

PART 3  
RESPONSIBILITY  
FOR FUNCTIONS

# ***RESPONSIBILITY FOR FUNCTIONS***

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## RESPONSIBILITY FOR FUNCTIONS

### Section 1. RESPONSIBILITY FOR LOCAL CHOICE FUNCTIONS

Responsibility for the following functions which may be exercised by the Executive (Cabinet) or the Council are allocated as set out below.

Function	Decision Making Body	Membership	Delegation Of Functions
1. Any function under a local Act other than a function specified in Schedule 1 of the Local Authorities Executive Arrangements (Functions and Responsibilities) (Wales) Regulations 2007.	Council	75	Appropriate Chief Officer.
2. The determination of an appeal against any decision made by or on behalf of the Authority.	Council		Appeals /Employee Appeals/Grievance Procedure Committee
3. Functions in relation to the revision of decisions made in connection with claims for housing benefit and for appeals against such decisions under Section 68 of Schedule 7 to the Child Support, Pensions and Social Security Act 2000.	Council		Group Director, Finance, Digital and Frontline Services
4. The making of arrangements pursuant to subsection (3)(c) of section 52 of the Education Act 2002 (appeals against exclusion of pupils).	Council		Director of Education & Inclusion

<b>Function</b>	<b>Decision Making Body</b>	<b>Membership</b>	<b>Delegation Of Functions</b>
<b>5.</b> The making of arrangements pursuant to section 94(1) and (4) of, and Schedule 24 to, the School Standards and Framework Act 1998 (admission appeals).	Council		Director of Education & Inclusion
<b>6.</b> The making of arrangements pursuant to section 95(2) of, and Schedule 25 to, the School Standards and Framework Act 1998 (children to whom section 87 applies: appeals by governing bodies).	Council		Director of Education & Inclusion
<b>7.</b> Any function relating to contaminated land.	Council		Director, Public Health, Protection & Community Services
<b>8.</b> The discharge of any function relating to the control of pollution or the management of air quality.	Council		Director, Public Health, Protection & Community Services
<b>9.</b> The service of an abatement notice in respect of a statutory nuisance.	Council		Director, Public Health, Protection & Community Services
<b>10.</b> The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the Authority's area.	Council		Director, Public Health, Protection & Community Services
<b>11.</b> The inspection of the Authority's area to detect any statutory nuisance.	Council		Director, Public Health, Protection & Community Services
<b>12.</b> The investigation of any complaint as to the existence of a statutory nuisance.	Council		Director, Public Health, Protection & Community Services

<b>Function</b>	<b>Decision Making Body</b>	<b>Membership</b>	<b>Delegation Of Functions</b>
<b>13.</b> The obtaining of information under section 330 of the Town and Country Planning Act 1990 as to interests in land.	Council		Director of Prosperity & Development
<b>14.</b> The obtaining of particulars of persons interested in land under section 16 of the Local Government (Miscellaneous Provisions) Act 1976.	Council		All Chief Officers as appropriate.
<b>15.</b> The appointment of any individual:  (a) to any office other than an office in which he is employed by the Authority.  (b) to any body other than - (i) the Authority;  (ii) a Joint Committee of two or more Authorities; or  (c) to any Committee or Sub-Committee of such a body  and the revocation of any such appointment.	Cabinet  Council  Leader/ Council depending on functions.		
<b>16.</b> Power to make payments or provide other benefits in cases of maladministration, etc.	Council		Group Director, Finance, Digital & Frontline Services in consultation with the Monitoring Officer
<b>17.</b> The discharge of any function by an Authority acting as harbour Authority.	Council		None. This Authority is not a harbour Authority

Function	Decision Making Body	Membership	Delegation Of Functions
<p><b>18.</b> Any of the following functions in respect of highways:</p> <p>(a) the making of agreements for the execution of highways works;</p> <p>(b) the functions contained in the following provisions of Part III of the Highways Act 1980 (creation of highways)</p> <p>(i) Section 25 – creation of footpath, bridleway or restricted byway by agreement;</p> <p>(ii) Section 26 – compulsory powers for creation of footpaths, bridleways or restricted byways;</p>	Cabinet	8	Group Director, Finance, Digital & Frontline Services
<p>(c) the functions contained in the following provisions of Part VIII of the Highways Act 1980 (stopping up and diversion of highways etc)</p> <p>(i) Section 116 – power of magistrates’ court to authorise stopping up or diversion of highway;</p> <p>(ii) Section 117 – application for order under Section 116 on behalf of another person;</p> <p>(iii) Section 118 – stopping up of footpaths, bridleways and restricted byways;</p> <p>(iv) Section 118ZA – application for a public path extinguishment order;</p> <p>(v) Section 118A – stopping up of footpaths, bridleways and restricted byways crossing railways;</p> <p>(vi) Section 118B – stopping up of certain</p>	Cabinet	8	Group Director, Finance, Digital & Frontline Services

<p>highways for purposes of crime prevention etc;</p> <p>(vii) Section 118C – application by proprietor of school for special extinguishment order;</p> <p>(viii) Section 119 – diversion of footpaths, bridleways and restricted byways;</p> <p>(ix) Section 119ZA – application for a public path diversion order;</p> <p>(x) Section 119A – diversion of footpaths, bridleways and restricted byways crossing railways;</p> <p>(xi) Section 119B – diversion of certain highways for purposes of crime prevention</p> <p>(xii) Section 119C – application by proprietor of school for special diversion order;</p> <p>(xiii) Section 119D – diversion of certain highways for protection of sites of special scientific interests;</p> <p>(xiv) Section 120 – exercise of powers of making public path extinguishment and diversion orders;</p> <p>(xv) Section 121B – register of applications;</p> <p>(d) the functions contained in the following provisions of Part IX of the Highways Act 1980 (lawful and unlawful interference with highways and streets)</p> <p>(i) Section 130 – protection of public rights;</p> <p>(ii) Section 139 – control of builders’ skips;</p>			
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<p>(iii) Section 140 – removal of builders’ skips;  (iv) Section 140A – builders’ skips: charges for occupation of the highway;  (v) Section 142 – licence to plant trees, shrubs etc in a highway;  (vi) Section 147 – power to authorise erection of stiles etc on footpath or bridleway;  (vii) Section 147ZA – agreements relating to improvements for benefit of persons with mobility problems;  (viii) Section 149 – removal of things so deposited on highways as to be a nuisance etc;</p>			
<p>(ix) Section 169 – control of scaffolding on highways;  (x) Section 171 – control of deposit of building materials and making of excavations in streets;  (xi) Section 171A and regulations made under that section – works under s169 or s171: charge for occupation of the highway;  (xii) Section 172 – hoardings to be set up during building etc;  (xiii) Section 173 – hoardings to be securely erected;  (xiv) Section 178 – restriction on placing of trails, beams etc over highways;  (xv) Section 179 – control of construction of cellars etc under street;  (xvi) Section 180 – control of openings into cellars etc under streets, and</p>			



pavement lights and ventilators.			
<b>Function</b>	<b>Decision Making Body</b>	<b>Membership</b>	<b>Delegation Of Functions</b>
<b>19.</b> Functions in respect of the calculation of council tax base in accordance with any of the following: (a) the determination of an amount for item T in section 33(1) and 44(1) of the Local Government finance Act 1992; (b) the determination of an amount for item TP in sections 34(3), 45(3), 48(3) and 48(4) of the Local Government Finance Act 1992; (c) the determination of an amount required for determining an amount for the item mentioned in paragraph (a) or (b).	Cabinet	8	None.
<b>20.</b> Licensing functions in accordance with Part 2 of the Licensing Act 2003 except section 6.	Council	75	Licensing Committee and Sub-Committees
<b>21.</b> A resolution not to issue casino licenses in accordance with Section 166 of the Gambling Act 2005 (c.19).	Council	75	
<b>22.</b> Prescribing of fees in accordance with Section 212 of the Gambling Act 2005.	Cabinet	8	Director, Public Health, Protection & Community Services
<b>23.</b> 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.	Licensing Committee (established under the Licensing Act 2003)	11	Director, Public Health, Protection & Community Services

<b>Function</b>	<b>Decision Making Body</b>	<b>Membership</b>	<b>Delegation Of Functions</b>
<b>24.</b> Authorised persons in accordance with Section 304 of the Gambling Act 2005.	Licensing Committee (established under the Licensing Act 2003)	11	Director, Public Health, Protection & Community Services
<b>25.</b> Prosecutions by a licensing authority in accordance with Section 346 of the Gambling Act 2005.	Licensing Committee (established under the Licensing Act 2003)	11	Director, Public Health, Protection & Community Services
<b>26.</b> Three year licensing policy in accordance with Section 349 of the Gambling Act 2005	Council	75	
<b>27.</b> Section 29 Gambling Act 2005 – licensing authority information.	Licensing Committee (established under the Licensing Act 2003)	11	Director, Public Health, Protection & Community Services
<b>28.</b> Section 30 Gambling Act 2005 – other exchange of information.	Licensing Committee (established under the Licensing Act 2003)	11	Director, Public Health, Protection & Community Services
<b>29.</b> Section 350 Gambling Act 2005 – exchange of information.	Licensing Committee (established under the Licensing Act 2003)	11	Director, Public Health, Protection & Community Services
<b>30.</b> Part 5 of Schedule 11 Gambling Act 2005 – registration with local authority.	Licensing Committee (established under the Licensing Act 2003)	11	Director, Public Health, Protection & Community Services

Function	Decision Making Body	Membership	Delegation Of Functions
<p><b>31.</b> Exercising functions under Section 34 of the Wildlife and Countryside Act 1981 (limestone pavement orders); and</p>	Cabinet	8	Director of Prosperity and Development
<p><b>32.</b> Exercising functions under Section 53 of the Wildlife and Countryside Act 1981 (duty to keep definitive map and statement under continuous review).</p>	Cabinet	8	Director of Prosperity and Development

## SECTION 2. RESPONSIBILITY FOR COUNCIL FUNCTIONS

The following functions can only be exercised by the Council and not the Executive (Cabinet).

Council Or Name Of Committee	Membership	Non-Executive Functions	Delegation Of Functions
	The Presiding Officer	In accordance with the Family Absence for Members of Local Authorities (Wales) Regulations 2013 (Regulation 34), the Presiding Officer to consider whether to cancel a Member's period of absence that he/she has been notified of and on reasonable grounds by the Head of Democratic Services	Head of Democratic Services
Planning & Development Committee	11 Members of the Authority	<p><b>Planning and conservation</b></p> <ol style="list-style-type: none"> <li>1. Power to determine applications for planning permission.</li> <li>2. Power to determine applications to develop land without compliance with conditions previously attached.</li> <li>3. Power to grant planning permission for development already carried out.</li> <li>4. Power to decline to determine applications for planning permission.</li> </ol>	See Section 4 of this part for Terms of Reference and delegation of Functions to Planning and Development Committee and officers

Council Or Name Of Committee	Membership	Non-Executive Functions	Delegation Of Functions
		<p><b>5.</b> Duties relating to the making of determinations of planning applications.</p> <p><b>6.</b> Power to determine applications for planning permission made by a local authority, alone or jointly with another person.</p> <p><b>7.</b> Power to make determinations, give approvals and agree certain other matters relating to the exercise of permitted development rights.</p> <p><b>8.</b> Power to enter into planning obligations regulating development or use of land.</p> <p><b>9.</b> Power to issue a certificate of existing or proposed lawful use or development.</p> <p><b>10.</b> Power to serve a completion notice.</p> <p><b>11.</b> Power to grant consent for the display of advertisements.</p> <p><b>12.</b> Power to authorise entry onto land.</p> <p><b>13.</b> Power to require the discontinuance of a use of land.</p>	

Council Or Name Of Committee	Membership	Non-Executive Functions	Delegation Of Functions
		<p><b>14.</b> Power to serve a planning contravention notice, breach of condition notice or stop notice.</p> <p><b>15.</b> Power to issue an enforcement notice.</p> <p><b>16.</b> Power to apply for an injunction restraining a breach of planning control.</p> <p><b>17.</b> Power to determine applications for hazardous substances consent, and related powers.</p> <p><b>18.</b> Duty to determine conditions to which old mining permissions, relevant planning permissions relating to dormant sites or active Phase I or II sites, or mineral permissions relating to mining sites, as the case may be, are to be subject.</p> <p><b>19.</b> Power to require proper maintenance of land.</p> <p><b>20.</b> Power to determine applications for listed building consent, and related powers.</p> <p><b>21.</b> Power to determine applications for conservation area consent.</p>	

