

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

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

Who can be Decision Makers?

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

- 13.1.1 Full Council;
- 13.1.2 a Committee or Sub-Committee of the Council;
- 13.1.3 the Executive Leader;
- 13.1.4 the Cabinet;
- 13.1.5 a Committee of Cabinet;
- 13.1.6 an individual Cabinet Member;
- 13.1.7 a Joint Committee;
- 13.1.8 an Officer.

Principles of Decision Making

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

- 13.2.1 proportionately (i.e. the action must be proportionate to the desired outcome);
- 13.2.2 due consideration and the taking of professional advice from Officers;
- 13.2.3 respect for human rights;
- 13.2.4 a presumption in favour of openness;
- 13.2.5 clarity of aims and desired outcomes;
- 13.2.6 consideration of any alternative options; and
- 13.2.7 the giving and recording of reasons for the decision and the proper recording of these reasons.

13.3 Functions fall into the following categories:

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| | Planning, Taxi Licensing and Rights of Way Committee | Schedule 1 – Pages 4 – 11; 14 – 24; Schedule 2 – Pages 57 – 67; |
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| | Licensing Act 2003 Committee | Schedule 1 – Page 13; Schedule 2 – Pages 54 – 56; |
| | Officers | Schedule 1 – Pages 26 - 27; 36; |
| | Pensions and Investment Committee | Schedule 1 – Page 28; |
| | Governance and Audit Committee | Schedule 1 – Pages 31 – 34; |
| | Democratic Services Committee | Schedule 1 – Page 34; |
| | Employment and Appeals Committee | Schedule 1 – Page 35; |
| | Cabinet | Schedule 2 – Pages 44 – 54; 67 - 68 Schedule 3 – Page 76; |

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Schedule 1 – Functions NOT to be the responsibility of the Cabinet.

For the sake of clarity, the functions set out in Column 1 of the Schedule below include:

- the imposition of any condition, limitation or other restriction on an approval, consent, licence, permission or registration granted, and the determination of any other terms to which any approval, consent, licence, permission or registration is to be subject (Regulation 3(2)(a) and 3(2)(b)).
- the determining whether, and in what manner, to enforce
 - any failure to comply with an approval, consent, licence, permission or registration granted in the exercise of a function specified in this column.
 - any failure to comply with a condition, limitation or term to which any such approval, consent, licence, permission or registration is subject; or
 - 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 an executive of the authority. (Regulation 3(3))
- the amending, modifying or varying any such approval, consent, licence, permission or registration granted or any condition, limitation, restriction or term or the suspension or the revoking any such approval, consent, licence, permission or registration (Regulation 3(4))

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| Column 1 | Column 2 | Column 3 | Column 4 | Column 5 |
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| Function (including): ¹ | Provision of Act or Statutory Instrument | Delegated to | Sub-Delegation | Conditions and / or Limitations on Delegation and Sub-Delegation |
| A Functions relating to town and country planning and development control | | | | |
| A1 Power to determine applications for planning permission. | Sections 70(1)(a) and (b) and 72 of the Town and Country Planning Act 1990 (c 8). | Planning, Taxi Licensing and Rights of Way Committee | Subject to column 5 Delegated to the Head of Property, Planning and Public Protection and / or the Lead Professional – Development Management (together called “Relevant Planning Officer”) with the ability to further sub-delegate. | <p>In the following circumstances the responsibility will lie with the Planning, Taxi Licensing and Rights of Way Committee and not the Relevant Planning Officer.</p> <p>A. Where the Relevant Planning Officer considers that the planning function should be dealt with by the Planning, Taxi Licensing and Rights of Way Committee and not by a Relevant Planning Officer.</p> <p>B. Where the planning application in question constitutes a material departure from the Development Plan and the view of the Relevant</p> |
| A2 Power to determine applications to develop land without compliance with conditions previously attached. | Section 73 of the Town and Country Planning Act 1990. | Planning, Taxi Licensing and Rights of Way Committee | Subject to column 5 Delegated to the Relevant Planning Officer with the ability to further sub-delegate . | |
| A3 Power to grant planning permission for development already carried out. | Section 73A of the Town and Country Planning Act 1990. | Planning, Taxi Licensing and Rights of Way Committee | Subject to column 5 Delegated to Relevant Planning Officer with the ability to further sub-delegate | |
| A4 Power to decline to determine application for planning permission. | Section 70A of the Town and Country Planning Act 1990. | Planning, Taxi Licensing and Rights of Way Committee | Subject to column 5 Delegated to Relevant Planning Officer with the ability to further sub-delegate | |
| A5 Duties relating to the making of | Sections 69, 76 and 92 of the Town and Country | Planning, Taxi Licensing and Rights of Way Committee | Subject to column 5 Delegated to Relevant | |

¹ Regulation 3 of the Local Authorities (Executive Arrangements)(Functions and Responsibilities)(Wales)Regulations 2007

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| | determinations of planning applications. | 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 (SI 1995/419) and directions made there under. | | Planning Officer with the ability to further sub-delegate | Planning Officer is that the planning application should be approved; C. Where the planning application is made by or on behalf of the County Council or relates to or affects Council land or premises (whether or not actually occupied by the Council) ; |
| A6 | Power to determine applications for planning permission made by a local authority, alone or jointly with another person. | Section 316 of the Town and Country Planning Act 1990 and the Town and Country Planning General Regulations 1992 (SI 1992/1492). | Planning, Taxi Licensing and Rights of Way Committee | Subject to column 5 Delegated to Relevant Planning Officer | With the exception of the following which are delegated to the Relevant Planning Officer: |
| A7 | Power to make determinations, give approvals and agree certain other matters relating to the exercise of permitted development rights. | Parts 6, 7, 11, 17, 19, 20, 21 to 24, 30 and 31 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 (SI 1995/418). | Planning, Taxi Licensing and Rights of Way Committee | Subject to column 5 Delegated to Relevant Planning Officer with the ability to further sub-delegate | <ul style="list-style-type: none"> • Any application other than those designated as a major application in accordance with the definition set out in the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 |
| A8 | Power to enter into planning obligation, regulating development or use of land. | Section 106 of the Town and Country Planning Act 1990. | Planning, Taxi Licensing and Rights of Way Committee | Subject to column 5 Delegated to Relevant Planning Officer with the ability to further sub-delegate PROVIDED ALWAYS that when exercising this power the Relevant Planning Officer (and the Planning, Rights of Way and Taxi Licensing Committee in the event of that committee exercising that power) shall stipulate the time limit within which such | <ul style="list-style-type: none"> • Discharge of conditions applications; • Non-material amendment application; • Application and notifications relating to Trees • Prior notifications as specified in Part 6, 7, 11 & 31 of the Town and Country Planning (General Permitted |

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| | | | agreement shall be concluded. In the event that it is not concluded within such time limit, the Relevant Planning Officer (or as the case may be the Planning, Rights of Way and Taxi Licensing Committee) shall refuse any related Planning Application, unless satisfied that the delay is unavoidable and that there is sufficient evidence for him / her / the committee to conclude that the matter will be concluded within a further reasonable time period, whereupon a fresh time limit shall be imposed. | Development) Order 1995 (as amended); <ul style="list-style-type: none"> • Hedgerow notifications; • Applications for pre-application advice • Land which forms part of the highway verge <p>D. Where the planning application is submitted by or on behalf of any Member or any member of staff employed in Development Management, the Chief Executive, Directors, Heads of Service, or officers who are in regular contact with Development Management.</p> <p>E. Where a Councillor registers a request in accordance with the Planning Call-In Procedure set out in the Planning Protocol in Section 19 that a planning application be referred to the Planning, Taxi Licensing and Rights of Way Committee for decision and not determined by the</p> | |
| A9 | Power to issue a certificate of existing or proposed lawful use or development. | Sections 191(4) and 192(2) of the Town and Country Planning Act 1990. | Planning, Taxi Licensing and Rights of Way Committee | Subject to column 5 Delegated to Relevant Planning Officer with the ability to further sub-delegate | |
| A10 | Power to serve a completion notice. | Section 94(2) of the Town and Country Planning Act 1990. | Planning, Taxi Licensing and Rights of Way Committee | Subject to column 5 Delegated to Relevant Planning Officer with the ability to further sub-delegate | |
| A11 | Power to grant consent for the display of advertisements. | Section 220 of the Town and Country Planning Act 1990 and the Town and Country Planning (Control of Advertisements) Regulations 1992. | Planning, Taxi Licensing and Rights of Way Committee | Subject to column 5 Delegated to Relevant Planning Officer with the ability to further sub-delegate | |
| A12 | Power to authorise entry onto land. | Section 196A of the Town and Country Planning Act 1990. | Planning, Taxi Licensing and Rights of Way Committee | Subject to column 5 Delegated to Relevant Planning Officer with the ability to further sub-delegate | |
| A13 | Power to require the | Section 102 of the Town | Planning, Taxi Licensing and | No delegation | |

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| discontinuance of a use of land. | and Country Planning Act 1990. | Rights of Way Committee | | Relevant Planning Officer; |
| A14 Power to serve a planning contravention notice, breach of condition notice or stop notice, enforcement warning notice and temporary stop notice. | Sections 171C, 171E, 173ZA, 187A and 183(1) of the Town and Country Planning Act 1990. | Planning, Taxi Licensing and Rights of Way Committee | <p>Subject to column 5 Delegated to Relevant Planning Officer with the ability to further sub-delegate</p> <p>PROVIDED ALWAYS that the Relevant Planning Officer before and during the exercise of this power shall have appropriate discussions with the Local Representative for the electoral division affected so that the Councillor may be fully appraised and have a proper opportunity of making his / her views known.</p> | (See conditions at the top of the column) |
| A15 Power to issue an enforcement notice. | Section 172 of the Town and Country Planning Act 1990. | Planning, Taxi Licensing and Rights of Way Committee | <p>Subject to column 5 Delegated to Relevant Planning Officer with the ability to further sub-delegate</p> <p>PROVIDED ALWAYS that the Relevant Planning Officer before and during the exercise of this power shall have appropriate discussions with the Councillor for the electoral division affected so that the Local Representative may be fully appraised and have a proper opportunity of making his / her views known.</p> | (See conditions at the top of the column) |

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| <p>A16 Power to apply for an injunction restraining a breach of planning control.</p> | <p>Section 187B of the Town and Country Planning Act 1990.</p> | <p>Planning, Taxi Licensing and Rights of Way Committee</p> | <p>Subject to column 5 Delegated to Relevant Planning Officer with the ability to further sub-delegate.</p> <p>PROVIDED ALWAYS that the Relevant Planning Officer before and during the exercise of this power shall have appropriate discussions with the Local Representative for the electoral division affected so that the Councillor may be fully appraised and have a proper opportunity of making his / her views known.</p> | <p>(See conditions at the top of the column)</p> |
| <p>A17 Power to determine applications for hazardous substances consent, and related powers.</p> | <p>Sections 9(1) and 10 of the Planning (Hazardous Substances) Act 1990 (c 10).</p> | <p>Planning, Taxi Licensing and Rights of Way Committee</p> | <p>Subject to column 5 Delegated to Relevant Planning Officer with the ability to further sub-delegate</p> | <p>(See conditions at the top of the column)</p> |
| <p>A18 Duty to determine conditions to which old mining permissions, relevant planning permissions relating to dormant sites or active Phase I or II sites, or mineral permissions relating to mining sites, as the case may be, are to be subject.</p> | <p>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 (c 25) and paragraph 6(5) of Schedule 14 to that Act.</p> | <p>Planning, Taxi Licensing and Rights of Way Committee</p> | <p>Subject to column 5 Delegated to Relevant Planning Officer with the ability to further sub-delegate</p> <p>PROVIDED ALWAYS that the Relevant Planning Officer before and during the exercise of this power shall have appropriate discussions with the Councillor for the electoral division affected so that the Local Representative</p> | <p>(See conditions at the top of the column)</p> |

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| | | | may be fully appraised and have a proper opportunity of making his / her views known. | |
| A19 Power to require proper maintenance of land. | Section 215(1) of the Town and Country Planning Act 1990. | Planning, Taxi Licensing and Rights of Way Committee | Subject to column 5 Delegated to Relevant Planning Officer with the ability to further sub-delegate | (See conditions at the top of the column) |
| A20 Power to determine applications for listed building consent, and related powers. | Sections 16(1) and (2), 17 and 33(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (c 9). | Planning, Taxi Licensing and Rights of Way Committee | Subject to column 5 Delegated to Relevant Planning Officer with the ability to further sub-delegate. | (See conditions at the top of the column) |
| A21 Power to determine applications for conservation area consent. | Section 16(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, as applied by section 74(3) of that Act). | Planning, Taxi Licensing and Rights of Way Committee | Subject to column 5 Delegated to Relevant Planning Officer with the ability to further sub-delegate | (See conditions at the top of the column) |
| A22 Duties relating to applications for listed building consent and conservation area consent. | Section 13(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and regulations 3 to 13 of the Planning (Listed Buildings and Conservation Areas) Regulations 1990. | Planning, Taxi Licensing and Rights of Way Committee | Subject to column 5 Delegated to Relevant Planning Officer with the ability to further sub-delegate | (See conditions at the top of the column) |
| A23 Power to serve a building preservation notice, and related powers. | Sections 3(1) and 4(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. | Planning, Taxi Licensing and Rights of Way Committee | Subject to column 5 Delegated to Relevant Planning Officer with the ability to further sub-delegate | |
| A24 Power to issue a listed building enforcement notice. | Section 38 of the Planning (Listed Buildings and Conservation Areas) Act 1990. | Planning, Taxi Licensing and Rights of Way Committee | Subject to column 5 Delegated to Relevant Planning Officer with the ability to further sub-delegate. PROVIDED ALWAYS that | |

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| | | | the Relevant Planning Officer before and during the exercise of this power shall have appropriate discussions with the Councillor for the electoral division affected so that the Local Representative may be fully appraised and have a proper opportunity of making his / her views known. | (See conditions at the top of the column) |
| A25 Powers to acquire a listed building in need of repair and to serve a repairs notice. | Sections 47 and 48 of the Planning (Listed Buildings and Conservation Areas) Act 1990. | Planning, Taxi Licensing and Rights of Way Committee | No delegation | |
| A26 Power to apply for an injunction in relation to a listed building. | Section 44A of the Planning (Listed Buildings and Conservation Areas) Act 1990. | Planning, Taxi Licensing and Rights of Way Committee | Subject to column 5 Delegated to Relevant Planning Officer with the ability to further sub-delegate. PROVIDED ALWAYS that the Relevant Planning Officer before and during the exercise of this power shall have appropriate discussions with the Councillor for the electoral division affected so that the Local Representative may be fully appraised and have a proper opportunity of making his / her views known. | (See conditions at the top of the column) (See conditions at the top of the column) |
| A27 Power to execute urgent works. | Section 54 of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990. | Planning, Taxi Licensing and Rights of Way Committee | Subject to column 5 Delegated to Relevant Planning Officer with the ability to further sub-delegate. | |

