TAFLEN BENDERFYNIAD AELOD CABINET
CABINET MEMBER'S DECISION NOTICE

Pwnc/*Subject* :

Addasu Cynllun Dirprwyo Swyddogion yn dilyn ail strwythuro'r Gwasanaeth Democratiaeth a Chyfreithiol

Amending the Officers Scheme of Delegation following the re-structuring of the Democratic and Legal Services

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Penderfyniad/*Decision* :

Addasu Cynllun Dirprwyo Swyddogion – Rhan 13 o'r Cyfansoddiad yn unol ag Atodiad 1.

To amend the Scheme of Delegation to Officers – Part 13 of the Constitution in accordance with Annex 1.

Cyflwyniad/*Introduction*

O ganlyniad i ail strwythuro Adran Gwasanaethau Democratiaeth a Chyfreithiol ac yn benodol dileu swydd Pennaeth Democratiaeth a Chyfreithiol mae angen dirprwyo dyletswyddau'r swydd i ymateb i'r strwythur newydd. Nid yw hyn yn golygu newid y cyfrifoldebau penodol.

Mae'r cyfansoddiad yn caniatáu i Arweinydd y Cyngor addasu y Cynllun Dirprwyo sydd ynglŷn â phwerau gweithredol (Adran 5 para5.8.3). Mae gofyn ei fod yn ymgynghori â'r Pennaeth Gwasanaethau Democrataidd ynglŷn â'r bwriad ac yn adrodd ar y newidiadau i'r cyfarfod nesaf o'r Cyngor wedi'r penderfyniad.

As a result of the re-structuring of the Democratic and Legal Services Department and specifically deletion of the post of Head of Democratic and Legal Services it is necessary to delegate the duties of the post in response to the new structure. This does not involve changing the specific duties.

The Constitution permits the Council Leader to amend the Scheme of Delegation in relation to executive functions (Section 5 para 5.8.3) . In order to do so he is required to consult with the Head of Democratic

Services on his intentions and report to the next meeting of the Council following the decision.

Rhesymau dros y penderfyniad/*Reasons for the decision*

I sicrhau fod y swyddogaethau yn cael eu dirprwyo i'r swyddogion cywir er eglurdeb a phriodoldeb penderfyniadau.

To ensure that the functions are delegated to the appropriate officers to provide certainty and propriety in relation to decisions.

Relevant Considerations/*Ystyriaethau Perthnasol*

Mae'r newidiadau o natur cynnal a chadw yn dilyn yr ail strwythuro ac yn gweithredu i gwblhau'r newidiadau sydd eisoes wedi digwydd.

The changes are of a housekeeping nature following the re-structuring and effected to complete the changes which have already been implemented.

Camau nesaf/*Next steps*

Gweithredu y penderfyniad yn unol â gofynion y cyfansoddiad.

Implement the decision in accordance with the requirements of the Constitution

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Atodiadau/*Attachments*

Tabl addasiadau

Amendment Table

Barn y swyddogion statudol / Views of statutory officers

Y Prif Weithredwr/Chief Executive:

Dim i'w ychwanegu
Nothing to add

Y Swyddog Monitro/Monitoring Officer:

Awdur y Daflen
Author of the Notice

Y Pennaeth Cyllid/Chief Finance Officer:

Rwy'n cefnogi'r addasiadau hyn i'r Cynllun Dirprwy fel diweddariadau manwl yn unol â'r prif egwyddorion penderfynwyd arnynt eisoes yn gynharach yn 2014.

I support these amendments to the Delegation Scheme as a detailed update in accordance with the main principles already decided upon earlier in 2014.

