

Mae'r ddogfen hon ar gael yn Gymraeg hefyd



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## SECTION 14.1

### **Responsibility for Functions – Summary**

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

#### 14.1.1 Who can be Decision Makers?

Under this constitution, there are a number of different decision makers:

- Full Council;
- a Committee or Sub-Committee of the Council;
- the Leader;
- the Cabinet;
- a Committee of Cabinet;
- an individual Cabinet Member;
- a Joint Committee;
- a Corporate Joint Committee;
- an Officer.

The Council will issue and keep up to date a record of which individual has responsibility for particular types of decisions. This record is set out in [Section 14](#) of this Constitution.

#### 14.1.2 Principles of Decision Making

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

- proportionately (ie the action must be proportionate to the desired outcome);
- due consideration and the taking of professional advice from Officers;
- respect for human rights;
- a presumption in favour of openness;
- clarity of aims and desired outcomes;
- consideration of any alternative options; and

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

#### 14.1.3 Functions fall into the following categories:

##### Functions of the Full Council

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

##### Non-Executive Functions

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

##### “Local Choice” Functions

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

##### Executive Functions

All other functions are Executive Functions.

#### 14.1.4 Other Bodies

##### Advisory Bodies:

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

##### Overview and Scrutiny Committees:

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

##### Officer Delegations:

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

#### 14.1.5 Who Decides – Non-Executive Functions?

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

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

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

#### 14.1.6 Who Decides – Executive Functions?

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

#### 14.1.7 Removal of Delegation

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

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

#### 14.1.8 Who May Exercise Officer Delegations?

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

## **SECTION 14.2**

### **Responsibility for Executive Functions**

1. “Executive Functions” are all the functions of the Council except:-
  - a) Those which the law says are the functions of the Council alone **(Table 1)**.
  - b) Functions which may be allocated to the Council rather than the Executive (**Table 2** shows the division of those functions between the Council and the Executive).
  - c) Functions which are not the sole responsibility of the Executive **(Table 3)**
2. **Table 4** is the composition of Council Committees and the allocation of functions to those Committees.

### **Table 1 - Council Functions**

The functions which are reserved to Council by virtue of Schedule 1 to The Local Authorities Executive Arrangements (Functions and Responsibilities) (Wales) Regulations 2007/399 (as amended by The Local Authorities Executive Arrangements (Functions and Responsibilities) (Wales) (Amendment) Regulations 2009/2983, the Local Authorities (Executive Arrangements) (Functions and Responsibilities) (Wales) (Amendment) Regulations 2013/2438 and the Local Authorities (Executive Arrangements) (Functions and Responsibilities) (Wales) (Amendment No 2) Regulations 2013/2902) are listed in the table below, together with the body / Officer to whom they are allocated in the third and fourth columns of the table.

The Scheme of Delegation to Officers (Part 8 of this Constitution) indicates whether the function is delegated to an Officer. If not delegated to an Officer, the function is delegated to the Committee listed in the third column of the Table.

Council retains responsibility for the function even though it may be delegated. If Council is listed in the right hand column then the function is solely exercisable by Council.

Where there is a statutory re-enactment of any provision then the Scheme of Delegation shall take effect in respect of the statutory provision as amended.

#### **A. Functions Relating to Town & Country Planning & Development Control:**

<b>Function</b>	<b>Provision of Act or Statutory Instrument</b>	<b>Allocated To</b>	<b>Delegated to</b>
<b>1.</b> 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	Powers are delegated to the Head of Regulatory Services in accordance with the Planning Delegation Scheme
<b>2.</b> 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	Powers are delegated to the Head of Regulatory Services in accordance with the Planning Delegation Scheme
<b>3.</b> Power to grant planning permission for development already carried out.	Section 73A of the Town and Country Planning Act 1990.	Planning Committee	Powers are delegated to the Head of Regulatory Services in accordance with the Planning Delegation Scheme

<b>4.</b> Power to decline to determine applications for planning permissions	Section 70A of the Town and Country Planning Act 1990.	Planning Committee	Powers are delegated to the Head of Regulatory Services in accordance with the Planning Delegation Scheme
<b>5.</b> 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	Powers are delegated to the Head of Regulatory Services in accordance with the Planning Delegation Scheme
<b>6.</b> 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	Powers are delegated to the Head of Regulatory Services in accordance with the Planning Delegation Scheme
<b>7.</b> 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	Powers are delegated to the Head of Regulatory Services in accordance with the Planning Delegation Scheme
<b>8.</b> Power to enter into planning obligations regulating development or use of land.	Section 106 of the Town and Country Planning Act 1990.	Planning Committee	Powers are delegated to the Head of Regulatory Services in accordance with the Planning Delegation Scheme
<b>9.</b> 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	Powers are delegated to the Head of Regulatory Services in accordance with the Planning Delegation Scheme

<b>10.</b> Power to serve a completion notice.	Section 94(2) of the Town and Country Planning Act 1990.	Planning Committee	Powers are delegated to the Head of Regulatory Services in accordance with the Planning Delegation Scheme
<b>11.</b> 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	Powers are delegated to the Head of Regulatory Services in accordance with the Planning Delegation Scheme
<b>12.</b> Power to authorise entry onto land.	Section 196A of the Town and Country Planning Act 1990.	Planning Committee	Powers are delegated to the Head of Regulatory Services in accordance with the Planning Delegation Scheme
<b>13.</b> Power to require the discontinuance of a use of land.	Section 102 of the Town and Country Planning Act 1990.	Council	
<b>14.</b> 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.	Planning Committee	Powers are delegated to the Head of Regulatory Services in accordance with the Planning Delegation Scheme
<b>15.</b> Power to issue an enforcement notice.	Section 172 of the Town and Country Planning Act 1990.	Planning Committee	Powers are delegated to the Head of Regulatory Services in accordance with the Planning Delegation Scheme
<b>16.</b> Power to apply for an injunction restraining a breach of planning control.	Section 187B of the Town and Country Planning Act 1990.	Planning Committee	Powers are delegated to the Head of Regulatory Services in accordance with the Planning Delegation Scheme



<b>17.</b> 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	
<b>18.</b> 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	Powers are delegated to the Head of Regulatory Services in accordance with the Planning Delegation Scheme
<b>19.</b> Power to require proper maintenance of land.	Section 215(1) of the Town and Country Planning Act 1990.	Planning Committee	Powers are delegated to the Head of Regulatory Services in accordance with the Planning Delegation Scheme
<b>20.</b> Power to determine applications for listed building consent, and related powers.	Sections 96(1) and (2) and 97(1) to (8) of, and Schedule 9 paragraphs (1), (2) and (3) to, the Historic Environment (Wales) Act 2023 (asc 3).	Planning Committee	Powers are delegated to the Head of Regulatory Services in accordance with the Planning Delegation Scheme
<b>21.</b> Power to determine applications for conservation area consent.	Sections 96(1) and 97(1) to (4) and (7) and (8) of the Historic Environment (Wales) Act 2023 as applied by section 163 of that Act. .	Planning Committee	Powers are delegated to the Head of Regulatory Services in accordance with the Planning Delegation Scheme
<b>22.</b> Duties relating to applications for listed building consent and conservation area consent.	Section 95(1) of the Historic Environment (Wales) Act 2023 and regulations 3 to 6 and 13 of the Town and Country Planning (Listed Buildings and Buildings in Conservation Areas) Regulations 1987 and paragraph 127 of the Welsh Office Circular 61/96 Planning and the Historic Environment;	Planning Committee	Powers are delegated to the Head of Regulatory Services in accordance with the Planning Delegation Scheme

	Historic Buildings and Conservation Areas.		
23. Power to serve a temporary listing notice and related powers	Sections 83(1) and (2) and 84(1) and (2) of the Historic Environment (Wales) Act 2023	Planning Committee	Powers are delegated to the Head of Regulatory and Housing Services in accordance with the Planning Delegation Scheme
24. Power to issue an enforcement notice	Sections 123, 124 and 125 of the Historic Environment (Wales) Act 2023.	Planning Committee	Powers are delegated to the Head of Regulatory Services in accordance with the Planning Delegation Scheme
25. Powers to acquire a listed building in need of repair and to serve a repairs notice.	Sections 137 to 139 and 111(5) of the Historic Environment (Wales) Act 2023.	Planning Committee and then referred to Cabinet	Powers are delegated to the Head of Regulatory Services in accordance with the Planning Delegation Scheme
26. Power to apply for an injunction in relation to a listed building.	Section 135 of the Historic Environment (Wales) Act 2023	Planning Committee	Powers are delegated to the Head of Regulatory Services in accordance with the Planning Delegation Scheme
27. Power to execute urgent works.	Section 144(1) and (3) to (7) of the Historic Environment (Wales) Act 2023."	Planning Committee	Powers are delegated to the Head of Regulatory Services in accordance with the Planning Delegation Scheme
28. Power related to mineral working.	Schedule 9 of the Town and Country Planning Act 1990.	Planning Committee	Powers are delegated to the Head of Regulatory Services in accordance with the Planning Delegation Scheme

<b>29.</b> Power related to footpaths and bridleways.	Section 257 of the Town and Country Planning Act 1990.	General Licensing Committee	
<b>30.</b> Power as to certification of appropriate alternative development.	Section 17 of the Land Compensation Act 1961.	Planning Committee	Powers are delegated to the Head of Regulatory Services in accordance with the Planning Delegation Scheme
<b>31.</b> Duties in relation to purchase notices.	Sections 137 - 144 of the Town and Country Planning Act 1990	Planning Committee	Powers are delegated to the Head of Regulatory Services in accordance with the Planning Delegation Scheme
<b>32.</b> Powers related to blight notices.	Sections 149 – 171 of the Town and Country Planning Act 1990	Planning Committee	Powers are delegated to the Head of Regulatory Services in accordance with the Planning Delegation Scheme
<b>33</b> Power to make representations on behalf of the Council on all matters relating to Nationally Significant Infrastructure Projects and applications for 'development consent' under the Planning Act 2008.	Planning Act 2008	Planning Committee	

**B. Licensing & Registration Functions (in so far as not covered by any other paragraph of this Schedule):**

<b>Function</b>	<b>Provision of Act or Statutory Instrument</b>	<b>Allocated To</b>	<b>Delegated to</b>
<b>1.</b> 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	Head of Regulatory Services
<b>2.</b> Power to license the use of moveable dwellings and camping sites.	Section 269(1) of the Public Health Act 1936.	General Licensing Committee	Head of Regulatory Services
<b>3.</b> 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.	General Licensing Committee	Head of Regulatory Services
<b>4.</b> 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.	General Licensing Committee	Head of Regulatory Services
<b>5.</b> 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.	General Licensing Committee	Head of Regulatory Services

<b>6.</b> Power to register pools promoters.	Gambling Act 2005	Statutory Licensing Committee	Head of Regulatory Services
<b>7.</b> Power to grant track betting licences.	Gambling Act 2005	Statutory Licensing Committee	Head of Regulatory Services
<b>8.</b> Power to license inter-track betting schemes.	Gambling Act 2005	Statutory Licensing Committee	Head of Regulatory Services
<b>9.</b> Power to grant permits in respect of premises with amusement machines.	Gambling Act 2005	Statutory Licensing Committee	Head of Regulatory Services
<b>10.</b> Power to register societies wishing to promote lotteries.	Gambling Act 2005	Statutory Licensing Committee	Head of Regulatory Services
<b>11.</b> Power to grant permits in respect of premises where amusements where prizes are provided.	Gambling Act 2005	Statutory Licensing Committee	Head of Regulatory Services
<b>12.</b> Power to issue entertainments licences.	Section 12 of the Children and Young Persons Act 1933.	General Licensing Committee	Head of Regulatory Services
<b>13.</b> Power to license sex shops and sex cinemas	The Local Government (Miscellaneous Provisions) Act 1982, section 2 and Schedule 3.	General Licensing Committee	Head of Regulatory Services
<b>14.</b> Power to license performances of hypnotism.	The Hypnotism Act 1952.	General Licensing Committee	Head of Regulatory Services
<b>15.</b> 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	Head of Regulatory Services
<b>16.</b> Power to license pleasure boats and pleasure vessels.	Section 94 of the Public Health Acts Amendment Act 1907.	General Licensing Committee	Principal Harbour and Maritime Officer
<b>17.</b> Power to license market and street trading.	Part III of, and Schedule 4 to, the Local Government (Miscellaneous provisions) Act 1982.	General Licensing Committee	Head of Regulatory Services