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| A28 Power related to mineral working. | Schedule 9 of the Town and Country Planning Act 1990. | Planning, Taxi Licensing and Rights of Way Committee | No delegation | (See conditions at the top of the column) (See conditions at the top of the column) (See conditions at the top of the column) (See conditions at the top of the column) (See conditions at the top of the column) |
| A29 Power related to footpaths and bridleways. | Section 257 of the Town and Country Planning Act 1990. | Planning, Taxi Licensing and Rights of Way Committee | The Head of Housing and Community Development with the ability to further sub-delegate subject to consultation with Development Management. | |
| A30 Power as to certification of appropriate alternative development. | Section 17 of the Land Compensation Act 1961 (c 33). | Planning, Taxi Licensing and Rights of Way Committee | Subject to column 5 Delegated to Relevant Planning Officer with the ability to further sub-delegate | |
| A31 Duties in relation to purchase notices. | Sections 137-144 of the Town and Country Planning Act 1990. | Planning, Taxi Licensing and Rights of Way Committee | No delegation | |
| A32 Powers related to blight notices. | Sections 149-171 of the Town and Country Planning Act 1990. | Planning, Taxi Licensing and Rights of Way Committee | No delegation | |

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| Column 1 | Column 2 | Column 3 | Column 4 | Column 5 |
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| B Licensing and registration functions (in so far as not covered by any other paragraph of this Schedule) including: ² | Provision of Act or Statutory Instrument | Delegated to | Sub-Delegation | Conditions and / or Limitations on Delegation and Sub-Delegation |
| B43 Functions in respect of establishing a Licensing Committee. | Section 6 of the Licensing Act 2003 (c 17). | Full Council | No delegation | |

² Regulation 3 of the Local Authorities (Executive Arrangements)(Functions and Responsibilities)(Wales)Regulations 2007

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In Sections B1 to B41 below any reference to a power to licence includes the power to set the relevant fees and to approve and amend the relevant policies.

| Column 1 | Column 2 | Column 3 | Column 4 | Column 5 |
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| B Licensing and registration functions (in so far as not covered by any other paragraph of this Schedule) including: ³ | Provision of Act or Statutory Instrument | Delegated to | Sub-Delegation | Conditions and / or Limitations on Delegation and Sub-Delegation |
| B6 Power to register pool promoters. | Gambling Act 2005. | Licensing Act 2003 Committee | No delegation | |
| B7 Power to grant track betting licences. | Gambling Act 2005. | Licensing Act 2003 Committee | No delegation | |
| B8 Power to license inter-track betting schemes. | Gambling Act 2005. | Licensing Act 2003 Committee | No delegation | |
| B9 Power to grant permits in respect of premises with amusement machines. | Gambling Act 2005. | Licensing Act 2003 Committee | Delegated to the relevant Head of Service with the ability to further sub-delegate | |
| B10 Power to register societies wishing to promote lotteries. | Gambling Act 2005. | Licensing Act 2003 Committee | Delegated to the relevant Head of Service with the ability to further sub-delegate. | |
| B11 Power to grant permits in respect of premises where amusements with prizes are provided. | Gambling Act 2005. | Licensing Act 2003 Committee | Delegated to the relevant Head of Service with the ability to further sub-delegate | |

³ Regulation 3 of the Local Authorities (Executive Arrangements)(Functions and Responsibilities)(Wales)Regulations 2007

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| Column 1 | Column 2 | Column 3 | Column 4 | Column 5 |
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| B Licensing and registration functions (in so far as not covered by any other paragraph of this Schedule) including: ⁴ | Provision of Act or Statutory Instrument | Delegated to | Sub-Delegation | Conditions and / or Limitations on Delegation and Sub-Delegation |
| B1(a) Power to issue licences (not the granting of Planning Permission) authorising the use of land as a caravan site for static holiday homes and touring sites ("site licences"). | Section 3(3) of the Caravan Sites and Control of Development Act 1960 (c 62). | Planning, Taxi Licensing and Rights of Way Committee | Delegated to the relevant Head of Service with the ability to further sub-delegate. | A licence cannot be given before appropriate planning permission has been obtained. |
| B1(b) Power to issue licences (not the granting of Planning Permission) authorising the use of land as a caravan site for residential purposes ("site licences"). | Mobile Homes (Wales) Act 2014. | Planning, Taxi Licensing and Rights of Way Committee | Delegated to the relevant Head of Service with the ability to further sub-delegate. | A licence cannot be given before appropriate planning permission has been obtained. |
| B2 Power to license the use of moveable dwellings and camping sites. | Section 269(1) of the Public Health Act 1936 (c 49). | Planning, Taxi Licensing and Rights of Way Committee | Delegated to the relevant Head of Service with the ability to further sub-delegate. | A licence cannot be given before appropriate planning permission has been obtained. |

⁴ Regulation 3 of the Local Authorities (Executive Arrangements)(Functions and Responsibilities)(Wales)Regulations 2007

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| <p>B3 Power to license hackney carriages and private hire vehicles.</p> | <p>(a) as to hackney carriages, the Town Police Clauses Act 1847 (10 & 11 Vict c 89), as extended by section 171 of the Public Health Act 1875 (38 & 39 Vict c 55), and section 15 of the Transport Act 1985 (c 67); and sections 47, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976 (c 57);</p> <p>(b) as to private hire vehicles, sections 48, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976.</p> | <p>Planning, Taxi Licensing and Rights of Way Committee</p> | <p>(i) Power to issue hackney carriage and private hire vehicle licences delegated to the relevant Head of Service with the ability to further sub-delegate.</p> <p>(ii) In respect of unfit vehicles, power is delegated to the relevant Head of Service with the ability to further sub-delegate to suspend the use of the vehicle.</p> <p>(iii) Issues relating to the suitability of a vehicle are to be considered by a Sub-Committee.</p> <p>(iv) Issues relating to the use of a vehicle contrary to the Intended Use Policy for Hackney Carriages are to be considered by a Sub-Committee.</p> | |
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| <p>B4 Power to license drivers of hackney carriages and private hire vehicles.</p> | <p>Sections 51, 53, 54, 59, 61 and 79 of the Local Government (Miscellaneous Provisions) Act 1976.</p> | <p>Planning, Taxi Licensing and Rights of Way Committee</p> | <p>(i) Power to license driver delegated to the relevant Head of Service with the ability to further sub-delegate.</p> <p>(ii) Where in the officers opinion the applicant does not meet the “Suitability Criteria” and the DVLA medical fitness criteria the matter will be referred to the sub-committee</p> <p>(iii) In respect of licensed drivers who in the officers opinion no longer meet the ‘Suitability criteria, and the DVLA medical fitness criteria, power is delegated to the relevant Head of Service with the ability to further sub-delegate to suspend the licence.</p> <p>(iv) Following suspension under (iii) above, for those</p> | |
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| | | | | <p>licensed drivers who in the officers opinion no longer meet the 'Suitability' criteria and the DVLA medical fitness criteria, power is delegated to the sub-committee to revoke the licence.</p> <p>(v) Where the licence holder has been disqualified from driving the licence can be revoked by the relevant Head of Service with the ability to further sub-delegate</p> | |
| B5 | Power to license operators of private hire vehicles. | Sections 55 to 58, 62 and 79 of the Local Government (Miscellaneous Provisions) Act 1976. | Planning, Taxi Licensing and Rights of Way Committee | <p>(i) Power to license operator delegated to the relevant Head of Service with the ability to further sub-delegate.</p> <p>(ii) Where in the officers opinion the applicant does not meet the "Suitability Criteria" in general and in particular to the</p> | |

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| | | | <p>(iii) Council's Policy on Treatment of Convictions, Cautions and Charges the matter will be referred to the sub-committee In respect of licensed operators who in the officers opinion no longer meet the 'Suitability' criteria, power is delegated to the relevant Head of Service with the ability to further sub-delegate to suspend the licence.</p> <p>(iv) Following suspension under (iii) above, for those licensed operators who in the officers opinion no longer meet the 'Suitability' criteria, power is delegated to the sub-committee to revoke the licence</p> | |
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| B12 Power to issue entertainments licences. | Section 12 of the Children and Young Persons Act 1933 (c 12) | Planning, Taxi Licensing and Rights of Way Committee | Delegated to the relevant Head of Service with the ability to further sub-delegate. | |
| B13 Power to license sex shops and sex cinemas. | The Local Government (Miscellaneous Provisions) Act 1982, section 2 and Schedule 3. | Planning, Taxi Licensing and Rights of Way Committee | Uncontested applications delegated to the relevant Head of Service with the ability to further sub-delegate. Contested applications will be considered by a Sub-Committee. | |
| B14 Power to license performances of hypnotism. | The Hypnotism Act 1952 (c 46). | Planning, Taxi Licensing and Rights of Way Committee | Delegated to the relevant Head of Service with the ability to further sub-delegate. | |
| B15 Power to license premises for acupuncture, tattooing, ear-piercing and electrolysis. | Sections 13 to 17 of the Local Government (Miscellaneous Provisions) Act 1982. | Planning, Taxi Licensing and Rights of Way Committee | Delegated to the relevant Head of Service with the ability to further sub-delegate. | |
| B16 Power to license pleasure boats and pleasure vessels. | Section 94 of the Public Health Acts Amendment Act 1907 (c 53). | Planning, Taxi Licensing and Rights of Way Committee | Delegated to the relevant Head of Service with the ability to further sub-delegate. | |
| B17 Power to license market and street trading. | Part III of, and Schedule 4 to, the Local Government (Miscellaneous Provisions) Act 1982. | Planning, Taxi Licensing and Rights of Way Committee | Delegated to the relevant Head of Service with the ability to further sub-delegate. | |

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| B19 Power to license dealers in game and the killing and selling of game. | Sections 5, 6, 17, 18 and 21 to 23 of the Game Act 1831 (c 32); sections 2 to 16 of the Game Licences Act 1860 (c 90), section 4 of the Customs and Inland Revenue Act 1883 (c 10), section 27 of the Local Government Act 1894 (c 73), and section 213 of the Local Government Act 1972 (c 70). | Planning, Taxi Licensing and Rights of Way Committee | Delegated to the relevant Head of Service with the ability to further sub-delegate. | |
| B20 Power of register and license premises for the preparation of food. | Section 19 of the Food Safety Act 1990 (c 16). | Planning, Taxi Licensing and Rights of Way Committee | Delegated to the relevant Head of Service with the ability to further sub-delegate. | |
| B21 Power to license scrap yards. | Scrap Metal Dealers Act 2013. | Planning, Taxi Licensing and Rights of Way Committee | Sub-delegation to the relevant Head of Service with the ability to further sub-delegate unless the applicant has relevant convictions under the Scrap Metal Dealers Act 2013 (Prescribed Offences and Relevant Enforcement Action) Regulations 2013 when such applications are to be determined by a Sub-Committee. | |
| B22 Power to issue, amend or replace safety certificates (whether general or special) for sports grounds. | The Safety of Sports Grounds Act 1975 (c 52). | Planning, Taxi Licensing and Rights of Way Committee | Delegated to the relevant Head of Service with the ability to further sub-delegate. | |

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| B23 | Power to issue, cancel, amend or replace safety certificates for regulated stands at sports grounds. | Part III of the Fire Safety and Safety of Places of Sport Act 1987 (c 27). | Planning, Taxi Licensing and Rights of Way Committee | Delegated to the relevant Head of Service with the ability to further sub-delegate. | |
| B25 | Power to license premises for the breeding of dogs. | The Animal Welfare (Breeding of Dogs) (Wales) Regulations 2014. | Planning, Taxi Licensing and Rights of Way Committee | Delegated to the relevant Head of Service with the ability to further sub-delegate. | |
| B26 | Power to license pet shops and other establishments where animals are bred or kept for the purposes of carrying on a business. | Section 1 of the Pet Animals Act 1951 (c 35); section 1 of the Animal Boarding Establishments Act 1963 (c 43); the Riding Establishments Acts 1964 and 1970 (1964 c 70 and 1970 c 70); section 1 of the Breeding of Dogs Act 1973 (c 60), and sections 1 and 8 of the Breeding and Sale of Dogs (Welfare) Act 1999. | Planning, Taxi Licensing and Rights of Way Committee | Delegated to the relevant Head of Service with the ability to further sub-delegate. | |
| B27 | Power to register animal trainers and exhibitors. | Section 1 of the Performing Animals (Regulation) Act 1925 (c 38). | Planning, Taxi Licensing and Rights of Way Committee | Delegated to the relevant Head of Service with the ability to further sub-delegate. | |
| B28 | Power to license zoos. | Section 1 of the Zoo Licensing Act 1981 (c 37) | Planning, Taxi Licensing and Rights of Way Committee | Delegated to the relevant Head of Service with the ability to further sub-delegate. | |
| B29 | Power to license dangerous wild animals. | Section 1 of the Dangerous Wild Animals Act 1976 (c 38). | Planning, Taxi Licensing and Rights of Way Committee | Delegated to the relevant Head of Service with the ability to further sub-delegate. | |

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

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|------------|---|--|--|--|--|
| B30 | Power to enforce regulations in relation to animal by-products | Regulation 49 of the Animal By-products (Wales) Regulations 2006 (SI 1292 (W 127)) | Planning, Taxi Licensing and Rights of Way Committee | Delegated to the relevant Head of Service with the ability to further sub-delegate. | |
| B31 | Power to license the employment of children. | Part II of the Children and Young Persons Act 1933 (c 12), byelaws made under that Part, and Part II of the Children and Young Persons Act 1963 (c 37). | Planning, Taxi Licensing and Rights of Way Committee | No delegation | |
| B32 | Power to approve premises for the solemnisation of marriages and the registration of civil partnerships. | Section 46A of the Marriage Act 1949 (c 76), section 6A of the Civil Partnership Act 2004 (c 33) and the Marriages and Civil Partnerships (Approved Premises) Regulations 2005 (SI 2005/3168). | Planning, Taxi Licensing and Rights of Way Committee | Delegated to the Head of Legal and Democratic Services with the ability to further sub-delegate. | |
| B33 | Power to register common land or town or village greens, except where the power is exercisable solely for the purpose of giving effect to-- (a) an exchange of lands effected by an order under section 19(3) or paragraph 6(4) of Schedule 3 to, the Acquisition of Land Act 1981 (c 67); or (b) an order under section 7 of the Commons Act 2006. | Regulation 6 of the Commons Registration (New Land) Regulations 1969 (SI 1969/1843). The Commons Deregulation and Exchange Orders (Interim Arrangements) (Wales) | Planning, Taxi Licensing and Rights of Way Committee | No delegation | |

