Section 13

13. Responsibility for Functions – Summary

The purpose of this Section of the Constitution is to set out who is responsible for making the various decisions in the Council.

13.1 Who can be Decision Makers?

Under this section of the Constitution, there are a number os difference decision makers:

13.1.1 Full Council;

13.1.2 a Committee or Sub-Committee of the Council;

13.1.3 the Executive Leader;

13.1.4 the Cabinet;

13.1.5 a Committee of Cabinet;

13.1.6 an Individual Cabinet Member;

13.1.7 a Joint Committee;

13.1.8 an Officer.

The Council will issue and keep up to date a record of which individual has responsibility for particular types of decisions. This record is set out in Section 13 of this Constitution.

13.2 Principles of Decision Making

All decisions of the Council will be made in accordance with the following principles:

13.2.1 proportionately (ie the action must be proportionate to the desired outcome);

13.2.2 due consideration and the taking of professional advice from Officers;

13.2.3 respect for human rights;

13.2.4 a presumption in favour of openness;

13.2.5 clarity of aims and desired outcomes;

13.2.6 consideration of any alternative options; and

13.2.7 the giving and recording of reasons for the decision and the proper recording of these reasons.

13.3 Functions fall into the following categories:

13.3.1 Functions of the full council

The Council is the supreme decision making body and may, with some exceptions, exercise any of the functions vested in the Council by Law. It may also delegate many of those functions to a Committee, Sub-Committee or Officer. The functions of the Full Council are set out in Section 4.

13.3.2 Non-Executive Functions

These are functions which, by law, may not be the responsibility of the Cabinet. In some cases, only the Full Council meeting may take the decision. In other cases, the Council may delegate the responsibility for taking the decision to a Committee or an Officer.

13.3.3 "Local Choice" Functions

There are some functions which the Council may treat as being the responsibility of the Cabinet (in whole or in part) or as being non-executive, at its discretion.

13.3.4 Executive Functions

All other functions are Executive Functions.

13.4 Other Bodies

13.4.1 Advisory Bodies

The Council and/or the Leader can also set up Advisory Committees and Joint Advisory Committees.

13.4.2 Scrutiny Committees

Scrutiny Committees are responsible for the overview and scrutiny function. They cannot exercise other functions and make decisions.

13.4.3 Officer Delegations

Officer delegations are also contained in this Section of the Constitution.

13.5 Who decides Non-Executive Functions?

13.5.1 The Council may decide whether to delegate Non-Executive Functions to a committee, sub-committee, delegated Officer or joint committee.

13.5.2 Where a non-Executive Function has been delegated to a committee, the committee may further delegate to a sub-committee or delegated Officer.

13.5.3 Where a non-Executive Function has been delegated to a sub-committee, the sub-committee may further delegate to a delegated Officer.

13.6 Who Decides – Executive Functions?

The Leader may decide whether to delegate Executive Functions to a committee of the Cabinet, an individual Cabinet Member, a delegated Officer or a joint committee.

13.7 Removal of Delegation

13.7.1 Where a function has been delegated, the body that delegated the function may withdraw the delegation generally or in any particular case, and may exercise the function itself.

13.7.2 Where a function has been delegated, the decision maker is not required to exercise the delegation and may refer any particular matter to the body that made the delegation or any other body that has power to exercise the function.

13.8 Who May Exercise Officer Delegation?

Where a function has been delegated to an Officer(s) ("delegated Officer(s)"), the decision may be taken in the name of (but not necessarily personally by) such delegated Officer(s) ("authorised Officer(s)") in accordance with arrangements made from time to time by such delegated Officer(s) for this purpose. The Officer with delegated powers can only delegate to a third party if that Officer is given delegated powers to "delegate on" that decision making.

Appendix 1 to Section 13

Non-Executive Functions

The functions which appear in the first column of the table below have been delegated to the person or body appearing in the second column.

Function	Responsible Body /Person
1. Impose a condition or restriction on any permission, entitlement, authorisation, licence or registration permitted as specified in Schedule 1 Local Authorities (Executive Arrangements) (Functions and Responsibilities) (Wales) Regulations 2007.	Those who issued the permission, entitlement, authorisation, licence or registration.
2. Determine any other terms to which the permission, entitlement, authorisation, licence or registration are subject.	Those who issued the permission, entitlement, authorisation, licence or registration.
3. Determine whether and how to enforce failure to comply with	
(a) the permission, entitlement, authorisation, licence or registration; or	Those who issued the permission, entitlement, authorisation, licence or registration.
(b) any condition or restriction imposed on them.	Those who issued the permission, entitlement, authorisation, licence or registration.
4. Change, amend or vary any permission, entitlement, authorisation, licence or registration, or any condition or restriction imposed on them.	Those who issued the permission, entitlement, authorisation, licence or registration.
5. Revoke such a permission, entitlement, authorisation, licence or registration.	Those who issued the permission, entitlement, authorisation, licence or registration.

6.	Determine whether such a permission, entitlement, authorisation, licence or registration should be charged, and determine the value of the fee.	Those who issued the permission, entitlement, authorisation, licence or registration.

Certain functions have been delegated to Officers. Details of those delegations can be found in the Tables in Appendix 3 of this Section 13. The Committees set out above may from time to time add to or alter those delegations, as appropriate, within their functional responsibilities.

Full Council

The Full Council will undertake the functions that have been reserved by law to the Full Council and which have been noted in Article 8 of the Constitution, along with those listed in this scheme, subject to delegation to any committee or officer.

The tables below list the specific functions in the Local Authorities (Executive Arrangements) (Functions and Responsibilities) (Wales) Regulations 2007 (namely functions that are not to be the responsibility of the authority's executive), which have been delegated to the committee. (The headings, numbers and letters correspond to those in the Regulations.)

Functions that cannot be the responsibility of The Executive

B. Licensing and registration functions (provided they are not covered by any other paragraph of this schedule)

Function	Provision of Act or Statutory Instrument	Delegation/Conditions and restrictions
43. Functions in respect of establishing a Licensing Committee	Section 6 of the Licensing Act 2003 (c.17)	

CH. Functions relating to elections

Function	Provision of Act or Statutory Instrument	Delegation/Conditions and restrictions
1. Duty to appoint an election registration officer.	Section 8(2) of the Representation of the People Act 1983	
2. Power to assign officers in relation to requisitions of the registration officer.	Section 52(4) of the Representation of the 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.	Paragraph 4(3) and (4) of Schedule 1 to the European Parliamentary Elections Act 1978.	
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.	
10. Powers in respect of holding elections.	Section 39(4) of the Representation of the People Act 1983.	
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 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.	Head of Democratic Services
14. Duty to give public notice of a casual vacancy	Section 87 of the Local Government Act 1972.	Head of Democratic Services
15. Power to make temporary appointments to community councils	Section 91 of the Local Government Act 1972.	
16. 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.	

D. Functions relating to name and status of individuals

Function	Provision of Act or Statutory Instrument	Delegation/Conditions and restrictions
1. Power to change the name of a county or county borough.	Section 74 of the Local Government Act 1972.	
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 to be 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.	

E. Power to Make, Amend, revoke, or re-enact by-laws

Function	Provision of Act or Statutory Instrument	Delegation/Conditions and restrictions
1. 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.	

F. Power to promote or oppose local or personal bills.

Function	Provision of Act or Statutory Instrument	Delegation/Conditions and restrictions
Power to promote or oppose local or personal bills.	Section 239 of the Local Government Act 1972.	

G. Functions relating to pensions etc.

Function	Provision of Act or Statutory Instrument	Delegation/Conditions and restrictions
2. Functions relating to pensions, allowances and gratuities	Regulations under section 18 (3A) of the Local Government and Housing Act 1989 (c.42)	

H. Miscellaneous Functions

Function	Provision of Act or Statutory Instrument	Delegation/Conditions and restrictions
5. Power to make standing orders	Section 106 of the Local Government Act 1972 and paragraph 42 of Schedule 12 of that Act.	
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.	For the Chief Executive only. Establish an appointment panel for the Heads of Service and Strategic Directors.

		See Schemes of Delegation to Officers in Part 3 of the Constitution for rights for the appointment and dismissal of remainder of staff.
7. Power to make standing orders as to contracts	Section 135 of the Local Government Act 1972.	
9. Power to make an order identifying a place as a designated public place for the purpose of police powers in relation to alcohol consumption	Section 13(2) of the Police and Criminal Justice Act 2001	
11. Power to appoint officers for particular purposes (appointment of "proper officers").	Section 270(3) of the Local Government Act 1972.	
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 (p.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 (p.22).	
15. Approval of annual investment strategy in accordance with guidance	Section 15 of the Local Government Act 2003.	
16. Duty to make arrangements for proper administration of financial affairs	Section 151 of the Local Government Act 1972 (p.11).	

'Local Choice' Functions

The table below lists the functions under the Regulations which may be the responsibility of an authority's executive (but need not be) which are to be exercised by the Full Council.

Function	Delegation / Conditions and restrictions
1. To make arrangements under Section 20 (questions regarding Police matters in meetings of the council) of the Police Act 1996 to permit questions to be asked regarding undertaking the functions of a police authority.	

2. The determination of an appeal against any decision made by or on behalf of the authority.	The appropriate committee
3. Making appointments under paragraphs 2 to 4 (appointment of members by appropriate councils) of Schedule 2 (police authorities established under section 3) of the Police Act 1996.	Chief Executive

Responsible for carrying out the functions in Section 92 of the Local Government and Elections (Wales) Act 2021 – Duty of principal council to arrange panel performance assessment.

Functions which would usually be the responsibility of the Executive.

Under the regulations, the functions listed in the first column of the table below will be the responsibility of the Full Council under the circumstances described in the second column.

Function	Circumstances
1. The adoption or approval of a plan or strategy (whether statutory or non-statutory), other than a plan or strategy for the control of the authority's borrowing or capital expenditure or a plan or strategy referred to in Schedule 3 of the Local Authorities (Alternative Arrangements) (Wales) Regulations 2007.	The authority determines whether the decision whether the plan or strategy should be adopted or approved should be taken by them.
2. The determination of any matter in the discharge of a function - (a) is the responsibility of the executive; and (b) is concerned with the authority's budget, or their borrowing or capital expenditure.	The individual or the body by whom, by virtue of any of the sections 14 to 17 of the Local Government Act 2000 or provisions made under section 18 or 20 of that Act, the determination is to be made - (a) is minded to determine the matter contrary to, or not wholly in accordance with - (i) the authority's budget; or (b) is not authorised by the authority's alternative arrangements, financial regulations, standing orders or

	other rules or procedures to make a determination in those terms.
3. The determination of any matter in the discharge of a function - (a) which is the responsibility of the executive; and (b) in relation to which a plan or strategy (whether statutory or non-statutory) has been adopted or approved by the authority.	The individual or body by whom, by virtue of any of sections 14 to 17 of the Local Government Act 2000 or provision made under section 18 or 20 of that Act, the determination is to be made, is minded to determine the matter in terms contrary to the plan or, as the case may be, the strategy adopted or approved by the authority.

