

### PART 3

### RESPONSIBILITY FOR FUNCTIONS

Section 13 of the Local Government Act 2000 provides that all the functions of the Authority shall be functions of the Cabinet except in so far as they are reserved to the Council by the Local Government Act 2000, by other legislation or by regulations made under the Local Government Act 2000. The Local Authorities Executive Arrangements (Functions and Responsibilities)(Wales) Regulations 2007 define those functions.

This part of the Constitution specifies the various responsibilities for functions of the Council and it is set out below in tabular format for ease of reference as follows:

#### Table 1

Those functions which are 'local choice' functions (ie they may, but need not be, the responsibility of the Cabinet.

#### Table 2

Those functions that are the responsibility of the Full Council to discharge.

#### Table 3

Those functions which are exercised by the Cabinet or the Full Council depending on the circumstances.

#### Table 4

Those functions that are the responsibility of the Cabinet.

The Scheme of Delegation to Cabinet Members and Officers is set out in Part 8 and 9 of this Constitution.

The Council has determined that the Council functions shall be discharged by the Committees as set out in Part 3 of this Constitution.

**TABLE 1: RESPONSIBILITY FOR LOCAL CHOICE FUNCTIONS (i.e. where there is a choice between the Council or the Cabinet in exercising the function)**

<b>Function</b>	<b>Decision Making Body</b>	<b>Delegation of Functions</b>
1 Any function under a local Act other than a function specified or referred to in Schedule 1 of the Local Authorities Executive Arrangements (Functions and Responsibilities) (Wales) Regulations 2007 (See Functions listed in Table 2).	Cabinet	Relevant Chief Officer
2 The determination of an appeal against any decision made by or on behalf of the Authority.	Council	Relevant Committee/Appeals and Complaints Committee.
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.	Cabinet	
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.	Cabinet	Corporate Director Learning and Communities//Relevant Head of Service
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)	Cabinet	Corporate Director Learning and Communities /Relevant Head of Service
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).	Cabinet	Corporate Director/Relevant Head of Service

<b>Function (Schedule 2 of the Regulations)</b>	<b>Decision Making Body</b>	<b>Delegation of Functions</b>
7 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 functions of a Police Authority.	Council  And  Cabinet	
8 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.	Cabinet	
9 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.	Cabinet	Cabinet, except that conducting the “whole authority analysis” as defined in the Local Government (Whole Authority Analyses and Improvement Plans) (Wales) Order 2002 shall be both executive and non-executive
10 Any function relating to contaminated land.	Cabinet	Head of Planning Regulatory and Regeneration
11 The discharge of any function relating to the control of pollution or the management of air quality.	Cabinet	Licensing Committee Head of Planning Public Protection and Regeneration (in part)
12 The service of an abatement notice in respect of a statutory nuisance.	Cabinet	Head of Planning, Regulatory and Regeneration
13 The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the Authority's area.	Cabinet	Head of Planning, Regulatory and Regeneration
14 The inspection of the Authority's area to detect any statutory nuisance.	Cabinet	Head of Housing and/or Head of Planning, Regulatory and Regeneration

<b>Function (Schedule 2 of the Regulations)</b>	<b>Decision Making Body</b>	<b>Delegation of Functions</b>
15 The investigation of any complaint as to the existence of a statutory nuisance.	Cabinet	Head of Housing and/or Head of Planning, Regulatory and Regeneration.
16 The obtaining of information under section 330 of the Town and Country Planning Act 1990 as to interests in land.	Cabinet and Council	Head of Legal and Democratic Services and Head of Planning, Regulatory and Regeneration.
17 The obtaining of particulars of persons interested in land under section 16 of the Local Government (Miscellaneous Provisions) Act 1976.	Cabinet and Council	Head of Legal and Democratic Services and Head of Planning, Regulatory and Regeneration.
18 Any of the following functions in respect of highways— (a) the making of agreements for the execution of highways works; (b) the functions contained in the following provisions of Part III of the Highways Act 1980 (creation of highways) - (i) section 25 - creation of footpath, bridleway or restricted byway by agreement; (ii) section 26 - compulsory powers for creation of footpaths, bridleways or restricted byways; (c) the functions contained in the following provisions of Part VIII of the Highways Act 1980 (stopping up and diversion of highways etc)— (i) section 116 — power of magistrates' court to authorise stopping up or diversion of highway	Cabinet	Head of Highways and Infrastructure/ Head of Planning, Regulatory and Regeneration