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

| | Regulations 2012 | | | |
|--|---|--|---|--|
| B34 Power to register variation of rights of common. | Regulation 29 of the Commons Registration (General) Regulations 1966 (SI 1966/1471). | Planning, Taxi Licensing and Rights of Way Committee | No delegation | |
| B35 Power to issue a permit to conduct charitable collections. | Section 68 of the Charities Act 1992. | Planning, Taxi Licensing and Rights of Way Committee | Delegated to the relevant Head of Service with the ability to further sub-delegate. | |
| B36 Power to grant consent for the operation of a loudspeaker. | Schedule 2 to the Noise and Statutory Nuisance Act 1993 (c 40). | Planning, Taxi Licensing and Rights of Way Committee | Delegated to the relevant Head of Service with the ability to further sub-delegate. | |
| B37 Power to grant a street works licence. | Section 50 of the New Roads and Street Works Act 1991 (c 22). | Planning, Taxi Licensing and Rights of Way Committee | Delegated to the relevant Head of Service with the ability to further sub-delegate. | |
| B38 Duty to register the movement of pigs. | Regulations 21(3) and (4) of the Pigs (Records Identification and Movement) (Wales) Order 2004 (SI 2004/996 (W 104)). | Planning, Taxi Licensing and Rights of Way Committee | Delegated to the relevant Head of Service with the ability to further sub-delegate. | |
| B39 Power to enforce regulations in relation to the movement of pigs. | Regulation 27(1) of the Pigs (Records, Identification and Movement) (Wales) Order 2004/996 (W 104). | Planning, Taxi Licensing and Rights of Way Committee | Delegated to the relevant Head of Service with the ability to further sub-delegate. | |
| B40 Power to issue a licence to move cattle from a market. | Article 5(2) of the Cattle Identification Regulations 1998 (SI 1998/871). | Planning, Taxi Licensing and Rights of Way Committee | Delegated to the relevant Head of Service with the ability to further sub-delegate. | |
| B41 Power to sanction use of parts of buildings for storage of celluloid. | Section 1 of the Celluloid and Cinematograph Film Act 1922 (c 35). | Planning, Taxi Licensing and Rights of Way Committee | Delegated to the relevant Head of Service with the ability to further sub-delegate. | |

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

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|--|--|--|---|--|
| B42 Duty to enforce and execute Regulations (EC) No 852/2004 and 853/2004 in relation to food business operators as further specified in regulation 5 of the Food (Hygiene) (Wales) Regulations 2006. | Regulation 5 of the Food (Hygiene) (Wales) Regulations 2006. | Planning, Taxi Licensing and Rights of Way Committee | Delegated to the relevant Head of Service with the ability to further sub-delegate. | |
|--|--|--|---|--|

| Column 1 | Column 2 | Column 3 | Column 4 | Column 5 |
|---|--|--|---|---|
| C Functions relating to health and safety at work | Provision of Act or Statutory Instrument | Delegated to | Sub-Delegation | Conditions and / or Limitations on Delegation and Sub-Delegation |
| C1 Functions under any of the "relevant statutory provisions" within the meaning of Part I (health, safety and welfare in connection with work, and control of dangerous substances) of the Health and Safety at Work etc Act 1974, to the extent that those functions are discharged otherwise than in the authority's capacity as an employer. | Part I of the Health and Safety at Work etc Act 1974 (c 37). | Planning, Taxi Licensing and Rights of Way Committee | Delegated to the relevant Head of Service with the ability to further sub-delegate. | |

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

| Column 1 | Column 2 | Column 3 | Column 4 | Column 5 |
|---|--|--------------|----------------|--|
| D Functions relating to elections | Provision of Act or Statutory Instrument | Delegated to | Sub-Delegation | Conditions and / or Limitations on Delegation and Sub-Delegation |
| D1 Duty to appoint an electoral registration officer. | Section 8(2A) of the Representation of the People Act 1983 (c 2). | Full Council | No delegation | |
| D3 Power to dissolve community councils. | Section 28 of the Local Government Act 1972. | Full Council | No delegation | |
| D4 Power to make orders for grouping communities. | Section 29 of the Local Government Act 1972. | Full Council | No delegation | |
| D5 Power to make orders for dissolving groups and separating community councils from groups. | Section 29A of the Local Government Act 1972. | Full Council | No delegation | |
| D6 Duty to appoint returning officer for local government elections. | Section 35 of the Representation of the People Act 1983. | Full Council | No delegation | |
| D7 Duty to provide assistance at European Parliamentary elections. | Section 6(7) and (8) of the European Parliamentary Elections Act 2002. | Full Council | No delegation | |
| D8 Duty to divide constituency into polling districts. | Section 18 of the Representation of the People Act 1983. | Full Council | No delegation | |
| D9 Power to divide electoral divisions into polling districts at local government elections. | Section 31 of the Representation of the People Act 1983. | Full Council | No delegation | |

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

| | | | | | |
|------------|--|--|--------------|---------------|--|
| D10 | Powers in respect of holding of elections. | Section 39(4) of the Representation of the People Act 1983. | Full Council | No delegation | |
| D12 | Power to fill vacancies in the event of insufficient nominations. | Section 21 of the Representation of the People Act 1985. | Full Council | No delegation | |
| D15 | Power to make temporary appointments to community councils. | Section 91 of the Local Government Act 1972. | Full Council | No delegation | |
| D17 | Power to submit proposals to the Secretary of State for an order under section 10 (pilot schemes for local elections in England and Wales) of the Representation of the People Act 2000. | Section 10 of the Representation of the People Act 2000 (c 2). | Full Council | No delegation | |

| Column 1 | Column 2 | Column 3 | Column 4 | Column 5 | |
|--|---|---|-----------------------|---|--|
| D Functions relating to elections | Provision of Act or Statutory Instrument | Delegated to | Sub-Delegation | Conditions and / or Limitations on Delegation and Sub-Delegation | |
| D2 | Power to assign officers in relation to requisitions of the registration officer. | Section 52(4) of the Representation of the People Act 1983. | Head of Paid Service | No delegation | |
| D13 | Duty to declare vacancy in office in certain cases. | Section 86 of the Local Government Act 1972. | Head of Paid Service | No delegation | |
| D14 | Duty to give public notice of a casual vacancy. | Section 87 of the Local Government Act 1972. | Head of Paid Service | No delegation | |

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

| | | | | | |
|------------|--|---|----------------------|---------------|--|
| D16 | Power to determine fees and conditions for supply of copies of, or extracts from, elections documents. | Rule 48(3) of the Local Elections (Principal Areas) Rules 1986 (SI 1986/2214) and rule 48(3) of the Local Elections (Parishes and Communities) Rules 1986 (SI 1986/2215). | Head of Paid Service | No delegation | |
| D11 | Power to pay expenses properly incurred by electoral registration officers. | Section 54 of the Representation of the People Act 1983. | Section 151 Officer | No delegation | |

| | Column 1 | Column 2 | Column 3 | Column 4 | Column 5 |
|-----------|---|---|---------------------|-----------------------|---|
| E | Functions relating to name and status of areas and individuals | Provision of Act or Statutory Instrument | Delegated to | Sub-Delegation | Conditions and / or Limitations on Delegation and Sub-Delegation |
| E1 | Power to change the name of a county or county borough. | Section 74 of the Local Government Act 1972. | Full Council | No delegation | |
| E2 | Power to change the name of a community. | Section 76 of the Local Government Act 1972. | Full Council | No delegation | |
| E3 | Power to confer title of honorary alderman or to admit to be an honorary freeman. | Section 249 of the Local Government Act 1972. | Full Council | No delegation | |
| E4 | Power to petition for a charter to confer county borough status. | Section 245A of the Local Government Act 1972. | Full Council | No delegation | |

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

| Column 1 | Column 2 | Column 3 | Column 4 | Column 5 |
|--|---|--------------|----------------|--|
| F Power to make, amend, revoke or re-enact byelaws | Provision of Act or Statutory Instrument | Delegated to | Sub-Delegation | Conditions and / or Limitations on Delegation and Sub-Delegation |
| F1 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 (c 300). | Full Council | No delegation | |

| Column 1 | Column 2 | Column 3 | Column 4 | Column 5 |
|--|--|--------------|----------------|--|
| G Power to promote or oppose private Bills. | Provision of Act or Statutory Instrument | Delegated to | Sub-Delegation | Conditions and / or Limitations on Delegation and Sub-Delegation |
| G1 Power to promote or oppose private Bills | Sections 52 and 53 of the Local Government (Democracy)(Wales) Act 2013. | Full Council | No delegation | |

| Column 1 | Column 2 | Column 3 | Column 4 | Column 5 |
|--|--|-----------------------------------|----------------|--|
| H Functions relating to pensions etc | Provision of Act or Statutory Instrument | Delegated to | Sub-Delegation | Conditions and / or Limitations on Delegation and Sub-Delegation |
| H1 Functions relating to local government pensions, etc. | Regulations under section 7, 12 or 24 of the Superannuation Act 1972 (c 11). | Pensions and Investment Committee | No delegation | |
| H2 Functions relating to pensions, allowances and gratuities. | Regulations under section 18 (3A) of the Local Government and Housing Act 1989 (c 42). | Pensions and Investment Committee | No delegation | |

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

| Column 1 | Column 2 | Column 3 | Column 4 | Column 5 |
|---|---|---------------------|-----------------------|--|
| I Miscellaneous functions | Provision of Act or Statutory Instrument | Delegated to | Sub-Delegation | Conditions and / or Limitations on Delegation and Sub-Delegation |
| I5 Power to make standing orders. | Section 106 of, and paragraph 42 of Schedule 12 to, the Local Government Act 1972. | Full Council | No delegation | |
| I6A Appointment and dismissal of Chief Executive, Head of Paid Service, Strategic Directors. | Section 112 of the Local Government Act 1972 and sections 7 and 8 of the Local Government and Housing Act 1989. | Full Council | No delegation | The exercise of functions relating to the recruitment, appointment and dismissal of, and taking disciplinary action against staff must be undertaken in accordance with Section 11 (Officers). |
| I7 Power to make standing orders as to contracts. | Section 135 of the Local Government Act 1972. | Full Council | No delegation | |
| I8 Power to consider reports from the Public Services Ombudsman for Wales. | Section 19 of the Public Services Ombudsman (Wales) Act 2005 (c 10). | Full Council | No delegation | |
| I9 Power to make an order identifying a place as a designated public place for the purposes of police powers in relation to alcohol consumption. | Section 13(2) of the Criminal Justice and Police Act 2001 (c 16). | Full Council | No delegation | |

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

| | | | | | |
|------------|--|---|--------------|---------------|--|
| I10 | Powers in respect of registration of motor salvage operators. | Part 1 of the Vehicles (Crime) Act 2001 (c 3). | Full Council | No delegation | |
| I11 | Power to appoint officers for particular purposes (appointment of "proper officers"). | Section 270(3) of the Local Government Act 1972 (c 42). | Full Council | No delegation | |
| I12 | Duty to designate an officer as the head of the authority's paid service, and to provide staff, etc. | Section 4(1) of the Local Government and Housing Act 1989 (c 42). | Full Council | No delegation | |
| I13 | Duty to designate an officer as the monitoring officer and to provide staff, etc. | Section 5(1) of the Local Government and Housing Act 1989. | Full Council | No delegation | |
| I14 | Duty to determine affordable borrowing limit. | Section 3 of the Local Government Act 2003 (c 22). | Full Council | No delegation | |
| I15 | Approval of annual investment strategy in accordance with guidance. | Section 15 of the Local Government Act 2003. | Full Council | No delegation | |
| I17 | Power to make or revoke an order designating a locality as an alcohol disorder zone. | Section 16 of the Violent Crime Reduction Act 2006 (c 38).] | Full Council | No delegation | |

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

| Column 1 | Column 2 | Column 3 | Column 4 | Column 5 |
|--|---|---|----------------|--|
| I Miscellaneous functions | Provision of Act or Statutory Instrument | Delegated to | Sub-Delegation | Conditions and / or Limitations on Delegation and Sub-Delegation |
| I1 Duty to approve authority's statement of accounts, income and expenditure and balance sheet or record of receipts and payments (as the case may be). | The Accounts and Audit (Wales) Regulations 2005. | Governance and Audit Committee ⁵ | No delegation | |
| Risk and Control I19A Ensure the risk management strategy guides the programme of internal and external work, to address the controls and risk related issues identified I19B Oversee the production of the annual governance statement, recommend its adoption to County Council and ensure appropriate action is taken to address the issues raised | County Council meeting 16 th May, 2013 | Governance and Audit Committee | No delegation | |

⁵ Regulation 9(3) of the The Accounts and Audit (Wales) Regulations 2005

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

| Column 1 | Column 2 | Column 3 | Column 4 | Column 5 |
|---|--|--------------------------------|----------------|--|
| I Miscellaneous functions | Provision of Act or Statutory Instrument | Delegated to | Sub-Delegation | Conditions and / or Limitations on Delegation and Sub-Delegation |
| <p>Internal Audit</p> <p>I20A (i) To consider and approve the annual audit opinion on internal control and the level of assurance given to the corporate governance arrangements</p> <p>(ii) Approve the annual audit plan, ensuring there is sufficient and appropriate coverage, with a strong emphasis on risk management and resources are available to implement the plan.</p> <p>(iii) Receive and review internal audit reports and ensure officers respond promptly to the findings. Where necessary recommendations to other committees and portfolio holders will be made, to ensure action plans are implemented</p> | County Council meeting 16 th May, 2013 | Governance and Audit Committee | No delegation | |