<b>18.</b> Power to make or revoke an order designating a locality as an alcohol disorder zone	Section 16 of the Violent Crime Reduction Act 2016	General Licensing Committee	Head of Regulatory Services
<b>19.</b> 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	Head of Regulatory Services
<b>20.</b> Power to register and license premises for the preparation of food.	Section 19 of the Food Safety Act 1990.	General Licensing Committee	Head of Regulatory Services
<b>21.</b> Power to license scrap yards.	Section 1 of the Scrap Metal Dealers Act 1964.	General Licensing Committee	Head of Regulatory Services
<b>22.</b> 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	Head of Regulatory Services
<b>23.</b> 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	Head of Regulatory Services
<b>24.</b> 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	Head of Regulatory Services

<b>25.</b> 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	Head of Regulatory Services
<b>26.</b> Power to register animal trainers and exhibitors.	Section 1 of the Performing Animals (Regulation) Act 1925.	General Licensing Committee	Head of Regulatory Services
<b>27.</b> Power to license zoos.	Section 1 of the Zoo Licensing Act 1981.	General Licensing Committee	Head of Regulatory Services
<b>28.</b> Power to licence dangerous wild animals.	Section 1 of the Dangerous Wild Animals Act 1976.	General Licensing Committee	Head of Regulatory Services
<b>29.</b> Power to enforce regulations in relation to animal by-products.	Regulation 49 of the Animal By-products (Wales) Regulations 2006.	General Licensing Committee	Head of Regulatory Services
<b>30.</b> 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.		Statutory Head of Education
<b>31.</b> Power to approve premises for the solemnisation of marriages and the registration of civil partnerships	Section 46 A of The Marriage Act 1949, Section 6A of the Civil Partnership Act 2004, the Marriages and Civil Partnerships (approved Premises) Regulations 2005 (S.I.2005/3168)	General Licensing Committee	Head of Law and Governance

<b>32.</b> 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).	Planning Committee	Head of Regulatory Services
<b>33.</b> Power to register variation of rights of common.	Regulation 29 of the Commons Registration (General) Regulations 1966 (S.I. 1966/1471).	Planning Committee	Head of Regulatory Services
<b>34.</b> Issue a permit to conduct charitable collections.	Section 68 of the Charities Act 1992.	General Licensing Committee	Head of Regulatory Services
<b>35.</b> Power to grant consent for the operation of a loudspeaker.	Schedule 2 to the Noise and Statutory Nuisance Act 1993.	General Licensing Committee	Head of Regulatory Services
<b>36.</b> Power to grant a street works licence.	Section 50 of the New Roads and Street Works Act 1991.	General Licensing Committee	Head of Environment, Roads and Facilities
<b>37.</b> 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	Head of Regulatory Services
<b>38.</b> 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	Head of Regulatory Services
<b>39.</b> 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	Head of Regulatory Services



<b>40.</b> 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	Head of Regulatory Services
<b>41.</b> Functions in respect of establishing a Licensing Committee.	Section 6 of the Licensing Act 2003.	Council	
<b>42.</b> Power to receive notice before a street is named.	Section 17 of the Public Health Act 1925	General Licensing Committee	Head of Regulatory Services
<b>43.</b> Power to order the assignment/alteration of a street.	Section 18 of the Public Health Act 1925	General Licensing Committee	Head of Regulatory Services
<b>44.</b> Duty to indicate the name of a street	Section 19 of the Public Health Act 1925	General Licensing Committee	Head of Regulatory Services

### **C. Functions Relating to Health and Safety at Work:**

<b>Function</b>	<b>Provision of Act or Statutory Instrument</b>	<b>Allocated To</b>	<b>Delegated to</b>
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, 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.		Head of Regulatory Services

#### D. Functions Relating to Elections:

Function	Provision of Act or Statutory Instrument	Allocated To	Delegated to
1. Duty to appoint an electoral registration officer.	Section 8(2)(A) Representation of the People Act 1983.	Council	
2. 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
3. Power to dissolve community councils.	Section 27D of the Local Government Act 1972	Council	
4. Power to make orders for grouping communities	Section 27F or 27H of the Local Government Act 1972	Council	
5. Power to make orders for dissolving groups and separating community councils from groups.	Section 27 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		Chief Executive
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.	Council	
11. Power to pay expenses properly incurred by electoral registration officers.	Section 54 of the Representation of the People Act 1983.		Returning Officer

<b>12.</b> Power to fill vacancies in the event of insufficient nominations.	Section 21 of the Representation of the People Act 1985		Chief Executive
<b>13.</b> Duty to declare vacancy in office in certain cases.	Section 86 of the Local Government Act 1972.		Returning Officer
<b>14.</b> Duty to give public notice of casual vacancy.	Section 87 of the Local Government Act 1972		Returning Officer
<b>15.</b> Power to make temporary appointments to community councils.	Section 91 of the Local Government Act 1972		Returning Officer
<b>16.</b> 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
<b>17.</b> 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

**E. Functions Relating to Name and Status of Areas and Individuals:**

<b>Function</b>	<b>Provision of Act or Statutory Instrument</b>	<b>Allocated To</b>	<b>Delegated to</b>
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:**

<b>Function</b>	<b>Provision of Act or Statutory Instrument</b>	<b>Allocated To</b>	<b>Delegated to</b>
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:**

<b>Function</b>	<b>Provision of Act or Statutory Instrument</b>	<b>Allocated To</b>	<b>Delegated to</b>
Power to promote or oppose private bills	Sections 52 and 53 of the Local Government (Democracy) (Wales) Act 2013	Council	

## H. Functions Relating to Pensions etc:

Function	Provision of Act or Statutory Instrument	Allocated To	Delegated to
1. Functions relating to local government pensions etc.	Regulations under section 7, 12 or 24 of the Superannuation Act 1972.	Council	
2. Functions relating to pensions allowances and gratuities.	Regulations under section 18 (3A) of the Local Government and Housing Act 1989.	Council	
3. 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	

## I. Miscellaneous Functions:

Function	Provision of Act or Statutory Instrument	Allocated To	Delegated to
1. Power to create footpaths and bridleways	Sections 25 and 26 of the Highways Act 1980	General Licensing Committee	Unopposed – Head of Environment, Roads and Facilities
2. Power to stop up footpaths and bridleways	Section 118 of the Highways Act 1980	General Licensing Committee	Unopposed – Head of Environment, Roads and Facilities
3. Power to divert footpaths and bridleways	Section 119 of the Highways Act 1980	General Licensing Committee	Unopposed – Head of Environment, Roads and Facilities
4. Duty to assert and protect the public's right of use and enjoyment of the highway	Section 130 of the Highways Act 1980	General Licensing Committee	Unopposed – Head of Environment, Roads and Facilities
5. Duty to reclassify roads used as public paths	Section 54 of the Wildlife and Countryside Act 1981	General Licensing Committee	Head of Environment, Roads and Facilities
6. 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).	Regulations made under Section 39 of the Public Audit (Wales) Act 2004 (C.23)	Governance & Audit Committee	
7. 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).	Planning Committee	Head of Regulatory Services
8. Powers relating to the protection of important hedgerows (Countryside)	The Hedgerows Regulations 1997 (S.I 1997 / 1160)	Planning Committee	Head of Environment, Roads and Facilities
9. Power to make standing orders	Section 106 of, and paragraph 42 of Schedule 12 to, the Local Government Act 1972.	Council	
10. Power to appoint staff and to determine the terms and conditions on which they hold office	Section 112 of the Local Government Act 1972 and Sections 7 and 8 of the Local Government and Housing Act 1989.	Council	Chief Executive/ Strategic Directors/ Heads of Service

(including procedures for their dismissal)			
<b>11.</b> Power to make standing orders as to contracts.	Section 135 of the Local Government Act 1972.	Council	
<b>12.</b> Power to consider adverse reports from the Public Services Ombudsman for Wales	Section 19 of the Public Service Ombudsman (Wales) Act 2005	Council	
<b>13.</b> 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.	General Licensing Committee	
<b>14.</b> Functions relating to family absence of Local Authority Members	The Family Absence for Members of Local Authorities (Wales) Regulations 2016	Council	
<b>15.</b> Powers in respect of registration of motor salvage operators.	Part 1 of the Vehicles (Crime) Act 2001	General Licensing Committee	Head of Regulatory Services
<b>16.</b> Power to appoint Officers for particular purposes (appointment of 'Proper Officers').	Section 270(3) of the Local Government Act 1972	Council	
<b>17.</b> Duty to determine affordable borrowing limit.	Section 3 of the Local Government Act 2003	Council	
<b>18.</b> Approval of annual investment strategy in accordance with guidance.	Section 15 of the Local Government Act 2003	Council	
<b>19.</b> Duty to make arrangements for proper administration of financial affairs.	Section 151 of the Local Government Act 1972	Council	Strategic Director (Finance and Resources)

By virtue of the Local Authorities Executive Arrangements (Functions and Responsibilities) Regulations 2007:

1. The functions of:
  - (a) imposing any condition, limitation or other restriction on an approval, consent, licence, permission or registration granted
    - (i) in the exercise of a function listed in the Table above; or
    - (ii) otherwise than by the Executive in the exercise of any function under a local Act; or
  - (b) determining any other terms to which any such approval, consent, licence, permission or registration is subject,are not the responsibility of the Executive [Regulation 3 (2)]
2. The functions of determining whether, and in what manner, to enforce –
  - (a) any failure to comply with an approval, consent, licence, permission or registration granted in the exercise of a function specified in the Table above;
  - (b) any failure to comply with a condition; limitation or term to which any such approval, consent, licence, permission or registration is subject; or
  - (c) any other contravention in relation to a matter with regard to which the function of determining an application for approval, consent, licence, permission or registration would not be the responsibility of the Executive,is not to be the responsibility of the Executive. [Regulation 3 (3)].
3. The function of:
  - (a) amending, modifying or varying any such approval, consent, licence, permission or registration granted or any condition, limitation, restriction or term as mentioned in paragraph 1 above to which it is subject, or
  - (b) revoking any such approval, consent, licence, permission or registration,is not to be the responsibility of the Executive [Regulation 3 (4)]
4. The function of making any scheme authorised or required by regulations under Section 18 of the Local Government and Housing Act 1989 (schemes for basic, attendance and special responsibility allowances for replacing any such scheme, is not to be the responsibility of the Executive [Regulation 3 (5)]. This function can not be delegated by the Council.



5. The functions of determining:
  - (a) the amount of any allowance payable under :
    - (i) Section 22 (5) of the Local Government Act 1972 (“the 1972 Act”) (Chair’s expenses);
    - (ii) Section 24 (4) of the 1972 Section (Vice Chair’s expenses);
    - (iii) Section 173 (4) of the 1972 Act (financial loss allowance);
    - (iv) Section 175 of the 1972 Act (allowances for attending conferences);
  - (b) the rates at which payments are to be made under Section 174 of the 1972 Act (travelling and subsistence allowance);
  - (c) the amount of any allowance payable pursuant to a scheme under Section 18 of the Local Government and Housing Act 1989 or regulations made under Section 100 of the Local Government Act 2000, or the rates at which payments by way of any such allowance are to be made;
  - (d) whether a charge should be made for any approval, consent, licence, permit or registration the issue of which is not the responsibility of the Executive; and
  - (e) where a charge is made for any such approval consent, licence, permit or registration, the amount of the charge;

are not to be the responsibility of the Executive [Regulation 3 (6)].  
Functions (a) to (c) above may not be delegated by the Council.
6. Subject to any provision of regulations under Section 20 (Joint exercise of functions) of the Local Government Act 2000 the function of making arrangements for discharge of functions by a committee or officer under Section 101 (5) of the 1972 Act is not to be the responsibility of the Executive [Regulation 3 (7)].
7. The function of making appointments under Section 102 (appointment of committees) of the 1972 Act is not to be the responsibility of the Executive. [Regulation 3 (8)] - see Table 4

## SECTION 14.3

**Table 2: Local Choice Functions**

The Local Authorities (Executive Arrangements) (Functions and Responsibilities) (Wales) Regulations 2007 as amended by The Local Authorities Executive Arrangements (Functions and Responsibilities) (Wales) (Amendment) Regulations 2009 allow a Council to decide whether any of the following functions should be Executive or Council Functions.

The table below indicates whether a function is an Executive or Council function and whether that function is delegated to an Officer.