<b>Function (Schedule 2 of the Regulations)</b>	<b>Decision Making Body</b>	<b>Delegation of Functions</b>
<ul style="list-style-type: none"> <li>(ii) section 117 - application for order under section 116 on behalf of another person;</li> <li>(iii) section 118 - stopping up of footpaths, bridleways and restricted byways;</li> <li>(iv) section 118ZA - application for a public path extinguishment order;</li> <li>(v) section 118A - stopping up of footpaths, bridleways and restricted byways crossing railways;</li> <li>(vi) section 118B - stopping up of certain highways for purposes of crime prevention etc;</li> <li>(vii) section 118C - application by proprietor of school for special extinguishment order;</li> <li>(viii) section 119 - diversion of footpaths, bridleways and restricted byways; (ix) section 119ZA - application for a public path diversion order;</li> <li>(ix) section 119A - diversion of footpaths, bridleways and restricted byways crossing railways;</li> <li>(x) section 119B - diversion of certain highways for purposes of crime prevention etc;</li> <li>(xi) section 119C - application by proprietor of school for special diversion order;</li> </ul>	Cabinet	

<b>Function (Schedule 2 of the Regulations)</b>	<b>Decision Making Body</b>	<b>Delegation of Functions</b>
<p>(xii) section 119D - diversion of certain highways for protection of sites of special scientific interest;</p> <p>(xiii) section 120 - exercise of powers of making public path extinguishment and diversion orders;</p> <p>(xiv) section 121B - register of applications;</p> <p>(ch) the functions contained in the following provisions of Part IX of the Highways Act 1980 (lawful and unlawful interference with highways and streets)—</p> <p>(i) section 130 - protection of public rights;</p> <p>(ii) sections 139 - control of builders' skips;</p> <p>(iii) section 140 - removal of builders' skips;</p> <p>(iv) section 140A - builders' skips: charges for occupation of the highway;</p> <p>(v) section 142 - licence to plant trees, shrubs etc in a highway;</p> <p>(vi) section 147 - power to authorise erection of stiles etc on footpath or bridleway;</p> <p>(vii) section 147ZA – agreements relating to improvements for benefit of persons with mobility problems;</p>	Cabinet	

<b>Function (Schedule 2 of the Regulations)</b>	<b>Decision Making Body</b>	<b>Delegation of Functions</b>
<p>(viii) section 149 - removal of things so deposited on highways as to be a nuisance etc;</p> <p>(ix) section 169 - control of scaffolding on highways;</p> <p>(x) section 171 - control of deposit of building materials and making of excavations in streets;</p> <p>(xi) section 171A and regulations made under that section - works under s169 or s171: charge for occupation of the highway;</p> <p>(xii) section 172 - hoardings to be set up during building etc;</p> <p>(xiii) section 173 - hoardings to be securely erected;</p> <p>(xiv) section 178 - restriction on placing of rails, beams etc over highways; (xv) section 179 - control of construction of cellars etc under street;</p> <p>(xv) section 180 - control of openings into cellars etc under streets, and pavement lights and ventilators;</p> <p>(d) exercising functions under section 34 of the Wildlife and Countryside Act 1981 (limestone pavement orders); and</p>	Cabinet	

<b>Function (Schedule 2 of the Regulations)</b>	<b>Decision Making Body</b>	<b>Delegation of Functions</b>
(dd)exercising functions under section 53 of the Wildlife and Countryside Act 1981 (duty to keep definitive map and statement under continuous review)	Cabinet	
<p>19 The appointment of any individual –</p> <p>(a)to any office other than an office in which he is employed by the authority;</p> <p>(b) to anybody other than -</p> <p>(i) the authority;</p> <p>(ii) a joint committee of two or more authorities; or</p> <p>(c) to any committee or sub-committee of such a body, and the revocation of any such appointment.</p>	Cabinet and Council	<p>The Cabinet makes appointments to outside bodies with its defined areas of responsibility.</p> <p>The Council make appointments to outside bodies other than those falling to Cabinet for appointment.</p>
20 Power to make payments or provide other benefits in cases of maladministration etc.	Cabinet	Chief Executive and relevant Portfolio Holder.,
<p>21 Functions in respect of the calculation of council tax base in accordance with any of the following –</p> <p>(a) the determination of an item for T in Section 33(1) and 44(1) of the Local Government and Finance Act 1992</p> <p>(b) the determination of an amount for item TP in Sections 34(3), 45(3), 48(3) and 48(4) of the Local Government Finance Act 1992</p> <p>(c) the determination of an amount required for determining an amount for the item mentioned in paragraph (a) or (b) above</p>	Council	

