

PART 3

1. RESPONSIBILITY FOR FUNCTIONS

Introduction

Section 13 of the Local Government Act 2000 makes the Executive Board responsible for all the functions of the Council with the exception of those functions specified in the Local Authorities (Executive Arrangements)(Functions and Responsibilities)(Wales) Regulations 2007 as not being the responsibility of the Executive Board to some extent.

Schedule 1 to the Regulations lists those functions that must not be the responsibility of the Executive Board. Accordingly, these functions have been allocated to the Council as set out in **table 1** below. Some Council functions are delegated to Committees of the Council, the terms of reference and composition for which are set out in **table 3**.

Schedule 2 to the Regulations sets out those functions that may be (but need not be) the responsibility of the Executive Board. These functions (also known as “local choice” functions) are listed in **table 2** below, each function being allocated to either the Council or the Executive Board as indicated in the second column of the table.

Schedule 3 to the Regulations contains a list of those functions that cannot be the sole responsibility of the Executive Board. These functions relate to various corporate strategies and plans, responsibility for which is shared between the Council and the Executive Board, as set out in **paragraph 4.01 of Article 4 of Part 2 to the Constitution**.

Other functions that are commonly exercised solely by the Executive Board are set out in **table 4** but the list is not exhaustive and so if a function is not specifically listed in any of the tables then it will by default be the Executive Board that has responsibility for that function.

Council and/or Executive Board functions may be delegated to other decision-making bodies or officers and where applicable this is indicated in the right hand column of the relevant table. However, the Council and/or Executive Board still retain responsibility for the function even though it has been delegated.

Where functions are shown as being delegated to officers in any of the tables, the circumstances in which officers may exercise delegated functions are set out in the **Scheme of Delegation**, a copy of which is enclosed at the end of Part 3.

TABLE 1-COUNCIL FUNCTIONS

A. Functions Relating to Town & Country Planning & Development Control

Function	Provision of Act or Statutory instrument	Delegated to
1. Power to determine applications for planning permission	Sections 70(1) (a) and (b) and 72 of the Town and Country Planning Act 1990	Planning Committee. The Chief Executive or any relevant Director or Head of Service.
2. Power to determine applications to develop land without compliance with conditions previously attached	Section 73 of the Town and Country Planning Act 1990	Planning Committee. The Chief Executive or any relevant Director or Head of Service.
3. Power to grant planning	Section 73A of the Town	Planning Committee.

permission for development already carried out	and Country Planning Act 1990	The Chief Executive or any relevant Director or Head of Service.
4. Power to decline to determine applications for planning permission	Section 70A of the Town and Country Planning Act 1990	Planning Committee. The Chief Executive or any relevant Director or Head of Service.
5. Duties relating to the making of determinations of planning applications	Sections 69, 76 and 92 of the Town and Country Planning Act 1990 and Articles 8, 10 to 13, 15 to 22 and 25 and 26 of the Town and Country Planning (General Development Procedure) Order 1995 (S.I. 1995/419) and directions made there under	Planning Committee. The Chief Executive or any relevant Director or Head of Service.
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)	Planning Committee.
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)	Planning Committee. The Chief Executive or any relevant Director or Head of Service.
8. Power to enter into planning obligation, regulating development or use of land	Section 106 of the Town and Country Planning Act 1990	Planning Committee. The Chief Executive or any relevant Director or Head of Service.
9. Power to issue a certificate of existing or proposed lawful use or development	Sections 191(4) and 192(2) of the Town and Country Planning Act 1990	Planning Committee. The Chief Executive or any relevant Director or Head of Service.
10. Power to serve a completion notice	Section 94(2) of the Town and Country Planning Act 1990	Planning Committee. The Chief Executive or any relevant Director or Head of Service.
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	Planning Committee. The Chief Executive or any relevant Director or Head of Service.
12. Power to authorise entry onto land	Section 196A of the Town and Country Planning Act	The Chief Executive or any relevant Director or Head of

	1990	Service.
13. Power to require the discontinuance of a use of land	Section 102 of the Town and Country Planning Act 1990	Planning Committee. The Chief Executive or any relevant Director or Head of Service.
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	The Chief Executive or any relevant Director or Head of Service.
15. Power to issue an enforcement notice	Section 172 of the Town and Country Planning Act 1990	The Chief Executive or any relevant Director or Head of Service.
16. Power to apply for an injunction restraining a breach of planning control	Section 187B of the Town and Country Planning Act 1990	The Chief Executive or any relevant Director or Head of Service.
17. Power to determine applications for hazardous substances consent, and related powers	Sections 9(1) and 10 of the Planning (Hazardous Substances) Act 1990	Planning Committee The Chief Executive or any relevant Director or Head of Service.
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 and paragraph 6(5) of Schedule 14 to that Act	Planning Committee The Chief Executive or any relevant Director or Head of Service.
19. Power to require proper maintenance of land	Section 215(1) of the Town and Country Planning Act 1990	Planning Committee. The Chief Executive or any relevant Director or Head of Service.
20. power to determine applications for listed building consent, and related powers	Sections 16(1) and (2), 17 and 33(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990	Planning Committee The Chief Executive or any relevant Director or Head of Service.
21. Power to determine applications for conservation area consent	Section 16(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as applied by section 74(3) of that Act	Planning Committee. The Chief Executive or any relevant Director or Head of Service.
22. Duties relating to applications for listed building consent and	Section 13(1) of the Planning (Listed Buildings and Conservation Areas)	Planning Committee. The Chief Executive or any relevant Director or Head of