Council Or Name Of Committee	Membership	Non-Executive Functions	Delegation Of Functions
		<p><b>22.</b> Duties relating to applications for listed building consent and conservation area consent.</p> <p><b>23.</b> Power to serve a building preservation notice, and related powers.</p> <p><b>24.</b> Power to issue a listed building enforcement notice.</p> <p><b>25.</b> Powers to acquire a listed building in need of repair and to serve a repairs notice.</p> <p><b>26.</b> Power to apply for an injunction in relation to a listed building.</p> <p><b>27.</b> Power to execute urgent works.</p> <p><b>28.</b> Power related to mineral working.</p> <p><b>29.</b> Power related to footpaths and bridleways.</p> <p><b>30.</b> Power as to certification of appropriate alternative development.</p> <p><b>31.</b> Duties in relation to purchase notices.</p> <p><b>32.</b> Powers related to blight notices.</p>	

Council Or Name Of Committee	Membership	Non-Executive Functions	Delegation Of Functions
		<p><b>33.</b> Powers relating to the preservation of trees.</p> <p><b>34.</b> Powers relating to the protection of important hedgerows.</p>	
Licensing Committee	11 Members of the Authority	<ol style="list-style-type: none"> <li><b>1.</b> Power to issue licences authorising the use of land as a caravan site (“site licences”).</li> <li><b>2.</b> Power to licence the use of moveable dwellings and camping sites.</li> <li><b>3.</b> Power to licence hackney carriages and private hire vehicles.</li> <li><b>4.</b> Power to licence drivers of hackney carriages and private hire vehicles.</li> <li><b>5.</b> Power to licence operators of hackney carriages and private hire vehicles.</li> <li><b>6.</b> Power to licence sex shops and sex cinemas.</li> <li><b>7.</b> Power to licence performances of hypnotism.</li> <li><b>8.</b> Power to licence premises for acupuncture, tattooing, ear-piercing and electrolysis.</li> </ol>	See Section 4 of this part for Terms of Reference and delegation of Functions.



Council Or Name Of Committee	Membership	Non-Executive Functions	Delegation Of Functions
		<p><b>9.</b> Power to licence pleasure boats and pleasure vessels.</p> <p><b>10.</b> Power to licence market and street trading.</p> <p><b>11.</b> Duty to keep list of persons entitled to sell non-medicinal poisons.</p> <p><b>12.</b> Power to licence dealers in game and the killing and selling of game.</p> <p><b>13.</b> Power to licence scrap yards.</p> <p><b>14.</b> Power to licence premises for the breeding of dogs.</p> <p><b>15.</b> Power to licence pet shops and other establishments where animals are bred or kept for the purposes of carrying on a business.</p> <p><b>16.</b> Power to register animal trainers and exhibitors.</p> <p><b>17.</b> Power to licence zoos.</p> <p><b>18.</b> Power to licence dangerous wild animals</p>	

Council Or Name Of Committee	Membership	Non-Executive Functions	Delegation Of Functions
<b>Appointment of Staff and Terms and Conditions</b>			
<p>1. Council</p> <p>2. Appointments Committee</p> <p>3. Appeals/ Employee Appeals Committee</p> <p>4. Chief Officers Appeals Committee</p> <p>5. Appeals Committee – Family Absence</p>	<p>75 Members</p> <p>5 Members</p> <p>5 Members</p> <p>5 Members</p> <p>3 Members of the Democratic Services Committee (must not include the Presiding Officer)</p>	<p>Appointment and Dismissal of staff including:</p> <p>(a) Appointment of Proper Officers</p> <p>(b) Duty to designate and officer as a head of the Authority's paid service and to provide staff etc.</p> <p>(c) Duty to designate an officer as the monitoring officer and provide staff etc.</p> <p>In accordance with The Family Absence for Members of Local Authorities (Wales) Regulations 2013 ( Regulations 35 and 36):</p> <p>To hear appeals from Members against a decision to withdraw entitlement to family absence</p> <p>To settle disputes where a Member who is on leave of absence would like to attend a particular meeting type of meeting or perform a particular duty or type of duty and the Presiding Officer refuses this request</p>	<p>See Section 4 of this part for Terms of Reference and delegation of Functions.</p> <p>See Officer Employment Procedure Rules in Part 4.</p> <p>Head of Democratic Services</p>

## Licensing and Registration Functions

Council Or Name Of Committee	Membership	Non-Executive Functions	Delegation Of Functions
Council	75 Members of the Authority	<ol style="list-style-type: none"> <li>1. Functions in respect of establishing a Licensing Committee.</li> <li>2. Power to licence knackers' yards.</li> <li>3. Power to enforce regulations in relation to animal by products.</li> <li>4. Power to licence the employment of children.</li> <li>5. Power to approve premises for the solemnisation of marriages and the registration of civil partnerships.</li> <li>6. Power to issue a permit to conduct charitable collections.</li> <li>7. Power to grant consent for the operation of a loudspeaker.</li> </ol>	<p>None</p> <p>Director, Public Health, Protection &amp; Community Services</p> <p>Director, Public Health, Protection &amp; Community Services</p> <p>Director of Education and Inclusion</p> <p>The Proper Officer appointed for that purpose.</p> <p>Director, Public Health, Protection &amp; Community Services</p> <p>Director, Public Health, Protection &amp; Community Services</p>

		<p><b>8.</b> Power to grant a street works licence.</p> <p><b>9.</b> Duty to register the movement of pigs.</p> <p><b>10.</b> Power to enforce regulations in relation to the movement of pigs.</p> <p><b>11.</b> Power to issue a licence to move cattle from a market.</p> <p><b>12.</b> Duty to enforce executive regulations (EC) No. 852/2004 and 853/2004 in relation to food business operations as further specified in regulation 5 of the Food (Hygiene) (Wales) Regulations 2006.</p> <p><b>13.</b> Power to sanction use of parts of buildings for storage of celluloid.</p> <p><b>14.</b> Power to approve factory vessels and fishery product establishments.</p> <p><b>15.</b> Power to register auction and wholesale markets.</p>	<p>Group Director, Finance, Digital and Frontline Services</p> <p>Director, Public Health, Protection &amp; Community Services</p> <p>Director, Public Health, Protection &amp; Community Services</p> <p>Director, Public Health, Protection &amp; Community Services</p> <p>Director, Public Health, Protection &amp; Community Services</p> <p>Director, Public Health, Protection &amp; Community Services</p> <p>Director, Public Health, Protection &amp; Community Services</p> <p>Director, Public Health, Protection &amp; Community Services</p> <p>Director, Public Health, Protection &amp; Community Services</p>
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		<p><b>16.</b> Duty to keep register of food business premises.</p> <p><b>17.</b> Power to register food business premises.</p> <p><b>18.</b> Power to register and licence premises for the preparation of food.</p> <p><b>19.</b> Power to issue, amend or replace safety certificates (whether general or special) for sports grounds.</p> <p><b>20.</b> Power to issue, cancel, amend or replace safety certificates for regulated stands at sports grounds.</p> <p><b>21.</b> Duty to promote Fire Safety.</p> <p><b>22.</b> Powers in respect of registration of Motor Salvage operators.</p>	<p>Director, Public Health, Protection &amp; Community Services</p> <p>Director, Public Health, Protection &amp; Community Services</p> <p>Director, Public Health, Protection &amp; Community Services</p> <p>Director, Public Health, Protection &amp; Community Services</p> <p>Director, Public Health, Protection &amp; Community Services</p> <p>Director, Public Health, Protection &amp; Community Services</p> <p>Director, Public Health, Protection &amp; Community Services</p>
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<b>Council Or Name Of Committee</b>	<b>Membership</b>	<b>Non-Executive Functions</b>	<b>Delegation Of Functions</b>
<b>Functions Relating to Health and Safety at Work</b>			
Council		1. Functions under any of the “relevant statutory provisions” within the meaning of Part I (health, safety and welfare in connection with work, and control of dangerous substances) of the Health and Safety at Work etc. Act 1974, to the extent that those functions are discharged otherwise than in the Authority’s capacity as an employer.	Director, Public Health, Protection & Community Services
<b>Council Or Name Of Committee</b>	<b>Membership</b>	<b>Non-Executive Functions</b>	<b>Delegation Of Functions</b>
<b>Functions Relating to Elections</b>			
Council		1. Duty to appoint an Electoral Registration Officer.	Director of Legal & Democratic Services
Council		2. Power to assign Officers in relation to requisitions of the Electoral Registration Officer.	Group Director, Finance, Digital & Frontline Services
Council		3. Power to dissolve Community Councils.	None
Council		4. Power to make orders for grouping communities.	None

Council		<b>5.</b> Power to make orders for dissolving groups and separating Community Councils from groups.	None
Council		<b>6.</b> Duty to appoint Returning Officer for local government elections.	None
Council		<b>7.</b> Duty to divide constituency into polling districts.	Director of Legal & Democratic Services
Council		<b>8.</b> Power to divide electoral divisions into polling district at local government elections.	Director of Legal & Democratic Services
Council		<b>9.</b> Powers in respect of holding of elections.	Director of Legal & Democratic Services
Council		<b>10.</b> Power to pay expenses properly incurred by electoral registration Officers.	Director of Legal & Democratic Services
Council		<b>11.</b> Power to fill vacancies in the event of insufficient nominations.	Director of Legal & Democratic Services
Council		<b>12.</b> Duty to declare vacancy in office in certain cases.	Director of Legal & Democratic Services
Council		<b>13.</b> Duty to give public notice of a casual vacancy.	Director of Legal & Democratic Services
Council		<b>14.</b> Power to make temporary appointments to Community Councils.	Director of Legal & Democratic Services

Council		<b>15.</b> Power to determine fees and conditions for supply of copies of, or extracts from, elections documents	Director of Legal & Democratic Services
Council		<b>16.</b> Power to submit proposals to the Secretary of State for an order under section 10 (pilot schemes for local elections in England and Wales) of the Representation of the People Act 2000.	Director of Legal & Democratic Services
Council		<b>17.</b> Miscellaneous electoral functions under Part II, SI 2003/284.	Director of Legal & Democratic Services



Council Or Name Of Committee	Membership	Non-Executive Functions	Delegation Of Functions
<b>Functions Relating to Pensions</b>			
Council		<ol style="list-style-type: none"> <li data-bbox="735 421 1120 533">1. Functions relating to local government pensions, etc.</li> <li data-bbox="735 898 1120 1010">2. Functions relating to pensions, allowances and gratuities.</li> <li data-bbox="735 1048 1120 1368">3. Functions under existing pension schemes respects persons employed by the Fire &amp; Rescue Authorities pursuant to Section 1 of the Fire &amp; Rescue Services Act 2004.</li> </ol>	<p data-bbox="1142 421 1407 645">Pension Fund Committee and Group Director, Finance, Digital &amp; Frontline Services</p> <p data-bbox="1142 678 1407 1189">See Section 4 of this part for Terms of Reference and delegation of functions Group Director, Finance, Digital &amp; Frontline Services Group Director, Finance, Digital &amp; Frontline Services</p>

Council Or Name Of Committee	Membership	Non-Executive Functions	Delegation Of Functions
<b>Miscellaneous Functions</b>			
Council		<p>1. Functions relating to sea fisheries.</p> <p>2. Power to make standing orders and standing orders relating to contracts.</p>	<p>Group Director, Finance, Digital &amp; Frontline Services</p> <p>None</p>
Council		<p>3. 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).</p>	None
Council		<p>4. Power to make an order identifying a place as a designated public place for the purposes of police powers in relation to alcohol consumption.</p> <p>5. Duty to determine affordable borrowing limit.</p>	<p>Director, Public Health, Protection &amp; Community Services</p> <p>None</p>
Council		<p>6. Approval of Annual Investment Strategy in accordance with Guidance.</p>	None
Council		<p>7. Duty to make arrangements for proper administration of Financial affairs.</p> <p>8. Power to consider Section 19 Reports from the Public Services Ombudsman for Wales</p>	<p>Group Director, Finance, Digital &amp; Frontline Services</p> <p>None</p>

