

PART 3

3.1 RESPONSIBILITY FOR FUNCTIONS

Introduction

Section 13 of the Local Government Act 2000 makes the Cabinet responsible for all the functions of the Council with the exception of those functions specified in the Local Authorities (Executive Arrangements)(Functions and Responsibilities)(Wales) Regulations 2007 as not being the responsibility of the Cabinet to some extent.

Schedule 1 to the Regulations lists those functions that must not be the responsibility of the Cabinet. Accordingly, these functions have been allocated to the Council as set out in **table 1** below. Some Council functions are delegated to Committees of the Council, the terms of reference and composition for which are set out in **table 3**.

Schedule 2 to the Regulations sets out those functions that may be (but need not be) the responsibility of the Cabinet. These functions (also known as “local choice” functions) are listed in **table 2** below, each function being allocated to either the Council or the Cabinet as indicated in the second column of the table.

Schedule 3 to the Regulations contains a list of those functions that cannot be the sole responsibility of the Cabinet. These functions relate to various corporate strategies and plans, responsibility for which is shared between the Council and the Cabinet, as set out in **paragraph 4.1 of Article 4 of Part 2 to the Constitution**.

Other functions that are commonly exercised solely by the Cabinet are set out in **table 4** but the list is not exhaustive and so if a function is not specifically listed in any of the tables then it will by default be the Cabinet that has responsibility for that function.

Council and/or Cabinet functions may be delegated to other decision-making bodies or officers and where applicable this is indicated in the right hand column of the relevant table. However, the Council and/or Cabinet still retain responsibility for the function even though it has been delegated.

Where functions are shown as being delegated to officers in any of the tables, the circumstances in which officers may exercise delegated functions are set out in the **Scheme of Delegation**, a copy of which is enclosed at the end of Part 3.

TABLE 1 - COUNCIL FUNCTIONS

A. Functions Relating to Town & Country Planning & Development Control

Function	Provision of Act or Statutory instrument	Delegated to
1. Power to determine applications for planning permission	Sections 70(1) (a) and (b) and 72 of the Town and Country Planning Act 1990	Planning Committee. The Chief Executive or any relevant Director or Head of Service.
2. Power to determine applications to develop land without compliance with conditions previously attached	Section 73 of the Town and Country Planning Act 1990	Planning Committee. The Chief Executive or any relevant Director or Head of Service.

Function	Provision of Act or Statutory instrument	Delegated to
3. Power to grant planning permission for development already carried out	Section 73A of the Town and Country Planning Act 1990	Planning Committee. The Chief Executive or any relevant Director or Head of Service.
4. Power to decline to determine applications for planning permission	Section 70A of the Town and Country Planning Act 1990	Planning Committee. The Chief Executive or any relevant Director or Head of Service.
5. Duties relating to the making of determinations of planning applications	Sections 69, 76 and 92 of the Town and Country Planning Act 1990 and Articles 8, 10 to 13, 15 to 22 and 25 and 26 of the Town and Country Planning (General Development Procedure) Order 1995 (S.I. 1995/419) and directions made there under	Planning Committee. The Chief Executive or any relevant Director or Head of Service.
6. Power to determine applications for planning permission made by a local authority, alone or jointly with another person	Section 316 of the Town and Country Planning Act 1990 and the Town and Country Planning General Regulations 1992 (S.I. 1992/1492)	Planning Committee.
7. Power to make determinations, give approvals and agree certain other matters relating to the exercise of permitted development rights	Parts 6, 7, 11, 17, 19, 20, 21 to 24, 30 and 31 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 (S.I. 1995/418)	Planning Committee. The Chief Executive or any relevant Director or Head of Service.
8. Power to enter into planning obligation, regulating development or use of land	Section 106 of the Town and Country Planning Act 1990	Planning Committee. The Chief Executive or any relevant Director or Head of Service.
9. Power to issue a certificate of existing or proposed lawful use or development	Sections 191(4) and 192(2) of the Town and Country Planning Act 1990	Planning Committee. The Chief Executive or any relevant Director or Head of Service.
10. Power to serve a completion notice	Section 94(2) of the Town and Country Planning Act 1990	Planning Committee. The Chief Executive or any relevant Director or Head of Service.

Function	Provision of Act or Statutory instrument	Delegated to
11. Power to grant consent for the display of advertisements	Section 220 of the Town and Country Planning Act 1990 and the Town and Country Planning (Control of Advertisements) Regulations 1992	Planning Committee. The Chief Executive or any relevant Director or Head of Service.
12. Power to authorise entry onto land	Section 196A of the Town and Country Planning Act 1990	The Chief Executive or any relevant Director or Head of Service.
13. Power to require the discontinuance of a use of land	Section 102 of the Town and Country Planning Act 1990	Planning Committee. The Chief Executive or any relevant Director or Head of Service.
14. Power to serve a planning contravention notice, breach of condition notice or stop notice	Sections 171C, 187A and 183(1) of the Town and Country Planning Act 1990	The Chief Executive or any relevant Director or Head of Service.
15. Power to issue an enforcement notice	Section 172 of the Town and Country Planning Act 1990	The Chief Executive or any relevant Director or Head of Service.
16. Power to apply for an injunction restraining a breach of planning control	Section 187B of the Town and Country Planning Act 1990	The Chief Executive or any relevant Director or Head of Service.
17. Power to determine applications for hazardous substances consent, and related powers	Sections 9(1) and 10 of the Planning (Hazardous Substances) Act 1990	Planning Committee The Chief Executive or any relevant Director or Head of Service.
18. 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	Paragraph 2(6)(a) of Schedule 2 to the Planning and Compensation Act 1991, paragraph 9(6) of Schedule 13 to the Environment Act 1995 and paragraph 6(5) of Schedule 14 to that Act	Planning Committee The Chief Executive or any relevant Director or Head of Service.
19. Power to require proper maintenance of land	Section 215(1) of the Town and Country Planning Act 1990	Planning Committee. The Chief Executive or any relevant Director or Head of Service.

