

## Council Constitution, Part 3.1 - Responsibility for Functions (Introduction - Scheme of Delegation)

### Contents

1. [Form and Composition of the Executive Arrangements](#)
2. ~~[Executive Support Members](#)~~ ~~[Assistants to Cabinet](#)~~
3. [Exercise of Council Functions](#)
4. [Responsibility for and Delegation of Cabinet Functions](#)
5. [Sub-delegation of Executive Functions](#)
6. [Limit on Exercise of Executive Functions](#)
7. [Council Delegations](#)
8. [Functions Relating to Town & Council Planning & Development Control](#)
9. [Licensing & Registration Functions \(in so far as not covered by any other paragraph of this Schedule\)](#)
10. [Functions Relating to Health & Safety at Work](#)
11. [Functions Relating to Elections](#)
12. [Functions Relating to Name & Status of Area & Individuals](#)
13. [Power to Make, Amend, Revoke or Re-enact Byelaws](#)
14. [Power to Promote or Oppose Local or Personal Bills](#)
15. [Functions Relating to Pensions etc](#)
16. [Miscellaneous Functions](#)
17. [Local Choice Functions](#)
18. [Other Delegations by Council](#)
19. [Clarification of Planning Delegations](#)
20. [Enforcement Matters](#)
21. [Public Rights of Way Matters](#)

### 1 Form and Composition of the Executive Arrangements

- 1 The Council operates a Leader and Cabinet Executive Model. In this Council the Executive is referred to as the Cabinet. The following is a summary of the Executive arrangements. The proceedings for Cabinet which include appointment of the Leader and Cabinet are set out in in [Article 7](#) and the [Cabinet Procedure Rules](#).
- 2 ~~The~~ ~~Cabinet~~ consists of the Leader of the Council (the “Leader”) and nine other Councillors appointed to the Cabinet by the Leader.   
~~Subject to a job sharing arrangement as outlined in Part 4.4 of the Constitution~~
- 3 The Leader will appoint a Deputy Leader who will act as Leader in the Leader’s absence and may also if s/he thinks fit remove the Deputy Leader from office at any time. In these circumstances the Leader shall inform the Monitoring Officer immediately. The Deputy Leader may exercise all of the functions of the Leader where the position is vacant or where the Leader is absent or otherwise unable to act.

↑

## 2 Executive Support Members

- 1 ~~As Executive Support Members these members will also be Chair of the relevant Policy Development Committee (PDC's) (subject to the PDC itself electing them as Chair). Subject to the limitations set out below, these members may also be referred to as Deputy Cabinet Members.~~
- 2 ~~Executive Support Members will not be a member of the Cabinet and will not participate in Executive Decision-making, but may work closely with a Cabinet Member and to a portfolio set for them by the Leader or Cabinet Member.~~
- 3 ~~S/he will not take part in any Scrutiny activity in relation to the specific responsibilities of the Cabinet Member s/he is assisting or any other areas to which they are assigned.~~
- 4 ~~An Executive Support Member may support the Cabinet Member through the delegation of tasks as agreed for his/her area of responsibility, including:~~
  - a) ~~attending/chairing meetings~~
  - b) ~~speaking/opening events~~
  - c) ~~reading and commenting on papers~~
  - d) ~~meeting Officers~~
  - e) ~~agreeing press releases./comments and carrying out interviews~~
  - f) ~~representing the Council on appropriate groups~~
  - g) ~~introducing reports as subject matter experts in Cabinet meetings~~
  - h) ~~attendance at Scrutiny meetings to provide subject matter expertise relating to their area of responsibility~~
- 5 ~~An Executive Support Member will not have delegated powers and ultimate responsibility will remain with the Cabinet Member.~~
- 6 ~~Executive Support Members will not be entitled to speak to a report or take part in a debate at Cabinet meetings but may be invited by the Leader to provide subject matter expertise in relation to a policy or the specific responsibilities of the Cabinet Member s/he is assisting or any other areas to which they are assigned.~~
- 7 ~~Executive Support Members will not be entitled to vote at Cabinet meetings or Cabinet Committee meetings nor deputise for the Cabinet Member when the Cabinet Member is called to appear at Scrutiny Committee though there is nothing preventing the Executive Support Member attending Scrutiny in their own right to provide evidence relating to the work they are undertaking subject to the principle that the Cabinet Member will always retain ultimate responsibility.~~

### 3 Exercise of Council Functions

- 1 The Cabinet is appointed to carry out all of the Council's functions which are not the responsibility of any other part of the Council, whether by Law or under this Constitution.
- 2 The exercise of all Executive functions shall be and shall be deemed to be exercised on behalf of and in the name of the Council of the City and County of Swansea.
- 3 There are certain functions which may only be carried out by Council and which are stipulated in the Local Authorities Executive Arrangements (Functions and Responsibilities) (Wales) Regulations 2007 (as amended). These, together with a record of who has delegated authority to deal with them are set out in the tables below.
- 4 There are also functions informally called Local Choice Functions which Cabinet may opt to discharge itself or may ask another part of the Council to carry out. The Local Choice Functions and any associated delegations are set out below.
- 5 There are also certain plans and strategies which are not to be the sole responsibility of Cabinet and these are contained in [Article 4](#) of this Constitution.



## 4 Responsibility for and Delegation of Cabinet Functions

- 1 The Leader may exercise Executive Functions himself/herself or may otherwise make arrangements to delegate responsibility for their discharge. The Leader may delegate Executive Functions to:
  - a) The Cabinet as a whole;
  - b) A Committee of the Cabinet (comprising executive Members only);
  - c) An individual Cabinet Member;
  - d) A joint committee;
  - e) Another local authority or the executive of another local authority;
  - f) Delegated Officers identified in [Article 12](#) and [Part 7](#) of this Constitution
- 2 The exercise of all delegated authority for functions shall include doing anything which is necessarily incidental to the exercise of that function unless they are expressly limited.
- 3 The Leader will determine the portfolios of individual Members of the Cabinet. Individual Cabinet Members are authorised to exercise functions in relation to their portfolio subject to limitations. The current portfolios are set out in the Terms of Reference below.
- 4 The Leader has powers under s.15(4) of the Local Government Act 2000 to discharge personally or to arrange for discharge under others' delegated powers any Executive functions not covered by the Scheme of Delegations for the time being.
- 5 The Leader has authority to appoint representatives of the Council onto outside bodies where those outside bodies relate to Executive Functions of the Council. This is subject to the provisions of the Local Government and Housing Act 1989 (Duty to allocate seats to political groups).
- 6 The right to revoke the delegation of Executive functions in whole, in part or on terms is reserved to the Leader.