Barn yr aelod lleol/View of Local Member

Dim yn fater lleol

Not a local matter

Goblygiadau Polisi/Policy Implications

Dim / *None*

Llofnod yr aelod / Signed by member

Dyddiad/Date Hydref 6 2014

Atodiad 1 / Appendix 1

	Swyddogaethau a ddirprwyir gan y Cabinet			
	6.6	Gweithredu ar sail dydd i ddydd ac o fewn y cynllun yn y meysydd canlynol:-		
		• Cyfreithiol	Pennaeth Democratiaeth a Chyfreithiol	Pennaeth Gwasanaethau Cyfreithiol
		• Cwynion	Pennaeth Democratiaeth a Chyfreithiol	Pennaeth Gwasanaethau Cyfreithiol
		• Etholiadau	Pennaeth Democratiaeth a Chyfreithiol	Pennaeth Gwasanaethau Cyfreithiol
		• Argraffu	Pennaeth Democratiaeth a Chyfreithiol	Pennaeth Adnoddau Dynol
		• Cyfieithu	Pennaeth Democratiaeth a Chyfreithiol	Pennaeth Strategol a Gwella
		• Cefnogi'r Cabinet	Pennaeth Democratiaeth a Chyfreithiol	Prif Weithredwr
		• Cofrestru genedigaethau, marwolaethau a phriodasau	Pennaeth Democratiaeth a Chyfreithiol	Pennaeth Oedolion, Iechyd a Llesiant
		• Chwiliadau, pridiannau tir a thir comin.	Pennaeth Democratiaeth a Chyfreithiol	Pennaeth Rheoleiddio
		• Cefnogi'r Crwner	Pennaeth Democratiaeth a Chyfreithiol	Pennaeth Gwasanaethau Cyfreithiol
	6.7	Cychwyn, amddiffyn neu setlo achosion cyfreithiol (boed yn enw'r Cyngor neu yn enw swyddog penodol o'r Cyngor) dan y gyfraith gyffredin neu dan unrhyw ddeddfwriaeth, is-ddeddfwriaeth, orchymyn neu is-	Pennaeth Democratiaeth a Chyfreithiol	Pennaeth Gwasanaethau Cyfreithiol

		ddeddf a rydd swyddogaethau i'r Cyngor neu ynglŷn â swyddogaethau a ymgymerir ganddo ac i wneud apêl yn erbyn unrhyw ddyfarniad cyfreithiol. Er osgoi unrhyw amheuaeth mae'r awdurdod hwn yn cynnwys cymryd pob cam trefniadaethol gan gynnwys cyflwyno rhybuddion, statudol neu fel arall, gwrth-rybuddion a rhybuddion i ymadael.		
	6.8	Awdurdodi swyddogion y Cyngor i weithredu dan baragraff 6.2. yn yr un modd â hithau/ag yntau ac i erlyn neu amddiffyn neu ymddangos mewn unrhyw achosion cyfreithiol yn rhinwedd darpariaethau Adran 223 o Ddeddf Llywodraeth Leol 1972 neu unrhyw ddeddfwriaeth berthnasol arall a fo mewn grym o bryd i'w gilydd. Rhaid i'r Pennaeth Democratiaeth a Chyfreithiol gadw rhestr o bob awdurdod a roddir ganddi/o wrth weithredu ei b/phwerau dan yr is-baragraff hwn.	Pennaeth Democratiaeth a Chyfreithiol	Pennaeth Gwasanaethau Cyfreithiol
	6.9	Bod yn swyddog priodol at ddibenion cofrestru genedigaethau, marwolaethau a phriodasau.	Pennaeth Democratiaeth a Chyfreithiol	Pennaeth Oedolion, Iechyd a Llesiant
	6.10	Gweithredu pwerau'r Cyngor dan Ddeddf Priodas 1994 a Deddf Partneriaeth Sifil 2004.	Pennaeth Democratiaeth a Chyfreithiol	Pennaeth Oedolion, Iechyd a Llesiant
	6.11	Awdurdod i lofnodi tystysgrifau ar gyfer Cofrestrfa Dir Ei Mawrhydi a chofrestru unrhyw bridiant tir ar ran y Cyngor.	Pennaeth Democratiaeth a Chyfreithiol	Pennaeth Rheoleiddio
	6.12	Awdurdod i wneud gorchmynion dan Ddeddf Cymalau Heddlu	Pennaeth Democratiaeth a	Pennaeth Gwasanaethau