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

| Column 1 | Column 2 | Column 3 | Column 4 | Column 5 |
|--|--|--------------------------------|----------------|--|
| I Miscellaneous functions | Provision of Act or Statutory Instrument | Delegated to | Sub-Delegation | Conditions and / or Limitations on Delegation and Sub-Delegation |
| External Audit I21A (i) Consider and approve the annual letter, regulatory plan and specific reports as agreed. (ii) Where necessary ensure action is taken by officers to address those issues raised, and if necessary recommendations to other committees and portfolio holders will be made to address findings and deliver clear conclusions (iii) Comment on the scope and depth of the external audit work, to ensure it gives value for money | County Council meeting 16 th May, 2013 | Governance and Audit Committee | No delegation | |

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

| Column 1 | Column 2 | Column 3 | Column 4 | Column 5 |
|--|---|--------------------------------|-----------------------|---|
| I Miscellaneous functions | Provision of Act or Statutory Instrument | Delegated to | Sub-Delegation | Conditions and / or Limitations on Delegation and Sub-Delegation |
| Other I22A (i) Assess and approve the annual statement of accounts, external audit opinion and management representation in relation to annual audit findings (ii) Promote effective relationships between external and internal audit, inspection agencies and other relevant bodies to ensure the value of audit and inspection is enhanced and actively promoted (iii) regularly monitor treasury management reports | County Council meeting 16 th May, 2013 | Governance and Audit Committee | No delegation | |

| Column 1 | Column 2 | Column 3 | Column 4 | Column 5 |
|--|--|-------------------------------|-----------------------|---|
| I Miscellaneous functions | Provision of Act or Statutory Instrument | Delegated to | Sub-Delegation | Conditions and / or Limitations on Delegation and Sub-Delegation |
| I18 Functions relating to family absence of Local Authority Members | The Family Absence for Members of Local Authorities (Wales) Regulations 2013 | Democratic Services Committee | No delegation | |

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

| Column 1 | Column 2 | Column 3 | Column 4 | Column 5 |
|---|---|----------------------------------|---|--|
| I Miscellaneous functions | Provision of Act or Statutory Instrument | Delegated to | Sub-Delegation | Conditions and / or Limitations on Delegation and Sub-Delegation |
| I6D For the purposes of the JNC Conditions of Service for Chief Officers and for the Local Authorities (Standing Orders)(Wales) Regulations 2006, to discharge all relevant functions associated with the disciplinary and grievance processes and procedures in respect of all the Council's Chief and Deputy Chief Officers other than the Head of Paid Service, Monitoring Officer and Chief Financial Officer, Head of Democratic Services (as these 4 statutory officers are dealt with in Section 11 (Officers)) | County Council meeting 16 th May, 2013 | Employment and Appeals Committee | Delegated to the Investigating and Disciplinary Committee | |
| I6E Hearing and determining appeals by officers in respect of, dismissals arising out of disciplinary, capability or redundancy issues; and grievances. | County Council meeting 16 th May, 2013 | Employment and Appeals Committee | Delegated to the appropriate Sub-Committee | |

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

| Column 1 | Column 2 | Column 3 | Column 4 | Column 5 | |
|------------|--|--|---------------------|---|---|
| I | Miscellaneous functions | Provision of Act or Statutory Instrument | Delegated to | Sub-Delegation | Conditions and / or Limitations on Delegation and Sub-Delegation |
| I16 | Duty to make arrangements for proper administration of financial affairs. | Section 151 of the Local Government Act 1972 (c 11). | Section 151 Officer | No delegation | |
| Column 1 | Column 2 | Column 3 | Column 4 | Column 5 | |
| J | Functions Relating to Highways | Provision of Act or Statutory Instrument | Delegated to | Sub-Delegation | Conditions and / or Limitations on Delegation and Sub-Delegation |
| J1 | Power to consent to temporary deposits or excavation in streets. | County Council meeting 15 th July, 2015 | Full Council | Delegated to the relevant Head of Service with the ability to further sub-delegate. | |
| J2 | Power to dispense with obligation to erect hoarding or fence. | County Council meeting 15 th July, 2015 | Full Council | Delegated to the relevant Head of Service with the ability to further sub-delegate. | |
| J3 | Power to consent to construction of cellars etc. under street. | County Council meeting 15 th July, 2015 | Full Council | Delegated to the relevant Head of Service with the ability to further sub-delegate. | |
| J4 | Power to consent to the making of openings into cellars etc. under streets, and pavement lights and ventilators. | County Council meeting 15 th July, 2015 | Full Council | Delegated to the relevant Head of Service with the ability to further sub-delegate. | |
| J5 | Powers relating to the removal of things so deposited on highways as to be a nuisance. | County Council meeting 15 th July, 2015 | Full Council | Delegated to the relevant Head of Service with the ability to further sub-delegate. | |
| J6 | Power to license planting, retention and maintenance of trees etc. in part of metalled highway. | County Council meeting 15 th July, 2015 | Full Council | Delegated to the relevant Head of Service with the ability to further sub-delegate. | |

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

| Column 1 | Column 2 | Column 3 | Column 4 | Column 5 | |
|-----------|---|---|---------------------|--|---|
| J | Functions Relating to Highways | Provision of Act or Statutory Instrument | Delegated to | Sub-Delegation | Conditions and / or Limitations on Delegation and Sub-Delegation |
| J7 | Power to license works in relation to buildings etc. which obstruct the metalled highway. | County Council meeting 15 th July, 2015 | Full Council | Delegated to the relevant Head of Service with the ability to further sub-delegate. | |
| J8 | Power to restrict the placing of rails, beams etc. over metalled highways. | County Council meeting 15 th July, 2015 | Full Council | Delegated to the relevant Head of Service with the ability to further sub-delegate. | |
| J9 | Duty to assert and protect the rights of the public to use and enjoyment of metalled highways. | County Council meeting 15 th July, 2015 | Full Council | Delegated to the relevant Head of Service with the ability to further sub-delegate. | |
| Column 1 | Column 2 | Column 3 | Column 4 | Column 5 | |
| K. | Regulation 3 Matters | Provision of Act or Statutory Instrument | Delegated to | Sub-Delegation | Conditions and / or Limitations on Delegation and Sub-Delegation |
| 3(5) | The functions of making any scheme authorised or required by regulations under (schemes for basic, attendance and special responsibility allowances for local authority members), or of amending, revoking or replacing any such scheme is not to be the responsibility of an executive of the authority. | section 18 of the Local Government and Housing Act 1989 | Full Council | No delegation - Section 101 of the Local Government Act 1972 (Discharge by Committee, Sub-Committee, Officer or other Local Authority etc) shall not apply to this function. | |

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

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|---|--|--------------|--|--|
| 3(6) (a) the amount of any allowance payable under: | | Full Council | No delegation - Section 101 of the Local Government Act 1972 (Discharge by Committee, Sub-Committee, Officer or other Local Authority etc) shall not apply to this function. | |
| (i) chairman's expenses; (ii) vice-chairman's expenses; (iii) financial loss allowance; (iv) allowances for attending conferences and meetings; | (i) subsection (5) of section 22 of the Local Government Act 1972 (ii) subsection (4) of section 24 of the Local Government Act 1972 (iii) subsection (4) of section 173 of the Local Government Act 1972 (iv) section 175 of the Local Government Act 1972 | Full Council | No delegation - Section 101 of the Local Government Act 1972 (Discharge by Committee, Sub-Committee, Officer or other Local Authority etc) shall not apply to this function. | |
| (b) the rates at which payments are to be made under (travelling and subsistence allowances); | section 174 of the Local Government Act 1972 | Full Council | No delegation - Section 101 of the Local Government Act 1972 (Discharge by Committee, Sub-Committee, Officer or other Local Authority etc) shall not apply to this function. | |
| (c) the amount of any allowances payable pursuant to a scheme under or regulations made under, or the rates at which payments by way of any such allowances are to be made; | section 18 of the Local Government and Housing Act 1989 section 100 of the Local Government Act 2000 | Full Council | No delegation - Section 101 of the Local Government Act 1972 (Discharge by Committee, Sub-Committee, Officer or other Local Authority etc) shall not apply to this function. | |

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

| Column 1 | Column 2 | Column 3 | Column 4 | Column 5 |
|---|---|--------------|---|--|
| K. Regulation 3 Matters | Provision of Act or Statutory Instrument | Delegated to | Sub-Delegation | Conditions and / or Limitations on Delegation and Sub-Delegation |
| (d) whether a charge should be made for any approval, consent, licence, permit or registration the issue of which is not the responsibility of an executive of the authority; and e) where a charge is made for any such approval, consent, licence, permit or registration, the amount of the charge. | | Full Council | Delegation to the appropriate Committee on an individual basis. | |
| 3(8) The function of making arrangements for the discharge of functions by a committee or officer under (2 or more local authorities discharging functions jointly) | section 101(5) of the Local Government Act 1972 Section 20 of the Local Government Act 2000. | Full Council | No delegation possible pursuant to Regulation 3(8). | |
| 3(9) The functions of making appointments under (appointment of committees) | section 102 of the Local Government Act 1972 | Full Council | No delegation possible pursuant to Regulation 3(9) | |

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

| Column 1 | Column 2 | Column 3 | Column 4 | Column 5 |
|--|--|--------------|---|--|
| K. Regulation 3 Matters | Provision of Act or Statutory Instrument | Delegated to | Sub-Delegation | Conditions and / or Limitations on Delegation and Sub-Delegation |
| 3(10) Unless otherwise provided by the Local Authorities (Executive Arrangements) (Functions and Responsibilities) (Wales) Regulations 2007 (as amended), a function of a local authority which, by virtue of any enactment (past or made before the 16 th February, 2007) must not be discharged by the Cabinet. | | Full Council | No delegation possible pursuant to Regulation 3(10) | |

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

Schedule 2 – Council functions may be delegated to the Executive and other Member Bodies pursuant to Regulation 4 of the 2007 Regulations.

For the sake of clarity, Full Council has delegated the functions set out in Column 1 of Schedule 2 to the Member Body set out in Column 3. Full Council reserves the right to remove such delegation.

Pursuant to Regulation 4(2), the functions in Column 1 so delegated may also be exercised by Full Council.

Nothing in this Schedule prevents the exercise of functions delegated to the Cabinet under Column 1 of this Schedule being sub-delegated by the Executive Leader under Rule 5.9.

For the purposes of this Schedule 2 “Rights of Way Officer” means either the Strategic Director, or the Director or the Head of Service responsible for the rights of way functions.

| Column 1 | Column 2 | Column 3 | Column 4 | Column 5 |
|----------|--|--------------|----------------|--|
| | Provision of Act or Statutory Instrument | Delegated to | Sub-Delegation | Conditions and / or Limitations on Delegation and Sub-Delegation |
| 1 | Any function under a local Act other than a function specified or referred to in Schedule 1. | Full Council | No delegation | |
| 7 | The making of arrangements under section 20 (questions on police matters at council meetings) of the Police Act 1996 for enabling questions to be put on the discharge of the functions of a police authority. | Full Council | No delegation | |

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

| Column 1 | Column 2 | Column 3 | Column 4 | Column 5 |
|-----------|---|--------------|----------------|--|
| | Provision of Act or Statutory Instrument | Delegated to | Sub-Delegation | Conditions and / or Limitations on Delegation and Sub-Delegation |
| 8 | The making of appointments under paragraphs 2 to 4 (appointment of members by relevant councils) of Schedule 2 (police authorities established under section 3) to the Police Act 1996. | Full Council | No delegation | |
| 13 | The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the authority's area. | Full Council | No delegation | |
| 19 | The appointment of any individual: | Full Council | No delegation | Also exercisable by the Cabinet. |
| | (a) to any office other than an office in which he is employed by the authority; | | | |
| | (b) to any body other than- | | | |
| | (i) the authority; | | | |
| | (ii) a joint committee of two or more authorities; or | | | |

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

| Column 1 | Column 2 | Column 3 | Column 4 | Column 5 |
|--|--|--------------|----------------|--|
| | Provision of Act or Statutory Instrument | Delegated to | Sub-Delegation | Conditions and / or Limitations on Delegation and Sub-Delegation |
| (c) to any committee or sub-committee of such a body, and the revocation of any such appointment. | | | | |
| 21 The discharge of any function by an authority acting as a harbour authority. | | Full Council | No delegation | |

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

| Column 1 | Column 2 | Column 3 | Column 4 | Column 5 |
|----------|---|--------------|---|--|
| | Provision of Act or Statutory Instrument | Delegated to | Sub-Delegation | Conditions and / or Limitations on Delegation and Sub-Delegation |
| 2 | The determination of an appeal against any decision made by or on behalf of the authority. | Cabinet | The Executive Leader may delegate the function to the appropriate Portfolio Holder. | This does not extend to determining any dismissal or grievance appeal by an employee which are to be determined by the Employment and Appeals 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 (c.19) | Cabinet | The Executive Leader may delegate the function to the appropriate Portfolio Holder. | |
| 4 | The making of arrangements in relation to appeals against the exclusion of pupils in maintained schools under section 52 of the Education Act 2002. | Cabinet | The Executive Leader may delegate the function to the appropriate Portfolio Holder. | |

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

| Column 1 | Column 2 | Column 3 | Column 4 | Column 5 |
|-----------|---|--------------|---|--|
| | Provision of Act or Statutory Instrument | Delegated to | Sub-Delegation | Conditions and / or Limitations on Delegation and Sub-Delegation |
| 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). | Cabinet | The Executive Leader may delegate the function to the appropriate Portfolio Holder. | |
| 6 | The making of arrangements pursuant to section 95(2) of the School Standards and Framework Act 1998 (children to whom section 87 applies: appeals by governing bodies). | Cabinet | The Executive Leader may delegate the function to the appropriate Portfolio Holder. | |
| 9 | The conducting of best value reviews in accordance with the provisions of any order for the time being having effect under section 5 (best value reviews) of the Local Government Act 1999. | Cabinet | The Executive Leader may delegate the function to the appropriate Portfolio Holder. | |
| 10 | Any function relating to contaminated land. | Cabinet | The Executive Leader may delegate the function to the appropriate Portfolio Holder. | |