<b>Council Or Name Of Committee</b>	<b>Membership</b>	<b>Non-Executive Functions</b>	<b>Delegation Of Functions</b>
<b>Power to Promote or Oppose Local Bills</b>			
Council		1. Power to promote or oppose local or personal Bills.	None
<b>Power to Make, Amend, Revoke or Re-enact Byelaws</b>			
Council		1. Power to make, amend, revoke or re-enact byelaws.	None
<b>Council Or Name Of Committee</b>	<b>Membership</b>	<b>Non-Executive Functions</b>	<b>Delegation Of Functions</b>
<b>Functions Relating to Name and Status of Areas and Individuals</b>			
Council		1. Power to change the name of the County Borough.	None
Council		2. Power to change the name of a community.	None
Council		3. Power to confer title of honorary alderman or to admit to be an honorary freeman.	None
Council		4. Power to petition for a charter to confer County Borough status.	None

Council Or Name Of Committee	Membership	Non-Executive Functions	Delegation Of Functions
<b>Functions relating to Commons and Town or Village Greens</b>			
Council		<ol style="list-style-type: none"> <li>1. Power to register common land or town or village greens, except where the power is exercisable solely for the purpose of giving effect to 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 (c.67)</li> </ol>	Director of Legal & Democratic Services
Council		<ol style="list-style-type: none"> <li>2. Power to register variation of rights of common.</li> </ol>	Director of Legal & Democratic Services

Council Or Name Of Committee	Membership	Non-Executive Functions	Delegation Of Functions
<b>Circumstances in which Functions are not to be the Responsibility of an Authority's Executive</b>			
Council		<p><b>1.</b> 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 Article 4.</p>	<p>The authority determines that the decision whether the plan or strategy should be adopted or approved should be taken by them.</p>
Council		<p><b>2.</b> The determination of any matter in the discharge of a function which</p> <p>(a) is the responsibility of the executive; and</p> <p>(b) is concerned with the authority's budget, or their borrowing or capital expenditure.</p>	<p>The individual or body by whom, by virtue of any of Sections 14 to 17 of the Local Government Act 2000 or provision made under Section 18 or 20 of that Act, the determination is to be made</p> <p>(a) is minded to determine the matter contrary to, or not wholly in accordance with</p> <p>(i) the authority's budget; or</p>

		<p><b>3.</b> The determination of any matter in the discharge of a function</p> <p>(a) which is the responsibility of the executive; and</p> <p>(b) in relation to which a plan or strategy (whether statutory or non-statutory) has been adopted or approved by the authority.</p>	<p>(ii) the plan or strategy for the time being approved or adopted by the authority in relation to their borrowing or capital expenditure; and</p> <p>(b) is not authorised by the authority's executive arrangements financial regulations, standing orders or other rules or procedures to make a determination in those terms.</p> <p>The individual or body by whom, by virtue of any of Sections 14 to 17 of the Local Government Act 2000 or provision made under Section 18 or 20 of that Act, the determination is to be made, is minded to determine the matter in terms contrary to the plan or, as the case may be, the strategy adopted or approved by the authority.</p>
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### **SECTION 3 – RESPONSIBILITY FOR EXECUTIVE (CABINET) FUNCTIONS**

The Cabinet comprises of the Leader and 7 other Members.

“Executive functions” are all the functions of the Council except:-

- (a) Those which the law says are functions of the Council alone (Section 2 above);
- (b) Functions which may be allocated to the Council rather than the Executive (Section 1 above);
- (c) Functions which are not the sole responsibility of the Executive (e.g. approval of statutory plans);
- (d) Potential decisions which:-
  - (i) conflict with the Council’s Budget or borrowing plans;
  - (ii) conflict with financial regulations or the financial standing orders;
  - (iii) conflict with the Council’s overall strategy or policy frameworkand in such cases, the Executive must pass the decision to the Council for final determination;
- (e) The Executive (i.e. Cabinet) functions may be discharged in one or more of the following ways:-
  - (i) by the Cabinet as a whole;
  - (ii) by a Committee of the Cabinet;
  - (iii) by an individual Member of the Cabinet;
  - (iv) by an Officer;
  - (v) by an Area Committee;
  - (vi) joint arrangements with other local authorities;
  - (vii) another local authority.

**NOTE:**

It is at the discretion and a decision of the Leader of the Council as to how Executive functions are discharged. At the Annual Meeting of the Council, the Leader will present a document for inclusion in the Scheme of Delegation containing the following information about

Executive functions for the ensuing municipal year:

- the terms of reference of the Cabinet;
- the names, addresses and electoral divisions of the people appointed to the Cabinet by the Leader and their portfolios;
- the extent of any authority delegated to Cabinet Members individually, including details of the limitation on their authority;
- the terms of reference and constitution of such Cabinet Committees as the Leader appoints and the names of Cabinet Members appointed to them;
- the nature and extent of any delegation of executive functions to Area Committees, any other authority or any joint arrangements, and the names of those Cabinet Members appointed to any Joint Committee for the coming year; and
- the nature and extent of any delegation to Officers, with details of any limitation on that delegation, and the title of the Officer to whom the delegation is made.



## **SECTION 3A – LEADER’S SCHEME OF DELEGATION OF EXECUTIVE FUNCTIONS**

### **1. Cabinet Terms of Reference**

- 1.1 To act as the main focus of day-to-day political leadership and decision making, as well as democratic accountability, at a corporate level.
- 1.2 To carry out all the Local Authority’s functions which are not the responsibility of any other part of the Local Authority, whether by law or under the Constitution.
- 1.3 To propose to the Council:
  - 1.3.1 the key policies, and associated resource strategies, which comprise the Council’s policy framework, as well as changes to that framework, including:
    - The Cwm Taf Well-being Plan and the Corporate Plan;
    - The Council’s Annual Revenue and Capital Budgets, and levels of Council Tax; and

(Taking advice from the Overview and Scrutiny Committee, interested agencies or groups, the local community, and others through the Council’s Consultation process, as appropriate).
  - 1.3.2 any matter relating to any of the Council’s powers and functions.
- 1.4 To guide Executive Councillors and Chief Officers on:
  - 1.4.1 policy development, co-ordination and implementation;
  - 1.4.2 determination of relative priorities for action; and
  - 1.4.3 the effective and efficient operation of the Council, and of its various services.
- 1.5 To ensure effective implementation of the Council’s strategies and plans, including monitoring and reviewing performance, and considering the need for major changes in delivery or new developments to improve service standards and quality.
- 1.6 To receive reports from appropriate Officers of the Council, and/or Executive Councillors, on significant matters requiring consideration/

decision, and on proposals for new or amended policies and their implementation.

- 1.7 To receive on a quarterly basis information in respect of the Council's Performance and Resources, including details as outlined below (This Information will also be provided to the Finance and Performance Scrutiny Committee for further scrutiny and monitoring): -
- To receive regular performance monitoring information in respect of each of the capital schemes/projects in the Authority's three year rolling capital programme.
  - To monitor overall progress being made with the delivery of the three- year rolling capital programme and to report to the Council on any remedial action required, where necessary.
  - To agree any re-phasing of the agreed three year rolling capital programme as a result of scheme slippage and / or any other urgent matter.
  - To monitor overall progress being made with the delivery of the annual revenue budget strategy and to report to the Council on any remedial action required, where necessary.
  - To receive information in respect of any virements enacted in accordance with the Council's "Financial Procedure Rules".
  - To monitor progress being made to deliver Corporate Plan priorities, including updates on performance indicators and targets, actions, and strategic risks.
- 1.8 To advise the Council on the level of capital resources likely to be available to fund the Authority's three year rolling capital programme and to advise the Council on capital spending priorities and on individual projects or developments requiring funding.
- 1.9 To advise the Council on the level of revenue resources likely to be available to support its revenue budget in the current and forthcoming financial years, and to advise the Council on revenue spending priorities and on the allocation of resources to each Service Group.
- 1.10 To have discretion to seek the advice or comments of the Overview and Scrutiny Committee, the local community through consultation and other relevant bodies, in relation to significant matters before making a decision.
- 1.11 To determine the response to reports from the Overview and Scrutiny Committee and other Scrutiny Committees, following any recommendations received in respect of service delivery, service improvement or policy changes.

- 1.12 To establish Standing Cabinet Committees, where appropriate, as a means of transacting more efficiently discrete aspects of the work of the Cabinet.
- 1.13 To appoint (on a working group basis) ad hoc working groups to assist in key aspects of policy development (working with the relevant Executive Councillors and Senior Officers from the Senior Leadership Team).
- 1.14 To establish topic forums to promote dialogue with, and partnership working on, matters of significance to the Council, the community, and other key local organisations which work closely with the Council.
- 1.15 To fully engage with the Wales Programme for Improvement initiative by receiving and validating reports.
- 1.16 To work together with partner organisations and communities to improve the economic, social, environmental, and cultural wellbeing of people in Rhondda Cynon Taf. This includes considering the long-term impact of decisions, involving a diversity of people in decisions that affect them, taking an integrated approach with our partners to service planning and provision, working collaboratively and seeking to intervene early and prevent problems from occurring in the first instance.
- 1.17 Any meeting of the Cabinet conducted will be convened in accordance with the Council's Constitution "Access to Information Procedure Rules".
- 1.18 The Cabinet shall produce a Work Programme at the start of each Municipal Year, which will be made publicly available through the Council's website.
- 1.19 The quorum for a meeting of the Cabinet shall be 4 and the quorum for a Committee of the Cabinet or Cabinet Steering Group shall be 3, unless otherwise stated within the Groups Terms of Reference.

## **2. The Cabinet 2022-23**

The names of the eight Cabinet Members Appointed by the Leader and their respective Portfolio Titles and Responsibilities are outlined below: -

- 2.1 The Cabinet will take decisions collectively as a group, (although individual Cabinet Members may take decisions individually in an emergency, as set out in paragraph 3 below), and may express dissent from Cabinet decisions which expressions may be formally recorded, if the Cabinet Members so indicates.

- 22 The individual Cabinet Members listed below are allocated personal portfolios of responsibility, to act as corporate “champions” in pursuing major cross-cutting development themes across all Council services and areas of activity. (These individual portfolios may be changed by the Leader at any time). The individual Cabinet Members will each work closely with, and take professional advice from the responsible Senior Leadership Team Officers (as indicated below) and other appropriate Senior Officers within the Authority, as appropriate to their particular responsibilities as a Corporate/Community Champion, with the ability to convene meetings of such staff as needed. Each portfolio holder also will liaise with, consult, and inform other Cabinet Members on individual matters likely to affect their portfolios.
- 23 Arrangements will be made to provide dedicated administrative support to Cabinet Members in the execution of their responsibilities.
- 24 Lead Cabinet Members will also act as the known point of reference and response for issues or complaints (relevant to their responsibilities) received from Elected Members, local Senedd Members, local Members of Parliament, and other political bodies or representatives at regional and national levels. (When dealing with formal complaints involving the delivery of Council Services, the Lead Cabinet Member will first ensure that the benefit of the Council’s Complaints Policy has been fully utilised. In their role as “ombudsman” or arbitrator, the Lead Cabinet Member may choose to intervene in complaints against local service providers external to the Council).

