

PART 3
RESPONSIBILITY FOR COUNCIL
FUNCTIONS

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Part 3.1 (Table 1) RESPONSIBILITY FOR COUNCIL FUNCTIONS

| A. Functions relating to town and country planning and development control | | | |
|---|--|----------------------------------|--|
| Function | Provision of Act or Statutory Instrument | Delegated to | Further 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. | Development Management Committee | Corporate Lead Officer Economy & Regeneration, |
| 2. Power to determine applications to develop land without compliance with conditions previously attached. | Section 73 of the Town and Country Planning Act 1990. | | |
| 3. Power to grant planning permission for development already carried out. | Section 73A of the Town and Country Planning Act 1990. | | |
| 4. Power to decline to determine application for planning permission. | Section 70A of the Town and Country Planning Act 1990. | | |
| 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. | | |
| 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 Country Planning General Regulations 1992 (S.I. 1992/1492). | | |

Part 3.1 (Table 1) RESPONSIBILITY FOR COUNCIL FUNCTIONS Cont'd

A. Functions relating to town and country planning and development control

| Function | Provision of Act or Statutory Instrument | Delegated to | Further delegated to |
|--|--|----------------------------------|--|
| 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). | Development Management Committee | Corporate Lead Officer Economy & Regeneration, |
| 8. Power to enter into planning obligation, regulating development or use of land. | Section 106 of the Town and Country Planning Act 1990. | | |
| 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. | | |
| 10. Power to serve a completion notice | Section 94(2) of the Town and Country Planning Act 1990. | | |
| 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. | | |
| 12. Power to authorise entry onto land. | Section 196A of the Town and Country Planning Act 1990. | | |
| 13. Power to require the discontinuance of a use of land. | Section 102 of the Town and Country Planning Act 1990. | | |

Part 3.1 (Table 1) RESPONSIBILITY FOR COUNCIL FUNCTIONS Cont'd

A. Functions relating to town and country planning and development control

| Function | Provision of Act or Statutory Instrument | Delegated to | Further delegated to |
|---|---|----------------------------------|--|
| 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. | Development Management Committee | Corporate Lead Officer Economy & Regeneration, |
| 15. Power to issue an enforcement notice. | Section 172 of the Town and Country Planning Act 1990. | | |
| 16. Power to apply for an injunction restraining a breach of planning control. | Section 187B of the Town and Country Planning Act 1990. | | |
| 17. Power to determine applications for hazardous substances consent, and related powers. | Sections 9(1) and 10 of the Planning (Hazardous Substances) Act 1990 (c. 10). | | |
| 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 (c. 25) and paragraph 6(5) of Schedule 14 to that Act. | | |
| 19. Power to require proper maintenance of land. | Section 215(1) of the Town and Country Planning Act 1990. | | |

Part 3.1 (Table 1) RESPONSIBILITY FOR COUNCIL FUNCTIONS Cont'd

A. Functions relating to town and country planning and development control

| Function | Provision of Act or Statutory Instrument | Delegated to | Further 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 (c. 9). | Development Management Committee | Corporate Lead Officer Economy & Regeneration, |
| 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. | | |
| 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. | | |
| 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. | | |
| 24. Power to issue a listed building enforcement notice. | Section 38 of the Planning (Listed Buildings and Conservation Areas) Act 1990. | | |

Part 3.1 (Table 1) RESPONSIBILITY FOR COUNCIL FUNCTIONS Cont'd

A. Functions relating to town and country planning and development control

| Function | Provision of Act or Statutory Instrument | Delegated to | Further delegated to |
|---|---|----------------------------------|--|
| 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. | Development Management Committee | Corporate Lead Officer Economy & Regeneration, |
| 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. | | |
| 27. Power to execute urgent works. | Section 54 of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990. | | |
| 28. Power related to mineral working. | Schedule 9 of the Town and Country Planning Act 1990. | | |
| 29. Power related to footpaths and bridleways. | Section 257 of the Town and Country Planning Act 1990. | | |
| 30. Power as to certification of appropriate alternative development. | Section 17 of the Land Compensation Act 1961 (c. 33). | | |
| 31. Duties in relation to purchase notices. | Sections 137-144 of the Town and Country Planning Act 1990. | | |
| 32. Powers related to blight notices. | Sections 149-171 of the Town and Country Planning Act 1990. | | |

Part 3.1 (Table 1) RESPONSIBILITY FOR COUNCIL FUNCTIONS Cont'd

B. Licensing and registration functions (in so far as not covered by any other paragraph of this Schedule)

| | | | |
|---|--|----------------|--|
| <p>1. Power to issue licences authorising the use of land as a caravan site ("site licences").</p> | <p>Section 3(3) of the Caravan Sites and Control of Development Act 1960 (c. 62).</p> | <p>Council</p> | <p>Corporate Lead Officer Policy, Performance and Public Protection,</p> |
| <p>2. Power to license the use of moveable dwellings and camping sites.</p> | <p>Section 269(1) of the Public Health Act 1936 (c. 49).</p> | | |
| <p>3. Power to license hackney carriages and private hire vehicles.</p> | <p>(a) as to hackney carriages, the Town Police Clauses Act 1847 (10 & 11 Vict. c. 89), as extended by section 171 of the Public Health Act 1875 (38 & 39 Vict. c. 55), and section 15 of the Transport Act 1985 (c. 67); and sections 47, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976 (c. 57); (b) as to private hire vehicles, sections 48, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976.</p> | | |
| <p>4. Power to license drivers of hackney carriages and private hire vehicles.</p> | <p>Sections 51, 53, 54, 59, 61 and 79 of the Local Government (Miscellaneous Provisions) Act 1976.</p> | | |
| <p>5. Power to license operators of hackney carriages and private hire vehicles.</p> | <p>Sections 55 to 58, 62 and 79 of the Local Government (Miscellaneous Provisions) Act 1976.</p> | | |

Part 3.1 (Table 1) RESPONSIBILITY FOR COUNCIL FUNCTIONS Cont'd

B. Licensing and registration functions (in so far as not covered by any other paragraph of this Schedule) Cont'd

| Function | Provision of Act or Statutory Instrument | Delegated to | Further delegated to |
|---|---|---------------------|---|
| 6. Power to register pool promoters. | Schedule 2 to the Betting, Gaming and Lotteries Act 1963 (c. 2). | Council | Corporate Lead Officer Policy, Performance and Public Protection, |
| 7. Power to grant track betting licences. | Schedule 3 to the Betting, Gaming and Lotteries Act 1963. | | |
| 8. Power to license inter-track betting schemes. | Schedule 5ZA to the Betting, Gaming and Lotteries Act 1963. | | |
| 9. Power to grant permits in respect of premises with amusement machines. | Schedule 9 to the Gaming Act 1968 (c. 65). | | |
| 10. Power to register societies wishing to promote lotteries. | Schedule 1 to the Lotteries and Amusements Act 1976 (c. 32). | | |
| 11. Power to grant permits in respect of premises where amusements with prizes are provided. | Schedule 3 to the Lotteries and Amusements Act 1976. | | |
| 12. Power to issue entertainments licences. | Section 12 of the Children and Young Persons Act 1933 (c. 12) | | |
| 13. Power to license sex shops and sex cinemas. | The Local Government (Miscellaneous Provisions) Act 1982, section 2 and Schedule 3. | | |

Part 3.1 (Table 1) RESPONSIBILITY FOR COUNCIL FUNCTIONS Cont'd

B. Licensing and registration functions (in so far as not covered by any other paragraph of this Schedule) Cont'd

| Function | Provision of Act or Statutory Instrument | Delegated to | Further delegated to |
|---|---|---|---|
| 14. Power to license performances of hypnotism. | The Hypnotism Act 1952 (c. 46). | Council | Corporate Lead Officer Policy, Performance and Public Protection, |
| 15. Power to register | Sections 13 to 17 of the Local | | |
| (Cont'd) premises for acupuncture, tattooing, ear-piercing and electrolysis. Power to issue permits / permission. | (Cont'd) Government (Miscellaneous Provisions) Act 1982. | | |
| 16. Power to license pleasure boats and pleasure vessels. | Section 94 of the Public Health Acts Amendment Act 1907 (c. 53). | | |
| 17. Power to license market and street trading. | Part III of and Schedule 4 to, the Local Government (Miscellaneous Provisions) Act 1982. | Delegated to Corporate Lead Officer Economy & Regeneration, | |
| 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 (c. 66). | Licensing Committee | Corporate Lead Officer Policy, Performance and Public Protection, |
| 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 (c. 32); sections 2 to 16 of the Game Licences Act 1860 (c. 90), section 4 of the Customs and Inland Revenue Act 1883 (c. 10), section 27 of the Local Government Act 1894 (c. 73), and section 213 of the Local Government Act | | |