conservation area consent	Act 1990 and regulations 3 to 13 of the Planning (Listed Buildings and Conservation Areas) Regulations 1990 and paragraph 127 of the Welsh Office circular 61/96: Planning and the Historic Environment: Historic Buildings and Conservation Areas	Service.
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	The Chief Executive or any relevant Director or Head of Service.
24. Power to issue a listed building enforcement notice	Section 38 of the Planning (Listed Buildings and Conservation Areas) Act 1990	The Chief Executive or any relevant Director or Head of Service.
25. Powers to acquire a listed building in need of repair and to serve a repairs notice	Sections 47 and 48 of the Planning (Listed Buildings and Conservation Areas) Act 1990	Planning Committee. The Chief Executive or any relevant Director or Head of Service.
26. Power to apply for an injunction in relation to a listed building	Section 44A of the Planning (Listed Buildings and Conservation Areas) Act 1990	The Chief Executive or any relevant Director or Head of Service.
27. Power to execute urgent works	Section 54 of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990	The Chief Executive or any relevant Director or Head of Service.
28. Power related to mineral working	Schedule 9 of the Town and Country Planning Act 1990	Planning Committee. The Chief Executive or any relevant Director or Head of Service.
29. Power related to footpaths and bridleways	Section 257 of the Town and Country Planning Act 1990	Planning Committee. The Chief Executive or any relevant Director or Head of Service.
30. Power as to certification of appropriate alternative development	Section 17 of the Land Compensation Act 1961	Planning Committee. The Chief Executive or any relevant Director or Head of Service.
31. Duties in relation to purchase notices	Sections 137-144 of the Town and Country Planning Act 1990	The Chief Executive or any relevant Director or Head of Service.
32. Powers related to blight notices	Sections 149-171 of the Town and Country Planning Act 1990	The Chief Executive or any relevant Director or Head of Service.

B. Licensing & Registration Functions (in so far as not covered by any other paragraph in the remainder of Table 1).

Function	Provision of Act or Statutory Instrument	Delegated to
1. Power to issue licences authorising the use of land as a caravan site (“site licences”)	Section 3(3) of the Caravan Sites and Control of Development Act 1960	The Chief Executive or any relevant Director or Head of Service
2. Power to license the use of moveable dwellings and camping sites	Section 269(1) of the Public Health Act 1936	The Chief Executive or any relevant Director or Head of Service
3. Power to license hackney carriages and private hire vehicles	(a) as to hackney carriages, the Town Police Clauses Act 1847, as extended by Section 171 of the Public Health Act 1875 and section 15 of the Transport Act 1985; and sections 47, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976 (b) as to private hire vehicles, sections 48, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976	Licensing Committee. The Chief Executive or any relevant Director or Head of Service
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	Licensing Committee. The Chief Executive or any relevant Director or Head of Service
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	Licensing Committee. The Chief Executive or any relevant Director or Head of Service
6. Power to register pool promoters	Schedule 2 to the Betting, Gaming and Lotteries Act 1963	Licensing Committee. The Chief Executive or any relevant Director or Head of Service
7. Power to grant track betting licenses	Schedule 3 to the Betting, Gaming and Lotteries Act 1963	Licensing Committee. The Chief Executive or any relevant Director or Head of Service
8. Power to license inter-	Schedule 5ZA to the	Licensing Committee

track betting schemes.	Betting, Gaming and Lotteries Act 1963	
9. Power to grant permits in respect of premises with amusement machines	Schedule 9 to the Gaming Act 1968	Licensing Committee
10. Power to register societies wishing to promote lotteries	Schedule 1 to the Lotteries and Amusements Act 1976	Licensing Committee. The Chief Executive or any relevant Director or Head of Service
11. Power to grant permits in respect of premises where amusements with prizes are provided	Schedule 3 to the lotteries and Amusements Act 1976	Licensing Committee. The Chief Executive or any relevant Director or Head of Service
12. Power to issue entertainments licenses	Section 12 of the Children and Young Persons Act 1933	Now superseded by the Licensing Act 2003
13. Power to license sex shops and sex cinemas	Section 2 and Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982	Licensing Committee.
14. Power to license performances of hypnotism	The Hypnotism Act 1952	Licensing Committee. The Chief Executive or any relevant Director or Head of Service
15. Power to license premises for acupuncture, tattooing, ear piercing and electrolysis	Sections 13 to 17 of the Local Government (Miscellaneous Provisions) Act 1982	Licensing Committee. The Chief Executive or any relevant Director or Head of Service
16. Power to license pleasure boats and pleasure vessels	Section 94 of the Public Health Acts Amendment Act 1907	Licensing Committee. The Chief Executive or any relevant Director or Head of Service
17. Power to license market and street trading	Part III of, and Schedule 4 to, the Local Government (Miscellaneous Provisions) Act 1982	Licensing Committee. The Chief Executive or any relevant Director or Head of Service
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	The Chief Executive or any relevant Director or Head of Service
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; sections 2 to 16 of the Game Licences Act 1860, section 4 of the Customs and Inland Revenue Act 1883, and section 27 of the Local Government Act 1894, and section 213 of the Local Government Act 1972	The Chief Executive or any relevant Director or Head of Service

