School Improvement and Inclusion.
- 5.24 To authorise in writing all officers of the Housing Services department who may from time to time be employed to discharge the specific duties and functions delegated to the Head of Facilities, Assets and Housing, subject to such officers being suitably qualified for the discharge of those duties and functions.

To undertake inspections, investigations, interviews, sampling, prohibitions, seizures, detentions, recording, service of notices, (including suspension notices), notifications, waivers, transfers, authorisations, licensing, registrations and legal proceedings as are within the purview of the Housing department under the legislation applicable thereto set out below, together with any regulations made thereunder, and any amendments or additions thereto and to exercise all other relevant powers, including powers of entry provided under such legislation set out below in a non exhaustive list:

#### Legislation

Accommodation Agencies Act 1953  
Administration of Justice Act 1970  
Anti Social Behaviour Act 2003  
Children and Young Persons Act 1933  
County Courts Act 1984  
Crime and Disorder Act 1998  
Health Act 2006  
Homelessness Act 2002  
Housing Act 1985 (as amended by the Local Government and Housing Act 1989)  
Housing Act 1996 (including amendments made under the Anti Social Behaviour Act 2003)  
Housing Act 2004  
Housing (Wales) Act 2014  
Housing Grants, Construction and Regeneration Act 1996  
Local Government Act 1972  
National Assistance Act 1948  
National Assistance (Amendment) Act 1951  
Noise Act 1996  
Noise and Statutory Nuisance Act 1993  
Protection from Eviction Act 1977  
Social Services and Well Being (Wales) Act 2014

- 5.25 To issue Certificates of Approval of Works carried out for works of improvement, repair, conversion and adaptations under Part I of the Housing Grants, Construction and Regeneration Act 1996, including payments by instalments.
- 5.26 To deal with all matters arising from applications for grants under Part 1 of the Housing Grants, Construction and Regeneration Act 1996 including approval and rejection of applications, subject to consultation with the Head of Finance in respect of financial aspects, and to any financial allocation available for this purpose in any one year not being exceeded.
- 5.27 To deal with all aspects of approval and payments for unforeseen work above currently agreed limits in respect of House Renovation Grants.
- 5.28 To administer the housing needs register (waiting list, transfer list etc.)
- 5.29 To let Council dwellings and to nominate to other social landlords including temporary non-secure lets, waiting list applicants, transfers, exchanges, key workers, tied tenancies and mobility schemes.
- 5.30 Not used.
- 5.31 To make determinations in respect of applicants considered unsuitable to be a tenant.
- 5.32 To sign and serve all relevant notices under the Housing Act, 1985 (and any other relevant Housing Acts) pertaining to:-
- The setting and collection of rents and charges
  - Varying terms and conditions of tenancies
  - All matters under the 'Right to Buy' Provisions (not otherwise specifically delegated)
  - Consultation with tenants
  - Right to Repair
  - Compensation for tenants' improvements
- 5.33 To sign and serve all relevant Notices to Quit, Notices Seeking Possession and, in consultation with the Head of Legal, HR and Democratic Services, authorise legal proceedings for Possession, Costs and Warrants of Execution and to secure the eviction of Secure, Demoted and Introductory tenants (if relevant).
- 5.34 To carry out or arrange for the carrying out of repairs and maintenance of all Council owned properties.
- 5.35 To carry out or arrange for the carrying out of repairs, improvements and adaptations in accordance with the Housing Capital programme or revenue estimates.
- 5.36 To authorise legal proceedings for nuisance in consultation with the Head of Legal, HR and Democratic Services and the Local Member(s)
- 5.37 To authorise Housing Officers to exercise the right of audience in the County Court under Section 60(2) of the County Courts Act 1984.

- 5.38 To exercise functions under the Anti-Social Behaviour Act 2003 or the Anti Social Behaviour Crime and Policing Act 2015 on behalf of the Council in its capacity as landlord, to deal with instances of anti-social behaviour.
- 5.39 To review decisions to seek an order for possession of dwelling houses let under introductory and demoted tenancies, in accordance with the Introductory Tenants (Review) Regulations 1997 and the Demoted Tenancies (Review of Decisions) (Wales) Regulations 2005.
- 5.40 In consultation with Local Members and the Lead Member to approve, where there are no objections, future disposal schemes in accordance with the Council's policy for the fencing in of open plan gardens on Council housing estates.
- 5.41 To act as the Authorised Officer under the Housing Act 2004.
- 5.42 To provide a Certificate of Housing Authority under the Schedule 15 Part iv of the Rent Act 1977
- 5.43 To issue a Certificate of Housing Authority under Schedule 4 Rent (Agriculture) Act.

## **6. To the Head of Finance**

- 6.1 To undertake all duties assigned to him or her by Financial Regulations which relate to the provision of his/her service\*
- 6.2 To act as Chief Finance Officer under s.151 of the Local Government Act 1972 and any other statutory functions assigned to the s.151 Officer.
- 6.3 To be the Proper Officer for the purpose of s.114 Local Government and Finance Act 1988 and the power to appoint a deputy to act in their absence.
- 6.4 To be the proper Officer for the purposes of s.115 and 146 Local Government Act 1972.
- 6.5 The right to sign a certificate that contracts comply with the Local Government (Contracts) Act 1997 and that a lease or contract does not constitute credit arrangements. \*
- 6.6 Subject to a policy for such writing off having been established, to write to determine whether repayment of a grant may be waived, subject to the agreement of the Lead Member for Finance, where the amount of the repayment waived in an individual case exceeds 10k.
- 6.7 Nominate authorised officers under the Social Security Administration Act 1992 or subsequent amendment.
- 6.8 Nominate authorised officers under the Social Security Administration (Fraud) Act 1997.
- 6.9 Authorising Officers to appear on the Authority's behalf to conduct proceedings in the Magistrates Court under s.223 Local Government Act 1972.

- 6.10 Organising the Council's banking arrangements.
- 6.11 Authorising leasing arrangements.
- 6.12 Authorising the use of electronic financial systems to transfer money.
- 6.13 To institute and conduct civil proceedings for the recovery of monies owed to the Council in consultation with the Head of Legal, HR and Democratic Services.
- 6.14 To act as the Councils' Money Laundering Officer for the purposes of the Money Laundering Regulations 2003.
- 6.15 To act on a day to day basis in the following areas: -
- Accountancy (including Revenue budgeting and final accounts and Capital budgeting and final accounts)
  - Risk Management and Insurance
  - Creditor Payments
  - The Pension Scheme including the teacher's pension scheme
  - Treasury Management (including investments and borrowing for revenue and capital purposes and investment for funds for which the Council is custodian)
  - Payroll (including car allowances, expenses, employee benefits, income tax, national insurance and all other deductions)
  - Car Leasing/Purchase Scheme
  - Tax matters including the Councils income tax and VAT.
  - Council Mortgage Interest rate calculations
  - Revenues and Benefits
- 6.16 Determining the instalment dates for Council Tax and NNDR payments for financial years beginning in and after 2004.
- 6.17 To secure the safe custody of policies and to make claims under the Council's insurances.
- 6.18 To act as an Authorising Officer under the Regulation of Investigatory Powers Act 2000.
- 6.19 To authorise the write off of bad debts up to the amounts noted in the Financial Procedure Rules.
- 6.20 Authorising and managing petty cash payments.
- 6.21 Authorising the use of electronic financial systems to transfer money.

- 6.22 To act as the Proper Officer in respect of the Proceeds of Crime Act 2002 and any regulations made thereunder.
- 6.23 To secure the safe custody of policies and to make claims under the Council's insurances.
- 6.24 To authorise investment decisions following recommendations from Strategic Investment Group and their terms of reference.

\*may be exercised by the deputy s.151 Officer in the absence of the s.151 Officer.

#### **7. To the Head of Legal, HR and Democratic Services**

- 7.1 To act as the Monitoring Officer under the Local Government and Housing Act 1989.
- 7.2 To authenticate Documents for Legal Proceedings.\*
- 7.3 To institute and conduct all civil, criminal and administrative proceedings, (including settlement of claims out of Court) and tribunal hearings of a quasi-judicial nature (other than matters specifically delegated to another Officer).\*
- 7.4 To secure the safe custody of policies and to make claims under the Council's insurances in conjunction with the S.151 Officer\*
- 7.5 To maintain records, including Minutes and Conveyances, Leases, Mortgages and other securities.\*
- 7.6 To authorise the settlement of all claims for compensation whether from tenants, Council employees or other members of the public where such claims are the result of damage caused by Council or allied services and are not covered by insurance.\*
- 7.7 To affix the seal and execute documents on behalf of the Council. \*
- 7.8 To serve all Notices under the Town and Country Planning Acts not otherwise specifically delegated.\*
- 7.9 To issue warrants to the High Sheriff to deliver possession of properties included in confirmed Compulsory Purchase Orders, where the Council have served notice of entry but where the occupiers have refused to grant possession to the Council.\*
- 7.10 To take all appropriate legal action to secure the eviction of 'squatters' from Council property that is to say any persons occupying such property without the Council's authority and in contravention of its policies governing the letting of the same, in consultation with the Head of Housing and the Head of Adult Services.\*
- 7.11 To enter into Agreements with developers for the adoption of amenity areas on private housing estates.\*
- 7.12 To apply to the Court for a Prohibition Order under the provisions of the Food Safety Act, 1990, in consultation with the Head of Planning, Regeneration and Regulatory Services.\*

7.13 To issue and serve the following Notices under the provisions of the Housing Act, 1985, namely:-\*

Notices requiring tenants to complete transactions (Sections 140 and 141).

7.14 To undertake and conclude all the necessary legal formalities in connection with the disposal of Council dwellings and to recover possession of Council dwellings in appropriate cases, pursuant to the provisions of the Housing Act, 1985.\*

7.15 To serve all appropriate notices in connection with the Rents to Mortgage Scheme under the provisions of the Leasehold Reform, Housing and Urban Development Act, 1993. \*

7.16 To exercise the powers of direction available to the Council under Section 77 of the Criminal Justice and Public Order Act, 1994, and also to make complaints to the Magistrates' Court on behalf of the Authority under Section 78 of the Act. \*

7.17 To vary the fees payable under Part VA of the Local Government Act 1972 (Access to Information) \*

7.18 To sign contracts for the acquisition and disposal of interests in land in accordance with the Council's policy. \*

7.19 To sign and serve requisitions for information under Section 16 of The Local Government (Miscellaneous Provisions) Act, 1976. \*

7.20 To negotiate, conclude and execute on behalf of the Council any document or agreement required to give effect to any decision taken by the Council, Cabinet, other Committee, Sub-Committee or Officer whether or not specifically so authorised by such decision. \*

7.21 To exercise the Council's functions relating to the approval of premises under the Marriage Act 1994 and Marriages (Approved Premises) Regulations 1995 and the registration of civil partnerships under the Civil Partnerships Act 2004 in consultation with the Local Member)

7.22 To amend the Councils Constitution document to accord with decisions of the Council, Cabinet or Committees.

7.23 To authorise a Council Officer to appear on behalf of the Council in proceedings under section 60 of the County Courts Act 1984 and in the Magistrates Court under s.223 of the Local Government Act 1972.

7.24 To act as the Proper Officer for the purposes of s100B Local Government Act 1972 i.e. to exclude access by the public to reports in respect of which, in his/her opinion, the meeting is not likely to be open to the public.

7.25 In consultation with the members of the Access to Information Panel and the Deputy Monitoring Officer (together forming the FOI Exemptions Panel) to decide whether information may be withheld under exemptions contained in the Freedom of

Information Act 2000, the Data Protection Act 1998 or the Environmental Information Regulations 2004 on behalf of the Council.

7.26 To act as an Authorising Officer, in particular with regard to the surveillance of Council Staff and act as the Councils' Senior Responsible Officer under the Regulation of Investigatory Powers Act 2000; including reporting annually to the Council's Corporate Governance Committee on its RIPA activities.

7.27 To act as the Authority's 'qualified person' under s. 36 of the Freedom of Information Act 2000.

7.28 To act in accordance with any powers set out in the Council's Contract Procedure Rules and generally, as the senior leadership officer for procurement; and in accordance with any obligations set out therein.

7.29 To act on a day to day and be responsible for the strategic and operational delivery of the following areas:-

- Legal Services
- Human Resources
- Elections/Electoral Registration
- Member Support and Services
- Committee and Democratic Services (jointly with the Head of Democratic Services)
- Translation
- Collaborative Procurement Service

\* in the absence or inability of the Head of Legal, HR and Democratic Services to act, the Deputy Monitoring Officer/Legal Services Manager or in their absence a **Team Leader for the Places or People Team, the Legal and Procurement Operations Manager and Deputy S.151 Officer/Chief Accountant** are authorised to exercise these functions.

7.30 To prepare and maintain a list of those posts which are considered to be politically restricted under the provisions of the Local Government and Housing Act 1989.

7.31 To review and update the Council's Constitution from time to time, to include any incidental changes emanating from amended, substituted or new legislation, any restructure of the organisation and where appropriate to reflect the provisions of paragraph 3.15 of this Scheme.

7.32 To ensure the Council's decision making processes are robust.

## **8. To the Head of Planning and Public Protection**

The following delegations relate to public protection and regulatory functions:-

To have the power:-

8.1 To authorise in writing all officers of the Planning and Public Protection department and certain Housing Officers who may from time to time be employed to discharge the



specific duties and functions delegated to the Head of Planning and Public Protection, subject to such officers being suitably qualified for the discharge of those duties and functions.

- 8.2 To undertake inspections (including the inspection of a licence or operator records), authentications, investigations, interviews, sampling, testing (including the testing of vehicles), prohibitions and applications to court for prohibition orders, seizures (including the removal of plates upon expiry or revocation), detentions, recording, service of notices, (including suspension notices), notifications, waivers, transfers, authorisations, licensing, registrations and legal proceedings as are within the purview of the Planning and Public Protection department, including certain Housing Officers under the legislation applicable to it and set out below (as a non-exhaustive list), together with any regulations made thereunder, and any amendments or additions made to it, or any subsequent new or current functions which can properly be regarded as incidental to the functions of the Planning and Public Protection department and to exercise all other relevant powers or duties, including powers of entry provided under such legislation.