<b>Function (Schedule 2 of the Regulations)</b>	<b>Decision Making Body</b>	<b>Delegation of Functions</b>
22. Licensing functions in accordance with Part 2 of the Licensing Act 2003, except section 6.	Council	The Licensing Committee and The Head of Planning, Regulatory and Regeneration to the extent defined in the delegation to this Officer in Part 9.2 of the Constitution.
<p>23 Functions in respect of gambling under the following provisions of the Gambling Act 2005 —</p> <ul style="list-style-type: none"> <li>(a) section 29 - licensing authority information;</li> <li>(b) section 30 - other exchange of information;</li> <li>(c) section 166 - resolution not to issue casino licences;</li> <li>(ch) section 212 and regulations made under that section - fees;</li> <li>(d) section 284 - removal of exemption;</li> <li>(dd) section 304 - authorised persons;</li> <li>(e) section 346 - prosecutions by licensing authority;</li> <li>(f) section 349 - three-year licensing policy;</li> <li>(ff) section 350 - exchange of information;</li> <li>(g) Part 5 of Schedule 11 - registration with local authority.”</li> </ul>	Council	The Licensing Committee and the Head of Planning, Regulatory and Regeneration to the extent defined in Article 8 (Regulatory Committees) and Part 9.2 (Delegations to Officers)
24 The discharge of any function by any Authority acting as Harbour Authority.	Cabinet	

**TABLE 2: RESPONSIBILITY FOR COUNCIL FUNCTIONS AND COUNCIL COMMITTEES**  
**(i.e. those functions which may only be exercised by the Council or**  
**delegated to a Committee or Officer)**

<b>Functions</b>	<b>Committee/Decision Making Body</b>	<b>Delegation of Functions</b>
<p><b>A. Functions relating to Town and Country Planning and Development Control (under the Town and Country Planning Act 1990 (as amended) and associated regulations, unless stated otherwise).</b></p> <p>1 Power to determine applications for planning permission.</p> <p>2 Power to determine applications to develop land without compliance with conditions previously attached</p> <p>3 Power to grant planning permission for development already carried out.</p> <p>4 Power to decline to determine applications for planning permission</p> <p>5 Duties relating to the making of determinations of planning applications</p> <p>6 Power to determine applications for planning permission made by a local authority, alone or jointly with another person.</p> <p>7 Power to make determinations give approvals and agree certain other matters relating to the exercise of permitted development rights.</p>	<p>Planning Committee</p>	<p>Head of Planning Regulatory and Regeneration</p> <p>Head of Planning, Regulatory and Regeneration where there are no objections.</p> <p>Head of Planning, Regulatory and Regeneration</p> <p>Head of Planning, Regulatory and Regeneration</p> <p>Head of Planning, Regulatory and Regeneration</p>

<b>Functions</b>	<b>Committee/Decision Making Body</b>	<b>Delegation of Functions</b>
<p>8 Power to enter into planning obligation, regulating development or use of land</p> <p>9 Power to issue a certificate of existing or proposed lawful use or development.</p> <p>10 Power to serve a Completion notice.</p> <p>11 Power to grant consent for the display of advertisements.</p> <p>12 Power to authorise entry onto land.</p> <p>13 Power to require the discontinuance of a use of land.</p> <p>14 Power to serve a planning contravention notice, breach of condition notice or stop notice.</p> <p>15 Power to issue an enforcement notice.</p> <p>16 Power to apply for an injunction restraining a breach of planning control.</p> <p>17 Power to determine applications for hazardous substances consent, and related powers. (Planning (Hazardous Substances) Act 1990).</p> <p>18 Duty to determine conditions to which old mining permissions, relevant planning permissions relating to dormant sites or active Phase 1 or II sites, or mineral Permissions relating to mining sites, as the case may be, are to be subject. Planning and Compensation Act 1991 and Environmental Act 1995).</p>	Planning Committee	<p>Head of Planning, Regulatory and Regeneration on applications delegated to him.</p> <p>Head of Planning, Regulatory and Regeneration</p> <p>Head of Legal and Democratic Services</p> <p>Head of Planning, Regulatory and Regeneration</p> <p>Head of Planning, Regulatory and Regeneration (except in the case of Stop Notices).</p> <p>Applications for deemed consent delegated to Head of Planning, Regulatory and Regeneration in consultation with the Head of Housing Services</p>