		Tref 1847.	Chyfreithiol	Cyfreithiol
	6.13	Awdurdod i osod sêl gyffredin y Cyngor ar ddogfennau yn dilyn penderfyniad dilys gan y Cyngor neu'r Cabinet, Pwyllgor, Aelod Cabinet neu swyddog yn gweithredu pwerau dirprwyedig, ac i awdurdodi swyddogion eraill i weithredu yn yr un modd.	Pennaeth Democratiaeth a Chyfreithiol	Pennaeth Gwasanaethau Cyfreithiol
	6.14	Awdurdod i roi tystysgrif ynglŷn â dyletswyddau gwleidyddol swydd dan adran 3 Deddf Tai a Llywodraeth Leol 1989.	Pennaeth Democratiaeth a Chyfreithiol	Pennaeth Gwasanaethau Cyfreithiol
	6.15	Gweithredu ar adroddiadau gan Ombwdsmon Gwasanaethau Cyhoeddus Cymru dan Adran 21 Deddf Ombwdsmon Gwasanaethau Cyhoeddus (Cymru) 2005.	Pennaeth Democratiaeth a Chyfreithiol	Pennaeth Gwasanaethau Cyfreithiol
	6.16	Mewn ymgynghoriad â'r pennaeth priodol awdurdodi taliadau mewn achosion o gamweinyddu dan Adran 92 Deddf Llywodraeth Leol 2000 neu mewn achosion o gwynion dan Adran 34, Deddf Ombwdsmon Gwasanaethau Cyhoeddus (Cymru) 2005 (ar yr amod yr ymgynghorir hefyd hefo Cadeirydd y Pwyllgor Archwilio yn achos unrhyw daliad dros £10,000).	Pennaeth Democratiaeth a Chyfreithiol	Pennaeth Gwasanaethau Cyfreithiol
	6.17	Rhoi barn fel person cymwys dan Adran 36 Deddf Rhyddid Gwybodaeth 2000.	Pennaeth Democratiaeth a Chyfreithiol	Pennaeth Gwasanaethau Cyfreithiol
	6.18	Cynnal adolygiadau o geisiadau rhyddid gwybodaeth.	Pennaeth Democratiaeth a Chyfreithiol	Pennaeth Gwasanaethau Cyfreithiol
	6.19	Bod y Swyddog Awdurdodi ar gyfer dibenion Deddf Rheoleiddio Pwerau Ymchwilio	Pennaeth Democratiaeth a Chyfreithiol	Pennaeth Gwasanaethau Cyfreithiol

		2000 a caiff awdurdodi swyddogion eraill o fewn y gwasanaeth i fod yn Swyddog Awdurdodi yn yr un modd.		

	Functions Delegated by Cabinet.			
	6.6	To act on a day to day basis and within the scheme in the following areas:-		
		• Legal	Head of Democracy and Legal	Head of Legal Services
		• Complaints	Head of Democracy and Legal	Head of Legal Services
		• Elections	Head of Democracy and Legal	Head of Legal Services
		• Print room	Head of Democracy and Legal	Head of Human Resources
		• Translation	Head of Democracy and Legal	Head of Strategy and Improvement
		• Cabinet Support	Head of Democracy and Legal	Chief Executive
		• Registration of births, deaths and marriages	Head of Democracy and Legal	Head of Adult Services Health and Wellbeing
		• Searches, land charges and common land	Head of Democracy and Legal	Head of Regulatory Services
		• Coroner Support	Head of Democracy and Legal	Head of Legal Services

	6.7	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.	Head of Democracy and Legal	Head of Legal Services
	6.8	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.	Head of Democracy and Legal	Head of Legal Services
	6.9	To be the proper officer for the purposes of the registrations of births, deaths and marriages.	Head of Democracy and Legal	Head of Adult Services Health and Wellbeing
	6.10	To exercise the Council's powers under the Marriage Act 1994 and the Civil Partnership Act 2004.	Head of Democracy and Legal	Head of Adult Services Health and Wellbeing
	6.11	Authority to sign certificates for H.M. Land Registration and registration of any land charges on behalf of the Council.	Head of Democracy and Legal	Head of Regulatory Services
	6.12	Authority to create orders under the Town Police Clauses Act 1847.	Head of Democracy and Legal	Head of Legal Services
	6.13	Authority to affix the Common Seal of the Council to documents following a valid decision by the Council, Cabinet, Committee,	Head of Democracy and Legal	Head of Legal Services

		Portfolio Leader or officer exercising delegated powers, and to authorise other officers to do likewise.		
	6.14	Authority to give certificates regarding the political duties of posts under section 3 of the Housing and Local Government Act 1989.	Head of Democracy and Legal	Head of Legal Services
	6.15	To act on reports from the Public Services Ombudsman for Wales under Section 21 of the Public Services Ombudsman (Wales) Act 2005.	Head of Democracy and Legal	Head of Legal Services
	6.16	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 Committee in the case of any payment in excess of £10,000).	Head of Democracy and Legal	Head of Legal Services
	6.17	To give an opinion as a qualified person under Section 36 of the Freedom of Information Act 2000.	Head of Democracy and Legal	Head of Legal Services
	6.18	To undertake reviews of freedom of information requests.	Head of Democracy and Legal	Head of Legal Services
	6.19	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.	Head of Democracy and Legal	Head of Legal Services