20. Power to register and license premises for the preparation of food	Section 19 of the Food Safety Act 1990	The Chief Executive or any relevant Director or Head of Service
21. Power to license scrap yards	Section 1 of the Scrap Metal Dealers Act 1964	The Chief Executive or any relevant Director or Head of Service
22. Power to issue, amend or replace safety certificates (whether general or special) for sports grounds	The Safety of Sports Grounds Act 1975	The Chief Executive or any relevant Director or Head of Service
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	The Chief Executive or any relevant Director or Head of Service
24. Duty to promote fire safety	Section 6 of the Fire and Rescue Services Act 2004	The Chief Executive or any relevant Director or Head of Service
25. Power to license premises for the breeding of dogs	Section 1 of the Breeding of Dogs Act 1973 and section 1 of the Breeding and Sale of Dogs (Welfare) Act 1999	The Chief Executive or any relevant Director or Head of Service
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; section 1 of the Animal Boarding Establishments Act 1963; the Riding Establishments Acts 1964 and 1970; section 1 of the Breeding of Dogs Act 1973, and sections 1 and 8 of the Breeding and Sale of Dogs (Welfare) Act 1999	The Chief Executive or any relevant Director or Head of Service
27. Power to register animal trainers and exhibitors	Section 1 of the Performing Animals (Regulation) Act 1925	The Chief Executive or any relevant Director or Head of Service
28. Power to license zoos	Section 1 of the Zoo Licensing Act 1981	The Chief Executive or any relevant Director or Head of Service
29. Power to license dangerous wild animals	Section 1 of the Dangerous Wild Animals Act 1976	The Chief Executive or any relevant Director or Head of Service
30. Power to enforce regulations in relation to animal by-products	Regulation 49 of the Animal By-products (Wales) Regulations 2006	The Chief Executive or any relevant Director or Head of Service
31. Power to license the employment of children	Part II of the Children and Young Persons Act 1933, byelaws made under that	The Chief Executive or any relevant Director or Head of Service

	Part, and Part II of the Children and Young Persons Act 1963	
32. Power to approve premises for the solemnisation of marriages and the registration of civil partnerships	Section 46A of the Marriage Act 1949, section 6A of the Civil Partnership Act 2004 and the Marriages and Civil Partnerships (Approved Premises) Regulations 2005 (S.I. 2005/3168)	The Chief Executive or any relevant Director or Head of Service
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: (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 or (b) an order under section 147 of the Inclosure Act 1845	Regulation 6 of the Commons Registration (New Land) Regulations 1969 (S.I. 1969/1843)	Head of Administration and Law to consider and determine on their legal merits applications for the registration of Common Land and Village Greens brought under the Commons Registration Act 1965 including the appointment of an inspector and the holding of a public inquiry when advised to do so by Counsel and where such an enquiry is held, to implement the recommendations contained in the Inspector's report.
34. Power to register variation of rights of common	Regulation 29 of the Commons Registration (General) Regulations 1966 (S.I. 1966/1471)	The Chief Executive or any relevant Director or Head of Service
35. Power to issue a permit to conduct charitable collections	Section 68 of the Charities Act 1992	Licensing Committee. The Chief Executive or any relevant Director or Head of Service
36. Power to grant consent for the operation of a loudspeaker	Schedule 2 to the Noise and Statutory Nuisance Act 1993	The Chief Executive or any relevant Director or Head of Service
37. Power to grant a street works licence	Section 50 of the New Roads and Street Works Act 1991	The Chief Executive or any relevant Director or Head of Service
38. Duty to register the movement of pigs	Regulations 21(3) and (4) of the Pigs (Records Identification and Movement) (Wales) Order 2004 (S.I. 2004/996)	The Chief Executive or any relevant Director or Head of Service
39. Power to enforce	Regulation 27 (1) of the	The Chief Executive or

regulations in relation to the movement of pigs	Pigs (Records, Identification and Movement) (Wales) Order 2004/996	any relevant Director or Head of Service
40. Power to issue a licence to move cattle from a market	Article 5(2) of the Cattle Identification Regulations 1998 (S.I. 1998/871)	The Chief Executive or any relevant Director or Head of Service
41. Power to sanction use of parts of buildings for storage of celluloid	Section 1 of the Celluloid and Cinematograph Film Act 1922	The Chief Executive or any relevant Director or Head of Service
42. Duty to enforce and execute Regulations (EC) No. 852/2004 and 853/2004 in relation to food business operators as further specified in the regulation 5 of the Food (Hygiene) (Wales) Regulations 2006	Regulation 5 of the Food (Hygiene) (Wales) Regulations 2006	The Chief Executive or any relevant Director or Head of Service
43. Functions in respect of establishing a Licensing Committee	Section 6 of the Licensing Act 2003	Council

C. Functions Relating to Health and Safety at Work

Function	Provision of Act or Statutory Instrument	Delegated to
1. 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	The Chief Executive or any relevant Director or Head of Service