[↑](#)

## 5 Sub-delegation of Executive Functions

- 1 Where the Cabinet, a Committee of the Cabinet or an individual Member of the Cabinet is responsible for an Executive Function, they may delegate further to joint arrangements or an Officer.
- 2 Unless the Leader directs otherwise, a Committee of the Cabinet to whom functions have been delegated by the Leader or Cabinet may delegate further to an Officer.
- 3 Where Executive Functions have been delegated, that fact does not prevent the discharge of delegated functions by the person or body who delegated.

[↑](#)

## 6 Limit on Exercise of Executive Functions

### 1 Individual Cabinet Members

Where any delegated power is allocated to an individual Cabinet Member and that Member is absent or otherwise unable to act the power is allocated to the Leader and in the Leader's absence to the Deputy Leader.

- a) Any delegated power includes the authority to undertake any action incidental to the application of the delegated power.
- b) Subject to the following prescriptive provisions, individual Cabinet Member may exercise their delegated powers to make decisions on any matters falling within the Cabinet Member's portfolio (other than decisions which are contrary to the Policy Framework or contrary to or not wholly in accordance with the approved Budget) which, if delayed, would seriously prejudice the Council's or the public's interests.
- c) In respect of any contract having an estimated value exceeding £1,000,000 but not exceeding £5,000,000:
  - i) To authorise the invitation of tenders; and
  - ii) To accept a tender other than the lowest tender received where payment is to be made by the Council, or other than the highest tender received where payment is to be received by the Council where there are special reasons approved by the Section 151 Officer for not accepting the lowest tender or the highest tender as the case may be.
  - iii) To authorise invitation of tenders, to accept a tender or enter into a contract in accordance with any exemption under the Council's Contract Procedure Rules.
- d) In connection with services falling within the Cabinet Member's portfolio to authorise the submission of tenders for the supply of goods, works or services to another local authority or public body in accordance with the powers conferred upon the Council by the Local Authorities (Goods and Services) Act 1970 where the estimated value of the proposed tender exceeds £1,000,000 but does not exceed £5,000,000.
- e) To authorise the disposal of surplus goods acquired in connection with services falling within the Cabinet Member's portfolio having an estimated total value exceeding £100,000 but not exceeding £200,000.
- f) To declare land or buildings utilised in connection with services falling within the Cabinet Member's portfolio surplus to requirements.
- g) To approve, subject to the budget process:
  - i) Fees and charges for new services in accordance with any relevant charging policy approved by the Cabinet; and

- ii) Increases in existing fees and charges which are in accordance with any relevant charging policy approved by the Cabinet and which are necessary to reflect either inflation or other increases in costs.
- h) To authorise the appointment of consultants providing a professional service whose fees are estimated to exceed £100,000.

## 2 **Officer Delegation**

Responsible Officers can only exercise delegated authority for functions for which they have budgetary and management or operational or statutory responsibility. Decisions taken under delegated authority will be recorded in the register maintained by the Head of Democratic Services.

- a) The exercise of functions by Responsible Officers in relation to the acquisition or disposal of property shall be limited as follows:
  - i) Acquisition of freehold or leasehold property (where a premium only is payable) up to £250,000;
  - ii) Acquisition of freehold or leasehold property where a rent is payable – up to £50,000 per annum;
  - iii) Disposal of freehold property or leasehold property (where a premium only is payable) up to £500,000 or for anything other than best consideration;
  - iv) Disposal of leasehold property where a rent is payable – up to £50,000 per annum.
- b) In cases where the consideration is not straightforward such as involving varying rents or a combination of rental and premium the Director of Place or his nominee shall assess the total capital value of the transaction to establish if such value exceeds the limits of this delegation.
- c) Subject to any limitations imposed by the Leader, all Responsible Officers may authorise another Officer to exercise their delegated functions provided that the Responsible Officer has line management responsibility for that Officer. In those circumstances it is expected that a written “chain of authority” will be maintained.

## 3 **General**

The exercise of Executive functions by the Leader, Cabinet, individual Cabinet Members or responsible Officers and anyone authorised under this Scheme of Delegation shall be subject to any budgetary or policy framework which has been approved by Council.

- a) If a policy or budgetary framework has been approved by Council then it will be the responsibility of the Leader, the Cabinet, individual Cabinet Members and Responsible Officers to implement that policy or budgetary framework and not to do anything in exercising Executive functions which contravenes that policy or budgetary framework.
- b) If no policy framework has been approved by Council in circumstances where the Council has a legal duty to have in place a policy framework

then those functions cannot be exercised until the Council approves the policy framework.

- c) The exercise of all Executive functions are to be exercised in accordance with any Procedure Rules within this Constitution.

#### 4 **Amendments to the Scheme of Delegation**

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 Monitoring Officer 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.

- a) 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 s/he has served it on its chair.

[↑](#)



## 7 Council Delegations

The functions reserved to Council by Schedule 1 to The Local Authorities Executive Arrangements (Functions and Responsibilities) (Wales) Regulations 2007(as amended) are listed in the table below, together with the body/Officer to whom they are delegated in the right hand column of the table. In the event that only Council is listed in that column then only Council can exercise that function.

- 1 Council retains responsibility for the function even though it may be delegated.
- 2 In addition to the table below there are statutory plans/schemes/strategies listed in [Article 4](#) which will consequently require the approval of Council.