Function	Executive or Council	Delegated to
1. Any function under a local Act other than a function specified or referred to in Table 1.	Executive	Relevant Chief Officer
2. The determination of an appeal against any decision made by or on behalf of the authority.	Executive	Relevant Committee
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.	Executive	Cabinet
4. The making of arrangements in relation to appeals against the exclusion of pupils in maintained schools under Section 52 of Education Act 2002.	Executive	Statutory Head of Education Services
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).	Executive	Statutory Head of Education Services

Function	Executive or Council	Delegated to
6. The making of arrangements pursuant to section 95(2) of, and Schedule, the School Standards and Framework Act 1998 (children to whom section 87 applies: appeals by governing bodies).	Executive	Statutory Head of Education Services
7. 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	Executive (subject to prior consideration by the relevant Scrutiny Committee)	Cabinet
8. Any function relating to contaminated land.	Executive	Cabinet
9. The discharge of any function relating to the control of pollution or the management of air quality.	Executive	Head of Regulatory Services
10. The service of an abatement notice in respect of a statutory nuisance.	Executive	Head of Regulatory Services
11. The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the authority's area	Executive	Head of Regulatory Services
12. The inspection of the authority's area to detect any statutory nuisance	Executive	Head of Regulatory Services
13. The investigation of any complaint as to the existence of a statutory nuisance.	Executive	Head of Regulatory Services

Function	Executive or Council	Delegated to
14. The obtaining of information under section 330 of the Town and Country Planning Act 1990 as to interests in land.	Executive	Head of Regulatory Services
15. The obtaining of particulars of persons interested in land under section 16 of the Local Government (Miscellaneous Provisions) Act 1976	Executive	Relevant Chief Officer
<p>16. Any of the following functions in respect of highways—</p> <p>(a) the making of agreements for the execution of highways works</p> <p>(b) the functions contained in the following provisions of Part VIII of the Highways Act 1980 (stopping up and diversion of highways etc)</p> <p>(i) section 117 — application for order under section 116 on behalf of another person;</p> <p>(ii) section 118 — stopping up of footpaths, bridleways and restricted byways;</p> <p>(iii) section 118ZA — application for a public path extinguishment order;</p> <p>(iv) section 118A — stopping up of footpaths, bridleways and restricted byways crossing railways;</p> <p>(v) section 118B — stopping up of certain highways for purposes of crime prevention etc;</p> <p>(vi) section 118C — application by proprietor of school for special extinguishment order;</p>	Executive	Head of Environment, Roads and Facilities/ Head of Regulatory Services

Function	Executive or Council	Delegated to
<p>(vii) section 119ZA — application for a public path diversion order;</p> <p>(viii) section 119A — diversion of footpaths, bridleways and restricted byways crossing railways;</p> <p>(ix) section 119B — diversion of certain highways for purposes of crime prevention etc;</p> <p>(x) section 119C — application by proprietor of school for special diversion order;</p> <p>(xi) section 119D — diversion of certain highways for protection of sites of special scientific interest;</p> <p>(xii) section 120 — exercise of powers of making public path extinguishment and diversion orders;</p> <p>(xiii) section 121B — register of applications;</p> <p>(c) 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) sections 139 — control of builders' skips;</p> <p>(ii) section 140 — removal of builders' skips;</p> <p>(iii) section 140A — builders' skips: charges for occupation of the highway;</p> <p>(iv) section 142 — licence to plant trees, shrubs, etc in a highway;</p>		

Function	Executive or Council	Delegated to
<p>(v) section 147 — power to authorise erection of stiles, etc on footpath or bridleway;</p> <p>(vi) section 147ZA — agreements relating to improvements for benefit of persons with mobility problems;</p> <p>(vii) section 149 — removal of things so deposited on highways as to be a nuisance, etc;</p> <p>(viii) section 169 — control of scaffolding on highways;</p> <p>(ix) section 171 — control of deposit of building materials and making of excavations in streets;</p> <p>(x) section 171A and regulations made under that section — works under s169 or s171: charge for occupation of the highway;</p> <p>(xi) section 172 — hoardings to be set up during building etc;</p> <p>(xii) section 173 — hoardings to be securely erected;</p> <p>(xiii) section 178 — restriction on placing of rails, beams etc over highways;</p> <p>(xiv) section 179 — control of construction of cellars etc under street;</p> <p>(xv) section 180 — control of openings into cellars etc under streets, and pavement lights and ventilators;</p>		

Function	Executive or Council	Delegated to
<p>(d) exercising functions under section 34 of the Wildlife and Countryside Act 1981(limestone pavement orders); and</p> <p>(e) exercising functions under section 53 of the Wildlife and Countryside Act 1981(duty to keep definitive map and statement under continuous review).</p>		
<p>19. The appointment of any individual -</p> <p>(a) to any office other than an office in which he is employed by the authority;</p> <p>(b) to any body other than -</p> <p>(i) the authority;</p> <p>(ii) a joint committee of two or more authorities;</p> <p>or</p> <p>(c) to any committee or sub-committee of such a body, and the revocation of any such appointment.</p>	Executive	Portfolio Holder
<p>20. Power to make payments or provide other benefits in cases of maladministration etc.</p>	Council	Democratic Services Committee/ Chief Executive and relevant Portfolio Holder
<p>21. The discharge of any function by an authority acting as a harbour authority.</p>	Executive	Cabinet

Function	Executive or Council	Delegated to
<p>22. Functions in respect of calculation of council tax base in accordance with any of the following:-</p> <p>(a) the determination of an item for T in section 33 (1) and 44 (1) of the Local Government Finance Act 1992;</p> <p>(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;</p> <p>(c) the determination of an amount required for determining an amount of the item mentioned in paragraph (a) or (b) above.</p>	Executive	Portfolio Holder – Finance and Resources
<p>23. Licensing functions in accordance with Part 2 of the Licensing Act 2003 except section 6 and Statement of Licensing Policy</p>	Statutory Licensing Committee	Head of Regulatory Services
<p>24. Functions in respect of gambling in accordance with the following provisions of the Gambling Act 2005 –</p> <p>(a) section 29 — licensing authority information;</p> <p>(b) section 30 — other exchange of information;</p> <p>(c) section 166 — resolution not to issue casino licences;</p> <p>(d) section 212 and regulations made under that section — fees;</p> <p>(e) section 284 — removal of exemption;</p> <p>(f) section 304 — authorised persons;</p> <p>(g) section 346 — prosecutions by licensing authority;</p> <p>(h) section 349 — three-year licensing policy;</p> <p>(i) section 350 — exchange of information;</p> <p>(j) Part 5 of Schedule 11 — registration with local authority</p>	Council	Statutory Licensing / Head of Regulatory Services



Function	Executive or Council	Delegated to
25. Functions, in respect of the approval by a Local Authority under Section 51 or a determination by a Local Authority under Section 53 of the School Standards and Organisation (Wales) Act 2013.	Executive	
26. Functions in respect of the development of the Authority's personnel policies.	Executive	
27. Organisational changes affecting 11 or more staff or posts.	Executive	
28. Sections 92 and 93 of the Local Government and Elections (Wales) Act 2021 (making arrangements for a panel performance assessment and responding to the panel's report)	Executive	Cabinet

## SECTION 14.4

**Table 3 - Functions which are not the sole responsibility of the Executive**

<b>Function</b>	<b>Formulating Body</b>	<b>Role of the Council</b>
<p><b>1. Formulation and approval of the plans, strategies and implement the aims of the Council's Corporate Plan including:</b></p> <ul style="list-style-type: none"> <li>- Corporate Parenting Plan</li> <li>- Conwy and Denbighshire Wellbeing Plan</li> <li>- Safer North Wales Strategy</li> <li>- Health and Well Being Strategy (Section 24 of the National Health Service Reform and Health Care Professions Act 2002 (c.17))</li> <li>- Regional Transport Plan</li> <li>- Plans and alterations which together comprise the Development Plan (Section 10A of the Town and Country Planning Act 1990 (c.8))</li> <li>- Welsh Language Scheme (Section 5 of the Welsh Language Act 1993 (c.38))</li> <li>- Youth Justice Plan (Section 40 of the Crime and Disorder Act 1998 (c.37))</li> <li>- Placement Commissioning Strategy</li> <li>- Housing Strategy (Section 87 of the Local Government Act 2003 (c.26))</li> </ul>	The Executive	To consider and where necessary amend or refer back to the Executive, prior to final approval by the Council

<ul style="list-style-type: none"> <li>- Rights of Way Improvement Plan (Section 60 of the Countryside and Rights of Way Act 2000)</li> </ul> <p><b>2. Formulating a plan, scheme or strategy for the control of the authority's borrowing or capital expenditure.</b></p>	Executive	To consider and where necessary amend or refer back to the Executive, prior to final approval by the Council
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The following functions are not to be the responsibility of the Executive:

1. The authorisation of the making of an application for stock transfer, specifically Section 135 (5) of the Leasehold Reform, Housing and Urban Development Act 1993 (programmes for disposals) or Section 32 (power to dispose of land held for the purposes of Part II or Section 43 (consent required for certain disposals not within Section 32) of the Housing Act 1985.
2. Setting the Council Budget – Specifically making a calculation in accordance with any of Sections 32 to 37, 43 to 51, 52 I, 52 J, 52 T and 52 U of the Local Government Finance Act 1992, whether originally or by way of substitute; or issuing a precept under Chapter IV Part I of the Part I of that Act.

**Table 4 - Circumstances in which Functions are not to the responsibility of an Authority's Executive**

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

## SECTION 14.5

### Planning Scheme of Delegation

Planning functions are delegated to the Head of Regulatory Services by the Council (not the Executive) under Part 14 of the Constitution at paragraph 4.4.18 (1) of the Scheme of Delegation to Officers and under Part 3 Responsibility for Function at Table 1 (part A) Functions relating to Town and Country Planning and Development Management.

- 1 The functions specified in the above provisions are delegated to the Head of Regulatory Services (responsible for the time being for the Development Management functions of the Council) and will be exercised by him/her or any officer authorised by him BUT subject to the following matters being reserved to the Planning Committee:

- 1.1 Outline and full planning applications for major developments (as defined in paragraph 2 below) and not previously considered by the Planning Committee (for the avoidance of doubt this includes Section 73 applications).

- 1.2 Where there has been objection to an application falling into one or more of the following categories which raised matters that (in the opinion of the Head of Regulatory Services or his nominated officer) are of such significance as to necessitate determination by the Committee and where the officer recommendation is to grant permission.

- (i) A clear recommendation from the Natural Resources Wales (NRW), Water or Sewerage Undertaker or their representatives, the Highways, the Welsh Government as Trunk Road operator, CADW or the police to refuse an application.

- (ii) More than 5 individual letters of objection on planning grounds by neighbours / members of the public or 4 individual letters indicating planning grounds plus an objection from a Community Council.

- (iii) Where, the Chair of Planning Committee has consented to a written request by a Member made within 14 days of the application appearing in the weekly information papers that provides sound planning grounds why it is necessary for the application to be determined by the Planning Committee.

- 1.3 Applications submitted for Council development or for development on Council land (other than works within the highway relating to access and excluding variation of condition, non-material amendments, discharge of conditions and prior approval applications unless referral to Planning Committee is triggered by 1.2 above)

- 1.4 Applications submitted by officers of the Council employed within the development management function or their close relatives and the officer recommendation is to grant permission.

1.5 Applications submitted by Chief Officers of the Council or their close relatives and the officer recommendation is to grant permission.

1.6 Applications submitted by Members of the Council or their close relatives and the officer recommendation is to grant permission.

1.7 All decisions relating to the revocation or modification of a permission or consent and the discontinuing of the display of an advertisement with deemed consent (Note: section 13 of Table 1 to Part 14 of the Constitution provides for Discontinuance powers under Section 102 of the Town and Country Planning Act 1990 to be only exercised by the Council)

2.0 For the purposes of paragraph 2 above '**major development**' shall mean:

"Development involving any one or more of the following-

- (a) the winning or working of minerals or the use of land for mineral -working deposits;
- (b) waste development;
- (c) the provision of dwellings where: (i) the number of dwellings to be provided is 10 or more: or (ii) the development is to be carried out on a site having an area of 0.5 hectares or more and it is not known whether the development falls within paragraph (c)(i);
- (d) the provision of a building or buildings where the floor space to be created by the development is 1,000 square metres or more: or
- (e) development carried out on a site having an area of 1 hectare or more."

## SECTION 14 .6

### Statutory and General Licensing Committee

The responsibility of adopting the Statement of Licensing Policy is that of the Council.