D. Functions relating to elections

Function	Provision of Act or Statutory Instrument	Delegated to
1. Duty to appoint an electoral registration	Section 8(2A) of the Representation of the	The Chief Executive or any relevant Director or

officer	People Act 1983	Head of Service
2. power to assign officers in relation to requisitions of the registration officer	Section 52(4) of the Representation of the People Act 1983	The Chief Executive or any relevant Director or Head of Service
3. Power to dissolve community councils	Section 28 of the Local Government Act 1972	Council.
4. Power to make orders for grouping communities	Section 29 of the Local Government Act 1972	Council.
5. Power to make orders for dissolving groups and separating community councils from groups	Section 29A of the Local Government Act 1972	Council.
6. Duty to appoint returning officer for local government elections	Section 35 of the Representation of the People Act 1983	Council.
7. Duty to provide assistance at European Parliamentary elections	Section 6(7) and (8) of the European Parliamentary Elections Act 2002	The Chief Executive or any relevant Director or Head of Service
8. Duty to divide constituency into polling districts	Section 18 of the Representation of the People Act 1983	Council.
9. Power to divide electoral divisions into polling districts at local government elections	Section 31 of the Representation of the People Act 1983	Council.
10. Powers in respect of holding of elections	Section 39(4) of the Representation of the People Act 1983	The Chief Executive or any relevant Director or Head of Service
11. Power to pay expenses properly incurred by electoral registration officers	Section 54 of the Representation of the People Act 1983	The Chief Executive or any relevant Director or Head of Service
12. Power to fill vacancies in the event of insufficient nominations	Section 21 of the Representation of the People Act 1985	The Chief Executive or any relevant Director or Head of Service
13. Duty to declare vacancy in office in certain cases	Section 86 of the Local Government Act 1972	The Chief Executive or any relevant Director or Head of Service
14. Duty to give public notice of a casual vacancy	Section 87 of the Local Government Act 1972	The Chief Executive or any relevant Director or Head of Service
15. Power to make temporary appointments to community councils	Section 91 of the Local Government Act 1972	The Chief Executive or any relevant Director or Head of Service
16. Power to determine fees and conditions for supply of copies of, or extracts from, elections documents	Rule 48(3) of the Local Elections (Principal Areas) Rules 1986 (S.I. 1986/2214) and rule 48(3) of the Local Elections (Parishes and	The Chief Executive or any relevant Director or Head of Service

	Communities) Rules 1986 (S.I. 1986/2215)	
17. Power to submit proposals to the Secretary of State for an order under section 10 (pilot schemes for local elections in England and Wales) of the Representation of the People Act 2000	Section 10 of the Representation of the People Act 2000	Council. The Chief Executive or any relevant Director or Head of Service
18. Miscellaneous electoral functions under Part II (S.I. 2003/284)	The National Assembly for Wales (Representation of the People) Order 2003 (S.I. 2003/284)	The Chief Executive or any relevant Director or Head of Service

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

Function	Provision of Act or Statutory Instrument	Delegated to
1. Power to change the name of a county or county borough	Section 74 of the Local Government Act 1972	Council.
2. Power to change the name of a community	Section 76 of the Local Government Act 1972	Council.
3. Power to confer title of honorary alderman or to admit to be an honorary freeman	Section 249 of the Local Government Act 1972	Council.
4. Power to petition for a charter to confer county borough status	Section 245A of the Local Government Act 1972	Council.

F. Power to make, amend, revoke or re-enact byelaws

Function	Provision of Act or Statutory Instrument	Delegated to
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	Council.

G. Power to promote or oppose local or personal bills

Function	Provision of Act or Statutory Instrument	Delegated to
Power to promote or oppose local or personal bills	Section 239 of the Local Government Act 1972	Council.

H. Functions relating to pensions etc

Function	Provision of Act or Statutory Instrument	Delegated to
1. Functions relating to local government pensions etc	Regulations under section 7, 12 or 24 of the Superannuation Act 1972	Council. The Chief Executive or any relevant Director or Head of Service
2. Functions relating to pensions, allowances and gratuities	Regulations under section 18 (3A) of the Local Government and Housing Act 1989	Council. The Chief Executive or any relevant Director or Head of Service
3. Functions under existing pension schemes as respects persons employed by the fire and rescue authorities pursuant to section 1 of the Fire and Rescue Services Act 2004	Sections 34 and 36 of the Fire and Rescue Services Act 2004	Council. The Chief Executive or any relevant Director or Head of Service

I. Miscellaneous functions

Function	Provision of Act or Statutory Instrument	Delegated to
1. Duty to approve authority's statement of accounts, income and expenditure and balance sheet or record of receipts and payments (as the case may be)	The Accounts and Audit (Wales) Regulations 2005	Audit Committee.