**County Borough Councillor Andrew Morgan OBE**

Portfolio: **Leader of the Council, Chair of the Cabinet**

**Cabinet Member for Infrastructure & Investment**

**Responsible SLT Officer** – Paul Mee, Barrie Davies, Stephen Williams and Christian Hanagan

Responsibility areas of policy:

- Strategy Policy
- Finance and Budget Setting
- Manifesto delivery
- Key infrastructure and Capital Programme
- Partnership and Joint Working
- Government Relations

- Council wide Safeguarding
- Emergency Planning & Civil Contingency
- Highways Maintenance & Traffic Management
- Flood Risk Management

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**County Borough Councillor Maureen Webber**

Portfolio: **Deputy Leader of the Council and Cabinet Member for Council Business**

**Responsible SLT Officer** – Andy Wilkins, Christian Hanagan, Richard Evans and Simon Gale

**Responsible Directorates** – Legal Services / Democratic Services and Human Resources.

Responsible areas of policy:

- Council Business
- Employee & Trade Union Relations
- Communications and Engagement (including digital communications)
- Legal Services
- Democratic Services
- Strategic Events
- Armed Forces Covenant
- Human Resources
- Member Equalities Champion

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**County Borough Councillor Gareth Caple**

Portfolio: **Cabinet Member for Health and Social Care**

**Responsible SLT Officer** – Neil Elliott

**Responsible Directorates** – Community and Children’s Services

Responsible areas of policy:

- Adult Social Care (including Residential, in-house & external)
- Care management Mental Health
- Care management Learning Disabilities
- Day Care Services

- Adult & Children’s Safeguarding
- Children’s Services
- Foster Care & Adoption
- Family Support services
- Corporate Parenting Lead
- Resilient Families

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**County Borough Councillor Rhys Lewis**

Portfolio: **Cabinet Member for Education, Youth Participation and Welsh Language**

**Responsible SLT Officer** – Gaynor Davies and Louise Davies

**Responsible Directorates** – Education, Youth Participation and Welsh Language

Responsible areas of policy:

- Secondary, Primary, Nursery, Welsh Medium, dual language and Special Needs Education
- Liaison with further and higher education
- Schools and Community
- Learning Access, Engagement, and Inclusion
- Governor Support
- Education other than at school
- Childcare
- Welsh Language
- Early Years Education including Flying Start
- Youth Engagement and Participation Service

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**County Borough Councillor Robert Harris**

Portfolio: **Cabinet Member for Public Health and Communities**

**Responsible SLT Officer** – Neil Elliott and Louise Davies

**Responsible Directorates** – Public Health and Protection

- Public Health & Protection
- Licensing & Registrars
- Cemeteries & Crematoria
- Community support and RCT Together

- Libraries & Adult Education
- RCT Together & support for the voluntary sector
- Affordable & Supported Housing
- Asylum response
- Community Safety & Youth Offending
- Domestic Abuse & Victim Support'
- Domestic Abuse Champion
- Cultural Services

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**County Borough Councillor Mark Norris**

Portfolio: **Cabinet Member for Prosperity and Development**

**Responsible SLT Officer** – Simon Gale

**Responsible Directorates** – Prosperity and Development.

Responsible areas of policy:

- Inward Investment
- Enterprise & Economic Regeneration Funding
- Town Centres
- Business Support
- Planning and Development
- Planning Strategy
- Building Control
- Housing Strategy & Policy
- Tourism

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**County Borough Councillor Ann Crimmings**

Portfolio: **Cabinet Member for Environment and Leisure**

**Responsible SLT Officer** – Stephen Williams and Louise Davies

**Responsible Directorates** – Frontline Services, Transportation and Heritage Services.

Responsible areas of policy:

- Leisure
- Sport RCT
- Environment, Street Cleansing, Waste & Recycling
- Transportation, Parking & Fleet
- Public rights of Way
- Parks & Countryside

- Home to School Transport
- Heritage Service & Visitor Attractions
- Leisure Services

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**County Borough Councillor Christina Leyshon**

Portfolio: **Cabinet Member for Climate Change and Corporate Services**

**Responsible SLT Officer** – Barrie Davies, Richard Evans and Dave Powell

**Responsible Directorates** – Corporate Services

- Accountancy Services
- Operational Finance
- Performance & Resources
- ICT Operational Services
- Customer Care (One4all & Contact Centres)
- Corporate Estates
- Carbon Reduction Commitment
- Internal Audit
- Digitalisation Strategy
- Procurement & Transitional Services
- Climate Change Champion

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**Chief Officer Membership**

Mr Paul Mee, Chief Executive

Mr Barrie Davies, Deputy Chief Executive & Group Director of Finance, Digital & Frontline Services (Section 151)

Mr Andy Wilkins, Director of Legal & Democratic Services (Monitoring Officer)

Mr Richard Evans, Director of Human Resources

Mr Christian Hanagan, Service Director of Democratic Services and Communication. (Head of Democratic Services)



Ms Louise Davies, Director of Public Health, Protection and Community Services

Mr Stephen Williams, Director of Highways, Streetcare and Frontline Services

Mrs Gaynor Davies – Director of Education and Inclusion Services

Mr David Powell, Director of Corporate Estates

Mr Simon Gale, Director of Prosperity and Development

Mr Neil Elliott, Interim Director of Social Services

### **3. Delegations of Executive Functions to Cabinet Members**

Normally, decisions will be taken collectively by the Cabinet, but individual Cabinet Members can take decisions within their portfolios which they consider to be urgent to protect the interest of the Council, subject to prior consultation with the appropriate Senior Leadership Team Officer(s) and, where necessary, other Cabinet Members. If there is uncertainty as to whether a matter falls within a particular portfolio, the Leader will make a determination as to which is the relevant Cabinet Member. The Leader can take urgent decisions in the absence of the appropriate portfolio holder.

### **4. Cabinet Committees Appointed by the Leader, their Membership and Terms of Reference**

The four under-mentioned Cabinet Sub-Committees will be constituted at the present time. Council will be informed promptly of any additional Cabinet Committees that may be appointed by the Cabinet in the future.

#### **4.1 Ynysangharad War Memorial Park Cabinet Sub-Committee**

**Membership:** (4 representatives)

**Names of Members:** Cabinet Members: M Webber (Chair), A Crimmings (Vice Chair and Portfolio Holder)

Other County Borough Councillors: S Powderhill and C Leyshon

**Terms of Reference:** (a) To act on behalf of the Executive as a Corporate Trustee of the Ynysangharad

War Memorial Park and, in that capacity, to consider all matters in connection with the future use and development of the Park and the preservation of the objectives of the Trust so instituted.

- (b) To consider all proposals and representations from and on behalf of the Council or any third party, in connection with the use and ownership of the facility.
- (c) To secure all necessary advice and assistance, including, where necessary, external advice and assistance, to ensure that the Trustees' interests are preserved.

(No Member of this Committee may take part in any other Cabinet or Council or Committee discussion or decision on any policy or development or any issue which may affect the park and must declare an interest and leave when any such matter is raised).

The Quorum for this Committee will be 3 Members.

#### **42 Rhondda Cynon Taf Charity for the Visually Impaired Cabinet Sub-Committee**

**Membership:** (4 representatives)

**Names of Members:** County Borough Councillors: G Caple (Chair), M Norris (Vice Chair), R Lewis and M Webber

**Terms of Reference:** To oversee the administration of the charity

#### **43 Welsh Language Cabinet Sub-Committee**

**Membership:** (5 representatives)

**Names of Members:** County Borough Councillors: R Lewis (Chair), C Leyshon (Vice Chair), M Webber, M Norris and G Caple.

**Terms of Reference:** In accordance with the Welsh Language (Wales) 2011 Measure, two principles underpin the terms of reference of the Welsh Language Working Group:

- in Rhondda Cynon Taf County Borough Council, the Welsh language should be treated no less favourably than the English language
- persons in Rhondda Cynon Taf County Borough Council should be able to live their lives through the medium of Welsh if they choose to do so.
- To enable the Council to deliver upon the policy objectives set by Welsh Government Ministers.

**Purpose of the Sub-Committee:**

The Sub Committee has been established to ensure an Authority-wide approach in the delivery of services through the medium of Welsh in accordance with the Welsh Language (Wales) 2011 Measure, specifically the Statutory Standards relating to the Welsh Language / Statutory Welsh Language Scheme. Its membership will provide strategic direction in the implementation of the aforementioned legislation / policies and any local policies regarding the Welsh language and support the Welsh Language Services Unit in carrying out its duties. Its membership will consider how it can support access to services in the medium of Welsh.

**Membership:**

The Welsh Language Sub Committee membership includes Cabinet Member representation (as shown above- These Members will have voting rights to determine a matter), Director Representation (currently Director, Education & Inclusion Services, Director Public Health & Protection & Service Director Democratic Services & Communications), officer representation and external Welsh medium representation. The Cabinet Member will Chair the Sub committee and will also be the Welsh Language Member Champion.

The Sub Committee will also include Head

of Welsh Language Services Unit, Welsh Language Officer and Head of Service (currently Head of Community Learning)

**External Representation:** Menter Iaith is also invited to attend the Sub Committee. This enables both Menter Iaith and the Welsh Language Services Unit to discuss issues that affect Welsh medium service delivery in the community on a strategic level and to work in partnership to provide improved and better outcomes for clients.

**Non-Cabinet Member Representation:** Representatives from political groups which do not form part of a political group forming part of the executive, will be invited to attend meetings, but will not be able to vote upon matters of business.

**Frequency:** Meetings will be every six months unless otherwise agreed by the Sub-Committee. Urgent meetings can be convened if felt appropriate by the Chair.

#### **44 Climate Change Cabinet Sub-Committee**

**Membership:** (4 representatives)

**Voting Members:** County Borough Councillors: C Leyshon (Chair), A Crimmings (Vice Chair), M Norris, and R Lewis

**Non-Voting Member:** Cllr W Owen

**Terms of Reference:** To support the implementation and delivery of the priorities identified within the Council's Corporate Plan, this Cabinet Sub Committee will:

- Monitor the implementation of the actions arising from the Decarbonisation Plan;
- Develop specific actions and policies which support the reduction of the Council's Carbon Footprint and respond to 'Net Zero'

– The report of the Committee on Climate Change and the Welsh Government's report Prosperity for All: A Low Carbon Wales;

- Deliver upon the Council's commitment to match the ambitions of the UK 100 Agreement by becoming a Clean Energy organisation.
- Develop these commitments and in doing so, become more ambitious through resetting targets and challenging how the Council operates and approaches challenges in the future to become a 'Net Zero' Council by 2050.
- Provide the opportunity for persons, interested parties, and groups who live in Rhondda Cynon Taf County Borough Council the ability to engage in the wider response of the community to climate change.
- Consider the long term trends that will affect Rhondda Cynon Taf and what steps can be taken locally to contribute to their mitigation.
- Consider how the Council can work with others both locally and nationally to consider joint solutions.
- Consider the comments and recommendations of the Climate Change, Frontline Services and Prosperity Scrutiny Committee
- Produce an Annual Report
- Undertake site visits to gain further insight into the work undertaken to meet the Council and County Borough climate targets.

**Membership:**

The Cabinet Sub Committee membership includes Cabinet Member representation (as shown above – These members have voting rights to determine a matter).

Senior Leadership Team Representation (Chief Executive, Director of Frontline Services, Director of Prosperity & Development; Director of Corporate Estates; Director Public Health, Protection & Community Services; and the Service Director of Democratic Services & Communication), service officer representation – Council’s Performance Manager and external representation when required.

Officers and External representatives will provide strategic direction and will consider any local policies regarding climate change and associated matters and any other business as appropriate, however voting rights are conveyed to the cabinet Members and County Borough Councillors determined by the Leader only.

**Non-Cabinet Member Representation:**

Representatives from political groups which do not form party of a political group forming part of the executive, will be invited to attend meetings, **but will not be able to vote upon matters of business.**

**Frequency:**

Meetings will be held when necessary. Urgent meetings of the group can be convened if felt appropriate by the Chair.

**45 Eisteddfod Cabinet Sub-Committee**

**Membership:** (5 representatives)

**Names of Members:** County Borough Councillors: R Lewis (Chair), M Norris (Vice Chair), M Webber, C Leyshon and B Harris.

**Terms of Reference:**

- To provide the Sub-Committee with regular updates on the project's progress.
- To receive updates from appropriate Officers of the Council on Eisteddfod related matters requiring Cabinet Member consideration/decision.
- To relay key information to the Leader of the Council in terms of progress and decisions.
- To ensure effective implementation of the Council's Eisteddfod related strategies/plans, including monitoring and reviewing performance, and considering the need for major changes in delivery if necessary.
- To work together with partner organisations and communities to ensure Council-wide and community engagement pertaining to the ownership of the Eisteddfod Genedlaethol.
- To consider the long-term impact of the Eisteddfod Genedlaethol to Rhondda Cynon Taf and its communities, whilst aligning decision making with current Council strategies – inc. Tourism, Welsh Language Promotion Strategy 2022-27, and Welsh in Education Strategic Plan.

**Purpose of the Sub-Committee:**

The Sub Committee has been established to ensure an Authority-wide approach in the successful delivery of the prestigious National Eisteddfod which will be hosted by RCT in 2024.

**Membership:**

The Eisteddfod Sub Committee membership will consist of Cabinet Member representation (as shown above- These Members will have voting rights to determine a matter), Director

Representation (Director of Prosperity and Development), officer representation (Eisteddfod Project Manager and Project Support Officer) and independent representation.

**Independent Representation:**

An Independent Member will be appointed to the Cabinet Sub-Committee following an appointment process.

**Non-Cabinet Member Representation:**

Representatives from political groups which do not form party of a political group forming part of the executive, will be invited to attend meetings, but will not be able to vote upon matters of business.

