

DECISION NOTICE OF AN INDIVIDUAL MEMBER OF GWYNEDD COUNCIL CABINET

DATE OF DECISION 31 March 2025

DATE DECISION PUBLISHED 2 April 2025

DATE DECISION WILL COME INTO FORCE and implemented,
unless the decision is called in, in accordance with section 7.25
of the Gwynedd Council Constitution **9 April 2025**

CABINET MEMBER NAME AND TITLE

Councillor Nia Jeffreys
Council Leader

**SUBJECT - Amendments to the Constitution's Delegation Scheme Section 13,
Appendix 3 - Officer Delegation Scheme**

DECISION

To amend the Constitution's Delegation Scheme Section 13, Appendix 3 (part 11) to update the Legislations listed for the Head of Environment by removing repealed Legislations and adding new Legislations that have come into force.

REASON WHY THE DECISION IS NEEDED

Please see attached Officer Report.

DECLARATIONS OF PERSONAL INTEREST AND ANY RELEVANT DISPENSATIONS APPROVED BY THE COUNCIL'S STANDARDS COMMITTEE

None

ANY CONSULTATIONS UNDERTAKEN PRIOR TO MAKING THE DECISION

Consultation with
Gwynedd Council Statutory Officers

The results of the consultations are reported upon in the attached report.

**DECISION NOTICE OF AN INDIVIDUAL MEMBER OF CYNGOR GWYNEDD CABINET –
OFFICER'S REPORT**

Name and title of Cabinet Member(s):	Councillor Nia Jeffreys – Leader
Title	Amendments to the Constitution's Delegation Scheme Section 13, Appendix 3 - Officer Delegation Scheme
Name and title of the Report's Author:	Iwan Evans – Monitoring Officer
Date of Decision:	31.03.2025
Cabinet Member(s)'s Signature:	 Accept the recommendation.

Decision Sought

To amend the Constitution's Delegation Scheme Section 13, Appendix 3 (part 11) to update the Legislations listed for the Head of Environment by removing repealed Legislations and adding new Legislations that have come into force.

Background

1. Section 5 of the Constitution makes provision that the Leader may amend the Delegation Scheme in Section 13 of the Constitution, subject to following a notification process.

"5.9.3 The Council's Delegation Scheme and Executive Functions

(a) The Leader may amend the scheme of delegation relating to Executive Functions at any time. In doing so the Leader will give written notice to the Head of Democratic Services and to the person, body or committee concerned. The notice must set out the extent of the amendment to the scheme of delegation, and whether it entails the withdrawal of delegation from any person, body or committee. The Monitoring Officer will present a report to the

next ordinary meeting of the Council setting out the changes made by the Leader.

(b) Where the Leader seeks to withdraw delegation from a committee of the Cabinet, notice will be deemed to be served on that committee when he has served it on its chair."

2. Updating work has been undertaken on the Legislations listed within the Constitution and updating them in accordance with contemporary Legislations. Furthermore, an explicit record states that any changes or amendments by order or subordinate legislation or Legislations are to be included in the lists.
3. The following wording is proposed at the beginning of the Appendix which will facilitate keeping the Legislative list up to date due to the frequency of changes in subordinate legislations and to ensure that there is no disruption to the authorisation of the function of Officers.

"Any reference to an Act in this scheme includes a reference to any amendment thereto, or re-enactment, of any order or subordinate legislation made thereunder". (Section 13, Appendix 3 para. 1.2)

4. The responsibility for enforcing these mixed Legislations is placed in the hands of the Council and these rights need to be delegated to officers to be able to implement the legislation within the remit of certain departments under appendix 3 of Section 13 of the Constitution.
5. It is therefore recommended that Section 13, Part 3 of the Constitution be modified by verifying the Legislations in the list of Acts referred to in the Appendix noting that this list may be expanded from time to time following the power in paragraphs 11.3.2 and 11.7 (Section 13 Part 3):

"To exercise the Council's powers under the acts listed in the Appendix to this scheme (together with any other acts relating to Public Protection which will become the Council's responsibility and which will be added to the list in Appendix 1 by the Monitoring Officer)."

Views of Statutory Officers

Monitoring Officer

Author of the report

Chief Finance Officer

No observations from a financial propriety perspective.

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 under it.
- 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 limitations 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 Each chief officer is authorised to sell or dispose of plots of land and/or buildings owned by the service following consultation with the local member(s) and subject to the following:-
 - (a) where a freehold is sold, that the value of the land is less than £25,000;
 - (b) where the land is let by means of leasehold or tenancy, that the annual rent is less than £10,000;
 - (c) in each case where the local member(s) object, the matter is referred to the Executive for a decision;
 - (d) that the sale or disposal is not contrary to the Council's Asset Management Plan.

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 consultation planning committee's 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.

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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 Council

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

Functions Delegated by 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 Cabinet

- 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 The 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 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 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.

Delegation under the Licensing 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

(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
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 Council

None

Functions Delegated by Cabinet

(Property)

The 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.

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

In appropriate cases, to pay compensation under the Compensation Act 1973, the Planning and Compensation Act 1991, the Landlord and Tenant Act 1954, or any claim of dilapidation or tenants' claims.

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.

To authorise Council tenants to sub-let.

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

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

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.

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

To approve an extension of an existing lease.

To give consent to assign a lease.
To waive or vary the levying of charges and fees in individual cases where circumstances so dictate.

(Housing)

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

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.

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.

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.

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

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

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

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.

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

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

To operate a transferable discount scheme.

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.

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

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

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.