

Constitution

Part 3: Responsibility for Functions

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1. Introduction

Section 13 of the Local Government Act 2000 makes the Executive responsible for all functions of the Council with the exception of those functions which are specified in The Local Authorities Executive Arrangements (Functions and Responsibilities) (Wales) Regulations 2007 (as amended from time to time) (the Functions and Responsibility Regulations”) as not being the responsibility of the Executive.

The Functions and Responsibility Regulations specify those functions that are not to be the responsibility of the Executive, those “Local Choice” functions which may or may not be discharged by the Executive and those “Policy Framework” functions that cannot be the sole responsibility of the Executive.

This Part 3 of the Constitution sets out those functions specified in the Functions and Responsibility Regulations and summarises how the functions are delegated and discharged.

2. Responsibility for Council Functions

The Council will remain responsible for all those matters referred to in the Table below and Part 3 Appendix 1 of the Constitution. The Council will delegate certain functions to the Regulatory Committees and officers in accordance with Section 101 of the Local Government Act 1972.

The following Table is a summary of how the functions are delegated and discharged. The full Terms of reference for the Regulatory Committees and Scheme of Delegation to officers are set out in Part 3, Appendices 1 and 3 respectively. The Council retains responsibility for the function even though it may be delegated

The functions which are reserved to Council by virtue of Schedule 1 to the Functions and Responsibilities Regulations are listed in the table below, together with the body / officer to whom they are delegated in the right hand column of the table.

A. Functions relating to Planning and Development Control

Function	Provision of Act or Statutory Instrument	Delegated To
1. Power to determine applications for planning permission.	Sections 70 (1) (a) and (b) and 72 of the Town and Country Planning Act 1990.	Council (for major applications)/Planning Committee/Head of Regeneration, Investment & Housing

Function	Provision of Act or Statutory Instrument	Delegated To
2. Power to determine applications to develop land without compliance with conditions previously attached.	Section 73 of the Town and Country Planning Act 1990.	Planning Committee/ Head of Regeneration, Investment & Housing
3. Power to grant planning permission for development already carried out.	Section 73A of the Town and Country Planning Act 1990.	Planning Committee/ Head of Regeneration, Investment & Housing
4. Power to decline to determine applications for planning permissions	Section 70A of the Town and Country Planning Act 1990.	Planning Committee/ Head of Regeneration, Investment & Housing
5. Duties relating to the making of determinations of planning applications.	Sections 69, 76 and 92 of the Town and Country Planning Act 1990 and Articles 8, 10 to 13, 15 to 22 and 25 and 26 of the Town and Country Planning (General Development Procedure) Order 1995 (S.I. 1995/419) and directions made there under.	Head of Regeneration, Investment & Housing
6. Power to determine applications for planning permission made by a local authority, alone or jointly with another person.	Section 316 of the Town and Country Planning Act 1990 and the Town and Country Planning General Regulations 1992 (S.I. 1992/1492)	Planning Committee/ Head of Regeneration, Investment & Housing
7. Power to make determinations, give approvals and agree certain other matters relating to the exercise of permitted development rights.	Parts 6, 7, 11, 17, 19, 20, 21 to 24, 30 and 31 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 (S.I. 1995/418).	Planning Committee/ Head of Regeneration, Investment & Housing
8. Power to enter into planning obligations regulating development or use of land.	Section 106 of the Town and Country Planning Act 1990.	Planning Committee/Head of Law and Regulation/ Head of Regeneration, Investment & Housing
9. Power to issue a certificate of existing or proposed lawful use or development.	Sections 191(4) and 192(2) of the Town and Country Planning Act 1990.	Planning Committee/ Head of Law and Regulation / Head of Regeneration, Investment & Housing
10. Power to serve a completion notice.	Section 94(2) of the Town and Country Planning Act 1990.	Planning Committee/ Head of Regeneration, Investment & Housing
11. Power to grant consent for the display of advertisements.	Section 220 of the Town and Country Planning Act 1990 and the Town and Country Planning (Control of Advertisements)	Planning Committee/ Head of Regeneration, Investment & Housing