#### Delegation of Functions

The following matters have been delegated to either the Statutory or General Licensing Committee:

<b>Matter to be dealt with</b>	<b>Committee</b>	<b>Sub Committee</b>	<b>Officers</b>
Application for a personal licence		If a representation made	If no representation made
Application for a personal licence with unspent convictions		All cases	
Application for premises licence/club premises certificate	If representation relates to Cumulative Impact	If representation is made	If no representation is made
Application for provisional statement	If representation relates to Cumulative Impact	If a representation is made	If no representation is made
Application to vary premises licence/club premises certificate	If representation relates to Cumulative Impact	If a representation is made	If no representation is made
Application to vary designated personal licence holder		If a police representation is made	All other cases
Request to be removed as a designated personal licence holder			All cases
Application for transfer of premises licence		If a police representation is made	All other cases
Application for Interim Authorities		If a police representation is made	All other cases
Application to review premises licence/club premises certificate		All cases	

Decision on whether compliant is irrelevant, frivolous vexatious etc			All cases
Decision to object when local authority is a consultee and not the authority			All cases
Determination of a police representation to a temporary event notice		All cases	
Decision on fees for Markets (private hire)			All cases
Granting and renewing both Hackney Carriage and Private Hire			All cases except where an applicant or existing licence holder has previous criminal convictions recorded against them and/or for motoring offences where the applicant or licence holder has 9 or more valid penalty points endorsed on their driving licence, then the Chair of the Council's appointed General Licensing Committee would be consulted to confirm whether or not the matter should be referred to the General Licensing Committee for determination
To undertake Licensing Reviews	All cases		
Formulating the Statement of Licensing Policy prior to adoption by Council	All cases		



## **SECTION 14.7**

### **Scheme Of Delegation For Officers**

#### **1. Definition.**

- 1.1 In this scheme, 'Chief Officer' means the Chief Executive, any Director and Head of Service.
- 1.2 Any reference to an Act in this scheme includes a reference to any amendment thereto or re-enactment thereof of any order or secondary legislation made under it.

#### **2. General.**

- 2.1 Under this scheme, each chief officer is authorised to act on behalf of the Council in relation to any matter within his/her service area. Any exercise of delegated powers shall comply with, and be subject to:-
  - 2.1.1. Any statutory provisions
  - 2.1.2. The Council's overall Policy & Budget framework
  - 2.1.3 Protocol on Member/Officer Relations, Liaison with local Members and the Officers Code of Conduct
  - 2.1.4 The Constitution of the Council and the relevant Rules of Procedure
  - 2.1.5 Financial Regulations
  - 2.1.6 Procedural and Contract Standing Orders
  - 2.1.7 The principles for achieving Best Value
  - 2.1.8 Agreed arrangements for recording the decisions
  - 2.1.9 The taking of and compliance with any legal or other professional advice when required.
  - 2.1.10 Have regard to sustainability generally and the well-being of current and future generations.
- 2.2. Where the exercise of delegated powers is likely to affect more than one service, the chief officer must consult with any other chief officer whose service may be so affected.
- 2.3. Without prejudice to his/her delegated powers or to that of the relevant Committee, and in appropriate circumstances only, each chief officer should, when exercising his/her powers:-

- 2.3.1. keep the Cabinet fully informed, in particular members of the Cabinet who are the Portfolio Holders for the service area in question and also have due regard to any comments made by the relevant scrutiny committee regarding the matter in question.
- 2.3.2. ensure that he/she consults with/or informs the local member(s) in advance;
- 2.3.3. ensure that he/she consults with/or informs the Chief Executive.

Further guidance on this issue will be contained in the Protocol to Govern Liaison with Local Members and Protocol on Member/Officer relations in [Section 22](#).

- 2.4 Before exercising a delegated power, each chief officer must consider whether the decision is one that should be referred to Overview and Scrutiny for input or referred to the Cabinet, or appropriate Committee or sub-Committee for a decision.
- 2.5 In deciding whether to refer a matter to the Cabinet, Committee or Sub-Committee the chief officer will have regard to the following considerations:-
  - 2.5.1 day to day decisions on technical or professional issues will normally be taken without reference to members.
  - 2.5.2 the views of the local member, Portfolio Holder and chief executive must be taken into account.
  - 2.5.3 if a decision is likely to have a significant impact on the Council's profile, is likely to attract unfavourable comment in the news media, or may have substantial financial implications there will be a presumption in favour of referring it to members.
- 2.6 Functions are not delegated where:
  - 2.6.1 they are reserved by law or by this Constitution to the Council;
  - 2.6.2 they may not by law be delegated to an officer
  - 2.6.3 they are reserved to be exercised by an Executive Member or Members
- 2.7 The powers listed in the document entitled 'Functions which are not to be the responsibility of the Cabinet' contained in Part 14 of the Constitution are delegated to the chief officer named in the fourth column of that document. Where no chief officer is named, the power is not delegated to officers but is retained by the Committee named in the third column.

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

### **3. General Delegation - Specific Powers**

- 3.1 Each chief officer (having consulted with the relevant Portfolio Holder where appropriate) is authorised to take any action necessary to protect or promote the Council's interests, subject to the restrictions noted in paragraph 2 above.
- 3.2 Without prejudice to the generality of the above provisions, this includes exercising his/her professional judgement to take such decisions as are necessary to implement the Council's policies and to promote the management and delivery of the services which are his/her responsibility.
- 3.3 Any powers granted to a chief officer may be discharged either in his/her absence by such officers(s) as may be authorised by him/her or in accordance with any general instructions or provisions made by him/her. In the absence of the chief officer, any officer appointed by him/her to deputise on his/her behalf may also authorise the exercise of the delegated powers. For the avoidance of doubt such authorisations may not be granted to persons who are not officers of the Council unless there is an arrangement facilitating joint working with the relevant persons employing authority. If no such authority has been granted prior to the absence of the Chief Officer then the Chief Executive may authorise such other officer or officers as he thinks fit to exercise the powers of the absent Chief Officer.
- 3.4 Each chief officer may authorise his/her staff to exercise such powers as necessary to enter or inspect any land, buildings or properties and to provide any evidence or authority as necessary for discharging their duties in accordance with the Council's statutory powers.
- 3.5 Authority to serve requisitions for information under the Local Government (Miscellaneous Provisions) Act 1976 or any other enabling legislation.
- 3.6 In relation to matters reserved to the Council, the Cabinet or other Committee or sub-Committee, if the matter is urgent, the relevant chief officer will be permitted to act in between meetings, in consultation with the relevant Portfolio Holder and local members and leaders of the political groups as appropriate, on condition that any such action is consistent with the Council's general policies and that a report on the action taken is presented to the next meeting of the Council, the Cabinet, Committee or sub-Committee.

- 3.7 In consultation with the Head of People and Performance where appropriate , each chief officer is authorised to act in relation to staffing matters including the recruitment, appointment, review of structure, approving accelerated increments within the grade for the post, awarding a temporary honorarium, disciplining and dismissal of staff, subject to any matters which have been reserved to the Council, or the Cabinet and subject (in cases of a change of structure which involves viring finance from other budget headings) to compliance with the Financial Procedure Rules and to receiving the approval of the relevant Portfolio Holder.
- 3.8 To appoint, following consultation with and agreement by the Strategic Director, temporary employees for periods of up to 12 months (or for the duration of a particular project) providing costs are contained within approved estimates subject to compliance with any vacancy control arrangements.
- 3.9 To determine the appointment of officers for specified purposes to undertake work as inspector, proper officers, or other similar designations contained in existing or future legislation.
- 3.10 Each chief officer is authorised to act in relation to procurement and contracts within the approved budget and in accordance with the Contract Standing Orders including the power to remove contractors from the approved lists, where there has been a failure to meet Council criteria.
- 3.11 Each chief officer is authorised to act on financial matters, in accordance with the Financial Regulations.
- 3.12 Each chief officer is authorised to manage the assets, vehicles and equipment belonging to the Service for which he/she has responsibility. This includes the granting of permission for any event to be held on Council land and the letting of rooms in buildings for which he/she is responsible for periods of 24 hours or less.
- 3.13 Each chief officer is authorised to submit planning applications in pursuance of approved schemes and to be responsible for the issuing of determinations, consents, licences or notices on behalf of the Council.
- 3.14 Authority to undertake work or provide services to third parties subject to resources being available, to there being no adverse impact on the provision of Council operations, and appropriate charges being levied.
- 3.15 In consultation with the Strategic Director – Finance and Resources and the appropriate Portfolio Holder, power to set all fees and charges in accordance with the Council's policies.
- 3.16 The Head of Audit and Procurement is appointed as the Council's Senior Information Risk Owner (SIRO)

- 3.17 Acceptance of grant approvals for funding from outside bodies, such acceptance to be authorised by any two of the following Chief Officers: Chief Executive, Strategic Directors and the Head of Law and Governance.

#### **4.1 Statutory and Proper Officer Designation**

- 4.1.1 The Local Government Act 1972 together with other legislation requires local Authorities to make specific statutory appointments which carry specific responsibilities.
- 4.1.2 The Local Government Act 1972 also makes provision for certain officers to be designated by their employing Authority as the 'Proper Officer' to carry out particular functions under various Acts of Parliament.

#### **4.2 Statutory Officers**

- 4.2.1 Legislation requires local authorities to designate specific officers for particular responsibilities. These are detailed below:-

<b>Statutory Requirements</b>	<b>Statutory Officer</b>	<b>Officer Responsible</b>
Local Government and Elections (Wales) Act 2021	Chief Executive	Chief Executive
Section 8 and Section 24 Representation of the People Act 1983	Electoral Registration Officer Returning Officer	Chief Executive
Section 5 Local Government and Housing Act 1989	Monitoring Officer	Head of Law and Governance
Section 151 Local Government Act 1972	Chief Finance Officer	Strategic Director – Finance and Resources
Section 532 Education Act 1996	Chief Education Officer	Head of Education Services
Statutory Guidance on the Role and Accountabilities of the Director of Social Services	Director of Social Services	Strategic Director of Social Care and Education

Issued under Section 7 of the Local Authority Social Services Act 1970		
Section 27 Children Act 2004	Lead Director for Children and Young People's Services	Strategic Director of Social Care and Education

## **Proper Officer Responsibilities**

### **4.2.2 Chief Executive**

The Chief Executive is appointed the Proper Officer in relation to:-

- (a) Any reference in any enactment passed before or during the 1971-72 session of Parliament other than the Local Government Act 1972 or in any instrument made before 26<sup>th</sup> October 1972 to the Clerk of a Council or the Town Clerk of a Borough, which, by virtue of any provision of the said Act, is to be construed as a reference to the Proper Officer of the Council.
- (b) Any reference in any local statutory provision to the Clerk of the Council or similar which, by virtue of an Order made under the Local Government Act 1972, or the Local Government Act 1992, is to be construed as a reference to the Proper Officer of the Council.
- (c) In addition to any specific responsibilities under which the Chief Executive is designated Proper Officer, the Chief Executive is also designated as Proper Officer in respect of all Proper Officer designations made to Strategic Directors or other officers in the absence of such Strategic Directors or Officers.

### **Strategic Director – Finance and Resources**

The Strategic Director – Finance and Resources is appointed the Proper Officer in relation to the following:-

- (a) Any reference in any enactment passed before or during the 1971-1972 session of Parliament other than the Local Government Act 1972 or in any instrument made before 26<sup>th</sup> October 1972 to the Treasurer or a Treasurer of a Borough, which by virtue of any provision of the said Act is to be construed as a reference to the Proper Officer of the Council.
- (b) Any reference in any local statutory provision to the Treasurer of a specified Council or the Treasurer of a specified Borough which, by virtue of an Order made under Section 254 of the Local Government Act 1972, or the Local Government Act 1992, is to be construed as a reference to the Proper Officer of the Council.

### **4.2.3 Proper Officer Designations in respect of specific Statutory Provisions are as follows:**

#### **Local Government Act 1972**

The Head of Law and Governance is the Proper Officer for all functions under the Local Government Act 1972 other than the following:-

<b>Section of Act</b>	<b>Function</b>	<b>Officer Appointed</b>
88(2)	Convening a Council meeting to fill a casual vacancy in the office of Chair	Chief Executive
115(2)	Receipt of money due from officers	Strategic Director – Finance and Resources
146(1)(a) and (b)	Declarations and Certificates with regard to securities	Strategic Director – Finance and Resources
191	Functions with respect to Ordnance Survey	Chief Executive
234	Authentication of documents	All Heads of Services for their own areas of operations
Schedule 12, Paragraph 4(2)(b)	Signature of Summonses to Council Meetings	Chief Executive

#### **Public Services Ombudsman (Wales) Act 2005**

17	Notice of Public Services Ombudsman's Reports	Head of Law and Governance
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#### **Local Government (Miscellaneous Provisions) Act 1976**

41	Evidence of Resolutions and Minutes of Proceedings	Head of Democratic Services
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#### **Buildings Act 1984**

78	Exercise of powers to deal with dangerous buildings etc	Head of Regulatory Services
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#### **Registration Service Act 1953 - Registration of Births, Deaths and Marriages Regulations 1968 to 1994**

	Various functions	Head of Law and Governance
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### **Rent Act 1977**

Schedule 15 Part IV	Certificate of Local Housing Authority as to the provision of suitable alternative accommodation	Housing Services Manager or Head of Strategic Housing
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### **Rent (Agriculture) Act**

Schedule 4	Issue of a Certificate of the Housing Authority as to the provision of suitable alternative accommodation	Housing Services Manager or Head of Strategic Housing
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### **For Conwy Harbour (Functions under The Conwy Harbour Revision Order 1982)**

All relevant provisions of the Order	Various functions of the 'Harbour Master'	Principal Harbour and Maritime Officer
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### **Health and Safety at Work Act 1974**