**5. Joint Arrangements**

5.1 In respect of the nine under-mentioned joint arrangements, I propose:

- The Council enters into each joint arrangement on the terms currently in place, and pursuant to Section 20 of the Local Government Act 2000 and all other enabling powers, and delegates to the Joint Committee those functions of the Executive as are set out in those agreements.
- That the joint agreements be reconstituted to provide that each constituent Council may be represented by an Executive or Non-Executive Member(s). Where one Member only is nominated to represent a Council that Member can exercise the Council's vote which shall be the same number as that previously exercised by the Council.
- It is noted that Merthyr Tydfil County Borough Council has established an Executive Board and that their representatives on the Llwydcoed Crematorium Joint Committee may or may not be Board Members.
- That every Joint Committee be authorised to establish, if it deems it appropriate, an advisory panel, which may comprise both Executive and Non Executive Members of the constituent Authorities who have sat on the Joint Committees, so that their expertise and commitment is not lost to the work of the Joint Committee. (This will be a matter for each Joint Committee to



determine).

Joint Committee	Function	Name of Cabinet or Non Executive Member(s) Allocated
Capita	Provision of Engineering Services with Bridgend and Merthyr Tydfil County Borough Councils.	M Ashford A Crimmings M Norris S Bradwick J Brencher G Holmes
Glamorgan Archives Joint Committee	Provision of Archive Services with five other Authorities.	W Lewis B Harris G Jones B Stephens
Llwydcoed Crematorium Joint Committee	Provision of Crematorium Services with Merthyr Tydfil County Borough Council.	J Cook A Crimmings A Fox G Jones A Owain Rogers
Coychurch Crematorium Joint Committee	Provision of Crematorium Service with Bridgend and Vale of Glamorgan County Councils.	J Turner B Stephens
Central South Consortium Joint Education Committee	Provision of Curriculum Advice, Inspection and Support to Schools and LEAs jointly with Bridgend, Caerphilly and Merthyr Tydfil County Borough Councils	R Lewis
The Regional Adoption Joint Committee (The Vale, Valleys & Cardiff Adoption Collaborative Joint	Provision of Adoption Services in collaboration with the Vale of Glamorgan Council, Cardiff Council and	G Caple

Committee)	Merthyr Tydfil County Borough Council.	
ArtsConnect	Provision of high quality and cost effective arts and creative industry experiences in collaboration with Bridgend County Borough Council, Caerphilly County Borough council, Merthyr Leisure Trust, Rhondda Cynon Taf County Borough Council and the Vale of Glamorgan Council	B Harris

## 6. Delegation of Executive Functions to Officers

6.1 These are delegated to Chief Officers, under Section 15 of the Local Government Act 2000, functions within their responsibility, in the terms set out in Section 5 of Part 3 of this part of the Constitution.

- Recording of Officer Decisions

In line with the amendments agreed by the Council at its AGM on the 25<sup>th</sup> May 2016, 'Key Decisions' taken by Officers of the Senior Leadership Team under delegated authority will be open to scrutiny. This process will improve transparency and accountability and will ensure a consistent and robust approach in respect of implementing decisions.

Key Decisions taken by Delegated Decisions will need to be published with immediate effect and no later than 2 clear working days following the decision being taken. (Prior to publication the Decision Notice will be checked for accuracy by a Chief Officer, and will be published accordingly. This will be the same process in respect of Cabinet decision notices). Once published, the Decision(s) will be subject to the same process in respect of 'Call In' as any Cabinet Committee Decision i.e., the decision will come into force and may be implemented on the expiry of three clear working days after the publication of the decision, unless the decision is called for review by scrutiny.

(**N.B** as agreed by the Council at its AGM on the 23<sup>rd</sup> May 2018 the Scrutiny Call In procedure timeframe has been reduced to

three working days from the previous five).

In respect of operational or day to day management decisions taken forward through Officer delegated decisions, these will be recorded by the Service and a record of the decisions maintained.

## **7. Appointments to Bodies undertaking or advising upon Executive Functions.**

The following bodies or steering groups are constituted to consider and advise the executive. Such committees do not make decisions, and can only comment or make recommendations relating to their respective remits.

Members will be appointed to the following bodies: -

### **7.1 School Budget Forum Steering Group**

**Membership:** (5 representatives)

**Name of Members:** County Borough Councillors: R Lewis (Chair), C Leyshon (Vice Chair), A Morgan OBE, M Webber and G Caple

**Terms of reference:**

The Membership of the Forum will include Elected Members, School Head Teachers (from primary, secondary, and special needs schools) or governor representatives as well as appropriate union representation, totalling a membership of at least 15; optimum size has been accepted by the best practice guidance as 20.

Section 47A of the School Standards and Framework Act 1999, as inserted by the Education Act 2002, requires every local authority in Wales to establish, in accordance with regulations, a body to be known as schools forum. The school's forum must represent governing bodies and Headteachers of schools maintained by the authority. If the authority so determines the school's forum can also include non-school members.

School Budget Forums have the purpose of improving the dialogue and communication between local authority officers, schools, governors and Elected Members, helping schools to have a better

understanding of local authority financial issues and the decisions made regarding school budgets. Forums have made funding arrangements more transparent and have built on good relationships between schools and local authorities.

The terms of reference have been compiled in accordance with the Schools Forums (Wales) Regulations 2003 which came into force on 13th November 2003.

#### Frequency of meetings

For the tasks of the forum to be carried out effectively, Welsh Government recommend that school forums should meet at least on a termly basis and schedule more frequent meetings to discuss any major issues that arise. It is beneficial for meetings to follow the local authority's financial cycle to enable participation with the decision-making process at the appropriate times.

#### **72 Pupil Referral Unit – Management Committee**

**Membership:** (2 representatives)

**Name of Members:** County Borough Councillors: R Lewis and G Caple

#### **73 Standing Advisory Council for Religious Education (SACRE)**

**Membership:** (5 representatives)

**Name of Members:** County Borough Councillors: K Webb, J Elliott, A Crimmings, W Treeby and TBC IND GROUP

#### **74 Welsh in Education Strategic Plan (WESP) Steering Group**

**Membership:** (2 representatives)

**Name of Member:** County Borough Councillors: R Lewis and C Leyshon

#### **75 Pontypridd BID Board**

**Membership:** (1 representative)

**Name of Member:** County Borough Councillor M Norris

**Terms of Reference:**

The Board will provide the strategic oversight and direction of the 'Your Pontypridd BID Company'- the legal entity that manages the BID - and is responsible for ensuring that the BID levy funds are properly invested in accordance with the agreed BID business plan as voted for by Pontypridd businesses. The Boards purpose is to oversee the delivery of the business plan, projects, and the efficient running of the company as well as the general promotion of the Pontypridd BID Company and Pontypridd to support the Company's principal activity.

## 7.6 **Armed Forces Steering Group**

**Membership:** (5 representatives)

**Name of Members:** County Borough Councillors: M Webber (Chair), C Middle (Vice Chair), S Bradwick, D Parkin and C Preedy.

**Terms of Reference:**

To provide strategic guidance to ensure the needs of Armed Forces personal living in Rhondda Cynon Taff are delivered by the Council and its partners in the public and third sector.

## 7.7 **Rhondda Cynon Taf Twinning Association Steering Group**

**Membership:**

The Deputy Leader & Cabinet Member for Council Business (Chair), alongside appropriate elected members.

The Steering Group shall appoint a Twinning Convenor to assist in the work taken forward. To enhance the work of the steering Group representatives from Town & Community Councils of Rhondda Cynon Taf are also part of the Group's membership.

The Steering Group shall have power to co-opt non-voting members to represent schools, local organisations, and individuals and to delegate any of its functions to Cabinet Members and officers.

**Name of Members:** County Borough Councillors: M Webber (Chair), T Leyshon, R Lewis and G Jones.  
Community Councillor: S Presse

Other Independent Members: Mr A Davies;  
Ms R  
Bosanko, Mr J Fish, and [VACANT]

**Terms of Reference:**

To promote and maintain international and town twinning links.

To broaden the mutual understanding of the cultural, recreational, educational, and commercial activities of the linked towns

To promote opportunities for personal development through cultural exchange.

To assist financially or otherwise for schools, local organisations, and individuals in forming new links with the schools, organisations and individuals in towns which have twinned with this authority to maintain existing links and to establish new links.

To monitor the activities of new and established twinning links.

**7.8 Major Incident Recovery Board**

**Membership:** (4 representatives)

**Names of Members:** Cabinet Members: A Morgan OBE (Chair), M Webber (Vice Chair) A Crimmings, M Norris and the relevant Cabinet Member related to the 'incident' to be considered, if not already part of the Membership.

The Quorum for this Committee will be 3 Members.

The Steering Group will also comprise representation as advised by the Leader of the Council to engage the appropriate Council and external expertise as appropriate. This may also include representatives from local and town centre businesses impacted by any incident.

**Purpose of the Steering Group:**

The Steering Group has been established to ensure an Authority-wide approach in the delivery of services and the prioritisation of resources in relation to any major incident, causing detrimental effect to the communities of the County Borough. The Board will lead business continuity planning in the immediate period following such an event and will continue to monitor the progress of associated action(s) agreed as part of the recovery plan determined by the Board.

### **Terms of Reference:**

- (a) To consider the Council's response and recovery plans following any severe incident which may occur and impact the County Borough.
- (b) To consider all proposals and response plans, including recommendations from officers in relation to the allocation of resources and the prioritisation of services, assets and infrastructure.
- (c) To secure all necessary advice and assistance, including, where necessary, external advice and to support the Council community leadership and civil contingency role in responding to the impact of this major incident.
- (d) To agree the Council's immediate recovery plan and associated actions moving forward.
- (e) Act as an advisory board to the Leader of the Council, should urgent executive decisions (as outlined in the Leader's scheme of delegation) be required to be taken in relation to matters connected with the Council's response to an incident.
- (f) Where appropriate, report or make recommendations to Council on these matters.

## **7.9 Corporate Parenting Board**

**Membership:** (8 representatives)

**Names of Members:** County Borough Councillors: G Caple (Chair), R Lewis (Vice Chair), C Leyshon, J Bonetto, P Evans, S Hickman, S Rees, and S Trask.

### **Terms of Reference:**

To take the lead in ensuring that the Council fulfils its responsibilities as corporate parent to children who are looked after and formulate Council policy in respect of children who are looked after and children in need.

To ensure that all Groups and divisions within the Council work together in order to promote best outcomes for children who are looked after and children in need.

To promote effective relationships with key partner agencies in the best interests of children who are looked after and children in need.

To monitor the implementation of the Action Plan arising from the Best Value Review of Services to children looked after, in addition to monitoring outcomes for children looked after and children in need.

To consider the outcomes and promote positive learning practices following consideration of Child Practice Reviews

In accordance with HMIP to routinely review the offending rates of LAC by gender to ensure that the Corporate Parenting Board understand patterns of offending by girls and are able to take actions to address where necessary.

To consider the impact of relevant other systems/agencies (e.g. health, courts, schools) and see how these could be improved.

To seek the views of children looked after - the advocacy service will be asked to facilitate.

To invite representatives from other agencies to attend as appropriate.

To report directly to Cabinet through an Annual report of the Board.

Tros Gynnal Plant (TGP) Cymru is also invited to attend the meetings. This enables both TGP Cymru and Children Services to discuss issues that affect service delivery in the community on a strategic level and to work in partnership to provide improved and better outcomes.

## **7.10 Central Adoption Panel**

**Membership:** (1 representative)

**Name of Member:** County Borough Councillor: S Rees

**Terms of Reference:**

To make recommendations in respect of the following:

- a) Whether (in cases of relinquished children) the child should be placed for adoption;
- b) Whether prospective adopters are suitable to adopt a child; and
- c) Whether the child should be placed with a particular prospective adopter.



## 7.11 Foster Care Panel

**Membership:** (1 representative)

**Name of Member:** County Borough Councillor S Rees

**Terms of Reference:**

To make recommendations in respect of the following to the Group Director for Community and Children's Services: -

- (1) to consider each application for approval and to recommend whether or not a person is suitable to act as a foster parent;
- (2) where it recommends approval of an application to recommend the terms on which the approval is given, for example, as to the numbers and ages of children, or whether the approval relates to any particular named child, or to any particular type of placement;
- (3) to recommend whether or not a person remains suitable to act as a foster parent, and whether or not the terms of his approval remains appropriate;
  - (i) on the first review
  - (ii) on the occasion of any other review when requested to do so by the fostering service provider

## 7.12 Strategic Culture and Arts Steering Group

**Membership:** (5 Representatives)

**Name of Members:** County Borough Councillors: B. Harris (Chair), A. Crimmings (Vice-Chair), J. Brencher, R. Lewis and D. Grehan.