Employment Appeals Committee

- Details of the composition if this committee can be found in Section 9 of the Constitution.
- The table below lists the specific functions that have been delegated to the committee. The third column notes whether or not the function has been delegated onwards to a principal officer. Further details on the rights of the principal officer, including any restriction on the right to act are to be found in the Scheme of Delegation to Officers in Appendix 3 to Section 13 of the Constitution.

Function	**Provision of Act or Statutory Instrument**	**Delegation** *(subject to any restrictions in the Scheme for Delegation to Officers)*
To decide on appeals by staff against disciplinary action taken against them as a result of gross misconduct, except teachers, lecturers and youth leaders.		
To decide on appeals by members of staff against decisions on regrading applications and applications for early retirement.		
To decide on appeals with regard to complaint(s) by individuals or groups of staff relating to any matter concerning		

their employment except those matters which are the responsibility of another committee.		

The Govenrnance and Audit Committee

- Details of the composition of this committee are included in Section 9 of the Constution.
- The tables below list the specific functions in The Local Authorities (Executive Arrangements) (Functions and Responsibilities) (Wales) Regulations 2007 (namely functions that are not to be the responsibility of the authority's Executive) which have been delegated to the committee. The headings, numbers and letters correspond to those in the Regulations.
- The third column notes whether or not the function has been delegated onwards to a principal officer. Further details on the rights of the principal officer, including any restriction on the right to act are to be found in the Schemes for Delegation to Officers in Appendix 3 to Section 13 of the Constitution.

Functions that cannot be the responsibility of the Executive

FF. Various Functions

Function	**Provision of Act or Statutory Instrument**	**Delegation** (*subject to any restrictions in the Scheme for Delegation to Officers)*
1. The duty to approve an authority's statement of its accounts, income, expenditure and balance sheet or its record of its proceeds and payments (as it happens).	Accounts and Audit Regulations (Wales) 2005	

Functions under the Local Government Measure (Wales) 2011

The committee is responsible for fulfilling the following statutory functions under Section 81 of the Local Government Measure (Wales) 2011 as amended:

(a) review and scrutinise the authority's financial matters,

(b) make reports and recommendations in relation to the authority's financial matters,

(c) review and assess the authority's risk management, internal control performance assessment and corporate governance arrangements,

(d) make reports and recommendations to the authority regarding the adequacy and effectiveness of those arrangements,

(e) review and assess the authority's ability to handle complaints effectively,

(f) make reports and recommendations in relation to the authority's ability to handle complaints effectively,

(g) inspect the authority's internal and external audit arrangements, and

(h) review the financial statements prepared by the authority,

(i) Undertake the further functions of the Governance and Audit Committee under Chapter 1 of Part 6 of the Local Government and Elections (Wales) Act 2021 (performance and governance of principal councils)

Other Functions

The committee will also be responsible for fulfilling the followng functions:

(i) to promote internal audit, establishing a timetable to conduct review control, develop an anti-fraud culture and review financial operations;

(ii) to focus the Council's audit resources by agreeing on audit plans and monitoring the provision of audit;

(iii) to monitor audit performance by ensuring that officers' work is on schedule, that audit reports are produced on time and that they are responded to in the same way, monitoring the completion of the accounts and ensuring action on audit recommendations;

(iv) to consider observations and concerns on individual services at a county level, on the basis of reports by Council officers, the Audit Commission or the District Auditor and monitor the response and actions on the recommendations and findings.

(v) Review and scrutinise matters relating to the council's internal operation such as corporate strategies, partnerships, engagement, business transformation and workforce efficiency arrangements and the functions carried out by the Finance Department, Corporate Support Department and Leadership team.

Planning Committee

- Details of the composition of this committee are included in Section 9 of the Constitution.
- The tables below list the specific functions in the Local Authorities (Executive Arrangements) (Functions and Responsibilities) (Wales) Regulations 2007 (namely functions that are not to be the responsibility of the authority's Executive) which have been delegated to the committee. The headings, numbers and letters correspond to those in the Regulations.
- The third column notes whether or not the function has been delegated onwards to a principal officer. Further details on the rights of the principal officer, including any restriction on the right to operate are included in the Delegation to Officers Scheme, in Appendix 3 to Section 13 of the Constitution.

Functions that cannot be the responsibility of the Executive.

"A. Functions relating to Town and Country Planning and Development Control"

Function	**Provision of Act or Statutory Instrument**	**Delegation** *(subject to any restrictions in the Delegation to Officers Scheme)*
1. Power to determine an application for planning permission	Sections 70(1) (a) and (b) of the Town and Country Planning Act 1990	Head of Environment
2. Power to determine applications to develop land without compliance with conditions previously attached.	Section 73 of the Town and Country Planning Act 1990	Head of Environment
3. Power to grant planning permission for development already carried out.	Section 73A of the Town and Country Planning Act 1990	Head of Environment
4. Power to decline to determine application for planning permission.	Section 70A of the Town and Country Planning Act 1990	Head of Environment
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 thereunder	Head of Environment
6. Power to determine applications for planning permission made by a local authority, alone or jointly with another person.	Section 316 of the Town and Country Planning Act 1990 and the Town and Country Planning General Regulations 1992 (S.I. 1992/1492)	Head of Environment

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).	Head of Environment
8. Power to enter into agreement regulating development or use of land.	Section 106 of the Town and Country Planning Act 1990	Head of Environment
9. Power to issue a certificate of existing or proposed lawful use or development.	Section 191(4) and 192(2) of the Town and Country Planning Act 1990	Head of Environment
10. Power to serve a completion notice.	Section 94(2) of the Town and Country Planning Act 1990	Head of Environment
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	Head of Environment
12. Power to authorise entry onto land.	Section 196A of the Town and Country Planning Act 1990	Head of Environment
13. Power to require the discontinuance of a use of land.	Section 102 of the Town and Country Planning Act 1990	Head of Environment
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	Head of Environment
15. Power to issue an enforcement notice.	Section 172 of the Town and Country Planning Act 1990	Head of Environment
16. Power to apply for an injunction restraining a breach of planning control.	Section 187B of the Town and Country Planning Act 1990	Head of Environment
17. Power to determine applications for hazardous substances consent and related powers.	Section 9(1) and 10 of the Planning (Hazardous Substances) Act 1990	Head of Environment
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.	Head of Environment
19. Power to require proper maintenance of land	Section 215(1) of the Town and Country Planning Act 1990	Head of Environment
20. Power to determine applications for listed building consent and related powers.	Sections 16(1) and (2), 17, 27(2) and 33(1) of the Planning (Listed Buildings and Conservation Areas) Act (c.9).	Head of Environment
21. Power to determine application 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.	Head of Environment

22. Duties relating to applications for listed building consent and conservation area consent.	Sections 13(1) and 14(1) and (4) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and regulations 3 to 6 and 13 of the Town and Country Planning (Listed Buildings and Buildings in Conservation Areas) Regulations 1987 and paragraph 127 of the Welsh Office Circular 61/96 Planning and the Historic Environment; Historic Buildings and Conservation Areas.	Head of Environment
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.	Head of Environment
24. Power to issue enforcement notice in relation to demolition of unlisted building in conservation areas.	Sections 38 of the Planning (Listed Buildings and Conservation Areas) Act 1990.	Head of Environment
25. Power to acquire a listed building in need of repair and to serve a repair notice.	Sections 47 and 48 of the Planning (Listed Buildings and Conservation Areas) Act 1990.	Head of Environment
26. Power to apply for an injunction in relation to a listed building.	Sections 44A of the Planning (Listed Buildings and Conservation Areas) Act 1990.	Head of Environment
27. Power to execute urgent works.	Sections 54 of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990.	Head of Environment
28. Power related to mineral working.	Schedule 9 of the Town and Country Planning Act 1990	Head of Environment
29. Power related to footpaths and bridleways.	Section 257 of the Town and Country Planning Act 1990	Head of Environment
30. Power to provide certification of appropriate alternative development.	Section 17 of the Land Compensation Act 1961.	Head of Environment
31. Power to serve purchase orders.	Sections 137 -144 of the Town and Country Planning Act 1990	Head of Environment
32. Powers related to blight notices.	Sections 149 -171 of the Town and Country Planning Act 1990	Head of Environment

FF. Miscellaneous Functions

Function	**Provision of Act or Statutory Instrument**	**Delegation** *(subject to any restrictions in the Delegation to Officers Scheme)*
3. Powers relating to the preservation of trees.	Sections 197 to 214D of the Town and Country Planning Act 1990 and the Trees Regulations 1999 (S.I 1999/1892).	Head of Environment

4. Powers relating to the protection of important hedgerows.	The Hedgerows Regulations 1997 (S.I. 1997/1160).	Head of Environment

Functions that can be the responsibility of an authority's executive (but need not be)

Function			**Delegation** *(subject to any restrictions in the Delegation to Officers Scheme)*
18.	Any one or any of the following functions relating to highways		Head of Environment
(a)	The drawing-up of agreements for the execution of highway works.		
(b)	The functions contained in the following provisions of Part III of the Highways Act 1980 (2) (Creation of Highways).		
	(i)	Section 25 – creation of footpaths, bridleways or restricted byways by agreement;	
	(ii)	Section 26 – enforcement powers for the creation of footpaths, bridleways or restricted byways;	
(c)	The functions included in the following provisions, Part VIII of the Highways Act 1980 (extinguishment and stopping up of highways etc.)		
	(i)	Section 116 – the power of magistrates' courts to authorise the stopping up or diversion of a highway	
	(ii)	Section 117 – application for an order under section 116 on behalf of another person.	
	(iii)	Section 118 – stopping up of footpaths, bridleways and restricted byways.	
	(iv)	Section 118Za – application for a public path extinguishment order	
	(v)	Section 118B – stopping up of certain highways for purposes of crime prevention	
	(vi)	Section 118C – application for 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.	
	(xii)	Section 119C – application for proprietor of school for special diversion order;	
	(xiii)	Section 119D – diversion of certain highways for the 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 included in the following provisions, Part IX of the Highways Act 1980 (lawful and unlawful interference with highways and streets)		
	(i)	Section 130 – protection of public rights.	
	(ii)	Section 139 – control of builders' skips	
	(iii)	Section 140 – removal of builders' skips	
	(iv)	Section 140A – builders' skips: charges for occupation of highway	
	(v)	Section 142 – licence to plant trees, shrubs etc. in the highway	
	(vi)	Section 147 – power to authorise erection of stiles etc. on footpaths or bridleways	
	(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.	
	(ix)	Section 169 – control of scaffolding on highways	
	(x)	Section 171 – control of deposit of building materials and making of excavations in streets	

	(xi)	Section 171A – regulations made under that section – works under section 169 or section 171: 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 rails, beams etc. over highways	
	(xv)	Section 179 – control of construction of cellars etc. under streets	
	(xvi)	Section 180 – control of openings into cellars etc. under streets and pavement lights and ventilators	
(e)	Undertake functions under Section 34 of the Countryside and Wildlife Act 1981 (Limestone pavement orders)		
(f)	Undertake functions under Section 53 of the Countryside and Wildlife Act 1981 (duty to keep definitive maps and definitive statement under continuous review).		