Function	Provision of Act or Statutory instrument	Delegated to
20. power to determine applications for listed building consent, and related powers	Sections 16(1) and (2), 17 and 33(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990	Planning Committee The Chief Executive or any relevant Director or Head of Service.
21. Power to determine applications for conservation area consent	Section 16(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as applied by section 74(3) of that Act	Planning Committee. The Chief Executive or any relevant Director or Head of Service.
22. Duties relating to applications for listed building consent and conservation area consent	Section 13(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and regulations 3 to 13 of the Planning (Listed Buildings and Conservation Areas) Regulations 1990 and paragraph 127 of the Welsh Office circular 61/96: Planning and the Historic Environment: Historic Buildings and Conservation Areas	Planning Committee. The Chief Executive or any relevant Director or Head of Service.
23. Power to serve a building preservation notice, and related powers	Sections 3(1) and 4(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990	The Chief Executive or any relevant Director or Head of Service.
24. Power to issue a listed building enforcement notice	Section 38 of the Planning (Listed Buildings and Conservation Areas) Act 1990	The Chief Executive or any relevant Director or Head of Service.
25. Powers to acquire a listed building in need of repair and to serve a repairs notice	Sections 47 and 48 of the Planning (Listed Buildings and Conservation Areas) Act 1990	Planning Committee. The Chief Executive or any relevant Director or Head of Service.
26. Power to apply for an injunction in relation to a listed building	Section 44A of the Planning (Listed Buildings and Conservation Areas) Act 1990	The Chief Executive or any relevant Director or Head of Service.

Function	Provision of Act or Statutory instrument	Delegated to
27. Power to execute urgent works	Section 54 of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990	The Chief Executive or any relevant Director or Head of Service.
28. Power related to mineral working	Schedule 9 of the Town and Country Planning Act 1990	Planning Committee. The Chief Executive or any relevant Director or Head of Service.
29. Power related to footpaths and bridleways	Section 257 of the Town and Country Planning Act 1990	Planning Committee. The Chief Executive or any relevant Director or Head of Service.
30. Power as to certification of appropriate alternative development	Section 17 of the Land Compensation Act 1961	Planning Committee. The Chief Executive or any relevant Director or Head of Service.
31. Duties in relation to purchase notices	Sections 137-144 of the Town and Country Planning Act 1990	The Chief Executive or any relevant Director or Head of Service.
32. Powers related to blight notices	Sections 149-171 of the Town and Country Planning Act 1990	The Chief Executive or any relevant Director or Head of Service.

B. Licensing & Registration Functions (in so far as not covered by any other paragraph in the remainder of Table 1).

Function	Provision of Act or Statutory Instrument	Delegated to
1. Power to issue licences authorising the use of land as a caravan site ("site licences")	Section 3(3) of the Caravan Sites and Control of Development Act 1960	The Chief Executive or any relevant Director or Head of Service
2. Power to license the use of moveable dwellings and camping sites	Section 269(1) of the Public Health Act 1936	The Chief Executive or any relevant Director or Head of Service

Function	Provision of Act or Statutory instrument	Delegated to
3. Power to license hackney carriages and private hire vehicles	(a) as to hackney carriages, the Town Police Clauses Act 1847, as extended by Section 171 of the Public Health Act 1875 and section 15 of the Transport Act 1985; and sections 47, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976 (b) as to private hire vehicles, sections 48, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976	Licensing Committee. The Chief Executive or any relevant Director or Head of Service
4. Power to license drivers of hackney carriages and private hire vehicles	Sections 51, 53, 54, 59, 61 and 79 of the Local Government (Miscellaneous Provisions) Act 1976	Licensing Committee. The Chief Executive or any relevant Director or Head of Service
5. Power to license operators of hackney carriages and private hire vehicles	Sections 55 to 58, 62 and 79 of the Local Government (Miscellaneous Provisions) Act 1976	Licensing Committee. The Chief Executive or any relevant Director or Head of Service
6. Power to register pool promoters	Schedule 2 to the Betting, Gaming and Lotteries Act 1963	Licensing Committee. The Chief Executive or any relevant Director or Head of Service
7. Power to grant track betting licenses	Schedule 3 to the Betting, Gaming and Lotteries Act 1963	Licensing Committee. The Chief Executive or any relevant Director or Head of Service
8. Power to license inter-track betting schemes.	Schedule 5ZA to the Betting, Gaming and Lotteries Act 1963	Licensing Committee
9. Power to grant permits in respect of premises with amusement machines	Schedule 9 to the Gaming Act 1968	Licensing Committee
10. Power to register societies wishing to promote lotteries	Schedule 1 to the Lotteries and Amusements Act 1976	Licensing Committee. The Chief Executive or any relevant Director or Head of Service
11. Power to grant permits in respect of premises where amusements with prizes are provided	Schedule 3 to the lotteries and Amusements Act 1976	Licensing Committee. The Chief Executive or any relevant Director or Head of Service

Function	Provision of Act or Statutory instrument	Delegated to
12. Power to issue entertainments licenses	Section 12 of the Children and Young Persons Act 1933	Now superseded by the Licensing Act 2003
13. Power to license sex shops and sex cinemas	Section 2 and Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982	Licensing Committee.
14. Power to license performances of hypnotism	The Hypnotism Act 1952	Licensing Committee. The Chief Executive or any relevant Director or Head of Service
15. Power to license premises for acupuncture, tattooing, ear piercing and electrolysis	Sections 13 to 17 of the Local Government (Miscellaneous Provisions) Act 1982	Licensing Committee. The Chief Executive or any relevant Director or Head of Service
16. Power to license pleasure boats and pleasure vessels	Section 94 of the Public Health Acts Amendment Act 1907	Licensing Committee. The Chief Executive or any relevant Director or Head of Service
17. Power to license market and street trading	Part III of, and Schedule 4 to, the Local Government (Miscellaneous Provisions) Act 1982	Licensing Committee. The Chief Executive or any relevant Director or Head of Service
18. Duty to keep list of persons entitled to sell non-medicinal poisons	Sections 3(1)(b)(ii), 5, 6 and 11 of the Poisons Act 1972	The Chief Executive or any relevant Director or Head of Service
19. Power to license dealers in game and the killing and selling of game	Sections 5, 6, 17, 18 and 21 to 23 of the Game Act 1831; sections 2 to 16 of the Game Licences Act 1860, section 4 of the Customs and Inland Revenue Act 1883, and section 27 of the Local Government Act 1894, and section 213 of the Local Government Act 1972	The Chief Executive or any relevant Director or Head of Service
20. Power to register and license premises for the preparation of food	Section 19 of the Food Safety Act 1990	The Chief Executive or any relevant Director or Head of Service
21. Power to license scrap yards	Section 1 of the Scrap Metal Dealers Act 1964	The Chief Executive or any relevant Director or Head of Service
22. Power to issue, amend or replace safety certificates (whether general or special) for sports grounds	The Safety of Sports Grounds Act 1975	The Chief Executive or any relevant Director or Head of Service