The membership will also include: -

- Arts Council Wales (ACW) representative – A Owen-Hicks
- Community Representation

The Strategic Culture and Arts Steering Group consists of a cross-party Membership with representation from Cabinet Members, Elected Members, Director and officers; and the Arts Council Wales. The roles are integral in terms of the breadth of cultural knowledge, which will allow the Steering Group to discuss issues that affect the community

on a strategic level and to work in partnership to provide improved and better outcomes.

**Terms of Reference:**

The aim of the Strategic Culture and Arts Steering Group is to provide strategic guidance and advice on matters relating to arts and cultural services within Rhondda Cynon Taf County Borough Council. In particular, to advise on items affecting the Arts Service, RCT Theatres, Library Services and the Heritage Service. The Steering Group will focus on matters such as widening engagement; equity, diversity and inclusion; resilience; welsh language; climate justice; health and wellbeing; and sector skills development. The topics of each meeting will be considered on a thematic basis.

The Strategic Culture and Arts Steering Group will support the Council's delivery of the Wellbeing of Future Generations Act (Wales) 2015 through supporting the development of:

- A skilled population;
- A resilient economy;
- Healthier residents
- Equality of opportunity;
- Cohesive Communities;
- Opportunities for its residents to be creatively active through English and Welsh and;
- A positive contribution to global well-being.

**Frequency of Meetings:**

The Strategic Culture and Arts Steering Group will meet on a quarterly basis. Further meetings can be convened at the request of the Chair.

**PUBLIC SERVICE BOARD**

**7.13 Cwm Taf Public Services Board**

**Membership:** (1 representative)

**Name of Members:** The Leader, County Borough Councillor  
A Morgan OBE (Nominated Substitute  
Councillor A Crimmings)

**Background:**

In line with the requirements of the Wellbeing of Future Generations (Wales) Act 2015, statutory bodies called Public Services Boards (PSBs) came into effect from the 1<sup>st</sup> April, 2016 (taking over from Authorities previous non statutory Boards - Local Service Boards (LSB) PSBs will be established for each local authority area in Wales and the public bodies that make up the Boards will need to demonstrate their collective contribution to the wellbeing of the area and their contribution towards the national wellbeing goals.

**Terms of Reference:**

The Cwm Taf Public Services Board (PSB) is a merged Public Services Board, covering the areas of Merthyr Tydfil, Bridgend and Rhondda Cynon Taf (RCT) and was formed on the 12<sup>th</sup> May, 2016.

The PSB aims to act as the principal strategic leadership forum for the planning, commissioning and delivery of public services across organisational boundaries to achieve better outcomes for the people of Cwm Taf. It will seek to understand the major issues faced by each partner organisation, to become a more transparent Board through publishing data and performance; and will assist in transforming public services move from a reactive to a preventative agenda.

**Membership:**

The Wellbeing of Future Generations Act outlines requirements for membership of each PSB setting out a clear structure. Cwm Taf PSB must have statutory partners consisting:

- (a) The Councillors elected as Executive Leaders of Merthyr Tydfil County Borough Council, Bridgend and RCT County Borough Council (the local authority) or the elected Mayors;
- (b) The Head of the Authorities' paid service designated under Section 4 of the Local Government and Housing Act 1989;
- (c) Either the Chair, Chief Executive or both for Cwm Taf University Health Board (the Local Health Board for the area which falls within the local authority areas)
- (d) Either the Chief Officer, Chairman or both for South Wales Fire & Rescue Service; and
- (e) The Chief Executive for the Natural Resources Body for Wales.

The individuals referred to above may designate another individual to represent the organisation on their behalf. All members (formally designated or otherwise) must be present for a meeting of the PSB to be quorate.

A PSB for a local authority area must invite the following persons to participate in the activity of the board. These invited members must include:

- (a) the Welsh Ministers;
- (b) the Chief Constable of the police force for a police area any part of which falls within the local authority area;
- (c) the Police and Crime Commissioner for a police area any part of which falls within the local authority area;
- (d) a person required by arrangements under section 3(2) of the Offender Management Act 2007 (c.21) to provide probation services in relation to the local authority area; and
- (e) at least one body representing relevant voluntary organisations (whether or not the body is known as a County Voluntary Council).

Each Board may issue additional invitations to other partners to participate in the activity of the PSB.

**Scrutiny:**

In order to ensure democratic accountability with the Public Services Board, there is a requirement for a designated local government Scrutiny Committee of the relevant local authority to scrutinise the work of the PSB.

## SECTION 4 - TERMS OF REFERENCE OF COUNCIL, STANDING COMMITTEES AND OTHER QUASI JUDICIAL BODIES AND AD HOC COMMITTEES

Council and Committees are as follows:

Council and Standing Committees	Number of Members
1. Council	75
2. Planning and Development Committee	11
3. Licensing Committee	11
4. Licensing Committee Sub Committees	3
5. Governance and Audit Committee	9 (consisting of at least one third lay members (3). No more than 1 member may be a member of the Executive (excluding the leader). Political balance requirements apply.
6. Appointments Committee	5 plus substitutes at least 1 but no more than half must be members of the Executive
7. Appeals/Employee Appeals/Chief Officer Appeals Committee	5 plus substitutes at least 1 but no more than half must be members of the Executive
8. Overview and Scrutiny Committee	14
9. Education and Inclusion Scrutiny Committee	14 (plus statutory co-optees)
10. Community Services Scrutiny Committee (and designated Crime and Disorder) Scrutiny Committee	14

Council and Committees are as follows: (continued)

<b>Council and Standing Committees</b>	<b>Number of Members</b>
11. Climate Change, Prosperity & Frontline Services Scrutiny Committee	14
12. Standards Committee	6 (3 Independent members plus reserve Independent member/ 2 County Borough Councillors/1 Community Councillor member (plus reserves)
13. Democratic Services Committee	21
14. Constitution Committee	8
15. Pension Fund Committee	5

<b>Other</b>	<b>Number of Members</b>
1. VER Panel	5 plus substitutes
2. Joint Consultative Committee	4
3. Local Education Authority Governors (Appointments) Committee	5
4. Cwm Taf Public Services Board Joint Overview & Scrutiny Committee	10  5x elected members each from Rhondda Cynon Taf CBC and Merthyr Tydfil CBC

1. **Council**

**Membership**

- 1.1 The Council consists of 75 Councillors elected to Rhondda Cynon Taff County Borough Council.

**Terms of Reference**

- 1.2 To be the principal debating forum for major policy issues of significance to the Council and the people of Rhondda Cynon Taff.

- 1.3 To carry out the following functions:-

- (a) Adopting and changing the Constitution.
- (b) Approving or adopting the policy framework, the budget and any application to Welsh Ministers in respect of any Housing Land Transfer.
- (c) Subject to the urgency procedure contained in the Access to Information Procedure Rules in Part 4 of this Constitution, making decisions about any matter in the discharge of an Executive function which is covered by the policy framework or the budget where the decision maker is minded to make it in a manner which would be contrary to the policy framework or contrary to/or not wholly in accordance with the budget.
- (d) Appointing the Leader.
- (e) Agreeing and/or amending the terms of reference for Council Committees, deciding on their composition and making appointments (Councillors and non-Councillors) to them unless delegated by the Council.
- (f) Appointing representatives to outside bodies unless the appointment is an Executive function or has been delegated by the Council.
- (g) performing the corporate joint committee functions set out in Article 10 to this Constitution, including the making of a corporate joint committee application and the giving of consent to corporate joint committee regulations being made;
- (h) allocating senior salaries to Members in accordance with the Independent Remuneration Panel For Wales Regulations;
- (i) approving the Council's annual Pay Policy Statement
- (j) Changing the name of the area or a Community.
- (k) To confer the title of Honorary Alderman or to admit to be an

Honorary Freeman of the County Borough.

- (l) Making or confirming the appointment of the Chief Executive and relevant Chief Officers.
- (m) Making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or Personal Bills.
- (n) All local choice functions set out in Part 3 of this Constitution which the Council decides should be undertaken by itself rather than the Executive.
- (o) consulting local people, other persons carrying on a business in the Council's area, the officers of the Council and every trade union which is recognised by the Council about the extent to which the Council is meeting its performance requirements;
- (p) preparing an annual report on the extent to which the Council has met its performance requirements;
- (q) making arrangements for a panel performance assessment and responding to the panel's report;
- (r) approving, reviewing and amending the Council's Petition Scheme;
- (s) reviewing, approving and amending the Council's wellbeing objectives in accordance with section 9 of the Well-being of Future Generations (Wales) Act 2005 and the accompanying statutory guidance issued by the Welsh Government;
- (t) considering Chief Executive reports prepared pursuant to section 54(2)(b) of the Local Government and Elections (Wales) Act 2021, within 3 months of them being made;
- (u) considering annual reports received from the Standards Committee, within 3 months of them being made;
- (v) keeping under review the extent to which:
  - (a) the Council is exercising its functions effectively;
  - (b) using its resources economically, efficiently and effectively; and
  - (c) its governance arrangements are effective for securing the matters set out in a) and b) above.
- (w) The decision whether or not to accept a delegation of an



Executive or non-executive function from another local authority.

- (x) The adoption of Member and Officer codes of conduct and protocols recommended by the Standards Committee.
  - (y) Receiving and considering reports from the Executive or Committees as appropriate.
  - (z) The reviewing or scrutinising of a decision or proposed decision of the Executive, individual Executive Councillor or Area Committee, or a decision of a Committee discharging non-executive functions.
  - (aa) Receiving and considering reports from statutory Officers (arising from their statutory roles) and other Officers (in relation to any Council functions not delegated to a Committee).
  - (bb) Adopting arrangements for the appointment of Chief Officers.
  - (cc) All other matters which, by law, must be reserved to Council.
- 1.4 To appoint the Chair and Vice Chair of Council Committees.
- 1.5 To provide all Councillors with the opportunity to:
- (a) Raise issues through formal questions to the Leader of the Council or Executive Councillors.
  - (b) Put motions to the Council and seek debates on issues of major or local significance.
  - (c) Present petitions

and to refer issues raised, if appropriate, to the Executive or relevant Executive Councillor, a Committee (non-executive functions), Overview and Scrutiny Committee or Area Committee for consideration.

### **Powers Delegated to Chief Officers**

- 1.6 All operational and management requirements arising from the Council's Terms of Reference.

## **2. Planning and Development Committee**

### **Terms of Reference**

- 2.1 To discharge the functions of Rhondda Cynon Taff County Borough Council in relation to all the aspects of the following Planning and Development matters:-

- (a) Power to determine applications for planning permission;

- (b) Power to determine applications to develop land without compliance with conditions previously attached;
- (c) Power to grant planning permission for development already carried out;
- (d) Power to decline to determine applications for planning permission;
- (e) Duties relating to the making of determinations of planning applications.
- (f) Power to determine applications for planning permission made by a local authority, alone or jointly with another person.
- (g) Power to make determinations, give approvals and agree certain other matters relating to the exercise of permitted development rights.
- (h) Power to enter into agreements regulating development or use of land.
- (i) Power to issue a certificate of existing or proposed lawful use or development.
- (j) Power to serve a completion notice.
- (k) Power to grant consent for the display of advertisements.
- (l) Power to authorise entry onto land.
- (m) Power to require the discontinuance of a use of land.
- (n) Power to serve a planning contravention notice, breach of condition notice or stop notice.
- (o) Power to issue an enforcement notice.
- (p) Power to apply for an injunction restraining a breach of planning control.
- (q) Power to determine applications for hazardous substances consent, and related powers.
- (r) 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.
- (s) Power to require proper maintenance of land.

- (t) Power to determine applications for listed building consent, and related powers.
- (u) Power to determine applications for conservation area consent.
- (v) Duties relating to applications for listed building consent and conservation area consent.
- (w) Power to serve a building preservation notice, and related powers.
- (x) Power to issue enforcement notice in relation to demolition of unlisted building in conservation area.
- (y) Powers to acquire a listed building in need of repair and to serve a repairs notice.
- (z) Power to apply for an injunction in relation to a listed building.
- (aa) Power to execute urgent works.
- (bb) Power related to mineral working.
- (cc) Power related to footpaths and bridleways.
- (dd) Power as to certification of appropriate alternative development.
- (ee) Power to serve purchase notices.
- (ff) Powers related to blight notices.
- (gg) Powers relating to the preservation of trees.
- (hh) Powers relating to the protection of important hedgerows.
- (ii) Power to make limestone pavement orders.
- (jj) Power to issue an Enforcement Warning Notice.
- (kk) Duties in relation to Developments of National Significance and Nationally Significant Infrastructure Projects.
- (ll) Power to issue Local Impact Reports for Developments of National Significance and Nationally Significant Infrastructure Projects.
- (mm) Power to issue Screening and Scoping Opinions.
- (nn) Powers to issue Temporary Stop Notices for Listed Buildings.