Function	Provision of Act or Statutory Instrument	Delegated To
	Regulations 1992.	
12. Power to authorise entry onto land.	Section 196A of the Town and Country Planning Act 1990.	Head of Regeneration, Investment & Housing / Head of Law and Regulation
13. Power to require the discontinuance of a use of land.	Section 102 of the Town and Country Planning Act 1990.	Head of Regeneration, Investment & Housing / Head of Law and Regulation
14. Power to serve a planning contravention notice, breach of condition notice or stop notice.	Sections 171C, 187A and 183(1) of the Town and Country Planning Act 1990.	Planning Committee/ Head of Law and Regulation / Head of Regeneration, Investment & Housing
15. Power to issue an enforcement notice.	Section 172 of the Town and Country Planning Act 1990.	Planning Committee/ Head of Law and Regulation / Head of Regeneration, Investment & Housing
16. Power to apply for an injunction restraining a breach of planning control.	Section 187B of the Town and Country Planning Act 1990.	Planning Committee/ Head of Law and Regulation
17. Power to determine applications for hazardous substances consent, and related powers.	Sections 9(1) and 10 of the Planning (Hazardous Substances) Act 1990.	Planning Committee/ Head of Regeneration, Investment & Housing
18. Duty to determine conditions to which old mining permissions, relevant planning permissions relating to dormant sites or active Phase I or II sites, or mineral permissions relating to mining sites, as the case may be, are to be subject.	Paragraph 2(6)(a) of Schedule 2 to the Planning and Compensation Act 1991, paragraph 9(6) of Schedule 13 to the Environment Act 1995 and paragraph 6(5) of Schedule 14 to that Act.	Planning Committee/ Head of Regeneration, Investment & Housing
19. Power to require proper maintenance of land.	Section 215(1) of the Town and Country Planning Act 1990.	Planning Committee/ Head of Regeneration, Investment & Housing / Head of Law and Regulation
20. Power to determine applications for listed building consent, and related powers.	Section 16(1) and (2), 17, 27(2) and 33(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.	Planning Committee/ Head of Regeneration, Investment & Housing
21. Power to determine applications for conservation area consent.	Section 16(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, as applied by section 74(3) of that Act.	Planning Committee/ Head of Regeneration, Investment & Housing

Function	Provision of Act or Statutory Instrument	Delegated To
23. Power to determine applications for Conservation Area Consent	Sections 3(10 and 4(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990	Planning Committee/ Head of Regeneration, Investment & Housing
22. Duties relating to applications for listed building consent and conservation area consent.	Sections 13(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and regulations 3 to 13 of the Town and Country Planning (Listed Buildings and Buildings in Conservation Areas) Regulations 1990 and paragraph 127 Welsh Office Circular 61/96 Planning and the Historic Environment; Historic Buildings and Conservation Areas.	Planning Committee/ Head of Regeneration, Investment & Housing
24. Power to issue enforcement notice in relation to demolition of unlisted building in conservation area.	Section 38 of the Planning (Listed buildings and Conservations Areas) Act 1990.	Planning Committee/ Head of Regeneration, Investment & Housing / Head of Law and Regulation
25. Powers to acquire a listed building in need of repair and to serve a repairs notice.	Sections 47 and 48 of the Planning (Listed Buildings and Conservation Areas) Act 1990.	Planning Committee/ Head of Regeneration, Investment & Housing / Head of Law and Regulation
26. Power to apply for an injunction in relation to a listed building.	Section 44A of the Planning (Listed Buildings and Conservation Areas) Act 1990.	Planning Committee/ Head of Regeneration, Investment & Housing / Head of Law and Regulation
27. Power to execute urgent works.	Section 54 of the Planning (Listed Buildings and Conservation Areas) Act 1990.	Planning Committee/ Head of Regeneration, Investment & Housing / Head of Law and Regulation
28. Power related to mineral working.	Schedule 9 of the Town and Country Planning Act 1990.	Planning Committee/ Head of Regeneration, Investment & Housing
29. Power related to footpaths and bridleways.	Section 257 of the Town and Country Planning Act 1990.	Planning Committee
30. Power as to certification of appropriate alternative development.	Section 17 of the Land Compensation Act 1961.	Planning Committee/ Head of Regeneration, Investment & Housing
31. Duties in relation to purchase orders.	Sections 137 - 144 of the Town and Country Planning Act 1990	Planning Committee/ Head of Regeneration, Investment & Housing