2. Functions relating to sea fisheries	Sections 1, 2, 10 and 19 of the Sea Fisheries Regulation Act 1966	The Chief Executive or any relevant Director or Head of Service
3. Powers relating to the preservation of trees	Sections 197 to 214D of the Town and Country Planning Act 1990 and the Town and Country Planning (Trees) Regulations 1999 (S.I. 1999/1892)	The Chief Executive or any relevant Director or Head of Service.
4. Powers relating to the protection of important hedgerows	The Hedgerows Regulations 1997 (S.I. 1997/1160)	The Chief Executive or any relevant Director or Head of Service.
5. Power to make standing orders	Section 106 of, and paragraph 42 of Schedule 12 to, the Local Government Act 1972	The Council
6. Appointment and dismissal of staff	Section 112 of the Local Government Act 1972 and sections 7 and 8 of the Local Government and Housing Act 1989	See table 3 below and the Officer Employment Procedure Rules
7. Power to make standing orders as to contracts	Section 135 of the Local Government Act 1972	Audit Committee
8. Power to consider report from the Public Services Ombudsman for Wales	Section 19 of the Public Services Ombudsman (Wales) Act 2005	Council
9. Power to make an order identifying a place as a designated public place for the purposes of police powers in relation to alcohol consumption	Section 13(2) of the Criminal Justice and Police Act 2001	Licensing Committee
10. Powers in respect of registration of motor salvage operators	Part 1 of the Vehicles (Crime) Act 2001	Licensing Committee. The Chief Executive or any relevant Director or Head of Service
11. Power to appoint officers for particular purposes (appointment of “proper officers”)	Section 270(3) of the Local Government Act 1972	Council
12. Duty to designate an officer as the head of the authority’s paid service, and to provide staff etc	Section 4(1) of the Local Government and Housing Act 1989	Council

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	Council
14. Duty to determine affordable borrowing limit	Section 3 of the Local Government Act 2003	Council.
15. Approval of annual investment strategy in accordance with guidance	Section 15 of the Local Government Act 2003	Council.
16. Duty to make arrangements for proper administration of financial affairs	Section 151 of the Local Government Act 1972	Director of Resources.

TABLE 2-LOCAL CHOICE FUNCTIONS

Function	Decision making body	Delegated to
1. Any function under a local Act other than a function specified or referred to in Table 1 above	The Council	The Chief Executive or any relevant Director or Head of Service
2. The determination of an appeal against any decision made by or on behalf of the authority. (a) any matter set out in table 3 (b) any other matter	The Council The Executive Board	Appeals Committee The Chief Executive or any relevant Director or Head of Service
3. Functions in relation to the revision of decisions made in connection with claims for housing benefit or council tax benefit and for appeals against such decisions under section 68 of and schedule 7 to the Child Support , Pensions and Social Security Act 2000	The Council	The Chief Executive or any relevant Director or Head of Service
4. The making of arrangements in relation to appeals against the exclusion of pupils in maintained schools under Section 52 of the Education Act 2002	The Council	The Chief Executive or any relevant Director or Head of Service (Note:- this includes the appointment of an independent education appeals panel)
5. The making of arrangements pursuant to section 94(1), (1A) and (4) of, and Schedule 24 to, the School Standards and Framework Act 1998 (admission appeals).	The Council	The Chief Executive or any relevant Director or Head of Service (Note:- this includes the appointment of an independent education appeals panel)
6. The making of arrangements pursuant to section 95(2) of the School Standards and Framework Act 1998 (children to whom section 87 applies: Appeals by governing bodies).	The Council	The Chief Executive or any relevant Director or Head of Service (Note:- this includes the appointment of an independent education appeals panel)

Function	Decision making body	Delegated to
7. The making of arrangements under section 20 (questions on police matters at council meetings) of the Police Act 1996 for enabling questions to be put on the discharge of the functions of a police authority.	The Council	
8. The making of appointments under paragraphs 2 to 4 (appointment of members by relevant councils) of Schedule 2 (police authorities established under section 3) to the Police Act 1996.	The Council	
9. The conducting of best value reviews in accordance with the provisions of any order for the time being having effect under section 5 (best value reviews) of the Local Government Act 1999.	The Executive Board and the relevant Scrutiny Committee.	The Chief Executive or any relevant Director or Head of Service, after consultation with the Leader or the appropriate Executive Board Member(s)
10. Any function relating to contaminated land.	The Council	The Chief Executive or any relevant Director or Head of Service
11. The discharge of any function relating to the control of pollution or the management of air quality	The Council	The Chief Executive or any relevant Director or Head of Service
12. The service of an abatement notice in respect of a statutory nuisance	The Council	The Chief Executive or any relevant Director or Head of Service
13. The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the authority's area.	The Council	The Chief Executive or any relevant Director or Head of Service
14. The inspection of the authority's area to detect any statutory nuisance.	The Council	The Chief Executive or any relevant Director or Head of Service
15. The investigation of any complaint as to the existence of a statutory nuisance.	The Council	The Chief Executive or any relevant Director or Head of Service

Function	Decision making body	Delegated to
16. The obtaining of information under section 330 of the Town and Country Planning Act 1990 as to interests in land	The Council	The Chief Executive or any relevant Director or Head of Service
17. The obtaining of particulars of persons interested in land under section 16 of the Local Government (Miscellaneous Provisions) Act 1976.	The Council	The Chief Executive or any relevant Director or Head of Service
18. The making of agreements for the execution of highways works.	The Council	The Chief Executive or any relevant Director or Head of Service
19. The appointment of any individual:- (a) to any office other than an office in which he is employed by the authority; (b) to any body other than:- (i) the authority; (ii) a joint committee of two or more authorities; or (c) to any committee or sub-committee of such a body, and the revocation of any such appointment.	The Council	Member Appointment Committee
20. Power to make payments or provide other benefits in cases of maladministration etc.	The Council	The Chief Executive or any relevant Director or Head of Service
21. The discharge of any function by an authority acting as a harbour authority.	The Council	The Chief Executive or any relevant Director or Head of Service
22. Functions in respect of the calculation of council tax base in accordance with any of the following: (a) The determination of an item for T in section 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 paragraph (a) or (b) above	Executive Board	