Key:

PC	Planning Committee
DCE / DoR	Deputy Chief Executive / Director of Resources
DoE	Director of Education
DoPI	Director of Place
DoSS	Director of Social Services
CFO	Chief Finance Officer
CLO	Chief Legal Officer
HoC&M	Head of Communications & Marketing
HoDS	Head of Democratic Services
HoH&PH	Head of Housing & Public Health
HoH&T	Head of Highways & Transportation
HoP&CR	Head of Planning & City Regeneration
LF&S Mgr	Licensing, Food & Safety Manager
SHR&ODM	Strategic Human Resources & Organisational Development Manager

**Note:** In relation to Planning, further clarification is provided onwards:

[↑](#)

## 8 Functions Relating to Town & Council Planning & Development Control

No	Function	Provision of Act or Statutory Instrument	Delegated To
A1	Power to determine applications for planning permission.	Sections 70 (1) (a) and (b) and 72 of the Town and Country Planning Act 1990.	PC / HoP&CR
A2	Power to determine applications to develop land without compliance with conditions previously attached.	Section 73 of the Town and Country Planning Act 1990.	PC / HoP&CR
A3	Power to grant planning permission for development already carried out.	Section 73A of the Town and Country Planning Act 1990.	PC / HoP&CR
A4	Power to decline to determine applications for planning permissions	Sections 70A and 70C of the Town and Country Planning Act 1990.	PC / HoP&CR
A5	Duties relating to the making of determinations of planning applications.	Sections 69, 76, 91 and 92 of the Town and Country Planning Act 1990 and Articles 3 to 17, 19 to 24, 29 and 30 of the Town and Country (General Development Management Procedure) Order (Wales) 2012 (S.I. 2012/808 (W.110)) and directions made there under.	PC / HoP&CR
A6	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).	PC / HoP&CR
A7	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) (as amended).	HoP&CR
A8	Power to enter into planning obligations regulating development or use of land.	Section 106 of the Town and Country Planning Act 1990.	PC / HoP&CR
A9	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.	HoP&CR

A10	Power to serve a completion notice.	Section 94(2) of the Town and Country Planning Act 1990.	PC / HoP&CR
A11	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.	PC / HoP&CR
A12	Power to authorise entry onto land.	Section 196A of the Town and Country Planning Act 1990.	PC / HoP&CR
A13	Power to require the discontinuance of a use of land.	Section 102 of the Town and Country Planning Act 1990.	PC / HoP&CR
A14	Power to serve a planning contravention notice, breach of condition notice, stop notice or temporary stop notice.	Sections 171C, 171E, 187A and 183(1) of the Town and Country Planning Act 1990.	PC / HoP&CR
A15	Power to issue an enforcement notice or an enforcement warning notice.	Sections 172 and 173ZA of the Town and Country Planning Act 1990.	PC / HoP&CR
A16	Power to apply for an injunction restraining a breach of planning control.	Section 187B of the Town and Country Planning Act 1990.	PC / HoP&CR
A17	Power to determine applications for hazardous substances consent, and related powers.	Sections 9(1) and 10 of the Planning (Hazardous Substances) Act 1990.	PC / HoP&CR
A18	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.	PC / HoP&CR
A19	Power to require proper maintenance of land.	Section 215(1) of the Town and Country Planning Act 1990.	PC / HoP&CR
A20a	Power to determine applications for listed building consent, and related powers.	Section 16(1), (2) & 17 of the Planning (Listed Building and Conservation Areas) Act 1990	PC / HoP&CR

A20b	Power to serve a notice replying to a Listed Building Purchase Notice	Section 33(1) of the Planning (Listed Building and Conservation Areas) Act 1990	PC
A21	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.	PC / HoP&CR
A22	Duties relating to applications for listed building consent and conservation area consent.	Sections 13(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and regulations 3 to 17 of the Town and Country Planning (Listed Buildings and Conservation Areas) (Wales) Regulations 2012 and paragraph 127 Welsh Office Circular 61/96 Planning and the Historic Environment; Historic Buildings and Conservation Areas'.	PC / HoP&CR
A23	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.	PC / HoP&CR
A24	Power to issue enforcement notice in relation to demolition of unlisted building in conservation area.	Section 38 of the Planning (Listed buildings and Conservations Areas) Act 1990.	PC / HoP&CR
A25	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.	PC / HoP&CR
A26	Power to apply for an injunction in relation to a listed building.	Section 44A of the Planning (Listed Buildings and Conservation Areas) Act 1990.	PC / HoP&CR
A27	Power to execute urgent works.	Section 54 of the Planning (Listed Buildings and Conservation Areas) Act 1990.	PC / HoP&CR
A28	Power related to mineral working.	Schedule 9 of the Town and Country Planning Act 1990.	PC / HoP&CR
A29	Power related to footpaths and bridleways.	Section 257 of the Town and Country Planning Act 1990.	PC / HoP&CR
A30	Power as to certification of appropriate alternative development.	Section 17 of the Land Compensation Act 1961.	PC / HoP&CR

A31	Duties in relation to purchase orders.	Sections 137 – 144 of the Town & Country Planning Act 1990.	PC / HoP&CR
A32	Powers related to blight notices.	Sections 149 – 171 of the Town and Country Planning Act 1990.	PC / HoP&CR
A33	Powers relating to the requirement for the replacement of a tree or trees removed, uprooted, or destroyed in contravention of a TPO's	Sections 206 to 209 of the Town & Country Planning Act 1990	PC / HoP&CR
A34	Powers relating to the granting of consent for requests to undertake works or to fell a tree or trees within a Conservation Area.	Section 211 of the Town & Country Planning Act 1990, & Section 9A of the Town & Country Planning (Trees) Regulations 1999	PC / HoP&CR
A35	Powers relating to the requirement for the replacement of trees removed, uprooted, or destroyed in within a Conservation Area without prior approval having been obtained.	Section 213 of the Town & Country Planning Act 1990	PC / HoP&CR
A36	Powers relating to the determination of applications in respect of works etc. to trees subject to a TPO's	Town & Country Planning (Trees) Regulations 1994	PC / HoP&CR
A37	Powers relating to the preservation of trees.	Sections 197 to 214D of the Town and Country Planning Act 1990 and the Trees Regulations 1999 (S.I. 1999/1892)	PC / HoP&CR
A38	Powers relating to the protection of important hedgerows.	The Hedgerows Regulations 1997 (S.I. 1997/1160)	PC / HoP&CR
A39	Powers relating to the giving of a screening opinion as to the need for an Environmental Impact Assessment (EIA) to accompany an application for planning permission.	Sections 5, 7 and 9 of the Town & Country Planning (Environmental Impact Assessment) (Wales) Regulations 2016.	PC / HoP&CR
A40	Powers relating to the requirement for the submission of an EIA to accompany an application for planning permission.	Section 10 of the Town & Country Planning (Environmental Impact Assessment) (Wales) Regulations 2016.	PC / HoP&CR