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

| Column 1 | Column 2 | Column 3 | Column 4 | Column 5 |
|---|---|--------------|---|--|
| | Provision of Act or Statutory Instrument | Delegated to | Sub-Delegation | Conditions and / or Limitations on Delegation and Sub-Delegation |
| 11 The discharge of any function relating to the control of pollution or the management of air quality. | Pollution and Prevention Control Act 1999 (c.24); Part IV of the Environment Act 1995 (c.25); Part 1 of the Environment Act 1990 (c.43) and the Clean Air Act 1993 (c.11) | Cabinet | The Executive Leader may delegate the function to the appropriate Portfolio Holder. | |
| 12 The service of an abatement notice in respect of a statutory nuisance. | Section 8 of the Noise and Statutory Nuisance Act 1993 (c.40) | Cabinet | The Executive Leader may delegate the function to the appropriate Portfolio Holder. | |
| 14 The inspection of the authority's area to detect any statutory nuisance. | Section 79 of the Environmental Protection Act 1990. | Cabinet | The Executive Leader may delegate the function to the appropriate Portfolio Holder. | |
| 15 The investigation of any complaint as to the existence of a statutory nuisance. | | Cabinet | The Executive Leader may delegate the function to the appropriate Portfolio Holder. | |
| 16 The obtaining of information under section 330 of the Town and Country Planning Act 1990 as to interests in land. | Section 330 of the Town and Country Planning Act 1990 (c.8) | Cabinet | The Executive Leader may delegate the function to the appropriate Portfolio Holder. | |

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

| Column 1 | Column 2 | Column 3 | Column 4 | Column 5 |
|---|---|--------------|--|--|
| | Provision of Act or Statutory Instrument | Delegated to | Sub-Delegation | Conditions and / or Limitations on Delegation and Sub-Delegation |
| 17 The obtaining of particulars of persons interested in land under section 16 of the Local Government (Miscellaneous Provisions) Act 1976. | Section 16 of the Local Government (Miscellaneous Provisions) Act 1976 (c.57) | Cabinet | The Executive Leader may delegate the function to the appropriate Portfolio Holder. | |
| 18 Any of the following functions in respect of highways: | | | | |
| (a) the making of agreements for the execution of highways works; | Section 278 of the Highways Act 1980 (c.66) was substituted by Section 23 of the New Roads and Street Works Act 1991 (c.22) | Cabinet | Delegated to the relevant Head of Service with the ability to further sub-delegate.. | |
| (d) the functions contained in the following provisions of Part IX of the Highways Act 1980 (lawful and unlawful interference with highways and streets): | | Cabinet | Delegated to the relevant Head of Service with the ability to further sub-delegate. | |
| (i) section 130-- protection of public rights; | Part IX of the Highways Act 1980 (lawful and unlawful interference with highways and streets) – Section 130 | Cabinet | Delegated to the relevant Head of Service with the ability to further sub-delegate. | |

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

| Column 1 | Column 2 | Column 3 | Column 4 | Column 5 |
|--|---|--------------|---|--|
| | Provision of Act or Statutory Instrument | Delegated to | Sub-Delegation | Conditions and / or Limitations on Delegation and Sub-Delegation |
| (ii) sections 139-- control of builders' skips; | Part IX of the Highways Act 1980 (lawful and unlawful interference with highways and streets) – Section 139 | Cabinet | Delegated to the relevant Head of Service with the ability to further sub-delegate. | |
| (iii) section 140-- removal of builders' skips; | Part IX of the Highways Act 1980 (lawful and unlawful interference with highways and streets) – Section 140 | Cabinet | Delegated to the relevant Head of Service with the ability to further sub-delegate. | |
| (iv) section 140A-- builders' skips: charges for occupation of the highway; | New Roads and Street Works Act 1991 (c.22) (Section 168 and Part 1 of Schedule 8) | Cabinet | Delegated to the relevant Head of Service with the ability to further sub-delegate. | |
| (v) section 142-- licence to plant trees, shrubs etc in a highway; | Part IX of the Highways Act 1980 (lawful and unlawful interference with highways and streets) – Section 142 | Cabinet | Delegated to the relevant Head of Service with the ability to further sub-delegate. | |
| (vi) section 147-- power to authorise erection of stiles etc on footpath or bridleway; | Part IX of the Highways Act 1980 (lawful and unlawful interference with highways and streets) – Section 147 | Cabinet | Delegated to the relevant Head of Service with the ability to further sub-delegate. | |

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

| Column 1 | Column 2 | Column 3 | Column 4 | Column 5 |
|--|---|--------------|---|--|
| | Provision of Act or Statutory Instrument | Delegated to | Sub-Delegation | Conditions and / or Limitations on Delegation and Sub-Delegation |
| (vii) section 147ZA-- agreements relating to improvements for benefit of persons with mobility problems; | Section 69(3) of the Countryside and Rights of Way Act 2000 (c.37) | Cabinet | Delegated to the relevant Head of Service with the ability to further sub-delegate. | |
| (viii) section 149- removal of things so deposited on highways as to be a nuisance etc; | Part IX of the Highways Act 1980 (lawful and unlawful interference with highways and streets) – Section 149 | Cabinet | Delegated to the relevant Head of Service with the ability to further sub-delegate. | |
| (ix) section 169- control of scaffolding on highways; | Part IX of the Highways Act 1980 (lawful and unlawful interference with highways and streets) – Section 169 | Cabinet | Delegated to the relevant Head of Service with the ability to further sub-delegate. | |
| (x) section 171- control of deposit of building materials and making of excavations in streets; | Part IX of the Highways Act 1980 (lawful and unlawful interference with highways and streets) – Section 171 | Cabinet | Delegated to the relevant Head of Service with the ability to further sub-delegate. | |

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

| Column 1 | Column 2 | Column 3 | Column 4 | Column 5 |
|---|---|--------------|---|--|
| | Provision of Act or Statutory Instrument | Delegated to | Sub-Delegation | Conditions and / or Limitations on Delegation and Sub-Delegation |
| (xi) section 171A and regulations made under that section-- works under s169 or s171: charge for occupation of the highway; | New Roads and Street Works Act 1991 (c.22) (Section 168 and Part 1 of Schedule 8) | Cabinet | Delegated to the relevant Head of Service with the ability to further sub-delegate. | |
| (xii) section 172-- hoardings to be set up during building etc; | Part IX of the Highways Act 1980 (lawful and unlawful interference with highways and streets) – Section 172 | Cabinet | Delegated to the relevant Head of Service with the ability to further sub-delegate. | |
| (xiii) section 173-- hoardings to be securely erected; | Part IX of the Highways Act 1980 (lawful and unlawful interference with highways and streets) – Section 173 | Cabinet | Delegated to the relevant Head of Service with the ability to further sub-delegate. | |
| (xiv) section 178-- restriction on placing of rails, beams etc over highways; | Part IX of the Highways Act 1980 (lawful and unlawful interference with highways and streets) – Section 178 | Cabinet | Delegated to the relevant Head of Service with the ability to further sub-delegate. | |
| (xv) section 179-- control of construction of cellars etc under street; | Part IX of the Highways Act 1980 (lawful and unlawful interference with highways and streets) – Section 179 | Cabinet | Delegated to the relevant Head of Service with the ability to further sub-delegate. | |

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

| Column 1 | Column 2 | Column 3 | Column 4 | Column 5 |
|---|---|--------------|---|--|
| | Provision of Act or Statutory Instrument | Delegated to | Sub-Delegation | Conditions and / or Limitations on Delegation and Sub-Delegation |
| (xvi) section 180-control of openings into cellars etc under streets, and pavement lights and ventilators; | Part IX of the Highways Act 1980 (lawful and unlawful interference with highways and streets) – Section 180 | Cabinet | Delegated to the relevant Head of Service with the ability to further sub-delegate. | |
| 20 Power to make payments or provide other benefits in cases of maladministration etc. | Section 92 of the Local Government Act 2000. | Cabinet | Delegated to the relevant Head of Service with the ability to further sub-delegate. | |
| 22 Functions in respect of the calculation of council tax base in accordance with any of the following: | | Cabinet | The Executive Leader may delegate the function to the appropriate Portfolio Holder. | |
| (a) the determination of an for item T in section 33(1) and 44(1) of the Local Government Finance Act 1992; | Sections 33(1) and 44(1) of the Local Government Finance Act 1992 | Cabinet | The Executive Leader may delegate the function to the appropriate Portfolio Holder. | |
| (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; | Sections 34(3), 45(3), 48(3) and 48(4) of the Local Government Finance Act 1992 | Cabinet | The Executive Leader may delegate the function to the appropriate Portfolio Holder. | |

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| Column 1 | Column 2 | Column 3 | Column 4 | Column 5 |
|--|---|--------------|--|---|
| | Provision of Act or Statutory Instrument | Delegated to | Sub-Delegation | Conditions and / or Limitations on Delegation and Sub-Delegation |
| (c) the determination of an amount required for determining an amount for the item mentioned in paragraph (a) or (b) above. | | Cabinet | The Executive Leader may delegate the function to the appropriate Portfolio Holder. | |
| 2B.(1) The making of Temporary Traffic Regulation Orders relating to all highways other than those specified in 2B(2) below. | Road Traffic Regulation Act 1984 | Cabinet | The Head of Highways, Transportation and Recycling and the Service Manager or persons authorised to act on their behalf. | Subject to: (i) The period of the temporary traffic regulation order not exceeding 18 months. (ii) Any extensions to the time limit for a Traffic Regulation Order require the consent of the relevant Welsh Government Minister. |
| 2B (2) The making of Temporary Traffic Regulation Orders relating to cycle tracks, footpaths, bridleways, restricted byways and byways open to all traffic. | Road Traffic Regulation Act 1984 – Section 14 | Cabinet | The Leisure and Recreation Services Manager or persons authorised to act on their behalf. | Such temporary orders can be given by the Authority for up to 6 months and extensions require the consent of the relevant Welsh Government Minister. |

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| Column 1 | Column 2 | Column 3 | Column 4 | Column 5 |
|--|--|--------------|---|--|
| | Provision of Act or Statutory Instrument | Delegated to | Sub-Delegation | Conditions and / or Limitations on Delegation and Sub-Delegation |
| 4. Provision, operation and maintenance of on-street and off-street car parking, including charging. | | Cabinet | The Executive Leader may delegate the function to the appropriate Portfolio Holder. | |
| 5. All matters relating to Municipal Services, namely : (a) street cleaning and litter; (b) verge maintenance; (c) markets (livestock, produce and street), other than regulatory aspects; (d) land drainage; (e) allotments; (f) other minor miscellaneous municipal services | | Cabinet | Delegated to the relevant Head of Service with the ability to further sub-delegate. | |
| 6. Miscellaneous functions relating to Local Grants | | | | |
| (i) the determination of Built Heritage Grants funded from the town specific allocations of Local Regeneration Fund and Basic Credit Approval in accordance | | Cabinet | | |

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

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| with policy and budget set by the Executive. | | | | |
| (ii) administering Built Heritage Grants for Montgomeryshire to the Montgomeryshire Area (Shire) Committee. | | Cabinet | | |

| Column 1 | Column 2 | Column 3 | Column 4 | Column 5 |
|----------|---|--|------------------------------|---|
| | Provision of Act or Statutory Instrument | Delegated to | Sub-Delegation | Conditions and / or Limitations on Delegation and Sub-Delegation |
| 23 | Licensing functions in accordance with Part 2 of the Licensing Act 2003 except section 6. | Part 2 of the Licensing Act 2003 except section 6. | Licensing Act 2003 Committee | (i) Where the application is contested, the application will be determined by a 3 Member Sub-Committee under the Licensing Act 2003 (ii) Where the application is uncontested the application will be determined by the relevant Head of Service with the ability to further sub-delegate (iii) Where there is an application to review an existing licence the application will be determined by a 3 Member Sub-Committee under the Licensing Act 2003 |
| 24 | Functions in respect of gambling under the following provisions of the Gambling Act 2005: | Gambling Act 2005 (c.19) | Licensing Act 2003 Committee | |

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

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|---|---------------------------------|------------------------------|---|--|
| (a) section 29--licensing authority information; | Gambling Act 2005 – Section 29 | Licensing Act 2003 Committee | Delegated to the relevant Head of Service with the ability to further sub-delegate. | |
| (b) section 30--other exchange of information; | Gambling Act 2005 – Section 30 | Licensing Act 2003 Committee | Delegated to the relevant Head of Service with the ability to further sub-delegate. | |
| (c) section 166--resolution not to issue casino licences; | Gambling Act 2005 – Section 166 | Licensing Act 2003 Committee | No delegation | |
| (d) section 212 and regulations made under that section--fees; | Gambling Act 2005 – Section 212 | Licensing Act 2003 Committee | No delegation | |
| (e) section 284--removal of exemption; | Gambling Act 2005 – Section 284 | Licensing Act 2003 Committee | The Licensing Committee has authority to appoint 3 Member Sub-Committees to hear and determine applications under the Licensing Act 2003 (. | |
| (f) section 304--authorised persons; | Gambling Act 2005 – Section 304 | Licensing Act 2003 Committee | Delegated to the relevant Head of Service with the ability to further sub-delegate. | |
| (g) section 346--prosecutions by licensing authority; | Gambling Act 2005 – Section 346 | Licensing Act 2003 Committee | Delegated to the relevant Head of Service with the ability to further sub-delegate. | |
| (h) section 349--three-year licensing policy and other relevant policies; | Gambling Act 2005 – Section 349 | Licensing Act 2003 Committee | No delegation | |
| (i) section 350--exchange of information; | Gambling Act 2005 – Section 350 | Licensing Act 2003 Committee | Delegated to the relevant Head of Service with the ability to further sub-delegate. | |

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

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|---|---|------------------------------|---|--|
| (j) Part 5 of Schedule 11--registration with local authority. | Gambling Act 2005 – Part 5 of Schedule 11 | Licensing Act 2003 Committee | Delegated to the relevant Head of Service with the ability to further sub-delegate. | |
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SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

| Column 1 | Column 2 | Column 3 | Column 4 | Column 5 |
|--|---|--|---|--|
| | Provision of Act or Statutory Instrument | Delegated to | Sub-Delegation | Conditions and / or Limitations on Delegation and Sub-Delegation |
| 18 Any of the following functions in respect of highways: | | | | |
| (b) the functions contained in the following provisions of Part III of the Highways Act 1980 (creation of highways): | Part III of the Highways Act 1980 (c.66) | Planning, Taxi Licensing and Rights of Way Committee | No delegation | |
| (i) section 25-- creation of footpath, bridleway or restricted byway by agreement; | Part III of the Highways Act 1980 (creation of highways) – Section 25 | Planning, Taxi Licensing and Rights of Way Committee | The Head of Housing and Community Development with the ability to further sub-delegate. | <u>Conditions for Sub-Delegation (failing which matter must be referred to the Planning, Taxi Licensing and Rights of Way Committee):</u> (a) consent of local member(s); (b) consent of community council; (c) consent of landowner; |