Function	Decision making body	Delegated to
<p>23. Licensing functions in accordance with Part 2 of the Licensing Act 2003 except section 6</p>	<p>The Council</p>	<p>1. Any application; (a) for personal licence (b) to vary designated premises supervisor (c) for transfer of premises licence (d) for interim authorities (e) by community premises to remove the mandatory condition requiring a designated premises supervisor:-</p> <p>If police objection then Licensing Sub-committee. Otherwise the Chief Executive or any relevant Director or Head of service.</p> <p>2. In cases involving; (a) application for personal licence with unspent convictions (b) application to review premises licence/club premises certificate (b) decision to object when the Council is a consultee and not the relevant authority considering the application (c) determination of a Police objection to a temporary event notice:-</p> <p>Licensing sub-Committee.</p> <p>3 Any application; (a) for premises licence/club premises certificate (b) for provisional statement (c) to vary premises licence/club premises certificate;-</p>

Function	Decision making body	Delegated to
		<p>If relevant representation is made then Licensing Sub-committee. Otherwise the Chief Executive or any relevant Director or Head of Service.</p> <p>4 In cases involving a: (a) request to be removed as Designated Premises Supervisor (b) decision on whether a complaint is irrelevant frivolous vexatious etc:-</p> <p>The Chief Executive or any relevant Director or Head of Service.</p> <p>5 Application for a minor variation:-</p> <p>The Chief Executive or any relevant Director or Head of Service</p>
<p>24. Functions in respect of gambling in accordance with any of the following:</p> <ul style="list-style-type: none"> (a) a resolution not to issue casino licences in accordance with section 166 of the Gambling Act 2005 (b) Prescribing of fees in accordance with Section 212 of the Gambling Act 2005. (c) Making an order disapplying Section 279 or Section 282 (1) of the Gambling Act 2005 in accordance with Section 284 of the Gambling Act 2005. (d) Authorised persons in accordance with Section 304 of the Gambling Act 2005. (e) Prosecutions by a licensing authority in accordance with Section 346 of the Gambling Act 2005. (f) 3-year licensing policy in accordance with Section 349 of the Gambling Act 	<p>The Council</p>	<p>Licensing Committee. The Chief Executive or any relevant Director or Head of Service</p>

Function	Decision making body	Delegated to
2005.		

TABLE 3-COMMITTEES OF THE COUNCIL

Committee	Functions	Delegation of Functions
Planning Committee	<p>Planning and conservation. Functions relating to town and country planning and development control as specified in part A of table 1 above, together with functions under items 3 and 4 of part I of table 1.</p> <p>Matters relating to Public Rights of Way as set out in table 1 and non-executive highways functions and functions relating to trees, hedgerows and pavements.</p> <p>To determine “departure applications”</p>	All matters other than those relating to the Unitary Development Plan
Licensing Committee	<p>All those functions specified as such in table 1 (parts B and I) and table 2 above.</p> <p>To recommend to the Council additions and/or amendments to policy in relation to the functions of the Committee.</p> <p>To determine applications for the initial granting or renewal of licences to drive a hackney carriage or a private hire vehicle. To determine applications for the initial grant or renewal of operators licences. To determine applications and requests for licence reviews under the Licensing Act 2003 and the Gambling Act 2005. To determine applications for permits for house to house and street collections. To suspend, vary, revoke or refuse house to house, street collections, drivers, operators and vehicle licences.</p>	All matters other than policy matters.

	<p>To determine contentious applications under the Motor Salvage Operators' Registration Scheme.</p> <p>Licensing Sub Committee to determine applications for the grant of 3 or more gaming machines on alcohol licensed premises, or applications which are subject to objection, under section 34 of the Gaming Act 1968..</p>	
Standards Committee	As set out in Article 9 of Part 2 to the Constitution	

Committee	Functions	Delegation of Functions
Audit Committee	<p>The Audit Committee will be responsible for a key oversight role in relation to the Authority's approach to Corporate Governance, in particular, those aspects relating to Internal Control and Risk Management.</p> <p>The Committee shall exercise the following functions, and make recommendations where appropriate:</p> <p>1. INTERNAL AUDIT & RISK MANAGEMENT</p> <p>Monitor the adequacy and effectiveness of Internal Audit and Risk Management and the extent to which Management fulfil their responsibilities for ensuring an adequate control environment exists throughout the Organisation:</p> <p>Approve the Authority's Audit Charter which establishes the role and responsibilities of Internal Audit within the Authority.</p> <p>Receive an Annual Internal Audit Plan from the Head of Audit & Risk Management.</p> <p>Monitor progress against the Plan through the receipt of periodic progress reports and receive updates in relation to amendments to the Plan as may become necessary during the Audit Year.</p>	