Part 1	Functions relating to Health and Safety under any 'relevant statutory provision' within the meaning of Part 1 of the Act, to the extent that those functions are discharged otherwise than in the Council's capacity as employer	Head of Regulatory Services
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### **Local Government (Contracts) Act 1997**

Section 3	To provide a certificate under the Act	Strategic Director – Finance and Resources
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### **Proceeds of Crime Act and Money Laundering Regulations**

	Money Laundering Reporting Officer	Section 151 Officer (see Statutory Officers table)
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**Housing Act 2004**

	Authorised Officer	Head of Strategic Housing
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**General Data Protection Regulation**

Article 37	Data Protection Officer	Information Governance Manager
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**4.3 The following specific powers and duties are delegated to the chief officer named below.**

**4.3.1 Chief Executive**

1. Authorised to make any decisions relating to any matter within his/her area of responsibility, provided always that the decision is:
  - a) Within budget
  - b) In accordance with the Council's Policy Framework
  - c) In accordance with the Council's Financial Procedure Rules and Contract Procedure Rules
  - d) Not a matter specifically reserved for Full Council, a Committee of the Council, the Cabinet or a Statutory Officer.
2. Power to submit bids and negotiate for external funding that are in the Council's best interests, subject to available Council resources.
3. Power to act in consultation with the Chair of the Council in relation to any decisions requiring urgent Executive action in the period from the last Executive meeting prior to elections and lasting until the selection of the new Executive members by the Leader following the election.
4. Authority in relation to the creation of new posts where funding (whether external or internal) is identified, deletion of posts and small scale changes as a consequence of staff reorganisation, for example, if affecting 10 or fewer members of staff, in consultation with the Portfolio Holder(s), the appropriate Strategic Director(s) and the Head of Corporate Human Resources. Any decisions can be referred to Cabinet for consideration if it is necessary. (*Organisational changes affecting 11 or more staff or posts are a Cabinet function*).
5. Authority to change the officer membership on the Corporate Joint Consultative Committee and Corporate Joint Health, Safety and Health Promotion Committee at his/her discretion (*but not the number of officer seats*).
6. To approve vacancies in line with the Vacancy Control Procedure.
7. In addition to Paragraph above, have line management responsibilities for the following Heads of Service:
  - Head of Environment, Roads and Facilities
  - Head of Law and Governance
  - Head of Regulatory Services
  - Head of Strategic Housing

#### 4.3.2 Strategic Directors

1. All Strategic Directors are authorised to make any decisions relating to any matter within his/her area of responsibility, provided always that the decision is:
  - a) Within budget
  - b) In accordance with the Council's Policy Framework
  - c) In accordance with the Council's Financial Procedure Rules and Contract Procedure Rules
  - d) Not a matter specifically reserved for Full Council, a Committee of the Council, the Cabinet or a Statutory Officer.
2. To approve vacancies in line with the Vacancy Control Procedure.

#### 4.3.3 Strategic Director – Finance and Resources

1. In addition to Paragraph 4.3.2, have line management responsibilities for the following Heads of Service
  - Head of Finance
  - Head of Audit & Procurement
  - Head of People and Performance
  - Head of IT and Digital Transformation
  - Head of Economy & Culture
2. To act on a day to day basis and within the scheme in the following areas:
  - Providing clear professional leadership across the Finance and Resources directorate;
  - Having direct access to and advise the Chief Executive and Councillors on Finance matters and on the direction and actions the authority should take on financial matters;
  - Ensuring that strong performance management arrangements are in place across the Finance and Resources directorate, and reporting at a corporate level and to Councillors on the authority's performance in respect of these;
  - Ensuring that the Council has proper administration of its financial affairs
  - Lead the promotion and delivery by the whole authority of good financial management so that public money is safeguarded at all times and used appropriately, economically, efficiently and effectively.
3. Financial Services - to act on a day to day basis and within the scheme in the following areas:-
  - To be the proper officer for the purpose of Section 151 Local Government Act 1972 and Section 114 Local Government Finance Act 1988 and the power to appoint a deputy to act in their absence.
  - To be the proper officer for the purposes of Sections 115 and 146 Local Government Act 1972.

- The right to sign a certificate that a lease or contract does not constitute credit arrangements.
  - The right to sign a certificate that contracts comply with the Local Government (Contracts) Act 1997.
  - To authorise the write-off of debts up to the amounts noted in the Financial Procedure Rules.
  - Nominate authorised officers under the Social Security Administration Act 1992
  - To enter in to Service Level Agreements with outside bodies to undertake that body's accounts, payroll, creditor payments, investments and borrowing
  - Organising the Council's banking arrangements.
  - Authorising leasing arrangements.
  - Authorising and managing petty cash payments.
  - Authorising the issue of Credit/Purchase Cards.
  - Authorising the use of electronic financial systems to transfer money for the above purposes.
4. To approve/disapprove employer discretion applications (Local Government Pension Scheme Regulations 2014) in consultation with the Head of People and Performance, the appropriate Director of the service in which the applicant works (or worked, if an ex-employee) and the Portfolio Holders for Finance and Resources and Modernisation relating to:
- Waiving All or Part of any Actuarial Reduction
  - Waiving All or Part of any Actuarial Reduction: Current Employers: 85 year rule
  - Waiving All or Part of any Actuarial Reduction: Ex-employees
5. To approve flexible retirement applications in consultation with the Head of People and Performance and the appropriate Director for the service in which the applicant works, except where an application is made by a Head of Service (Chief Officer) ,a Strategic Director, or the Chief Executive in which case the decision will be made by the Senior Employment Committee unless the overall value of the "package" is likely to exceed the Welsh Government's new threshold of £100,000 where the application will be referred to the Council for a decision.
1. To approve the disposal of land or property assets (both Freehold and Leasehold interests and granting of Easements or Lifting of Restrictive Covenants/Relevant Obligations) where:
- The disposal value does not exceed £50,000;
  - The disposal is in accordance with the Council's Disposals Policy and legal requirements;
  - The relevant Cabinet Member is consulted in advance.

#### 4.3.4 Strategic Director of Social Care and Education

1. In addition to Paragraph 4.3.2, have line management responsibilities for the following Heads of Service:
  - Head of Children, Family and Safeguarding Services
  - Head of Education
  - Head of Integrated Adults and Community Services
2. In addition to Paragraph 4.3.2, to act as the Director of Social Services responsible for:
  - Providing clear professional leadership across Social Care and Education Services;
  - Having direct access to and advising the Chief Executive and Councillors on Social Services matters and on the direction and actions the authority should take in fulfilling its Social Services responsibilities;
  - Ensuring that strong performance management arrangements are in place across Social Services, and reporting at a corporate level and to Councillors on the authority's performance in respect of these;
  - Ensuring that the authority has proper safeguards to protect vulnerable children and young people, adults and older people, and reporting at a corporate level and to Councillors on their effectiveness;
  - Fulfilling overall responsibility for Social Services workforce planning, training and professional development; and
  - Ensuring that there are adequate arrangements in place for Social Services to work effectively with others, both within and outside the Authority, in fulfilling its Social Services functions and in contributing to the achievement of wider policy objectives.
  - Subject to 2.5.3 and in consultation with the relevant Cabinet Member, to make decisions at the Regional Partnership Board.
3. To exercise powers under all the Acts listed in Schedule 1 to the Local Authorities (Social Services) Act 1970.
4. To exercise the powers under section 47 of the National Assistance Act 1948.
5. Role of Lead Director for Children and Young People's Services under Section 27 of the Children Act 2004.

#### 4.3.5 Head of Law and Governance

1. To act on behalf of the Council on a day to day basis and within the Scheme with regards to matters within his/her service area, particularly in relation to the following, but not exclusive to:
  - Legal
  - Language Unit
  - Registration Services
  - Democratic Services
  - Business Support
2. To instigate defend or settle proceedings (either in the name of the Council or in the name of an individual Council officer) under the common law or under any legislation, secondary legislation or the byelaw which either grants functions to the Council or which relates to functions discharged by the Council and the appeal against any legal judgment.

For the avoidance of doubt this Authority includes the authority to take all procedural measures including the serving of statutory or non statutory notices or counter notices and eviction notices.

3. To authorise a Council officer to appear on behalf of the Council in proceedings under Section 60 of the County Courts Act 1984 and in the Magistrates Court under Section 223 of the Local Government Act 1972.
4. Authority to sign a certificate for the purposes of Her Majesty's Land Registry and to register any land charge on behalf of the Council.
5. Authority to affix the Common Seal of the Council to documents following a valid decision by the Council or the Executive, Committee Portfolio Holders or an officer exercising delegated powers, and to authorise other officers to do likewise.
6. Authorised to Act (in consultation with the Head of Regulatory Services or his Deputy) as an Authorised Officer for the purposes of the Regulation of Investigatory Powers Act 2000.
7. To apply to the Court for Drink Ban Orders (Sections 1-14 of the Violent Crime Reduction Act) in consultation with the Head of Regulatory Services.

#### 4.3.6 Head of Democratic Services

1. To act on a day to day basis, and within the scheme in the following areas:
  - Elections/Electoral Registration
  - Member Services
  - Committee Services
  - Scrutiny Services

2. To provide support and advice (concerning the functions of the Overview and Scrutiny Committees and the Democratic Services Committee) to:
  - the Authority in relation to its meetings;
  - Committees of the authority and the members of those committees;
  - any joint committee which the Local Authority is responsible for organising and the members of that committee
  - In relation to the functions of the Authority's overview and scrutiny committee(s), to members of the Authority, members of the Executive and Officers
  - to each member of the Authority in carrying out the role of member of the Authority
3. To promote the role of the Authority's Overview and Scrutiny Committees.
4. To make reports and recommendations in respect of the number and grades of staff required to discharge democratic services functions and the appointment, organisation and proper management of those staff.
5. To carry out duties as required under The Family Absence for Members of Local Authorities (Wales) Regulations 2013.
6. Any other functions prescribed by the Welsh Ministers

#### 4.3.7 Head of Finance

1. To act on behalf of the Council on a day to day basis and within the Scheme with regards to matters within his/her service area, particularly in relation to the following, but not exclusive to:
  - Accountancy & Exchequer
  - Revenues & Benefits
  - Accountancy (including Revenue budgeting and final accounts and Capital budgeting and final accounts)
  - Risk management and insurance
  - Creditor Payments (including the Construction Industry Tax Deduction Scheme and self employed payments)
  - The pension scheme including the teachers' pension scheme
  - Treasury management (including investments and borrowing for revenue and capital purposes and investment for funds for which the Council is the custodian)
  - Payroll (including car allowances, expenses, employee benefits, income tax, national insurance and all other deductions)
  - Car Leasing Scheme
  - Tax matters including the Council's income tax and VAT
2. To be the Deputy s151 officer and to act on a day to day basis and within the scheme in respect of the areas set out in section 4.3.3 (2), as deputy to the Strategic Director Finance and Resources.