(oo) Power to issue discharge conditions.

(pp) Power to issue formal pre-application advice.

Where Members of the Planning and Development Committee are minded to take a decision against Officer Recommendation, Members should defer consideration of that matter to the next meeting of the Committee in order to receive a further report from the Director of Prosperity and Development, if necessary, in consultation with the Director of Legal & Democratic Services, upon the strengths and weaknesses of any proposed or possible planning reasons for such a decision.

### **Powers Delegated to Officers**

2.2 The following powers are delegated to the Director of Prosperity & Development:

2.2.1 The determination of planning (and other planning related) applications, the issuing of screening and scoping opinions under the EIA Regulations and all functions and procedures relating to Town and Country Planning (including Enforcement) as contained within the following Acts (as amended where applicable) and including all subordinate legislation:

- Planning and Compensation Act 2004
- The Town and Country Planning Act 1990
- The Planning (Listed Buildings and Conservation Areas) Act 1990
- The Planning (Hazardous Substances) Act 1990
- The Caravan Sites and Control of Development Acts 1960 and 1968
- The Environment Act 1995
- The Planning and Compensation Act 1991
- Land Compensation Act 1991
- Habitats Directive 92/43/EEC
- Planning Act 2008
- Planning (Wales) Act 2015
- Historic Environment (Wales) Act 2016

Subject to the following exceptions:-

- (a) Applications where a Councillor submits a written request to the Director of Prosperity & Development for it to be reported to the Planning and Development Committee.
- (b) Applications that the Director of Prosperity & Development considers that the nature of the proposal warrants the involvement of the Planning and Development Committee.
- (c) Enforcement action that the Director of Prosperity & Development considers that that nature of the development or breach warrants the involvement of the Planning and Development Committee.
- (d) Applications submitted by serving Councillors or their immediate family or employees of the Regeneration and Planning Service or their immediate families.
- (e) Applications submitted by, or on behalf of, the Council or involving land owned by the Council, where the nature of the Council's interests is more than a minor nature.
- (f) Applications that are accompanied by an Environmental Impact Assessment.
- (g) Applications for consent to erect electricity lines which have a capacity of 132KV or above.
- (h) Applications where there are three or more objections by persons directly affected by the proposal and the Planning Department wish to recommend approval of the application contrary to those objections.
- (i) Applications where the Director of Prosperity & Development is recommending approval which would be contrary to the provisions of the Development Plan.
- (j) Full applications for residential development for more than 5 dwellings or outline applications on a site area of greater than 0.5 hectares.
- (k) Reserved matters applications for 10 or more dwellings.
- (l) Reserved matters application for mixed use/business or commercial development where the gross external floor area of buildings exceed 1000 sq. metres where it is within 200 metres of any dwelling or 5000 sq. metres in all other cases.
- (m) Applications for new-build commercial, industrial or retail development or applications to extend the same which exceeds 50% of its original size.

- (n) Applications to change premises into a public house or licensed club or applications to extend an existing public house or licensed club.
- (o) Applications for more than 3 caravans.
- (p) Full planning applications for telecommunication masts and apparatus.
- (q) Applications for Grade I or II\* Listed Building Consent.

and, if authorised by the Director for Prosperity & Planning to a Planning Department Manager.

2.2.2 All functions relating to the Building Control/Regulation contained within the following Act (as amended where applicable) and including all subordinate legislation:

- The Building Act 1984

and any officer authorised by the Director of Prosperity & Planning.

### 3. **Licensing Committee**

#### **Terms of Reference**

3.1 To discharge the functions of Rhondda Cynon Taff County Borough Council in respect of licensing functions including the adoption of legislative provisions, the designation of areas and streets, the grant, refusal, issue, revocation, cancellation and suspension of licenses in respect of:-

- (a) Power to issue licences authorising the use of land as a caravan site ("site licences").
- (b) Power to licence the use of moveable dwellings and camping sites.
- (c) Power to licence hackney carriages and private hire vehicles.
- (d) Power to licence drivers of hackney carriages and private hire vehicles.
- (e) Power to licence operators of hackney carriages and private hire vehicles.
- (f) Power to licence sex shops and sex cinemas.
- (g) Power to licence performances of hypnotism.
- (h) Power to licence premises for acupuncture, tattooing, ear-

piercing and electrolysis.

- (i) Power to licence pleasure boats and pleasure vessels.
  - (j) Power to licence market and street trading.
  - (k) Power to licence night cafes and take-away food shops.
  - (l) Duty to keep list of persons entitled to sell non-medicinal poisons.
  - (m) Power to licence dealers in game and the killing and selling of game.
  - (n) Power to licence premises for the breeding of dogs.
  - (o) Power to licence pet shops and other establishments where animals are bred or kept for the purposes of carrying on a business
  - (p) Power to register animal trainers and exhibitors.
  - (q) Power to licence zoos.
  - (r) Power to licence dangerous wild animals.
- 3.2 To exercise the Licensing functions under Part 2 of the Licensing Act 2003 except Section 6 and any amendment or re-enactment thereof.
- 3.3 Powers to exercise any of the Licensing functions under Part 2 of the Licensing Act 2003 are delegated to Sub Committees comprising of any three Members of the Licensing Committee.
- 3.4 To exercise the licensing functions under the Gambling Act 2005 except those reserved for Council (approval of licensing policy and not to permit casinos).
- 3.5 Powers to exercise any of the licensing functions under the Gambling Act 2005 are delegated to Sub Committees comprising of any three members of the Licensing Committee.
- 3.6 To consider contested applications for determination under the provisions of the Scrap Metal Dealers Act 2013
- 3.7 To consider appeals for determination against refusal to allow use as Transport Contract Personnel by the Integrated Transport Unit Head of Service.

#### **Powers Delegated to Chief Officers**

- 3.8 All operational and management requirements arising from the Committee's Terms of Reference including the issue of licences and the registration of applications which are not the subject of any

objections from third parties. In respect of Licensing Functions under Part 2 of the Licensing Act 2003 a table of delegation of functions to officers is set out in the Council's adopted Licensing Policy Statement. In respect of licensing functions under the Gambling Act 2005 the delegation of functions to officers is set out in the Council's Adopted Policy Statement as are the functions of authorised persons in accordance with Section 304 of the Gambling Act 2005 and prosecutions by a licensing authority in accordance with Section 346 of the Gambling Act 2005.

#### 4. **Governance and Audit Committee**

##### **Statement of Purpose & Terms of Reference**

- 4.1 The Governance and Audit Committee is a key component of Rhondda Cynon Taf County Borough Council's corporate governance. It provides independent and high level focus on the audit, assurance and reporting arrangements that underpin good governance and financial standards.

The purpose of the Governance and Audit Committee is to provide independent assurance to the Members of Rhondda Cynon Taf County Borough Council of the adequacy of the risk management framework and the internal control environment. It provides independent review of Rhondda Cynon Taf County Borough Council's governance, risk management and control frameworks and oversees the financial reporting and annual governance processes. It oversees internal audit and external audit, helping to ensure efficient and effective assurance arrangements are in place.

As a key element of new arrangements for corporate governance, designed to ensure openness, integrity and accountability, the Committee will assist the Authority in discharging its responsibility for ensuring financial probity, without taking any action which might prejudice it. The Committee will:-

- (A) At the first meeting of the Governance and Audit Committee following the Council's Annual General Meeting the Governance and Audit Committee shall appoint the Chair of the Governance and Audit Committee (who must be a lay member) and appoint the Vice-Chair of the Governance and Audit Committee.



## Governance, Risk and Control

- (B) To review the Annual Governance Statement prior to approval and consider whether it properly reflects the risk environment and supporting assurances, taking into account Internal Audit's opinion on the overall adequacy and effectiveness of the Council's framework of governance, risk management and control.
- (C) Review, scrutinise and issue reports and recommendations on the appropriateness of the Authority's risk management, internal control and corporate governance arrangements, and providing the opportunity for direct discussion with the auditor(s) on these.
- (D) To review the assessment of fraud risks and potential harm to the Council from fraud and corruption and to monitor the counter-fraud strategy, actions and resources.
- (E) To review the governance and assurance arrangements for significant partnerships or collaborations.
- (F) To receive reports in relation to proposed changes to the Authority's Contract Procedure Rules and Financial Procedure Rules and where deemed appropriate, recommend their approval to Council.

## Internal Audit

- (G) To approve the Internal Audit Charter.
- (H) Review, approve and ensure the co-ordination of the risk based Annual Internal Audit Plan for the coming financial year.
- (I) To make appropriate enquiries of both management and the Head of Regional Internal Audit Service to determine if there are any inappropriate scope or resource limitations and to consider any impairments to independence or objectivity arising from additional roles or responsibilities outside of internal auditing of the Head of Regional Internal Audit Service. To approve and periodically review safeguards to limit such impairments.
- (J) To receive reports on the performance of the Internal Audit Service throughout the year particularly in relation to matters of financial probity and corporate governance.
- (K) To contribute to the Quality Assurance Improvement Programme and in particular, to the external quality assessment of Internal Audit that takes place at least once every five years.

- (L) To provide free and unfettered access to the Governance and Audit Committee Chair for the Head of Regional Internal Audit Service, including the opportunity for a private meeting with the Committee.
- (M) To receive and consider the Head of Regional Internal Audit Service's Annual Report and opinion on the level of assurance it can give over the Authority's governance arrangements and associated internal control environment.
- (N) Act as a point of arbitration, where senior officers of the Authority are unable to agree significant audit report recommendations.

#### External Audit

- (O) To receive and consider reports of the External Auditor in relation to matters of financial probity and corporate governance and providing the opportunity for direct discussion with the auditor(s) on these.
- (P) Consider national reports, for example, from the Wales Audit Office, of relevance to the work of the Authority.

#### Financial Reporting

- (Q) Review, scrutinise and issue reports and recommendations in relation to the Authority's financial affairs, and providing the opportunity for direct discussion with the auditor(s) on these.
- (R) Review and comment on the Authority's certified draft financial statements before their approval by Council.

#### Accountability Arrangements

- (S) Oversee the Authority's audit arrangements (both internal and external).
- (T) Promote and review any measures designed to raise the profile of probity within the Authority.
- (U) Agree, where Committee Members deem it appropriate, that a matter arising from a written report to a Committee which requires further clarification may be either dealt with by a request for a written commentary from the appropriate designated officer, or by that designated officer or their senior representative, attending to answer questions in person on that specific matter. Alternatively, the Governance and Audit Committee can refer the matter to the relevant Scrutiny Committee.
- (V) The Committee may require members and officers of the Authority to attend before it to answer questions. Such members and officers

have a duty to comply but are not obliged to answer any questions that may be refused in court proceedings in England and Wales. The Committee may invite other persons to attend the meeting.

#### Council Performance Arrangements

- (W) (i) To consider the Council's draft Annual Performance Self - Assessment report and if deemed necessary may make recommendations for changes to the Council.
- (ii) To receive the Council's finalised Annual Self-Assessment report in respect of a financial year as soon as reasonably practicable after the end of that financial year.
- (iii) At least once during the period between two consecutive ordinary elections of councillors to the Council, consider the independent Panel Performance Assessment report into which the Council is meeting its performance requirements.
- (iv) To receive and review the Council's draft response to the report of the independent Panel Performance Assessment and if deemed necessary may make recommendations for changes to the statements made in the draft response to the Council.

#### Complaints Handling

- (X) (i) To review and assess the Council's ability to deal with complaints effectively.
- (ii) To make reports and recommendations in relation to the Council's ability to deal with complaints effectively

#### **Powers Delegated to Chief Officers**

- 4.2 All operational and management requirements arising from the Committee's Terms of Reference.

#### 5. **Appointments Committee**

##### **Terms of Reference**

##### **Appointments**

- 5.1 To discharge the functions of the Council in respect of the appointment of Chief Officers and Deputy Chief Officers (as defined in the Local Authorities (Standing Orders) (Wales) Regulations 2006 (the '2006 Regulations') and the statutory Head of Democratic Services in

accordance with the Officer Employment Procedure Rules and any other relevant Council policies and procedures.