#### **Legislation**

Accommodation Agencies Act 1953  
Activity Centres (Young Persons Safety) Act 1995  
Administration of Justice Act 1970  
Agriculture (Miscellaneous Provisions) Act, 1968, 1972 and 1976  
Agriculture Act, 1970  
Agriculture Produce (Grading and Marking) Act, 1928  
Animal Boarding Establishments Act, 1963  
Animal Health Act 1998  
Animal Health Act 2002  
Animal Health Act, 1981  
Animal Health and Welfare Act, 1984  
Animal Welfare Act 2006  
Anti Social Behaviour Crime and Policing Act 2014  
Anti Social Behaviour Act 2003  
Anti-Terrorism, Crime and Security Act 2001  
Banking Act, 1987  
Breeding and Sale of Dogs (Welfare) Act 1999  
Breeding of Dogs Act, 1973 and 1991  
Building Act, 1984  
Burial Act 1857

Business Names Act, 1985  
Cancer Act, 1939  
Caravan Sites Act 1968  
Caravan Sites and Control of Development Act, 1960  
Celluloid and Cinematographic Film Act, 1922  
Children and Families Act 2014  
Children and Young Persons (Protection from Tobacco) Act, 1991  
Children and Young Persons Act 1933  
Christmas Day (Trading) Act 2004  
Cinemas Act, 1985  
Civic Amenities Act 1967  
Civil Contingencies Act 2004  
Clean Air Act, 1993  
Clean Neighbourhoods and Environment Act 2005  
Companies Act 2006  
Companies Act, 1985  
Consumer Credit Act, 1974  
Consumer Credit Act, 2006  
Consumer Protection Act, 1987  
Consumer Rights Act 2015  
Contaminated Land (Wales) Amendment Regulations 2012  
Contaminated Land (Wales) Regulations 2006  
Control of Horses (Wales) Act 2014  
Control of Pollution (Amendment) Act, 1989  
Control of Pollution Act, 1974  
Copyright, Designs and Patents Act, 1988  
Copyright, Etc and Trade Marks (Offences and Enforcement) Act, 2002  
Corporate Manslaughter and Corporate Homicide Act 2007  
County Courts Act 1984  
Court and Legal Services Act, 1990  
Crime and Disorder Act 1998  
Criminal Attempts Act, 1981  
Criminal Justice Act, 1988  
Criminal Justice and Public Order Act 1994

Criminal Procedures and Investigations Act 1996  
Crossbow Act, 1987  
Dangerous Dogs Act, 1991  
Dangerous Wild Animals Act 1976 (Modification) (No.2) Order 2007  
Dangerous Wild Animals Act, 1976  
Defective Premises Act 1972  
Development of Tourism Act, 1969  
Disability Discrimination Act 1995  
Dog (Fouling of Land) Act 1996  
Dogs (Amendment) Act 1928  
Dogs Act, 1906  
Energy Act, 1976  
Energy Conservation Act, 1981  
Enterprise Act 2002  
Environment Act, 1995  
Environmental and Safety Information Act, 1968  
Environmental Protection Act, 1990  
Estate Agents Act, 1979  
European Communities Act, 1972  
Explosives (Age of Purchase) Act, 1976  
Explosives Act, 1875 and 1923  
Factories Act, 1961  
Fair Trading Act, 1973  
Farm and Garden Chemical Act, 1967  
Financial Services and Markets Act 2000  
Fire Safety and Safety at Places of Sports Act 1987  
Firearms Act 1968  
Fireworks Act 2003  
Fireworks Act, 1951  
Food and Environmental Protection Act, 1985  
Food Hygiene Rating (Wales) Act 2013  
Food Safety Act, 1990  
Forgery and Counterfeiting Act, 1981  
Fraud Act 2006  
Gambling Act 2005

Guard Dogs Act, 1975  
Hallmarking Act 1973  
Health Act 2006  
Health and Safety at Work, etc. Act, 1974  
Healthy Eating in Schools (Wales) Measure 2009  
Hire Purchase Act, 1964  
Home Safety Act 1961  
Homelessness Act 2002  
House to House Collections Act 1939  
Housing Act 1985  
Housing Act 1985 (as amended by the Local Government and Housing Act 1989)  
Housing Act 1996  
Housing Act 1996 (including amendments made under the Anti Social Behaviour Act 2003)  
Housing Act 2004  
Housing Grants Construction and Regeneration Act 1996  
Housing (Wales) Act 2014  
Insurance Brokers (Registration) Act, 1977  
Insurance Companies Act, 1982  
Intellectual Property Act 2014  
Intoxicating Substances (Supply) Act, 1985  
Knives Act, 1997  
Landlord and Tenant Act 1985  
Litter Act 1983  
Law of Property (Miscellaneous Provisions) Act, 1989  
Legislative and Regulatory Reform Act 2006  
Licensing Act 2003  
Local Government (Miscellaneous Provisions) Act, 1976 and 1982 (as amended)  
Local Government (Wales) Act 1994  
Local Government Act 1972  
Local Government Act 2003  
Local Government and Housing Act 1989  
London Olympic and Paralympic Games Act 2006  
Magistrates Court Act, 1980  
Malicious Communications Act, 1988

Medicines Act, 1968  
Mines and Quarries (Tips) Act 1969  
Mines and Quarries Act, 1954  
Mobile Homes (Wales) Act 2013  
Mock Auctions Act, 1961  
Motor Cycles Noise Act, 1987  
Motor Vehicles (Safety Equipment for Children) Act, 1991  
National Assistance (Amendment) Act 1951  
National Assistance Act 1948  
National Assistance Act 1951  
Noise Act 1996  
Noise and Statutory Nuisance Act 1993  
Nurses Agencies Act, 1957  
Offices, Shops and Railway Premises Act, 1963  
Olympic Symbol etc (Protection) Act 1995  
Opticians Act, 1989  
Performing Animals (Regs) Act, 1925  
Pet Animals Act, 1951  
Petroleum (Consolidation) Act, 1928  
Petroleum (Consolidation) Regulations 2014  
Plant Health Act, 1967  
Poisons Act, 1972  
Police and Criminal Evidence Act 1984  
Police, Factories, Etc (Miscellaneous Provisions) Act 1916  
Pollution Prevention and Control Act 1999  
Prevention of Damage by Pests Act, 1949  
Prices Act, 1974 and 1975  
Proceeds of Crime Act 2002  
Property Misdescriptions Act, 1991  
Protection Against Cruel Tethering Act, 1988  
Protection from Eviction Act 1977  
Protection from Harassment Act 1997  
Protection of Animals (Amendment) Act, 1954  
Protection of Animals (Anaesthetics) Act, 1954  
Protection of Animals Act 2000

Protection of Animals Act, 1911 and 1934  
Psychoactive Substances Act 2016  
Public Health (Control of Diseases) Act, 1984  
Public Health Acts, 1875, 1936 and 1961  
Radioactive Substances Act 1993  
Rag Flock and Other Filling Materials Act, 1951  
Refuse Disposal (Amenity) Act 1978  
Registered Designs Act, 1949  
Regulation of Investigatory Powers Act 2000  
Regulatory Enforcement and Sanctions Act 2008  
Regulatory Reform (Fire Safety) Order 2005  
Riding Establishments Acts, 1964 and 1970  
Road Traffic (Consequential Provision) Act, 1988  
Road Traffic (Foreign Vehicles) Act, 1972  
Road Traffic Act, 1988 and 1991  
Road Traffic Offenders Act, 1988  
Safety of Sports Grounds Act 1975  
Scotch Whisky Act, 1988  
Scrap Metal Dealers Act 2013  
Scrap Metal Dealers Act, 1964  
Slaughter of Poultry Act, 1967  
Smoke-Free Premises etc. (Wales) Regulations 2007  
Social Services and Well Being Act (Wales) 2014  
Solicitors Act, 1974  
Sunbeds (Regulation) Act 2010 (Wales) Regulations 2011  
Sunbeds (Regulations) Act 2010  
Sunday Trading Act, 1994  
Telecommunications Act, 1984  
The European Communities Act 1972  
The Products of Animal Origin (Import and Export) Regulations 1996 (as amended)  
The Tobacco Advertising and Promotion Act 2002  
The TSE (Wales) Regulations 2002 (As amended)  
The Violent Crime Reduction Act 2006  
Theatres Act, 1968  
Theft Act, 1968 and 1978

- Timeshare Act, 1992
  - Town Police Clauses Act, 1847
  - Town Police Clauses Act, 1889
  - Trade Descriptions Act, 1968
  - Trade Marks Act, 1994
  - Trading Representation (Disabled Persons) Act, 1958 and 1982
  - Trading Schemes Act, 1996
  - Trading Stamps Act, 1964
  - Transport Act, 1982
  - Unsolicited Goods and Services Act, 1971 (as amended)
  - Vehicle (Crime) Act 2001
  - Vehicle (Excise) Act, 1971
  - Video Recordings Act, 1984
  - Water Act 2003
  - Water Act, 1989
  - Water Industry Act, 1991
  - Water Resources Act 1991
  - Water Resources Act 1991 (Amendment) (England and Wales) Regulations 2009
  - Weights and Measures Act, 1985
  - Weights and Measures etc. Act, 1976
  - Wildlife and Countryside Act, 1981
  - Young Persons (Employment) Acts, 1938 and 1964
  - Zoo Licensing Act, 1981
- 8.3. To arrange burials under Section 46 of the Public Health (Control of Disease) Act, 1984.
- 8.4 To discharge the duties imposed on the Council under the provisions of Section 149 of the Environmental Protection Act, 1990, and any amendments made thereon or any regulations made thereunder.
- 8.5 To ensure the appointment of a suitably qualified person who shall be designated The Chief Inspector of Weights and Measures for the Authority.
- 8.6 In consultation with the Head of Legal, HR and Democratic Services to authorise and commence legal proceedings in respect of those matters for which the Head of Service has operational responsibility including the decision to prosecute the obstruction of an authorised Officer exercising properly delegated powers under this scheme.
- 8.7 To nominate others to accompany officers in the course of their duty, as provided in the relevant legislation.

- 8.8 To provide a consumer advice and assistance service under the provisions of the Weights and Measures Act, 1985.
- 8.9 To authorise in writing Officers of the Planning and Public Protection department to issue Fixed Penalty Notices under Section 88 of the Environmental Protection Act, 1990, subject to those Officers being suitably trained to carry out the duties authorised.
- 8.10 To authorise in writing Officers of the Planning and Public Protection department to issue fixed penalty notices under Section 43 of the Anti Social Behaviour Act 2003 (graffiti) and Section 8 of the Noise Act 1996 (excessive noise), subject to such Officers being suitably trained and qualified to carry out the duties authorised.
- 8.11 To authorise in writing Officers of the Planning and Public Protection Services department to issue fixed penalty notices under Section 59 (offences under dog control order) and Section 73 (offences relating to audible intruder alarms) of the Clean Neighbourhoods and Environment Act 2005, subject to such Officers being suitably trained to carry out the duties authorised; or in the alternative and subject to any thresholds under the Contract Procedure Rules of the Council to enter into arrangements with third party suppliers to exercise such functions his or her behalf.
- 8.12 To undertake the gathering of evidence, issuing of Fixed Penalty Notices and allied action including legal proceedings in respect of offences relating to litter under the Environmental Protection Act 1990.
- 8.13 To issue Variations of Authorisations under Sections 10 and 11 of the Environmental Protection Act, 1990 and permits under Regulation 17 of the Pollution Prevention and Control Regulations 2000, which do not involve a substantial change in consultation with the Local Members.
- 8.14 To act as the Home Authority Officer for the Council.
- 8.15 To authorise designated Officers of the Planning and Public Protection department for the Purposes of Enforcement of the Intoxicating Substances (Supply) Act 1985 and the Psychoactive Substances Act 2016.
- 8.16 To maintain registers of Licences issued and to approve the grant or refusal of licences (and renewals if permitted under the legislation) under the following Acts, subject to any licence or decision that is reserved to the Licensing Committee as set out in Part 3 of the Constitution and within Council Policy:-
- Police, Factories etc. (Miscellaneous Provisions) Act, 1916
- and House to House Collections Act, 1939 (House to House and Street Collections)
- Charities Act 1992 (or such other legislation as may replace or supersede such Act)
- Local Government (Miscellaneous Provisions) Act 1982 (power to renew sex shop and cinema licence where no representations received and the power to deal with Street Trading Consent applications, in consultation with the Chair of Licensing Committee if no representations received).



- 8.17 To undertake inspections, investigations, interviews, service of notices, notifications, waivers, transfers, authorisations, licensing, registrations and legal proceedings as are within the purview of the Licensing Committee under the relevant legislation applicable thereto and to exercise all other relevant powers, including powers of entry provided under such legislation.
- 8.18 To approve the grant of licences under the Town Police Clauses Act, 1847 and 1889 and the Local Government (Miscellaneous Provisions) Act, 1976 Part II in respect of hackney carriages and private hire vehicles, operators and drivers in accordance with the Council's policies and to act as the Council's authorised officer for the purpose of Part II of the Act.
- 8.19 To refuse applications for Private Hire Vehicle Licences.
- 8.20 To enforce any provisions of the Licensing Act 2003.
- 8.21 To approve each advertisement to be displayed on Denbighshire Hackney Carriages.
- 8.22 To appoint Proper/Alternate Proper Officers for medical matters under all sections of the Public Health (Control of Diseases) Act 1984 and associated regulations.
- 8.23 To enforce the powers contained in the Products of Animal Origin (Third Country Imports) (Wales) Regulations 2009 and any other regulations made in relation to this function under the enabling legislation of the European Communities Act 1972
- 8.24 Power to appoint Officers as Inspectors under Section 19 (1) of the Health and Safety at Work, etc. Act, 1974.
- 8.25 Not used.
- 8.26 Powers in respect of registration and enforcement of motor salvage operators contained in The Vehicles (Crimes) Act 2001 (as remains in force) and the Scrap Metal Dealers Act 2013.
- 8.27 To enforce the powers contained in The Caravan Sites Act 1968
- 8.28 To license premises for acupuncture, tattooing, cosmetic piercing, electrolysis .and semi-permanent skin colouring
- 8.29 To authorise in writing Officers of the Planning and Public Protection department to issue Penalty Notices under the Smoke-Free Premises etc. (Wales) Regulations 2007, subject to those Officers being suitably trained to carry out the duties authorised.
- 8.30 To authorise the enforced sale of empty properties under the provisions of Part III of the Law of Property Act 1925 and Local Land Charges Act 1975.
- 8.31 Undertake inspections, investigations, interviews, recording, service of notices and legal proceedings as are applicable to the Licensing Act 2003, together with any regulations made thereunder, and any amendments or additions thereto and to exercise all other relevant powers, including powers of entry provided under such legislation, and to maintain registers of Licences issued thereunder.

- 8.32 The power to suspend and revoke licenses in respect of hackney carriages, private hire vehicles, private hire vehicle operators and hackney carriage/private hire vehicle drivers.
- 8.33 Approve all applications for the grant or transfer of a premises licence or club premises certificate where there are no relevant representations.
- 8.34 Approve all applications for a personal licence, variation of a designated premises supervisor or notices given in respect of an activity taking place under the authorisation of a temporary event notice where there is no police objection.
- 8.35 Determine whether a complaint is irrelevant, frivolous, vexatious, excluded or repetitive.
- 8.36 Determine all requests to be removed as a designated premises supervisor.
- 8.37 Determine whether a Hearing should take place pursuant to the Licensing Act 2003 if all parties are in agreement that no Hearing is necessary.
- 8.38 Request information from a party to clarify a point to be considered at a Hearing pursuant to the Licensing Act 2003 (Hearings) Regulations 2005.
- 8.39 To determine the following applications under the Gambling Act 2005 where no representations are received or where representations are withdrawn:
- Application for a premises licence
  - Application for a variation to a licence
  - Application for a provisional statement
  - Application for club gaming/club machine permits
- 8.40 To determine the following matters:
- Applications for permits other than club gaming/club machine permits
  - The cancellation of licensed premises gaming machine permits
  - Consideration of temporary use notice
- 8.41 To determine applications for a transfer of a licence where no representations are received from the Gambling Commission.
- 8.42 To give consent for the operation of loudspeakers under Schedule 2 of the Noise and Statutory Nuisance Act 1993.
- 8.43 To exercise the authority's functions under the Anti Social Behaviour Act 2014 (with the exception of the making of a Public Space Protection Order which shall be made by the relevant Lead Member).
- 8.44 To exercise the Authority's powers to deal with dangerous structures under the Building Act 1984.

8.45 To lodge objections in consultation with the Chair and Vice-Chair of the Licensing Committee and the Local Member regarding a Vehicle Operating License.