3. To manage the following officers in the exercise of their functions.

Local Taxation Manager -To act on a day to day basis and within the Scheme in the following areas:-

- Collection of Council Tax and National Non-Domestic Rates
- Authority to take legal proceedings for recovery of any monies due to the Council
- Authorising staff to appear on behalf of the Authority to conduct proceedings in the Magistrates' Court under S.223 LGA 1972
- Negotiating debts including recommending write-off to the appropriate Cabinet Member
- To authorise the write-off of debts up to the amounts noted in the Financial Regulations
- To authorise the granting of discretionary relief from NNDR provided the awards follow the Non-Domestic Rates Policy and Guidance for Discretionary, Rural and Hardship Relief

Benefits & Financial Assessments Manager - To act on a day to day basis and within the Scheme in the following areas:-

- Administration of Housing Benefit/ Council Tax Reduction
- Assessment of Discretionary Housing Payment Awards
- Financial Assessment of Domiciliary and Residential Charges
- Assessment of Free School Meals and School Uniform Grants
- Authority to make discretionary decisions in accordance with the Housing Benefit/Council Tax Reduction Regulations
- Detection and Prevention of Housing Benefit/Council Tax Reduction Fraud
- Authority to take legal proceedings for recovery of any monies due to the Council
- Authority to take steps under the Social Security Administration (Fraud) Act 1997
- Negotiating debts, including recommending write off to the appropriate Cabinet Member
- To authorise the write-off of debts up to the amounts noted in the Financial Regulations

Income & Reconciliation Manager - To act on a day to day basis and within the scheme in the following areas:-

- Collection of Sundry Debts
- Corporate Income Collection and Bank Reconciliation
- E-Payments and associated development work
- Management of Council Mortgages
- Authority to take legal proceedings for recovery of any monies due to the Council

- Negotiating debts including recommending write off to the appropriate Cabinet Member
- To authorise the write-off of debts up to the amounts noted in the Financial Regulations

#### 4.3.8 Head of People and Performance

1. To act on behalf of the Council on a day to day basis and within the Scheme with regards to matters within his/her service area, particularly in relation to the following, but not exclusive to
  - Terms and conditions of services (in consultation with the appropriate Head of Service)
  - Industrial relations
  - Staff training and development
  - Recruitments and appointment procedure
  - Employer's responsibility of health and safety measures
  - Retirement
  - Termination of Employment
  - Communications and Marketing (with the exception of the Arts, Culture and Theatres Team)
2. To be the proper officer for signing applications for checks with the Criminal Records Bureau.
3. To determine, on behalf of the Council as employer, stage 1 of an appeal under the internal dispute resolution procedure of the Local Government Pension Scheme.
7. To decide on re-grading applications (to be discharged through the job evaluation and scheme maintenance procedure).
8. Authority, in consultation with the Leader, to respond on behalf of the Council to enquiries or consultations on pay and single status issues received from the National Employers.
9. To give instructions and directions requiring the suspension of operations executed by, or involving employees of the Council where operations are judged to be dangerous or in breach of any statutory requirement
10. To approve/disapprove employer discretion applications (Local Government Pension Scheme Regulations 2014) in consultation with the Strategic Director (Finance and Resources), the appropriate Director of the service in which the applicant works (or worked, if an ex-employee) and the Portfolio Holders for Finance and Resources and Communication relating to:
  - Waiving All or Part of any Actuarial Reduction

- Waiving All or Part of any Actuarial Reduction: Current Employers: 85 year rule
- Waiving All or Part of any Actuarial Reduction: Ex-employees

11. To approve flexible retirement applications in consultation with the Strategic Director (Finance and Resources) and the appropriate Director for the service in which the applicant works, except where an application is made by a Head of Service (Chief Officer), a Strategic Director, a Director or the Chief Executive in which case the decision will be made by the Senior Employment Committee unless the overall value of the “package” is likely to exceed the Welsh Government’s new threshold of £100,000 where the application will be referred to the Council for a decision.

#### 4.3.9 Head of Children, Family and Safeguarding Services

1. To act on behalf of the Council on a day to day basis and within the Scheme with regards to matters within his/her service area, particularly in relation to the following, but not exclusive to:

##### **Children and Family Support and Intervention:**

- Provision of support to Children in Need under Part III Children Act 1989
- Initiation of Court proceedings.
- Giving consent to private law orders, including residence orders and special guardianship, where appropriate.
- Emergency Duty Team service

##### **Looked After Children:**

- Performing functions under Adoption (Intercountry Aspects) Act 1999
- Maintenance of fostering and adoption services
- Responsible for appointing officers to fulfil the role of Agency Decision Maker Fostering and Adoption

##### **Youth Justice:**

- Youth Justice Team including protection of Young People in criminal proceedings

##### **Vulnerable People:**

- Social work provision in relation to Mental Health
- Deprivation of Liberty
- Social work provision in relation to Substance Misuse
- Court Appointed Deputies service
- Community and Family Support services
- Vulnerable People’s service
- Care Leaver provision

**Quality, Policy and Standards:**

- Safeguarding functions for adults and children
- Monitoring Officer Service
- Workforce Training and Development (social services wide)
- Lead for Social Services complaints

**4.3.10 Head of Integrated Adult and Community Services**

1. To act on behalf of the Council on a day to day basis and within the Scheme with regards to matters within his/her service area, particularly in relation to the following, but not exclusive to:
  - Older Peoples Services
  - Lifespan Disability services including Children with Disability, Learning Disability, Physical Disability and Sensory Impairment including statutory obligation to maintain a register of people with specific disabilities
  - Residential and nursing care – procurement and facilitating
  - Community Support Services (including reablement) – procurement and facilitation for Older people and those with Disabilities
  - Day Service Provision for Older People and Those with Disabilities
  - Business Support (including Transport and Blue Badges)
  - Carers
  - Customer Care and Assisted Technology
  - Occupational Therapy
  - Direct Payments
  - Community Wellbeing (including Flying Start, Families First and Preventative services)
  - Commissioning for whole population
  - Partnership arrangements and facilitation
  - Community Transport
2. To act as responsible person for the purposes of the Care Standards Act 2000.

**4.3.11 Head of Audit and Procurement**

1. To act on behalf of the Council on a day to day basis and within the Scheme with regards to matters within his/her service area, particularly in relation to the following, but not exclusive to:
  - Audit
  - Procurement
  - To conduct such other investigations as may be appropriate and a right of access to all necessary information/records and sites/premises to fulfil that task
  - Right to refer to external agencies where deemed appropriate

2. Authorised to Act (in consultation with the Head of Regulatory or his Deputy) as an Authorised Officer for the purposes of the Regulation of Investigatory Powers Act 2000.
3. To enter in to Service Level Agreements with outside bodies to undertake that body's accounts, payroll, creditor payments, investments and borrowing.
4. Information Governance and Compliments and Complaints
5. To act as the Senior Information Risk Owner (SIRO)
6. To act as the Money Laundering Reporting Officer (MLRO)

#### 4.3.12 Head of Economy and Culture Service

1. To act on behalf of the Council on a day to day basis and within the Scheme with regards to matters within his/her service area, particularly in relation to the following, but not exclusive to:-
  - Venues Management
  - Events Management
  - Culture & Information
  - Economic Development
  - Economy and Culture Business Management
  - Active and creative lifestyles
  - Sport and leisure development
2. To submit applications for National Lottery and other external funding as approved by the Capital Plan, Operational Plan or other Strategies.
3. Authority to approve expenditure of up to £10,000 on research in relation to projects.
4. To approve grants after consultation with relevant Executive Member up to a maximum of £25,000 in any single case for small and medium sized businesses.
5. To purchase items within the Council's Acquisitions and Disposals Policy up to £10,000 for the council's Museums Service.
6. Authority to accept or reject gifts, bequests or loans to the Council's Museums Service within the terms of the Policy.

#### 4.3.13 Head of Education Services

1. To act on behalf of the Council on a day to day basis and within the Scheme with regards to matters within his/her service area, particularly in relation to the following, but not exclusive to:

- School's support services – finance and personnel, information/data management, school meals, transport; and site management.
  - Additional Learning Needs/Social Inclusion (SEN and Disability Act 2001)
  - Welfare and Attendance
  - Governors' support
  - Schools improvement and raising educational standards
  - School admissions
  - School organisation – (School Standard and Organisation (Wales) Act 2013)
  - Conwy Youth Service
  - Duke of Edinburgh's Award
  - Family Information Service
  - Early Years Team
- 2 To intervene where there are serious concerns about pupils standards of attainment or issues of leadership and management in a particular school (1998 Act)
  3. To take any steps under legislation to exclude people from school premises and take steps to have them removed as required.
  4. To organise independent appeal panels to address issues relating to: a pupils who have been excluded from school; school admissions; and home to school transport.
  5. To suspend the right of the governing body to have a delegated budget in circumstances permitted by legislation (Education Reform Act 1998)
  6. To act on any school staffing matters where the decision is that of the Local Education Authority (rather than the Governing Body).
  7. To make amendments to the Admissions Policy following appropriate consultation.

#### 4.3.14 Head of Information Technology and Digital Transformation

1. To act on behalf of the Council on a day to day basis and within the Scheme with regards to matters within his/her service area, particularly in relation to the following, but not exclusive to:
  - Management and control of the ICT infrastructure and E-government
  - To determine ICT strategy in consultation with the Chief Executive and Strategic Directors
  - To undertake all ICT procurement on behalf of the Council

#### 4.3.15 Head of Regulatory Services

1. To act on behalf of the Council on a day to day basis and within the Scheme with regards to matters within his/her service area, particularly in relation to the following, but not exclusive to:
  - Development and building control
  - Listed buildings
  - Dangerous buildings and unsafe structures
  - Community safety Partnership
  - Anti-social behaviour
  - CCTV
  - Licensing (including private hire)
  - Street naming and numbering
  - Proper maintenance of land
  - Trading standards
  - Environmental health
  - Animal health
  - Searches land charges and common land
  - Licensing Enforcement
  - Food and Feed Standards
  - Corporate Health and Safety
  - Gypsy Traveller Sites
2. To exercise the Council's powers in relation to high hedges.
3. To exercise all the Council's powers relating to Public Protection and any which become the Council's responsibility in future.
4. Authorisation to appoint inspectors under the Health and Safety at Work Act etc 1974.
5. Authority to sign a certificate for the purposes of Her Majesty's Land Registry and to register any land charge on behalf of the Council.
6. To exercise all the Council's powers as a common land registration authority.
7. The power to exercise enforcement powers in relation to environmental offences arising in any one of the areas listed below (including steps which may be deemed necessary to prevent offences, educate and issue fixed penalty notices).
  - Dog Fouling
  - Environmental Protection
  - Removal and Disposal of Vehicles
  - Refuse Disposal
  - Clean Neighbourhoods
  - The Control of Pollution

8. To exercise the Council's functions in relation to unfit housing.
9. To exercise the Council's functions to issue notices and to take enforcement proceedings in relation to houses in multiple occupation.
10. To exercise the Council's enforcement powers in the private housing sector.
11. To exercise the Council's functions relating to drainage, water supply and other environmental health matters.
12. To authorise the release of images captured on CCTV in accordance with the Code of Practice.
13. Authority to be consulted by Authorised Officers acting as such under the Regulation of Investigatory Powers Act 2000.
14. To decide which Members sit on the Licensing Act 2003 Sub Committee, in consultation with the Chair and Vice-Chair of the Licensing Committee.
15. To issue licences in accordance with the Firework Regulations 2004.
16. To grant and renew both Hackney Carriage and Private Hire Drivers Licences, except where an applicant or existing licence holder has previous criminal convictions recorded against them, then the Cabinet Member with responsibility for Regulatory Services ([see Section 5, Appendix 1](#)) will be consulted to confirm whether or not the matter be referred to the Licensing and Regulation Committee for determination.
17. After consultation with the Cabinet Member with responsibility for Regulatory Services ([see Section 5, Appendix 1](#)), to suspend or revoke a Hackney Carriage Vehicle/and or Drivers Licence or Private Hire and/or Drivers Licence, where it is considered immediate action should be taken in the public safety;, the Chair of the Council's appointed Licensing Committee will be notified of any such action.
18. To enter into Planning Performance Agreements to recover costs in relation to the assessment of Nationally Significant Infrastructure Projects.
19. To exercise powers in respect of the Control of Horses (Wales) Act 2014.
20. The power to exercise enforcement action in relation to anti-social behaviour, including steps necessary to prevent offences, educate and issue fixed penalty notices and, in consultation with the Portfolio Holder, to apply for and make an Order under the Anti-Social Behaviour Crime and Policing Act 2014.



#### 4.3.16 Head of Strategic Housing

1. To act on behalf of the Council on a day to day basis and within the Scheme with regards to matters within his/her service area, particularly in relation to the following, but not exclusive to:
  - Homelessness
  - Housing Improvement
  - Housing Strategy
  - Conwy Housing Solutions
  - Resettlement Team
  - Estates and Asset Management
2. To exercise the Council's functions in relation to homelessness.
3. To approve or refuse and administer housing improvement grant applications.
4. To determine requests from Staff Members in relation to applying the Tapering Policy to a Group Repair Scheme.
5. The authority, subject to agreement from the relevant Portfolio Holder, to grant leases for a term not exceeding 7 years for individual industrial units within the Service's property portfolio
6. Co-ordination of the needs of the Gypsy, Roma and Traveller Community
7. Responsible for the contract management of pitch agreements for Gypsy Traveller Sites.
8. Estates and Asset Management - To act on a day to day basis, in consultation with the County Valuer and Asset Manager and within the scheme in the following areas:
  - To act as a focal point on property matters so as to assist in the alignment of land and building assets for the Authority's service delivery.
  - To provide recommendations on property related matters, prior to referral to Cabinet.
  - To use delegated powers on qualifying property matters.

Qualifying property matters:

- i. Allocation of Council property between Service Departments.
- ii. Approval to progress with negotiations as to acquisitions/disposal pending Cabinet approval for resolution to acquire/dispose.
- iii. Approval of granting or acquisition of easements/rights.