A41	Powers relating to the giving of a scoping opinion as to the contents of an Environmental Impact Assessment (EIA) to accompany an application for planning permission.	Sections 13 & 15 of the Town & Country Planning (Environmental Impact Assessment) (Wales) Regulations 2016	PC / HoP&CR
A42	Power to determine applications for a non-material amendment following a grant of planning permission.	Sections 96 A of the Town and Country Planning Act 1990.	HoP&CR
A43	Power to respond to consultation from other Local Planning Authorities on development proposals	Regulation 14 of the Town and Country (General Development Management Procedure) Order (Wales) 2012 (S. I. 2012/808 (W.110))	HoP&CR
A44	Power to respond to Nationally Significant Infrastructure Projects within the City & County of Swansea at pre-application stage and agree a Statement of Community Consultation	Sections 42 and 47 of the Planning Act 2008	HoP&CR
A45	Power to submit Local Impact Reports, Written Representation and agree a Statement of Common Ground on Nationally Significant Infrastructure Projects within the City & County of Swansea	Sections 60 and 90 of the Planning Act 2008	PC
A46	Power to represent the City and County of Swansea in any topic specific hearing and open floor hearing, provide further comments and respond to Examining Authority questions on Nationally Significant Infrastructure Projects within the City & County of Swansea	Section 94 of the Planning Act 2008	HoP&CR

A47	Power to agree/ comment on draft Development Consent Orders and enter into a S106 Obligation on Nationally Significant Infrastructure Projects within the City & County of Swansea	Section 106 of the Town and Country Planning Act 1990 and Section 104 of the Planning Act 2008	HoP&CR
A48	Power to discharge requirements and obligations of Nationally Significant Infrastructure Projects	Section 120 of the Planning Act 2008	HoP&CR
A49	Power to respond to consultation to the applicant on Nationally Significant Infrastructure Projects located wholly outside of the Authority boundary	Section 42 of the Planning Act 2008	HoP&CR
A50	Power to register as a relevant Local Authority / Interested Party and make relevant representations (similar to those outlined above in relation to applications within the County boundary) to the Planning Inspectorate on Nationally Significant Infrastructure Projects located wholly outside of the Authority boundary	Section 102 of the Planning Act 2008	HoP&CR
A51	Power to make minor amendments to conditions post resolution	Sections 70 and 72 of Town and Country Planning Act 1990 and The Use of Planning Conditions for Development Management (Circular 16/2014)	HoP&CR
A52	Power to modify or discharge planning obligations regulating development or use of land	Sections 106A and 106B of the Town and Country Planning Act 1990.	PC/HoP&CR
A53	Power to determine discharge of condition applications and issue revised decision notices.	Section 71ZA and 72 of the Town and Country Planning Act 1990 and Part 23 of the Town and Country (General Development Management Procedure) Order (Wales) 2012 (S. I. 2012/808 (W.110))	HoP&CR

A54	Power to respond to provide pre-application advice	Section 61Z1 of the Town and Country Planning Act 1990	HoP&CR
A55	Power to issue validation notices when an application is invalid	Section 62ZA of the Town and Country Planning Act 1990	HoP&CR
A56	Power to respond to pre-application consultation on Developments of National Significance	Section 62D and Article 7 of The Developments of National Significance (Wales) Regulations 2016	HoP&CR
A57	Power to submit Local Impact Reports, Written Representation and agree a Statement of Common Ground on Developments of National Significance within the County of Swansea	Section 62H of the Town and Country Planning Act 1990	HoP&CR
A58	Power to represent the City and County of Swansea in any topic specific hearing and open floor hearing, provide further comments and respond to Examining Authority questions on Developments of National Significance within the County of Swansea	Section 62D and The Developments of National Significance (Wales) Regulations 2016	HoP&CR
A59	Power to agree/ comment on draft decision and enter into a S106 Obligation on Developments of National Significance within the County of Swansea	Section 62D and The Developments of National Significance (Wales) Regulations 2016	HoP&CR
A60	Power to discharge requirements, obligations and conditions of Developments of National Significance	Section 62D and The Developments of National Significance (Wales) Regulations 2016	HoP&CR
A61	Power to require the Revocation of a Use of Land	Section 97 of the Town and Country Planning Act 1990	HoP&CR



## 9 Licensing & Registration Functions (in so far as not covered by any other paragraph of this Schedule)

(in so far as not covered by any other paragraph of this Schedule)

No	Function	Provision of Act or Statutory Instrument	Delegated To
B1	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.	General Licensing Committee / HoH&PH / DoPI
B2	Power to license the use of moveable dwellings and camping sites.	Section 269(1) of the Public Health Act 1936.	General Licensing Committee / HoH&PH / DoPI
B3	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, & section 15 of the Transport Act 1985 ; & sections 47, 57, 58, 60, 70 & 79 of the Local Government (Miscellaneous Provisions) Act 1976; (b) as to private hire vehicles, sections 48, 57, 58, 60, 70 & 79 of the Local Government (Miscellaneous Provisions) Act 1976.	General Licensing Committee / HoH&PH / LF&S Mgr / DoPI
B4	Power to license drivers of hackney carriages and private hire vehicles.	Sections 51, 53, 54, 59, 61, 70 and 79 of the Local Government (Miscellaneous Provisions) Act 1976.	General Licensing Committee / HoH&PH / LF&S Mgr / DoPI
B5	Power to license operators of hackney carriages and private hire vehicles.	Sections 55 to 58, 62, 70 and 79 of the Local Government (Miscellaneous Provisions) Act 1976.	General Licensing Committee / HoH&PH / LF&S Mgr / DoPI
B6	Power to register pools promoters.	Schedule 2 to the Betting, Gambling and Lotteries Act 1963. *	Statutory Licensing Committee / HoH&PH / DoPI
B7	Power to grant track betting licences.	Schedule 3 to the Betting, Gaming and Lotteries Act 1963. *	Statutory Licensing Committee / HoH&PH / DoPI
B8	Power to license inter-track betting schemes.	Schedules 5ZA to the Betting, Gaming and Lotteries Act 1963. *	Statutory Licensing Committee / HoH&PH / DoPI
B9	Power to grant permits in respect of premises with amusement machines.	Schedule 9 to the Gaming Act 1968. *	Statutory Licensing Committee / HoH&PH / DoPI
B10	Power to register societies wishing to promote lotteries.	Schedule 1 to the Lotteries and Amusements Act 1976. *	Statutory Licensing Committee / HoH&PH / DoPI