Function	Provision of Act or Statutory instrument	Delegated to
23. Power to issue, cancel, amend or replace safety certificates for regulated stands at sports grounds	Part III of the Fire Safety and Safety of Places of Sport Act 1987	The Chief Executive or any relevant Director or Head of Service
24. Duty to promote fire safety	Section 6 of the Fire and Rescue Services Act 2004	The Chief Executive or any relevant Director or Head of Service
25. Power to license premises for the breeding of dogs	Section 1 of the Breeding of Dogs Act 1973 and section 1 of the Breeding and Sale of Dogs (Welfare) Act 1999	The Chief Executive or any relevant Director or Head of Service
26. Power to license pet shops and other establishments where animals are bred or kept for the purposes of carrying on a business	Section 1 of the Pet Animals Act 1951; section 1 of the Animal Boarding Establishments Act 1963; the Riding Establishments Acts 1964 and 1970; section 1 of the Breeding of Dogs Act 1973, and sections 1 and 8 of the Breeding and Sale of Dogs (Welfare) Act 1999	The Chief Executive or any relevant Director or Head of Service
27. Power to register animal trainers and exhibitors	Section 1 of the Performing Animals (Regulation) Act 1925	The Chief Executive or any relevant Director or Head of Service
28. Power to license zoos	Section 1 of the Zoo Licensing Act 1981	The Chief Executive or any relevant Director or Head of Service
29. Power to license dangerous wild animals	Section 1 of the Dangerous Wild Animals Act 1976	The Chief Executive or any relevant Director or Head of Service
30. Power to enforce regulations in relation to animal by-products	Regulation 49 of the Animal By-products (Wales) Regulations 2006	The Chief Executive or any relevant Director or Head of Service
31. Power to license the employment of children	Part II of the Children and Young Persons Act 1933, byelaws made under that Part, and Part II of the Children and Young Persons Act 1963	The Chief Executive or any relevant Director or Head of Service
32. Power to approve premises for the solemnisation of marriages and the registration of civil partnerships	Section 46A of the Marriage Act 1949, section 6A of the Civil Partnership Act 2004 and the Marriages and Civil Partnerships (Approved Premises) Regulations 2005 (S.I. 2005/3168)	The Chief Executive or any relevant Director or Head of Service

Function	Provision of Act or Statutory instrument	Delegated to
<p>33. Power to register common land or town or village greens, except where the power is exercisable solely for the purpose of giving effect to:</p> <p>(a) an exchange of lands effected by an order under section 19(3) of, or paragraph 6(4) of Schedule 3 to, the Acquisition of Land Act 1981 or</p> <p>(b) an order under section 147 of the Inclosure Act 1845</p>	Regulation 6 of the Commons Registration (New Land) Regulations 1969 (S.I. 1969/1843)	Head of Administration and Law to consider and determine on their legal merits applications for the registration of Common Land and Village Greens brought under the Commons Registration Act 1965 including the appointment of an inspector and the holding of a public inquiry when advised to do so by Counsel and where such an enquiry is held, to implement the recommendations contained in the Inspector's report.
34. Power to register variation of rights of common	Regulation 29 of the Commons Registration (General) Regulations 1966 (S.I. 1966/1471)	The Chief Executive or any relevant Director or Head of Service
35. Power to issue a permit to conduct charitable collections	Section 68 of the Charities Act 1992	Licensing Committee. The Chief Executive or any relevant Director or Head of Service
36. Power to grant consent for the operation of a loudspeaker	Schedule 2 to the Noise and Statutory Nuisance Act 1993	The Chief Executive or any relevant Director or Head of Service
37. Power to grant a street works licence	Section 50 of the New Roads and Street Works Act 1991	The Chief Executive or any relevant Director or Head of Service
38. Duty to register the movement of pigs	Regulations 21(3) and (4) of the Pigs (Records Identification and Movement) (Wales) Order 2004 (S.I. 2004/996)	The Chief Executive or any relevant Director or Head of Service
39. Power to enforce regulations in relation to the movement of pigs	Regulation 27 (1) of the Pigs (Records, Identification and Movement) (Wales) Order 2004/996	The Chief Executive or any relevant Director or Head of Service
40. Power to issue a licence to move cattle from a market	Article 5(2) of the Cattle Identification Regulations 1998 (S.I. 1998/871)	The Chief Executive or any relevant Director or Head of Service

Function	Provision of Act or Statutory instrument	Delegated to
41. Power to sanction use of parts of buildings for storage of celluloid	Section 1 of the Celluloid and Cinematograph Film Act 1922	The Chief Executive or any relevant Director or Head of Service
42. Duty to enforce and execute Regulations (EC) No. 852/2004 and 853/2004 in relation to food business operators as further specified in the regulation 5 of the Food (Hygiene) (Wales) Regulations 2006	Regulation 5 of the Food (Hygiene) (Wales) Regulations 2006	The Chief Executive or any relevant Director or Head of Service
43. Functions in respect of establishing a Licensing Committee	Section 6 of the Licensing Act 2003	Council

C. Functions Relating to Health and Safety at Work

Function	Provision of Act or Statutory Instrument	Delegated to
1. Functions under any of the “relevant statutory provisions” within the meaning of Part I (health, safety and welfare in connection with work, and control of dangerous substances) of the Health and Safety at Work etc Act 1974, to the extent that those functions are discharged otherwise than in the authority’s capacity as an employer	Part I of the Health and Safety at Work etc Act 1974	The Chief Executive or any relevant Director or Head of Service

D. Functions relating to elections

Function	Provision of Act or Statutory Instrument	Delegated to
1. Duty to appoint an electoral registration officer	Section 8(2A) of the Representation of the People Act 1983	The Chief Executive or any relevant Director or Head of Service
2. power to assign officers in relation to requisitions of the registration officer	Section 52(4) of the Representation of the People Act 1983	The Chief Executive or any relevant Director or Head of Service
3. Power to dissolve community councils	Section 28 of the Local Government Act 1972	Council.