Functions	**Provision of Act or Statutory Instrument**	**Delegation** *(subject to any restrictions in the Delegation to Officers Scheme)*
Make road traffic regulations [whenever there is an objection to the proposal following advertisement].	Road Traffic Regulation Act 1984	Head of Environment

Democratic Services Committee

- Details of the composition of this committee are included in Section 9 of the Constitution.
- The tables below list the specific functions that have been delegated to the Committee. The third column notes whether or not the function has been delegated onwards to a Principal Officer. Further details on the rights of the Principal Officer, including any restriction on his right to act are included in the Schemes for Delegations to Officers (Appendix 3 to Section 13 of the Constitution).

Function	**A provision of an act or Statutory Instrument**	**Delegation** (subject to any restrictions in the Schemes for Delegation to Officers)
Designate the Council's Head of democratic services	Local Government (Wales) Measure 2011	
Review the provision's sufficiency by the authority in terms of staff, accommodation and other resources to fulfil the functions of the democratic services.	Local Government (Wales) Measure 2011	
Draft a report and make recommendations to the authority in relation to that provision.	Local Government (Wales) Measure 2011	

Language Committee

- Details of the of the composition of this committee can be found in Section 9 of the Constitution.
- The table below below lists the specific functions that have been delegated to the committee. The third column notes whether or not the function has been delegated onwards to a principal officer. Further details on the rights of the principal officer, including any restriction on the right to act are to be found in the Scheme of Delegation to Officers in Appendix 3 to Section 13 of the Constitution.

Function	Provision of Act or Statutory Instrument	**Delegation** *(subject to any restrictions in the Scheme for Delegation to Officers)*
Reviewing and scrutinising matters relating to the implementation of Gwynedd Council's Welsh Language Policy.		
To set strategic direction and compliance in response to the Language Standards set by the Welsh Language Commissioner, paying attention to the Council's work and any partnership work or joint working.		
Receiving information on matters relating to the Welsh Language as required.		
Act as a consultative body on strategies to promote the Welsh language within the county by making recommendations to the Cabinet as required.		

Chief Officer Appointment Committe

- Details of the of the composition of this committee can be found in Section 9 of the Constitution.
- The table below below lists the specific functions that have been delegated to the committee. The third column notes whether or not the function has been delegated onwards to a principal officer. Further details on the rights of the principal officer, including any restriction on the right to act are to be found in the Scheme of Delegation to Officers in Appendix 3 to Section 13 of the Constitution.

Function	Provision of Act or Statutory Instrument	**Delegation** *(subject to any restrictions in the Scheme for Delegation to Officers)*
1. To give preliminary interviews to candidates for the post of Chief Executive and present recommendations to the Council;		
2. To appoint Strategic Directors		
3. To appoint Heads of Service		
4. To appoint the Head of Democratic Services		
5. To appoint the Monitoring Officer		
6. To draw up shortlists for the purposes of 1 to 5 above		
7. To decide on disciplinary action against members of staff in the posts listed in 1 to 5 above.		
8. To review the sustainability of the pay policy and make recommendations to full Council.		

Pensions Committee

- Details of the composition of this committee are included in Section 9 of the Constitution.
- The tables below lists the specific functions in The Local Authorities (Executive Arrangements) (Functions and Responsibilities) (Wales) Regulations 2007 (namely functions that are not to be the responsibility of the authority's Executive) which have been delegated to the committee. The headings, numbers and letters correspond to those in the Regulations.
- The third column notes whether or not the function has been delegated onwards to a principal officer. Further details on the rights of the principal officer, including any restriction on the right to act are included in the Schemes for Delegation to Officers in Appendix 3 to Section 13 of the Constitution.

Functions that cannot be the responsibility of the Executive

F. Functions involving pensions etc.

Function	**A provision of an act or Statutory Instrument**	**Delegation** - *(subject to any restrictions in the Schemes for Delegation to Officers)*
1. A function involving local government pensions etc.	Regulations under section 7, 12 or 24 of the Superannuation Act 1972 (p.11), Section 3 Public Services Pensions Act 2013	
2. Functions under current Pension Plans in relation to persons employed by fire and rescue authorities in accordance with Section 1 Fire and Rescue Services Act 2004	Sections 34 and 36 of the Fire and Rescue Services Act 2004. Regulations under Section 3 Public Services Pensions Act 2013	
3.To have regard to and consider the recommendations of the Gwynedd Pension Fund Local Pension Board		

Central Licencing Committee

- Full details of this committee's composition can be found in Section 9 of the Constitution.
- The tables below list the specific functions in The Local Authorities (Executive Arrangements) (Functions and Responsibilities) (Wales) 2007 Regulations (namely functions which are not the responsibility of the authority's Executive) which have been delegated to the committee. The headings, numbers and letters correspond to those in the Regulations.
- The third column notes whether or not the function has been delegated onwards to a principal officer. Further details on the rights of the principal officer, including any restriction on the right to act are to be found in the Schemes for Delegation for Officers in Appendix 3 to Section 13 of the Constitution.

(a) Functions which may be (but need not be) the responsibility of an authority's executive

(b) Licensing and registration functions (to the extent that no other paragraphs in this Schedule deal with them).

Function		Delegation (subject to any restrictions in the Schemes for Delegation to Officers)
23. Licensing functions in accordance with Part 2 of the Licensing Act 2003 with the exception of section 6.		Head of Environment
24. Gambling functions in the following provisions of the Gambling Act 2005(3)		Head of Environment
a)	section 29 – licensing authority information;	
b)	section 30 – other exchange of information;	
c)	section 166 – resolution not to issue casino licenses	
(d)	section 212 – regulations made under that section – fees.	
(e)	section 284 – removal of exemption;	
(f)	section 304 - authorised persons;	
(g)	section 346 – prosecution by licensing authority;	
(h)	section 349 – three-year licensing policy;	
(i)	section 350 – exchange of information;	
(j)	Part 5 of Schedule 11 – registration with local authority.	

Resolutions under the Licensing Act 2003 and the Gambling Act 2005

The specific functions held by the Council as a licensing authority under the Licensing Act 2003 and the Gambling Act 2005 are fulfilled by the Full Central Licensing Committee, by a Sub-committee containing 3 members of that Committee or by licensing officers. The tables below (of the Council's Licensing Policy Statements in these areas) illustrate the distribution of functions.

Licensing Act 2003

Matter to be dealt with	Full Council	Sub-committee or panel	Head of Environment
Application for personal licence		If a representation made	If no representation made
Application for a personal licence with unspent convictions		All cases	
Application for Premises Licence/ club premises certificate		If a representation made	If no representation made
Application for Provisional Statement		If a representation made	If no representation made
Application to vary Premises Licence/ club premises certificate		If a representation made	If no representation made
Application to vary designated personal licence holder		If representations made by the police	All other cases
Request to be removed as a designated personal licence holder			All cases
Application for transfer of premises licence		If representations made by the police	All other cases
Application for Interim Authorities		If representations made by the police	All other cases
Application to review Premises Licence/ club premises certificate		All cases	
Decision on whether a complaint is irrelevant, frivolous or vexatious			All cases
Decision to object when local authority is a consultee and not the lead authority			All cases
Determination of a police representation to a temporary event notice			All cases

Gambling Act 2005

Matter to be dealt with	Full Council	Sub-committee	Head of Environment
Three-year licensing policy	X		
Policy not to allow casinos	X		
Set fees – when appropriate		Full Committee	
Application for premises licence		If representations made and are not withdrawn	If no representations made or are withdrawn
Application to vary licence		If representations made and are not withdrawn	If no representations made or are withdrawn
Application to transfer licence		If representations are made by the Commission	If no representations are made by the Commission
Application for interim licence		If representations made and are not withdrawn	If no representations made or are withdrawn
Review premises licence		X	
Application for gaming machine / club permits		If representations made and are not withdrawn	If no representations made or are withdrawn
Abolish gaming machine / club permits		X	
Application for other permits			X
Abolish licensed premise gaming machine permit			X
Consider temporary use notices			X
Decision to submit counter-notice to temporary use notice		X	
Decision whether a person is an Interested Party			X
Decision whether representations are relevant			X
Decision whether representations are relevant, frivolous, vexatious or repetitive			X

General Licencing Committee

- Details of the composition of this committee are included in Section 9 of the Constitution.
- The tables below list the specific functions in The Local Authorities (Executive Arrangements) (Functions and Responsibilities) (Wales) Regulations 2007 (namely functions that are not to be the responsibility of the authority's Executive) which have been delegated to the committee. The headings, numbers and letters correspond to those in the Regulations.
- The third column notes whether or not the function has been delegated onwards to a principal officer. Further details on the rights of the principal officer, including any restriction on the right to act are to be found in the Schemes for Delegation to Officers in Appendix 3 to Section 13 of the Constitution.

Functions that cannot be the responsibility of the Executive.

B. Licensing and Registration functions (provided that no other paragraph in this schedule deals with them)

Function	**Provision of Act or Statutory Instrument**	**Delegation** *(subject to any restrictions in the Schemes for Delegation to Officers)*
1. Power to issue licences authorising the use of land as a caravan site.	Section 3(3) Caravan Sites and Control of Development Act 1960 (c.62)	Head of Environment
2. Power to license the use of moveable dwellings and camping sites.	Section 269(1) of the Public Health Act 1936 (c.49).	Head of Environment
3. Power to license hackney carriages and private hire vehicles.	(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	Head of Environment

	(Miscellaneous Provisions) Act 1976.	
4. Power to license drivers of hackney carriages and private hire vehicles.	Sections 51, 53, 54, 59, 61 and 79 of the Local Government (Miscellaneous Provisions) Act 1976.	Head of Environment
5. Power to license operators of hackney carriages and private hire vehicles.	Sections 55 to 58, 62 and 79 of the Local Government (Miscellaneous Provisions) Act 1976.	Head of Environment
6. Power to register pool promoters.	Schedule 2 to the Betting, Gaming and Lotteries Act 1963 (c.2)	Head of Environment
7. Power to grant track betting licences.	Schedule 3 to the Betting, Gaming and Lotteries Act 1963.	Head of Environment
8. Power to license inter-track betting schemes.	Schedule 5ZA to the Betting, Gaming and Lotteries Act 1963.	Head of Environment
9. Power to grant permits in respect of premises with amusement machines.	Schedule 9 to the Gaming Act 1968 (c.65).	Head of Environment
10. Power to register societies wishing to promote lotteries.	Schedule 1 to the Lotteries and Amusements Act 1976 (c.32).	Head of Environment
11. Power to grant permits in respect of premises where amusements with prizes are provided.	Schedule 3 to the Lotteries and Amusements Act 1976.	Head of Environment
12. Power to issue entertainments licences.	Section 12 of the Children and Young Persons Act 1933 (c.12).	Head of Education
13. Power to license sex shops and sex cinemas.	The Local Government (Miscellaneous Provisions) Act 1982, section 2 and Schedule 3.	Head of Environment
14. Power to license performances of hypnotism.	The Hypnotism Act 1952 (c.46).	Head of Environment
15. Power to license premises for acupuncture, tattooing, ear-piercing and electrolysis.	Sections 13 to 17 of the Local Government (Miscellaneous Provisions) Act 1982.	Head of Environment
16. Power to license pleasure boats and pleasure vessels.	Section 94 of the Public Health Acts Amendment Act 1907 (c.53).	Head of Economy and Community
17. Power to license market and street trading.	Part III of, and Schedule 4 to, the Local Government (Miscellaneous Provisions) Act 1982.	Head of Environment