<b>Functions</b>	<b>Committee/Decision Making Body</b>	<b>Delegation of Functions</b>
<p>19 Power to require proper maintenance of land.</p> <p>20 Power to determine applications for listed building consent, and related powers. (Planning (Listed Buildings and Conservation Areas) Act 1990).</p> <p>21 Power to determine applications for conservation area consent. (Planning (Listed Buildings and Conservation Areas) Act 1990).</p> <p>22 Duties relating to applications for listed building consent and Conservation area consent. (Planning (Listed Buildings and Conservation Areas) Act 1990 and associated Regulations).</p> <p>23 Power to serve a building preservation notice, and related powers. (Planning (Listed Buildings and Conservation Areas) Act 1990).</p> <p>24 Power to issue a listed building enforcement notice (Planning (Listed Buildings and Conservation Areas) Act 1990).</p>	Planning Committee	<p>Head of Planning, Regulatory and Regeneration , to the extent described in the Delegations Scheme in Part 9</p> <p>Head of Planning, Regulatory and Regeneration to the extent described in the Delegation scheme in Part 9</p> <p>Head of Planning, Regulatory and Regeneration to the extent described in the Delegation scheme in Part 9</p>
<p>25 Powers to acquire a listed building in need of repair and to serve a repairs notice. (Planning (Listed Buildings and Conservation Areas) act 1990).</p>		

<b>Functions</b>	<b>Committee/Decision Making Body</b>	<b>Delegation of Functions</b>
<p>26 Power to apply for an injunction in relation to a listed building. (Planning (Listed Buildings and Conservation Areas) Act 1990).</p> <p>27 Power to execute urgent works. (Planning (Listed Buildings and Conservation Areas) Act 1990).</p> <p>28 Power related to mineral working.</p> <p>29 Power related to footpaths and Bridleways under Section 257 of the Town and Country Planning Act 1990</p> <p>30 Power as to certification of appropriate alternative development. (Land Compensation Act 1961).</p> <p>31 Duties in relation to purchase notices.</p> <p>32 Powers related to blight notices.</p> <p>33 Powers relating to the preservation of trees.</p> <p>34 Powers relating to the protection of important hedgerows.</p>	<p>Planning Committee</p>	<p>Head of Highways and /or Head of Planning, Regulatory and Regeneration, where the Local Member has no objection.</p> <p>Head of Legal and Democratic Services</p> <p>Power to serve by the Head of Legal and Democratic Services</p> <p>Head of Planning, Regulatory and Regeneration</p> <p>Head of Planning, Regulatory and Regeneration</p>

Functions	Committee/Decision Making Body	Delegation of Functions
<b>B. Commons Registration</b>  1 Power to register common land or town or village greens, except where the power is exercisable solely for the purposes of giving effect to -  (a) an exchange of lands affected by an order under section 19(3) of, or paragraph 6(4) of schedule 3 to, the Acquisition of Land Act 1981; or  (b) an order under section 147 of the Inclosure Act 1845.  2 Power to register variation of rights of common.	Council	Head of Planning, Regulatory and Regeneration
<b>C. Highways Use and Regulation</b>  1 Power to grant a street works licence.	Council	Head of Highways and Infrastructure in relation to Local Rights of Way (as detailed in Section 60(5) of the Countryside and Rights of Way Act 2000
<b>D. Licensing and Registration Functions</b>  1 Power to issue licences authorising the use of land as a caravan site ("site licences").  2 Power to licence the use of moveable dwellings and camping sites.	Licensing Committee	Head of Planning, Regulatory and Regeneration and/or Head of Housing Services  Head of Planning, Regulatory and Regeneration and/or Head of Housing Services