Committee	Functions	Delegation of Functions
<p>Audit Committee (contd.)</p>	<p>Receive an Annual Internal Audit Report from the Head of Audit & Risk Management at the end of the Audit Year.</p> <p>Receive and consider major Internal Audit findings and recommendations.</p> <p>To receive reports from the Minutes of the Authority's Risk Management Steering Group and receive reports in relation to significant risks identifying significant control failings or weaknesses, their potential or real impact and the corrective action required or being taken.</p> <p>Monitor Management's response to major findings and the implementation of key recommendations.</p> <p>2. EXTERNAL AUDIT</p> <p>Monitor the adequacy and effectiveness of the External Audit service and respond to its findings and to:</p> <p>Discuss with External Auditor the nature and scope of the audit of the County Council services and functions , and consider the external audit fee and terms of engagement</p> <p>Receive and consider External Audit Reports and Management Letters and advise Full Council as appropriate.</p> <p>Monitor Management's response to the External Auditor's findings and the implementation of the External Auditor's recommendations.</p> <p>3. Annual Statement of Accounts</p> <p>Approve the County Council's Annual Statement of Accounts and any supplementary statements as required by the Accounts and Audit (Wales) Regulations e.g. Statement of Internal Control/Annual Governance Statement.</p> <p>To authorise the Chairperson to sign and date the Annual Statement of Accounts.</p>	

Committee	Functions	Delegation of Functions
Audit Committee (contd.)	<p>4. Dyfed Pension Fund Annual Statement of Accounts</p> <p>Approve Dyfed Pension Fund's Annual Statement of Accounts.</p> <p>5. Financial Procedure Rules To consider and approve amendments to the Financial Procedure Rules.(C.C. 14/05/03)</p> <p>6. Non Voting member</p> <p>To interview applicants for the position of non voting member of the committee and to recommend an appointment to the County Council</p> <p>7. Contract Procedure Rules To review and approve amendments to the Contract Procedure Rules.</p>	
<u>Appointments Committee "A" for Directors</u>	<p>In relation to item 6 of part I of table 1 above:-</p> <p>(a)To make recommendations to the County Council in respect of the appointment of the Head of Paid Service.</p> <p>(b)To appoint Directors.</p>	
<u>Appointments Committee "B" for Heads Of Service</u>	<p>In relation to item 6 of part I of table 1 above:-</p> <p>To appoint Heads of Service.</p>	<p>All appointments below Head of Service level are to be dealt with in accordance with the Officer Employment Procedure Rules.</p>

Committee	Functions	Delegation of Functions
Appeals Committee	To determine appeals by members of staff in respect of disciplinary matters which have led to dismissal, save for any dismissal relating to the Chief Executive, any Director or Head of Service. Education School Transport appeals and Appeals relating to student awards.	
Housing Review Panel	To determine Introductory Tenancy Reviews and demoted tenancy reviews (excluding rent arrears). 5 Members and 3 permanent substitutes, one from each political group	
Investment Panel	With regard to the Dyfed Pension Fund to review the performance of the fund, decide on the strategic direction of all matters relating to the investment of the fund and monitor all aspects of the investment function. <i>To determine on Administering Pension Fund Authority matters.</i>	
Members' Appointments Committee	To consider the appointment of members to serve on outside bodies and for the purpose of joint arrangements including the West Wales Joint Crematorium Committee.	
Investigation Committee "A" For Directors	In relation to item 6 of part I of table 1 above:- To investigate matters relating to the conduct of JNC officers in accordance with agreed JNC procedures and to determine action to be taken.	
Investigation Committee "B" For Heads Of Service	In relation to item 6 of part I of table 1 above:- To investigate matters relating to the conduct of JNC officers in accordance with agreed JNC procedures and to determine action to be taken.	

Footnote: Where a Committee is appointing or dismissing officers on behalf of the Council then the Local Authorities (Standing Orders)(Wales) Regulations 2006 require that at least one member of the Committee is an Executive Board Member. However, not more than half of the members of the Committee may be Executive Board members.

TABLE 4-EXECUTIVE BOARD FUNCTIONS

Executive Board functions comprise all the functions of the Council, with the exception of;

1. Council functions set out in table 1 above
2. Those local choice functions allocated to the Council set out in table 2 above
3. Functions that cannot be the sole responsibility of the Executive Board as set out in article 4.01 of part 2 of the Constitution
4. Potential decisions that conflict with;
 - the Council’s budget or borrowing plans
 - financial regulations or financial standing orders
 - the Council’s overall strategy or policy framework
 and in such cases the Executive Board must pass the decision to the Council for final determination.