Function	Provision of Act or Statutory Instrument	Delegated To
32. Powers related to blight notices.	Sections 149 – 171 of the Town and Country Planning Act 1990	Planning Committee/ Head of Regeneration, Investment & Housing

B. Licensing and Registration Functions

Function	Provision of Act or Statutory Instrument	Delegated To
1. Power to issue licences authorising the use of land as a caravan site (“site licences”).	Section 3(3) of the Caravan Sites and Control of Development Act 1960.	Head of Law and Regulation
2. Power to license the use of moveable dwellings and camping sites.	Section 269(1) of the Public Health Act 1936.	Head of Law and Regulation
3. Power to license hackney carriages and private hire vehicles.	(a) as to hackney carriages, the Town Police Clauses Act 1847 as extended by section 171 of the Public Health Act 1875, and section 15 of the Transport Act 1985 ; and sections 47, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976; (b) As to private hire vehicles, sections 48, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976.	Licensing Committee / Head of Law and Regulation
4. Power to license drivers of hackney carriages and private hire vehicles.	Sections 51, 53, 54, 59, 61 and 79 of the Local Government (Miscellaneous Provisions) Act 1976.	Licensing Committee / Head of Law and Regulation
5. Power to license operators of hackney carriages and private hire vehicles.	Sections 55 to 58, 62 and 79 of the Local Government (Miscellaneous Provisions) Act 1976.	Licensing Committee / Head of Law and Regulation
6. Power to register pools promoters.	Schedule 2 to the Betting, Gambling and Lotteries Act 1963.	Licensing Committee
7. Power to grant track betting licences.	Schedule 3 to the Betting, Gaming and Lotteries Act 1963.	Licensing Committee
8. Power to license inter-track	Schedules 5ZA to the Betting,	Licensing Committee

Function	Provision of Act or Statutory Instrument	Delegated To
betting schemes.	Gaming and Lotteries Act 1963.	
9. Power to grant permits in respect of premises with amusement machines.	Schedule 9 to the Gaming Act 1968.	Licensing Committee
10. Power to register societies wishing to promote lotteries.	Schedule 1 to the Lotteries and Amusements Act 1976.	Licensing Committee
11. Power to grant permits in respect of premises where amusements with prizes are provided.	Schedule 3 to the Lotteries and Amusements Act 1976.	Licensing Committee
12. Power to issue entertainments licences.	Section 12 of the Children and Young Persons Act 1933	Licensing Committee
13. Power to register sex shops and sex cinemas	The Local Government (Miscellaneous Provisions) Act 1982, section 2 and Schedule 3.	Licensing Committee
14. Power to register performances of hypnotism.	The Hypnotism Act 1952.	Licensing Committee/ Head of Law and Regulation
15. Power to register premises for acupuncture, tattooing, ear-piercing and electrolysis.	Sections 13 to 17 of the Local Government (Miscellaneous Provisions) Act 1982.	Licensing Committee/ Head of Law and Regulation
16. Power to register pleasure boats and pleasure vessels.	Section 94 of the Public Health Acts Amendment Act 1907.	Licensing Committee / Head of Law and Regulation
17. Power to register market and street trading.	Part III of and Schedule 4 to, the Local Government (Miscellaneous Provisions) Act 1982.	Licensing Committee / Head of Law & Regulation
18. Duty to keep list of persons entitled to sell non-medicinal poisons.	Sections 3(1)(b)(ii), 5, 6 and 11 of the Poisons Act 1972 (c.66)[32].	Head of Regeneration, Investment & Housing
19. Power to register dealers in game and killing and selling of game	Sections 5, 6, 17, 18 and 21 to 23 of the Game Act 1831, Sections 2 to 16 of the Game Licensing Act 1860, Section 4 of the Customs and Inland Revenue Act 1883 , sections 12(3) and 27 of the Local Government Act 1874 , and section 213 of the Local Government Act 1972.	Licensing Committee/ Head of Law & Regulation
20. Power of register and license premises for the	Section 19 of the Food Safety	Head of Law & Regulation