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).	Head of Environment
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 Licensing Act 1860 (c.90), section 4 of the Customs and Inland Revenue Act 1883 (c.10), sections 12(3) and 27 of the Local Government Act 1874 (c.73), and section 213 of the Local Government Act 1972 (c.70).	Head of Regulatory
20. Power to register and license premises for the preparation of food.	Section 19 of the Food Safety Act 1990 (c.16).	Head of Environment
21. Power to license scrap yards.	Section 1 of the Scrap Metal Dealers Act 1964 (c.69).	Head of Environment
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).	Head of Environment
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).	Head of Environment
24. Duty to promote fire safety.	Section 6 of the Fire and Rescue Services Act 2004.	Head of Environment

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).	Head of Environment
26. Power to license pet shops and other establishments where animals are bred or kept for the purposes of carrying on a business.	Section 1 of the Pet Animals Act 1951 (c.35); section 1 of the Animal Boarding Establishments 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.	Head of Environment
27. Power to register animal trainers and exhibitors.	Section 1 of the Performing Animals (Regulation) Act 1925 (c.38).	Head of Environment
28. Power to license zoos.	Section 1 of the Zoo Licensing Act 1981 (c.37)	Head of Environment
29. Power to license dangerous wild animals.	Section 1 of the Dangerous Wild Animals Act 1976 (c.38).	Head of Environment
30. Power to enforce regulations in relation to animal by-products.	Regulation 49 of the Animal By-Products (Wales) Regulations 2006.	Head of Environment
31. Power to license the employment of children.	Part II of the Children and Young Persons Act 1933 (c. 33), byelaws made under that Part, and Part II of the Children and Young Persons Act 1963 (c.37).	Head of Education
32. Power to approve premises for the solemnisation of marriages.	Section 46A of the Marriage Act 1949 (c.76) and the Marriages (Approved Premises) Regulations 1995 (S.I. 1995/510).	Head of Adult Health and Welfare
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 -	Regulation 6 of the Commons Registration (New Land) Regulations 1969 (S.I. 1969/1843).	Head of Environment Services

(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 (b) an order under section 147 of the Inclosure Act 1845 (c.8 & 9 Vict.c 118).		
34. Power to register variation of rights of common.	Regulation 29 of the Commons Registration (General) Regulations 1966 (S.I. 1966/1471).	Head of Environment Services
35. Power to license persons to collect for charitable and other causes.	Section 5 of the Police, Factories etc. (Miscellaneous Provisions) Act 1916 (c.31) and section 2 of the House to House Collections Act 1939 (c.44).	Head of Environment
36. Power to grant consent for the operation of a loudspeaker.	Schedule 2 to the Noise and Statutory Nuisance Act 1993 (c.40).	Head of Environment
37. Power to grant a street works licence.	Section 50 of the New Roads and Street Works Act 1991 (c.22).	Head of Environment
38. Duty to register the movement of pigs.	Articles 21(3) and (4) of the Pigs (Records, Identification and Movement) (Wales) Order 2004 (S.I. 2004/96).	Head of Environment
39. Power to enforce regulations in relation to the movement of pigs.	Article 27(1) of the Pigs (Records, Identification and Movement) (Wales) Order 2004.	Head of Environment
40. Power to issue a licence to move cattle from a market.	Article 5(2) of the Cattle Identification Regulations (S.I. 1998/871)	Head of Environment
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).	Head of Environment
42. Duty to enforce and execute Regulations (E.C.) No. 852/2004 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.	Head of Environment

C. Functions Relating to Health and Safety at Work

Function	**Provision of Act or Statutory Instrument**	**Delegation** *(subject to any restrictions in the Scheme for Delegation to Officers)*
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).	Head of Environment

FF. Miscellaneous Functions

Function	**Provision of Act or Statutory Instrument**	**Delegation** *(subject to any restrictions in the Scheme for Delegation to Officers)*
10. Powers in respect of registration of motor salvage operators.	Part 1 of the Vehicles (Crime) Act 2001 (c.3).	Head of Environment

Appendix 2 to Section 13

Responsibility for Executive Functions

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

The table below indicates how the Leader has allocated portfolios (lead responsibilities) for particular Executive Functions among individual Member of the Cabinet. Normally, decisions will be taken collectively by the Cabinet but individual Cabinet Members can make decisions within their portfolios subject to the conditions below. If there is uncertainty as to whether a matter falls within a particular portfolio, the Leader will make a determination as to which is the relevant Cabinet Member. The Leader can make urgent decisions in the absence of the appropriate portfolio holder.

1. Name	2. Portfolio	3. Main Operational Fields
Nia Jeffreys	**Council Leader**	Strategic Direction Economic Strategic Matters
Menna Trenholme	**Deputy Leader** and Cabinet Member for Children and Supporting Families	
Llio Elenid Owen	Corporate Services and Legal	
Dewi Jones	Education	
Huw Wyn Jones	Finance	
Craig ab Iago	Environment	
Dilwyn Morgan	Adults, Health and Wellbeing	
June Jones	Highways, Engineering and Ymgynghoriaeth Gwynedd Consultancy	
Paul Rowlinson	Housingand Property	
Medwyn Hughes	Economy and Community	

Decisions by an Individual Member of the Executive

When taking decisions personally the Members of the Executive shall conform with:

(1) Any statutory limitations

(2) Any specific limitations in this Constitution, including

(i) rights that have been delegated to Officers in Part 3 of the Constitution

(ii) the Council's Financial Procedure Rules (Part 4)

(iii) Gwynedd Council's Contracts Procedure Rules (Part 4)

(iv) the Policy and Budget Framework set by the Council

(v) the Council's Access to Information Procedure Rules (Part 4)

(3) the Code of Conduct for Members (Part 5)

(4) The need to consult with the local member(s) if the matter in question is a local issue

(5) The need to consider if the matter should be referred to scrutiny committee(s) when in the opinion of the Executive Member it requires a pre-decision review

(6) Advice given by the Chief Executive, the Chief Finance Officer or the Monitoring Officer.

(7) The need to consult with the relevant Chief Officer(s) in order to ensure that action is taken in accordance with professional advice.

(8) The need to consult with other Executive Member(s) when the matter in question deals with more than one portfolio

(9) The need every time to consider whether, in all circumstances, the decision should be one for the whole Executive to take.

(10) The need, where relevant, for the matter to be included in the work programme approved by the Executive.

(11) The requirements of the Council's Access to Information Procedure Rules (Part 4) regarding publishing a decisions sheet etc. prior to implementing any delegated power.

(12) There is nothing in this Delegation Scheme to prevent the Executive from exercising functions that would otherwise be exercised under this Scheme by an individual member of the Executive.

Delegations of specific functions

(1) Under the Local Government Act 2000 all the council's functions shall be the responsibility of the executive unless regulations made under the act state they may not be or that another statutory provision gives the function to a statutory committee (e.g. scrutiny committee, standards committee). In addition, the Council has a choice if some functions are to be the responsibility of the Executive or otherwise ('Local choice functions').

(2) In the previous tables in this part of the Constitution, it can be seen how the functions that are not the responsibility of the Executive have been allocated to the Full Council and to Council committees.

(3) Therefore, except for any matter which has been noted specifically as a matter for the Full Council or committee, every function of the authority is a responsibility for the Executive.

(4) This document includes details of any functions that have been delegated to individual members of the Executive and any Executive committees that have been established. Details of functions that have been delegated to chief officers are found in the Delegation Scheme for Officers – Part 3 of the Constitution.

'Local Choice' Functions

(5) Local Authorities (Executive Arrangements) (Functions and Responsibilities) (Wales) Regulations 2007 provide that some functions may be the responsibility of the authority's executive (but they do not require to be so).

(6) The Local Choice Functions given to the Executive have been noted in the table below. The second column notes if the function has been delegated onwards to a principal officer.

Function	Delegation and/or conditions or limitations
1. Any function under a local Act other than a function specified or referred to in Schedule 1 Local Authorities (Executive Arrangements) (Functions and Responsibilities) (Wales) Regulations 2007.	The relevant Chief Officer
2. 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 of the Child Support, Pensions and Social Security Act 2000.	Head of Finance Department
3. The making of arrangements in relation to appeals against the exclusion of pupils in maintained schools under Section 52 of the Education Act 2002.	Head of Education Department
4. The making of arrangements pursuant to section 94(1) and (4) of, and Schedule 24 to, the Schools Standards and Framework Act 1998 (admission appeals).	Head of Education Department
5. The making of arrangements pursuant to section 95(2) of, and Schedule 25 to, the Schools Standards and Framework Act 1998	Head of Education Department

(children to whom section 87 applies: Appeals by governing bodies).	
6. 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.	Any decision by the Executive will be subject to prior consideration by the relevant Scrutiny Committee
7. Any function relating to contaminated land.	Head of Environment
8. The discharge of any function relating to the control of pollution or the management of air quality.	Head of Environment
9. The service of an abatement notice in respect of a statutory nuisance.	Head of Environment
10. The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the authority's area.	Head of Environment
11. The inspection of the authority's area to detect any statutory nuisance.	Head of Environment
12. The investigation of any complaint as to the existence of a statutory nuisance.	Head of Environment
13. The obtaining of information under section 330 of the Town and Country Planning Act 1990 as to interests in the land.	Head of Environment
14. The obtaining of particulars of persons interested in land under section 16 of the Local Government (Miscellaneous Provisions) Act 1976.	The relevant Chief Officer
15. The appointment of any individual - (a) to any office other than an office in which he/she is employed in by the authority; (b) to any body other than - (i) the authority; (ii) 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.	
16. Power to make payments or provide other benefits in maladministration cases etc.	Monitoring Officer
17. The discharge of any function by an authority acting as a harbour authority.	Head of Economy and Community
18. Functions in respect of the calculation of council tax base in accordance with any of the following:	
(a) the determination of an amount for item T in sections 33(1) and 44(1) of the Local Government Finance Act 1992; (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; (c) the determination of an amount required for determining an amount for the item mentioned in paragraph (a) or (b) above.	