Functions	Committee/Decision Making Body	Delegation of Functions
3 Power to licence hackney carriages and private hire vehicles.	Licensing Committee	Head of Planning Regulatory and Regeneration
4 Power to licence drivers of hackney carriages and private hire vehicles.		Head of Planning, Regulatory and Regeneration (Licensing Committee if Head of Planning, Regulatory and Regeneration declines).
5 Power to licence operators of hackney carriages and private hire vehicles.		Head of Planning, Regulatory and Regeneration (Licensing Committee if Head of Planning, Regulatory and Regeneration declines).
6 Power to register pools promoters.		Head of Planning, Regulatory and Regeneration
7 Power to grant track betting licences.		Head of Planning, Regulatory and Regeneration
8 Power to licence inter-track betting schemes.		Head of Planning, Regulatory and Regeneration
9 Power to grant permits in respect of premises with amusement machines.		Licensing Committee Head of Planning, Regulatory and Regeneration
10 Power to register societies wishing to promote lotteries.		Head of Planning, Regulatory and Regeneration
11 Power to grant permits in respect of premises where amusements with prizes are provided		Licensing Committee Head of Planning, Regulatory and Regeneration

<b>Functions</b>	<b>Committee/Decision Making Body</b>	<b>Delegation of Functions</b>
12 Power to issue entertainment licences.	Licensing Committee	Head of Planning, Regulatory and Regeneration depending on the application.
13 Power to licence sex shops and sex cinemas.		
14 Power to licence performances of hypnotism.		Head of Planning, Regeneration and Regulatory Services
15 Power to licence premises for acupuncture, tattooing, ear-piercing and electrolysis.		Head of Planning, Regulatory and Regeneration
16 Power to licence pleasure boats and pleasure vessels.		
17 Power to licence market and street trading.		
18 Duty to keep list of persons entitled to sell non-medicinal poisons.		Head of Planning, Regulatory and Regeneration
19 Power to licence dealers in game and the killing and selling of game.		Head of Planning, Regulatory and Regeneration in respect of applications made under Game Act 1831 and Game Licensing Act 1860.
20 Power to register and licence premises for the preparation of food.		Head of Planning, Regulatory and Regeneration
21 Power to licence scrap yards.		Head of Planning, Regulatory and Regeneration
22 Power to issue, amend or replace safety certificates (whether general or special) for sports grounds.		Head of Planning, Regulatory and Regeneration

Functions	Committee/Decision Making Body	Delegation of Functions
23 Power to issue, cancel, amend or replace safety certificates for regulated stands at sports grounds.	Licensing Committee	Head of Planning, Regulatory and Regeneration
24 Duty to promote fire safety	North Wales Fire and Rescue Authority	
25 Power to licence premises for the breeding of dogs.		Head of Planning, Regulatory and Regeneration in respect of licensing under the Breeding of Dogs Acts 1973 and 1991.
26 Power to licence pet shops and other establishments where animals are bred or kept for the purposes of carrying on a business.		Head of Planning, Regulatory and Regeneration (except if under Breeding and Sale of Dogs (Welfare) Act 1999).
27 Power to register animal trainers and exhibitors.		Head of Planning, Regulatory and Regeneration
28 Power to licence zoos.		Head of Planning, Regulatory and Regeneration
29 Power to licence dangerous wild animals.		Head of Planning, Regulatory and Regeneration
30 Power to enforce regulations in respect of animal by-products		Head of Planning, Regulatory and Regeneration
31 Power to licence the employment of children.		Corporate Director
32 Power to approve premises for the solemnisation of marriages and the registration of civic partnerships.		Head of Legal and Democratic Services in consultation with Local Members.
33 Power to issue a permit to conduct charitable collections		Head of Planning, Regulatory and Regeneration

Functions	Committee/Decision Making Body	Delegation of Functions
34 Power to grant consent for the operation of a loudspeaker	Licensing Committee	Head of Planning, Regulatory and Regeneration
35 Duty to register the movement of pigs.		Head of Planning, Regulatory and Regeneration
36Duty to enforce regulations in relation to the movement of pigs.		Head of Planning, Regulatory and Regeneration
37Power to issue a licence to move cattle from a market.		Head of Planning, Regulatory and Regeneration
38Power to sanction use of parts of buildings for storage of celluloid.		Head of Planning, Regulatory and Regeneration
39 Duty to enforce and execute regulations (EC) No. 852/2004 and 853/2004 in relation to food business operators as further specified in Regulation 5 of the Food (Hygiene) (Wales) Regulations 2006		Head of Planning, Regulatory and Regeneration
40 Functions in respect of establishing a Licensing Committee	Council	
<b>E. Functions relating to Health and Safety and Work</b>		
Functions under any of the "relevant statutory provision" 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.		Head of Planning, Regulatory and Regeneration