- iv. Power to grant or enter into leases and licences where the commitment will be limited to 7 years, and up to 25 years for the purposes of obtaining grant funding.
  - v. Power to grant interests to statutory providers
  - vi. Power to authorise acquisitions up to £10,000.
  - vii. Power to agree and vary leasehold matters during the existing lease term and to agree the surrender of leases subject to a premium of no more than £10,000.
- Where necessary, to provide recommendations where matters are dealt with under the Scheme of Delegation.
  - To approve the terms for purchasing, procuring, selling or disposing of all Council's interests in land where a decision has been made by the Board, Committee, Portfolio Holder, Leader or Chief Officer exercising delegated powers so to buy, procure, sell or dispose.
  - In appropriate cases to pay compensation under the Compensation Act 1973, the Planning and Compensation Act 1991, the Landlord and Tenant Act 1954, or any claim of dilapidation or tenants claims.
  - To negotiate and pay any claims presented against the Council for damage or loss caused by work carried out under the Council's statutory powers.
  - To consider the Corporate Asset Management Plan, and to monitor effectiveness and application.
  - To commence possession proceedings through the Courts against any tenant, licensee or trespasser
  - To consider the utilisation and disposal of surplus property, along with opportunities arising from disposal and acquisitions.

#### 4.3.17 Head of Environment, Roads and Facilities

1. To act on behalf of the Council on a day to day basis and within the Scheme with regards to matters within his/her service area, particularly in relation to the following, but not exclusive to:
  - Agreements, deposits, licences, consents and enforcements under the Highways Act 1980 and all other relevant legislation
  - Recovery of charges for licences for highway works (as appropriate)
  - Recovery of costs for public footpath orders
  - Enforcement in respect of deposits and obstructions on the highway
  - Highway nuisance
  - Safe routes to schools
  - Road safety education and training
  - Surveys of public rights of way
  - Adoption of roads
  - Traffic Regulations and/or Orders
  - To undertake statutory consultations with the Police in relation to proposed Traffic Orders
  - Disabled Parking Orders
  - Operation of the Council's Advance Payment Code
  - Service of all appropriate notices in respect of highway matters

- Planting of trees, shrubs etc on the highway
- Highway maintenance
- Provision of road markings, rails, barriers and signs not requiring Assembly approval
- Integrated transport policy
- Public Transport/Community Transport
- Delegated functions under the Trunk Road Agency Agreement in accordance with the North and Mid Wales Trunk Road Agency Partnership Agreement
- Maintenance of Highways (including Rights of Way)
- Delivery of countryside management functions
- Recycling / waste disposal
- Civic amenity provision
- Hazardous and clinical waste
- Trade waste
- Abandoned vehicles
- Street cleansing
- Litter and refuse collection
- Amenity scavenging
- Parks maintenance and children's playgrounds
- Horticultural services
- Cemeteries and crematorium
- Flood Risk Management
- Sea defence and coastal protection including acting as maritime authority
- Public conveniences
- Councils fleet
- Management and design of construction projects
- Great Orme Tramway
- Playing Fields
- Allotments
- Harbour and Seaboard
- Biodiversity
- Car Parks
- Facilities Management

2. Authority to determine the following applications:-

- under the New Roads And Street Works Act 1991
- for the deposit of contractors' skips on the highway
- to obtain consent under Section 1 of the Local Government (Miscellaneous Provisions) Act 1976 in respect of erection of flagpoles and the positioning of cut or tub trees in the highway
- for the erection of temporary signs on the highway
- for permission to erect street displays above or across the highway
- in respect of proposed public footpath Orders where they are unopposed
- under Part VIIA of the Highways Act 1980 and any adopted highway within the County, after consultation with the relevant Executive and local Members

- from Public Utilities to undertake work on the highway
  - in relation to activities in pedestrianised areas and adopted highways, in consultation with the relevant Executive member or local member(s).
  - Unopposed applications for stopping up orders
3. Authority to take action under Section 230 of the Highways Act 1980, in relation to urgent repairs to private streets.
  4. Authority to determine the programme of revenue works (other than those included in the Council's capital programme and pre-programme schedules) for each financial year and to execute those works
  5. Authority to comment on behalf of the Council on proposals or draft Orders initiated by other public authorities for the extinguishment or diversion of highways or public footpaths.
  6. To receive all notices and information from water undertakers, and maintain the registers in accordance with the Reservoirs Act 1975.
  7. To implement 'Free after Three' concessionary parking for the Christmas Period, including consideration of any requests from Town and Community Councils in consultation with the Cabinet Members for Environment and Transportation and Finance and Resources.
  8. To approve special events in Council parks in liaison with Community Development.
  9. To undertake emergency works related to sea defence, coast protection, land drainage, flooding, oil spillage, cleansing, and to act as community leader with the executive member.
  10. To take action as necessary to manage the financial affairs of the Council's in-house services within the department subject to compliance with standing orders and financial regulations.
  11. To enter into Service Level Agreements with internal departments in respect of in-house services.
  12. To determine the allocation of replacement programme for street furniture.
  13. To seek to work with neighbouring Councils, Community and Town Councils in support of regional waste related initiatives in consultation with the relevant executive member.
  14. To discharge the functions of the Council under Section 23 and 24 of the Local Government (Miscellaneous Provisions) Act 1976 or any other enactment relating to dangerous trees.
  15. Coast Protection Act
    - Power to grant Coast Protection Consent for works carried out by other parties
    - Power to serve notice on landowners to carry out coast protection maintenance / repairs

16. Land Drainage Act

- Power to serve notice on landowners to carry out ordinary watercourse maintenance / repairs
- Power to grant Ordinary Watercourse Consent for any works in ordinary watercourses

17. Civil Contingencies Act

- Duty to respond to (flooding or oil spill) emergencies

18. Flood and Water Management Act

- Power to designate features having an effect on flood risk to require consent for alteration or removal
- Power to carry out works that may increase flood risk subject to conditions including that benefits will outweigh the harmful consequences
- Reservoirs

19. The Head of Environment, Roads and Facilities also undertakes the designated roles of County Oil Pollution Officer, Duty Holder under the Port Marine Safety Code and the Technical Approval Authority for design of roads and bridges.

20. Authority to manage and determine Sustainable Drainage Approval Body applications.

## **SECTION 14.8**

### **Delegation to Individual Members Of The Executive Committee (The Cabinet)**

The following Executive functions shall stand delegated to the Member(s) indicated:

The delegation of Executive functions to individual members or groups of members requires strict adherence to the rules governing the recording of decisions by such members as set out in the Access to Information Procedure Rules.

#### **The Leader and Portfolio Holder for Finance and Finance Strategy**

Authority to undertake any of the functions delegated to other Executive Members in the event of urgency and the absence of the relevant Executive Member.

Authority to make appointments of Members on to Outside Organisations, following consultation with Group Leaders.

Authority, in conjunction with the S.151 Officer, to approve purchases or other transactions identified as part of the Housing and Homelessness Programme Board up to £500,000.

Authority to authorise payments from the Welsh Church Act funds, in consultation with a Member Working Group.

#### **Appropriate Portfolio Holder**

Authority, in consultation with the relevant Head(s) of Service, to approve the award of grants up to £100,000 under schemes previously approved by the Executive

To approve the fees for services set or amended by the relevant Head of Service in consultation with the Strategic Director – Finance and Efficiencies

#### **Portfolio Holder for a Sustainable Economy**

Authority to approve payment schedules for payment of precepts and to determine the Council Tax base.

Authority to determine applications for the granting of:

- (1) discretionary relief from NNDR on cases escalated by the Local Taxation Manager for consideration within the Non-Domestic Rates Policy and Guidance for Discretionary, Rural and Hardship Relief (attached as appendix 1); and
- (2) relief from NNDR on the grounds of hardship

Authority to approve write-offs which have been recommended by the Strategic Director (Finance and Efficiencies) between £2,500 (the sum delegated to Officers) and £30,000 in consultation with the relevant service portfolio holder.

Authority to approve applications for the UK Shared Prosperity Fund (SPF), following recommendations by the Conwy UK SPF Local Partnership Panel up to a maximum of £500,000.

Authority to approve Conwy Key Fund applications between £100,000 to £249,999, following recommendations by the Conwy UK Shared Prosperity Fund (SPF) Local Partnership Panel.

Authority to approve any allocation or reallocation of Conwy UK Shared Prosperity Fund (SPF) (including the Multiply Adult Numeracy Programme) with distribution based on an assessment of need, in consultation with the Conwy UK Shared Prosperity Fund (SPF) Local Partnership Panel

Authority to approve the disposal of land or property assets and land classified as Public Open Space including authority to publish the required statutory notices for such disposals (both Freehold and Leasehold interests and granting of Easements or Lifting of Restrictive Covenants/Relevant Obligations), where:

- (1) The disposal value does not exceed **£250,000**;
- (2) The disposal is in accordance with the Council's Disposal Policy and legal requirements;

All disposals exceeding this threshold shall remain reserved for Cabinet approval

### **Portfolio Holder for Integrated Adult and Community Services**

Authority to approve monetary grants to voluntary service organisations up to a maximum of £15,000 to any one organisation in any one year.

### **Deputy Leader and Portfolio Holder for Housing, Homelessness and Service Change**

Authority to determine Disabled Facilities Grants (DFGs) for a relative of a member of staff.

### **Portfolio Holder for Education**

Authority to deal with applications for grants not exceeding £500 from Educational Trust Funds.

Authority to deal with the appointment of LEA Representative Governors on Schools.

Authority to remove LEA Representative Governors on School Governing Bodies in line with the Council's Policy for the Removal of Local Authority Governors.

Authority to authorise payments from the Conwy Excellence Fund, following recommendations from the Excellence Fund Working Group, up to a maximum of £1000 per application.

### **Portfolio Holder for Audit, Policy and Performance**

To determine urgent cases under procedures ii) and iii) in Appendix B of the Supplementary Planning Guidance for Buildings and Structures of Local Importance, in consultation with the Chair of the Economy and Place Overview and Scrutiny Committee.

Procedure (ii): Approach to including a BSLI on the register in response to planning applications

Procedure (iii): Approach to including a BSLI on the register - Response to Pre-application enquiries

### **Portfolio Holder for Infrastructure, Transport and Facilities**

Authority to approve the planned highway maintenance programme.

Authority to approve the priority lists for highway improvement schemes following consultation with the local member(s).

Authority to determine opposed applications for highway stopping up orders.

Authority to determine opposed Traffic Regulation Orders.

### **Portfolio Holder for Neighbourhood and the Environment**

Authority to determine opposed Dog Control Orders.

To consider and determine Gating Orders where representations are received (excluding those representations that would require the need to hold a Public Inquiry).



## Section 14.8 – Appendix

CYNGOR CONWY				CONWY COUNCIL	
A	GOSTYNGIAD DEWISOL ELUSENNOL	Mandadol / Mandatory	Dewisol / Discretionary	A	DISCRETIONARY CHARITABLE RELIEF
<b>1</b>	<b>Neuaddau Pentref / Neuaddau Cymuned / Canolfannau Cymunedol</b>			<b>1</b>	<b>Village Halls / Community Halls / Community Centres</b>
(a)	Elusennau Cofrestredig	80%	<b>20%</b>	(a)	Registered Charities
(b)	Elusennau heb eu Cofrestru	0%	<b>100%</b>	(b)	Not Registered Charities
<b>2</b>	<b>Sefydliadau Ieuenctid</b>			<b>2</b>	<b>Youth Organisations</b>
(a)	Elusennau Cofrestredig gyda chysylltiadau lleol	80%	<b>20%</b>	(a)	Registered Charities with local connections.
(b)	Elusennau heb eu Cofrestru gyda chysylltiadau lleol	0%	<b>0-100%</b>	(b)	Not Registered Charities with local connections.
(c)	Elusennau Cofrestredig heb gysylltiadau lleol	80%	<b>0-20%</b>	(c)	Registered Charities without local connections.
<b>3</b>	<b>Sefydliadau Ddielw sydd ag Amcanion Dyngarol, Llythrennedd neu'n Delio â Chelfyddyd Gain</b>			<b>3</b>	<b>Non Profit Organisations Whose Aims Are Philanthropic, Literacy or Deal With Fine Art</b>
(a)	Elusennau Cofrestredig y mae pobl leol yn elwa arnynt, gydag aelodaeth sy'n agored i bawb	80%	<b>20%</b>	(a)	Registered Charities that benefit local people and membership is open to anyone.
(b)	Elusennau Cofrestredig y mae pobl leol yn elwa arnynt, ond fod yr aelodaeth wedi ei chyfyngu	80%	<b>0-20%</b>	(b)	Registered Charities that benefit local people but membership is restricted.
(c)	Elusennau heb eu Cofrestru ond y mae pobl leol yn elwa arnynt, gydag aelodaeth sy'n agored i bawb	0%	<b>0-100%</b>	(c)	Not registered but benefits the local people and membership is open to anyone.
(d)	Elusennau Cofrestredig heb gysylltiadau lleol	80%	<b>0%</b>	(d)	Registered Charities without local connections.
<b>4</b>	<b>Sefydliadau o Ddiddordeb Penodol i Rai e.e. Sefydliad y Merched, yr Henoed</b>			<b>4</b>	<b>Organisations of Specific Interest to Some e.g. Women's Institute, The Elderly</b>
(a)	Elusennau Cofrestredig y mae pobl leol yn elwa arnynt	80%	<b>20%</b>	(a)	Registered Charities beneficial to the local people.
(b)	Elusennau heb eu Cofrestru ond y mae pobl leol yn elwa arnynt	0%	<b>0-100%</b>	(b)	Not Registered Charities but beneficial to the local people.
(c)	Elusennau heb eu Cofrestru a heb gysylltiadau lleol	0%	<b>0-100%</b>	(c)	Not registered charities and without local connections.
<b>5</b>	<b>Amgueddfeydd</b>			<b>5</b>	<b>Museums</b>
(a)	Elusennau Cofrestredig	80%	<b>20%</b>	(a)	Registered Charities
(b)	Elusennau heb eu Cofrestru ond yn ddielw a phobl leol yn elwa arnynt	0%	<b>100%</b>	(b)	Not Registered Charities but non-profit and beneficial to local people.
<b>6</b>	<b>Sefydliadau Addysgol Eraill neu'n Ymwneud â Diwylliant</b>			<b>6</b>	<b>Other Educational Organisations or Dealing with Culture</b>
(a)	Elusennau Cofrestredig y mae pobl leol yn elwa arnynt, gydag aelodaeth sy'n agored i bawb	80%	<b>20%</b>	(a)	Registered Charities of benefit to the local people with open membership.
(b)	Elusennau Cofrestredig y mae pobl leol yn elwa arnynt, ond fod yr aelodaeth wedi ei chyfyngu	80%	<b>0-20%</b>	(b)	Registered Charities of benefit to the local people but with restricted membership.
(c)	Elusennau heb eu Cofrestru ond y mae pobl leol yn elwa arnynt, gydag aelodaeth sy'n agored i bawb	0%	<b>0-100%</b>	(c)	Not Registered but exists for the benefit of the local people and membership is open.