Function	Provision of Act or Statutory Instrument	Delegated To
preparation of food.	Act 1990.	
21. Power to license scrap yards.	Section 1 of the Scrap Metal Dealers Act 1964	Head of Law & Regulation
22. Power to issue, amend or replace safety certificates (whether general or special) for sports grounds.	The Safety of Sports Grounds Act 1975.	Head of Law & Regulation
23. Power to issue, cancel, amend or replace safety certificates for regulated stands at sports grounds.	Part III of the Fire Safety and Safety of Places of Sport Act 1987	Head of Law & Regulation
24. Power to license premises for the breeding of dogs.	Animal Welfare Act 2006 and the Animal Welfare (Breeding of Dogs) (Wales) Regulations 2014	Licensing Committee / Head of Law & Regulation
25. Power to license pet shops and other establishments where animals are bred or kept for the purposes of carrying on a business.	Section 1 of the Pet Animals Act 1951, section 1 of the Animal Boarding Establishments Act 1963, the Riding Establishments Acts 1964 and 1970, section 1 of the Breeding of Dogs Act 1973, and sections 1 and 8 of the Breeding and Sale of Dogs (Welfare) Act 1999.	Licensing Committee / Head of Law & Regulation
26. Power to register animal trainers and exhibitors.	Section 1 of the Performing Animals (Regulation) Act 1925	Head of Law & Regulation
27. Power to license zoos.	Section 1 of the Zoo Licensing Act 1981	Licensing Committee / Head of Law & Regulation
28. Power to licence dangerous wild animals.	Section 1 of the Dangerous Wild Animals Act 1976.	Licensing Committee/Head of Law & Regulation
29. Power to license knackers' yards.	Regulation 49 of the Animal By-products (Wales) Regulations 2006.	Head of Law & Regulation
30. Power to license the employment of children.	Part II of the Children and Young Persons Act 1933, byelaws made under that Part, and Part II of the Children and Young Persons Act 1963	Chief Education Officer/ Head of Law and Regulation
31. Power to approve premises for the solemnisation of marriages and the registration of civil partnerships	The Marriage Act 1949, Section 6A of the Civil Partnership Act 2004, the Marriages and Civil Partnerships (approved	Head of Law and Regulation