Function	Provision of Act or Statutory instrument	Delegated to
4. Power to make orders for grouping communities	Section 29 of the Local Government Act 1972	Council.
5. Power to make orders for dissolving groups and separating community councils from groups	Section 29A of the Local Government Act 1972	Council.
6. Duty to appoint returning officer for local government elections	Section 35 of the Representation of the People Act 1983	Council.
7. Duty to provide assistance at European Parliamentary elections	Section 6(7) and (8) of the European Parliamentary Elections Act 2002	The Chief Executive or any relevant Director or Head of Service
8. Duty to divide constituency into polling districts	Section 18 of the Representation of the People Act 1983	Council.
9. Power to divide electoral divisions into polling districts at local government elections	Section 31 of the Representation of the People Act 1983	Council.
10. Powers in respect of holding of elections	Section 39(4) of the Representation of the People Act 1983	The Chief Executive or any relevant Director or Head of Service
11. Power to pay expenses properly incurred by electoral registration officers	Section 54 of the Representation of the People Act 1983	The Chief Executive or any relevant Director or Head of Service
12. Power to fill vacancies in the event of insufficient nominations	Section 21 of the Representation of the People Act 1985	The Chief Executive or any relevant Director or Head of Service
13. Duty to declare vacancy in office in certain cases	Section 86 of the Local Government Act 1972	The Chief Executive or any relevant Director or Head of Service
14. Power to change the Voting system that applies to elections of Council	Section 8 of the Local Government and Elections (Wales) Act 2021	Council.

Function	Provision of Act or Statutory Instrument	Delegated to
14. Duty to give public notice of a casual vacancy	Section 87 of the Local Government Act 1972	The Chief Executive or any relevant Director or Head of Service
15. Power to make temporary appointments to community councils	Section 91 of the Local Government Act 1972	The Chief Executive or any relevant Director or Head of Service
16. Power to determine fees and conditions for supply of copies of, or extracts from, elections documents	Rule 48(3) of the Local Elections (Principal Areas) Rules 1986 (S.I. 1986/2214) and rule 48(3) of the Local Elections (Parishes and Communities) Rules 1986 (S.I. 1986/2215)	The Chief Executive or any relevant Director or Head of Service
17. Power to submit proposals to the Secretary of State for an order under section 10 (pilot schemes for local elections in England and Wales) of the Representation of the People Act 2000	Section 10 of the Representation of the People Act 2000	Council. The Chief Executive or any relevant Director or Head of Service
18. Miscellaneous electoral functions under Part II (S.I. 2003/284)	The National Assembly for Wales (Representation of the People) Order 2003 (S.I. 2003/284)	The Chief Executive or any relevant Director or Head of Service

E. Functions relating to the name and status of areas and individuals

Function	Provision of Act or Statutory Instrument	Delegated to
1. Power to change the name of a county or county borough	Section 74 of the Local Government Act 1972	Council.
2. Power to change the name of a community	Section 76 of the Local Government Act 1972	Council.
3. Power to confer title of honorary alderman or to admit to be an honorary freeman	Section 249 of the Local Government Act 1972	Council.
4. Power to petition for a charter to confer county borough status	Section 245A of the Local Government Act 1972	Council.

F. Power to make, amend, revoke or re-enact byelaws

Function	Provision of Act or Statutory Instrument	Delegated to
Power to make, amend, revoke or re-enact byelaws	Any provision of any enactment (including a local Act), whenever passed, and section 14 of the Interpretation Act 1978	Council.

G. Power to promote or oppose local or personal bills

Function	Provision of Act or Statutory Instrument	Delegated to
Power to promote or oppose local or personal bills	Section 239 of the Local Government Act 1972	Council.

H. Functions relating to pensions etc

Function	Provision of Act or Statutory Instrument	Delegated to
1. Functions relating to local government pensions etc	Regulations under section 7, 12 or 24 of the Superannuation Act 1972 Public Services Pensions Act 2013 and the Local Government Pension Scheme (Amendment) (Governance) Regulations 2014	Council. The Chief Executive or any relevant Director or Head of Service Local Pension Board
2. Functions relating to pensions, allowances and gratuities	Regulations under section 18 (3A) of the Local Government and Housing Act 1989	Council. The Chief Executive or any relevant Director or Head of Service
3. Functions under existing pension schemes as respects persons employed by the fire and rescue authorities pursuant to section 1 of the Fire and Rescue Services Act 2004	Sections 34 and 36 of the Fire and Rescue Services Act 2004	Council. The Chief Executive or any relevant Director or Head of Service

I. Miscellaneous functions

Function	Provision of Act or Statutory Instrument	Delegated to
1. Duty to approve authority's statement of accounts, income and expenditure and balance sheet or record of receipts and payments (as the case may be)	The Accounts and Audit Wales Regulations 2014	Governance & Audit Committee.
2. Functions relating to sea fisheries	Sections 1, 2, 10 and 19 of the Sea Fisheries Regulation Act 1966	The Chief Executive or any relevant Director or Head of Service
3. Powers relating to the preservation of trees	Sections 197 to 214D of the Town and Country Planning Act 1990 and the Town and Country Planning (Trees) Regulations 1999 (S.I. 1999/1892)	The Chief Executive or any relevant Director or Head of Service.
4. Powers relating to the protection of important hedgerows	The Hedgerows Regulations 1997 (S.I. 1997/1160)	The Chief Executive or any relevant Director or Head of Service.
5. Power to make standing orders	Section 106 of, and paragraph 42 of Schedule 12 to, the Local Government Act 1972	Council
6. Appointment and dismissal of staff	Section 112 of the Local Government Act 1972 and sections 7 and 8 of the Local Government and Housing Act 1989	See table 3 below and the Officer Employment Procedure Rules
7. Power to make standing orders as to contracts	Section 135 of the Local Government Act 1972	Governance & Audit Committee
8. Power to consider report from the Public Services Ombudsman for Wales	Section 19 of the Public Services Ombudsman (Wales) Act 2005	Council
9. Power to make an order identifying a place as a designated public place for the purposes of police powers in relation to alcohol consumption	Section 13(2) of the Criminal Justice and Police Act 2001	Licensing Committee
10. Powers in respect of registration of motor salvage operators	Part 1 of the Vehicles (Crime) Act 2001	Licensing Committee. The Chief Executive or any relevant Director or Head of Service