25. 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	

Circumstances whereby the executive cannot make a determination

(7) The regulations also provide for circumstances when the Executive cannot make a determination on a matter that would otherwise be its responsibility. Under these circumstances the determination is for the Full Council. Those circumstances are outlined in the table below:

"Circumstances in which functions are not to be the responsibility of an authority's executive"

Function	Circumstances
1. The adoption or approval of a plan or strategy (whether statutory or non-statutory), other than a plan or strategy for the control of the authority's borrowing or capital expenditure or referred to in Schedule 3 of the Local Authorities (Executive Arrangements) (Functions and Responsibilities) (Wales) Regulations 2007.	The authority determines that the decision whether the plan or strategy should be adopted or approved should be taken by them.
2. The determination of any matter in the discharge of a function which - (a) is the responsibility of the executive; and (b) is concerned with the authority's budget, or their borrowing or capital expenditure.	The individual or body by whom, by virtue of any of sections 14 to 17 of the Local Government Act 2000 or provision made under section 18 or 20 of that Act, the determination is to be made - (a) is minded to determine the matter contrary to, or not wholly in accordance with - (i) the authority's budget; or (ii) the plan or strategy for the time being approved or adopted by the authority in relation to their borrowing or capital expenditure; and (b) is not authorised by the authority's alternative arrangements, financial regulations, standing orders or other rules or procedures to make a determination in those terms.
3. The determination of any matter in the discharge of a function - (a) which is the responsibility of the executive; and (b) in relation to which a plan or strategy (whether statutory or non-statutory) has been adopted or approved by the authority.	The individual or body by whom, by virtue of any of sections 14 to 17 of the Local Government Act 2000 or provision made under section 18 or 20 of that Act, the determination is to be made, is minded to determine the matter in terms contrary to the plan or, as the case may be, the strategy adopted or approved by the authority.

Appendix 3 to Section 13

Officer Scheme of Delegations

The purpose of this Section of the Constitution is to bring together delegations to Officers and roles and responsibilities of Officers.

1. Definitions

1.1 In this scheme, "chief officer" means the Chief Executive, any Corporate Director or any Head of Department, depending on the context.

1.2 Any reference to an Act in this scheme includes a reference to any amendment thereto or re-enactment thereof of any order or secondary legislation made thereunder.

1.3 An officer acting under any delegated functions provided by this scheme is permitted to do anything that facilitates, or is incidental to, or conducive to, the exercise of his or her functions

2. Conditions and limitatinos on the exercise of delegated powers

2.1 Under this scheme, each chief officer is authorised to act on behalf of the Council in relation to any matter within his/her service area **subject to the following:**

2.1.1 Policies approved by the Council or Cabinet;

2.1.2 any matters reserved to the Council, Cabinet, Committee or sub-committee or delegated to a Leader;

2.1.3 the Constitution of the Council (including the Council's Procedure Rules, the Financial Procedure Rules and the Contracts Procedure Rules).

2.2 Where the exercise of delegated powers is likely to affect more than one service, the chief officer must consult with any other chief officer whose service may be so affected.

2.3 Without prejudice to his/her delegated powers or to that of the relevant Committee, and in appropriate circumstances only, each chief officer should, when exercising his/her powers:-

2.3.1 keep the Cabinet fully informed, in particular members of the Cabinet who act as portfolio holders for the service fields in question and also have due regard

to any comments made by the relevant scrutiny committee regarding the matter in question;

2.3.2 ensure that he/she consults with/or informs the local member(s);

2.3.3 ensure that he/she consults with/or informs the Chief Executive, the Chief Finance Officer of the Council and the Council's Monitoring Officer.

2.4 Before exercising a delegated power, each chief officer must consider whether the decision is one that should be referred to the Cabinet, or appropriate committee or sub-committee for a decision.

2.5 In deciding whether to refer a matter to the Cabinet, committee or sub-committee the chief officer will have regard to the following considerations:-

2.5.1 day to day decisions on technical or professional issues will normally be taken without reference to members;

2.5.2 the views of the local member, portfolio leader and Chief Executive must be taken into account, if a decision is likely to have a significant impact on the Council's profile or is likely to attract unfavourable comment in the press, there will be a presumption in favour of referring it to members.

2.6 Any new function which becomes the Council's responsibility will be included within this scheme without the need for the full Council to amend the scheme and if any doubt should arise as to which chief officer is responsible for the function, the Chief Executive shall decide.

3. General Powers

Protecting the Council's Interests

3.1 Each chief officer (having consulted with the relevant portfolio leader where appropriate) is authorised to take any action necessary to protect or promote the Council's interests, subject to the restrictions above.

3.2 Without prejudice to the generality of the above provisions, this includes exercising his/her professional judgement to take such decisions as necessary to implement the Council's policies and to promote the management and delivery of the services which are his/her responsibility.

Authorising Officers

3.3 Any powers granted to a chief officer may be discharged either in his/her absence by such officer(s) as may be authorised by him/her or in accordance with any general instructions or provisions made by him. In the absence of the chief officer, any officer appointed by him/her to deputise on his behalf may also authorise the exercise of the delegated powers. For the avoidance of doubt such authorisations may be granted to persons who are not officers of the Council.

3.4 Each chief officer may authorise his/her staff to exercise such powers as necessary to enter or inspect any land, buildings or properties and to provide any evidence or authority as necessary for discharging their duties in accordance with the Council's statutory powers.

3.5 Each chief officer is authorised to decide upon the presence of officers at external meetings, seminars or conferences which are not on the approved list.

3.6 Each chief officer is authorised to approve a list of authorised signatories.

Urgent Action

3.7 In relation to matters reserved to the Council, committee or sub-committee, the relevant chief officer will be permitted to act in between meetings, in consultation with the appropriate Chairperson and also, if required, with local members and leaders of the political groups as necessary, on condition that any such action is consistent with the Council's general policies and that a report on the action taken is presented to the next meeting of the Council, committee or sub-committee.

Staffing Matters

3.8 In consultation with the Head of Corporate Support Department, each chief officer is authorised to act in relation to staffing matters including the recruitment, appointment, review of structure, approving accelerated increments within the grade for the post, awarding a temporary honorarium, disciplining and dismissal of staff, subject to any matters which have been reserved to the Council or the Chief Officers' Appointments Committee and subject (in cases of a change of structure which involves viring finance from other budget headings) to compliance with the Financial Procedure Rules and to receiving the approval of the relevant Portfolio Leader to the business case.

3.9 Each chief officer is authorised jointly with the Head of Finance and the Head of Corporate Support to approve applications from staff for early retirement or flexible retirement, in accordance with Council policy.

Procurement / disposal of property and goods and matters relating to contracts

3.10 Each chief officer is authorised to act in relation to procurement and contracts within the approved budget and in accordance with the Contracts Procedure Rules.

3.11 Each chief officer is authorised to act in relation to matters under the standing orders in relation to contracts relating to his/her department, where there is a need to suspend the rules to extend contracts, accept tenders which are not the lowest, etc. within the financial guidelines in the financial standing orders.

3.12 Each chief officer is authorised to purchase property required for improvements within the department's budget (e.g. highways, small plots only).

3.13 Authorise all Chief Officers to act in connection with the acquisition of disposal of lands or Building on terms to be agreed by the Head of Housing and Property and subject to the following:

(a) If a land or buildings are acquired the consideration does not exceed the market value for the property.

(b) If land or property is disposed of the consideration is not less than the best that can reasonably be obtained.

(c) Where land or Building is disposed of there is prior consultation with the Local member(s) for the ward where the property is located and if they object, the matter is referred to Cabinet for a decision.

(d) The transaction is not contrary to the Council's Asset Management Plan.

(e) Where land or building is disposed of by way of freehold or lease for a premium the estimated consideration is less than £100, 000.

(f) Where freehold is purchased or a lease by means of a premium and the estimated consideration for the land is less than £250,000.

(g) Where the land is let by way of a lease or tenancy the estimated annual rent is not less than the market rent except for the implementation of property user promotion schemes which permit offering conditions below the Commercial rent for a period.

(h) Where land or property is acquired by way of a lease where the annual rent is £25,000 or less and the Head of Department has confirmed the budget for the duration of the lease;

3.14 Subject to (a), (b) and (d) above, each Chief Officer is authorised to renew or agree to renew any existing lease (where the Council is a Tenant or Landlord).

3.15 The Head of housing and Property in consultation with the Chief Finance and Monitoring Officer may implement any decision by a Joint Committe or other body to acquire or dispose of land or Building where the Council acts on their behalf as a host or similar authority. This is subject to being in accordance with the constitution of the Committee or other body and within the conditions of a relevant joint working agreement.

These powers and conditions are without prejudice to any particular delegations provided for in the Constitution or by specific decisions.

Where the context so admits "acquisition" or "disposal" means by freehold, lease, or tenancy.

Where reference is made to monetary value this means the estimated value established and recorded when deciding to proceed to acquisition or disposal.

"Premium" in this clause means a lump sum for a lease.

Other asset Management

3.14 Each chief officer is authorised to sell goods that are surplus to requirements, e.g. old computers, furniture, etc.

3.15 Each chief officer is authorised to manage the assets, vehicles and equipment belonging to the Service for which he/she has responsibility. This includes the granting of permission for any event to be held on Council land and the letting of rooms in buildings for which he/she is responsible for periods of 24 hours or less.

3.16 Each chief officer is authorised to demolish a building owned by the service, provided that resources are available to fund such action.

Opening hours

3.17 Each chief officer is authorised to determine and vary (after considering usage, public opinion and finance) the opening hours of all sites relating to the service.

Financial, Grants and Fees Matters

3.18 Each chief officer is authorised to act on financial matters in accordance with the Financial Rules.

3.19 Each chief officer is authorised to approve grant applications submitted to his/her department of up to £5,000.

3.20 Each chief officer is authorised, in consultation with the Chief Executive, Head of Finance and Monitoring Officer and the relevant Cabinet Member, to set fees for his/her services.

Variation of operational policy

3.21 Each chief officer is authorised to vary the service's operational policy (e.g. opening hours of a Leisure Centre over Christmas; construction of cattle grids, cemeteries).

Draft plans

3.22 Each chief officer is authorised to accept draft plans, following assessment by the relevant Scrutiny Committee, before going out to consultation. (The plan will subsequently return to the Cabinet).

Requests for support

3.23 Each chief officer is authorised to respond to requests for support by members of parliament, assembly members or any national campaign where it is obvious that the campaign is consistent with the Council's policies.

Trusts

3.24 Each chief officer is authorised to administer trusts within their section responsibility in consultation with the local member where relevant.

4. Specific Delegation

4.1 The following specific powers and duties are delegated to the named chief officer.

1. Chief Executive

In the "Scheme of Delegation to Committees" in Appendix 3 to Section 13 of the Constitution, it is noted where functions that are not the responsibility of the Executive have been delegated to Chief Officers. Where no chief officer has been named in that document, the power has not been delegated rather it has been reserved by the committee.

Functions delegated by the Council

1.1 To act as the Chief Executive under Section 4 - Local Government and Housing Act 1989.

1.2 Exercising the duties of the Clerk to the Lieutenancy

Functions delegated by the Cabinet

1.3 Exercising the Council's powers under the Civil Contingencies Act 2004 and general rights to act in a civil emergency.

1.4 Supporting the Cabinet.

2. Corporate Directors

"Scheme of Delegation to Committees" in Appendix 3 to Section 13 of the Constitution, it is noted where functions that are not the responsibility of the Executive have been delegated to Chief Officers. Where no chief officer has been named in that document, the power has not been delegated rather it has been reserved by the committee.

The functions delegated to the Corporate Directors to be allocated between them by the Chief Executive.