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| | 1972 (c. 70). | | |
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Part 3.1 (Table 1) RESPONSIBILITY FOR COUNCIL FUNCTIONS Cont'd

B. Licensing and registration functions (in so far as not covered by any other paragraph of this Schedule) Cont'd

| Function | Provision of Act or Statutory Instrument | Delegated to | Further delegated to |
|--|---|---------------------|--|
| 20. Power of register and license premises for the preparation of food. | Section 19 of the Food Safety Act 1990 (c. 16). | Licensing Committee | Corporate Lead Officer Policy, Performance, and Public Protection, |
| 21. Power to license scrap yards. | Section 1 of the Scrap Metal Dealers Act 1964 (c. 69). | | |
| 22. Power to issue, amend or replace safety certificates (whether general or special) for sports grounds. | The Safety of Sports Grounds Act 1975 (c. 52). | | |
| 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 (c. 27). | | |
| 24. Duty to promote fire safety | Section 6 of the Fire and Rescue Services Act 2004 (c. 21) | | |
| 25. Power to license premises for the breeding of dogs. | Section 1 of the Breeding of Dogs Act 1973 (c. 60) and section 1 of the Breeding and Sale of Dogs (Welfare) Act 1999 (c. 11). | | |
| 26. Power to license pet shops and other establishments | Section 1 of the Pet Animals Act 1951 (c. 35); section 1 of the Animal Boarding Establishments | | |

Part 3.1 (Table 1) RESPONSIBILITY FOR COUNCIL FUNCTIONS Cont'd

B. Licensing and registration functions (in so far as not covered by any other paragraph of this Schedule) Cont'd

| Function | Provision of Act or Statutory Instrument | Delegated to | Further delegated to |
|---|--|--|---|
| (Cont'd) where animals are bred or kept for the purposes of carrying on a business. | (Cont'd) Act 1963 (c. 43); the Riding Establishments Acts 1964 and 1970 (1964 c. 70 and 1970 c. 70); section 1 of the Breeding of Dogs Act 1973 (c. 60), and sections 1 and 8 of the Breeding and Sale of Dogs (Welfare) Act 1999. | Licensing Committee | Corporate Lead Officer Policy, Performance and Public Protection. |
| 27. Power to register animal trainers and exhibitors. | Section 1 of the Performing Animals (Regulation) Act 1925 (c. 38). | | |
| 28. Power to license zoos. | Section 1 of the Zoo Licensing Act 1981 (c. 37) | | |
| 29. Power to license dangerous wild animals. | Section 1 of the Dangerous Wild Animals Act 1976 (c. 38). | | |
| 30. Power to enforce regulations in relation to animal by-products | Regulation 49 of the Animal By-products (Wales) Regulations 2006 (S.I 1292 (W.127)) | | |
| 31. Power to license the employment of children. | Part II of the Children and Young Persons Act 1933 (c. 12), byelaws made under that Part, and Part II of the Children and Young Persons Act 1963 (c. 37). | Corporate Lead Officer Schools and Culture; Corporate Lead Officer Legal & Governance Services | |

Part 3.1 (Table 1) RESPONSIBILITY FOR COUNCIL FUNCTIONS Cont'd

B. Licensing and registration functions (in so far as not covered by any other paragraph of this Schedule) Cont'd

| Function | Provision of Act or Statutory Instrument | Delegated to | Further delegated to |
|--|---|--|--|
| 32. Power to approve premises for the solemnisation of marriages and the registration of civil partnerships. | Section 46A of the Marriage Act 1949 (c. 76), section 6A of the Civil Partnership Act 2004 (c. 33) and the Marriages and Civil Partnerships (Approved Premises) Regulations 2005 (S. I. 2005/3168). | Proper Officer for Civil Registrations (Corporate Lead Officer Customer Contact) | |
| 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— 33(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 (c. 67) or 3(b) an order under section 147 of the Inclosure Act 1845 (c. 8 & 9 Vict. c. 118). | Regulation 6 of the Commons Registration (New Land) Regulations 1969 (S.I. 1969/1843). | Development Management Committee | Corporate Lead Officer Economy & Regeneration, |
| 34. Power to register variation of rights of common. | Regulation 29 of the Commons Registration (General) Regulations 1966 (S.I. 1966/1471). | Development Management Committee | Corporate Lead Officer Economy & Regeneration |
| 35. Power to issue a permit to conduct charitable collections. | Section 68 of the Charities Act 1992. | Licensing Committee | Corporate Lead Officer Policy, Performance |

| | | | |
|---|--|--|------------------------|
| 36. Power to grant consent for the operation of a loudspeaker. | Schedule 2 to the Noise and Statutory Nuisance Act 1993 (c. 40). | | and Public Protection. |
|---|--|--|------------------------|

Part 3.1 (Table 1) RESPONSIBILITY FOR COUNCIL FUNCTIONS Cont'd

B. Licensing and registration functions (in so far as not covered by any other paragraph of this Schedule) Cont'd

| Function | Provision of Act or Statutory Instrument | Delegated to | Further delegated to |
|---|---|---|---|
| 37. Power to grant a street works licence. | Section 50 of the New Roads and Street Works Act 1991 (c. 22). | Corporate Lead Officer Highways & Environmental Services, | |
| 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 (W.104). | Licensing Committee | Corporate Lead Officer Policy, Performance and Public Protection. |
| 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 (W.104). | | |
| 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). | | |
| 41. Power to sanction use of parts of buildings for storage of celluloid. | Section 1 of the Celluloid and Cinematograph Film Act 1922 (c. 35). | | |
| 42. 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. | Regulation 5 of the Food (Hygiene) (Wales) Regulations 2006. | Licensing Committee | Corporate Lead Officer Policy, Performance and Public Protection. |

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| 43. Functions in respect of establishing a Licensing Committee. | Section 6 of the Licensing Act 2003 (c. 17). | Council |
| 44. Power to issue Special Procedure licences Including tattooing, piercing, acupuncture | Public Health Wales Act 2017. Schedule 3 | Licensing Committee Further delegated to: Corporate Lead Officer Policy, Performance and Public Protection. |

Part 3.1 (Table 1) RESPONSIBILITY FOR COUNCIL FUNCTIONS Cont'd

C. Functions relating to health and safety at work

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| 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 (c. 37). | Delegated to the Corporate Lead Officer Policy, Performance and Public Protection. |
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Part 3.1 (Table 1) RESPONSIBILITY FOR COUNCIL FUNCTIONS Cont'd

D. Functions relating to elections

| Function | Provision of Act or Statutory Instrument | Delegated to | Further delegated to |
|--|--|---------------------|---|
| 1. Duty to appoint an electoral registration officer. | Section 8(2A) of the Representation of the People Act 1983 (c. 2). | Council | Save for the functions delegated to the Chief Executive |
| 2. Power to assign officers in relation to | Section 52(4) of the Representation of the | | |

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|---|--|--|--|
| requisitions of the registration officer. | People Act 1983. | | |
| 3. Power to dissolve community councils. | Section 28 of the Local Government Act 1972. | | |
| 4. Power to make orders for grouping communities. | Section 29 of the Local Government Act 1972. | | |
| 5. Power to make orders for dissolving groups and separating community councils from groups. | Section 29A of the Local Government Act 1972. | | |
| 6. Duty to appoint returning officer for local government elections. | Section 35 of the Representation of the People Act 1983. | | |
| 7. Duty to provide assistance at European Parliamentary elections. | Section 6(7) and (8) of the European Parliamentary Elections Act 2002. | | |
| 8. Duty to divide constituency into polling districts. | Section 18 of the Representation of the People Act 1983. | | |
| 9. Power to divide electoral divisions into polling districts at local government elections. | Section 31 of the Representation of the People Act 1983. | | |