8.46 The following delegations relate to Planning or other Applications:-

- 8.46.1.1 All types of planning or other applications on which Officers are recommending approval where 3 or less individual written objections have been received from different neighbours/residential properties raising material planning objections.
- 8.46.1.2 All types of planning or other application on which Officers are recommending refusal.
- 8.46.1.3 All types of prior determinations, neighbouring authority notifications, the need for Environmental Impact Assessments (screening and scoping opinions) and other notifications.
- 8.46.1.4 Authority to enter into agreements or obligations which arise from planning applications decided under delegated powers and power to discharge or modify such agreements or obligations.
- 8.46.1.5 Compliance cases which have been investigated by a Planning Compliance Officer and require no further action.
- 8.46.1.6 Authority to issue a notice under Section 215 of the Town and Country Planning Act 1990.
- 8.46.1.7 Authority to take all enforcement action authorized under the Town and Country Planning Act 1990, the Planning Hazardous Substances Act 1990 and the Planning (Listed Buildings and Conservation Areas) Act 1990 and the Planning and Compensation Act 2004 including (but without prejudice to the generality of the foregoing) the issue, variation and withdrawal of enforcement notices and listed contravention notices, breach of condition notices, completion notices, hazardous substances contravention notices, building preservation notices, urgent works notices and the carrying out of works in default and the recovery of expenses in connection therewith.
- 8.46.1.8 Decide the type of planning appeal, subject to consultation with the Local Ward Member(s), and undertake to defend the Council's position in accordance with the Protocol for Member Involvement in Planning Appeals.
- 8.46.1.9 To submit observations on behalf of the Council on external consultations or draft documents
- 8.46.1.10 Minor amendments to the terms of a Section 106 legal agreement where the substance of the authorised terms has not significantly altered, submit to informal consultation with the Local Ward Member(s).
- 8.46.1.11 Minor amendments to the working of planning conditions/notes to applicants on applications approved at Planning Committee, including minor amendments to Committee authorized enforcement notices where

the substance of the suggested condition/note to applicant/notice has not significantly altered, subject to informal consultation with the Local Ward Member(s).

8.46.1.12 To submit observations on behalf of the Council on the following pre-application stages of major renewable energy infrastructure projects:

- Responding to the Infrastructure Planning Commission (IPC's) environmental impact assessment (EIA) scoping opinion consultation.
- Responding to the developer's consultation on the draft Statement of Community Consultation (SoCC).
- Responding to the IPC's consultation on the adequacy of the developer's pre-application consultation.

8.46.1.13 .To make and serve Tree Preservation Orders and deal with applications for works to trees having a Tree Preservation Order or works to Trees in Conservation Areas. To confirm unopposed Tree Preservation Orders.

8.46.2 To carry out the following functions:

Listed Buildings\*

- (i) To determine applications for internal works only to buildings listed as of Special Architectural or Historic Interest of Grade II.
- (ii) To pass to CADW, with observations on behalf of the Council, applications for alterations/extensions to buildings listed Grade II.
- (iii) To determine applications for demolition of unlisted buildings in Conservation Areas in consultation with CADW.
- (iv) To determine within the guidelines laid down by the Council, applications for grant aid in respect of buildings of special architectural or historic interest.\*\*

8.46.3 To determine deemed consent applications under the Planning (Hazardous Substances) Act, 1990 in consultation as necessary with the relevant Chief Officer with such Housing responsibilities.

8.46.4 To determine, following notification, whether the prior approval of the Council will be required for the demolition of buildings which are not already protected by listed building and conservation area legislation and in cases where it is determined that approval is required to approve the application unless objections to the proposal have been received.\*

8.46.5 To determine applications for Certificates of Lawfulness of Existing Use or Development and Certificates of Lawfulness of Proposed Use or Development under Sections 191 and 192 respectively of the Town and Country Planning Act, 1990, in consultation with the Head of Legal HR and Democratic Services.\*

- 8.46.6 To serve Breach of Condition Notices under Section 187A of the Town and Country Planning Act, 1990, subject to prior consultation with the Chair and Vice-Chair of the Planning Committee and the Local Member in line with the Member Officer Protocol. \*
- 8.46.7 To deal with and respond to Telecommunication Development Notifications, in consultation with the Chair and Local Member whether or not objections are received.\*
- 8.46.8 To pass or reject all plans deposited under Building Regulations for the time being in force, or s.16 Building Act 1984. \*\*\*
- 8.46.9 To arrange for the protection or demolition of dangerous structures, including the service of Notices under Section 77 and 78 of the Building Act, 1984. \*\*\*
- 8.46.10 To serve Notices, where appropriate under the relevant provisions of the Building Act 1984 and/or Section 16 of the Local Government (Miscellaneous) Provisions Act 1976 (including the service of notices in respect of demolitions under s.81 of the Building Act 1984) \*\*\*
- 8.46.11 Not used.
- 8.46.12 Not used.
- 8.46.13 To arrange and approve the numbering of houses and the naming of streets providing, where legislative provisions allow \*\*\*
- 8.46.14 To issue the standard completion certificates to certify that completed works are in accordance with Building Regulations.\*\*\*
- 8.46.15 To negotiate and establish appropriate Building Control and Pre-Planning Application Advice fees and charges in response to market forces\*\*\*
- 8.46.16 To take enforcement action in respect of non-compliance with the Building Regulations for the time being in force. \*\*\*
- 8.46.17 To determine applications under the Hedgerow Regulations 1997.\*
- 8.46.18 To authorise other Officers to have the powers of entry under Section 95 of the Building Act, 1984 and Sections 196A, 214B and 324 of the Town and Country Planning Act, 1990.
- 8.46.19 To authorise other Officers to have the powers of entry under Section 88 of the Planning (Listed Buildings and Conservation Areas) Act, 1990 and Section 36 of the Planning (Hazardous Substances) Act, 1990.
- 8.46.20 To determine whether proposed developments require Appropriate Assessments and the giving of opinions on tests of likely significance, under the European Habitat Directive 1992, the Conservation (Natural Habitats, & c.) Regulations 1994 and any associated legislation/regulations, following

consultation with the Chair of the Planning Committee and relevant Local Members. \*\*

- 8.46.21 To review annually the commuted sum payable for future maintenance of public open spaces in new housing developments and to set a new sum if it is deemed appropriate.
- 8.46.22 To vary or revoke Tree Preservation Orders subject to prior consultation with and the agreement of the Local Member(s).\*\*
- 8.46.23 To make all necessary arrangements to set up and convene meetings of the Design Panel and to expand the membership of the Panel as considered appropriate. \*\*
- 8.46.24 To update from time to time:
- (a) the Building Cost Multipliers and Contributions as shown in the Council's approved Local Planning Guidance Note on Developer Contributions to Schools in line with Government advice;\*\* and
  - (b) the list of schools with a current shortage of places based on the Denbighshire Schools Organisation Plan.\*\*
- 8.46.25 To exercise all the functions of the Council in respect of high hedges under the provisions of Part 8 of the Anti-Social Behaviour Act 2003 and any Regulations made thereunder, including authority to charge the maximum fee permissible under the relevant Regulations in connection with complaints made to the Council, or any concessionary rate in accordance with Council policies.\*\*

In the absence or inability to act of the Head of Planning and Public Protection, these delegations may be exercised in accordance with the service's departmental delegations as agreed by the Head of Planning and Public Protection or by:

- \* the Development Manager
- \*\* the Strategic Planning and Housing Policy Manager
- \*\*\* the Built Environment Manager

In the absence or inability to act of the Head of Planning and Public Protection and the other three officers referred to above that these delegations may be exercised by the Corporate Director – Economy and Public Realm.

- 8.47 To issue Certificates of Approval of Works carried out for works of improvement, repair, conversion and adaptations under Part I of the Housing Grants, Construction and Regeneration Act 1996, including payments by instalments
- 8.48 To deal with all matters arising from applications for grants under Part 1 of the Housing Grants, Construction and Regeneration Act 1996 including approval and rejection of applications, subject to consultation with the Head of Finance and Assets

in respect of financial aspects, and to any financial allocation available for this purpose in any one year not being exceeded.

- 8.49 To deal with all aspects of approval and payments for unforeseen work above currently agreed limits in respect of House Renovation Grants.

To carry out the following functions in respect of car parks and highways:

- 8.50 To have responsibility for the management of the enforcement function for parking contraventions, both on-street and off-street and any other contraventions covered by the road traffic and traffic management legislation, including responsibility for setting parking charges and penalty charge levels.
- 8.51 To waive or amend car parking charges for special promotions.
- 8.52 To take all necessary action to provide additional temporary car parks as required, in consultation with the Local Member(s).
- 8.53 In consultation with the Local Member(s) to undertake all necessary action following consideration of objections to Off Street Parking Places Orders.
- 8.54 To act on a day to day basis and within the Scheme in the following areas relating to highways:-
- Agreements, deposits, licences, consents and enforcements under the Highways Act 1980 and all other relevant highways legislation.
  - Recovery of charges for licences for highway works
  - Service of all appropriate notices in respect of highway matters
  - Delegated functions under the Trunk Road Agency Agreement in accordance with the North East Wales Trunk Road Agency Partnership Agreement
  - Under Part VII A of the Highways Act 1980 and any adopted highway within the County, after consultation with the relevant Cabinet and Local Members.
  - Authority to determine the programme of revenue works (other than those included in the Council's capital programme and pre-programme schedules) for each financial year and to execute those works.
  - Authority to comment on behalf of the Council on proposals or draft Orders initiated by other public authorities for the extinguishment or diversion of highways or public footpaths.
  - To authorise the letting of contracts for works associated with highways, transportation and drainage, general engineering, land remediation, land reclamation, and building and construction, in accordance with Financial Regulations and the Contract Procedure Rules.
  - In consultation with the Head of Legal, HR and Democratic Services to sign and serve notices, give consents and take any other action, including authorising prosecutions for offences, as may be appropriate under any statute, including specifically the Highways Act, 1980, or any other legislation relating to

the Highway or other functions, duties and powers within the purview of the Highway Services department, and additionally, in consultation with the Head of Environment in so far as Local Rights of Way (as defined by Section 60(5) of the Countryside and Rights of Way Act 2000) are concerned.

- To undertake such functions as are within the purview of the Highway Services department and as are required of the Council under the Joint Trunk Road Agency Agreement with the National Assembly for Wales.
- To determine the commuted sum to cover the cost of maintenance, for a 10 year period, to be levied on developers who, as part of a development, create a highway verge.
- To select contractors to undertake works in relation to the various categories of work falling within the purview of the Highways and Infrastructure department from the approved Select List of Contractors, and acting on behalf of other clients using the department for such works, in accordance with Financial Regulations.
- To have the power to authorise (in writing) persons to enter onto land pursuant to, and for the purposes of, Sections 289 and 291 of the Highways Act 1980.
- To set the level of charges for the issuing of consents for highway works and obstructions and other matters pursuant to the Local Authorities (Transport Charges) Regulations 1998 and to apply discretionary annual adjustments to such charges in line with inflation.
- To set the level of charges for the issuing of consents for highway works and obstructions and other matters pursuant to the Local Authorities (Transport Charges) Regulations 1998 and to apply discretionary annual adjustments to such charges in line with inflation.
- To arrange for the making of temporary traffic regulation orders under the Road Traffic Regulation Act 1984 as amended.
- To approve the making of orders under S.21 Town Police Clauses Act 1847, following consultation with Local Members.
- Safe routes to schools
- Road safety, education and training
- Adoption of roads
- Traffic Regulations and/or Orders
- The undertaking of statutory consultations with the Police in relation to proposed Traffic Orders.
- Disabled Parking Orders.
- Provision of road markings, rails, barriers and signs not requiring Assembly approval.



In respect of economic and business development:

- 8.55 To authorise the establishment of a Business Loan Scheme in consultation with the s.151 Officer, Corporate Director: Economy and Public Realm; and in line with the terms of reference (where applicable) of the Council's Strategic Investment Group.
- 8.56 To authorise the establishment of a Business Development Grant Scheme in consultation with the s.151 Officer and the Corporate Director: Economy and Public Realm and in line (where applicable) with the terms of reference of the Council's Strategic Investment Group.

### **9. To the Head of Customers, Communications and Marketing**

9.1 To act on a day to day basis and within this scheme in the following areas:

- Customer Services
- One Stop Shops
- Communications (external)
- Marketing
- Media Relationships
- Partnerships
- Library Services and Standards

### **10. To the Head of Highways and Environmental Services**

10.1 To have power to operate cleansing and waste and grounds maintenance responsibilities within the purview of the Environment Department from time to time under the following legislation as amended or re-enacted or substituted with new legislation

- Control of Pollution Act 1974
- Criminal Damage Act 1971
- Environment (Wales) Act 2016
- Environmental Protection Act 1990
- Litter Act 1983
- Local Authority (Goods and Services) Act, 1970
- Local Government (Miscellaneous Provisions) Act 1976
- Local Government Act 1988
- Local Government Planning and Land Act 1980
- Refuse Disposal (Amenity) Act 1978
- Town and Country Planning Act 1990
- Transport Act 1968

- 10.2 To initiate Horticultural schemes within the Council's estimates.
- 10.3 To organise floral displays for Civic and Charitable functions.
- 10.4 To manage all cemeteries controlled by the Council.
- 10.5 To supervise and manage the Countryside Service and Country Parks including maintenance of park, amenity areas and children's playgrounds and all other outdoor recreation facilities, including pavilions and changing accommodation incidental thereto.
- 10.6 To exercise the Council's powers to deal with dangerous trees pursuant to Section 23 and Section 24 of the Local Government (Miscellaneous Provisions) Act 1976.
- 10.7 To make arrangements for the collection of domestic and commercial waste and for its safe disposal.
- 10.8 To prepare a plan of the Council's arrangements for recycling and to provide litter bins
- 10.9 To grant consents to Community Councils for the placing of litter bins within the highway.
- 10.10 To institute action for the cleansing of street litter and refuse, including publicity for litter campaigns.
- 10.11 In consultation with the Head of Legal, HR and Democratic Services, to authorise the institution of legal proceedings in respect of those matters for which the Head of Environment has operational responsibility.
- 10.12 To maintain the public register for the principal litter authority.
- 10.13 To take action to control abandoned vehicles and trolleys, to remove fly posting and graffiti.
- 10.14 To classify various types of waste for collection and disposal and streets requiring cleansing
- 10.15 The prohibition of street parking to facilitate street cleansing.
- 10.16 With the Head of Planning and Public Protection to control and monitor closed disposal sites to prevent pollution or environmental nuisance.
- 10.17 To carry out the Council's functions and duties in connection with the collection, reclamation, recycling and disposal of waste, street cleaning and litter, including the negotiation of terms for commercial waste collection.
- 10.18 To determine in consultation with Local Members applications for the temporary use of land under the control of the Environment Department for periods not exceeding one year.

- 10.19 To exercise, on behalf of the Council, the powers and duties arising from the statutory provisions relating to the service of notices for those functions for which he has responsibility including the amount of Fixed Penalty Notice to be levied under this scheme.
- 10.20 To approve from time to time the scale of charges recommended by the Council's Refuse Collection Contractor for the commercial refuse collection service and the price of charges recommended by the Refuse Collection Contractor for the sale or rental by the contractor of commercial refuse containers
- 10.21 To exercise the power to authorise the erection of stiles, etc, on footpaths and bridleways pursuant to Section 147 of the Highways Act 1980 in consultation with the Local Members concerned.
- 10.22 In consultation with the Head of Legal, HR and Democratic Services, to take action under Section 130 (protection of public rights in respect of highway) and Section 149 (removal of items deposited on a highway) of the Highways Act 1980, in relation to highways which are Local Rights of Way as defined in Section 60(5) of the Countryside and Rights of Way Act 2000.
- 10.23 To authorise in writing Officers of the Environment department to issue Fixed Penalty Notices under Section 33(1)(a) and Section 88 of the Environmental Protection Act, 1990, subject to those Officers being suitably trained to carry out the duties authorised.
- 10.24 To undertake the gathering of evidence, issuing of Fixed Penalty Notices and allied action including legal proceedings in respect of offences relating to litter and waste under the Environmental Protection Act 1990
- 10.25 To approve applications for grant aid under the Environmental Community Grants Scheme (or equivalent) in consultation with the appropriate Local Member(s).
- 10.26 To determine individual applications for an additional refuse bin for households of 5 or more persons.
- 10.27 To act on a day to day basis, and within the scheme of delegation in the following areas:-
- Agreements, deposits, licences, consents and enforcements under the Highways Act 1980 and all other relevant highways legislation.
  - Recovery of charges for licences for highway works
  - Recovery of costs for public footpath orders
  - Decisions on footpath diversion orders where there are no objections.
  - Enforcement in respect of deposits and obstructions on the highway
  - Highway nuisance
  - Surveys of public rights of way
  - Operation of the Councils' Advance Payment Code

- Service of all appropriate notices in respect of highway matters
- Drainage in respect of the highway
- Delegated functions under the Trunk Road Agency Agreement in accordance with the North East Wales Trunk Road Agency Partnership Agreement
- Maintenance of Highways (including Rights of Way)

10.28 Authority to determine the following applications:-

- Under the New Roads and Street Works Act 1991
- The deposit of contractors skips on the highway
- To obtain consent under Section 1 of the Local Government (Miscellaneous Provisions) Act 1976 in respect of erection of flagpoles and the positioning of cut or tub trees on the highway
- In respect of proposed public footpath Orders where they are unopposed
- Under Part VII A of the Highways Act 1980 and any adopted highway within the County, after consultation with the relevant Cabinet and Local Members.
- From Public Utilities to undertake work on the highway
- In relation to activities in pedestrianised areas and adopted highways, in consultation with Local Members.
- Unopposed applications for stopping up orders.
- To authorize the making of road traffic regulation orders and to determine residents parking schemes, disabled parking spaces, parking orders, waiting restrictions, weight limits, speed limits, bus and other priority lanes and traffic calming measures.