Functions delegated by the Council

None

Functions delegated by the Cabinet

2.1 To act as statutory to the Director of Social Services

2.2 To act as the Lead Director for Children and Young Person' Services.

2.3 To exercise the Council's powers under the Civil Contingencies Act 2004 and general rights to act in a civil emergency.

2.4 To act on day to day Communication matters.

3. Head of Education Department

In the "Scheme of Delegation to Committees" in Appendix 3 to Section 13 of the Constitution, it is noted where functions that are not the responsibility of the Executive have been delegated to Chief Officers. Where no chief officer has been named in that document, the power has not been delegated rather it has been reserved by the committee.

Functions delegated by the Council

3.1 Operate the Council's powers in relation to employing children

Functions delegated by the Cabinet

3.2 To act on a day to day basis and within the scheme in the following areas:-

- Schools' support
- Special educational needs
- Education welfare service
- Governors' support
- Schools' improvement and educational standards
- Schools' admissions
- Child employment
- School transport
- School staffing matters
- Children and Young People Partnership
- Catering
- Youth Services

3.3 To be the Chief Education Officer.

3.4 To decide on the commencement and finishing dates for school terms and holidays.

3.5 To decide on applications by parents noting a preference for a school for their children.

3.6 To decide on admission arrangements in county and voluntary schools.

3.7 To take any steps that may be taken under legislation to exclude persons from educational premises and take steps to have them removed as required.

3.8 To exercise the Council's powers to ensure the attendance of pupils in schools (including taking legal action where appropriate).

3.9 To decide on applications for free or reduced cost transport to schools and to deal with school transport commissioning.

3.10 To consider individual cases of pupils who are excluded from school and decide on the response of the Education Authority.

3.11 To act on any school staffing matters where the decision is that of the Local Education Authority (rather than the Governing Body).

3.12 To implement the Special Educational Needs provisions in so far as the decisions have not been delegated to the Special Educational Needs Joint Committee.

3.13 To appoint governors to school governing bodies.

3.14 Allocation of students grant.

3.15 To intervene to prevent pupils' discipline in schools from breaking down or in cases where there is concern about standards or management.

3.15.1 To suspend the right of the governing body to have a delegated budget in circumstances where the legislation allows.

3.15.2 To appoint extra governors to the governing board in circumstances where the legislation allows.

3.15.3 Appoint an Interim Operating board to operate instead of the governing body in circumstances where the legislation allows

3.15.4 To insist that the governing body enters an agreement or other arrangements to seek guidance and/or collaborate in circumstances where the legislation allows.

3.15.5 To direct the governing body or head and to take any other steps in circumstances where the legislation allows.

4. Head of Corporate Support

In the "Scheme of Delegation to Committees" in Appendix 3 to Section 13 of the Constitution, it is noted where functions that are not the responsibility of the Executive have been delegated to Chief Officers. Where no chief officer has been named in that document, the power has not been delegated rather it has been reserved by the committee.

Functions delegated by the Council

4.1 To act as Head of Democratic Services.

4.2 The right to authorise members to attend seminars or outside conferences that are not on the approved list.

4.3 To determine, on behalf of the employer, stage 1 of an appeal under the internal dispute resolution procedure of the Local Government Pension Scheme.

Functions delegated by the Council

4.4 To act on a day to day basis and within the scheme in the following areas:-

- Improvement Programme
- Priorities
- Policy overview
- Single Integrated Plan
- Procurement
- Scrutiny
- Research
- Community Safety
- Democratic service
- Equality plan.
- Language policy.
- Translation
- Internal and External Communications
- Cabinet Support
- Work terms and conditions
- Industrial relations
- Staff training and development
- Recruitment and appointment procedure
- Employer's responsibility relating to health and safety matters
- Printing
- Customer care (Galw Gwynedd, Siôp Gwynedd, Council's Website)
- Information management.
- Registration of births deaths and marriages

4.5 To be the proper officer for signing applications for checks with the Criminal Records Bureau.

4.6 To decide on re-grading applications (to be discharged through the job evaluation procedure).

4.7 To right to give consent under Section 30 of the Anti-social Behaviour Act 2003 (the use of dispersal orders).

4.8 To exercise the Council's powers under the Local Government Act 1972 and the Local Government and Housing Act 1989 in relation to appointing members to serve on committees.

4.9 To be the proper officer for the purposes of the registrations of births, deaths and marriages.

4.10 To exercise the Council's powers under the Marriage Act 1994 and the Civil Partnership Act 2004.

4.11 Authority to approve premises for the solemnisation of marriages and registration of civil partnerships.

5. Head of Finance Department

In the "Scheme of Delegation to Committees" in Appendix 3 to Section 13 of the Constitution, it is noted where functions that are not the responsibility of the Executive have been delegated to Chief Officers. Where no chief officer has been named in that document, the power has not been delegated rather it has been reserved by the committee.

Functions delegated by the Council

5.1 To be the proper officer for the purpose of Section 151 Local Government Act 1972 and Section 114 of the Local Government Finance Act 1988.

Functions delegated by the Cabinet

5.2 To act on a day to day basis and within the scheme in the following areas:-

- Internal Audit
- Accountancy and Budgeting
- Risk Management and Insurance
- The Pension Scheme and the Pension Fund (including the investment strategy)
- Treasury Management (including investments)
- Council Tax and Non-domestic Rates
- Housing Benefits and Council Tax Reductions
- Payments
- Income and creditors
- Payroll
- Information Technology.

5.3 To be the proper officer for the purposes of Section 115 and 146 of the Local Government Act 1972.

5.4 **T**he right to sign a certificate that contracts comply with the Local Government (Contracts) Act 1997.

5.5 To nominate benefit anti-fraud officers.

5.6 To authorise the write-off of debts up to the amounts noted in the Financial Procedure Rules.

5.7 To be the Authorising Officer for the purposes of the Regulation of Investigatory Powers Act 2000 and may authorise other officers within their service similarly to be an Authorised Officer.

5.8 Approval of expenditure of the Gwynedd Pension Fund Local Pension Board

6. Head of Legal Services

In the "Scheme of Delegation to Committees" in Appendix 3 to Section 13 of the Constitution, it is noted where functions that are not the responsibility of the Executive have been delegated to Chief Officers. Where no chief officer has been named in that document, the power has not been delegated rather it has been reserved by the committee.

Functions delegated by the Council

6.1 Act as the Council's Monitoring Officer under Section 5 Local Government and Housing Act l989.

6.2 Act as the Council's Proper Officer apart from where there is legal provision, this scheme or other parts of the Constitution giving the functions to other officers.

6.3 Decide on stage 2 appeals to resolve disputes under the Local Government Pension Scheme.

Functions delegated by the Cabinet

6.4 To act on a day to day basis and within the scheme in the following areas:-

- Legal
- Complaints
- Elections
- Coroner Support

6.5 To instigate, defend or settle legal proceedings (either in the name of the Council or in the name of a specific officer of the Council) under common law or under any legislation, secondary legislation, or the by-law which either grants functions to the Council or which relates to functions discharged by the Council and to appeal against any legal judgement. For the avoidance of doubt this authority includes the authority to take all procedural measures including the serving of statutory or non-statutory notices or counter notices and eviction notices.

6.6 To authorise a Council officer to act under paragraph 6.2 in the same manner as himself/herself and to prosecute, defend or appear in any legal proceedings under the provisions of Section 223 of the Local Government Act 1972 or any other relevant legislation that may be in force from time to time. The Head of Democracy and Legal Department must keep a list of all the authorisations granted when exercising powers under the sub-clause.

6.7 Authority to create orders under the Town Police Clauses Act 1847.

6.8 Authority to affix the Common Seal of the Council to documents following a valid decision by the Council, Cabinet, Committee, Portfolio Leader or officer exercising delegated powers, and to authorise other officers to do likewise.

6.9 Authority to give certificates regarding the political duties of posts under section 3 of the Housing and Local Government Act 1989.

6.10 To act on reports from the Public Services Ombudsman for Wales under Section 21 of the Public Services Ombudsman (Wales) Act 2005.

6.11 In consultation with the relevant head, to authorise payments in cases of maladministration, under Section 92 of the Local Government Act 2000 or in cases of complaints under Section 34 of the Public Services Ombudsman (Wales) Act 2005 (provided that there is also consultation with the Chairman of the Audit and Governance Committee in the case of any payment in excess of £10,000).

6.12 To give an opinion as a qualified person under Section 36 of the Freedom of Information Act 2000**.**

6.13 To undertake reviews of freedom of information requests.

6.14 To be the Authorising Officer for the purposes of the Regulation of Investigatory Powers Act 2000 and may authorise other officers within their service similarly to be an Authorised Officer.

7. Head of Economy and Community Department

In the "Scheme of Delegation to Committees" in Appendix 3 to Section 13 of the Constitution, it is noted where functions that are not the responsibility of the Executive have been delegated to Chief Officers. Where no chief officer has been named in that document, the power has not been delegated rather it has been reserved by the committee.

Functions delegated by the Council

None

Functions delegated by the Cabinet

7.1 To act on a day to day basis and within the scheme in the following areas:-

- Europe
- European financing programmes
- Regeneration programmes
- Business services
- Marketing
- Tourism
- Events
- Communities First
- Regeneration grants
- Museums
- Archives
- Galleries
- Theatres and cinemas
- The Arts
- Maritime
- Country parks
- Libraries
- Leisure Centres
- Sports Development.

7.2 To approve grants up to a maximum of £50,000 in any single case by an eligible applicant whose home or business is situated within Gwynedd.

7.3 To let industrial units and land and to take steps to safeguard them against unlawful occupation and to repossess them.

7.4 To issue a notice to quit to a tenant of an industrial unit or land and to seek possession through the courts.

7.5 To grant rent discounts on industrial units and land.

7.6 Determine or vary entrance fees to the Council's museums and galleries and theatres where appropriate.

7.7 Authority to make applications for grant monies from different sources and implement programmes deriving from them.

7.8 In consultation with the Portfolio Leader, allocate community grants from various community funds in accordance with programmes approved by the Cabinet.

7.9 In consultation with the Portfolio Leader, to decide on applications for financial assistance from the Welsh Church Fund.

7.10 In consultation with the Cabinet Member decide on applications for financial assistance from the Strategic Grants to the Arts.

7.11 Implement libraries by-laws.

8. Head of Adults, Health and Wellbeing

In the "Scheme of Delegation to Committees" in Appendix 3 to Section 13 of the Constitution, it is noted where functions that are not the responsibility of the Executive have been delegated to Chief Officers. Where no chief officer has been named in that document, the power has not been delegated rather it has been reserved by the committee.

Functions delegated by the Council

None

Functions delegated by the Cabinet

8.1 To act on a day to day basis and within the scheme in the following areas:-

- Elderly people's services
- Mental Health
- Physical disabilities
- Learning disabilities

- Residential and day services
- Home care
- Welfare Rights Unit
- Youth Offending Team
- Safeguarding of Adults

8.2 To act as the "responsible person" for the purposes of the Care Standards Act 2000.

8.3 To exercise powers under all the Acts listed in Schedule 1 of the Local Authorities (Social Services) Act 1970 and Schedule 2 of the Social Services and Wellbeing (Wales) Act 2014.