CYNGOR CONWY				CONWY COUNCIL	
A	GOSTYNGIAD DEWISOL ELUSENNOL	Mandadol / Mandatory	Dewisol / Discretionary	A	DISCRETIONARY CHARITABLE RELIEF
7	Colegau ac Ysgolion			7	Colleges And Schools
(a)	Elusennau Cofrestredig e.e. Ysgol Rydal Penrhos	80%	0%	(a)	Registered Charities e.g. Rydal Penrhos School.
8	Siopau Elusen			8	Charity Shops
(a)	Elusennau Cofrestredig Lleol	80%	20%	(a)	Registered Local Charities
(b)	Elusennau Cofrestredig Cenedlaethol	80%	0-20%	(b)	Registered National Charities
(c)	Elusennau heb eu Cofrestru ond y mae pobl leol yn elwa arnynt	0%	0-100%	(c)	Not Registered but exists for the benefit of the local people.
9	Chwaraeon Amatur / Cymdeithas Chwaraeon e.e. Clwb Rygbi			9	Amateur Sports / Sports Association e.g. Rugby Club etc.
(a)	C.A.S.C (Clwb Chwaraeon Amatur Cymunedol) wedi ei gofrestru gyda Chyllid y Wlad	80%	0-20%	(a)	C.A.S.C (Community Amateur Sporting Club) registered with the Inland Revenue.
(b)	Elusen Gofrestredig	80%	0-20%	(b)	Registered Charity
(c)	Elusen heb ei Chofrestru ond y mae pobl leol yn elwa arni	0%	0-100%	(c)	Not Registered but exists for the benefit of the local people.
10	Sefydliadau nad ydynt yn Elusen Gofrestredig ond yn Elusennol wrth Natur			10	Organisations Which Are Not A Registered Charity But Charitable By Nature.
(a)	Addysgol	80%	0-20%	(a)	Educational
(b)	Cyffredinol, er budd y gymuned leol	80%	0-20%	(b)	General, for the benefit of the local community.
B	GOSTYNGIAD OHERWYDD CALEDI			B	HARDSHIP RELIEF
	<p>Pob achos i'w ystyried yn ôl ei haeddiant ei hun. Dylid ystyried yr holl ffactorau perthnasol sy'n effeithio ar allu'r busnes i gyflawni ei atebolrwydd i dalu trethi. Dylid ystyried 'buddiannau' ehangach y gymuned, fel gwaethygu rhagolygon cyflogaeth neu ddiffyg cyfleusterau.</p> <p>Gellir rhoi gostyngiad o hyd at 100%.</p> <p>Gofynion deddfwriaethol (Adran 49, Deddf Cyllid Llywodraeth Leol 1988):-</p> <p>Mae gan yr awdurdod bilio'r pŵer i leihau'r swm y mae'n rhaid i unigolyn ei dalu ar yr amod bod yr Awdurdod yn fodlon bod y canlynol yn berthnasol:-</p> <ul style="list-style-type: none"> <li>• Y byddai'r trethdalwr yn wynebu caledi pe na bai'r awdurdod yn rhoi gostyngiad; a'i</li> <li>• Bod yn rhesymol i'r Awdurdod roi'r gostyngiad gan roi sylw dyledus i fuddiannau Trethdalwyr y Cyngor.</li> </ul> <p>Er nad oes diffiniad statudol o galedi, mae rhai canllawiau wedi eu darparu gan y llywodraeth i helpu i ystyried ceisiadau caledi.</p>	0%	0-100%		<p>Each case to be considered on its own merits. All relevant factors affecting the ability of the business to meet its liability for rates to be taken into account. Wider 'interests' of the community such as worsening employment prospects or lack of amenities to be considered.</p> <p>Up to 100% relief can be awarded.</p> <p>Legislative requirements (Section 49, Local Government Finance Act 1988):-</p> <p>The billing authority has the power to reduce the amount a person is liable to pay provided the Authority is satisfied that the following apply:-</p> <ul style="list-style-type: none"> <li>• The ratepayer would sustain hardship if the authority did not grant relief; and</li> <li>• It is reasonable for the Authority to grant the relief having due regard to the interests of the Council Taxpayers.</li> </ul> <p>Although there is no statutory definition of hardship some guidance has been provided by the government to assist in the consideration of hardship applications.</p>

CYNGOR CONWY			CONWY COUNCIL		
(a)	Ni ddylai'r Awdurdod fabwysiadu dull cyffredinol, naill ai i roi neu beidio â rhoi gostyngiad. Dylid ystyried pob cais yn ôl ei haeddiant ei hun.			(a)	A blanket approach, either to give or not to give relief, should not be adopted by the Authority, each application should be considered on its own merits.
(b)	Dylai unrhyw ostyngiad a roddir fod yn eithriad yn hytrach na'n drefn arferol.			(b)	Any relief granted should be the exception rather than the rule.
(c)	Nid oes angen cyfyngu'r prawf caledi i ystyriaethau 'ariannol', dylid ystyried yr holl ffactorau perthnasol sy'n effeithio ar allu busnes i gyflawni ei atebolrwydd i dalu trethi.			(c)	The test of hardship need not be confined to 'financial', all relevant factors affecting the ability of a business to meet its liability for rates should be taken into account.
(d)	Gallai 'buddiannau' trethdalwyr lleol mewn ardal fod yn ehangach na buddiannau ariannol uniongyrchol. Er enghraifft, lle byddai rhagolygon cyflogaeth yn yr ardal yn gwaethygu petai cwmni'n methu, neu byddai'n arwain at lai o gyfleusterau mewn ardal, er enghraifft, unig siop y pentref yn gorfod cau.			(d)	The 'interests' of local taxpayers in an area may go wider than direct financial interests. For example, where the employment prospects would be worsened by a company going out of business, or the amenities of an area might be reduced by, for instance, the loss of the only shop in a village.
(e)	Lle byddai rhoi'r gostyngiad yn cael effaith andwyol ar fuddiannau ariannol trethdalwyr lleol, gallai'r achos dros ostwng trethi ddal i orbwyso'r gost i drethdalwyr lleol.			(e)	Where the granting of the relief would have an adverse effect on the financial interests of local taxpayers, the case for reduction of rates may still on balance outweigh the cost to the local taxpayers.
<b>C</b>	<b>GOSTYNGIAD DEWISOL AR Y DRETH</b>			<b>C</b>	<b>DISCRETIONARY RATE RELIEF</b>
	O 1 Ebrill 2012 mae gan y Cyngor y disgresiwn i roi Gostyngiad Dewisol ar y Dreth o hyd at 100% i sefydliadau sy'n gwneud elw. Gyda phob cais, dylid cynnwys copi o'r cynllun busnes a rhagolygon o'r llif ariannol ar gyfer y datblygiad, ac yn achos cwmnïau sydd wedi eu sefydlu, y copi diweddaraf o'r cyfrifon masnachu cyfredol, yn ogystal â chopïau o'r cyfrifon sydd wedi eu harchwilio ar gyfer y ddwy flynedd diwethaf.	0%	0-100%		With effect from 1 <sup>st</sup> April 2012 the Council has the discretion to award up to 100% Discretionary Rate Relief to profit making organisations. Each application should be accompanied by a copy of the business plan and cash flow forecast for the development plus, in the case of established companies, an up to date copy of the current trading accounts, plus copies of the last two years audited accounts.
(a)	Ni fydd yr Awdurdod yn mabwysiadu dull cyffredinol, naill ai i roi neu beidio â rhoi gostyngiad. Dylid ystyried pob cais yn ôl ei haeddiant ei hun.			(a)	A blanket approach, either to give or not to give relief, will not be adopted by the Authority, as each application should be considered on its own merits.
(b)	Dylai unrhyw gais ystyried yr effaith ar hyrwyddo Conwy a'i gyfleusterau'n gadarnhaol.			(b)	Any application will consider the impact on the positive promotion of Conwy and its facilities.
(c)	Lle byddai rhoi'r gostyngiad yn cael effaith andwyol ar fuddiannau ariannol trethdalwyr lleol, gallai'r achos dros ostwng trethi ddal i orbwyso'r gost i drethdalwyr lleol.			(c)	Where the granting of the relief would have an adverse effect on the financial interest of local tax payers, the case for reduction of rates may still on balance outweigh the cost to the local taxpayers.
(d)	Gallai 'buddiannau' trethdalwyr lleol mewn ardal fod yn ehangach na buddiannau ariannol uniongyrchol. Er enghraifft, lle byddai rhagolygon cyflogaeth yn yr ardal yn gwaethygu petai cwmni'n methu, neu byddai'n arwain at lai o gyfleusterau mewn			(d)	The 'interests' of local taxpayers in an area may go wider than direct financial interests. For example, where the employment prospects would be worsened by a company transferring to another region outside Conwy, or the amenities of an area might be reduced by, for instance, the loss of the only shop in a village.

CYNGOR CONWY			CONWY COUNCIL		
	ardal, er enghraifft, unig siop y pentref yn gorfod cau				
(e)	Rhoddir gostyngiad dewisol yn unig i weithgarwch busnes sy'n masnachu o'r cyfeiriad sy'n gwneud y cais.			(e)	Discretionary relief will only be awarded to a business actively trading from the address for which the claim is being made.
(f)	Fel arfer rhoddir y gostyngiad i gwmnïau sy'n cychwyn o'r newydd neu gwmnïau sy'n ehangu ac sy'n symud i safle mwy, sy'n gallu dangos y bydd y busnes yn dod â mwy o fudd neu fuddion newydd i'r gymuned leol ac y bydd yn datblygu ac yn hybu'r ardal leol.			(f)	The relief will normally be awarded in respect of new start up companies or expanding companies moving to larger premises, who can show that the business will bring new or increased benefit to the local community and will develop and enhance the local area.
(g)	Rhoddir y gostyngiad hwn am gyfnod o chwe mis. Os gwneir cais am gyfnod pellach yna bydd angen darparu cais pellach, gyda chopi o'r cyfrifon masnachu cyfredol o fewn 30 diwrnod o ddiwedd y cyfnod hwn.			(g)	This relief will be granted for a period of six months. If a further period is requested then a further application, accompanied by an up to date copy of the current trading accounts is to be provided within 30 days of the expiry of this period.
	<p>Mae hawl gan sefydliadau i apelio os ydynt yn credu eu bod yn haeddu mwy o ostyngiad nag eraill, a rhoddir ystyriaeth i geisiadau unigol o'r fath. Rhowch y manylion llawn a'u hanfon at y:</p> <p>Rheolwr Treth Leol Gwasanaeth Asesu Refeniw a Budd-daliadau Cyngor Bwrdeistref Sirol Conwy Bodlondeb CONWY LL32 8DU</p>		<p>Organisations will have a right to appeal if they believe that they deserve more relief than others, and consideration will be given to such individual applications. Please address giving full details to:-</p> <p>Local Taxation Manager Revenue and Benefits Assessment Service Conwy County Borough Council Bodlondeb CONWY LL32 8DU</p>		