10.29 Authority to take action under section 230 Highways Act 1980, in relation to urgent repairs to private streets.

10.30 Authority to determine the programme of revenue works (other than those included in the Council's capital programme and pre-programme schedules) for each financial year and to execute those works.

10.31 Authority to comment on behalf of the Council on proposals or draft Orders initiated by other public authorities for the extinguishment or diversion of highways or public footpaths.

10.32 To receive all notices and information from water undertakers, and to maintain the registers in accordance with the Reservoirs Act 1975.

10.33 To undertake all necessary action under the Reservoirs Act 1975 in connection with enforcement.

10.34 In consultation with the Local Member to select bus stop sites and to select suitable sites for the erection of bus shelters, and grant consent to Community Councils for the erection of bus shelters within the highway under Section 4 of the Local Government (Miscellaneous Provisions) Act 1953.

- 10.35 To authorise the letting of contracts for works associated with highways, transportation and drainage, general engineering, land remediation, land reclamation, and building and construction, in accordance with Financial Regulations and the Contract Procedure Rules.
- 10.36 To arrange for the making of permanent traffic regulation orders under the Road Traffic Regulation Act 1984 as amended and to consider objections to permanent traffic regulation orders in consultation with the Local Members.
- 10.37 In consultation with the Head of Legal, HR and Democratic Services to sign and serve notices, give consents and take any other action, including authorising prosecutions for offences, as may be appropriate under any statute, including specifically the Highways Act, 1980, or any other legislation relating to the Highway or other functions, duties and powers within the purview of the Highway Services department, and additionally, in consultation with the Head of Environment in so far as Local Rights of Way (as defined by Section 60(5) of the Countryside and Rights of Way Act 2000) are concerned.
- 10.38 To undertake inspections (including the inspection of a licence or operator records), authentications, investigations, interviews, sampling, testing (including the testing of vehicles), prohibitions, seizures (including the removal of plates upon expiry or revocation), detentions, recording, service of notices, (including suspension notices), notifications, waivers, transfers, authorisations, licensing, registrations and legal proceedings as are within the purview of the Highways and Environmental Services department under the legislation applicable and incidental to its functions, together with any regulations made thereunder, and any amendments or additions made to it, or any subsequent new functions which can properly be regarded as incidental to the functions of the department and to exercise all other relevant powers or duties, including powers of entry provided under such legislation.
- 10.39 To grant consent to Community Councils for the placing of seats within the highway under section 5 of the Parish Councils Act 1957.
- 10.40 To grant consent to the Post Office for the erection of post boxes within the highway, in consultation with Local Members.
- 10.41 To grant consent for the erection of telephone kiosks within the highway in consultation with Local Members.
- 10.42 To undertake such functions as are within the purview of the Highway Services department and as are required of the Council under the Joint Trunk Road Agency Agreement with the National Assembly for Wales.
- 10.43 To exercise the powers of the Council under Section 15 of the Clwyd County Council Act, 1985 where appropriate.
- 10.44 To authorise entry into Agreements under Section 278 of the Highways Act, 1980 where appropriate.

- 10.45 To authorise the making of applications to the Magistrates Court for the stopping up or diversion of highways under Section 116 of the Highways Act, 1980, in consultation with the Local Member(s).
- 10.46 In consultation with the Local Member(s) to undertake all necessary action following consideration of objections to Off Street Parking Places Orders.
- 10.47 To determine the commuted sum to cover the cost of maintenance, for a 10 year period, to be levied on developers who, as part of a development, create a highway verge.
- 10.48 To select contractors to undertake works in relation to the various categories of work falling within the purview of the Highways and Infrastructure department from the approved Select List of Contractors, and acting on behalf of other clients using the department for such works, in accordance with Financial Regulations.
- 10.49 To have the power to authorise (in writing) persons to enter onto land pursuant to, and for the purposes of, Sections 289 and 291 of the Highways Act 1980.
- 10.50 To set the level of charges for the issuing of consents for highway works and obstructions and other matters pursuant to the Local Authorities (Transport Charges) Regulations 1998 and to apply discretionary annual adjustments to such charges in line with inflation.
- 10.51 To authorise in writing Officers of the Highways and Infrastructure department to act for the purposes of enforcing Schedule 4 of the Environmental Protection Act 1990.
- 10.52 To serve written notices in accordance with the provisions of Part II of the Traffic Management Act 2004 on any Works Promoter or Contractor directly employed by the Council to prohibit or suspend planned works on any road within the County for any period of time where such prohibition secures the expeditious movement of traffic within the County.
- 10.53 To have the overall responsibility pursuant to the Transport Act 1968 for the proper operation and maintenance of the Council's transport fleet and to hold the relevant Operators Licence, or to designate an appropriate officer for such purpose.
- 10.54 To operate the testing of private hire and hackney carriage vehicles as well as operating a MOT service.
- 10.55 To exercise the function of making Public Path Extinguishment Orders under Section 118 of the Highways Act 1980 in consultation with the Local Members.
- 10.56 (i) To exercise the function of making Public Path Diversion Orders under Section 119 of the Highways Act 1980 and Section 257 of the Town and Country Planning Act 1990 in consultation with the Local Members.
- (ii) To formally abandon Public Path Diversion Orders made under Section 119 of the Highways Act 1980 or Section 257 of the Town and Country Planning Act 1990,

subject to the Local Member having no objection to the proposal with the power to decide proposals to which the Local Member objects remaining with the Council.

- 10.57 To enter into Public Path Creation Agreements under Section 25 of the Highways Act 1980 on behalf of the Council.
- 10.58 To exercise the function of determining applications for Definitive Map Modification Orders, in consultation with the Local Members concerned (except in respect of 'legal event orders' under Section 53(3)(a) of the Wildlife and Countryside Act 1981) and the Head of Legal, HR and Democratic Services.
- 10.59 To exercise the power to authorise the erection of stiles, etc, on footpaths and bridleways pursuant to Section 147 of the Highways Act 1980.
- 10.60 In consultation with the Head of Legal, HR and Democratic Services, to take action under Section 130 (protection of public rights in respect of highway) and Section 149 (removal of items deposited on a highway) of the Highways Act 1980, in relation to highways which are Local Rights of Way as defined in Section 60(5) of the Countryside and Rights of Way Act 2000.
- 10.61 To decide applications for free and assisted transport to schools and colleges (except pupils with special educational needs) in accordance with the Council's policies relating to home to school transport.
- 10.62 To set the level of charges for the issuing of consents for highway works and obstructions and other matters pursuant to the Local Authorities (Transport Charges) Regulations 1998 and to apply discretionary annual adjustments to such charges in line with inflation.
- 10.63 To arrange for the making of temporary traffic regulation orders under the Road Traffic Regulation Act 1984 as amended.
- 10.64 To approve the making of orders under S.21 Town Police Clauses Act 1847, following consultation with Local Members.
- 10.65 To exercise all the powers of the Council under the Land Drainage Act 1989 including the service of notices under the Act.
- 10.66 To administer the provisions of the New Roads and Street Works Act 1991 in respect of Streets, Street Works and Undertakers.
- 10.67 To determine applications (in consultation with the Head of Planning and Public Protection ) for licences under s.115E of the Highways Act 1980 to use the highway for the provision of facilities for refreshments.
- 10.68 To have the overall responsibility pursuant to the Transport Act 1968 for the proper operation and maintenance of the Council's transport fleet and to hold the relevant Operators Licence, or to designate an appropriate officer for such purpose.
- ~~40.68~~10.69 To have overall responsibility in respect of the Council's Corporate Health and Safety department.

~~10.69~~10.70 ~~To have overall responsibility in respect of the Council's Corporate Health and Safety department. To have the power to establish and operate a Sustainable Drainage (SuDS) Approval Body (SAB) in accordance with Schedule 3 'Sustainable Drainage' of the Flood and Water Management Act 2010; and to implement all standards and obligations required under guidance and regulations made, or to be made, thereunder, including associated charging, fees and levies, required to deliver the activity.~~

## **11. To the Corporate Director: Communities**

- 11.1 To act as the Council's Statutory Director of Social Services in accordance with Section 6 of the Local Authorities Social Services Act 1970 and in Part 8 of the Social Services and Well Being (Wales) Act 2014 in relation to the Council's Social Services functions and be accountable for the effective delivery of such functions having regard to the duties in Part 2 of the Social Services and Well Being (Wales) Act 2014
- 11.2 The overall performance and strategic management responsibility for Social Services is delegated to the Corporate Director: Communities as the Statutory Director.
- 11.3 As Statutory Director to maintain an overview of the full range of social services activities within the Authority and as the Officer responsible for the quality of services provided to fulfil the authority social services function including the following core responsibilities as set in Statutory Guidance on the Role and Accountabilities of the Director of Social Services 2009 and any subsequent Statutory Guidance or Code of Practice issued under s.145 of the Social Services and Well Being (Wales) Act 2014

- **Providing clear professional leadership across Social Services**

- Through the published Annual Report to Council, to ensure vision, strategic direction, priorities and improvement plans for social services are clear and help fulfil corporate plans and that awareness of the Director of Social Services role is raised amongst Councillors and what information Councillors can expect to receive in relation to the discharge of specific social services functions and the wider activities to promote well being of people with care and support needs
- To ensure coherence and integrated leadership across social services and education. .
- As a Member of the Regional Social Services Programme Board
- To engage in regional and national social services networks e.g. through ADSS, SSIA, NWSSIC.
- To ensure engagement of users of social services in bringing the Council closer to the community – shaping the delivery of priorities and services across the Council.
- To contribute to the vision and direction of the Council and ensure services seek to promote the well being of people with care and support needs.

- **Having direct access and reporting to, and advising, the Chief Executive and Councillors on Social Services matters and on the direction and**



**actions the authority should take in fulfilling its Social Services responsibilities.**

- To brief and advise Council, Cabinet, Scrutiny and the Chief Executive on high risk issues relating to social services, the contribution of social services to corporate programmes and the impact of corporate programmes on vulnerable groups.
  - As Statutory Director to report to the Cabinet, Lead Member and Scrutiny Committees in relation to the planning, delivery and performance of the Councils' social services functions, and to be accountable for the oversight and co-ordination of such functions.
  - To ensure the governance and relationship with the Chief Executive is subject to periodic review.
  - To ensure Councillors have clear advice on the level of resources required to enable the Council to effectively deliver its social services functions.
  - To identify and advise Councillors on priorities, challenges and risks across all aspects of social services including staffing issues affecting the Council's ability to discharge its statutory functions.
  - Briefing the Chief Executive and Councillors on high profile cases or matters likely to be of public concern.
  - To report to the Council on the detail of any inspection report
- **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;**
    - To receive defined performance and quality information on a monthly basis to enable overall performance management and quality assurance.
    - To intervene when financial position, performance or quality are below expected standards and improvement activity is not sufficiently timely or effective.
    - To undertake annual performance appraisals of the social services heads of service.
    - To be a principal point of contact with the Welsh Government and professional leads, the service and workforce regulators, audit and inspection bodies.
    - To be responsible for the reporting and communicating directly with the Welsh Government and the Care and Social Services Inspectorate for Wales; and the development and maintenance of productive relationships with other sectors and agencies as the lead officer on social services matters
    - To be responsible for ensuring the Chief Executive and Councillors that statutory functions laid on the Council have been carried out, and that proper information management and accurate records are kept;
    - To advise Councillors on strategies for improving methods of intervention, service provision, practice and use of resources.
    - To provide leadership on strategies to manage risk and co-operate with the full range of partners to work with families at the 'edge of care'.

- To ensure strategic arrangements are in place to provide for co-operation across the Council and with partners to effectively provide care and support services for all Looked After Children.
- **Ensuring that the authority has proper safeguards to protect vulnerable children and young people, adults and older people, and reporting at a corporate level and to Members on their effectiveness,**
  - Ensuring the effective operation and partnership working of the Local Safeguarding Children Board and Denbighshire Adult Protection Committee
  - To carry ultimate accountability across the Council for safeguarding children including ensuring safe employment practices and safeguarding arrangements within the Council and relevant partners.
  - To oversee and report to Councillors on the operation, monitoring and improvement of child and adult safeguarding systems within the Council
  - As a member of the Corporate Parenting Forum
- **Fulfilling overall responsibility for Social Services workforce planning, training and professional development.**
  - Ensuring employment arrangements for social care staff comply with Care Council Codes of Practice and that the overarching personnel and safe recruitment policies are in place and adhered to
  - To ensure integration of the social care workforce agenda with wider corporate and partnership workforce development agendas and collaborative workforce learning
  - To ensure high standards across the whole social care workforce and a whole sector workforce plan is in place.
  - To advise Councillors, partners and other providers where workforce shortfalls inhibit the Council's capacity to discharge statutory responsibilities; setting out actions necessary to rectify any such situation.
- **Ensuring that there are adequate arrangements in place for Social Services 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.**
  - As a member of the LSB.
  - To act as Lead Officer for liaison with the NHS and the wellbeing agenda;
  - As a CPG member
  - As Lead Officer for regional social care and health/social care collaboration projects.
  - To lead and support continuous engagement and co-operation with inspectorates by all local authority officers.

← To develop effective arrangements to promote co-operation and interagency working.

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- To ensure that preventative services are provided or arranged specifically to address the care and support needs identified by the population assessment.
- To ensure effective information, advice and assistance services are available in supporting individuals to achieve their well being outcomes.

11.4 To act as an Authorised Officer under the Regulation of Investigatory Powers Act 2000.

11.5 To keep the Statutory Director of Education apprised of key corporate decisions/actions which will impact or have possible implications for their Statutory Officer role.

11.6 To act as the Emergency Planning Lead for Social Services.

11.7 To act as Welsh Language lead in respect of the Welsh Language Standards Regulations 2015

## **12. To the Head of Community Support Services**

12.1 The strategic and operational delivery and/or securing by the Council of Personal Social Services for Adults and Homelessness services.

- Adult services, including mental health, learning disabilities, older people, acquired brain injury and physical disabilities;
- Performance and Financial Management, including complaints and representations relating to social services for adults;
- Inter-agency and Partnership Working;
- Commissioning and contracting across all adult services.
- To act as Lead Officer in respect of Workforce Planning and Development across both Adult and Children's Social Services.
- The management of the complaints services across both Adult and Children's Services in accordance with any relevant complaints procedures and Directions.
- The safeguarding of vulnerable adults or adults at risk, in accordance with the current statutory and policy framework.