Functions	Committee/Decision Making Body	Delegation of Functions
<b>F. Functions relating to Elections</b>  1 Duty to appoint an Electoral Registration Officer.  2 Power to assign officers in relation to requisitions of the Registration Officer.  3 Power to dissolve community councils.  4 Power to make orders for grouping communities.  5 Power to make orders for dissolving groups and separating community councils from groups.  6 Duty to appoint Returning Officer for local government Elections.  7 Duty to provide assistance at European Parliamentary Elections.  8 Duty to divide constituency into polling districts.  9 Power to divide electoral divisions into polling districts at local government elections.  10 Powers in respect of holding elections.  11 Power to pay expenses properly incurred by Electoral Registration Officers.  12 Power to fill vacancies in the event of insufficient nominations.	Council	



Functions	Committee/Decision Making Body	Delegation of Functions
<b>H. Power to make, amend, revoke or re-enact byelaws</b>	Council	
<b>I. Power to promote or oppose local or personal Bills</b>	Council	
<b>J. Functions relating to Pensions etc.</b>	Council	
1 Functions relating to local government pensions etc.		
2 Functions relating to pensions, allowances and gratuities.		
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.		
<b>K. Miscellaneous Functions</b>	Council	
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 Corporate Governance Committee may approve the Council's statement of accounts and associated reports and bring concerns to the attention of Full Council.
2 Functions relating to sea fisheries.		
3 Powers to make Standing Orders		
4 Appointment and dismissal of staff		Chief Executive, Directors and Heads of Service have the power to appoint manual workers and staff below Head of Department level.

<b>Functions</b>	<b>Committee/Decision Making Body</b>	<b>Delegation of Functions</b>
<p>5 Power to make Standing Orders as to contracts.</p> <p>6 Power to consider reports from the Public Services Ombudsman for Wales</p> <p>7 Power to make an order identifying a place as a designated public place for the purposes of police powers in relation to alcohol consumption.</p> <p>8 The function of making any scheme authorised or required by Regulations under section 18 (schemes for basic, attendance and special responsibility allowances for local authority members) of the Local Government and Housing Act 1989 (as amended), or of amending, revoking or replacing any such scheme.</p> <p>9 The functions of determining –</p> <p>(a) the amount of any allowance payable under –</p> <p>(i) sub-section 5 of section 3 (Chairman's expenses) of the 1972 Act;</p> <p>(ii) sub-section 4 of section 5 (Vice-Chairman's expenses) of that Act;</p> <p>(iii) sub-section (4) of section 173 (Financial Loss Allowance) of that Act;</p> <p>(iv) section 175 (allowances for attending conferences and meetings of that Act</p>	Council	The Corporate Governance Committee may consider reports from the Ombudsman.



<b>Functions</b>	<b>Committee/Decision Making Body</b>	<b>Delegation of Functions</b>
<p>11 Any other function which, by virtue of any enactment made prior to the Regulations, provides that it may be exercised only by an authority (unless provided otherwise elsewhere in this part)</p> <p>12 Powers in respect of registration of Motor Salvage Operators</p> <p>13 Power to appoint Officers for particular purposes (appointment of “Proper Officers”)</p> <p>14 Duty to designate an Officer as the Head of the Authority’s Paid Service and to provide staff, etc</p> <p>15 Duty to designate an officer as the Monitoring Officer and to provide staff, etc</p> <p>16 Duty to determine affordable borrowing limit</p> <p>17 Approval of Annual Investment Strategy in accordance with guidance</p> <p>18 Duty to make arrangements for proper administration of financial affairs</p>	Council	The Head of Planning, Regulatory and Regeneration is authorised to exercise the powers under the Vehicle (Crimes) Act 2001

Functions	Committee/Decision Making Body	Delegation of Functions
<p><b>L. The promotion and maintenance of high standards of conduct within the Council</b></p> <p>To advise the Council on the adoption or revision of its Code of Conduct.</p> <p>To monitor and advise the Council about the operation of its Code of Conduct in the light of best practice, changes in the law, and guidance from the Public Services Ombudsman for Wales.</p> <p>Advice and/or training to Members and co-opted Members of the Authority</p> <p>Functions relating to standards of conduct of members under any relevant provision of, or regulations made under, the Local Government Act 2000.</p> <p>The granting of dispensations in accordance with the Standards Committees (Grants of Dispensations) (Wales) Regulations 2001</p>	Standards Committee	