Part 3.1 (Table 1) RESPONSIBILITY FOR COUNCIL FUNCTIONS Cont'd

D. Functions relating to elections

| Function | Provision of Act or Statutory Instrument | Delegated to | Further delegated to |
|---|--|---------------------|---|
| 10. Powers in respect of holding of elections. | Section 39(4) of the Representation of the People Act 1983. | Council | Save for the functions delegated to the Chief Executive |
| 11. Power to pay expenses properly incurred by electoral registration officers. | Section 54 of the Representation of the People Act 1983. | | |
| 12. Power to fill vacancies in the event of insufficient nominations. | Section 21 of the Representation of the People Act 1985. | | |
| 13. Duty to declare vacancy in office in certain cases. | Section 86 of the Local Government Act 1972. | | |
| 14. Duty to give public notice of a casual vacancy. | Section 87 of the Local Government Act 1972. | | |
| 15. Power to make temporary appointments to community councils. | Section 91 of the Local Government Act 1972. | | |
| 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). | | |
| 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 (c. 2). | | |

Part 3.1 (Table 1) RESPONSIBILITY FOR COUNCIL FUNCTIONS Cont'd

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

| | | |
|---|--|---------|
| 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. | |
| 3. Power to confer title of honorary alderman or to admit being an honorary freeman. | Section 249 of the Local Government Act 1972. | |
| 4. Power to petition for a charter to confer county borough status. | Section 245A of the Local Government Act 1972. | |
| F. 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 (c. 300). | |
| G. Power to promote or oppose private Bills. | . Sections 52 and 53 Of the Local Government (Democracy) (Wales) Act 2013 | |

H. Functions relating to pensions etc.

| | | |
|--|---|---------|
| 1. Functions relating to local government pensions, etc. | Regulations under section 7, 12 or 24 of the Superannuation Act 1972 (c. 11). | Council |
| 2. Functions relating to pensions, allowances and gratuities. | Regulations under section 18 (3A) of the Local Government and Housing Act 1989 (c. 42). | |
| 3. Functions under existing pension schemes as respects persons employed by the fire and rescue authorities pursuant to section 1 of the Fire and | Sections 34 and 36 of the Fire and Rescue Services Act 2004. | |

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|-------------------------|--|--|
| Rescue Service Act 2004 | | |
|-------------------------|--|--|

Part 3.1 (Table 1) RESPONSIBILITY FOR COUNCIL FUNCTIONS Cont'd

I. Miscellaneous functions

| Function | Provision of Act or Statutory Instrument | Delegated to | Further 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 2005. | Council | |
| 2. Functions relating to sea fisheries. | Sections 1, 2, 10 and 19 of the Sea Fisheries Regulation Act 1966 (c. 38). | Council | |
| 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). | Development Management Committee | Corporate Lead Officer Economy & Regeneration, |
| 4. Powers relating to the protection of important hedgerows. | The Hedgerows Regulations 1997 (S.I. 1997/1160). | | |
| 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. | Council | Delegated to Chief Executive and all Officers nominated by the Chief Executive subject to the Officer Employment Rules |

Part 3.1 (Table 1) RESPONSIBILITY FOR COUNCIL FUNCTIONS Cont'd

I. Miscellaneous functions Cont'd

| Function | Provision of Act or Statutory Instrument | Delegated to | Further delegated to |
|---|---|---------------------|---|
| 7. Power to make standing orders as to contracts. | Section 135 of the Local Government Act 1972. | Council | |
| 8. Power to consider reports from the Public Services Ombudsman for Wales. | Section 19 of the Public Services Ombudsman (Wales) Act 2005 (c. 10). | Council | Monitoring Officer |
| 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 (c. 16). | Council | |
| 10. Powers in respect of registration of motor salvage operators. | Part 1 of the Vehicles (Crime) Act 2001 (c. 3). | Licensing Committee | Corporate Lead Officer Policy, Performance and Public Protection. |
| 11. Power to appoint officers for particular purposes (appointment of "proper officers"). | Section 270(3) of the Local Government Act 1972 (c. 42). | Council | |
| 12. Duty to designate an officer as the head of the authority's paid service, and to provide staff, etc. | Section 4(1) of the Local Government and Housing Act 1989 (c. 42) | | |
| 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. | | |
| 14. Duty to determine affordable borrowing limit. | Section 3 of the Local Government Act 2003 (c. 22). | | |

Part 3.1 (Table 1) RESPONSIBILITY FOR COUNCIL FUNCTIONS Cont'd

I. Miscellaneous functions Cont'd

| Function | Provision of Act or Statutory Instrument | Delegated to | Further delegated to |
|---|--|---------------------|-----------------------------|
| 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 (c. 11). | Council | Section 151 Officer |
| 17. Power to make or revoke an order designating a locality as an alcohol disorder zones | Section 16 of the Violent Crime Reduction Act 2006 (now repealed) | | |
| 18. Functions relating to Family Absence of Local Authority Members | The Family Absence for Members of Local Authorities (Wales) Regulations 2013 | | |

Part 3.2 (Table 2) RESPONSIBILITY FOR LOCAL CHOICE FUNCTIONS

| Function | Decision-making body | Membership | Delegation of functions |
|---|-----------------------------|----------------------------|--|
| 1. Any function under a local Act other than a function specified or referred to in Schedule 1. | Cabinet | All Cabinet Members | None |
| 2. The determination of an appeal against any decision made by or on behalf of the authority. | Council | All Members of the Council | Save for the functions delegated to the Appeals Panel |
| 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 | All Cabinet Members | |
| 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 | All Cabinet Members | Corporate Lead Officer Schools and Culture; Corporate Lead Officer Legal & Governance Services; |
| 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). | | | |
| 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). | | | |
| 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 the functions of a police authority. | Council | All Members of the Council | |

| Part 3.2 (Table 2) RESPONSIBILITY FOR LOCAL CHOICE FUNCTIONS (Cont'd) | | | |
|---|-----------------------------|----------------------------|--|
| Function | Decision-making body | Membership | Delegation of functions |
| 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. | Council | All Members of the Council | Joint Committee appointed under Paragraph 2(2) of Schedule 2 to the Police Act 1996 |
| 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 or action under the Wales Improvement Measure as appropriate. | Cabinet | All Cabinet Members | Cabinet Members, Corporate Directors and Corporate Lead Officers |
| 10. Any function relating to contaminated land. | Council | All Members of the Council | Corporate Lead Officer Policy, Performance and Public Protection, Corporate Lead Officer Highways and Environmental Services |
| 11. The discharge of any function relating to the control of pollution or to the Declaration of an Air Quality Management Area | Council | All Members of the Council | Corporate Lead Officer Policy, Performance and Public Protection. |
| 12. The service of an abatement notice in respect of a statutory nuisance. | Cabinet | All Cabinet Members | Corporate Lead Officer Policy Performance and Public Protection. |
| 13. The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the authority's area. | Council | All Members of the Council | |
| 14. The inspection of the authority's area to detect any statutory nuisance. | Cabinet | All Cabinet Members | Corporate Lead Officer Policy, Performance and Public Protection, Corporate Lead Officer Highways |
| 15. The investigation of any complaint as to the existence of a statutory | | | |