12.2 In particular, to exercise those functions of the Council which relate to personal social services for adults under the appropriate Sections of the following Acts as amended or re-enacted as set out in the below non exhaustive list, having regard to any Statutory Guidance, Directions and Regulations issued thereunder:-

- Accommodation Agencies Act 1953
- Administration of Justice Act 1970
- Anti Social Behaviour Act 2003

- Care Act 2014
- Care Standards Act 2000
- Carers (Equal Opportunities) Act 2004
- Carers (Recognition and Services) Act 1995
- Carers Act 2000
- Carers and Disabled Children Act 2000
- Children and Young Persons Act 1933
- Chronically Sick and Disabled Persons Act 1970
- Community care (Delayed discharge) Act 2003
- County Courts Act 1984
- Crime and Disorder Act 1998
- Criminal Justice Act 1991
- Data Protection Act 1998
- Disabled Persons (Employment) Act 1958
- Disabled Persons (Services, Consultation and Representation) Act 1986
- Health Act 1999
- Health Act 2006
- Health and Social Care Act 2001 and 2008
- Health and Social Services and Social Security Adjudication Act 1983
- Health Services and Public Health Act 1968
- Homelessness Act 2002
- Housing (Wales) Act 2014
- Housing Act 1985
- Housing Act 1985 (as amended by the Local Government and Housing Act 1989)
- Housing Act 1996 (including amendments made under the Anti Social Behaviour Act 2003)
- Housing Act 2004
- Housing Grants, Construction and Regeneration Act 1996
- Local Government Act 1972
- Local Government Act 2000
- Mental Capacity Act 2005
- Mental Health (Wales) Measure 2010
- Mental Health Act 1983 and 2007
- National Assistance (Amendment) Act 1951
- National Assistance Act 1948
- National Health Service (Wales) Act 2006

- National Health Service Act 1977 and 2006
  - National Health Service and Community Care Act 1990
  - Nationality, Immigration and Asylum Act 2002
  - Noise Act 1996
  - Noise and Statutory Nuisance Act 1993
  - Protection from Eviction Act 1977
  - Public Health (Control of Disease) Act 1984
  - Safeguarding of Vulnerable Groups Act 2006
  - Social Care Charging (Wales) Measure 2010
  - Social Security Administration Act 1992
  - Social Services and Well Being Act 2014
  - Supplementary Benefits Act 1976
  - Violence against Women, Domestic Violence and Sexual Violence (Wales) Act 2015
  - Well Being of Future Generations (Wales) Act 2015
- 12.3 To act as the Senior Responsible Person for the purposes of the Care Standards Act 2000 and be the Lead Officer for DAPC and line manage POVA Co-Ordinator in accordance with 'In Safe Hands' guidance
- 12.4 In consultation with the Head of Finance and Assets and the Corporate Director Communities, to approve fee increase, within budgetary resources, for residential and nursing home provision following approval by Cabinet of the methodology of setting the fee.
- 12.5 The setting and administration of all charges levied in respect of social services for adults including the waiving of charges and subject to any limit on such charge or fee, set by statute.
- 12.6 The provision of improvements and adaptations to a disabled persons' home under section 2(1)(e) of the Chronically Sick and Disabled Persons Act 1970.
- 12.7 In consultation with the Head of Legal, HR and Democratic Services to institute proceedings in a Court or other Tribunal under the following Acts as amended or re-enacted.
- Health and Social Services and Social Security Adjudications Act 1983 Section 22
  - Insolvency Act 1986 Section 339,
  - Mental Capacity Act 2005
  - Mental Health Act 1959 Section 131
  - Mental Health Act 1983 Sections 29 and 30, Part V and VII and Section 130
  - National Assistance Act 1948 Section 47 and 56(3)

- Recovery in the County Court for debt matters arising from the provision of services rendered under Section 21 and 29 National Assistance Act 1948
- The High Courts' jurisdiction in respect of vulnerable adults who lack capacity.

Any other function of the Council in relation to the provision of personal social services for adults which involves an application to a Court or other Tribunal including the prosecution of offences or which requires the execution of any document having effect in law.

- 12.8 To approve a Panel of suitable and willing persons to act as members in respect of independent reviews on complaints under procedures established under the National Health Service and Community Care Act 1990.
- 12.9 To respond at the formal stage on behalf of the Authority on complaints dealt with under proceedings established under the National Health Service and Community Care Act 1990.
- 12.10 To act as Guardian and decide upon the reception of persons into Guardianship of the Council under Section 7 and 37 of the Mental Health Act 1983.
- 12.11 To approve a package of Community Care in excess of the gross cost of Residential Placement for the registration category of the person concerned when the cost can be met by the budget holder.
- 12.12 To appoint Approved Mental Health Practitioners.
- 12.13 To respond on behalf of the Authority at the appeal stage following independent reviews and complaints under social services complaints procedures
- 12.14 To exercise the power to appoint Proper/Alternative Proper Officers for medical matters under the National Assistance Act 1948 and the National Assistance (Amendment) Act 1951.
- 12.15 To make decisions on consent under s.30 to 31(2) of the Anti Social Behaviour Act 2003 on dispersal of groups and removal of persons under 16 to their place of residence (jointly with the Head of Children and Family Services in respect of those under 16 who form part of such groups).
- 12.16 To keep the Statutory Director of Social Services apprised of key corporate decisions/actions which will impact or have possible implications for the Statutory Officer role.
- 12.17 To consult and keep apprised of key corporate decisions/actions relevant to the Councils' Older Peoples Champion and Lead Member, where appropriate.
- 12.18 To ensure service users are engaged in shaping priorities and delivery of adult social services.
- 12.19 To engage in regional and national networks relating to Adult Services.

- 12.20 To develop the annual Service Business Plan and contribute to ACRF
- 12.21 To develop and manage service risk registers and undertake any corporate Service Challenge process.
- 12.22 To commission and receive regular management information to enable strategic planning and operational management of the services.
- 12.23 To have overall responsibility for the annual budget agreed for Adult Services.
- 12.24 To report annually to Scrutiny and Council on adult protection procedures.
- 12.25 To act as Lead Officer for specific health/social care integration projects;
- 12.26 To be a CPG member;
- 12.27 To administer the Council's functions and responsibilities towards the Homeless under the provisions of the Housing Act 1985 and the Housing (Wales) Act 2014
- 12.28 To consider and determine any requests received by the Council pursuant to Section 8 of the Homelessness Act 2002 and the Housing Wales Act 2014 calling for a review of the suitability of accommodation offered by the Council.
- 12.29 To act as Lead Officer for regional social care and health/social care collaboration projects.

### **13. To the Head of Education and Children's Services**

- 13.1 To act as the Statutory Director of Education appointed under s.532 of the Education Act 1996 or any re-enactment of that provision.
- 13.2 The strategic and operational management responsibility for Education and Children's Services is delegated to the Head of Education and Children's Services.
- 13.3 As Statutory Director for Education to maintain an overview of the full range of education services within the Authority and as the Officer responsible for the quality of services provided to fulfil the authority's education functions.
- 13.4 As Statutory Director to report directly to the Corporate Director: Communities and to report to Cabinet, Lead Members and Scrutiny and other relevant Committees in relation to the planning, delivery and performance of the Councils Education functions and be accountable for the oversight and co-ordination of such functions.
- 13.5 To be responsible for the reporting and communicating directly with the Welsh Government and (Estyn) on education matters and the development and maintenance of productive relationships with other related sectors and agencies.
- 13.6 To keep the Statutory Director of Social Services (Corporate Director: Communities) apprised of key corporate decisions/actions which will impact or have possible implications for their Statutory Officer role.



- 13.7 To grant and revoke licences to children of compulsory school age regarding child performances in accordance with the Children and Young Persons Act 1963 and the Children's (Performance) Regulations 1968 and any statutory modification thereof.
- 13.8 To supervise, prohibit and/or restrict the employment of children of compulsory school age pursuant to the Education Act 1996.
- 13.9 To act as the Statutory Lead Director for Children and Young People's Services under s.27 of the Children Act 2004.
- As Statutory Lead Director for Children and Young People to maintain an overview of the full range of children and young peoples' services and activities within the Authority and as the Officer responsible for the quality of services provided to fulfil the authority function including the following core responsibilities
  - **Ensuring effective cross sector partnership arrangements to improve the wellbeing of children and young people.**
    - As an LSB Member.
    - Ensuring planning for children, young people and their families is seen as a corporate and cross sector activity embedded in the achievement of agreed corporate and public sector priorities.
    - Ensuring planning is increasingly harmonized across North Wales, in conjunction with other Lead Directors.
  - **Production and publication of children and young people's plan.**
    - Ensuring Denbighshire's Big Plan meets statutory requirements relating to children and young people's planning.
  - **Clear governance arrangements for partnership planning, a focus on outcome measures and regular performance management.**
    - Ensuring effective mechanisms are in place to deliver jointly agreed outcomes for children and young people.
    - Leading the inspection processes relating to Children and Young Peoples' Partnership activity.
  - **Attention to implementation of the UN Convention on the Rights of the Child**
    - Championing children's rights across the Council, including the right of children and young people to have their voices heard.
    - Ensuring that the participation of children and young people is embedded in formal and informal education settings.
- 13.10 Jointly with the Head of Finance, to suspend the right of the governing body to have a delegated budget in circumstances permitted by the legislation.

- 13.11 To monitor and evaluate the performance of schools.
- 13.12 To deal with nominations for Local Education Authority governors, making an appointment in instances where a single suitable nomination is received for any vacancy or otherwise reporting to the Cabinet (or Lead Member as appropriate) for determination and appointment.
- 13.13 To establish temporary governing bodies.
- 13.14 To make necessary arrangements for the election of parent governors, teacher and staff governors and to determine any questions arising from the election process.
- 13.15 To consider any resolutions sent to him/her from an annual parents meeting and to respond accordingly.
- 13.16 To manage governor training.
- 13.17 To act on behalf of the Local Education Authority in any consultations initiated by the governors of any school, in relation to the times of school sessions and, if he/she considered it appropriate to do so, to require the governors to include his/her written comments on the proposals in the next governors' report to be prepared by the governors.
- 13.18 To determine and deal with all arrangements for the admission of pupils to community and voluntary controlled schools in accordance with the Council's policy, including authority to:-
- publicise information for parents of admission arrangements.
  - comply with parental preferences, with certain exceptions.
  - determine allocations of pupils to community and voluntary controlled primary and secondary schools, subject to the parental right of appeal.
- 13.19 To make arrangements to enable parents to appeal against decisions regarding admissions.
- 13.20 To appear or make written representations on behalf of the Authority in any appeal against a refusal to admit.
- 13.21 To respond to changes in pupil numbers by making appropriate accommodation available.
- 13.22 Subject to such determination being in accordance with an approved plan or policy, to determine whether to publish any statutory notices (other than in respect of closure of schools) and to take action on advertised proposals in light of any representations received and also to determine the Authority's decision in respect of school organisational proposals and school closure proposals in respect of which either there has been no objections or any objections received have been resolved.
- 13.23 To undertake any inspections, interviews, investigations, seizures, services of notices, notifications, authorisations, registrations and legal proceedings as are

within the purview of the department under the Education Reform Act 1988, together with any regulations made thereunder, any amendments or additions thereto and to exercise all relevant powers of entry if provided.

- 13.24 To determine applications and provide, where applicable, milk, meals and refreshments in accordance with the Council's policy.
- 13.25 To act on behalf of the LEA in any consultations initiated by the governors of any school, in relation to the times of school sessions, and if he/she considered it appropriate to do so, to require the governors to include his/her written comments on the proposals in the next governors' report to be prepared by the governors.
- 13.26 To appoint sufficient education practitioners and governors in accordance with the arrangements who may be called upon to be required to serve as members on future independent Appeal Panels.
- 13.27 To investigate complaints made under section 409 of the Education Act 1996
- 13.28 To determine any matters relating to the Council's policy regarding charges and remissions and to authorise the recovery of any sums owed to the Council.
- 13.29 To approve the acceptance of gifts on trust for education purposes.
- 13.30 To determine, where necessary in consultation with the trustee, applications received for financial support from charitable trust funds where the Authority is either itself trustee, or where the fund is administered on behalf of trustees.
- 13.31 To respond to changes in pupil numbers by making appropriate accommodation available.
- 13.32 To monitor the curriculum in all maintained schools and report on it as necessary
- 13.33 To set by agreement with schools, targets for pupil attainment.
- 13.34 To prepare a written statement of action to be taken in light of the report following an inspection of a maintained school.
- 13.35 To intervene to prevent the breakdown or continuing breakdown of discipline at a school, or where there is concern about standards of management.
- 13.36 To ensure that the performance management of teachers and head teachers is carried out according to Welsh Government directions and regulations and to monitor and evaluate the provision and performance of schools.
- 13.37 To investigate complaints made under Section 409 of the Education Act 1996.
- 13.38 To make or approve arrangements for the provision of work experience for pupils in their last year of schooling.
- 13.39 To manage and operate the Education Psychology Service.

- 13.40 To arrange appeals against exclusions and redirect excluded pupils.
- 13.41 To make arrangements to encourage and assist pupils to take advantage of the provisions for medical and dental inspections and treatment made for them.
- 13.42 To ensure cleanliness of pupils and to serve a notice on parents requiring cleanliness where appropriate.
- 13.43 To manage all aspects of schools without delegated budgets.
- 13.44 To inspect and maintain schools for the purposes of a Local Education Authority function.
- 13.45 To authorise persons at educational establishments to exercise the power of removal of persons from school premises who are causing a nuisance or disturbance.
- 13.46 To authorise Officers to appear on behalf of the Local Education Authority in proceedings being conducted in the Magistrates Court by Section 547 of the Education Act 1996 or any re-enactment of that provision.
- 13.47 To consider any resolutions sent to him/her from an annual parents meeting and to respond accordingly.
- 13.48 To deal with the staffing matters of community voluntary controlled and community special schools where the decision is that of the LA (rather than the governing body).
- 13.49 To determine the school term and holiday dates including in service training days for any community, community special or voluntary controlled schools.
- 13.50 To exercise powers under the Education Acts in accordance with the Code of Practice, to identify, assess and arrange provision for pupils special educational needs, including the admission of pupils to out of county schools (including non maintained special schools and independent schools providing for pupils with special education needs) and transport where appropriate, in accordance with the Council's Transport Policies.
- 13.51 To provide aids for use by pupils with special needs
- 13.52 To authorise officers to represent the Education Authority in tribunal proceedings dealing with special educational needs.
- 13.53 To make arrangements for the provision of suitable education otherwise than in school, in accordance with Section 319 of the Education Act 1996.
- 13.54 To make arrangements for the provision of suitable education at school or otherwise for children of compulsory school age who, by reason of illness, exclusion from school or otherwise, may not receive it unless such arrangements were made.
- 13.55 To recoup the costs of providing education for persons not belonging to the Council's own area.