Function	Provision of Act or Statutory Instrument	Delegated to
11. Power to appoint officers for particular purposes (appointment of “proper officers”)	Section 270(3) of the Local Government Act 1972	Council
12. Duty to appoint a Chief Executive and to provide staff etc	Section 54(1) & (6) of the Local Government & Elections (Wales) Act 2021	Council
13. Duty to designate an officer as the monitoring officer and to provide staff etc	Section 5(1) of the Local Government and Housing Act 1989	Council
14. Duty to determine affordable borrowing limit	Section 3 of the Local Government Act 2003	Council.
15. Approval of annual investment strategy in accordance with guidance	Section 15 of the Local Government Act 2003	Council.
16. Duty to make arrangements for proper administration of financial affairs	Section 151 of the Local Government Act 1972	Director of Corporate Services.

TABLE 2 - LOCAL CHOICE FUNCTIONS

Function	Decision making body	Delegated to
1. Any function under a local Act other than a function specified or referred to in Table 1 above	The Council	The Chief Executive or any relevant Director or Head of Service
<p>2. The determination of an appeal against any decision made by or on behalf of the authority.</p> <p>(a) any matter set out in table 3</p> <p>(b) any other matter</p>	The Council The Cabinet	<p>Appeals Committee</p> <p>The Chief Executive or any relevant Director or Head of Service</p>
3. Functions in relation to the revision of decisions made in connection with claims for housing benefit or council tax benefit and for appeals against such decisions under section 68 of and schedule 7 to the Child Support , Pensions and Social Security Act 2000	The Council	The Chief Executive or any relevant Director or Head of Service
4. The making of arrangements in relation to appeals against the exclusion of pupils in maintained schools under Section 52 of the Education Act 2002	The Council	The Chief Executive or any relevant Director or Head of Service (Note:- this includes the appointment of an independent education appeals panel)
5. The making of arrangements pursuant to section 94(1), (1A) and (4) of, and Schedule 24 to, the School Standards and Framework Act 1998 (admission appeals).	The Council	The Chief Executive or any relevant Director or Head of Service (Note:- this includes the appointment of an independent education appeals panel)

Function	Decision making body	Delegated to
<p>6. The making of arrangements pursuant to section 95(2) of the School Standards and Framework Act 1998 (children to whom section 87 applies: Appeals by governing bodies).</p>	<p>The Council</p>	<p>The Chief Executive or any relevant Director or Head of Service (Note:- this includes the appointment of an independent education appeals panel)</p>
<p>7 – The School Standards and Organisation (Wales) Act 2013 and School Organisation Code 2013</p> <p>“School Organisation Decision Making and Determination Process”</p> <p>Stage 1 (Permission to Consult)</p> <p>Stage 2 (Permission to Notice)</p> <p>Stage 3 (Permission to Implement).</p> <p>*Revised process as agreed by Council on the 13th January 2021 – Minute 7.2 refers)</p>	<p>Stage 1 – Cabinet following consultation with the Education & Children Scrutiny Committee.</p> <p>Stage 2 – Cabinet (no Scrutiny consultation required)</p> <p>Stage 3 – County Council following Cabinet recommendation (no Scrutiny consultation required)</p>	
<p>8. The making of arrangements under section 20 (questions on police matters at council meetings) of the Police Act 1996 for enabling questions to be put on the discharge of the functions of a police authority.</p>	<p>The Council</p>	
<p>9. The making of appointments under paragraphs 2 to 4 (appointment of members by relevant councils) of Schedule 2 (police authorities established under section 3) to the Police Act 1996.</p>	<p>The Council</p>	
<p>10. The conducting of best value reviews in accordance with the provisions of any order for the time being having effect under section 5 (best value reviews) of the Local Government Act 1999.</p>	<p>The Cabinet and the relevant Scrutiny Committee.</p>	<p>The Chief Executive or any relevant Director or Head of Service, after consultation with the Leader or the appropriate Cabinet Member(s)</p>

Function	Decision making body	Delegated to
11. Any function relating to contaminated land.	The Council	The Chief Executive or any relevant Director or Head of Service
12. The discharge of any function relating to the control of pollution or the management of air quality	The Council	The Chief Executive or any relevant Director or Head of Service
13. The service of an abatement notice in respect of a statutory nuisance	The Council	The Chief Executive or any relevant Director or Head of Service
14. The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the authority's area.	The Council	The Chief Executive or any relevant Director or Head of Service
15. The inspection of the authority's area to detect any statutory nuisance.	The Council	The Chief Executive or any relevant Director or Head of Service
16. The investigation of any complaint as to the existence of a statutory nuisance.	The Council	The Chief Executive or any relevant Director or Head of Service
17. The obtaining of information under section 330 of the Town and Country Planning Act 1990 as to interests in land	The Council	The Chief Executive or any relevant Director or Head of Service
18. The obtaining of particulars of persons interested in land under section 16 of the Local Government (Miscellaneous Provisions) Act 1976.	The Council	The Chief Executive or any relevant Director or Head of Service
19. The making of agreements for the execution of highways works.	The Council	The Chief Executive or any relevant Director or Head of Service
20. The appointment of any individual:- (a) to any office other than an office in which he is employed by the authority; (b) to any body other than:- (i) the authority; (ii) a joint committee of two or more authorities; or (c) to any committee or sub-committee of such a body,	The Council	Member Appointments Committee Where representation on an outside body requires the views of the Council to be represented as part of its decision making processes and its

Function	Decision making body	Delegated to
and the revocation of any such appointment.		functions fall within those allocated to the Cabinet then the Cabinet will make the appointment.
21. Power to make payments or provide other benefits in cases of maladministration etc.	The Council	The Chief Executive or any relevant Director or Head of Service
22. The discharge of any function by an authority acting as a harbour authority.	The Council	The Chief Executive or any relevant Director or Head of Service
23. Functions in respect of the calculation of council tax base in accordance with any of the following: <ul style="list-style-type: none"> (a) The determination of an item under section 33 (1) and 44(1) of the Local Government Finance Act 1992 (b) The determination of an amount for an item under sections 34 (3), 45 (3), 48 (3) and 48 (4) of the Local Government Finance Act 1992 (c) The determination of an amount required for determining an amount for the item mentioned paragraph (a) or (b) above 	Cabinet	
24. Licensing functions in accordance with Part 2 of the Licensing Act 2003 except section 6	The Council	1. Any application; <ul style="list-style-type: none"> (a) for personal licence (b) to vary designated premises supervisor (c) for transfer of premises licence (d) for interim authorities (e) by community premises to remove the mandatory condition requiring a designated premises supervisor:- If police objection then Licensing Sub-committee. Otherwise the Chief Executive or any relevant Director or Head of service.