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|-----------|--|--|----------------------------|
| nuisance. | | | and Environmental Services |
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| Part 3.2 (Table 2) RESPONSIBILITY FOR LOCAL CHOICE FUNCTIONS (Cont'd) | | | |
|---|-----------------------------|----------------------------|--|
| Function | Decision-making body | Membership | Delegation of functions |
| 16. The obtaining of information under section 330 of the Town and Country Planning Act 1990 as to interests in land. | Cabinet | All Cabinet Members | Corporate Lead Officer Policy, Performance and Public Protection, Corporate Lead Officer Highways and Environmental Services |
| 17. The obtaining of particulars of persons interested in land under section 16 of the Local Government (Miscellaneous Provisions) Act 1976 | Cabinet | All Cabinet Members | All Corporate Directors and Corporate Lead Officers |
| 18. Any of the following functions in respect of highways - | | | |
| (a) the making of agreements for the execution of highways works. | Cabinet | All Cabinet Members | Corporate Lead Officer Highways & Environmental Services, |
| (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. | Cabinet | All Cabinet Members | Corporate Lead Officer Economy & Regeneration, Corporate Lead Officer Highways & Environmental Services |
| (ii) Section 26 – compulsory powers for creation of footpaths, bridleways or restricted byways. | Council | All Members of the Council | Corporate Lead Officer Economy & Regeneration |

| Part 3.2 (Table 2) RESPONSIBILITY FOR LOCAL CHOICE FUNCTIONS (Cont'd) | | | |
|--|-----------------------------|---------------------|--|
| Function | Decision-making body | Membership | Delegation of functions |
| (c) The functions contained in the following provisions of Part V111 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 | All Cabinet Members | Corporate Lead Officer Highways & Environmental Services and Corporate Lead Officer Economy & Regeneration |
| (ii) Section 117 – application for order under section 116 on behalf of another person; | | | |
| (iii) Section 118 – stopping up of footpaths, bridleways and restricted byways; | Cabinet | All Cabinet Members | Corporate Lead Officer Highways & Environmental Services and Corporate Lead Officer Economy & Regeneration |
| (iv) Section 118ZA – application for a public path extinguishment order; | | | |
| (v) Section 118A – stopping up of footpaths, bridleways and restricted byways crossing railways; | | | |

| Part 3.2 (Table 2) RESPONSIBILITY FOR LOCAL CHOICE FUNCTIONS (Cont'd) | | | |
|--|-----------------------------|---------------------|--|
| Function | Decision-making body | Membership | Delegation of functions |
| (vi) Section 118B – stopping up of certain highways for purposes of crime prevention etc.; | Cabinet | All Cabinet Members | Corporate Lead Officer Highways & Environmental Services and Corporate Lead Officer Economy & Regeneration |
| (vii) Section 118C – application by proprietor of school for special extinguishment order; | | | |
| (viii) Section 119 – diversion of footpaths, bridleways and restricted byways; | | | |
| (ix) Section 119ZA – application for a public path diversion order; | | | |
| (x) Section 119A – diversion of footpaths, bridleways and restricted byways crossing railways; | | | |
| (xi) Section 119B – diversion of certain highways for purposes of crime prevention etc.; | | | |

**Part 3.2 (Table 2) RESPONSIBILITY FOR LOCAL CHOICE FUNCTIONS
(Cont'd)**

| Function | Decision-making body | Membership | Delegation of functions |
|---|-----------------------------|---------------------|--|
| (xii) Section 119C – application by proprietor of school for special diversion order; | Cabinet | All Cabinet Members | Corporate Lead Officer Highways & Environmental Services and Corporate Lead Officer Economy & Regeneration |
| (xiii) Section 119D – diversion of certain highways for protection of sites of special scientific interest; | | | |
| (xiv) Section 120 – exercise of powers of making public path extinguishment and diversion orders; | | | |
| (xv) Section 121B – register of applications; | | | |
| (d) the functions contained in the following provisions of Part IX of the Highways Act 1980 (lawful and unlawful interference with highways and streets)- | | | |
| (i) Section 130 – protection of public rights; | Cabinet | All Cabinet Members | Corporate Lead Officer Highways & Environmental Services and Corporate Lead Officer Economy & Regeneration |
| (ii) Sections 139 – control of builders' skips; | Cabinet | | |

| Part 3.2 (Table 2) RESPONSIBILITY FOR LOCAL CHOICE FUNCTIONS (Cont'd) | | | |
|--|-----------------------------|---------------------|--|
| Function | Decision-making body | Membership | Delegation of functions |
| (iii) Section 140 – removal of builders' skips; | Cabinet | All Cabinet Members | Corporate Lead Officer Highways & Environmental Services and Corporate Lead Officer Economy & Regeneration |
| (iv) Section 140A(7) – builders' skips: charges for occupation of the highway; | | | |
| (v) Section 142 – licence to plant trees, shrubs etc. in a highway; | Cabinet | All Cabinet Members | Corporate Lead Officer Highways & Environmental Services |
| (vi) Section 147 – power to authorise erection of stiles etc. on footpath or bridleway; | Cabinet | All Cabinet Members | Corporate Lead Officer Highways & Environmental Services and Corporate Lead Officer Economy & Regeneration and Corporate Lead Officer Porth Gofal Targeted Intervention Services |
| (vii) Section 147ZA – agreements relating to improvements for benefit of persons with mobility problems; | | | |
| (viii) Section 149 – removal of things so deposited on highways as to be a nuisance etc.; | Cabinet | All Cabinet Members | Corporate Lead Officer Highways & Environmental Services and Corporate Lead Officer Policy Performance and Public Protection |

**Part 3.2 (Table 2) RESPONSIBILITY FOR LOCAL CHOICE FUNCTIONS
(Cont'd)**

| Function | Decision-making body | Membership | Delegation of functions |
|---|-----------------------------|---------------------|--|
| (ix) Section 169 – control of scaffolding on highways; | Cabinet | All Cabinet Members | Corporate Lead Officer Highways & Environmental Services and Corporate Lead Officer Economy & Regeneration |
| (x) Section 171 – control of deposit of building materials and making of excavations in streets | | | |
| (xi) Section 171A and regulations made under that section – works under s169 or s171: charge for occupation of the highway; | | | |
| (xii) Section 172 – hoardings to be set up during building etc.; | | | |
| (xiii) Section 173 – hoardings to be securely erected; | | | |
| (xiv) Section 178 – restriction on placing of rails, beams etc. over highways; | | | |
| (xv) Section 179 – control of construction of cellars etc. under street; | | | |
| (xvi) Section 180 – control of openings into cellars etc. under streets, and pavement lights and ventilators | | | |

| Part 3.2 (Table 2) RESPONSIBILITY FOR LOCAL CHOICE FUNCTIONS (Cont'd) | | | |
|---|--|---|---|
| Function | Decision-making body | Membership | Delegation of functions |
| (e) exercising functions under section 35 of the Wildlife and Countryside Act 1982 (limestone pavement orders); and | Cabinet | All Cabinet Members | Corporate Lead Officer Economy & Regeneration |
| (f) exercising functions under section 53 of the Wildlife and Countryside Act 1981 (duty to keep definitive map and statement under continuous review) | | | |
| 19. The appointment of any individual (a) to any office other than an office in which he is employed by the authority; (b) to anybody 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, and the revocation of any such appointment. | Council in relation to Council-related functions Cabinet in relation to Cabinet-related functions | All Members of the Council or Cabinet where appropriate | None |
| 20. Power to make payments or provide other benefits in cases of maladministration etc. | Council | All Members of the Council | Monitoring officer in relation to payments of £1,000 or below |
| 21. The discharge of any function by an authority acting as a harbour authority. | Cabinet | All Cabinet Members | Corporate Lead Officer Highways & Environmental Services |

| Part 3.2 (Table 2) RESPONSIBILITY FOR LOCAL CHOICE FUNCTIONS (Cont'd) | | | |
|--|-----------------------------|----------------------------|---|
| Function | Decision-making body | Membership | Delegation of functions |
| <p>22. 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 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> | Cabinet | All Cabinet Members | None |
| <p>23. Licensing functions in accordance with Part 2 of the Licensing Act 2003 except section 6.</p> | Council | All Members of the Council | Licensing Committee |
| <p>24a. Functions in respect of gambling under the following provisions of the Gambling Act 2005 –</p> <p>(i) Section 29 – licensing authority information;</p> <p>(ii) Section 30 – other exchange of information;</p> | Council | All Members of the Council | Corporate Lead Officer Policy Performance and Public Protection |