Function	Provision of Act or Statutory Instrument	Delegated To
	Premises) Regulations 2005	
<p>32. Power to register common land or town or village greens, except where the power is exercisable solely for the purpose of giving effect to: - a) an exchange of lands effected by an order under section 19(3) of, or paragraph 6(4) of Schedule 3 to, the Acquisition of Land Act 1981 or; - b) an order under section 147 of the Enclosure Act 1845</p>	<p>Regulation 6 of the Commons Registration (New Land) Regulations 1969 (S.I. 1969/1843).</p>	<p>Head of Law and Regulation</p>
<p>33. Power to register variation of rights of common.</p>	<p>Regulation 29 of the Commons Registration (General) Regulations 1966 (S.I. 1966/1471).</p>	<p>Head of Law and Regulation</p>
<p>34. Power to grant consent for the operation of a loudspeaker.</p>	<p>Schedule 2 to the Noise and Statutory Nuisance Act 1993.</p>	<p>Head of Regeneration, Investment & Housing</p>
<p>35. Power to grant a street works licence.</p>	<p>Section 50 of the New Roads and Street Works Act 1991.</p>	<p>Head of Streetscene and City Services</p>
<p>36. Duty to register the movement of pigs.</p>	<p>Regulations 21(3) and (4) of the Pigs (Records Identification and Movement) (Wales) Order 2004 (SI 2004/996)</p>	<p>Head of Law & Regulation</p>
<p>37. Power to enforce regulations in relation to the movement of pigs.</p>	<p>Regulations 27(1) of the Pigs (Records, Identification and Movement (Wales) Order 2004 (SI 2004/996)</p>	<p>Head of Law & Regulation</p>
<p>38. Power to issue a licence to move cattle from a market.</p>	<p>Article 5(2) of the Cattle Identification Regulations 1998 (S.I. 1998\871).</p>	<p>Head of Law & Regulation</p>
<p>39. Power to sanction use of parts of buildings for storage of celluloid.</p>	<p>Section 1 of the Celluloid and Cinematograph Film Act 1922. DoE / Licensing Committee</p>	<p>Head of Law & Regulation</p>
<p>40. 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.</p>	<p>Regulation 5 of the Food (Hygiene) (Wales) Regulations 2006.</p>	<p>Head of Law & Regulation</p>

Function	Provision of Act or Statutory Instrument	Delegated To
41. Functions in respect of establishing a Licensing Committee.	Section 6 of the Licensing Act 2003.	Council

C. Functions in relation to Health and Safety

Function	Provision of Act or Statutory Instrument	Delegated To
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.	Head of Law & Regulation

D. Functions relating to Elections

Function	Provision of Act or Statutory Instrument	Delegated To
1. Duty to appoint an electoral registration officer.	Section 8(2)(A) Representation of the People Act 1983.	Head of Law and Regulation
2. 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 Law and Regulation
3. Power to dissolve community councils.	Section 28 of the Local Government Act 1972	Council
4. Power to make orders for grouping communities	Section 29 of the Local Government Act 1972	Council
5. Power to make orders for dissolving groups and separating community councils from groups.	Section 29A of the Local Government Act 1972	Council
6. Duty to appoint returning officer for local government elections.	Section 35 of the Representation of the People Act 1983.	Council
7. Duty to provide assistance at European Parliamentary	Section 6 (7) and (8) of the European Parliamentary Elections	Council

Function	Provision of Act or Statutory Instrument	Delegated To
elections.	Act 2002	
8. Duty to divide constituency into polling districts.	Section 18 of the Representation of the People Act 1983.	Council
9. Power to divide electoral divisions into polling districts at local government elections.	Section 31 of the Representation of the People Act 1983.	Council
10. Powers in respect of holding of elections.	Section 39 (4) of the Representation of the People Act 1983.	Council
11. Power to pay expenses properly incurred by electoral registration officers.	Section 54 of the Representation of the People Act 1983.	Head of Law and Regulation
12. Power to fill vacancies in the event of insufficient nominations.	Section 21 of the Representation of the People Act 1985	Council
13. Duty to declare vacancy in office in certain cases.	Section 86 of the Local Government Act 1972.	Returning Officer
14. Duty to give public notice of casual vacancy.	Section 87 of the Local Government Act 1972	Returning Officer
15. Power to make temporary appointments to community councils.	Section 91 of the Local Government Act 1972	Returning Officer
16. Power to determine fees and conditions for supply of copies of, or extracts from, elections documents.	Rule 48 (3) of the Local Elections (Principal Areas) Rules 1986 (S.I 1986/2214) and rule 48 (3) of the Local Elections (Parishes and Communities) Rules 1986 (S.I 1986/2215).	Returning Officer
17. Power to submit proposals to the Secretary of State for an order under Section 10 (pilot schemes for local elections in England and Wales) of the Representation of the People Act.	Section 10 of the Representation of the People Act 2000.	Returning Officer
18. Miscellaneous electoral functions under Part II, SI 2003/284	National Assembly for Wales (Representation of the People) Order 2003 SI 2003/284	Returning Officer