B11	Power to grant permits in respect of premises where amusements with prizes are provided.	Schedule 3 to the Lotteries and Amusements Act 1976. *	Statutory Licensing Committee / HoH&PH / DoPI
B12	Power to issue entertainments licences.	Section 12 of the Children and Young Persons Act 1933.	General Licensing Committee / HoH&PH / CD(E) / DoPI
B13	Power to license Sex Establishments	The Local Government (Miscellaneous Provisions) Act 1982, section 2 and Schedule 3.	General Licensing Committee / HoH&PH / DoPI
B14	Power to license performances of hypnotism.	The Hypnotism Act 1952.	Statutory Licensing Committee / HoH&PH / DoPI
B15	Power to license premises for acupuncture, tattooing, ear-piercing and electrolysis.	Sections 13 to 17 of the Local Government (Miscellaneous Provisions) Act 1982.	General Licensing Committee / HoH&PH / DoPI
B16	Power to license pleasure boats and pleasure vessels.	Section 94 of the Public Health Acts Amendment Act 1907.	General Licensing Committee / HoH&PH / DoPI
B17	Power to license market and street trading.	Part III of, and Schedule 4 to, the Local Government (Miscellaneous provisions) Act 1982.	General Licensing Committee / HoH&PH / DoPI
B18	Duty to keep list of persons entitled to sell non-medicinal poisons.	Sections 3(1)(b)(ii), 5, 6 and 11 of the Poisons Act 1972 (c.66)[32].	General Licensing Committee / HoH&PH / DoPI
B19	Power to license dealers in game and 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 Licensing Act 1860, section 4 of the Customs and Inland Revenue Act 1883, sections 12(3) and 27 of the Local Government Act 1874, and section 213 of the Local Government Act 1972.	General Licensing Committee / HoH&PH / DoPI
B20	Power of register and license premises for the preparation of food.	Section 19 of the Food Safety Act 1990.	General Licensing Committee / HoH&PH / DoPI
B21	Power to license scrap yards.	Section 1 of the Scrap Metal Dealers Act 1964.	General Licensing Committee / HoH&PH / DoPI
B22	Power to issue, amend or replace safety certificates (whether general or special) for sports grounds.	The Safety of Sports Grounds Act 1975.	General Licensing Committee / HoH&PH / DoPI

B23	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.	General Licensing Committee / HoH&PH / DoPI
B24	Power to issue fire certificates.	Section 5 of the Fire Precautions Act 1971.	General Licensing Committee / HoH&PH / DoPI
B25	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 .	General Licensing Committee / HoH&PH / DoPI
B26	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.	General Licensing Committee / HoH&PH / DoPI
B27	Power to register animal trainers and exhibitors.	Section 1 of the Performing Animals (Regulation) Act 1925.	General Licensing Committee / HoH&PH / DoPI
B28	Power to license zoos.	Section 1 of the Zoo Licensing Act 1981.	General Licensing Committee / HoH&PH / DoPI
B29	Power to licence dangerous wild animals.	Section 1 of the Dangerous Wild Animals Act 1976.	General Licensing Committee / HoH&PH / DoPI
B30	Power to license knackers' yards.	Regulation 49 of the Animal By-products (Wales) Regulations 2006.	General Licensing Committee / HoH&PH / DoPI
B31	Power to license the employment of children.	Part II of the Children and Young Persons Act 1933, byelaws made under that Part, and Part II of the Children and Young Persons Act 1963.	CLO
B32	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, the Marriages and Civil Partnerships (approved Premises) Regulations 2005.	HoH&PH / DoPI

B33	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).	CLO
B34	Power to register variation of rights of common.	Regulation 29 of the Commons Registration (General) Regulations 1966 (S.I. 1966/1471).	CLO
B35	Power to issue a permit to conduct charitable collections.	Section 68 of the Charities Act 1992.	HoH&PH / DoPI
B36	Power to grant consent for the operation of a loudspeaker.	Schedule 2 to the Noise and Statutory Nuisance Act 1993.	HoH&PH / DoPI
B37	Power to grant a street works licence.	Section 50 of the New Roads and Street Works Act 1991.	HoH&PH / DoPI
B38	Duty to register the movement of pigs.	Regulations 21(3) and (4) of the Pigs (Records Identification and Movement) (Wales) Order 2004 (SI 2004/996)	General Licensing Committee / HoH&PH / DoPI
B39	Power to enforce regulations in relation to the movement of pigs.	Regulations 27(1) of the Pigs (Records, Identification and Movement) (Wales) Order 2004 (SI 2004/996)	General Licensing Committee / HoH&PH / DoPI
B40	Power to issue a licence to move cattle from a market.	Article 5(2) of the Cattle Identification Regulations 1998 (S.I. 1998\871).	General Licensing Committee / HoH&PH / DoPI
B41	Power to sanction use of parts of buildings for storage of celluloid.	Section 1 of the Celluloid and Cinematograph Film Act 1922.	General Licensing Committee / HoH&PH / DoPI
B42	Duty to enforce and execute Regulations (EC) No.852/2004 and 853/2004 in relation to food business operators as further specified in Regulation 5 of the Food (Hygiene) (Wales) Regulations 2006.	Regulation 5 of the Food (Hygiene) (Wales) Regulations 2006.	General Licensing Committee / HoH&PH / DoPI

B43	Functions in respect of establishing a Licensing Committee.	Section 6 of the Licensing Act 2003.	Council
-----	---	--------------------------------------	---------

**Note:** \* (B6-B11) Acts shown repealed by Gambling Act 2005.

[↑](#)

## 10 Functions Relating to Health & Safety at Work

No	Function	Provision of Act or Statutory Instrument	Delegated To
C1	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.	HoC&M

[↑](#)

## 11 Functions Relating to Elections

No	Function	Provision of Act or Statutory Instrument	Delegated To
D1	Duty to appoint an electoral registration officer.	Section 8 (2) (A) Representation of the People Act 1983.	Chief Executive & HoDS
D2	Power to assign officers in relation to requisitions of the registration officer.	Section 52 (4) of the Representation of the People Act 1983.	Chief Executive & HoDS
D3	Power to dissolve community councils.	Section 28 of the Local Government Act 1972	Council
D4	Power to make orders for grouping communities	Section 29 of the Local Government Act 1972	Council
D5	Power to make orders for dissolving groups and separating community councils from groups.	Section 29A of the Local Government Act 1972	Council
D6	Duty to appoint returning officer for local government elections.	Section 35 of the Representation of the People Act 1983.	Council
D7	Duty to provide assistance at European Parliamentary elections.	Section 6 (7) and (8) of the European Parliamentary Elections Act 2002	Council
D8	Duty to divide constituency into polling districts.	Section 18 of the Representation of the People Act 1983.	Council
D9	Power to divide electoral divisions into polling districts at local government elections.	Section 31 of the Representation of the People Act 1983.	Council
D10	Powers in respect of holding of elections.	Section 39 (4) of the Representation of the People Act 1983.	Council
D11	Power to pay expenses properly incurred by electoral registration officers.	Section 54 of the Representation of the People Act 1983.	CFO
D12	Power to fill vacancies in the event of insufficient nominations.	Section 21 of the Representation of the People Act 1985	Chief Executive
D13	Duty to declare vacancy in office in certain cases.	Section 86 of the Local Government Act 1972.	Returning Officer & HoDS
D14	Duty to give public notice of casual vacancy.	Section 87 of the Local Government Act 1972	Returning Officer & HoDS
D15	Power to make temporary appointments to community councils.	Section 91 of the Local Government Act 1972	Returning Officer & HoDS