**Part 3.2 (Table 2) RESPONSIBILITY FOR LOCAL CHOICE FUNCTIONS
(Cont'd)**

| Function | Decision-making body | Membership | Delegation of functions |
|---|-----------------------------|----------------------------|--------------------------------|
| (iii) Section 284 – removal of exemption; (iv) Section 304 – authorised persons; (v) Section 346 – prosecutions by licensing authority; (vi) Section 350 – exchange of information; (vii) Part 5 of Schedule 11 – registration with local authority | | | |
| 24b. Functions in respect of gambling under the following provisions of the Gambling Act 2005 – (i) Section 166 – resolution not to issue casino licences; (ii) Section 349 – three-year licensing policy; | Council | All Members of the Council | |
| 24c. Functions in respect of gambling under the following provisions of the Gambling Act 2005 – (i) Section 212 and regulations made under that section – fees; | Cabinet | All Members of Cabinet | |
| 25a. Functions in respect of approval by a local authority under section 51 or a determination by a Local Authority under section 53 of the School Standards and Organisation (Wales) Act 2013 (i) Section 41 proposals to establish | Council | All Members of the Council | |

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| <p>mainstream schools</p> <p>(ii) Section 43: proposals to discontinue mainstream schools</p> <p>(iii) Section 44: proposals to</p> <p>a) establish a new community special school</p> <p>b) to discontinue such a school</p> | | | |
| <p>25b. Functions in respect of approval by a local authority under section 51 or a determination by a Local Authority under section 53 of the School Standards and Organisation (Wales) Act 2013</p> <p>(ii) Section 42 proposals to alter mainstream schools</p> <p>(iii) Section 44-proposals to make a regulated alteration to a community special school</p> <p>(iv) Section 45 proposals to change a school category</p> | Cabinet | All Cabinet Members | |
| <p>25c. Functions in respect of approval of the Council's Welsh in education strategic plan for submission to the Welsh Ministers for approval, for publication and implementation by the Council under sections 84 and 85 of the School Standards and Organisation (Wales) Act 2013</p> <p>(i) S.84 Preparation of Welsh in education strategic plans;</p> <p>(iii) S.85 Approval, publication and</p> | Cabinet | All Cabinet Members | |

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| implementation of Welsh in education strategic plans | | | |
| <p>26. Functions in respect of Section 108 – Local Government and Elections (Wales) Act 2021</p> <ul style="list-style-type: none"> • a)S91 (a) self-assessment: report • b) section 91(8) (response to recommendations about report <p>b)S91(8) response to report of panel performance assessment);</p> <p>c)S92(1) appointment of performance assessment panel;</p> <p>d)S93(1) response to recommendations about response to report of panel assessment</p> <p>e)S93(5) response to recommendations about response to report of panel;</p> <p>f)S96(1) Auditor General for Wales reports: response to recommendations from the Auditor General for Wales,</p> <p>g)S96(5) response to recommendations about response to the Auditor General for Wales,</p> <p>h) S102 request to the Welsh Ministers for support and assistance</p> | <p>Cabinet</p> <p>Cabinet</p> <p>Cabinet</p> <p>Cabinet</p> <p>Cabinet</p> <p>Cabinet</p> <p>Cabinet</p> | <p>All Cabinet Members</p> <p>All Cabinet Members</p> <p>All Cabinet Members</p> <p>All Cabinet Members</p> <p>All Cabinet Members</p> <p>All Cabinet Members</p> <p>All Cabinet Members</p> <p>All Cabinet Members</p> | |

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| | Cabinet | All Cabinet Members | |
| | Cabinet | All Members of the Council | |
| | Council | | |
| 27. Functions in respect of the appropriation of land held by the Council for any purpose or function for which the Council is authorised to acquire land by statute including but not limited to: Section 122 Local Government Act 1972: Appropriation of land by principal councils; Section 229 Town and Country Planning Act 1990: Appropriation of land forming part of common, etc; Section 19 Housing Act 1985: Appropriation of land; | Council | All Members of the Council | |
| 28. Power to determine (Town/Village) Green applications, pursuant to S15 Commons Act 2006 | Council | All Members of the Council. | |

Part 3.3 (Table 3) COMMITTEES OF THE COUNCIL

| Committee | Functions | Delegation of Functions |
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| <p>Development Management Committee</p> <p>(15 Members (may include Cabinet Members))</p> <p>Quorum As set out in Article 8 of Part 2 to the Constitution</p> | <p>Development Management Committee – Terms of Reference</p> <ol style="list-style-type: none"> 1. Functions relating to town and country planning and development control as specified in Part A of Part 3.1 Table 1 above ('Functions relating to town and country planning and development control'), together with functions under items 3 and 4 of Part I of Table 1 ('Miscellaneous functions'). 2. To carry out the Authority's statutory planning functions in relation to the determination of applications and allied issues relating to development and the regulation of uses and activities. 3. To consider and determine applications, so as to advance and contribute to the Council's Corporate Strategy and Priorities through thorough consideration of major developments county-wide. 4. To make planning decisions based on sound material planning considerations, and not personal circumstances, opinions or feelings. 5. To take into account the sustainable development principle in determining planning applications. 6. The power to act, all the powers and duties of the Authority relating to the consideration of planning, listed building and conservation area applications, notification schemes, tree preservation orders, the control of development and the enforcement of such control, and other consultation schemes where appropriate. 7. To receive reports from time to time from the Chief Executive or Corporate Lead Officer for Economy and Regeneration | <p>See Part 3.1 Table 1(Part A) above ('Functions relating to town and country planning and development control')</p> |

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| | <p>and other Officers on the exercise of any functions relating to the control of development which may have been delegated to them.</p> <p>8. To deal with all applications:</p> <ul style="list-style-type: none"> a. made by the Council as landowner; b. relating to major developments; c. made by a Member or close personal associates; or d. made by <ul style="list-style-type: none"> I. Chief Officers (Chief Executive, Corporate Directors and Corporate Lead Officers); II. All staff employed by the Planning Service(s) including development management and Forward Planning; and III. Any other Staff closely linked to the planning services or a particular planning application or by their close personal associates. <p>9. To prioritise making sound planning judgements in line with all relevant national and local planning policy that advances the corporate strategies and priorities of the Council unless there are other material considerations.</p> <p>10. To determine applications in accordance with the Local Development Plan, the central tenants of the Well-being of Future Generations (Wales) Act 2015, and to deliver the Council’s Corporate Priorities:</p> <ul style="list-style-type: none"> ○ Corporate Priority 1 – Boosting the Economy; ○ Corporate Priority 2 – Investing in People’s Future; ○ Corporate Priority 3 – Enabling individual and Family Resilience; | |
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| | and <ul style="list-style-type: none">○ Corporate Priority 4 – Promoting Environmental and Community Resilience. | |
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| Committee | Functions | Delegation of Functions |
|--|---|---|
| <p>Licensing Committee</p> <p>(11 Members)</p> | <p>Licensing and Registration Functions as specified in Part B of Table 1 above, together with functions under item 10 of Part I of Table 1.</p> <p>Licensing Functions and Functions in respect of Gambling as specified in Table 2 above, Functions 23 & 24).</p> <p>To recommend to the Council additions and/or amendments to policy in relation to the functions of the Committee.</p> <p>To determine suspension/revocation of personal licences pursuant to s132 of the Licensing Act 2003</p> <p>To determine contentious applications for the initial granting or renewal of licences to drive a hackney carriage or a private hire vehicle.</p> <p>To determine contentious applications for the initial grant or renewal of operators licences. To determine contentious applications and requests for licence reviews under the Licensing Act 2003 and the Gambling Act 2005. 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>To hear representations and determine relevant applications under the Scrap Metal Dealers Act 2013 as appropriate.</p> | <p>See Table 1 (Parts B and I) and Table 2 above.</p> |