E. Functions relating to Name and Status of Areas and Individuals

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

F. Power to Make, Amend, Revoke or Re-enact Byelaws

Function	Provision of Act or Statutory Instrument	Delegated To
F. Power to Make, Amend, Revoke or Re-enact Byelaws	Any provision of any enactment (including a local Act), whenever passed, and section 14 of the Interpretation Act 1978.	Council

G. Power to Promote or Oppose Local or Personal Bills

Function	Provision of Act or Statutory Instrument	Delegated To
G. Power to Promote or Oppose Local or Personal Bills	Section 239 of the Local Government Act 1972.	Council

H. Functions Relating to Pensions etc.

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

Function	Provision of Act or Statutory Instrument	Delegated To
Services Act 2004		

I. Miscellaneous Functions

Function	Provision of Act or Statutory Instrument	Delegated To
1. Duty to approve authority's statement of accounts, income and expenditure and balance sheet or record of receipts and payments (as the case may be).	The Accounts and Audit Regulations 2005	Council
2. Functions relating to sea fisheries.	Sections 1, 2, 10 and 19 of the Sea Fisheries Regulation Act 1966	Council
3. Powers relating to the preservation of trees.	Sections 197 to 214D of the Town and Country Planning Act 1990 and the Trees Regulations 1999 (S.I 1999/1892).	Planning Committee/ Head of Regeneration, Investment & Housing
4. Powers relating to the protection of important hedgerows.	The Hedgerows Regulations 1997 (S.I 1997 / 1160)	Head of Regeneration, Investment & Housing
5. Power to make standing orders	Section 106 of, and paragraph 42 of Schedule 12 to, the Local Government Act 1972.	Council
6. Appointment and dismissal of staff.	Section 112 of the Local Government Act 1972 and Sections 7 and 8 of the Local Government and Housing Act 1989.	Sub-Committee of Council for Chief Officers appointments, otherwise delegated to officers with appeal to Members Appeals Panel
7. Power to make standing orders as to contracts.	Section 135 of the Local Government Act 1972	Council
8. Power to consider adverse reports from the Public Services Ombudsman for Wales	Section 19 of the Public Service Ombudsman (Wales) Act 2005	Council
9. Power to make an order identifying a place as a designated public place for the purposes of the police powers in relation to alcohol consumption.	Section 13 (2) of the Criminal Justice and Police Act 2001	Council
10. Powers in respect of	Part 1 of the Vehicles (Crime) Act	Head of Regeneration,

Function	Provision of Act or Statutory Instrument	Delegated To
registration of motor salvage operators.	2001	Investment & Housing
11. Power to appoint Officers for particular purposes (appointment of 'proper Officers').	Section 270(3) of the Local Government Act 1972	Council
12. Duty to designate an Officer as the head of the authority's paid service, and to provide staff etc.	Section 4(1) of the Local Government and Housing Act 1989	Council
13. Duty to designate an officer as the monitoring officer, and to provide staff etc.	Section 5(1) of the Local Government and Housing Act 1989	Council
14. Duty to determine affordable borrowing limit.	Section 3 of the Local Government Act 2003	Council
15. Approval of annual investment strategy in accordance with guidance.	Section 15 of the Local Government Act 2003	Council
16. Duty to make arrangements for proper administration of financial affairs.	Section 151 of the Local Government Act 1972	Council/ Head of Finance

3. Responsibility for Local Choice Functions

The following Table is a summary of how Local Choice functions are delegated and discharged. Executive functions are delegated to individual Cabinet Members or officers under Section 15 of the Local Government Act 2000. Non-executive functions are delegated to Regulatory Committee, Sub-Committees or officers under Section 101 of the Local Government Act 1972. The full Terms of reference for the Regulatory Committees and Scheme of Delegation to officers are set out in Part 3, Appendices 1 and 3 respectively.