D16	Power to determine fees and conditions for supply of copies of, or extracts from, elections documents.	Rule 48 (3) of the Local Elections (Principal Areas) Rules 1986 (S.I 1986/2214) and rule 48 (3) of the Local Elections (Parishes and Communities) Rules 1986 (S.I 1986/2215).	Returning Officer & HoDS
D17	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.	Returning Officer & HoDS

[↑](#)



## 12 Functions Relating to Name & Status of Area & Individuals

No	Function	Provision of Act or Statutory Instrument	Delegated To
E1	Power to change the name of a county, or county borough.	Section 74 of the Local Government Act 1972.	Council
E2	Power to change the name of a community.	Section 76 of the Local Government Act 1972.	Council
E3	Power to confer title of a honorary alderman or to admit to be an honorary freeman.	Section 249 of the Local Government Act 1972.	Council
E4	Power to petition for a charter to confer county borough status.	Section 245A of the Local Government Act 1972.	Council



## 13 Power to Make, Amend, Revoke or Re-enact Byelaws

No	Function	Provision of Act or Statutory Instrument	Delegated To
F1		Any provision of any enactment (including a local Act), whenever passed, and section 14 of the Interpretation Act 1978.	Council



## 14 Power to Promote or Oppose Local or Personal Bills

No	Function	Provision of Act or Statutory Instrument	Delegated To
G1		Section 239 of the Local Government Act 1972.	Council



## 15 Functions Relating to Pensions etc

No	Function	Provision of Act or Statutory Instrument	Delegated To
H1	Functions relating to local government pensions etc.	Regulations under section 7, 12 or 24 of the Superannuation Act 1972.	Pension Fund Committee for matters relating to the Administering Authority; and the SHR&ODM in conjunction with the CFO for matters relating to the Employing Authority
H2	Functions relating to pensions allowances and gratuities.	Regulations under section 18 (3A) of the Local Government and Housing Act 1909.	Council
H3	Functions under existing pension schemes as respects people 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

[↑](#)

## 16 Miscellaneous Functions

No	Function	Provision of Act or Statutory Instrument	Delegated To
11	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 Regulations 2005.	Council
12	Power to make standing orders.	Section 106 of, and paragraph 42 of Schedule 12 to, the Local Government Act 1972.	Council
13	Appointment and Dismissal of staff and the Designation of the Head of Democratic Services.	<p>Section 112 of the Local Government Act 1972 and Sections 7 and 8 of the Local Government and Housing Act 1989.</p> <p>Section 11 (1) (a) of the Local Government (Wales) Measure 2011 also applies.</p> <p>The Appointment of Head of Democratic Services is subject to the Democratic Services Committee subsequently Designating the selected person in that role.</p>	<p>Appointments Committee / Chief Officers Disciplinary Committee for Officers employed on JNC terms and conditions (Chief Officers including Head of Democratic Services).</p> <p>Head of Paid Service for all other staff.</p>
14	Power to make standing orders as to contracts.	Section 135 of the Local Government Act 1972.	Council
15	Power to consider adverse reports from the Public Services Ombudsman for Wales	Section 19 of the Public Service Ombudsman (Wales) Act 2005	Council
16	Power to make an order identifying a place as a designated public place for the purposes of the police powers in relation to alcohol consumption.	Section 13 (2) of the Criminal Justice and Police Act 2001.	HoH&PH / DoPI
17	Powers in respect of registration of motor salvage operators.	Part 1 of the Vehicles (Crime) Act 2001	General Licensing Committee / HoH&PH / DoPI
18	Power to appoint Officers for particular purposes (appointment of 'proper Officers').	Section 270(3) of the Local Government Act 1972	Council

I9	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
I10	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
I11	Duty to determine affordable borrowing limit.	Section 3 of the Local Government Act 2003	Council
I12	Approval of annual investment strategy in accordance with guidance.	Section 15 of the Local Government Act 2003	Council
I13	Duty to make arrangements for proper administration of financial affairs.	Section 151 of the Local Government Act 1972	CFO
I15	Designating a locality as an alcohol disorder zone	Section 16 of the Violent Crime Reduction Act 2006	HoH&PH / DoPI
I16	Determination of level and any change in level of remuneration to be paid to a Chief Officer (excluding the Head of Democratic Services)	Regulation 7 of the Local Authorities (Standing Orders) (Wales) Regulations 2006 as Amended by the 2014 Regulations.	Council

↑

## 17 Local Choice Functions

No.	Function	Delegation of Function
J1	Any function under a local Act other than a function specified or referred to in Schedule 1.	All Cabinet Members
J2	The determination of an appeal against any decision made by or on behalf of the authority.	<p>Appeals and Awards Committee save:</p> <p>In respect of approvals to drive school transport and licensing functions and matters of a licensing nature which will be heard by the General Licensing Committee.</p>
J3	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 <a href="#">Schedule 7</a> to the Child Support, Pensions and Social Security Act 2000.	CFO
J4	The making of arrangements in relation to appeals against the exclusion of pupils in maintained schools under <a href="#">section 52</a> of the Education Act 2002.	Independent Exclusion Appeals Panel
J5	The making of arrangements pursuant to section 94(1), (1A) and (4) of, and <a href="#">Schedule 24</a> to, the School Standards and Framework Act 1998 (admission appeals).	Independent Admission Appeals Panel
J6	The making of arrangements pursuant to <a href="#">section 95(2)</a> of the School Standards and Framework Act 1998 (children to whom section 87 applies: appeals by governing bodies).	Independent Admission Appeals Panel
J7	The making of arrangements under section 20 (questions on police matters at council meetings) of the <a href="#">Police Act 1996</a> for enabling questions to be put on the discharge of the functions of a police authority.	Cabinet
J8	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 <a href="#">Police Act 1996</a> .	Cabinet
J9	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 <a href="#">Local Government Act 1999</a> .	Cabinet
J10	Any function relating to contaminated land.	DoPI
J11	The discharge of any function relating to the control of pollution or the management of air quality.	DoPI
J12	The service of an abatement notice in respect of a statutory nuisance.	DoPI
J13	The passing of a resolution that <a href="#">Schedule 2</a> to the Noise and Statutory Nuisance Act 1993 should apply in the authority's area.	Council