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| | 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 | |
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| Committee | Functions | Delegation of Functions |
|---|---|--------------------------------|
| Ethics and Standards Committee (9 Members: 2 County Councillors, 2 Town and Community Members and 5 Independent Members) | As set out in Article 9 of Part 2 to the Constitution | None |

| Committee | Functions | Delegation of Functions |
|---|---|-------------------------|
| <p>Governance and Audit Committee</p> <p>(3 Lay Persons and 6 County Councillors - 1/3 Lay Person composition)</p> | <p>Governance and Audit Committee – Terms of Reference 2018</p> <p><u>Statement of Purpose</u></p> <ol style="list-style-type: none"> 1 The Governance and Audit Committee is a key component of the Council’s corporate governance framework. It provides an independent and high-level focus on the audit, assurance and reporting arrangements that underpin good governance and financial standards. 2 The purpose of the Governance and Audit Committee is to provide independent assurance to full Council and management of the adequacy of the risk management framework and the internal control environment. It provides an independent review of the Council’s governance, risk management and control frameworks and oversees the financial reporting and annual governance processes. It oversees internal audit and external audit, helping to ensure efficient and effective assurance arrangements are in place. 3. On 26/10/23 Council resolved that meetings be held by remote-means only (18 Month pilot exercise) <p><u>Governance Risk and Control</u></p> <ol style="list-style-type: none"> 4 To maintain an overview of the Council’s Constitution in respect of: Contract Procedure Rules, Finance Regulations and Code of Conduct. 5 To review the Council's corporate governance arrangements against the governance framework, including the ethical framework and consider the Governance-Framework. 6 To review the Annual Governance Statement prior to approval and consider whether it properly reflects the risk environment and supporting assurances, taking into account internal audit's opinion on the overall adequacy and effectiveness of the Council's framework | <p>None</p> |

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| | <p>of governance, risk management and control. Also, monitor compliance with the CIPFA Code of Practice for the Governance of Internal Audit in UK Local Government.</p> <p>7 To consider the Council's arrangements to secure value for money and review assurances and assessments on the effectiveness of these arrangements.</p> <p>8 To consider the Council's framework of assurance and ensure that it adequately addresses the risks and priorities of the Council.</p> <p>9 To monitor the effective development and operation of risk management in the Council.</p> <p>10 To monitor progress in addressing risk-related issues reported to the Committee.</p> <p>11 To consider reports on the effectiveness of internal controls and the implementation of agreed actions.</p> <p>12 To review the assessment of fraud risks and potential harm to the Council from fraud and corruption.</p> <p>13 To monitor the counter-fraud strategy, actions and resources.</p> <p>14 To review the governance and assurance arrangements for significant partnerships or collaborations, where applicable.</p> <p>15 To consider the Corporate Risk Register.</p> <p>16 To consider the Council's Annual Improvement Report.</p> <p>17 To review and assess the performance assessment of the Council.</p> <p>18 To review and assess the Council's draft annual Self-Assessment Report and make any necessary recommendations to Council for changes to:</p> <p>(a) the conclusions; or</p> <p>(b) anything included in the report relating to what actions the Council intends to take, or actions it has already taken, with a view to increasing the extent to which the Council will meet the performance requirements in the financial year following the financial year to which the report relates.</p> <p>19 To consider the Panel Performance Assessment Report, review the Council's draft response to the report of the Panel, and make necessary recommendations</p> | |
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| | <p>for changes to the statements made in the draft response.</p> <p>20 To consider any Auditor General Report following a special inspection of the Council, review and assess the Council's draft response to any Auditor General Report and make any recommendations for changes to the statements made in the Council's draft response relating to what action, if any, the Council intends to take in response to the Auditor General's recommendations.</p> <p><u>Internal Audit</u></p> <p>21 To approve the Internal Audit Charter.</p> <p>22 To consider proposals made in relation to the appointment of any external providers of internal audit services.</p> <p>23 To approve the risk-based Internal Audit Plan, including Internal Audit's resource requirements, the approach to using other sources of assurance and any work required to place reliance upon those other sources.</p> <p>24 To approve significant interim changes to the risk-based Internal Audit Plan and resource requirements.</p> <p>25 To make appropriate enquiries of both management and the Head of Internal Audit ("Chief Internal Auditor") to determine if there are any inappropriate scope or resource limitations.</p> <p>26 To consider reports from the Head of Internal Audit on internal audit's performance during the year, including the performance of any external providers of internal audit services. These will include:</p> <ul style="list-style-type: none"> a. Updates on the work of Internal Audit including key findings, issues of concern and action in hand as a result of internal audit work. b. Regular reports on the results of the Quality Assurance and Improvement Programme. c. Reports on instances where the internal audit function does not conform to the Public Sector | |
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| | <p>Internal Audit Standards and Local Government Application Note, considering whether the non-conformance is significant enough that it must be included in the Annual Governance Statement.</p> <p>27 To consider the Head of Internal Audit's annual report regarding:</p> <ul style="list-style-type: none"> d. The statement of the level of conformance with the Public Sector Internal Audit Standards and Local Government Application Note and the results of the Quality Assurance and Improvement Programme that support the statement - these will indicate the reliability of the conclusions of internal audit. e. The opinion on the overall adequacy and effectiveness of the Council's framework of governance, risk management and control together with the summary of the work supporting the opinion - these will assist the committee in reviewing the Annual Governance Statement. <p>28 To consider summaries of specific Internal Audit reports as requested.</p> <p>29 To receive reports outlining the action taken where the head of internal audit has concluded that management has accepted a level of risk that may be unacceptable to the authority or there are concerns about progress with the implementation of agreed actions.</p> <p>30 To contribute to the Quality Assurance and Improvement Programme and in particular, to the external quality assessment of internal audit that takes place at least once every five years.</p> <p>31 To consider a report on the effectiveness of Internal Audit to support the Annual Governance Statement, where required to do so by the Accounts and Audit (Wales) Regulations 2014</p> <p>32 To support effective communication with the head of audit.</p> <p>33 To commission work from Internal Audit</p> <p><u>External Audit & Regulators</u></p> | |
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| | <p>34 To consider the external auditor's annual letter, relevant reports and the report to those charged with governance.</p> <p>35 To consider specific reports as agreed with the external auditor.</p> <p>36 To comment on the scope and depth of external audit work and to ensure it gives value for money.</p> <p>37 To commission work from external audit.</p> <p>38 To advise and recommend on the effectiveness of relationships between external and internal audit and other inspection agencies or relevant bodies.</p> <p>39 To consider reports from external regulators (including but not exclusive to: WAO, PSOW, GRO, CSIW, Estyn).</p> <p>40 Consider any Report received from the Auditor General, and the Council's draft response.</p> <p><u>Financial Reporting</u></p> <p>41 To review the annual statement of accounts and related reports. Specifically, to consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit that need to be brought to the attention of the Council.</p> <p>42 To consider the external auditor's report to those charged with governance on issues arising from the audit of the accounts.</p> <p><u>Accountability Arrangements</u></p> <p>43 To report to those charged with governance on the Audit Committee's findings, conclusions and recommendations concerning the adequacy and effectiveness of their governance, risk management and internal control frameworks, financial reporting arrangements, and internal and external audit functions.</p> <p>44 To report to full Council on the Audit Committee's performance in relation to the terms of reference and the</p> | |
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| | <p>effectiveness of the Committee in meeting its purpose.</p> <p>45 To publish an annual report on the work of the Committee.</p> <p><u>Performance Reporting</u></p> <p>46 To consider reports on compliments, complaints and Freedom of Information activity.</p> <p>47 To review and assess the Council's ability to handle complaints effectively.</p> <p>48 To make reports and recommendations in relation to the Council's ability to handle complaints effectively.</p> | |
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| Committee | Functions | Delegation of Functions |
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| <p>Democratic Services Committee</p> <p>(6 members)</p> | <p>To carry out the local authority's function of designating the Head of Democratic Services (HDS).</p> <p>Keep under review the provision of staff, accommodation and other resources made available to the HDS, in order to ensure that it is adequate for the responsibilities of the post.</p> <p>Make reports, at least annually, to the full council in relation to these matters.</p> <p>To consider, and make recommendations to the Council, concerning the timing of meetings.</p> <p>To oversee the training and development of Members.</p> <p>On 26/10/23 Council resolved that meetings be held by remote-means only (18 Month pilot exercise)</p> | None |
| <p>Appeals Panel</p> <p>(3 Members out of a pool of 7 members)</p> | <p>To determine appeals by members of staff in accordance with the Council's policies and procedures save for those referred to in Part 4 Document H.</p> | |
| <p>Short-listing Committee</p> <p>(7 Members)</p> | <p>To produce a shortlist of qualified applicants for Chief Executive, Corporate Director and Corporate Lead Officer Posts, to include interviewing of such applicants if needs be, for recommending to Council.</p> | |