The functions which may or may not be discharged by the Executive by virtue of Schedule 2 to the Functions and Responsibilities Regulations are listed in the table below, together with the body / officer to whom they are delegated in the right hand column of the table.

Function	Provision of Act or Statutory Instrument	Decision Making Body	Delegated To
1. Any function under a local Act other than a function specified or referred to in Schedule 1.	Section 239 of the Local Government Act 1972.	Council	Council

Function	Provision of Act or Statutory Instrument	Decision Making Body	Delegated To
2. The determination of an appeal against any decision made by or on behalf of the authority	Section 112 Local Government Act 1972, Employment Act 2000	Council	Members Appeals Panel
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	Section 68 of and Schedule 7 to the Child Support, Pensions and Social Security Act 2000.	Cabinet	Head of Finance
4. The making of arrangements in relation to appeals against the exclusion of pupils in maintained schools	Section 52 of the Education Act 2002	Cabinet	Head of Law and Regulation
5. The making of arrangements for school admission appeals.	Sections 94(1), (1A) and (4) of, and Schedule 24 to, the School Standards and Framework Act 1998	Cabinet	Head of Law and Regulation
6. Appeals by school governing bodies (Children to whom Section 87 applies)	Section 95(2) of the School Standards and Framework Act 1998	Cabinet	Head of Law and Regulation
7. The making of arrangements under Section 20 (questions on police matters at council meetings)	Police Act 1996	Council	Council
8. The making of appointments to Police Authorities	Paragraphs 2 to 4 of Schedule 2 of the Police act 1996	Council	Council
9. The conducting of best value reviews in accordance with the provisions of any order for the time being having effect	Section 5 (best value reviews) of the Local Government Act 1999	Cabinet	Cabinet
10. Any function relating to contaminated land	Environmental Protection Act 1990 Part IIA	Cabinet	Head of Law & Regulation

11. The discharge of any function relating to the control of pollution or the management of air quality	Environmental Protection Act 1990 Part IIA	Cabinet	Head of Law & Regulation
12. The service of an abatement notice in respect of a statutory nuisance	Pollution Prevention and Control Act 1999 and Part III of the Environmental Protection Act 1990 and Clean Air Act 1993	Cabinet	Head of Law & Regulation
13. The passing of a resolution that noise nuisance provisions should apply in the authority's area	Schedule 2 to the Noise and Statutory Nuisance Act 1993	Cabinet	Cabinet Member for Regulatory Functions
14. The inspection of the authority's area to detect any statutory nuisance	Section 79 of the Environmental Protection Act 1990	Cabinet	Head of Law & Regulation
15. The investigation of any complaint as to the existence of a statutory nuisance	Section 79 of the Environmental Protection Act 1990	Cabinet	Head of Law & Regulation
16. The obtaining of information as to interests in land.	Section 330 of the Town and Country Planning Act 1990(1)	Cabinet	Head of Regeneration, Investment & Housing
17. The obtaining of particulars of persons interested in land.	Section 16 of the Local Government (Miscellaneous Provisions) Act 1976	Cabinet	Heads of Service
18. The making of agreements for the execution of highways works	Section 278 of the Highways act 1980	Cabinet	Head of Streetscene and City Services and Head of Law and Regulation
19. The appointment of any individual to any office other than an office in which he is employed by the authority; to any body other than the authority; a joint committee of two or more authorities; or to any committee or sub-committee of such a body, and the revocation of any such appointment.	Local Government Act 1972 and Local Government & Housing Act 1989	Council	Appointments to outside bodies agreed by Council All other appointments by Council, Cabinet or Heads of Service as provided in the Scheme of delegation.
20. Power to make payments or provide other benefits in	Section 92 of the Local Government	Council	Council following public Reports under Section 16 of the Public