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

| Column 1 | Column 2 | Column 3 | Column 4 | Column 5 |
|--|--|--|---|---|
| | Provision of Act or Statutory Instrument | Delegated to | Sub-Delegation | Conditions and / or Limitations on Delegation and Sub-Delegation |
| (ii) section 26-- compulsory powers for creation of footpaths, bridleways or restricted byways; | Part III of the Highways Act 1980 (creation of highways) – Section 26 | Planning, Taxi Licensing and Rights of Way Committee | The Head of Housing and Community Development with the ability to further sub-delegate. | <p><u>Conditions for Sub-Delegation (failing which matter must be referred to the Planning, Taxi Licensing and Rights of Way Committee):</u></p> <p>(a) consent of local member(s); (b) consent of community council; (c) consent of landowner;</p> |
| (c) the functions contained in the following provisions of Part VIII of the Highways Act 1980 (stopping up and diversion of highways etc): | | | | |
| (i) section 116--power of magistrates' court to authorise stopping up or diversion of highway; | Part VIII of the Highways Act 1980 (stopping up and diversion of highways etc) – Section 116 | Planning, Taxi Licensing and Rights of Way Committee | No delegation | |
| (ii) section 117-- application for order under section 116 on behalf of another person; | Part VIII of the Highways Act 1980 (stopping up and diversion of highways etc) – Section 117 | Planning, Taxi Licensing and Rights of Way Committee | No delegation | |

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

| Column 1 | Column 2 | Column 3 | Column 4 | Column 5 |
|---|---|--|---|---|
| | Provision of Act or Statutory Instrument | Delegated to | Sub-Delegation | Conditions and / or Limitations on Delegation and Sub-Delegation |
| (iii) section 118-- stopping up of footpaths, bridleways and restricted byways; | Part VIII of the Highways Act 1980 (stopping up and diversion of highways etc) – Section 118 | Planning, Taxi Licensing and Rights of Way Committee | The Head of Housing and Community Development with the ability to further sub-delegate. | <p><u>Conditions for Sub-Delegation (failing which matter must be referred to the Planning, Taxi Licensing and Rights of Way Committee):</u></p> <p>(a) consent of local member(s); (b) consent of community council; (c) consent of landowner;</p> |
| (iv) section 118ZA-- application for a public path extinguishment order; | Section 57 of, and Part 1 of Schedule 6 to, the Countryside and Rights of way Act 2000 (c.37) | Planning, Taxi Licensing and Rights of Way Committee | The Head of Housing and Community Development with the ability to further sub-delegate. | <p><u>Conditions for Sub-Delegation (failing which matter must be referred to the Planning, Taxi Licensing and Rights of Way Committee):</u></p> <p>(a) consent of local member(s); (b) consent of community council; (c) consent of landowner;</p> |

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

| Column 1 | Column 2 | Column 3 | Column 4 | Column 5 |
|---|---|--|---|---|
| | Provision of Act or Statutory Instrument | Delegated to | Sub-Delegation | Conditions and / or Limitations on Delegation and Sub-Delegation |
| (v) section 118A--stopping up of footpaths, bridleways and restricted byways crossing railways; | Section 47 of, and Schedule 2 to, the Transport and Works Act 1992 (c.42) | Planning, Taxi Licensing and Rights of Way Committee | Head of Housing and Community Development with the ability to further sub-delegate | <p><u>Conditions for Sub-Delegation (failing which matter must be referred to the Planning, Taxi Licensing and Rights of Way Committee):</u></p> <p>(a) consent of local member(s); (b) consent of community council; (c) consent of landowner;</p> |
| (vi) section 118B--stopping up of certain highways for purposes of crime prevention etc; | Section 57 of, and Part 1 of Schedule 6 to, the Countryside and Rights of way Act 2000 (c.37) | Planning, Taxi Licensing and Rights of Way Committee | Head of Housing and Community Development with the ability to further sub-delegate. | <p><u>Conditions for Sub-Delegation (failing which matter must be referred to the Planning, Taxi Licensing and Rights of Way Committee):</u></p> <p>(a) consent of local member(s); (b) consent of community council; (c) consent of landowner;</p> |

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

| Column 1 | Column 2 | Column 3 | Column 4 | Column 5 |
|--|---|--|---|---|
| | Provision of Act or Statutory Instrument | Delegated to | Sub-Delegation | Conditions and / or Limitations on Delegation and Sub-Delegation |
| (vii) section 118C-- application by proprietor of school for special extinguishment order; | Section 57 of, and Part 1 of Schedule 6 to, the Countryside and Rights of way Act 2000 (c.37) | Planning, Taxi Licensing and Rights of Way Committee | The Head of Housing and Community Development with the ability to further sub-delegate. | <p><u>Conditions for Sub-Delegation (failing which matter must be referred to the Planning, Taxi Licensing and Rights of Way Committee):</u></p> <p>(a) consent of local member(s); (b) consent of community council; (c) consent of landowner;</p> |
| (viii) section 119-- diversion of footpaths, bridleways and restricted byways; | Part VIII of the Highways Act 1980 (stopping up and diversion of highways etc) – Section 119 | Planning, Taxi Licensing and Rights of Way Committee | The Head of Housing and Community Development with the ability to further sub-delegate. | <p><u>Conditions for Sub-Delegation (failing which matter must be referred to the Planning, Taxi Licensing and Rights of Way Committee):</u></p> <p>(a) consent of local member(s); (b) consent of community council; (c) consent of landowner;</p> |

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

| Column 1 | Column 2 | Column 3 | Column 4 | Column 5 |
|--|---|--|---|--|
| | Provision of Act or Statutory Instrument | Delegated to | Sub-Delegation | Conditions and / or Limitations on Delegation and Sub-Delegation |
| (ix) section 119ZA-- application for a public path diversion order; | Section 57 of, and Part 1 of Schedule 6 to, the Countryside and Rights of way Act 2000 (c.37) | Planning, Taxi Licensing and Rights of Way Committee | The Head of Housing and Community Development with the ability to further sub-delegate. | <p><u>Conditions for Sub-Delegation (failing which matter must be referred to the Planning, Taxi Licensing and Rights of Way Committee):</u></p> <ul style="list-style-type: none"> (a) consent of local member(s); (b) consent of community council; (c) consent of landowner; |
| (x) section 119A-- diversion of footpaths, bridleways and restricted byways crossing railways; | Section 47 of, and Schedule 2 to, the Transport and Works Act 1992 (c.42) | Planning, Taxi Licensing and Rights of Way Committee | The Head of Housing and Community Development with the ability to further sub-delegate. | <p><u>Conditions for Sub-Delegation (failing which matter must be referred to the Planning, Taxi Licensing and Rights of Way Committee):</u></p> <ul style="list-style-type: none"> (a) consent of local member(s); (b) consent of community council; (c) consent of landowner; |

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

| Column 1 | Column 2 | Column 3 | Column 4 | Column 5 |
|--|---|--|---|--|
| | Provision of Act or Statutory Instrument | Delegated to | Sub-Delegation | Conditions and / or Limitations on Delegation and Sub-Delegation |
| (xi) section 119B--diversion of certain highways for purposes of crime prevention etc; | Section 57 of, and Part 1 of Schedule 6 to, the Countryside and Rights of way Act 2000 (c.37) | Planning, Taxi Licensing and Rights of Way Committee | The Head of Housing and Community Development with the ability to further sub-delegate. | <p><u>Conditions for Sub-Delegation (failing which matter must be referred to the Planning, Taxi Licensing and Rights of Way Committee):</u></p> <ul style="list-style-type: none"> (a) consent of local member(s); (b) consent of community council; (c) consent of landowner; |
| (xii) section 119C--application by proprietor of school for special diversion order; | Section 57 of, and Part 1 of Schedule 6 to, the Countryside and Rights of way Act 2000 (c.37) | Planning, Taxi Licensing and Rights of Way Committee | The Head of Housing and Community Development with the ability to further sub-delegate. | <p><u>Conditions for Sub-Delegation (failing which matter must be referred to the Planning, Taxi Licensing and Rights of Way Committee):</u></p> <ul style="list-style-type: none"> (a) consent of local member(s); (b) consent of community council; (c) consent of landowner; |

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

| Column 1 | Column 2 | Column 3 | Column 4 | Column 5 |
|---|--|--|---|---|
| | Provision of Act or Statutory Instrument | Delegated to | Sub-Delegation | Conditions and / or Limitations on Delegation and Sub-Delegation |
| (xiii) section 119D-- diversion of certain highways for protection of sites of special scientific interest; | Section 57 of, and Part 1 of Schedule 6 to, the Countryside and Rights of way Act 2000 (c.37) | Planning, Taxi Licensing and Rights of Way Committee | The Head of Housing and Community Development with the ability to further sub-delegate. | <p><u>Conditions for Sub-Delegation (failing which matter must be referred to the Planning, Taxi Licensing and Rights of Way Committee):</u></p> <p>(a) consent of local member(s); (b) consent of community council; (c) consent of landowner;</p> |
| (xiv) section 120-- exercise of powers of making public path extinguishment and diversion orders; | Part VIII of the Highways Act 1980 (consultation with other authorities on cross boundary stopping up and diversion of highways etc) – Section 120 | Planning, Taxi Licensing and Rights of Way Committee | The Head of Housing and Community Development with the ability to further sub-delegate. | |
| (xv) section 121B-- register of applications; | Section 57 of, and Part 1 of Schedule 6 to, the Countryside and Rights of way Act 2000 (c.37) | Planning, Taxi Licensing and Rights of Way Committee | No delegation | |

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

| Column 1 | Column 2 | Column 3 | Column 4 | Column 5 |
|---|--|--|---|--|
| | Provision of Act or Statutory Instrument | Delegated to | Sub-Delegation | Conditions and / or Limitations on Delegation and Sub-Delegation |
| (e) exercising functions under section 34 of the Wildlife and Countryside Act 1981 (limestone pavement orders); and | Section 34 of the Wildlife and Countryside Act 1981 (limestone pavement orders) (c.69) as amended by paragraph 83 of Schedule 11 to the Natural Environment and Rural Communities Act 2006 (c.16); by Section 27AA of the 1981 Act Section 34 has effect as if references to Natural England were references to the Countryside Council for Wales. | Planning, Taxi Licensing and Rights of Way Committee | No delegation | |
| (f) exercising functions under section 53 of the Wildlife and Countryside Act 1981 (duty to keep definitive map and statement under continuous review). | Section 53 of the Wildlife and Countryside Act 1981 (duty to keep definitive map and statement under continuous review) as amended by the Countryside and Rights of Way Act 2000 (c.37) (Section 51 and Part 1 of Schedule 5) and the Natural Environment and Rural Communities Act 2006 (c.16) (Section 70) | Planning, Taxi Licensing and Rights of Way Committee | No delegation | |
| Miscellaneous Functions: | | | | |
| Cycle Track Conversion Orders | Cycle Tracks Act 1984 Cycle Tracks Regulations 1984 | Cabinet | Planning, Taxi Licensing and Rights of Way Committee. | |
| Powers relating to trees | Sections 197 to 214D of the Town and Country | Planning, Taxi Licensing and Rights of Way Committee | Subject to column 5 Delegated to the Relevant | (See conditions set out on pages 5- 7 above) |

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

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| | Planning Act 1990 & Town and Country Planning (Trees) Regulations 1999 (as amended). | | Planning Officer with the ability to further sub-delegate | |
| Powers relating to the protection of important hedgerows. | The Hedgerows Regulations 1997 (S.I. 1999/1892) | Planning, Taxi Licensing and Rights of Way Committee | Subject to column 5 Delegated to the Relevant Planning Officer with the ability to further sub-delegate | (See conditions set out on pages 5- 7 above) |
| Powers to issue Screening and Scoping Opinions. | Sections 5, 7, 9 , 10, 13 & 15 of the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2016. | Planning, Taxi Licensing and Rights of Way Committee | Subject to column 5 Delegated to the Relevant Planning Officer with the ability to further sub-delegate | ((See conditions set out on pages 5- 7 above) |
| Power to determine applications for non-material amendments. | Sections 96A of the Town and Country Planning Act 1990. | Planning, Taxi Licensing and Rights of Way Committee | Subject to column 5 Delegated to the Relevant Planning Officer with the ability to further sub-delegate | (See conditions set out on pages 5- 7 above) |
| Power to respond to consultation from other Local Planning Authorities on development proposals | Regulation 14 of the Town and Country (General Development Management Procedure) Order (Wales 2012 (S.I. 2012/808 (W.110))). | Planning, Taxi Licensing and Rights of Way Committee | Subject to column 5 Delegated to the Relevant Planning Officer in consultation with the Chair of the Planning, Taxi Licensing and Rights of Way Committee | (See conditions set out on pages 5- 7 above) |
| Powers to modify or discharge planning obligations regulating development or use of land. | Section 106A and 106B of the Town and Country Planning Act 1990 | Planning, Taxi Licensing and Rights of Way Committee | Subject to column 5 Delegated to the Relevant Planning Officer with the ability to further sub-delegate | (See conditions set out on pages 5- 7 above) |
| Powers to determine applications for pre-application advice. | Section 61Z1 of the Town and Country Planning Act 1990 | Planning, Taxi Licensing and Rights of Way Committee | Subject to column 5 Delegated to the Relevant Planning Officer with the ability to further sub-delegate | (See conditions set out on pages 5- 7 above) |
| Powers to issue a notice that application is not valid. | Section 62ZA of the Town and Country Planning Act 1990. | Planning, Taxi Licensing and Rights of Way Committee | Subject to column 5 Delegated to the Relevant Planning Officer with the ability to further sub-delegate | (See conditions set out on pages 5- 7 above) |
| Powers to provide pre- | Part 2 of The | Planning, Taxi Licensing and | Subject to column 5 | (See conditions set out on |