| Committee | Functions | Delegation of Functions |
|--|---|-------------------------|
| <p>Language Committee</p> <p>(7 Members)</p> | <p>To provide direction for the promotion and facilitation of the Welsh Language in Ceredigion. The Committee may require any member or officer of the Council to attend before it to answer questions and may invite other persons to attend meetings of the Committee.</p> <p>The committee is responsible for fulfilling the following functions:</p> <ul style="list-style-type: none"> • To set strategic direction in response to the Language Standards set by the Welsh Language Commissioner, • Monitor progress with the implementation of the Welsh Language Standards • Agree an annual report on progress with the Welsh Language Standards to the Welsh Language Commissioner • Play an active role in the development of other key areas of work relating to the Welsh Language - Welsh Language in Education Strategy; ‘More than Just Words’ Strategic Framework, Local Development Plan • To receive progress reports on the work of Cered (Menter Iaith Ceredigion) and Theatr Felinfach • To offer recommendations to promote and increase the use of the Welsh language in all aspects of the Council's work • To review the implementation of the Ceredigion Language Strategy, paying attention to the Council’s work and any partnership work or joint working • Receiving information / consultations on matters relating to the Welsh Language as required and respond as appropriate. <ul style="list-style-type: none"> • Make recommendations to Cabinet and/or Council as appropriate | <p>None</p> |

| Committee | Functions | Delegation of Functions |
|--|---|---------------------------|
| <p>Charity Trustee Committee</p> <p>(10 members)</p> | <p><u>Terms of reference of the Charity Trustee Committee</u></p> <p>Role:</p> <ul style="list-style-type: none"> • To act as trustee in respect of all trusts that the Council is the trustee of. • To make decisions in relation to charitable assets in the best interests of the charity. • To receive reports on charitable issues and to ensure the requirements of the Charity Commission and charity law are adhered to in so far as they relate to the charitable assets held by the Council on trust. <p><u>Purpose:</u></p> <ul style="list-style-type: none"> • Charitable trustees are required to act in the best interests of the charity when making decisions in respect of it and must exercise reasonable skill and care in doing so. • The decisions of the Committee and responsibility for them will be collective. • Members of the Committee will benefit from the general indemnity granted by the Council to Members and Officers, provided that they act honestly, within their powers and that of the charity, and in good faith. <p>Membership:</p> <p>The 5 Chairs of the Council's Overview and Scrutiny Committees will be members of the Committee, with voting rights.</p> <p>The 5 Vice-Chairs of the Council's Overview and Scrutiny Committees will be members of the Committee, with voting rights.</p> <p>Quorum</p> <p>Charity Trustee Committee quorum is 3 (of all</p> | <p>See Art. 9.3 above</p> |

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| | <p>voting members).</p> <p>Meetings:</p> <p>Meetings of the Charity Trustee Committee be provisionally scheduled to take place following each Overview and Scrutiny Co-ordinating Committee but not held if there is no trustee business to attend to.</p> <p>Delegation of trustee responsibilities:</p> <p>A power is delegated to the Chair of the Charity Trustee Committee (or the Vice-Chair in the Chair’s absence) to decide on any matters arising which require authorisation within a timeframe of 10 working days subject to the following conditions:</p> <ul style="list-style-type: none"> a) The relevant power is to be exercised exclusively by the Chair (or Vice-Chair during the Chair’s absence). b) No expenditure may be incurred on behalf of the charity unless it relates to emergency works on a trust asset to include, but not be limited to, making the same safe or avoiding harm to the public or neighbouring land. c) The Chair (or Vice-Chair, where they Chair was absent during the time when the decision was taken) must report back the decision at the next meeting of the Charity Trustee Committee; and d) The trustees should keep the decision to delegate under constant review. | |
| <p>Overview and Scrutiny Committees</p> | <p>See Article 6 above</p> | |

Part 3.4 (Table 4) RESPONSIBILITY FOR CABINET FUNCTIONS

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

- 3.4.1 Council functions set out in Table 1 above.
- 3.4.2 Those local choice functions allocated to the Council set out in Table 2 above.
- 3.4.3 Functions that cannot be the sole responsibility of the Cabinet as set out in Article 4 of Part 2 of the Constitution.
- 3.4.4 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.

- 3.4.5 Article 7.1 of the Constitution provides that all of the Council's functions which are not the responsibility of any other part of the Council whether by law or under the Constitution will be carried out by Cabinet. This section sets out:
 - the role of Cabinet Members within their respective portfolios,
 - the allocation of service responsibilities to individual Cabinet Members, and
 - those Cabinet Functions which have been delegated to individual Cabinet Members.

| Portfolio | Roles, Service Responsibilities and Functions |
|-------------------------------------|---|
| <p>Leader of the Council</p> | <p>Roles and responsibilities of the Leader</p> <p>a) To provide political leadership to the Council, including:</p> <ul style="list-style-type: none"> • being the principal spokesperson for the Council • providing strong, clear leadership in the development and co-ordination of policies, strategies, plans and service delivery. • to recommend to Council the appointment of Member Champions <p>b) Appointing the Cabinet, including:</p> <ul style="list-style-type: none"> • choosing the number of Councillors to serve on the Cabinet and their respective portfolios. • designating a Deputy Leader • determining the executive functions delegated to the Cabinet, committees of the Cabinet, individual Cabinet Members, Officers and those undertaken via joint arrangements. <p>c) To provide community leadership, including.</p> <ul style="list-style-type: none"> • acting as a leader of the local community by demonstrating and promoting the Council’s Vision, aims and objectives. • providing leadership to local strategic partnerships in the pursuit of common aims and priorities, including the Ceredigion Public Service Board <p>d) Representing the Council on external organisations, including:</p> <ul style="list-style-type: none"> • representing the Council on the WLGA (including the Co-ordinating Committee) and LGA • representing the Council on the following local, regional and national organisations: <ul style="list-style-type: none"> - Central and Southwest Wales WLGA Regional Partnership Board - Joint Council for Wales • acting as the Council member of the Mid Wales Corporate Joint Committee. Where the Leader |

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| | <p>is unable to discharge their functions in respect of the Mid Wales Corporate Joint Committee, the Council shall appoint another member of the Cabinet to discharge those functions on behalf of the Council.</p> <ul style="list-style-type: none"> • Acting as one of the Council's Representatives on the Ceredigion Public Services Board. <ul style="list-style-type: none"> ○ The Leader shall be one of the Council's two representatives at meetings of the Ceredigion Public Services Board. ○ The Leader may designate another member of the Cabinet to attend a meeting of the Ceredigion Public Services Board in their absence. The leader shall designate the Deputy Leader to attend in their absence unless the Deputy Leader is also not available in which case the Leader shall designate another Member of Cabinet. <p>e) Managing and leading the work of the Cabinet, including:</p> <ul style="list-style-type: none"> • chairing meetings • effectively managing the work of the Cabinet • ensuring that a Cabinet Forward Work Plan is in place. <p>f) Providing portfolio leadership for the following:</p> <ul style="list-style-type: none"> • Service delivery • Community leadership • Finance and budgetary control • Employee relations • Welsh Language Standards <p>g) Working with others, including:</p> <ul style="list-style-type: none"> • participating in the collective decision-making of the Cabinet • working with Cabinet Members, Non-executive Members and Officers in order to ensure Council policies, the budgetary framework and the continuous improvement agenda is carried out effectively in order to ensure the delivery of high- |
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| | quality services within existing resources to local people |
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|----------------------------|---|
| All Cabinet Members | Roles and responsibilities of the Cabinet members |
| | A - General |
| | <p>a) Providing portfolio leadership, including:</p> <ul style="list-style-type: none"> • reporting to the Cabinet, Leader, Council, Overview and Scrutiny Committees in respect of services within the portfolio • giving political direction to officers working within the portfolio • formulating and developing plans, policies and strategies in respect of services within the portfolio for adoption and revision by the Council • liaising with the Chairperson of the respective Overview and Scrutiny Committee in respect of services within the portfolio • having an overview of the performance management, efficiency and effectiveness of the services within the portfolio <p>b) Working with others, including:</p> <ul style="list-style-type: none"> • Participating in the collective decision-making of the Cabinet • Working with the Leader of the Council, Cabinet Members, Non-executive Members and Officers in order to ensure Council policies, the budgetary framework and the continuous improvement agenda is carried out effectively in order to ensure the delivery of high quality services within existing resources to local people <p>c) Contributing towards community leadership, including;</p> <ul style="list-style-type: none"> • promoting the Council’s Vision, aims and objectives within the community • representing the Council on local strategic partnerships and the promotion of common aims and priorities <p>d) Representing the Council on external organisations, as appointed.</p> |