**TABLE 3 FUNCTIONS THAT ARE SPLIT BETWEEN THE CABINET AND THE COUNCIL (i.e. those functions that may be exercised by the Cabinet or the Council depending on the circumstances)**

FUNCTION	FORMULATING BODY	ROLE OF THE COUNCIL
<p><b>1. Formulation and approval of the following plans and strategies :</b></p> <ul style="list-style-type: none"> <li>• Children and Young Peoples Plan</li> <li>• Best Value Performance Plan</li> <li>• Community Strategy</li> <li>• Crime and Disorder Reduction Strategy</li> <li>• Health and Well Being Strategy</li> <li>• Local Transport Plan</li> <li>• Plans and alterations which together comprise the Local Development Plan</li> <li>• Welsh Language Scheme</li> <li>• Youth Justice Plan</li> <li>• Powers to approve a Young Peoples Partnership Strategic Plan and a Children and Young Peoples framework Partnership.</li> <li>• Housing Strategy</li> <li>• Rights of Way Improvement Plan</li> <li>• Statement of Licensing Policy</li> </ul>	<p>Cabinet</p> <p>Licensing Committee</p>	<p>To consider and where necessary amend or refer back to the Cabinet, prior to final approval by the Council</p>
<p><b>2 Formulating a plan, scheme or strategy for the control of the authority's borrowing or capital expenditure.</b></p>	<p>Cabinet</p>	<p>To consider and where necessary amend or refer back to the Cabinet, prior to final approval by the Council</p>

The following functions are not to be the responsibility of the Executive:

1. The authorisation of the making of an application for stock transfer, specifically s. 153 (5) of the Leasehold Reform, Housing and Urban Development Act 1993 (programmes for disposals) or S. 32 (power to dispose of land held for the purposes of Part II or s.43 (consent required for certain disposals not within s.32) of the Housing Act 1985.
2. Setting the Council budget – Specifically making a declaration in accordance with any of the Sections 32 to 37, 43 to 51, 52I, 52 J, 52 T and 52 U of the Local Government Finance Act 1992, whether originally or by way of substitute; or issuing a precept under Chapter IV Part 1 of that Act.

#### **TABLE 4**

#### **FUNCTIONS THAT ARE THE RESPONSIBILITY OF THE CABINET**

- 1 The Cabinet will exercise all functions not reserved to the Council or otherwise delegated to a committee or officer, by this Constitution or the Local Authorities Executive Arrangements (Functions and Responsibilities) (Wales) Regulations. 2007.
- 2 Without prejudice to the generality of the foregoing this includes but is not limited to the following functions of the Council:-
  - (a) The Council's Housing functions;
  - (b) The Council's function as Local Education Authority under the Education Acts.
  - (c) The Council's function as Highway Authority, Street Works Authority, Transport Authority and under any contractual arrangements with Welsh Water Plc.
  - (ch) The Council's functions in all matters relating to economic, industrial, commercial and employment development, tourism and urban and area renewal and land reclamation.
  - (d) The Council's functions in relation to the provision, promotion and development of environmental standards, consumer protection and public health, and as a Waste Collection and Markets Authority.
  - (dd) The Council's functions in relation to Library and Information Services, Archives, Archaeology, Museum and Art Galleries, Community Centres, Countryside Service and Country Parks and Leisure and Recreation.
  - (e) The Council's functions under Section 2 and Schedule 1 of the Local Authority Social Services Act 1970 (as amended).

- 3 The Cabinet will also be responsible for the functions listed as being the responsibility of the Cabinet in Tables 1 and 3 of this part of the Constitution.
- 4 The Cabinet will also:-
- (a) Formulate and prepare the major strategic plans requiring Council approval.
  - (b) Recommend the Council's budget for approval to the Council and calculate the Council Tax base (see Table 1 of this part).
  - (c) Ensure the effective corporate political management of the Council.
  - (ch) Establish the capital programme.
  - (d) Agree the allocation of financial, human, land and property resources to services in line with corporate and service priorities.
  - (dd) Formulate for recommendation to Council and implement the Council's policy in relation to any future local government restructuring.
  - (e) Review, develop and establish policies, strategies and initiatives not otherwise delegated or reserved to the Council.
  - (f) Monitor regularly the overall performance of the revenue and capital expenditure budgets.
  - (ff) Deal with proposed virement not delegated to officers.
  - (g) Make appointments to outside bodies within its defined area of responsibility.
  - (ng) Monitor action in response to the District Audit Management Letter.
  - (h) Determine any proposals relating to the use of reserves.
  - (i) Receive reports and give any necessary authorisation for borrowing and treasury management.
  - (j) Establish corporate standards for human resource management to ensure that the Council's legal obligations and policy requirements are met and to maximise the individual and collective contribution of employees in achieving the Council's objectives.
  - (l) Determine responses to consultative documentation likely to have authority-wide implications.
  - (ll) Agree the Best Value review programme, in consultation with the Chair and Vice-Chairs Group, including the boundaries for individual reviews.