Function	Decision making body	Delegated to
<p>24.continued Licensing functions in accordance with Part 2 of the Licensing Act 2003 except section 6</p>	<p>The Council</p>	<p>2. In cases involving;</p> <ul style="list-style-type: none"> (a) application for personal licence with unspent convictions (b) application to review premises licence/club premises certificate (b) decision to object when the Council is a consultee and not the relevant authority considering the application <p>(c) determination of a Police objection to a temporary event notice:-</p> <p>Licensing sub-Committee.</p> <p>3 Any application;</p> <ul style="list-style-type: none"> (a) for premises licence/club premises certificate (b) for provisional statement (c) to vary premises licence/club premises certificate;- <p>If relevant representation is made then Licensing Sub-committee. Otherwise the Chief Executive or any relevant Director or Head of Service.</p> <p>4 In cases involving a:</p> <ul style="list-style-type: none"> (a) request to be removed as Designated Premises Supervisor (b) decision on whether a complaint is irrelevant frivolous vexatious etc:-

Function	Decision making body	Delegated to
<p>24.continued Licensing functions in accordance with Part 2 of the Licensing Act 2003 except section 6</p>	<p>The Council</p>	<p>The Chief Executive or any relevant Director or Head of Service.</p> <p>5 Application for a minor variation:-</p> <p>The Chief Executive or any relevant Director or Head of Service</p> <p>6. Suspension or Revocation of a personal licence:-</p> <p>Licensing sub-committee in all cases</p> <p>7. Film Classification Request:-</p> <p>Where Film not previously classified – Licensing Sub Committee</p> <p>Where previously classified film to be shown at different premises – the Chief Executive or any relevant Director or Head of Service</p>

Function	Decision making body	Delegated to
<p>25. Functions in respect of gambling in accordance with any of the following:</p> <ul style="list-style-type: none"> (a) a resolution not to issue casino licences in accordance with section 166 of the Gambling Act 2005 (b) Prescribing of fees in accordance with Section 212 of the Gambling Act 2005. (c) Making an order disapplying Section 279 or Section 282 (1) of the Gambling Act 2005 in accordance with Section 284 of the Gambling Act 2005. (d) Authorised persons in accordance with Section 304 of the Gambling Act 2005. (e) Prosecutions by a licensing authority in accordance with Section 346 of the Gambling Act 2005. (f) 3-year licensing policy in accordance with Section 349 of the Gambling Act 2005. 	The Council	Licensing Committee. The Chief Executive or any relevant Director or Head of Service
<p>26. Scrap Metal Dealers Act 2013 To undertake oral “Application Hearings” against the refusal of applications by Officers (EB Minute 7 - 30th September 2013)</p>	Cabinet	

TABLE 3 - COMMITTEES OF THE COUNCIL

Committee	Functions	Delegation of Functions
<p>Appeals Committee 6 Members</p>	<p>In relation to item 6 of Part I (Miscellaneous Functions) of table 1 above:-</p> <p>To determine:</p> <p>Appeals by members of staff in respect of disciplinary matters which have led to dismissal, save for any dismissal relating to the Chief Executive, any Director or Head of Service.</p> <p>Appeals relating to student awards.</p>	
<p>Appointments Committee “A” for Directors 16 Members (Must comprise a majority of Non Cabinet Members)</p>	<p>In relation to item 6 of part I of table 1 above:-</p> <p>(a)To make recommendations to the County Council in respect of the appointment of the Chief Executive.</p> <p>(b)To appoint Directors.</p>	
<p><u>Appointments Committee “B” for Heads Of Service</u> 10 Members (Must comprise a majority of Non Cabinet Members)</p>	<p>In relation to item 6 of part I of table 1 above:-</p> <p>To appoint Heads of Service and the Head of Democratic Services.</p>	<p>All appointments below Head of Service level are to be dealt with in accordance with the Officer Employment Procedure Rules.</p>

Committee	Functions	Delegation of Functions
<p>Governance & Audit Committee 8 members + 4 Lay Persons</p>	<p>(1) to review and scrutinise the Authority's financial affairs,</p> <p>(2) to make reports and recommendations in relation to the authority's financial affairs,</p> <p>(3) to review and assess the risk management, internal control and corporate governance arrangements of the authority,</p> <p>(4) to make reports and recommendations to the authority on the adequacy and effectiveness of those arrangements,</p> <p>(5) to oversee the authority's internal audit & risk management arrangements including:</p> <ul style="list-style-type: none"> (a) monitoring the adequacy & effectiveness of Internal Audit & Risk Management and the extent to which Management fulfil their responsibilities for ensuring an adequate control environment exists throughout the organisation; (b) approving the Authority's Audit Charter; (c) receiving an Annual Internal Audit Plan from the Head of Revenues and Financial Compliance and monitoring progress against the Plan; (d) receiving an Annual Internal Audit Report from the Head of Revenues and Financial Compliance at the end of the audit year; (e) receiving and considering major internal audit findings and recommendations; (f) receiving the minutes of the Authority's Risk Management Steering Group and receiving reports in relation to significant risks identifying significant control failings or weaknesses, their potential or real impact and the corrective action required or being taken; (g) monitoring Management's response to major findings and the implementation of key recommendations (h) review the assessment of fraud risks and potential harm to the Council from fraud and corruption. (i) monitor the counter fraud strategy, actions and resources. 	