J14	The inspection of the authority's area to detect any statutory nuisance.	DoPI
J15	The investigation of any complaint as to the existence of a statutory nuisance.	DoPI
J16	The obtaining of information under <a href="#">section 330</a> of the Town and Country Planning Act 1990 as to interests in land.	DoPI
J17	The obtaining of particulars of persons interested in land under <a href="#">section 16</a> of the Local Government (Miscellaneous Provisions) Act 1976.	DoPI
J18	Any of the following functions in respect of highways—	HoP&CR & HoH&T: Save as to those matters to be referred to Planning Committee as set out in the paragraph entitled Public Rights of Way Matters in Part 3 of the Council Constitution.
	(a) the making of agreements for the execution of highways works;	
	(b) the functions contained in the following provisions of <a href="#">Part III</a> of the Highways Act 1980 (creation of highways)— (i) section 25—creation of footpath, bridleway or restricted byway by agreement; (ii) section 26—compulsory powers for creation of footpaths, bridleways or restricted byways;	
	(c) the functions contained in the following provisions of <a href="#">Part VIII</a> of the Highways Act 1980 (stopping up and diversion of highways etc)— (i) section 116—power of magistrates' court to authorise stopping up or diversion of highway; (ii) section 117—application for order under section 116 on behalf of another person; (iii) section 118—stopping up of footpaths, bridleways and restricted byways; (iv) section 118ZA—application for a public path extinguishment order; (v) section 118A—stopping up of footpaths, bridleways and restricted byways crossing railways; (vi) section 118B—stopping up of certain highways for purposes of crime prevention etc; (vii) section 118C—application by proprietor of school for special extinguishment order; (viii) section 119—diversion of footpaths, bridleways and restricted byways;	

		<p>(ix) section 119ZA—application for a public path diversion order;</p> <p>(x) section 119A—diversion of footpaths, bridleways and restricted byways crossing railways;</p> <p>(xi) section 119B—diversion of certain highways for purposes of crime prevention etc;</p> <p>(xii) section 119C—application by proprietor of school for special diversion order;</p> <p>(xiii) section 119D—diversion of certain highways for protection of sites of special scientific interest;</p> <p>(xiv) section 120—exercise of powers of making public path extinguishment and diversion orders;</p> <p>(xv) section 121B—register of applications;</p>	
	(d)	<p>the functions contained in the following provisions of Part IX of the Highways Act 1980 (lawful and unlawful interference with highways and streets)—</p> <p>(i) section 130—protection of public rights;</p> <p>(ii) sections 139—control of builders' skips;</p> <p>(iii) section 140—removal of builders' skips;</p> <p>(iv) section 140A—builders' skips: charges for occupation of the highway;</p> <p>(v) section 142—licence to plant trees, shrubs etc in a highway;</p> <p>(vi) section 147—power to authorise erection of stiles etc on footpath or bridleway;</p> <p>(vii) section 147ZA—agreements relating to improvements for benefit of persons with mobility problems;</p> <p>(viii) section 149—removal of things so deposited on highways as to be a nuisance etc;</p> <p>(ix) section 169—control of scaffolding on highways;</p> <p>(x) section 171—control of deposit of building materials and making of excavations in streets;</p> <p>(xi) section 171A and regulations made under that section—works under s169 or s171: charge for occupation of the highway;</p> <p>(xii) section 172—hoardings to be set up during building etc;</p> <p>(xiii) section 173—hoardings to be securely erected;</p> <p>(xiv) section 178—restriction on placing of rails, beams etc over highways;</p> <p>(xv) section 179—control of construction of cellars etc under street;</p> <p>(xvi) section 180—control of openings into cellars etc under streets, and pavement lights and ventilators;</p>	

	(e)	exercising functions under section 34 of the Wildlife and Countryside Act 1981 (limestone pavement orders); and	
	(f)	exercising functions under <a href="#">section 53</a> of the Wildlife and Countryside Act 1981 (duty to keep definitive map and statement under continuous review).]	
J19	The appointment of any individual—		Cabinet – Leader subject to the Local Government and Housing Act 1989
	(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.		
J20	Power to make payments or provide other benefits in cases of Maladministration etc.		DCE / DoR, DoE, DoPI & DoSS
J21	The discharge of any function by an authority acting as a harbour authority.		Cabinet
J22	Functions in respect of the calculation of council tax base in accordance with any of the following—		Council
	(a)	the determination of an item for T in <a href="#">section 33(1)</a> and <a href="#">44(1)</a> 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 <a href="#">Local Government Finance Act 1992</a> ;	
	(c)	the determination of an amount required for determining an amount for the item mentioned in paragraph (a) or (b) above.	
J23	Licensing functions in accordance with <a href="#">Part 2</a> of the Licensing Act 2003 except section 6 and 7 (2).		Statutory Licensing Committee/ HoH&PH /DoPI
J24	Functions in respect of gambling under the following provisions of the <a href="#">Gambling Act 2005</a> —		
	(a)	section 29—licensing authority information;	HoH&PH & DoPI
	(b)	section 30—other exchange of information;	HoH&PH & DoPI
	(c)	section 166—resolution not to issue casino licences;	Council
	(d)	section 212 and regulations made under that section—fees;	Cabinet
	(e)	section 284—removal of exemption;	Council
	(f)	section 304—authorised persons;	DoPI
	(g)	section 346—prosecutions by licensing authority;	DoPI
	(h)	section 349—three-year licensing policy	Council
	(i)	section 350—exchange of information;	HoH&PH & DoPI
	(j)	Part 5 of Schedule 11—registration with local authority.]	HoH&PH & DoPI