cases of maladministration etc	Act 2000		Services Ombudsman Wales Act 2005 Head of Law and Regulation for local settlements and Section 21 Reports
21. The discharge of any function by an authority acting as a harbour authority	Port Health Act	Council	Council or relevant Heads of Service
22. Functions in respect of the calculation of council tax base in accordance with any of the following- (a) the determination of an item for T (b) the determination of an amount for item TP (c) The determination of an amount required for determining an amount for the item mentioned in paragraph (a) or (b) above.	(a) Section 33(1) and 44(1) of the Local Government Finance Act 1992; (b) Sections 34(3), 45(3) 48(3) and 48(4) of the Local Government Finance Act 1992;	Council	Head of Finance
23. Licensing functions (except Section 6)	Part 2 of the Licensing Act 2003	Council	Licensing Committee or Head of Law & Regulation
24. Functions in respect of gambling in accordance with any of the following:	-	-	-
(a) a resolution not to issue casino licenses	(a) Section 166 of the Gambling Act 2005 ;	Council	Council
(b)prescribing of fees	(b) Section 212 of the Gambling Act 2005;	Council	Licensing Committee
(c) making an order disapplying section 279 or section 282(1) of the Gambling Act 2005 in accordance with section 284 of the Gambling Act 2005;	(c) section 279 or section 282(1) of the Gambling Act 2005 in accordance with section 284 of the Gambling Act 2005	Council	Council
(d) authorised persons	(d) in accordance with section 304 of the Gambling Act 2005;	Council	Licensing Committee

(e) prosecutions by a licensing authority	(e) Section 346 of the Gambling Act 2005;	Council	Licensing Committee / Head of Law and Regulation / Head of Regeneration, Investment & Housing
(f) three-year licensing policy	(f) Section 349 of the Gambling Act 2005;	Council	Council

4. Responsibility for Policy Framework

Determination of Policy Framework Documents are reserved to full Council in accordance with Schedule 3 to the Functions and Responsibilities Regulations. The Policy Framework is set out in this Constitution in the section on Articles of the Constitution.

5. Responsibility for Executive Functions

The Cabinet will be responsible for the discharge of executive functions within the Policy Framework and Budget determined by the Council and will be responsible for all those functions which are not by law, or as provided for in this Constitution, the responsibility of the Council, whether at a meeting of the Council or through the Planning and Licensing Committees.

The discharge of executive functions will be undertaken by the Cabinet acting collectively except where the Scheme of Delegation in accordance with Section 15 of the Local Government Act 2000 allows for decisions to be taken by individual Cabinet Members.

As to the Cabinet acting collectively, its functions and responsibilities are set out in the detailed Terms of Reference contained in Part 3, Appendix 1 of this Constitution.

The Scheme of Delegation to individual Cabinet Members with portfolios is set out in detail in Part 3, Appendix 2 of this Constitution. Where executive functions are delegated to individual officers of the Council, these arrangements are set out in detail in Part 3, Appendix 3 of this Constitution.

6. Joint Arrangements

The Council has established the following joint arrangements with other local authorities in the Greater Gwent area. The Joint Committees are constituted under Section 20 of the Local Government Act 2000.

- Archives Joint Committee
- Greater Gwent Cremation Joint Committee

These joint committees discharge executive functions and oversee the delivery of the relevant services on behalf of the Council and the other authorities, but have no delegated powers to determine budgets or expenditure, which are matters reserved to the Council and Cabinet.

7. Terms of Reference

The Terms of Reference are contained in a separate document and constitute Appendix 1 to Part 3 of this Constitution.

8. Scheme of Delegation to Cabinet Members

The Scheme of Delegation to Cabinet Members is contained in a separate document and constitutes Appendix 2 to Part 3 of this Constitution.

9. Scheme of Delegation to Officers

The Scheme of Delegation to Officers is contained in a separate document and constitutes Appendix 3 to Part 3 of this Constitution.