- 13.56 To exercise the powers of the Education Authority, with the exception of initiating legal proceedings, under the Education Act 1996 and the Children Act 1989 in respect of school attendance orders, non school attendance and education supervision orders.
- 13.57 To ensure the provision of statutory youth services jointly with the Head of Facilities Assets and Housing. .
- 13.58 Jointly with the Statutory Director of Education to grant and revoke licences to children of compulsory school age regarding child performances in accordance with the Children and Young Persons Act 1963 and the Children's (Performance) Regulations 1968 and any statutory modification thereof.
- 13.59 To supervise, prohibit and/or restrict the employment of children of compulsory school age pursuant to the Education Act 1996.
- 13.60 To manage the provision of the youth support services in pursuance of the Learning and Skills Act 2000 in consultation with the Head of Facilities Assets and Housing.
- 13.61 To exercise those functions of the Council which relate to Children and Young People under the Crime and Disorder Act 1998 (as amended or re-enacted).
- 13.62 To give directions to admit a child to a specified school.
- 13.63 To undertake any inspections, interviews, investigations, seizures, services of notices, notifications, authorisations, registrations and legal proceedings as are within the purview of the department under the Education Reform Act 1988, together with any regulations made thereunder, any amendments or additions thereto and to exercise all relevant powers of entry if provided.
- 13.64 To exercise powers under the Education Act 2002 s.29(5) in respect of health and safety directions to governing bodies where the local authority is the employer.
- 13.65 To ensure all relevant Officers (and volunteers if relevant) are subject to the provisions (including any vetting and barring procedures) of the Safeguarding Vulnerable Groups Act 2006 and any subsequent amendment or regulations made under it.
- 13.66 To keep under review (and ensure relevant staff awareness) any safeguarding practices and procedures including registration (if required) with any Safeguarding Authorities and reporting matters on safeguarding to the Statutory Lead Director for Children and Young People and/or the Statutory Director of Social Services, where appropriate.
- 13.67 To maintain a Standing Advisory Council on Religious Education (SACRE) in accordance with the Councils Constitution.
- 13.68 To review and make Instruments of Government for maintained schools within the County where there is no disagreement with the draft Instrument.
- 13.69 To authorize persons at educational establishments to exercise the power of removal of persons from school premises who are causing a nuisance or disturbance

13.70 To determine questions as to who are to be considered parents of registered pupils.

13.71 The strategic and operational delivery and/or securing by the Council of personal social care services for children and young people including:

- appropriate contact and referral arrangements for service users and other agencies
- family support services to “children in need”
- child protection (safeguarding) services, including responsibilities under the United Nations Convention on the Rights of the Child.
- domiciliary care for children and young people who are disabled
- accommodation services for looked after children including fostering and residential care
- the full range of services required of an adoption agency whether through any Regional Adoption Service, or not as the case may be
- planning, commissioning contracting and performance management services
- strategic planning in conjunction with partner agencies
- the management of complaints and representation
- Partnership working including a role in the Local Safeguarding Children Board
- Ensuring the workforce needs of Children’s Services are identified and reflected in the workforce plans and that effective staffing structures are in place.

13.72 In particular, to exercise those functions of the Council which relate to personal social services for children and young people, under the appropriate Sections of the following Acts as amended or re-enacted having regard to any Statutory Guidance issued thereunder:

- Adoption & Children Act 2002
- Adoption (intercountry Aspects) Act 1999
- Anti Social Behaviour Act 2003
- Care Standards Act 2000
- Carers (Equal Opportunities) Act 2004
- Carers (Recognition and Services) Act 1995
- Carers Act 2000
- Carers and Disabled Children Act 2000
- Childcare Act 2006
- Children & Young Persons Act 1969
- Children (Leaving Care) Act 2000
- Children Act 1989
- Children Act 2004
- Criminal Justice Act 1991
- Data Protection Act 1998

Disabled Persons (Employment) Act 1958  
 Disabled Persons (Services, Consultation and Representation) Act 1986  
 National Health Service and Community Care Act 1990  
 Nationality, Immigration and Asylum Act 2002  
 Public Health (Control of Disease) Act 1984  
 Safeguarding of Vulnerable Groups Act 2006

13.73 The administration of all charges levied in respect of personal social services for children and young people including the waiving of charges.

13.74 The provision of financial assistance under sections 17 & 24 of the Children Act 1989 and the Children (Leaving Care) Act 2000.

13.75 In consultation with the Head of Legal, HR and Democratic Services to institute proceedings in a Court or other Tribunal under the following Acts as amended or re-enacted:

- Adoption and Children Act 2002
- Children Act 1989 Sections 25, 31, 34, 39, 43, 44, 45, 48(9), 50, 70, 94, 100, 102 and Schedule 2 Paragraph 19 and Schedule 3 Paragraph 6(3).

Any other function of the Council in relation to the provision of personal social services which involves an application to a Court or other Tribunal including the prosecution of offences or which requires the execution of any document having effect in law.

13.76 To respond at the formal stage on behalf of the Authority on complaints dealt with under proceedings established under the Children Act 1989

13.77 To agree the accommodation of children under the Children Act 1989 and the provision of support generally under Part 3 Children Act 1989.

13.78 To give the necessary consents to appropriate matters relating to children the subject of Care Orders to the Authority including the giving of consent for medical treatment and obtaining passports and holiday consent for children the subject of Care Orders.

13.79 To decide upon recommendations of the Foster Care and Adoption Panels.

13.80 To respond on behalf of the Authority at the appeal stage following independent reviews and complaints under the procedures established under the Children Act 1989

13.81 To make arrangements for the provision of suitable education at school or otherwise for children of compulsory school age who, by reason of illness, exclusion from school or otherwise, may not receive it unless such arrangements were made.

13.82 To give consent to private law orders including residence orders and special guardianship where appropriate.

- 13.83 Power to exercise the functions and make decisions in relation to the Fostering Services for Children- Payment for Skills 2005 Policy in respect of:
- Fostering allowance rates
  - Festival, Birthday and Holiday allowances
  - Weekly residence order allowances
  - Freezing/unfreezing levels of allowances and fees to foster carers registered on the Foster Carers Register.
- 13.84 To make decisions on dispersal of groups and removal of persons under 16 to their place of residence under the Anti Social Behaviour, Crime and Policing Act 2015 /Anti Social Behaviour Act 2003 as appropriate.
- 13.85 Leadership and improvement of the well being of children as defined in s.25 (2) Children Act 2004
- 13.86 To keep the Statutory Director of Social Services apprised of key corporate decisions/actions which will impact or have possible implications for the Statutory Officer role.
- 13.87 To act as Senior Responsible Person for the purposes of the Care Standards Act 2000 and Lead Officer for child protection and safeguarding systems in accordance with 'Working Together' guidance.
- 13.88 To be the Lead Officer for the LSCB.
- 13.89 To be the Lead Officer for the Corporate Parenting Forum.
- 13.90 To engage in regional and national networks relating to Children's Services.
- 13.91 To report annually to Scrutiny and Council on the effectiveness of child protection procedures.
- 13.92 To have overall responsibility for the annual budget agreed for Children Services.
- 13.93 To develop the annual Service Business Plan and contribute to ACRF.
- 13.94 To develop and manage service risk registers and undertake any corporate service challenge process.
- 13.95 To commission and receive regular management information to enable strategic planning and operational management of services.
- 13.96 To ensure services are planned and delivered effectively across adults and children services and across children's services and education services.
- 13.97 To ensure that children in need and their families are engaged in shaping priorities and delivery of children's services.



13.98 To act as Lead Officer for specific health/social care integration projects affecting children and young people.

**14. To the Corporate Director: Economy and Public Realm**

14.1 To act as an Authorising Officer under the Regulation of Investigatory Powers Act 2000

**15. To the Head of Democratic Services**

15.1 To act on a day to day basis as Head of Democratic Services and to ensure proactive support to the democratic process and elected members in accordance with the Constitution.

15.2 To manage the Council's services for Members and in connection with this to take all necessary steps to secure compliance with the Local Government Act 1972 Part VA (access to meetings and documents of the Council, its Committees and Sub-Committees).

15.3 To manage the Council's Democratic Services provision and in particular:

- Provide the Council with support and advice in relation to its meetings, Committees and members of those Committees
- Any joint committee which the Council is responsible for organising,
- In relation to the functions of the Authority's scrutiny committees.

15.4 To promote the roles of the Authority's Scrutiny Committees.

15.5 To carry out duties as required under the Family Absence for Members of Local Authorities (Wales) Regulations 2013.

15.6 Any other functions prescribed by the Welsh Ministers to the Head of Democratic Services.

**16 To the Head of Business Improvement and Modernisation**

16.1 Ensuring underpinning work to enable production and delivery of effective children and young people's plan is carried out – including ongoing needs assessment, consultation, commissioning.

Ensuring statutory requirements and timescales for children and young people's planning are met

Ensuring effective management and administration of relevant funding streams.

Ensuring outcomes based performance management framework in place for Big Plan and children and young people elements to ensure the impact of partnership is measured.

Ensuring annual completion of National Service Framework Self Assessment Audit Tool.

16.2 Preparation for inspection.

16.3 Ensuring effective reporting to LSB and appropriate Scrutiny Committee(s) on agreed joint programmes and projects.

16.4 Ensuring the voice of children and young people is embedded in the preparation and implementation of the Big Plan and in monitoring impact.

16.5 Ensuring corporate engagement and consultation strategies include listening to children and young people.

16.6 Ensuring Equality Impact assessments are carried out.

16.7 Ensuring Privacy Impact Assessments are carried out.

16.8 To act as a member of the Council's Access to Information Panel.

16.9 To act as the Council's Senior Information Risk Officer and reporting annually to the Council's Corporate Governance Committee.

Authority to accept or reject gifts, bequests or loans to the Council's Museum Service within the terms of the Policy

Authority to accept or reject gifts, bequests or loans to the Council's Museum Service within the terms of the Policy

16.10 To act on a day to day basis and be responsible for the operational and strategic delivery of services in the following areas:-

- Internal Audit
- Access to Information
- Records Management and Archives
- ICT services
- Business Transformation
- Modernisation Agenda
- Corporate Programme Office
- Performance Management
- Partnerships and Communities (including engagement)
- Equalities
- Information Security
- Service planning and strategic plans

## **17 To the Legal Services Manager/Deputy Monitoring Officer**

17.1 To act as the Council's Data Protection Officer reporting annually in conjunction with the Senior Information Risk Officer (SIRO) to the Corporate Governance Committee.

**Appendix 2(a) to Section 13**

**Responsibility for Executive Functions**

The Cabinet is responsible for discharge of Executive Functions and may delegate those functions as set out in Section 5 of this Constitution.

The table below indicates how the Leader has allocated portfolios (lead responsibilities) for particular Executive Functions among individual Members of the Cabinet.

Key Decisions will be taken collectively by the Cabinet.

Appendix 2(b) sets out those decisions which have been delegated to individual Cabinet Members. If there is uncertainty as to whether a matter falls within a particular portfolio, the Leader will make a determination as to which is the relevant Cabinet Member.

The Leader can make urgent decisions in the absence of the appropriate portfolio holder.

Name	Portfolio	Main Functional Areas
<p><b>Councillor Hugh H Evans OBE</b></p>	<p><b>Leader and Lead Member for the Economy and Corporate Governance</b></p>	<p><b>Lead Member responsible for:</b> Economy, Employability and Skills; Tourism; Major Projects; Future Generations Act; Rhyl Regeneration; Corporate Governance; External Relationships; Regional Lead, Local and Regional Economic Strategy; Work with local businesses, Strategic Partnerships; Management of Cabinet.</p> <p><b>Member of:</b> Member of: Rhyl Waterfront Project Board, Strategic Employment Sites Executive Group; Strategic Investment Group; Procurement Transformation Board; Destination Management Liaison Group; Destination Partnership; North Wales Regional Leadership Board; North Wales Economic Ambition Board; Public Services Board; Member of the WLGA Council and WLGA Executive Committee</p>
<p><b>Councillor Julian Thompson-Hill</b></p>	<p><b>Deputy Leader and Lead Member for Finance, Performance and Strategic Assets</b></p>	<p><b>Lead Member responsible for:</b> Revenue and Capital Budgets and Financial Legislation, Treasury Management, Housing Revenue Account; Corporate Risk, Revenue and Benefits, Welfare Reform Benefits;</p>

		<p>Assets Strategy, Corporate Plan, Overall Performance of the Council and Strategic Planning, Health and Safety, Procurement, Internal Audit; Management of the Council's physical assets; Contracts and Facilities; Arm's length Companies; <del>Clwydian Range and Dee Valley Area of Outstanding Natural Beauty Joint Committee.</del></p> <p><b>Member of:</b> Chair of Strategic Investment Group; Strategic Employment Sites Executive Group; Procurement Transformation Board; Member of the WLGA Council, North Wales Residual Waste Project Board; CLAW; Education Site Board; Service Challenge; Rhyl Waterfront Project; Asset Management Group; Chair of Agricultural Estate Group.</p>
<b>Councillor Bobby Feeley</b>	<b>Lead Member for Well-being and Independence</b>	<p><b>Lead Member responsible for:</b> Adult Social Care, Extra Care Housing, Supported Independent Living, Homelessness; Lead on NHS matters and partnership with BCUHB; Integration of Social Services and Health, Leisure Services, <u>Culture &amp; Heritage, Clwydian Range and Dee Valley Area of Outstanding Natural Beauty Joint Committee.</u></p> <p>Older People Champion</p> <p><b>Member of:</b> National Social Care Partnership Board; National &amp; Regional Social Services Policy Group; Part 9 Board, Ageing Well in Denbighshire; Creating an Active Denbighshire Group.</p>
<b>Councillor Huw Hilditch-Roberts</b>	<b>Lead Member for Education, Children and Young People</b>	<p><b>Lead Member responsible for:</b> Education; GwE, Children's Services, Youth Services, Welsh Language.</p> <p><b>Member of:</b> North Wales Education Consortium (GwE), Denbighshire Leadership Partnership Board; Modernising Education Board; Schools Budget Forum; Schools Standards Monitoring Group; Welsh in Education Strategic Group; Education Site Board;</p>

		Menter Iaith Sir Ddinbych; Early Years Partnership Board; Corporate Safeguarding Board; Corporate Parenting Forum.
<b>Councillor Brian Jones</b>	<b>Lead Member for Highways, Planning and Sustainable Travel</b>	<p><b>Lead Member responsible for:</b> Highways; Fleet Management; Waste &amp; Recycling; Flood Risk Management; Traffic, Parking and Road Safety; Sustainable Transport Solutions; Land Use Planning (including LDP), Building Control, Built Conservation.</p> <p><b>Member of:</b> North Wales Transport Advisory Forum; North and Mid Wales Trunk Road Agency; North Wales Residual Waste Project Board; LDP Steering Group.</p>
<b>Councillor Richard Mainon</b>	<b>Lead Member for Developing Community Infrastructure</b>	<p><b>Lead Member responsible for:</b> new approach to engaging the public, introducing improved customer care systems and overseeing digital futures; Libraries; Website Development, Communications and Marketing, Reputation management; Business Transformation; ICT; Developing community infrastructure, City, Town and Community Councils, Third Sector; Armed Forces</p> <p>Armed Forces Champion.</p> <p><b>Member of:</b> Strategic Investment Group; Family Information Services Steering Group; Armed Forces Covenant Working Group; Third Sector Liaison Group; Central Mailroom Project Board; EDRMS Project Board; CRM Project Board</p>
<b>Councillor Tony Thomas</b>	<b>Lead Member for Housing, Regulation and the Environment</b>	<p><b>Lead Member responsible for:</b> Delivery of the Housing Strategy (inc Council Housing, Affordable Housing, Gypsy &amp; Traveller provision, Private Sector Housing, Empty Homes, Housing Grants/Loans, Housing Enf); Public Protection (inc. Environmental Health, Trading Standards, Licensing); Clean &amp;</p>

		<p>Tidy Streets; Public Realm; Environment Crime (inc. littering, dog fouling, fly tipping etc); Environment Initiatives; Countryside (inc. AONB, Nature Conservation, Biodiversity);</p> <p><b>Member of:</b> Strategic Housing Partnership; WLGA Regional Cabinet Members Housing Network; Refugee Forum; Gypsy &amp; Traveller Working Group; West Rhyl Housing Improvement Board; Clwydian Range and Dee Valley Area of Outstanding Natural Beauty Joint Committee.</p>
<b>Councillor Mark Young</b>	<b>Lead Member for Corporate Standards</b>	<p><b>Lead Member responsible for:</b> HR &amp; partnership with Unions; Equalities and Diversity, Anti-Poverty; Safeguarding; Corporate Parenting; Emergency Planning and Response; Community Safety; Legal and Democratic Services, Member Training and Development.</p> <p><b>Member of:</b> Community Safety Partnership; North Wales Safer Communities Board; CCTV Partnership Board; YJS Board; Management Corporate Safeguarding Board; Corporate Parenting Board; Tackling Poverty Board; Welsh in Education Strategic Group; LJCC and Joint Council for Wales; WLGA Member Training; National Joint Council for Local Government Services; Corporate Equalities Group</p>

#### **APPENDIX 2(b) MEMBER SCHEME OF DELEGATION**

##### **Delegations to Cabinet Members**

**Key decisions** will be determined by the Cabinet collectively; **non-key** decisions which relate to a particular Cabinet member portfolio will be determined by the individual Cabinet member.