8.4 To authorise proper officers to exercise the Councils powers under Section 127 of the Social Services and Wellbeing (Wales) Act 2014.

9. Head of Children and Family Support Service

In the "Scheme of Delegation to Committees" in Appendix 3 to Section 13 of the Constitution, it is noted where functions that are not the responsibility of the Executive have been delegated to Chief Officers. Where no chief officer has been named in that document, the power has not been delegated rather it has been reserved by the committee.

Functions delegated by the Council

None

Functions delegated by the Cabinet

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

- Children's Services
- Youth offending team

9.2 To exercise powers under all the Acts listed in Schedule 1 of the Local Authorities (Social Services) Act 1970 and Schedule 2 of the Social Services and Wellbeing (Wales) Act 2014.

9.3 To be the adoption agency decision maker.

10. Head of Highways and Consultancy and YGC

In the "Scheme of Delegation to Committees" in Appendix 3 to Section 13 of the Constitution, it is noted where functions that are not the responsibility of the Executive

have been delegated to Chief Officers. Where no chief officer has been named in that document, the power has not been delegated rather it has been reserved by the committee.

Functions delegated by the Council

None

Functions delegated by the Cabinet

10.1 To act on a day to day basis and within the scheme in the following areas:-

- Public conveniences
- Highway maintenance
- Council's fleet
- Street cleaning
- Crematorium/burial service
- Playing fields
- Land maintenance
- Closed circuit television
- Environmental assessments
- Drafting, management and supervision of road works contracts
- Technical surveys, inspections and tests
- Coastal defence
- Building design and Maintenance

10.2 The power to issue notices of temporary road closures under the Highways Act 1980.

10.3 The power to deal with any obstruction on a highway, including the issuing of notices.

10.4 The power to do anything that may be necessary in the management of the Council's fleet.

10.5 The power to exercise enforcement powers in relation to environmental offences arising under any one of the Acts listed below (including steps which may be deemed necessary to prevent offences, educate and issue Fixed Penalty Notices)

- Dogs (Fouling of Land) Act 1996
- Environmental Protection Act 1990
- Removal and Disposal of Vehicles Regulations 1986
- Refuse Disposal (Amenity) Act 1978

- Clean Neighbourhoods and Environment Act 2005
- Anti-social Behaviour Act 2003
- The Control of Pollution (Amendment) Act 1989

10.6 To be the Authorising Officer for the purposes of the Regulation of Investigatory Powers Act 2000 and may authorise other officers within their service similarly to be an Authorised Officer.

10.7 Power to issue closure community protection notices under Part 4 of the Anti-social Behaviour Crime and Policing Act 2014.

10.8 To exercise all the Council's functions in relation to Floods and Water Act 2010.

10.9 Prepare designs and plans which deal with surface water including the right to relax or deviate from the National Resources Wales standards.

11. Head of Environment Department

In the "Scheme of Delegation to Committees" in Appendix 3 to Section 13 of the Constitution, it is noted where functions that are not the responsibility of the Executive have been delegated to Chief Officers. Where no chief officer has been named in that document, the power has not been delegated rather it has been reserved by the committee.

Functions delegated by the Council

11.1 (Planning)

All functions related to town and country planning and as included in the following Acts as amended and including all secondary legislation are delegated to the Head of Regulatory:

- Planning and Compulsory Purchase Act 2004
- Town and Country Planning Act 1990
- Planning (Listed Buildings and Conservation Areas) Act 1990
- Planning (Hazardous Substances) Act 1990
- Caravan Site and Control of Development Acts 1960 and 1968
- Environment Act 1995
- Badger Protection Act 1992
- Planning and Compensation Act 1991

- Land Compensation Act 1961
- Habitats Regulations 92/43/EEC and the Conservation (Natural Habitats) Regulations 1994
- Anti-social Behaviour Act 2003
- Planning Act 2008
- Localism Act 2011
- Police and Criminal Evidence Act 1984

The above provides that the determination on any matters requiring decisions under the above acts is delegated to the Head of Regulatory Department, with the exception of the following applications, which will be the responsibility of the Planning Committee.

11.1.1 Planning applications where the Councillor in whose ward a proposed development is located, or any other two members, submit(s) a written request to the Planning Manager within the established timescale so that the matter is referred for a decision by the Planning Committee. The written request should include clear planning reasons why a request is made for the application to be referred to Committee. A notification letter should be sent to all local members. The prescribed period for advertising shall be 16 calendar days from the date of the notification letter. A local member may discuss an application with officers before referring it to Committee.

11.1.2 Planning applications and/or objections/support for a planning application submitted by Elected Members or current staff of the Planning Service.

11.1.3 Planning applications and/or objections/support for a planning application submitted by a close relative of an Elected Member or current staff of the Planning Service. To this end, a "close relative" is defined as a mother or father, husband or wife, partner, child, brother or sister, grandmother or grandfather, grandson or granddaughter.

11.1.4 Applications which include an Environmental Impact Assessment.

11.1.5 Planning applications that should be referred to Committee according to the Head of Environment Department.

11.1.6 Planning applications for housing where the number of houses provided is five or more

11.1.7 Planning applications for the provision of a building or buildings where the floor space to be created by the development is 1000 square meters or more; or

11.1.8 Planning applications for developments on a site which is 0.5 hectares or more in size.

'Planning applications' are defined as: full applications, householder applications, outline applications, reserved matters applications, listed building applications, Conservation Area applications, display of advertisements applications, minerals and waste applications, applications to remove or vary condition(s), applications to remove or vary Planning Obligations, non-material amendments applications.

‘Planning applications’ are defined as: full applications, householder applications, outline applications, reserved matters applications, listed building applications, Conservation Area applications, display of advertisements applications, minerals and waste applications, applications to remove or vary condition(s), applications to remove or vary Planning Obligations, non-material amendments applications.

11.2 (Public Rights of Way)

All functions related to public rights of way and as included in the following Acts as amended and including all secondary legislation are delegated to the Head of Environment:

- Police and Town Clauses Act 1847
- National Parks and Access to Countryside Act 1949
- Countryside Act 1968
- Highways Act 1980
- Wildlife and Countryside Act 1981
- Road Traffic Regulations Act 1984
- Cycle Tracks Act 1984
- Countryside and Right of Way Act 2000
- Clean Neighbourhoods and Environment Act 2005 (gating orders)
- Natural Environment and Rural Communities Act 2006 – part 6
- Local Government (Miscellaneous Provisions) Act 1982
- Local Government Act 2000

The above provides that the determination on any matters requiring decisions under the above acts is delegated to the Head of Regulatory Department, with the exception of the following applications, which will be the responsibility of the Planning Committee.

11.2.1 Applications submitted by serving Members and staff of the Environment Service.

11.2.2 Applications involving land owned by the Council.

11.2.3 Decisions to submit orders made under the Highways Act 1980, where objections are received to the order and are not withdrawn, to the Assembly for confirmation.

11.2.4 Applications which the Head of Environment considers should be referred to Committee.

11.2.5 Applications for orders made under the Highways Act 1980 where the Councillor in whose ward a proposed diversion is located submits a written request to the Head of Environment within the established time scale for the application to be referred to the Area Committee. The prescribed period for advertising shall be 16 calendar days from the date of the letter of *consultation regarding the application.*

11.3 (Public Protection)

11.3.1 Authorisation to appoint inspectors under the Health and Safety at Work Act etc. 1974.

11.3.2 To exercise the Council's powers under the acts listed in the Appendix (together with any other acts relating to Public Protection which will become the Council's responsibility and which will be included on the list in the Appendix.

11.3.3 To exercise the Council's powers under the **Licensing Act 2003** in accordance with the delegation scheme in the Council's Licensing Policy which has been reproduced below.

Delegation under the Licencing Act 2003.

Matter to be dealt with	Full Committee	Sub-committee	Head of Environment
Application for a personal licence		If observations have been submitted by the police.	If no observations have been submitted.
Application for a personal licence with unspent convictions		All cases	
Application for Property Licence/ club property certificate		If observations have been submitted.	If no observations have been submitted.
Application for a Provisional Statement		If observations have been submitted.	If no observations have been submitted.
Application to vary a Premises Licence/ club premises certificate		If observations have been submitted.	If no observations have been submitted.
Application to vary a designated personal licensee		If observations have been submitted by the police.	In all other cases
Application to withdraw as a designated personal licensee			All cases
Application for a licence to transfer premises		If observations have been submitted by the police.	In all other cases
Application for Temporary Authority		If observations have been submitted by the police	In all other cases
Application to review a Premises Licence/ club premises certificate		In all cases	
Decision on whether a complaint is irrelevant, frivolous, vexatious etc.			All cases
Decision to object when the local authority is a consultee and not the lead authority			All cases
Determination of a police representation to a temporary event notice		In all cases	All cases

11.3.4 To exercise the Council's powers under the Gambling Act 2005 in accordance with the delegation scheme in the Council's Licensing Policy which has been reproduced below.

Delegation under the Gambling Act 2005

Matter for discussion	Full Council	Sub-committee or panel	Head of Environment
Three-year licensing policy	X		
Policy not to allow casinos	X		
Set fees – when appropriate		Full Committee	
Application for premises licence		If representations made and are not withdrawn	If no representations made or are withdrawn
Application to vary licence		If representations made and are not withdrawn	If no representations made or are withdrawn
Application to transfer licence		If representations are made by the Commission	If no representations are made by the Commission
Application for interim licence		If representations made and are not withdrawn	If no representations made or are withdrawn
Review premises licence		X	
Application for machine / gambling club permits		If representations made and are not withdrawn	If no representations made or are withdrawn
Abolish gambling machine / club permits		X	
Application for other permits			X
Abolish licensed premises gambling machine permit			X
Consider interim use notices			X
Decision to submit counter-notice to interim use notice		X	
Decision whether a person is an Interested Party			X
Decision whether representations are relevant			X
Decide whether representations are relevant, frivolous, vexatious or repetitive			X

11.3.5 To exercise the Council's powers in the field of **hackney and private hire vehicle licensing** except for the following matters which are the responsibility of the Sub-committee of the General Licensing Committee.

(a) To determine an application for a hackney/private hire driver's licence when the report of the Criminal Records Bureau discloses a conviction or police caution.

(b) To determine an application for a hackney/private hire vehicle licence when the vehicle does not comply with the authority's policy.

(c) To determine an application for a private hire operator licence when the report of the Criminal Records Bureau discloses a conviction or police caution.

Common Land

11.4 Operate all of the Councils powers as a common land authority

Functions delegated by the Cabinet

11.5 To act on a day to day basis and within the scheme in the following fields subject to any limitations noted in this Scheme or in the Scheme of Delegation to Committees:-

- Development Control (Planning).
- Planning enforcement
- Planning policy
- Conservation
- Biodiversity
- Rights of way and countryside management
- Public transport
- Street improvements
- Transport grant matters
- Highways enforcement
- Road safety
- Snowdonia Green key
- Car parks
- Markets and fairs
- Licensing
- Trading Standards
- Environmental Health.
- Asset Management Plan
- Offices
- Buildings Cleaners
- Corporate property Services
- Searches, land charges and common land
- Building Control

- Refuse Collection
- Recycling/ Waste Disposal
- Traffic Assessments

(Planning)

11.6 To consider, give advice, report and implement policies and the Council and Committees' decisions on planning matters.