Committee	Functions	Delegation of Functions
Governance & Audit Committee Continued...	<p>(6) to oversee the authority's external audit arrangements, including</p> <ul style="list-style-type: none"> (a) monitoring the adequacy and effectiveness of the External Audit service and to respond to its findings; (b) discuss with the external auditor the nature and scope of the audit of the County Council's services & functions, and consider the external audit fee and terms of engagement; (c) receiving and considering external audit reports and management letters and advising Full Council as appropriate; (d) monitoring Management's response to the external auditor's findings and the implementation of the external auditor's recommendations <p>(7) To review and assess the authority's ability to handle complaints effectively and to make reports and recommendations in relation to the authority's ability to handle complaints effectively</p> <p>(8) to approve the financial statements prepared by the Authority</p> <p>(9) to scrutinise the Authority's Annual Statement of Accounts and any supplementary statements as required by the Accounts & Audit (Wales) regulations eg. Annual Governance Statement</p> <p>(10) to approve the Dyfed Pension Fund's Annual Statement of Accounts</p> <p>(11) to consider and approve amendments to the Contract procedure Rules</p> <p>(12) to consider and approve amendments to the Financial Procedure Rules</p> <p>(13) to interview applicants for the position(s) of Lay Member(s) of the Committee and to recommend an appointment (s) to the Council.</p>	

Committee	Functions	Delegation of Functions
Democratic Services Committee 5 members	(1) review the adequacy of provision by the authority of staff, accommodation and other resources to discharge democratic services functions, and (2) make reports and recommendations to the authority at least annually in relation to such provision. (3) To secure the provision of reasonable training and development opportunities for Councillors and prepare reports and recommendations to Council in relation to such provision; (4) To appoint the Council's Member Development Champion; (5) To be consulted on the implementation of reports issued by the Independent Remuneration Panel for Wales in respect of members allowances etc. (6) To promote and support good governance by the Council. (7) at the request of the authority, review any matter relevant to : (a) the support and advice available to members of that authority, and (b) the terms and conditions of office of those members.	
Housing Review Panel 8 Members +1 permanent substitute per group	To determine Introductory Tenancy Reviews and demoted tenancy reviews (excluding rent arrears).	
Investigation Committee "A" For Directors * Membership to be considered as and when required.	In relation to item 6 of part I of table 1 above:- To investigate matters relating to the conduct of JNC officers in accordance with agreed JNC procedures and to determine action to be taken.	
Investigation Committee "B" For Heads Of Service * Membership to be considered as and when required.	In relation to item 6 of part I of table 1 above:- To investigate matters relating to the conduct of JNC officers in accordance with agreed JNC procedures and to determine action to be taken.	

[* Please refer to delegated powers of the Chief Executive contained in Part 3.2]

Committee	Functions	Delegation of Functions
<p>Dyfed Pension Fund Committee 3 Members + 1 Permanent Substitute</p>	<p><u>Dyfed Pension Panel</u></p> <p>To decide on all the policy matters and strategic direction relating to the investments of the Pension Fund. To review and monitor the investment performance of the Fund. To review and determine on all Pension Fund Valuation matters of the fund To determine on Administering Pension Fund Authority policy and strategic matters.</p> <p>Operational matters of both the Investments and Administration Functions are delegated to Director of Resources</p> <p><u>Dyfed Welsh Church Fund</u></p> <p>To decide on the strategic direction relating to the investments of the Church Fund. To review and monitor the investment performance of the Fund.</p>	
<p>Licensing Committee 14 members</p>	<p>All those functions specified as such in table 1 (parts B and I) and table 2 above. To recommend to the Council additions and/or amendments to policy in relation to the functions of the Committee.</p> <p>To determine applications for the initial granting or renewal of licences to drive a hackney carriage or a private hire vehicle. To determine applications for the initial grant or renewal of operators licences. To determine applications and requests for licence reviews under the Licensing Act 2003 and the Gambling Act 2005.</p> <p>To determine applications for permits for house to house and street collections. To suspend, vary, revoke or refuse house to house, street collections, drivers, operators and vehicle licences.</p> <p>To determine contentious applications under the Motor Salvage Operators’ Registration Scheme.</p> <p>Licensing Sub Committee to determine applications for the grant of 3 or more gaming machines on alcohol licensed premises, or applications which are subject to objection, under section 34 of the Gaming Act 1968. the Gambling Act 2005.</p>	<p>All matters other than policy matters.</p>

Committee	Functions	Delegation of Functions
Members' Appointments Committee 7 Members	To determine the appointment of members to serve on outside bodies Where representation on an outside body requires the views of the Council to be represented as part of its decision making processes and its functions fall within those allocated to the Executive Board then the Executive Board will make the appointment.	
Planning Committee 21 Members **	Planning and conservation. Functions relating to town and country planning and development control as specified in part A of table 1 above, together with functions under items 3 and 4 of part I of table 1. Matters relating to Public Rights of Way as set out in table 1 and non-executive highways functions and functions relating to trees, hedgerows and pavements. To determine "departure applications"	All matters other than those relating to the Unitary Development Plan
Standards Committee 3 Members + 5 Independent Voting Members + 1 Co-opted Voting Community Member	As set out in Article 9 of Part 2 to the Constitution	

Footnote: Where a Committee is appointing or dismissing officers on behalf of the Council then the Local Authorities (Standing Orders)(Wales) Regulations 2006 require that at least one member of the Committee is an Executive Board Member. However, not more than half of the members of the Committee may be Executive Board Members.

**** Planning Committees:-**

The Size and Composition of Local Planning Authority Committees (Wales) Regulations 2017 require Planning Committees in Wales to be structured and operated in accordance with the following requirements:-

- *The Planning Committee must contain no fewer than 11 members and no more than 21 members, but no more than 50% of the Authority members (rounded up to the nearest whole number);*
- *Where wards have more than one elected member, only one member may sit on the Planning Committee in order to allow other ward members to perform the representative role for local community interests.*

In addition, the Local Authorities (Standing Orders)(Wales)(Amendment) Regulations 2017 require:-

- *Each meeting of the Planning Committee must have a quorum of 50% to make decisions; and*
- *The use of substitute members is prohibited.*

TABLE 4 - CABINET FUNCTIONS

Cabinet functions comprise all the functions of the Council, with the exception of;

1. Council functions set out in table 1 above
2. Those local choice functions allocated to the Council set out in table 2 above
3. Functions that cannot be the sole responsibility of the Cabinet, as set out in article 4.01 of part 2 of the Constitution
4. Potential decisions that conflict with;
 - the Council's budget or borrowing plans
 - financial regulations or financial standing orders
 - the Council's overall strategy or policy framework

and in such cases the Cabinet must pass the decision to the Council for final determination.