A key decision is defined as:-

- The Council incurring expenditure or making savings that are significant in its budget for the service or function relating to the decision and/ or
- Having a significant effect on communities living or working in a particular area and/or

## PROCEDURE FOR DEALING WITH ALLEGATIONS MADE AGAINST COUNCILLORS AND REFERRED TO THE STANDARDS COMMITTEE

### Introduction

1. This document sets out the procedure that the Council's Standards Committee will follow where it is required to make decisions about the conduct of Councillors following investigations by the Public Services Ombudsman for Wales or the Council's Monitoring Officer under Part III of the Local Government Act 2000 and related regulations. If there is any conflict between this document and any statutory requirements then those statutory requirements will prevail.

### Interpretation

2. In this procedure:
  - (a) 'the Act' means the Local Government Act 2000
  - (b) 'the Council' means Denbighshire County Council
  - (c) 'the Code of Conduct' means the code of conduct for members adopted by the Council or the community councils within the Council's area in 2008 in accordance with section 51 of the Act, including any revisions
  - (ch) 'the Complainant' means any person who made any allegation which gave rise to the investigation
  - (d) the 'Investigating Officer' means the person who conducted an investigation into any alleged breach of the Code of Conduct and produced the investigation report, being either the Ombudsman (or a person acting on his or her behalf) or the Monitoring Officer or Deputy Monitoring Officer.
  - (dd) an 'investigation report' means a report on the outcome of an investigation into any alleged breach of the Code of Conduct produced either by the Ombudsman under section 71(2) of the Act or by the Monitoring Officer under the Regulations.
  - (e) 'the Member' means any person who is the subject of an investigation into any alleged breach of the Code of Conduct
  - (f) 'the Monitoring Officer' means the officer for the time being appointed by the Council under section 5 of the Local Government and Housing Act 1989
  - (ff) 'the Ombudsman' means the Public Services Ombudsman for Wales
  - (g) 'the Regulations' means the Local Government Investigations (Functions of Monitoring Officers and Standards Committees) (Wales) Regulations 2001 as amended
  - (ng) 'the Standards Officer' means the officer for the time being appointed by the Council to support the work of the Standards Committee

### Summary of the procedure

3. Under section 69 of the Act, the Ombudsman may investigate any alleged breach of the Code of Conduct by members or co-opted members (or former members or co-opted members) of the Council or a community council in the Council's area.
4. Under section 70(4) of the Act, where the Ombudsman ceases such an investigation before it is completed, he or she may refer the matters which are the subject of the investigation to the Monitoring Officer. The Monitoring Officer will then investigate matters in accordance with the Regulations before reporting and, if appropriate, making recommendations to the Standards Committee.
5. Alternatively, under section 71(2) of the Act, where the Ombudsman decides after investigating that it is appropriate, he or she will produce a report on the outcome of the investigation and send it to the Monitoring Officer and the Council's Standards Committee. The Monitoring Officer will then consider the report of the Ombudsman in accordance with the Regulations, before, if appropriate, making recommendations to the Standards Committee.
6. The Standards Committee will then make an initial determination either:
  - (a) that there is no evidence of any failure to comply with the Code of Conduct, or
  - (b) that the Member should be given the opportunity to make representations, either orally or in writing
7. Where the Member is given an opportunity to make representations, the Standards Committee will convene a hearing to consider any response made by the Member and it must determine under regulation 9(1) of the Regulations either that:
  - (a) there is no evidence of any failure to comply with the Code of Conduct and that therefore no action needs to be taken,
  - (b) the Member has failed to comply with the Code of Conduct but that no action needs to be taken in respect of that failure
  - (c) the Member has failed to comply with the Code of Conduct and should be censured, or
  - (ch) the Member has failed to comply with the Code of Conduct and should be suspended or partially suspended from being a member or co-opted member of his/her authority for a period not exceeding six months.

and take any such action accordingly.

### Underlying Principles

**The Council's Standards Committee will always have in mind that every case is different and requires deciding on its own particular facts and circumstances.**

Following a finding that the Code of Conduct has been breached, the Committee must exercise its own judgment as to the relevant sanction in line with the nature and impact of

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the breach, and any other relevant factors. They must also ensure that the sanctions take account of the following underlying principles in order to ensure that their decisions support the overall ambitions of the ethical framework.

#### **Fairness**

The Committee should take account and seek to find an appropriate balance between the various interests of the Respondent, the Complainant, other interested parties to a case, the Ombudsman, the authority, the electorate and the wider public.

#### **Public interest**

Whilst seeking to ensure that the sanction imposed is appropriate, fair and proportionate to the circumstances of the case, the Committee should consider the reputation of and public confidence in local democracy as more important than the interests of any one individual.

#### **Proportionality**

The Committee will take account of the good practice identified in the Ombudsman's Guidance and Code of Conduct Casebook in order to assist their sense of proportionality when determining the sanction appropriate to the scale and/or nature of the breach.

#### **Consistency**

The Committee will aim to achieve consistency in their sanctions in order to maintain the credibility of the ethical framework. They will take account of the good practice identified by the Ombudsman in addition to the Sanctions Guidance produced and adopted from time to time by the Adjudication Panel for Wales.

#### **Equality and impartiality**

The Committee will maintain in its conduct and the application of this procedure the capacity for objective, independent and impartial decision-making, free from prejudice and partiality, in order to uphold its responsibilities.

#### **Human Rights (Articles 6 and 10)**

The Committee must ensure that its processes and practices respect human rights. In particular, tribunals must ensure that they consider the relevance of Articles 6 and 10 of the European Convention on Human Rights in their deliberations. These articles enshrine the right to a fair hearing and freedom of expression.

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#### **Investigations by the Monitoring Officer (referrals under section 70(4) of the Act)**

8. Where the Ombudsman ceases his or her investigation before it is completed and refers the matters which are the subject of the investigation to the Monitoring Officer under section 70(4) of the Act, the Monitoring Officer must:-
  - (a) conduct an investigation; and

- (b) report, and if appropriate make recommendations to the Council's Standards Committee
9. The Monitoring Officer will investigate in accordance with the Regulations and may follow such procedures as he or she considers appropriate in the circumstances of the case.
  10. After concluding an investigation, the Monitoring Officer must:
    - (a) produce a report on the findings of his or her investigation and, if appropriate, may make recommendations to the Standards Committee,
    - (b) send a copy of the report to the Member, and
    - (c) take reasonable steps to send a copy of the report to the Complainant.
  11. The Standards Committee will consider the Monitoring Officer's report and any recommendations in accordance with the procedure set out below.

#### **Investigations by the Ombudsman (referrals under section 71(2) of the Act)**

12. Where the Ombudsman completes his or her investigation and sends a report to the Monitoring Officer and the Council's Standards Committee under section 71(2) of the Act, the Monitoring Officer must consider the Ombudsman's report and, if appropriate, make recommendations to the Council's Standards Committee.
13. The Standards Committee will consider the Ombudsman's report together with any recommendations made by the Monitoring Officer in accordance with the procedure set out below.

#### **The first meeting of the Standards Committee – Initial Determination**

14. After the Monitoring Officer has:
  - (a) produced an investigation report in accordance with paragraph 10; or
  - (b) considered the Ombudsman's investigation report in accordance with paragraph 12

s/he will arrange for a meeting of the Standards Committee to be convened as soon as possible and for a copy of the investigation report, together with the Monitoring Officer's recommendations (if any), to be sent to each of the members of the Standards Committee.

15. Notice of the time and place of the meeting will be given in accordance with Part VA of the Local Government Act 1972 as amended by the Standards Committees (Wales) Regulations 2001.
16. If the investigation report is produced by the Ombudsman, the Monitoring Officer will advise the Standards Committee. If the investigation report is produced by the Monitoring Officer, the Standards Officer or some other suitably qualified person will advise the Standards Committee.

17. The business of the Standards Committee meeting will be limited to considering the investigation report and the Monitoring Officer's recommendations (if any) and to making an initial determination either:-
- (a) that there is no evidence of any failure to comply with the Code of Conduct, or
  - (b) that the Member should be given the opportunity to make representations, either orally or in writing in respect of the findings of the investigation and any allegation that he or she has failed, or may have failed, to comply with the Code of Conduct.

#### **After the first meeting of the Standards Committee**

18. Where the Standards Committee decides that there is no evidence of any failure to comply with the Code of Conduct, the Standards Officer will accordingly notify the Member, the Complainant and the Ombudsman.
19. Where the Standards Committee decides that the Member should be given the opportunity to make representations, the Standards Officer will notify the Member of the Committee's decision and the procedure which the Committee proposes to adopt to receive and consider any representations that he or she may wish to make.

#### **Preparing for the hearing to consider the Member's representations**

20. The Standards Officer, in consultation with the Chair of the Standards Committee, will write to the Member to propose a date for a hearing to consider any representations that the Member may wish to make and to ask the Member to respond in writing within 14 days to confirm whether s/he:
- (a) is able to attend the hearing
  - (b) wants to make representations, whether orally or in writing and if so, to include any written representations in his or her response
  - (c) disagrees with any of the findings of fact in the investigation report, and if so, which matters he or she disagrees with and the reasons for any disagreements;
  - (ch) wants to appear before the Committee in person or be represented at the hearing by a solicitor, barrister or any other person, in accordance with his/her right under the Regulations
  - (d) wants to give evidence to the Standards Committee, either orally or in writing;
  - (dd) wants to call relevant witnesses to give evidence to the Standards Committee;
  - (e) wants any part of the meeting to be held in private;
  - (f) wants any part of the investigation report or other relevant documents to be withheld from the public
21. The Standards Officer will notify the Investigating Officer of the proposed hearing date and ask whether he or she will be attending the hearing.

22. The Standards Officer will send a copy of the Member's response under paragraph 20 to the Investigating Officer and will ask him/her to confirm in writing within 7 days whether s/he:
- (a) has any comments on the Member's response
  - (b) wants to be represented at the hearing;
  - (c) wants to call relevant witnesses to give evidence to the Standards Committee;
  - (ch) wants any part of the meeting to be held in private; and
  - (d) wants any part of the investigation report or other relevant documents to be withheld from the public.
23. The Standards Officer will write to the members of the Committee, the Member and the Investigating Officer at least two weeks before the hearing to:
- (a) confirm the date, time and place for the hearing;
  - (b) summarise the allegation;
  - (c) outline the main facts of the case that are agreed;
  - (ch) outline the main facts which are not agreed;
  - (d) note whether the Member or the Investigating Officer will attend or be represented at the hearing;
  - (dd) list those witnesses, if any, who will be asked to give evidence;
  - (e) enclose the investigation report, any relevant documents, the Member's response and any further response from the Investigating Officer; and
  - (f) outline the proposed procedure for the meeting.

#### **Powers of the Standards Committee**

24. The Standards Committee may, in accordance with the requirements of natural justice, conduct the meeting in the manner it considers most suitable to the clarification of the issues before it and generally to the just handling of the proceedings. It must so far as appears to it appropriate seek to avoid formality and inflexibility in its proceedings. The Standards Committee will decide factual evidence on the balance of probabilities.
25. The Member or the Investigating Officer may be represented or accompanied whether or not legally qualified but if in any particular case the Standards Committee is satisfied that there is a good reason, it may refuse to permit a particular person to assist or represent a party at the hearing.
26. The Standards Committee may take legal advice from a Council officer appointed for this purpose at any time during the meeting or while they are considering the outcome. The substance of any legal advice given to the Committee will be shared with the Member and the Investigating Officer if they are present.

27. Where appropriate, and in accordance with the Regulations, the Standards Committee has power to censure the Member, or suspend or partially suspend the Member for a period not exceeding 6 months.

#### **Procedure at the hearing**

28. The hearing will be held in public unless the Standards Committee is persuaded that there is a good reason to exclude the public.
29. The procedure at the meeting shall be as set out below, subject to the Chair making such changes as he or she thinks fit in order to ensure a fair and efficient hearing.

#### Introduction

30. The Chair of the Standards Committee will introduce those persons present and will explain the manner and order of proceedings

#### First stage: Preliminary procedural issues

31. The Standards Committee will then resolve any issues or disagreements about how the hearing should continue, which have not been resolved during the pre-hearing process.

#### Second stage: Making findings of fact

32. The Standards Committee will then consider whether or not there are any significant disagreements about the facts contained in the investigation report.
33. If there is a disagreement as to the facts:-
- (a) the Investigating Officer, if present, will be invited to make any necessary representations to support the relevant findings of fact in the investigation report.
  - (b) the Investigating Officer may call any necessary supporting witnesses to give evidence, with the Standards Committee's permission and the Committee shall give the Member an opportunity to challenge any evidence put forward by any witness called by the Investigating Officer.
  - (c) the Member will then be invited to make representations to support his or her version of the facts.
  - (ch) the Member may call any necessary witnesses to give evidence, with the Standards Committee's permission and the Committee shall give the Investigating Officer an opportunity to challenge any evidence put forward by any witness called by the Member.
34. At any time, the Standards Committee may question any of the people involved or any of the witnesses.
35. If the Member disagrees with any relevant fact in the investigation report, without having given prior notice of the disagreement, he or she must give good reasons for

not mentioning it before the hearing. If the Investigating Officer is not present, the Standards Committee will consider whether or not it would be in the public interest to continue in his or her absence. After considering the Member's explanation for not raising the issue at an earlier stage, the Committee may then:

- (a) continue with the hearing, relying on the information in the investigation report
- (b) allow the Member to make representations about the issue, and invite the Investigating Officer to respond and call any witnesses, as necessary; or
- (c) postpone the hearing to arrange for appropriate witnesses to be present, or for the Investigating Officer to be present if he or she is not already.

36. At the conclusion of the representations as to matters of fact, the Standards Committee will retire to deliberate in private on the representations, after which the Chair of the Standards Committee will announce their findings of fact.

Third stage: Deciding whether the Member has failed to comply with the Code

37. The Standards Committee will then consider whether, based on the facts it has found, the Member has failed to comply with the Code.

38. The Standards Committee will invite the Investigating Officer to make representations as to whether or not, based on the facts the Committee has found, the Member has failed to comply with the Code of Conduct.

39. The Standards Committee will invite the Member to respond to the representations of the Investigating Officer and to make representations as to whether or not, based on the facts the Committee has found, he or she has failed to comply with the Code of Conduct.

40. The Standards Committee may, at any time, question anyone involved on any point they raise in their representations.

41. The Member will be invited to make any final relevant points.

42. The Standards Committee will retire to deliberate in private on the representations and decide whether or not the Member has failed to comply with the Code of Conduct, after which the Chair of the Standards Committee will announce their findings.

Fourth stage: Action to be taken

43. If the Standards Committee decides that the Member has not failed to comply with the Code of Conduct, it will formally record that there is no evidence of any failure by the Member to comply with the Code of Conduct and that therefore no action needs to be taken.

44. If the Standards Committee decides that the Member has failed to comply with the Code of Conduct it will invite the Member and the Investigating Officer to make representations as to:

- (a) whether or not the Committee should apply a sanction; and
- (b) what form any sanction should take.