| | B - Specific portfolio roles and responsibilities |
|---|--|
| <p>Leader of the Council and Cabinet Member for:</p> <p>Democratic Services,</p> <p>Policy, Performance and People and Organisation.</p> | <p>Services: Democratic Services, Policy, Performance and People and Organisation.</p> <p>Internal panels/working groups/fora: Asset Management Group, Development Group, Corporate Employee Forum, Housing Grants Panel, Equalities Group and Performance Management Board.</p> <p>Partnerships/Joint Committees/Agencies: Ceredigion Public Service Board, Mid-Wales Corporate Joint Committee, Mid Wales Joint Committee for Health and Care, and Growing Mid Wales Partnership, and Growing Mid Wales Joint Committee.</p> <p>External bodies: WLGA, WLGA Rural Forum, WLGA Association Executive Board, Aberystwyth University Court of Governors, Joint Council for Wales and Consortium Local Authorities Wales ('CLAW') (Cabinet Member for Economy & Regeneration to deputise in Leader's absence).</p> |

| | B - Specific portfolio roles and responsibilities |
|---|---|
| <p>Deputy Leader of the Council and Cabinet Member for:</p> <p>Through Age and Wellbeing</p> | <p>Services: Through Age and Wellbeing.</p> <p>Internal panels/working groups/fora: Corporate Employee Forum, Performance Management Board, Emergency and Business Continuity Management Group, Corporate Parenting Group, Housing Grants Panel and Development Group.</p> <p>Partnerships/Joint Committees/Agencies: Aberystwyth-Shrewsbury Railway Line Liaison Committee, Corporate Passenger and Transport Unit Reference Group, Cinch Caron Project Board, Carers Alliance, West Wales Partnership Board, Youth Justice Management Board and Mid Wales Adoption Panel.</p> <p>External bodies: WLGA, Ceredigion Sports Council</p> |

| | B - Specific portfolio roles and responsibilities |
|--|--|
| <p>Cabinet Member for: Schools, Lifelong Learning and Skills.</p> | <p>Services: Schools, Lifelong Learning and Skills.</p> <p>Internal panels/working groups/fora:</p> <p>Partnerships/Joint Committees/Agencies: Corporate Passenger and Transport Unit Reference Group.</p> <p>External bodies:</p> |

| | B - Specific portfolio roles and responsibilities |
|--|--|
| Cabinet Member for: Finance and Procurement Services. | <p>Services: Finance and Procurement Services.</p> <p>Internal panels/working groups/fora: Asset Management Group, Development Group, Housing Grants Panel, Community Grants Panel and Capital Monitoring Group.</p> <p>Partnerships/Joint Committees/Agencies:</p> <p>External bodies: Ceredigion Sports Council.</p> |

| | B - Specific portfolio roles and responsibilities |
|--|---|
| <p>Cabinet Member for:</p> <p>Culture, Leisure and Customer Services.</p> | <p>Services: Culture, Leisure and Customer Services.</p> <p>Internal panels/working groups/fora:</p> <p>Partnerships/Joint Committees/Agencies: Growing Mid Wales Joint Committee</p> <p>External bodies:</p> |

| | B - Specific portfolio roles and responsibilities |
|--|---|
| <p>Cabinet Member for:</p> <p>Partnerships, Housing, Legal & Governance and Public Protection</p> | <p>Services: Partnerships, Housing, Legal & Governance and Public Protection</p> <p>Internal panels/working groups/fora: Emergency and Business Continuity Management Group</p> <p>Partnerships/Joint Committees/Agencies: Cylch Caron Project Board (non-voting right), Strategic Housing Partnership, West Wales Care & Repair Board of Management and Growing Mid Wales Joint Committee.</p> <p>External bodies:</p> |

| | B - Specific portfolio roles and responsibilities |
|---|--|
| Cabinet Member for: Highways and Environmental Services and Carbon Management. | <p>Services: Highways and Environmental Services and Carbon Management.</p> <p>Internal panels/working groups/fora: Asset Management Group, Waste Strategy Group, Corporate Health and Safety Forum and Carbon Management Group.</p> <p>Partnerships/Joint Committees/Agencies: Trafnidiaeth Canolbarth Cymru (TraCC), Growing Mid Wales Partnership, Harbour Users Group, Traffic Management Consultative Group, Corporate Passenger and Transport Unit Reference Group, PATROL (Parking and Traffic Regulations Outside London Adjudication Joint Committee) and Growing Mid Wales Joint Committee.</p> <p>External bodies: North and Mid Wales Trunk Road Agency, Penllyn and Sarnau Special Area of Conservation and Dyfi Biosphere Partnership.</p> |

| | B - Specific portfolio roles and responsibilities |
|---|---|
| Cabinet Member for: Economy and Regeneration | <p>Services: Economy and Regeneration.</p> <p>Internal Panels/working groups/fora: Asset Management Group, Community Grants Panel, Housing Grants Panel and Development Group.</p> <p>Partnerships/ Joint Committees/Agencies: Enterprise & Innovation Project Group ('PSB'), Trafnidiaeth Canolbarth Cymru (TraCC), Local Access Forum, Growing Mid Wales Partnership and Growing Mid Wales Joint Committee.</p> <p>External bodies: Consortium Local Authorities Wales ('CLAW') (to deputise in Leader's absence) .</p> |

Part 3.5 SCHEME OF DELEGATION TO OFFICERS

Responsibility for Council and Cabinet Functions – Onward limits on delegation

This scheme delegates certain functions of the Council and Cabinet to officers and should be interpreted widely rather than narrowly. It is divided into the following subsections:

- A – Delegation to Officers – General Conditions
- B – General Delegations to Chief Executive, Corporate Directors and Corporate Lead Officers
- C – Delegations to the Chief Executive
- D – Delegations to the Monitoring Officer
- E – Delegations to the Head of Democratic Services
- F – Delegations to the Corporate Lead Officer Highways & Environmental Services.
- G– Delegations To the Head of Policy, Performance and Public Protection
- H- Delegations to the Corporate Lead Officer Economy & Regeneration
- I. – Delegations to the Corporate Lead Officer Porth Cymorth Cynnar
- J – Delegations in respect of Corporate Lead Officer Porth Gofal Targeted Intervention (Deputy Director of Social Services) and Corporate Lead Officer Porth Cynnal Specialist Through Age Services (Statutory Director of Social Services)
- K – Delegations to the Corporate Lead Officer-Schools and Corporate Lead Officer – Lifelong Learning
- L– Delegations to the Corporate Lead Officer Finance & Procurement (Section 151 Officer / Chief Finance Officer)
- M – Delegations to the Corporate Lead Officer Customer Contact, ICT and Digital.
- N – Delegations to the Corporate Lead Officer People and Organisation

PROVIDED ALWAYS that the decision is:

- a) within the Council's budget or borrowing plans.
- b) within the Council's overall strategy or policy framework.
- c) Within Financial Regulations and Accompanying Financial Procedures; and
- d) Not a matter specifically reserved for Full Council, a Committee of the Council, Cabinet, a Statutory Officer, the Chief Executive, or Corporate Directors or Corporate Lead Officers.