Function	Delegated to
<p>(a) The Corporate Governance and Resources function</p> <ul style="list-style-type: none"> • Proper financial planning budgeting and control • Control of the Authority's resources • Land and Property management • Information Technology Services • Personnel Services • Financial Services • Electoral Registration • Legal Services • Audit Services • Procurement Services • Democratic Services • Emergency Planning • Registrars of Births, Deaths & Marriages • Property Services • Calculation of the Council Tax Base • covert surveillance, freedom of information and data protection 	<p>The Chief Executive or any relevant Director or Head of Service.</p>
<p>(b) The Personnel function All aspects of the Council's functions as an employer including the oversight of recruitment, grievances, terms and conditions of employment, conduct and discipline, structural review and the consequences thereof.</p>	<p>The Chief Executive or any relevant Director or Head of Service (except for approving indemnities for libel proceedings, which shall be reserved to the Cabinet)</p>

Function	Delegated to
<p>(c) The Social Care Health and Housing function</p> <ul style="list-style-type: none"> • Strategic issues in relation to the provision of adult-services Commissioning for Social Services • All client care services in residential settings (including accommodation services) • Meals on wheels • All client care services in home settings • All client care providing in day care settings • Hospital resettlement programme • Private Housing Enforcement (including Houses in Multiple Occupation, clearance, compulsory purchase orders, renewal areas and all types of renovation grants) • Housing Agency Service • Landlord Services, Housing Technical Services and Strategy and Resources 	<p>The Chief Executive or any relevant Director or Head of Service.</p>
<p>(d) The Education & Children's Services function</p> <ul style="list-style-type: none"> • Children's social services • Early years services • Education psychology, education welfare, behavioural support and managing pupil exclusions • The discharge of the Council's obligations as Local Education Authority under statute • The implementation of the School Standards and Framework Act 1998 • Local Management of Schools and Fair Funding • Governor support and training • Schools data support • Forward Planning re. school places, home-school transport, school admissions • Modernisation of Education Provision • School improvement • Youth Offending & Prevention Service • Youth Support Services • Adult & Community Learning • Student awards • School catering & cleaning • Public Libraries and Schools Library service • Museums • Planning and Partnerships for children & Young People, including the Children & Young People's Partnership and the Local Safeguarding Children Board 	<p>The Chief Executive or any relevant Director or Head of Service.</p>

Function	Delegated to
<p>(e) The Environmental Health, Trading Standards and Housing function</p> <ul style="list-style-type: none"> • Pollution Control (including noise, litter and illicit tipping, air and water quality, contaminated land) • Public Health (including infectious diseases, statutory nuisance, sewer/drains, health promotion/education) • Trading Standards Enforcement • Food Safety Enforcement • Health and Safety Enforcement of commercial premises • Corporate Health and Safety including liaison with the Health and Safety Executive • Community Safety • Pest Control, Dog Warden, Animal Trespassing Services • Animal Health and Welfare Enforcement • Licensing • Scrap Metal Dealers Act 2013 	<p>The Chief Executive or any relevant Director or Head of Service.</p> <p>Sub Committee of 5 members of the Executive Board to undertake oral “Application Hearings” against the refusal of applications by Officers</p>
<p>(f) The Transportation function</p> <ul style="list-style-type: none"> • Highways Maintenance, to include powers to:- permit the deposit of builders skips on the highway; license the planting, retention and maintenance of trees etc. in part of the highway; license works in relation to buildings etc. which obstruct the highway; consent to temporary deposits or evacuations in streets; dispense with obligation to erect a hoarding or fence; restrict the placing of rails, beams etc. over highways; consent to the construction of cellars etc. under streets; consent to the making of openings into cellars and pavement lights and ventilators and to remove things so deposited on highways as to be a nuisance. Also, the duty to assert and protect the rights of the public to use and enjoyment of highways. • Transportation Planning and Improvements • Engineering Services • Public Transport • Land Reclamation • Land Drainage • Road Safety Education and Training (including Gwent Consultancy) • Welsh Water Contract • Public Services including refuse collection, disposal, street cleaning, community skips, public conveniences, cemeteries • Stopping up orders under the planning Acts 	<p>The Chief Executive or any relevant Director or Head of Service.</p>

Function	Delegated to
<p>(g) The Best Value Community Planning & Business function</p> <ul style="list-style-type: none"> • The development of a Best Value programme across the Authority in accordance with the provisions of the Local Government Act 1999 • The development and implementation of the Council's Corporate Plan and corporate themes and the development and co-ordination through a multi-agency approach of community planning of the delivery of services to achieve the Council's strategic objectives • The administration of the Cabinet's business programme in consultation with the Cabinet Secretary 	<p>The Chief Executive or any relevant Director or Head of Service.</p>
<p>(h) The Regeneration and Leisure function</p> <ul style="list-style-type: none"> • Economic and Community Development • Tourism • Inward Investment • Business development • The maximisation of funding opportunities from external funding including funding from European and domestic sources. • Planning - Development Services and Building Control • Planning - Urban Renewal • Planning - Countryside and Landscape Conservation Services, including the determination of public rights of way issues arising under the Wildlife and Countryside Act 1981 and the Highways Act 1980. 	<p>The Chief Executive or any relevant Director or Head of Service.</p>
<p>(i) The power to enter into joint or delegated function arrangements with one or more other authorities or bodies as permitted by law from time to time and to delegate executive functions.</p>	<p>The Chief Executive or any relevant Director or Head of Service.</p>

Function	Delegated to
(j) Any executive functions not allocated in accordance with the executive arrangements of the Council. Section 15(4) Local Government Act 2000	The Leader
(k) The power to set up committees of the Cabinet for any purpose and to delegate to that committee such power or powers as may be appropriate.	
(l) Emergency action where this is necessary to protect the Council's interests.	The Chief Executive or any relevant Director or Head of Service.
(m) Implementation and monitoring of the Council's Treasury Management policies and practices	
(n) appointments to outside bodies where representation requires the views of the Council to be represented as part of their decision making processes and their functions fall within those allocated to the Cabinet.	