45. The Standards Committee will retire to deliberate in private on the representations and decide either that:

- (a) no action needs to be taken in respect of the failure to comply with the Code of Conduct,
- (b) the Member should be censured or
- (c) the Member should be suspended or partially suspended from being a member or co-opted member of his or her authority for a period not exceeding six months,

after which the Chair of the Standards Committee will announce their decision.

46. As part of its deliberations the Committee will have regard to the Sanctions Guidance published and adopted from time to time by the Adjudication Panel for Wales.

The Committee will follow a five step process in determining sanction:

1. assess the seriousness of the breach and any consequences for individuals and/or the council
2. identify the broad type of sanction that the Committee considers most likely to be appropriate having regard to the breach;
3. consider any relevant mitigating or aggravating circumstances and how these might affect the level of sanction under consideration;
4. consider any further adjustment necessary to ensure the sanction achieves an appropriate effect in terms of fulfilling the purposes of the sanctions;

~~46. 5. confirm the decision on sanction and include, within the written decision, an explanation of the Committee's reasons for determining the chosen sanction in order to enable the parties and the public to understand its conclusions. After making a decision the Standards Committee will instruct the Standards Officer to confirm the decision and the reasons for the decision in writing and to send a copy of the written decision (including details of the Member's right of appeal) to the Member, the Complainant and the Ombudsman as soon as reasonably practicable.~~

**Failure to make representations / attend the hearing**

47. If the Member fails to make representations, the Standards Committee may:

- (a) unless it is satisfied that there is sufficient reason for such failure, consider the investigation report and make a determination in the Member's absence; or

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- (b) give the Member a further opportunity to make representations

48. If a party fails to be present or represented at a hearing, the Standards Committee may, if it is satisfied that the party was duly notified of the hearing and that there is no good reason for such absence -

- (a) hear and decide the matter in the party's absence; or
- (b) adjourn the hearing.

#### Illness or incapacity

49. If the Standards Committee is satisfied that any party is unable, through physical or mental sickness or impairment, to attend the hearing and that the party's inability is likely to continue for a long time, the Standards Committee may make such arrangements as may appear best suited, in all the circumstances of the case, for disposing fairly of the matter.

#### Suspension

50. A period of suspension or partial suspension will commence on the day after:

- (a) the expiry of the time allowed to lodge a notice of appeal to an appeals tribunal under the Regulations (i.e. within 21 days of receiving notification of the Standards Committee's determination);
- (b) receipt of notification of the conclusion of any appeal in accordance with the Regulations;
- (c) a further determination by the Standards Committee made after receiving a recommendation from an appeals tribunal under the Regulations,

whichever occurs last.

#### Referral by an Appeals Tribunal

51. Where the Standards Committee determines that the Member has failed to comply with the Code of Conduct, the Member may appeal against the determination to an appeals tribunal drawn from the Adjudication Panel for Wales.

52. An appeals tribunal may endorse the decision of the Standards Committee, refer a matter back to it recommending it impose a different penalty, or overturn the decision.

53. If:

- (a) the Standards Committee determines that the Member failed to comply with the Code of Conduct;
- (b) the Member appeals to an appeals tribunal drawn from the Adjudication Panel for Wales; and

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- (c) the said tribunal refers the matter back to the Standards Committee with a recommendation that a different penalty be imposed,

the Standards Committee shall meet as soon as reasonably practicable to consider the recommendation of the appeals tribunal and will determine whether or not it should uphold its original determination or accept the recommendation.

54. After making its determination the Standards Committee will instruct the Standards Officer to confirm the decision and the reasons for the decision in writing and to send a copy of the written decision to the Member, the Complainant, the Ombudsman and the president of the Adjudication Panel for Wales as soon as reasonably practicable.

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#### Publication of the Standards Committee's report

55. The Standards Committee will cause to be produced within 14 days after:

- (a) the expiry of the time allowed to lodge a notice of appeal under the Regulations, or
- (b) receipt of notification of the conclusion of any appeal in accordance with the Regulations, or
- (c) a further determination by the Standards Committee made after receiving a recommendation from an appeals tribunal under the Regulations,

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whichever occurs last, a report on the outcome of the investigation and send a copy to the Ombudsman, the Monitoring Officer, the Member and take reasonable steps to send a copy to the Complainant.

56. Upon receipt of the report of the Standards Committee, the Monitoring Officer shall:

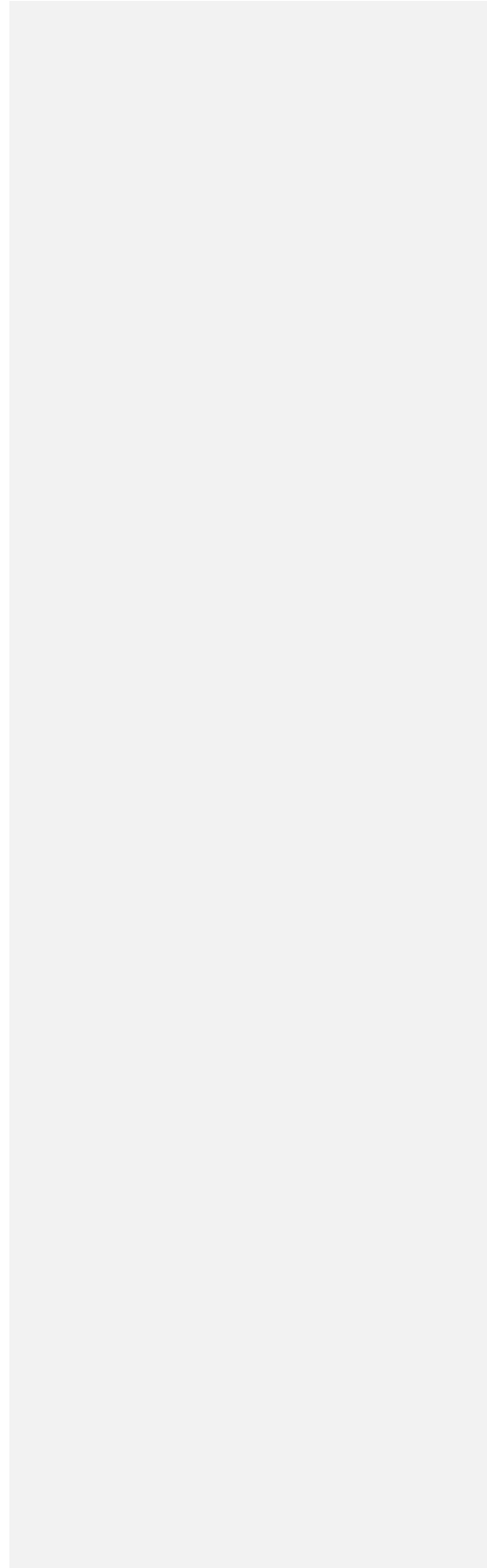
- (a) for a period of 21 days publish the report on the Council's website and make copies available for inspection by the public without charge at all reasonable hours at one or more of the Council's offices, where any person shall be entitled to take copies of, or extracts from, the report when made so available,
- (b) supply a copy of the report to any person on request if he or she pays such charge as the Council may reasonably require, and
- (c) not later than 7 days after the report is received from the Standards Committee, give public notice, by advertisement in newspapers circulating in the area and such other ways as appear to him or her to be appropriate, that copies of the report will be available as provided by sub-paragraphs (a) and (b) above, and shall specify the date (being a date not more than seven days after public notice is first given) from which the period of 21 days will begin.

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#### Costs

57. The Standards Committee has no power to make an award of any costs or expenses arising from any of its proceedings.

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## RESPONSIBILITY FOR COUNCIL FUNCTIONS

The following committees shall be standing committees of the County Council.

### PLANNING COMMITTEE

#### Terms of Reference

**The functions to be discharged by the Planning Committee include those functions listed in Table 2 of Part 3 of this Constitution and more particularly the following functions, powers and duties.**

To exercise the Council's functions set out below relating to town and country planning and development control together with certain miscellaneous functions as specified in Regulation 2 of and Schedule 1 to the Local Authorities Executive Arrangements (Functions and Responsibilities)(Wales) Regulations 2001.

#### **Town and Country Planning and Development Control Functions and Miscellaneous Functions**

1. Power to require information as to interests in land.
2. Duty to give notice etc. of applications for planning permission.
3. Power to determine applications for planning permission
4. Power to decline to determine application for planning permission.
5. Power to grant planning permission for development already carried out.
6. Power to grant or refuse planning permission for development without complying with conditions to which previous planning permission is subject.
7. Power to enter into agreement regulating development of use of land.
8. Power to serve a completion notice
9. Power to serve a planning contravention notice, breach of condition notice or stop notice
10. Power to issue an enforcement notice and enforce planning control (including planning obligations and the power to require the proper maintenance of land), advertising control and listed building control (including the exercise of the power to prevent deterioration and damage to listed buildings)
11. Power to apply for an injunction restraining a breach of planning control
12. Power to authorise entry onto land
13. Power to enter into agreement for the execution of highway work

14. Powers relating to the protection of important hedgerows
15. Duties relating to the making of determinations of planning applications
16. Power to determine application for planning permission made by a local authority, alone or jointly with another person
17. Power to make determinations, give approvals and agree certain other matters relating to the exercise of permitted development rights
18. To determine the making of Tree Preservation Orders and to determine applications for consent to take action in relation to trees within Tree Preservation Orders.
19. To consider and adopt supplementary planning guidance relating to Development Control matters and to develop Local Planning Guidance
20. Conservation Area Boundary Reviews and Designation and Conservation Area Character Assessments.
21. The naming and numbering of streets and the numbering and re-numbering of properties.
22. To authorize the stopping up or diversion of footpaths and bridleways pursuant to Section 257 of the Town and Country Planning Act 1990
23. Power to issue a certificate of existing proposed lawful use or development
24. Duty to determine conditions to which old mining permissions, relevant planning permissions relating to dormant sites or active Phase I or II sites, or mineral permissions relating to mining sites, as the case may be, are to be subject
25. Power to require proper maintenance of land
26. Duties relating to applications for listed building consent and conservation area consent
27. Power to serve a building preservation notice, and related powers
28. Powers to acquire a listed building in need of repair and to serve a repairs notice
29. Power to apply for an injunction in relation to a listed building
30. Power to grant consent for the display of advertisements
31. Power to require the discontinuance of a use of land
32. Power to determine applications for listed building consent and related powers
33. Power to determine applications for conservation area consent

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34. Power to issue enforcement notice in relation to demolition of unlisted building in conservation area
35. Power to execute urgent works
36. Power related to mineral working
37. Power as to Certification if appropriate alternative development
38. Power related to blight notices

The functions include:

- (i) imposing any condition, limitation or restriction, or determining any other terms, on an approval, consent, licence, permission or registration granted in the exercise of its functions
- (ii) determining whether to take enforcement action in respect of any breach of any approval, consent, licence, permission or registration granted or breach of any condition, limitation or term to which any such approval, consent, licence, permission or registration is subject to the exercise of its functions
- (iii) revoking any approval, consent, licence, permission or registration granted in the exercise of its functions
- (iv) amending, modifying or varying any approval, consent, licence, permission or registration granted in the exercise of its functions or any condition, limitation restriction or term to which it is subject
- (v) determining whether a charge should be made, and the amount of any such charge, for any approval, consent, licence, permission or registration where there is a power to charge and the amount of the charge is not otherwise prescribed

Membership: ~~30 Councillors, politically balanced~~21 Councillors, politically balanced in accordance with the provisions of the Size and Composition of Local Planning Authority Committees (Wales) Regulations 2017.

Quorum: at least 50% of the total number of members rounded to the nearest whole number.

**Members are reminded that expense claims are subject to both internal and external audit.**

**SCHEDULE 1**

**SCHEDULE OF REMUNERATION 2018-19**

<b>MEMBERS ENTITLED TO BASIC SALARY</b>			<b>ANNUAL AMOUNT OF BASIC SALARY</b>
The following named elected members of the authority			<b>£13,600</b>
Councillor Brian Blakeley	Councillor Tina Jones	Councillor Glenn Swingler	
Councillor <b>Ellie Chard</b>	Councillor Gwyneth Kensler	Councillor Rhys Thomas	
Councillor Ann Davies	Councillor Geraint Lloyd - Williams	Councillor Andrew Thomas	
Councillor Gareth Davies	Councillor Christine Marston	Councillor Graham Timms	
Councillor Peter Evans	Councillor Melvyn Mile	Councillor Cheryl Williams	
Councillor Rachel Flynn	Councillor Bob Murray	Councillor David Williams	
Councillor Tony Flynn	Councillor Merfyn Parry	Councillor Eryl Williams	
Councillor Mabon ap Gwynfor	Councillor Paul Penlington	Councillor Emrys Wynne	
Councillor Martyn Holland	Councillor Pete Prendergast		
Councillor Alan James	Councillor Arwel Roberts		
Councillor Pat Jones	Councillor Anton Sampson		

<b>SENIOR SALARIES ENTITLEMENTS (includes basic salary)</b>		<b>ANNUAL AMOUNT OF SENIOR SALARY</b>	
	<b>ROLE</b>	<b>MEMBER</b>	
1.	Leader of the Council and Lead Member for the Economy and Corporate Governance	Councillor Hugh Evans	£43,300
2.	Deputy Leader and Lead Member for Finance, Performance and Strategic Assets	Councillor Julian Thompson-Hill	£30,300
3.	Lead Member for Well-being and Independence	Councillor Bobby Feeley	£26,300
4.	Lead Member for Education, Children and Young People	Councillor Huw Hilditch-Roberts	£26,300
5.	Lead Member for Highways, Planning and Sustainable Travel	Councillor Brian Jones	£26,300
6.	Lead Member for Developing Community Infrastructure	Councillor Richard Mainon	£26,300
7.	Lead Member for Housing, Regulation and the Environment	Councillor Tony Thomas	£26,300
8.	Lead Member for Corporate Standards	Councillor Mark Young	£26,300
9.	Chair of Partnerships Scrutiny Committee	Councillor Jeanette Chamberlain-Jones	£22,300
10.	Chair of Communities Scrutiny Committee	Councillor Huw Williams	£22,300
11.	Chair of Performance Scrutiny Committee	Councillor Huw Jones	£22,300
12.	Chair of Planning Committee	Councillor Joe Welch	£22,300
13.	Chair of Licensing Committee	Councillor Hugh Irving	£22,300
14.	Chair of Corporate Governance Committee	Councillor Barry Mellor	£22,300
15.	Leader Of The Largest Opposition Group	Councillor Joan Butterfield	£22,300
A maximum of 17 senior salaries for Denbighshire County Council may be paid and this has not been exceeded.			

ENTITLEMENT TO CIVIC SALARIES (includes basic salary)		ANNUAL AMOUNT OF CIVIC SALARY
ROLE	MEMBER	
Civic Head (Chair)	Councillor <b>Peter Scott</b>	£21,800
Deputy Civic Head (Deputy Mayor / Chair)	Councillor <b>Meirick Lloyd Davies</b>	£14,300

ENTITLEMENT AS STATUTORY CO-OPTEEES		AMOUNT OF CO-OPTEEES ALLOWANCES
ROLE	MEMBER	
Chairperson Of Standards Committee	Ian Trigger	£256 Daily Fee £128 ½ Day Fee
Statutory Co-optees - Standards Committee, Education OVSC Committee, Audit Committee, Crime and Disorder OVSC	Standards: Julia Hughes Anne Mellor <b>Peter Lamb</b> <b>Gordon Hughes</b>  Scrutiny Gareth Williams Kathleen Jones Michael Hall David Lloyd  Audit Paul Whitham	£198 Daily Fee £99 ½ Day Fee

MEMBERS ELIGIBLE TO RECEIVE CARE ALLOWANCE	
All Members	Up to a maximum of £403 per month