Function	Delegated to
<p>(a) The corporate Governance and Resources function</p> <ul style="list-style-type: none"> • Proper financial planning budgeting and control • Control of the Authority's resources • Land and Property management • Information Technology Services • Personnel Services • Financial Services • Electoral Registration • Legal Services • Audit Services • Procurement Services • Democratic Services • Emergency Planning • Registrars of Births, Deaths & Marriages • Property Services • Calculation of the Council Tax Base • covert surveillance, freedom of information and data protection 	<p>The Chief Executive or any relevant Director or Head of Service.</p>
<p>(b) The Personnel function All aspects of the Council's functions as an employer including the oversight of recruitment, grievances, terms and conditions of employment, conduct and discipline, structural review and the consequences thereof.</p>	<p>The Chief Executive or any relevant Director or Head of Service.</p>
<p>(c) The Social Care Health and Housing function</p> <ul style="list-style-type: none"> • Strategic issues in relation to the provision of adult-services Commissioning for Social Services • All client care services in residential settings (including accommodation services) • Meals on wheels 	<p>The Chief Executive or any relevant Director or Head of Service.</p>

Function	Delegated to
<ul style="list-style-type: none"> • All client care services in home settings • All client care providing in day care settings • Hospital resettlement programme • Private Housing Enforcement (including the HMO's, clearance, compulsory purchase orders, renewal areas and all types of renovation grants) • Housing Agency Service • Landlord Services, Housing Technical Services and Strategy and Resources 	
<p>(d) The Education & Children's Services function</p> <ul style="list-style-type: none"> • Children's social services • Early years services • Education psychology, education welfare, behavioural support and managing pupil exclusions • The discharge of the Council's obligations as Local Education Authority under statute • The implementation of the School Standards and Framework Act 1998 • Local Management of Schools and Fair Funding • Governor support and training • Schools data support • Forward Planning re. school places, home-school transport, school admissions • Modernisation of Education Provision • School improvement • Youth Offending & Prevention Service • Youth Support Services • Adult & Community Learning • Student awards • School catering & cleaning • Public Libraries and Schools Library service • Museums • Planning and Partnerships for children & Young People, including the Children & Young People's Partnership and the Local Safeguarding Children Board 	<p>The Chief Executive or any relevant Director or Head of Service.</p>
<p>(e) The Environmental Health, Trading Standards and Housing function</p> <ul style="list-style-type: none"> • Pollution Control (including noise, litter and illicit tipping, air and water quality, contaminated land) • Public Health (including infectious diseases, statutory nuisance, sewer/drains, health promotion/education) • Trading Standards Enforcement • Food Safety Enforcement • Health and Safety Enforcement of commercial premises • Corporate Health and Safety including liaison with the Health and 	<p>The Chief Executive or any relevant Director or Head of Service.</p>

Function	Delegated to
<p>Safety Executive</p> <ul style="list-style-type: none"> • Community Safety • Pest Control, Dog Warden, Animal Trespassing Services • Animal Health and Welfare Enforcement • Licensing 	
<p>(f) The Transportation function</p> <ul style="list-style-type: none"> • Highways Maintenance, to include powers to:- permit the deposit of builders skips on the highway; license the planting, retention and maintenance of trees etc. in part of the highway; license works in relation to buildings etc. which obstruct the highway; consent to temporary deposits or evacuations in streets; dispense with obligation to erect a hoarding or fence; restrict the placing of rails, beams etc. over highways; consent to the construction of cellars etc. under streets; consent to the making of openings into cellars and pavement lights and ventilators and to remove things so deposited on highways as to be a nuisance. Also, the duty to assert and protect the rights of the public to use and enjoyment of highways. • Transportation Planning and Improvements • Engineering Services • Public Transport • Land Reclamation • Land Drainage • Road Safety Education and Training (including Gwent Consultancy) • Welsh Water Contract • Public Services including refuse collection, disposal, street cleaning, community skips, public conveniences, cemeteries • Stopping up orders under the planning Acts 	<p>The Chief Executive or any relevant Director or Head of Service.</p>
<p>(g) The Best Value Community Planning & Business function</p> <ul style="list-style-type: none"> • The development of a Best Value programme across the Authority in accordance with the provisions of the Local Government Act 1999 • The development and implementation of the Council's Corporate Plan and corporate themes and the development and co-ordination through a multi-agency approach of community planning of the delivery of services to achieve the Council's strategic objectives <p>The administration of the Cabinet's business programme in consultation with the Cabinet Secretary</p>	<p>The Chief Executive or any relevant Director or Head of Service.</p>
<p>(h) The Regeneration and Leisure function</p> <ul style="list-style-type: none"> • Economic and Community Development • Tourism • Inward Investment • Business development • The maximisation of funding opportunities from external funding 	<p>The Chief Executive or any relevant Director or Head of Service.</p>

Function	Delegated to
<p>including funding from European and domestic sources.</p> <ul style="list-style-type: none"> • Planning - Development Services and Building Control • Planning - Urban Renewal • Planning - Countryside and Landscape Conservation Services, including the determination of public rights of way issues arising under the Wildlife and Countryside Act 1981 and the Highways Act 1980. 	
(i) The power to enter into joint or delegated function arrangements with one or more other authorities or bodies as permitted by law from time to time and to delegate executive functions.	The Chief Executive or any relevant Director or Head of Service.
(j) Any executive functions not allocated in accordance with the executive arrangements of the Council. Section 15(4) Local Government Act 2000	The Leader
(k) The power to set up committees of the Executive Board for any purpose and to delegate to that committee such power or powers as may be appropriate.	
(l) Emergency action where this is necessary to protect the Council's interests.	The Chief Executive or any relevant Director or Head of Service.
(m) Approval of nominations to represent the Authority on the Carmarthenshire Local Health Board.	