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| | | | | |
|---|---|--|---|--|
| application services | Developments of National Significance (Wales) Regulations 2016 | Rights of Way Committee | Delegated to the Relevant Planning Officer | pages 5- 7 above) |
| Powers to submit a local impact report | Section 62I of the Town and Country Planning Act 1990 | Planning, Taxi Licensing and Rights of Way Committee | Subject to column 5 Delegated to the Relevant Planning Officer in consultation with the Chair of the Planning, Taxi Licensing and Rights of Way Committee | (See conditions set out on pages 5- 7 above) |
| Power to determine discharge of condition applications | Section 71ZA of the Town and Country Planning Act 1990 and Part 23 of the Town and Country Planning (General Development Procedure) Order (Wales) 2012. | Planning, Taxi Licensing and Rights of Way Committee | Subject to column 5 Delegated to the Relevant Planning Officer with the ability to further sub-delegate | (See conditions set out on pages 5- 7 above) |
| Powers to object to the grant of an application for an operator's licence | Section 12 of the Goods Vehicles (Licensing of Operators) Act 1995 | Planning, Taxi Licensing and Rights of Way Committee | Subject to column 5 Delegated to the Relevant Planning Officer with the ability to further sub-delegate | (See conditions set out on pages 5- 7 above) |

| Column 1 | Column 2 | Column 3 | Column 4 | Column 5 |
|---|---|---------------------|-----------------------|---|
| J | Provision of Act or Statutory Instrument | Delegated to | Sub-Delegation | Conditions and / or Limitations on Delegation and Sub-Delegation |
| Miscellaneous functions relating to Highways | | | | |
| Within a framework agreed by the Executive, and within an annual budget to be allocated by the Executive, and subject to an individual project limit of £50,000 : | | Cabinet | | |
| 1. All decisions in relation to highway maintenance within the | | Cabinet | | |

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| | | | | |
|---|--|----------------|--|--|
| <p>overall plans determined by the Executive relating to :</p> <p>(a) Local Improvement Programmes;</p> <p>(b) The general Highway Maintenance Programme;</p> <p>(c) Non-structural Bridge Maintenance.</p> | | | | |
| <p>2A. The making of Permanent Traffic Regulation Orders</p> | | <p>Cabinet</p> | | |
| <p>3. Promoting and developing local road safety initiatives.</p> | | <p>Cabinet</p> | | |

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

Schedule 3 – Functions Not to be the Sole Responsibility of Cabinet.⁶

| Column 1 | Column 2 | Column 3 | Column 4 | Column 5 |
|---|---|--------------|---|---|
| Plans, schemes and strategies | Provision of Act or Statutory Instrument | Delegated to | Sub-Delegation | Conditions and / or Limitations on Delegation and Sub-Delegation |
| Children and Young People's Plan (part of the One Powys Plan) | Regulations made under section 26 of the Children Act 2004. | Full Council | <p>Cabinet is hereby instructed to prepare draft plan, scheme or strategy (or amendment thereof) for Full Council to approve.</p> <p>N.B. Pursuant to Regulation 5(8), this function cannot be delegated to a committee, sub-committee, an officer, or another local authority.</p> | <p>N.B. Amendments, modifications, variations or revocations to the plan, scheme or strategy can be made by the Cabinet only if either:</p> <p>(i) they are required by the National Assembly for Wales or a Minister of the Crown; or</p> <p>(ii) Full Council has delegated such power to the Cabinet at the time when arrangements for the approval of the plan, scheme or strategy were made.⁷</p> |

⁶ Schedule 3 – Local Authorities (Executive Arrangements) (Functions and Responsibilities) (Wales) Regulations 2007 (as amended).

⁷ Regulation 5(4) of the Local Authorities (Executive Arrangements)(Functions and Responsibilities)(Wales)Regulations 2007

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| Column 1 | Column 2 | Column 3 | Column 4 | Column 5 |
|---|---|--------------|---|---|
| Plans, schemes and strategies | Provision of Act or Statutory Instrument | Delegated to | Sub-Delegation | Conditions and / or Limitations on Delegation and Sub-Delegation |
| Best Value Performance Plan | Section 6(1) of the Local Government Act 1999 (c 27). | Full Council | <p>Cabinet is hereby instructed to prepare draft plan, scheme or strategy (or amendment thereof) for Full Council to approve.</p> <p>N.B. Pursuant to Regulation 5(8), this function cannot be delegated to a committee, sub-committee, an officer, or another local authority.</p> | <p>N.B. Amendments, modifications, variations or revocations to the plan, scheme or strategy can be made by the Cabinet only if either:</p> <p>(i) they are required by the National Assembly for Wales or a Minister of the Crown; or</p> <p>(ii) Full Council has delegated such power to the Cabinet at the time when arrangements for the approval of the plan, scheme or strategy were made.</p> |
| Community Strategy (part of the One Powys Plan) | Section 4 of the Local Government Act 2000 (c 22). | Full Council | <p>Cabinet is hereby instructed to prepare draft plan, scheme or strategy (or amendment thereof) for Full Council to approve.</p> <p>N.B. Pursuant to Regulation 5(8), this function cannot be delegated to a committee, sub-committee, an officer, or another local authority.</p> | <p>N.B. Amendments, modifications, variations or revocations to the plan, scheme or strategy can be made by the Cabinet only if either:</p> <p>(i) they are required by the National Assembly for Wales or a Minister of the Crown; or</p> <p>(ii) Full Council has delegated such power to the Cabinet at the time when arrangements for the approval of the plan, scheme or strategy were made.</p> |

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

| Column 1 | Column 2 | Column 3 | Column 4 | Column 5 |
|--|---|--------------|---|---|
| Plans, schemes and strategies | Provision of Act or Statutory Instrument | Delegated to | Sub-Delegation | Conditions and / or Limitations on Delegation and Sub-Delegation |
| Crime and Disorder Reduction Strategy (part of the One Powys Plan) | Sections 5 and 6 of the Crime and Disorder Act 1998 (c 37). | Full Council | <p>Cabinet is hereby instructed to prepare draft plan, scheme or strategy (or amendment thereof) for Full Council to approve.</p> <p>N.B. Pursuant to Regulation 5(8), this function cannot be delegated to a committee, sub-committee, an officer, or another local authority.</p> | <p>N.B. Amendments, modifications, variations or revocations to the plan, scheme or strategy can be made by the Cabinet only if either:</p> <p>(i) they are required by the National Assembly for Wales or a Minister of the Crown; or</p> <p>(ii) Full Council has delegated such power to the Cabinet at the time when arrangements for the approval of the plan, scheme or strategy were made.</p> |
| Health and Well Being Strategy (part of the One Powys Plan) | Section 24 of the National Health Service Reform and Health Care Professions Act 2002 (c 17). | Full Council | <p>Cabinet is hereby instructed to prepare draft plan, scheme or strategy (or amendment thereof) for Full Council to approve.</p> <p>N.B. Pursuant to Regulation 5(8), this function cannot be delegated to a committee, sub-committee, an officer, or another local authority.</p> | <p>N.B. Amendments, modifications, variations or revocations to the plan, scheme or strategy can be made by the Cabinet only if either:</p> <p>(i) they are required by the National Assembly for Wales or a Minister of the Crown; or</p> <p>(ii) Full Council has delegated such power to the Cabinet at the time when arrangements for the approval of the plan, scheme or strategy were made.</p> |

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

| Column 1 | Column 2 | Column 3 | Column 4 | Column 5 |
|--|--|--------------|---|---|
| Plans, schemes and strategies | Provision of Act or Statutory Instrument | Delegated to | Sub-Delegation | Conditions and / or Limitations on Delegation and Sub-Delegation |
| Local Transport Plan | Section 108 of the Transport Act 2000 (c 38). | Full Council | <p>Cabinet is hereby instructed to prepare draft plan, scheme or strategy (or amendment thereof) for Full Council to approve.</p> <p>N.B. Pursuant to Regulation 5(8), this function cannot be delegated to a committee, sub-committee, an officer, or another local authority.</p> | <p>N.B. Amendments, modifications, variations or revocations to the plan, scheme or strategy can be made by the Cabinet only if either:</p> <p>(i) they are required by the National Assembly for Wales or a Minister of the Crown; or</p> <p>(ii) Full Council has delegated such power to the Cabinet at the time when arrangements for the approval of the plan, scheme or strategy were made.</p> |
| Plans and alterations which together comprise the Development Plan | Section 10A of the Town and Country Planning Act 1990 (c 8). | Full Council | <p>Cabinet is hereby instructed to prepare draft plan, scheme or strategy (or amendment thereof) for Full Council to approve.</p> <p>N.B. Pursuant to Regulation 5(8), this function cannot be delegated to a committee, sub-committee, an officer, or another local authority.</p> | <p>N.B. Amendments, modifications, variations or revocations to the plan, scheme or strategy can be made by the Cabinet only if either:</p> <p>(i) they are required by the National Assembly for Wales or a Minister of the Crown; or</p> <p>(ii) Full Council has delegated such power to the Cabinet at the time when arrangements for the approval of the plan, scheme or strategy were made.</p> |

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

| Column 1 | Column 2 | Column 3 | Column 4 | Column 5 |
|-------------------------------|---|--------------|---|---|
| Plans, schemes and strategies | Provision of Act or Statutory Instrument | Delegated to | Sub-Delegation | Conditions and / or Limitations on Delegation and Sub-Delegation |
| Welsh Language Scheme | Section 5 of the Welsh Language Act 1993 (c 38). | Full Council | <p>Cabinet is hereby instructed to prepare draft plan, scheme or strategy (or amendment thereof) for Full Council to approve.</p> <p>N.B. Pursuant to Regulation 5(8), this function cannot be delegated to a committee, sub-committee, an officer, or another local authority.</p> | <p>N.B. Amendments, modifications, variations or revocations to the plan, scheme or strategy can be made by the Cabinet only if either:</p> <p>(i) they are required by the National Assembly for Wales or a Minister of the Crown; or</p> <p>(ii) Full Council has delegated such power to the Cabinet at the time when arrangements for the approval of the plan, scheme or strategy were made.</p> |
| Youth Justice Plan | Section 40 of the Crime and Disorder Act 1998 (c 37). | Full Council | <p>Cabinet is hereby instructed to prepare draft plan, scheme or strategy (or amendment thereof) for Full Council to approve.</p> <p>N.B. Pursuant to Regulation 5(8), this function cannot be delegated to a committee, sub-committee, an officer, or another local authority.</p> | <p>N.B. Amendments, modifications, variations or revocations to the plan, scheme or strategy can be made by the Cabinet only if either:</p> <p>(i) they are required by the National Assembly for Wales or a Minister of the Crown; or</p> <p>(ii) Full Council has delegated such power to the Cabinet at the time when arrangements for the approval of the plan, scheme or strategy were made.</p> |

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

| Column 1 | Column 2 | Column 3 | Column 4 | Column 5 |
|---|--|--------------|---|---|
| Plans, schemes and strategies | Provision of Act or Statutory Instrument | Delegated to | Sub-Delegation | Conditions and / or Limitations on Delegation and Sub-Delegation |
| Powers to approve a Young Peoples Partnership Strategic Plan and a Children and Young Peoples Framework Partnership | Section 123, 124 and 125 of the Learning and Skills Act 2000 (c 21). | Full Council | <p>Cabinet is hereby instructed to prepare draft plan, scheme or strategy (or amendment thereof) for Full Council to approve.</p> <p>N.B. Pursuant to Regulation 5(8), this function cannot be delegated to a committee, sub-committee, an officer, or another local authority.</p> | <p>N.B. Amendments, modifications, variations or revocations to the plan, scheme or strategy can be made by the Cabinet only if either:</p> <p>(i) they are required by the National Assembly for Wales or a Minister of the Crown; or</p> <p>(ii) Full Council has delegated such power to the Cabinet at the time when arrangements for the approval of the plan, scheme or strategy were made.</p> |
| Housing Strategy | Section 87 of the Local Government Act 2003 (c 26). | Full Council | <p>Cabinet is hereby instructed to prepare draft plan, scheme or strategy (or amendment thereof) for Full Council to approve.</p> <p>N.B. Pursuant to Regulation 5(8), this function cannot be delegated to a committee, sub-committee, an officer, or another local authority.</p> | <p>N.B. Amendments, modifications, variations or revocations to the plan, scheme or strategy can be made by the Cabinet only if either:</p> <p>(i) they are required by the National Assembly for Wales or a Minister of the Crown; or</p> <p>(ii) Full Council has delegated such power to the Cabinet at the time when arrangements for the approval of the plan, scheme or strategy were made.</p> |

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

| Column 1 | Column 2 | Column 3 | Column 4 | Column 5 |
|--------------------------------|---|--------------|---|---|
| Plans, schemes and strategies | Provision of Act or Statutory Instrument | Delegated to | Sub-Delegation | Conditions and / or Limitations on Delegation and Sub-Delegation |
| Rights of Way Improvement Plan | Section 60 of the Countryside and Rights of Way Act 2000. | Full Council | <p>Cabinet is hereby instructed to prepare draft plan, scheme or strategy (or amendment thereof) for Full Council to approve.</p> <p>N.B. Pursuant to Regulation 5(8), this function cannot be delegated to a committee, sub-committee, an officer, or another local authority.</p> | <p>N.B. Amendments, modifications, variations or revocations to the plan, scheme or strategy can be made by the Cabinet only if either:</p> <p>(i) they are required by the National Assembly for Wales or a Minister of the Crown; or</p> <p>(ii) Full Council has delegated such power to the Cabinet at the time when arrangements for the approval of the plan, scheme or strategy were made.</p> |

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

| Column 1 | Column 2 | Column 3 | Column 4 | Column 5 |
|---|--|--------------|--|---|
| Plans, schemes and strategies | Provision of Act or Statutory Instrument | Delegated to | Sub-Delegation | Conditions and / or Limitations on Delegation and Sub-Delegation |
| <p>5(5) An application for:</p> <p>(a) under sub-section (5) of section 135 of the leasehold Reform, Housing and Urban development Act 1993 (programmes for disposal); or</p> <p>(b) under 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:</p> <p>Is the responsibility of an executive of the authority.</p> | See Column 1 | Cabinet | No Sub-delegation possible pursuant to Regulation 5(5) | N.B. Full Council must first authorise Cabinet to make the application. |

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

| Column 1 | Column 2 | Column 3 | Column 4 | Column 5 |
|--|--|--|--------------------------|--|
| Plans, schemes and strategies | Provision of Act or Statutory Instrument | Delegated to | Sub-Delegation | Conditions and / or Limitations on Delegation and Sub-Delegation |
| <p>5(9) In connection with the discharge of the function of:</p> <p>(a) subject to the provisions in respect of calculations of council tax base in paragraph 22 of Schedule 2 making a calculation in accordance with any of sections 32 to 37, 43 to 51, 52I, 52J, 52T and 52U of the Local Government Finance Act 1992, whether originally or by way of substitute; or</p> <p>(b) Issuing a precept under Chapter IV of Part 1 of that Act,</p> <p>the actions designated by paragraph (11) (“the designated actions”) are the responsibility of an executive of the authority.</p> | <p>See Column 1</p> | <p>Full Council</p> <p>N.B. The Cabinet is responsible for preparation of the submission to Full Council in relation to these matters.</p> | <p>No Sub-delegation</p> | |

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| | | | | |
|--|-----------------------------------|--------------|---|--|
| Miscellaneous: | | | | |
| Consultation responses in relation to Windfarm issues. | | Full Council | Cabinet | |
| Responses in relation to consultations received under Section 37 of the Electricity Act 1989 | Electricity Act 1989 – Section 37 | Full Council | The Head of Property, Planning and Public Protection in consultation with the Portfolio Holder for Regeneration and Planning. | |

Schedule 4 – Circumstances in Which Functions are not to be the responsibility of Cabinet.