- (m) Determine actions arising from Best Value reviews and in conjunction with the appropriate Scrutiny Committee, to monitor progress against Best Value review action plans.
  - (n) To foster and maintain positive relations with partner organisations.
- 5 A number of Cabinet functions are delegated to officers. Details of delegations to officers can be found Part 9 of the Constitution.

# LICENSING COMMITTEE

## Terms of Reference

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

## Powers and duties

1. To exercise the licensing functions conferred on it by the Licensing Act 2003 and the Gambling Act 2005, including functions relating to the sale and supply of alcohol, the provision of regulated entertainment and the provision of late night refreshment; and the Council's functions set out below relating to licensing together with power to deal with all aspects of the Licensing Act 2003 (and any amendment thereof) including drafting (but not approving) a Statement of Licensing Policy.
- 2 To authorise the grant of licences and exercise the Council's functions under the following enactments (without prejudice to any powers otherwise delegated to a Sub Committee or Officer) :

House to House Collections Act 1939

Local Government (Miscellaneous Provisions) Act 1982 (Schedule IV the power to designate/re-designate a street as prohibited or consented for the purposes of Street Trading)

- 3 Power to license hackney carriages and private hire vehicles under licensing legislation generally and the Council's powers and duties under the Town Police Clauses Act 1847 and 1989 and the Local Government (Miscellaneous Provisions) Act 1976 other than those delegated to the Head of Planning, Regeneration and Regulatory Services.
- 4 Power to license drivers of hackney carriages and private hire vehicles which the Head of Planning, Regeneration and Regulatory Services does not feel able to approve because of the facts revealed in the application and to advise applicants to attend personally in all cases.
5. Power to license operators of hackney carriages and private hire vehicles which the Head of Planning, Regeneration and Regulatory Services does not feel able to approve because of the facts revealed in the application and to advise the applicant to attend personally in all cases.
6. Power to register pools promoters under the Gambling Act 2005
7. Power to grant track betting licences under the Gambling Act 2005
8. Power to license inter-track betting schemes under the Gambling Act 2005

9. Power to grant permits, variations, review and cancellation of a licence in respect of premises with amusement machines under the Gambling Act 2005 and the granting of a provisional statement, to determine applications for a transfer of a licence where representations have been received from the Gambling Commission.
10. Power to register societies wishing to promote lotteries under the Gambling Act 2005
11. Power to grant permits in respect of premises where amusements with prizes are provided under the Gambling Act 2005
12. Power to exercise the council's functions under the Cinemas Act 1985
13. Power to license sex shops and sex cinemas and exercise the Councils functions under the Local Government (Miscellaneous Provisions) Act 1982
14. Power to license performances of hypnotism under the Hypnotism Act 1952
15. Power to license premises for acupuncture, tattooing, cosmetic piercing, electrolysis and semi-permanent skin colouring.
16. Power to licence night cafes and take-away food shops.
17. Power to licence dealers in game and the killing and selling of game.
18. Power to licence scrap yards.
19. Power to issue, amend or replace safety certificates (whether general or special) for sports grounds.
20. Power to issue, cancel, amend or replace safety certificates for regulated stands at sports grounds.
21. Power to license persons to collect for charitable and other causes.
22. Power to sanction use of parts of buildings for storage of celluloid.
23. Power to register motor salvage operators.
24. To exercise the Councils functions in relation to the control of pollution or the management of air quality pursuant to the Pollution Prevention and Control Act 1999, Part iv of the Environment Act 1995, Part 1 of the Environmental Protection Act 1990 and the Clean Air Act 1993, including the determination of applications for variation of authorizations under Sections 10 and 11 of the Environmental Protection Act 1990, and permits under the Regulation 17 of the Pollution Prevention and Control Regulations 2000, involving a substantial change.

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: 11 Councillors, politically balanced.