11.7 To establish and lead forums and groups to consider, give advice, report and implement policies and the Council and Committees' decisions on planning matters.

11.8 Provide all information required for local land charges.

11.9 Participate in working arrangements in national, regional, professional and other partnerships.

11.10 Give observations on consultation documents relating to planning policy where this corresponds to the Council's policy.

(Public Rights of Way and Transport Matters)

11.11 To exercise the Council's powers under the Road Traffic Act 1988 and the Traffic Management Act 2004. Transport Acts 2000 and 2008, New Road and Street Works Act 1991 and Road Traffic Regulation Act 1984.

11.12 The power to enter into access agreements in respect of land under the Countryside and Rights of Way Act 2000 or any other act.

11.13 The power to issue notices of temporary road closures.

11.14 Powers to deal with any obstruction on a highway, including issuing notices.

11.15 Power to issue notices of temporary road closures under the Highways Act 1980.

(Public Protection)

11.16 To exercise the Council's powers in relation to high hedges under the Anti-social Behaviour Act 2003.

11.17 To exercise the Council's powers under the acts listed in the Appendix (together with any other acts relating to Public Protection which will become the Council's responsibility and which will be included on the list in the Appendix).

11.18 To be the Authorising Officer for the purposes of the Regulation of Investigatory Powers Act 2000 and may authorise other officers within the department similarly to be an Authorised Officer.

11.19 Power to issue community protection orders and closure notices under Part 4 of the Anti-social Behaviour, Crime and Policing Act 2014.

(Land Charges)

11.20 Authority to sign certificates for H.M. Land Registration and registration of any land charges on behalf of the Council.

(Building)

11.21 To exercise all the Council's functions in relation to building control under the Building Act 1984 or otherwise.

(Waste)

11.22 The power to apply for an operator's licence in connection with the Council's waste functions.

Appendix

Legislation
Administration of Justice Act 1970
Agriculture Act 1970
Agriculture (Miscellaneous Provisions) Act 1972
Agricultural Produce (Grading and Marking) Acts 1931
Animal Boarding Establishments Act 1963
Animal Health Act 1981
Animal Health Establishments Act 1963
Animal Welfare Act 2006
Animal Welfare (Livestock Exports) Act 2024
Anti-social Behaviour Act 2003
Anti-social Behaviour, Crime and Policing Act 2014
Building Act 1984
Cancer Act 1939
Caravan Site and Control of Development Act 1960
Caravan Sites Act 1968
Children and Young People (Protection from Tobacco) Act 1991
Charities Act 1992
Clean Air Act 1993
Clean Neighbourhoods and Environment Act 2005
Commons Registration Act 1965
Companies Act 2006
Consumer Credit Act 1974
Consumer Protection Act 1987

Control of Pollution Act 1974
Control of Pollution (Amendment) Act 1989
Criminal Justice Act 1988
Criminal Justice and Public Order Act 1994
Copyright, Design and Patents Act 1988 as amended by the Broadcasting Act 1990
Dangerous Dogs Act 1991
Dangerous Wild Animals Act 1976
Development of Tourism Act 1969
Dogs Act 1906
Education Reform Act 1988
Energy Act 1976
Enterprise Act 2002
Environment Act 1995
Environment (Wales) Act 2016
Environment and Safety Information Act 1988
Environmental Protection Act 1990
Environmental Protection (Single Use Plastic Products) (Wales) Act 2023
Estate Agents Act 1979
European Union (Withdrawal) Act 2018
Explosives Acts 1875
Explosives (Age of Purchase) Act 1976
Factories Act 1961
Fair Trading Act 1973
Farm and Garden Chemicals Act 1967
Fire Safety and Safety of Places of Sport Act 1987
Fireworks Act 2003

Food Act 1984
Food and Environment Protection Act 1985
Food Safety Act 1990
Food Hygiene Rating (Wales) Act 2013
Forgery and Counterfeiting Act 1981
Fraud Act 2006
Gambling Act 2005
Hallmarking Act 1973
Health Act 2006
Health and Safety at Work etc. Act 1974
Home Safety Act 1961
House to House Collections Act 1939
Housing Act 1996 and 2004
Licensing Act 2003
Live Music Act 2012
Local Government Act 1972
Local Government Act 1992
Local Government and Housing Act 1989
Local Government (Miscellaneous Provisions) Act 1976
Local Government (Miscellaneous Provisions) Act 1982
Local Government Act 2003
Medicines Act 1968
Merchant Shipping Act 1979
Motor Cycle Noise Act 1987
Motor Vehicles (Safety Equipment for Children) Act 1991
National Assistance Act 1948

Noise Act 1996
Noise and Statutory Nuisance Act 1993
Olympic Symbol etc. (Protection) Act 1995
Pet Animals Act 1951
Performing Animals (Regulation) Act 1925
Poisons Act 1972
Police, Factories etc. (Miscellaneous Provisions) Act 1916
Police Reform and Social Responsibility Act 2011
Pollution Prevention and Control Act 1999
Prevention of Damage by Pests Act 1949
Prices Acts 1974
Protection of Children (Tobacco) Act 1986
Public Health Act 1936
Public Health Act 1961 (Section 73)
Public Health (Control of Diseases) Act 1984
Public Health (Wales) Act 2017
Refuse Disposal (Amenity) Act 1978
Regulatory & Enforcement Sanctions Act 2008
Retained EU Law (Revocation and Reform) Act 2023
Riding Establishments Act 1964
Road Safety Act 2006
Road Traffic Act 1988 and 1991
Road Traffic Regulation Act 1984
Road Traffic (Consequential Provisions) Act 1988
Road Traffic Offenders Act 1988
Road Traffic (Foreign Vehicles) Act 1972

Safety of Sports Grounds Act 1975
Scrap Metal Dealers Act 2013
Slaughterhouses Act 1974
Slaughter of Poultry Act 1967
Small Holdings and Allotments Act 1908-1950
Solicitors Act 1974
Sunbeds (Regulation) Act 2010
Sunday Trading Act 1994
Telecommunications Act 1984
Theft Acts 1968 and 1978
Theatres Act 1968
Tobacco Advertising and Promotions Act 2002
Town Police Clauses Act 1847
Trade Descriptions Act 1968
Trademarks Act 1994
Trading Representations (Disabled Persons) Acts 1958 and 1972
Transport Act 1985
Unsolicited Goods and Services Act 1971 and Unsolicited Goods and Services (amendment) Act 1975
Video Recording Acts 1984 and 1993
Water Industries Act 1991
Weights and Measures Act 1985

12. Head of Housing and Property Service

In the "Scheme of Delegation to Committees" in Appendix 3 to Section 13 of the Constitution,it is noted where functions that are not the responsibility of the Executive have

been delegated to Chief Officers. Where no chief officer has been named in that document, the power has not been delegated rather it has been reserved by the committee.

Functions delegated by the Council

None

Functions delegated by the Cabinet

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

- Property Matters
- Housing Matters
- Homelessness
- Private Housing Enforcement
- Housing Renewal and Grants

(Property)

12.2 **T**he right, where terms cannot be agreed with landowners for the purchase of interest in land within six months of the commencement of negotiations, to purchase the same through a compulsory purchase order subject to the provision of the law.

12.3 To grant licences, easements and rights of way to, or by, the Council.

12.4 In appropriate cases, to pay compensation under the Compensation Act1973, the Planning and Compensation Act 1991, the Landlord and Tenant Act 1954, or any claim of dilapidation or tenants' claims.

12.5 To negotiate and pay any claims presented against the Council for damage or loss caused by work carried out under the Council's statutory powers.

12.6 To authorise Council tenants to sub-let.

12.7 To publish a statutory notice of the intention to conduct a rent review on tenancies.

12.8 To commence possession proceedings through the Court against any tenant, licensee or trespasser.

12.9 To approve the terms for purchasing, procuring, selling or disposing of all the Council's interest in land where a decision has been made by the Cabinet, Committee, Leader or Chief Officer exercising delegated powers so to buy, procure, sell or dispose.

12.10 To approve terms and conditions for and then grant the renewal of a lease

12.11 To approve an extension of an existing lease.

12.12 To give consent to assign a lease.

12.13 To waive or vary the levying of charges and fees in individual cases where circumstances so dictate.

(Housing)

12.14 To exercise the Council's functions in relation to homelessness in accordance with Housing (Wales) Act 2004.

12.15 To approve the sale of former Council Houses for people who meet the statutory conditions and accept or refuse an offer to re-purchase a former Council house under Section 157 of the Housing Act 1985.

12.16 To exercise the Council's functions in relation to unfit housing under the Housing Act 1985 and the Housing Grants, Construction and Regeneration Act 1996 and the Housing Act 2004.

12.17 Subject to the general requirements of the Constitution, procure the freehold or lease individual dwellings in order to fulfil the Housing Strategy or homelessness duties.

12.18 To exercise the Council's powers to issue notices and take enforcement steps in relation to houses in multiple occupation.

12.19 To exercise the Council's enforcement powers in the private housing sector and in relation to mobile homes.

12.20 To approve or refuse and administer grant applications under The Regulatory Reform (Housing Assistance) (England and Wales) Order 2002

12.21 To allocate accommodation (including the related responsibilities) under the Housing Act 1996 including the power to enter into agreements with third parties so that that party undertakes the task on behalf of the Council.

12.22 Serve a notice on a relevant person requiring relevant information about a specific property under the Local Government (Miscellaneous Provisions) Act 1976 (Section 16)

12.23 Administer any default by a private landlord for the purpose of the proper regulation of "common areas" on an estate and a failure to restrict a fee to a reasonable sum under the Landlord and Tenant Act 1985

12.24 To operate a transferable discount scheme

12.25 To exercise the Council's functions relating to drainage, water supply and other environmental health matters under the Building Regulations Act 1984 and nuisance under the Environmental Protection Act 1990.

12.26 To exercise the Council's functions under the Housing Act 2004.

12.27 To serve property notices under the Law of Property Act 1925.

12.28 Power to issue closure notices under Part 4 of the Anti-social Behaviour, Crime and Policing Act 2014.

13. North Wales Trunk Road Agency Manager

In the "Scheme of Delegation to Committees" in Appendix 1 to Section 13 of the Constitution, it is noted where functions that are not the responsibility of the Executive have been delegated to Chief Officers. Where no chief officer has been named in that document, the power has not been delegated rather it has been reserved by the committee.

Functions Delegated by Council

None

Functions Delegated by Cabinet

13.1 To act on a day to day basis, within the scheme, and under the direction of the Agency Cabinet to carry out the functions of the North Wales Trunk Road Agency.

13.2 To appoint traffic officers under section 2 of the Traffic Management Act 2004.