J25	Functions in respect of approval by a local authority under section 51 or a determination by a local authority under section 53 of the <a href="#">School Standards and Organisation (Wales) Act 2013.</a> ]		Cabinet
J26	Family Absence. Local Government (Wales) Measure 2011 and The Family Absence for Members of Local Authorities (Wales) Regulations 2013.		Council
J27	Powers related to Public Rights of Way, Commons Registration and Village Greens.	Commons Registration Act 1965; Commons Act 2006; Section 53 Wildlife and Countryside Act 1981; Section 26, 118, 119 of the Highways Act 1980.	PC/ HoP&CR
J28	Powers related to the Diversion, Extinguishment and Creation of public rights of way where no objections have been received, and all other functions relating to public rights of way not delegated to the Planning Committee.	Highways Act 1980; Countryside Act 1968; National Parks and Access to the Countryside Act 1949; Wildlife and Countryside Act 1981; Countryside and Rights of Way Act 2000; Road Traffic Regulation Act 1984.	HoP&CR

## 18 Other Delegations by Council

<b>No</b>	<b>Function</b>	<b>Provision of Act or Statutory Instrument</b>	<b>Delegated To</b>
K1	Proper Office for the Administration of Births, Deaths and Marriages	Section 13 of the Registration Service Act 1953; and Section 270 of the Local Government Act 1972.	HoH&PH

[↑](#)

## 19 Clarification of Planning Delegations

Where functions are delegated to both the Area Development Control Committees and the Head of Planning & City Regeneration the functions will be exercised by the Officers in the following circumstances:

- 1 **Planning Applications, Other Applications, Related Matters and Planning Call In by Councillors**
- 2 Councillors shall be notified in advance, by e-mail, of all valid planning applications received.
- 3 Subject to 6 and 8 below, the determination of all applications for Planning (Permission, Approval, Prior Approval or Consent) submitted under the following legislation/circumstance shall be delegated to the Director of Place (DoPI) or Head of Planning & City Regeneration (HoP&CR):
  - a) Town and Country Planning Acts 1990 - 2008;
  - b) The Planning (Listed Building and Conservation Areas) Act 1990;
  - c) The Planning (Hazardous Substances) Act 1990;
  - d) The Caravan Sites and Control of Development Acts 1960 and 1968;
  - e) Making of representations following formal consultation in respect of development by the National Assembly of Wales, Government Departments, Statutory and other bodies; or
  - f) Development on land in the area of another local authority.
- 4 The determination of applications identified in 3 above will be referred to the Planning Committee where:
- 5 **Departure Applications.** The application is contrary to the provisions of the Development Plan, and is being recommended for approval by the Head of Planning & City Regeneration;
- 6 **Councillors / Officer Applications.** The application has been submitted by any Officer involved in the planning process or a Councillor. An Officer is involved in the planning process if they are a member of staff in the planning section, or involved in enforcing planning matters, or giving advice or support to Officers or Councillors involved in the planning process or could be perceived to be involved in the planning process;
- 7 **EIA Development.** The application involves an Environmental Impact Assessment (EIA).
- 8 **Alternate Development Threshold.** The application relates to the following forms of development:
  - a) The winning and working of minerals or the use of land for mineral-working deposits;
  - b) Waste development;
  - c) The provision of dwellinghouses where:
    - i) The number of dwellinghouses to be provided is 20 or more; or
    - ii) The development is to be carried out on a site having an area of 1 hectares or more and it is not known whether the development falls within sub-paragraph (c)(i);

- d) The provision of a building or buildings where the floor space to be created by the development is 2,000 square metres or more; or
  - e) Development to be carried out on a site having an area of 2 hectare or more.
- 9 **Councillor Call In.** A Councillor has requested by letter, email or fax within 21 days of being notified that a valid application has been received (or within the specified re-consultation period), – i.e the “Call in Period”, that it be reported to the Planning Committee and the objection threshold is reached within the “Call in Period”, namely:
- a) The application is subject to 20 letters of objection from different people at different addresses; or
  - b) A petition of 30 or more signatures from different people at different addresses.
- 10 **Chair of Planning Committee Referral.** Where a “Councillor Call In” has been made within the “Call in Period” but the objection threshold has not been reached the Chair of the Planning Committee can direct that the application be determined by Planning Committee where the development has a quantifiable community wide impact or there is a quantifiable community wide interest in a development which goes beyond protecting the private interests of one person, or group of persons against the activities of others.
- 11 **Head of Service Referral.** The application is, in the opinion of the Head of Planning & City Regeneration, of strategic importance or the application should, in the opinion of the Head of Planning & City Regeneration be determined by Planning Committee.
- 12 Councillors may withdraw a Councillor Call In at any time prior to the relevant Committee agenda being finalised. Such withdrawal may follow contact between the Councillor(s) and Planning Officer(s).
- 13 If a Councillor wishes to use the Councillor Call In to call in an application which is within the area of another Councillor(s) they must inform the Councillor(s) in whose area the application falls giving their reason prior to making the Planning Call In.
- 14 In the case of 13 above, the Councillor making the Councillor Call In must also give written notice (letter, e-mail or fax) to the Head of Planning & City Regeneration stating that the Councillor(s) in whose area the application falls has been informed of the intended Councillor Call In. Any application called in by a Councillor in another Councillor(s) area shall not be valid unless it contains the required written statement.
- 15 The Council has a duty to ensure that it maintains an efficient planning service and to progress planning applications in a timely fashion. Whilst the Call-in procedure is a fundamental and important part of the democratic process, unnecessary ‘call-ins’ can lead to unreasonable delay.
- a) Therefore, where it is considered that a member or members is/are unreasonably calling in planning applications or otherwise potentially abusing the ‘call-in’ process, the Chair of the Planning Committee will, in the first instance, discuss the situation with the member/members concerned.

- b) In the event that the issue is not resolved then the Chair of Planning Committee and a member from the Planning Committee will review all applications for 'call-in' to Committee with the member/members concerned and have the authority to withdraw any "Councillor Call In" requests. The decision of this panel is final.



## 20 Enforcement Matters

The implementation of all enforcement powers shall be delegated to the Director of Place or Head of Planning & City Regeneration, except where the proposed action would lead to the loss of a residentially occupied unit.



## 21 Public Rights of Way Matters

The determination of all rights of way matters, other than decisions relating to the following (**which will be reported to the Planning Committee**):

- 1 Public Rights of Way creation, diversion and extinguishment orders (under all Acts) that, after public consultation, are likely to be challenged or be contentious;
- 2 Application to the Magistrates Court to stop up or divert a public right of way;
- 3 Determination of applications for new rights of way and corrections to the records of existing rights of way (keeping the Definitive Map under continuous review);
- 4 Traffic Regulation Orders, (other than for temporary closures or restrictions which are needed for safety reasons; to allow works to be carried out; or for the holding of a special event)."