The functions set out in Column 1 below shall not be undertaken by the Cabinet unless:

- (i) circumstances render the making of that determination urgent, and
- (ii) it is not reasonably practicable to call an extraordinary meeting of Full Council within the required timeframe, and
- (iii) the Chair(s) of the relevant Scrutiny Committee(s) or in his / her / their absence the Chair of Council or in the absence of the Chair of Council the Vice-Chair of Council has agreed in writing that the determination needs to be made as a matter of urgency; and
- (iv) at the next meeting of Full Council after the making of the determination, the Cabinet submits to the Council a report which shall include particulars of:
 - (a) the determination;
 - (b) the emergency or other circumstances in which it was made; and
 - (c) the reasons for the determination; and
- (v) pursuant to Rule 7.38.2 the Cabinet submits to the relevant Scrutiny Committee(s) a report which shall include particulars of:
 - (a) the determination;
 - (b) the emergency or other circumstances in which it was made; and
 - (c) the reasons for the determination.

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

| Column 1 | Column 2 | Column 3 | Column 4 | Column 5 |
|---|---|--------------|----------------|--|
| Function | Provision of Act or Statutory Instrument | Delegated to | Sub-Delegation | Conditions and / or Limitations on Delegation and Sub-Delegation |
| 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 where Full Council determines that the decision should be adopted or approved should be taken by Full Council. | Regulation 6(1) and Schedule 4 of the Local Authorities (Executive Arrangements) (Functions and Responsibilities) (Wales) Regulations 2007 (as amended) | Full Council | No delegation | |

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

| Column 1 | Column 2 | Column 3 | Column 4 | Column 5 |
|--|--|---------------------|----------------------|--|
| Function | Provision of Act or Statutory Instrument | Delegated to | Sub-Delegation | Conditions and / or Limitations on Delegation and Sub-Delegation |
| <p>2 Where the Cabinet:</p> <p>(i) is minded to determine a matter, plan or strategy which is not wholly in accordance with the Council's budget; or the plan or strategy for the time being approved or adopted by the Council in relation to its borrowing or capital expenditure; and</p> <p>(ii) is not authorised by the Council's executive arrangements, financial procedure rules, its Constitution or other rules or procedures to make a determination in those terms such a decision must be made by Full Council.</p> | <p>Regulation 6(1) and Schedule 4 of the Local Authorities (Executive Arrangements) (Functions and Responsibilities) (Wales) Regulations 2007 (as amended)</p> | <p>Full Council</p> | <p>No delegation</p> | |

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

| Column 1 | Column 2 | Column 3 | Column 4 | Column 5 |
|--|---|--------------|----------------|--|
| Function | Provision of Act or Statutory Instrument | Delegated to | Sub-Delegation | Conditions and / or Limitations on Delegation and Sub-Delegation |
| 3 Where the Cabinet is minded to determine a matter, plan or strategy which is not wholly in accordance with a plan or strategy for the time being approved or adopted by the Council, such a decision must be made by Full Council. | Regulation 6(1) and Schedule 4 of the Local Authorities (Executive Arrangements) (Functions and Responsibilities) (Wales) Regulations 2007 (as amended) | Full Council | No delegation | |

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

DELEGATION TO OFFICERS

Management Structure – Section 11

- 13.4 Section 11 contains details of the Council's management structure in relation to Chief Officers and Deputy Chief Officers including broad outlines of their functions and areas of responsibility and the allocation of Statutory and Proper Officer Posts and their functions.
- 13.5 The following provisions contains more detailed provisions relating to the general and specific delegation of functions to officers by the County Council.

Specific Delegation to Officers

- 13.6 The Council, each committee, the Leader, the Cabinet, and an individual Cabinet Member where appropriate shall have authority to delegate to an officer full power to exercise and perform on behalf of the Council, Committee, Leader, the Cabinet, or an individual Cabinet Member, (as the case may be), any powers and duties exercisable by the Council, Committee or Leader, the Cabinet, and an individual Cabinet Member respectively under this Constitution but subject always to the constraints contained in legislation or this Constitution, and to any conditions or limitations which the Council, Committee, Leader, the Cabinet, and an individual Cabinet Member may impose when delegating the power or duty to the officer.

General Delegation to the Council's Chief Officers and Deputy Chief Officers

- 13.7 The Council's Chief Officers and Deputy Chief Officers are authorised to act and take any step or decision relating to any matter within the remit of their functions and areas of responsibility **PROVIDED ALWAYS** that such act, step or decision is :
- 13.7.1 in accordance with any legal requirement;
 - 13.7.2 not a matter specifically reserved for full Council or a committee of the Council, the Cabinet Leader, the Cabinet, an individual Member of the Cabinet, or a Statutory Officer (unless they are that Statutory Officer);
 - 13.7.3 in accordance with this Constitution including:
 - 13.7.3.1 the Financial Procedure Rules contained in Section 16 of this Constitution;
 - 13.7.3.2 the Contracts Procedure Rules contained in Section 17 of this Constitution;
 - 13.7.3.3 the Budget and Policy Framework Procedure Rules set by the Council (subject to the regulations relating to the taking of urgent decisions as set out in Section 15 of the Constitution);

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- 13.7.3.4 the Code of Conduct for Employees in Section 20, and
- 13.7.3.5 the Protocol on Member and Officer Relations in Section 21.

13.7.3.6 taken following consideration whether the act, step or decision is of such a nature that it ought to be referred to the Council, the Leader, Cabinet, individual Cabinet Member or appropriate committee, sub-committee or other officer.

- 13.8.1 Any Chief or Deputy Chief Officer may further sub-delegate in writing any of the functions referred to above to another officer. The Chief or Deputy Chief Officer may authorise further sub-delegation in writing on such terms as he or she sees fit. It is the duty of each Chief Officer and Deputy Chief Officer to keep and maintain a Scheme of Delegation (in a format to be approved by the Monitoring Officer) in respect of the functions for which they are responsible, and to provide the Monitoring Officer with copies of the Scheme of Delegation as and when amended.
- 13.8.2 In the absence of an authorised officer, , any officer designated in writing to deputise for that officer in his / her absence may exercise those functions of the absent officer.

General Delegations – Employment

- 13.9 The Council's Chief Officers and Deputy Chief Officers are authorised to act in relation to the appointment, dismissal, discipline and determination of all other matters relating to the employment of staff subject to the individual's terms and conditions of employment, the Officer Employment Procedure Rules as set out in Section 11 of this Constitution, the Management of Change Process and the relevant employment policies of the Council contained on the Powys County Council Intranet.
- 13.10 The Council's Chief Officers and Deputy Chief Officers hereby authorise appropriate line managers in his / her service area to exercise those powers set out in Rule 13.9 above.
- 13.11 The Council's Chief Officers and Deputy Chief Officers may authorise in writing staff to exercise such powers of entry, inspection and survey of land, buildings or premises and may issue any necessary evidence or authority as may be appropriate to the execution of their duties and in respect of which the Council has statutory powers.
- 13.12 Where such delegation to an officer has occurred the Chief Officer or Deputy Chief Officer making the delegation shall keep a register of such delegations and send a copy to the Monitoring Officer.

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

General Delegations – Property

- 13.13 Where either the capital sum does not exceed £100,000 or the annual rental does not exceed £10,000, provided that such sums are within the approved budget and relevant policies:
- 13.13.1 the Council's Chief Officers and Deputy Chief Officers may, subject to the approval of a business case by the relevant Portfolio Holders, authorise and approve the acquisition or disposal of land and the taking of leases, licences, dedications and easements of or over any land (including buildings) whether by way of valuable consideration or exchange; and / or
 - 13.13.2 Save as provided in Rules 13.13.3. and 13.13.4 the Council's Chief Officers and Deputy Chief Officers may authorise and approve the granting or variation in granting of leases, licences, or dedications of or over any land, where the annual payment does not exceed £10,000; and / or
 - 13.13.3 in the case of the grant of tenancies of smallholdings, the Head of Highways, Transportation and Recycling will exercise the power referred to in Rule 13.13.2.
 - 13.13.4 in the case of the grant of tenancies of workspace premises the Head of Regeneration, Property and Commissioning will exercise the power referred to in Rule 13.13.2.
- 13.14 The Council's Chief Officers and Deputy Chief Officers may arrange for the session lettings of premises for periods of less than twenty-four hours.
- 13.15 The Head of Housing is authorised to issue and sign documents in relation to both secure tenancies and the right to buy provisions of the Housing Act 1985.

General Delegations – Legal and Procedural

- 13.16 The Head of Legal and Democratic Services is authorised:-
- 13.16.1 to serve statutory notices;
 - 13.16.2 to institute, defend or settle legal proceedings (either in the name of the Council or an individual officer of the Council), at common law or under any enactment, statutory instrument, order or bye-law conferring functions upon the Council or in respect of functions undertaken by them and to lodge an appeal against any decision affecting the Council. For the avoidance of doubt, this authority shall extend to the taking of all procedural steps, including the service of notices, statutory or otherwise, counter-notices and notices to quit and to compromise and settle disputes involving the Council which are not yet the subject of legal or other formal proceedings;

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

13.16.3 to authorise officers of the Council to prosecute or defend or appear in any legal proceedings by virtue of the provisions of Section 223 of the Local Government Act 1972.

13.17 Without prejudice to the generality of the powers of the Head of Legal and Democratic Services to institute proceedings, the Council's Chief Officers and Deputy Chief Officers, shall have power to institute proceedings either in the name of the Council or in the name of an officer under those statutory provisions which relate to their respective service areas, a list of which enabling statutory provisions shall be supplied to and recorded by the Head of Legal and Democratic Services.

DELEGATION TO CABINET PORTFOLIO HOLDERS.

SPECIFIC RESPONSIBILITY FOR CABINET FUNCTIONS (PORTFOLIOS)

General Provisions

- 13.18 As indicated in Schedule 1 of Rule 13.3 above certain functions cannot be undertaken by the Cabinet or can only be undertaken to a limited extent or in specified circumstances.
- 13.19 Subject to this, any relevant provisions in other legislation, and any contrary provisions in this Constitution, all other functions of the Local Authority are to be the responsibility of the Cabinet and the Leader is responsible for the delegation of those functions to other Cabinet members.
- 13.20 The Leader has determined that the individual Cabinet Members (including the Leader) are to have responsibility for specific functions (portfolios) allotted to them as amended from time to time and published on the Council's website.
- 13.21 The Leader has authorised the individual Cabinet Members allocated the portfolios amended from time to time and published on the Council's website to take decisions personally (or may sub-delegate in accordance with Rule 5.13) in respect of such portfolios subject to any provision in legislation or this Constitution requiring functions to be undertaken by the Council or any of its committees and subject to the powers, duties and responsibilities of officers in the exercise of functions pursuant to their Statutory and Proper Officer posts and the general and specific delegation of functions to officers above. It is to be expected that as many decisions as possible are taken by Cabinet Members with only strategic and important decisions to be made at Cabinet meetings.

Decision-Making by Cabinet Members.

- 13.22 In taking such decisions personally Executive (Cabinet) Members must comply with:

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

- 13.22.1 Any legal or statutory restrictions;
 - 13.22.2 Any specific provisions or limitations in this Constitution including:
 - 13.22.2.1 powers delegated to officers;
 - 13.22.2.2 the Financial Procedure Rules;
 - 13.22.2.3 the Contracts Procedure Rules;
 - 13.22.2.4 the Policy and Budget Framework set by the Council (subject to the regulations relating to the taking of urgent decisions);
 - 13.22.2.5 the Access to Information Rules;
 - 13.22.3 The Members' Code of Conduct. The advice of the Monitoring Officer should always be sought in cases of doubt;
 - 13.22.4 The requirement to consult with the local member(s) if the issue being considered is of a local nature;
 - 13.22.5 The requirement to consider whether referral to one or more scrutiny committees where the issue, in the view of the Leader and the Joint Chairs Steering Group, is one which warrants a pre-decision review by such a committee or committees;
 - 13.22.6 Advice given by the Chief Executive, Monitoring Officer, Section 151 Officer, Strategic Director, Director or Head of Service ;
 - 13.22.7 The requirement to consult with another Cabinet Member(s) where the issue involves two or more portfolio areas and / or those Cabinet Members share responsibility;
 - 13.22.8 The requirement always to consider whether in all the circumstances the decision should be one for the Cabinet as a whole to take.
- 13.23 An individual member of the Cabinet in taking any decision within his/her portfolio shall:
- 13.23.1 ensure that wherever possible and appropriate the subject matter is included within the forward work programme approved by the Cabinet;
 - 13.23.2 comply fully with the Access to Information Rules with respect to the preparation of written reports, recording and implementing decisions.
- 13.24 Nothing in this Scheme of Delegation prevents the Cabinet from exercising functions which under this Scheme would otherwise be exercised by an individual Member of the Cabinet.

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

Decision Notices.

13.25 A Decision Notice cannot be made unless an individual Cabinet Member has received a report in accordance with Rules 14.34 and 14.35 and where ever practicable the Decision Notice should be published within 2 working days of the decision being taken. Decision Notices will be circulated to all Members of the County Council in accordance with the Council's current practice and will be published on the Council's Internet Site save where they contain confidential or exempt information.

Call-in

13.26 Decisions taken by an individual Cabinet Member are subject to the same provisions relating to call in as apply to ordinary Cabinet decisions as set out Section 7 (Scrutiny Committees).

Cabinet Committees.

13.27 The Leader has not established any Cabinet Committees.