### **Employment Conditions**

- 5.2 (a) to consider and determine policy and issues arising from the terms and conditions of Chief Officers and Deputy Chief Officers (as defined in the 2006 Regulations), subject to the approval of full Council in respect of any determination or variation of the remuneration of Chief Officers (as defined in the 2006 Regulations); and
- (b) to consider requests for regrading of Chief Officers and Deputy Chief Officers (as defined in the 2006 Regulations) whether by way of appeal by an employee against a decision to refuse the regarding application or decide applications for regrading which are supported, subject to the approval of full Council in respect of any determination or variation of the remuneration of Chief Officers (as defined in the 2006 Regulations)

### **Powers Delegated to Chief Officers**

- 5.3 All operational and management requirements arising from the Committees Terms of Reference.

## **6. Appeals/Employee Appeals/Chief Officer Appeals Committee**

### **Terms of Reference**

- 6.1 To discharge on behalf of the Council the following functions:
- To hear and determine grievance, disciplinary, capability, redundancy or other dismissal appeals within the Council's procedures in respect of all staff including Chief Officers.
  - To hear any other appeal against a decision made or on behalf of the Authority.

### **Powers Delegated to Chief Officers**

- 6.2 All operational and management requirements arising from the Committees Terms of Reference.

## **7. Overview and Scrutiny Committee**

### **Terms of Reference**

- 7.1 For Terms of Reference see Part 4 – Rules of Procedure – Overview and Scrutiny Procedure Rules and Part 2 - Article 6.

## 8. **Standards Committee**

### **Terms of Reference**

8.1 The Standards Committee will have the following roles and functions:

- (a) Promoting and maintaining high standards of conduct by Councillors, co-opted Members and Church and Parent Governor representatives.
- (b) Assisting the Councillors, co-opted Members and Church and Parent Governor representatives to observe the Members' Code of Conduct.
- (c) Advising the Council on the adoption or revision of the Members' Code of Conduct.
- (d) Monitoring the operation of the Members' Code of Conduct.
- (e) Advising, training or arranging to train Councillors, co-opted Members and Church and Parent Governor representatives on matters relating to the Members' Code of Conduct.
- (f) Granting dispensations to Councillors, co-opted Members and Church and Parent Governor representatives from requirements relating to interests set out in the Members' Code of Conduct.
- (g) Dealing with any reports from a case tribunal or interim case tribunal, and any report from the Monitoring Officer on any matter referred to that Officer by the Public Services Ombudsman For Wales.
- (h) overview of complaints handling and Ombudsman investigations relating to Councillors, co-opted Members and Church and Parent Governor representatives;
- (i) Oversight of the protocols adopted by the Council.
- (j) Oversight of the register of personal interests maintained under Section 81 of the Local Government Act 2000.
- (k) Oversight of the gifts and hospitality register.
- (l) Monitor adherence to the Council's Management of Unreasonably Persistent Customers Policy by Group and Service Directors.
- (m) The Committee will exercise the functions set out in (a) - (g) above in relation to Community Councils and Members of Community Councils.

## **Powers Delegated to the Monitoring Officer**

8.2 All operational and management requirements arising from the Committees Terms of Reference.

### **9. Democratic Services Committee**

#### **Terms of Reference**

9.1 The Democratic Services Committee shall have the following requirements and functions:

(a) Each Member of the Democratic Services Committee must be a Member of the Council: and

No more than one Member of the committee be a Member of the executive which executive member must not be the Leader.

(c) The Democratic Services Committee is a body to which Section 15 of the Local Government and Housing Act 1989 (duty to allocate seats to political groups) applies.

(d) The Chair of the Democratic Services Committee must not be a member of the 'Executive group'.

(e) The Democratic Services Committee may appoint one or more sub-committees, and may arrange for the discharge of any of its functions by such a sub-committee.

(f) Any sub-committee of the Democratic Services Committee may not discharge functions other than those conferred on it.

(g) The Democratic Services Committee is to appoint the person who is to chair any sub-committee of such a Committee.

(h) All Members of the Democratic Services Committee, or of a sub-committee of the committee, may vote on any question that falls to be decided by the Committee.

(i) The Democratic Services Committee may require members and officers of the Council to attend before it to answer questions such members and officers having a duty to comply with but are not obliged to answer any questions which they would be entitled to refuse to answer in court proceedings in England and Wales. The Democratic Services Committee may invite other persons to attend meetings of the committee.

(j) The Democratic Services Committee must meet at least once in every calendar year.

(k) The Democratic Services Committee must meet if the Council resolves it should meet.

- (l) At least one third of the members of the Democratic Services Committee may requisition a meeting by giving notice in writing to the chair of the committee.
- (m) The Chair of the Democratic Services Committee must secure that meetings are held in accordance with the requirements stated in paragraph (j) – (l) above.
- (n)
  - (i) Designating one of the Council's Officers to be the Head of Democratic Services (who may not be the Head of Paid Service, Monitoring Officer or Chief Finance Officer (as defined in the Local Government and Housing Act 1989). The Head of Democratic Services shall exercise the functions as set out in Section 9 (1) of the Measure;
  - (ii) Review the adequacy of provision by the Council of staff, accommodation and other resources to discharge Democratic Services functions; and
  - (iii) make reports and recommendations to the Council in relation to such provision.
- (o) To determine how it exercises its functions listed under paragraphs (n)(i)(ii)(iii) above and not exercise any functions other than those set out in these Terms of Reference.
- (p) To consider any report or recommendation sent to its members prepared by the Head of Democratic Services under Section 9(1) (h) of the Measure at a meeting held not more than three months after copies of the report are first sent to members of the committee.
- (q) As soon as practicable after it has prepared a report or made a recommendation under paragraph (p) above arrange for a copy of it to be sent to each Member of the Council who is not a Member of the Committee.
- (r) The Council must consider any report or recommendation at a meeting held not more than three months after copies of the report or recommendation are first sent to the Members of the Council.
- (s) To have regard to formal guidance issued by The Welsh Ministers.
- (t) An Executive Member sitting on the Democratic Services Committee should have within his/her portfolio Member Development and Training and/or be the Members Champion.
- (u) To carry out duties as required under the Family Absence for Members of Local Authorities (Wales) Regulations 2013.

- (v)(i) The Democratic Services Committee may, at the request of the Council, review any matter relevant to
  - (a) The support and advice available to Members, and
  - (b) The terms and conditions of office of Members
- (ii) The Democratic Services Committee must make reports and recommendation to the Council following a review
- (iii) It is for the Democratic Services Committee to determine how it exercises its functions under v(i) and v(ii) above.

**10. Constitution Committee**

The Chair of the Corporate Governance and Constitution Committee shall be the Llwydd / Presiding Officer as elected annually at the Annual General Meeting (and in his/her absence the Deputy Presiding Officer).

**Terms of Reference**

- 10.1 To review the Council's Constitution, and to recommend to Council and/or the Cabinet any changes in respect of:-
  - (a) drafting improvements to enhance clarity and remove minor anomalies;
  - (b) updating to reflect legislative changes and matters of record; and
  - (c) amendments to the Budget and Policy Framework, Financial and Contracts Procedure Rules (subject to the advice of the Section 151 Officer being sought).

**11. VER Panel**

**Terms of Reference**

- 11.1 To consider applications from employees for voluntary early retirement.

**Powers Delegated to Chief Officers**

- 11.2 All operational and management requirements arising from the Council's Terms of Reference.

**12. Joint Consultative Committee (Trade Unions)**

**Terms of Reference**

- 12.1 To discharge on behalf of the Council the following functions:
  - (a) To provide a forum for the exchange of views between elected



Members and Trade Unions on matters affecting employees.

- (b) To consider specific matters affecting employees that are referred to it by Council Members, the Unions and Officers.

**Powers Delegated to Chief Officers**

- 12.2 All operational and management requirements arising from the Council's Terms of Reference.

**13 Local Education Authority Governors (Appointments) Committee**

**Terms of Reference**

- 13.1 To exercise the functions of the Local Education Authority in respect of the appointment/removal of any permanent or temporary school governors.

**Powers Delegated to Chief Officers**

- 13.2 All operational and management requirements arising from the Council's Terms of Reference.

**14 Pension Fund Committee**

**Terms of Reference**

- 14.1 The Pension Fund Committee will have the following specific roles and functions with regards to the Rhondda Cynon Taff Pension Fund (the 'Fund'), taking account of advice from the Director of Finance and Digital Services (in their capacity as s151 Officer) and the Fund's professional advisers:-

- a) Determining the Fund's aims and objectives, strategies, statutory compliance statements, policies and procedures for the overall management of the Fund, including in relation to the following areas:
  - i) Governance – approving the Governance Policy and Compliance Statement for the Fund;
  - ii) Funding Strategy – approving the Fund's Funding Strategy Statement including ongoing monitoring and management of the liabilities, giving due consideration to the results and impact of the triennial actuarial valuation and interim reports;
  - iii) Investment strategy - approving the Fund's investment strategy, Statement of Investment Principles and Myners Compliance Statement including setting investment

- targets and ensuring these are aligned with the Fund's specific liability profile and risk appetite;
- iv) Administration Strategy – approving the Fund's Administration Strategy determining how the Council will the administer the Fund including collecting payments due, calculating and paying benefits, gathering information from and providing information to scheme members and employers;
  - v) Communications Strategy – approving the Fund's Communication Strategy, determining the methods of communications with the various stakeholders including scheme members and employers;
  - vi) Stewardship Code – approving the Fund's Stewardship Code to promote best practice in stewardship that is consistent with seeking long-term investment returns;
  - vii) Discretions – determining how the various administering authority discretions are operated for the Fund; and
  - viii) Internal Dispute Resolution Procedure – determining how the Scheme Member disputes are administered.
- b) Monitoring the implementation of these policies and strategies as outlined in a) above on an ongoing basis.
  - c) Considering the Fund's financial statements as part of the approval process and to receive the Fund's Annual Report. Receive internal and external audit reports on the same.
  - d) Receiving ongoing reports from the Director of Finance and Digital Services in relation to their delegated functions.
  - e) To provide independent assurance to members of the Fund of the adequacy of the risk management and associated control environment, responsible for the Fund's financial and non-financial performance.
  - f) To adhere to the principles set out in the Pensions Regulator Code of Practice and undertake its duties in compliance with the obligations imposed on it.
  - g) To receive regular training to enable Committee Members to make effective decisions and be fully aware of their statutory and fiduciary responsibilities and their stewardship role.
  - h) Consider any pension compliance matters raised by the Fund's Pension Board.

## **Powers Delegated to Chief Officers**

14.2 The Director of Finance and Digital Services (in their capacity as s151 officer) shall have delegated responsibility for all day to day operational matters of the Rhondda Cynon Taff Pension Fund (the 'Fund'), including (but not restricted to):-

- a) Selection, appointment and dismissal of the Fund's advisers, including actuary, benefits consultants, investment consultants, global custodian, fund managers, lawyers, pension funds administrator, and independent professional advisers.
- b) Making decisions relating to employers joining and leaving the Fund. This includes which employers are entitled to join the Fund, any requirements relating to their entry, ongoing monitoring and the basis for leaving the Fund.
- c) Agreeing the terms and payment of bulk transfers into and out of the Fund.
- d) Agreeing Fund business plans and monitoring progress against them.
- e) Maintain the Fund's Knowledge and Skills Policy for all Pension Fund Committee Members and for all officers of the Fund, including determining the Fund's knowledge and skills framework, identifying training requirements, developing training plans and monitoring compliance with the policy.
- f) Formulate responses to consultations on LGPS matters and other matters where they may impact on the Fund or its stakeholders.
- g) Ensuring the Fund is managed and pension payments are made in compliance with the extant Local Government Pension Scheme Legislation, Her Majesty's Revenue & Customs requirements for UK registered pension schemes and all other relevant statutory provisions.
- h) Ensuring robust risk management arrangements are in place.
- i) Ensuring the Council operates with due regard and in the spirit of all relevant statutory and non-statutory best practice guidance in relation to its management of the Fund.
- j) Monitor investment performance.

- k) Work with the Fund Actuary to determine the level of employer contributions required from each employer within the Fund, and ensure such contributions are received.

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## **SECTION 5 - GENERAL SCHEME OF DELEGATION OF EXECUTIVE AND NON-EXECUTIVE FUNCTIONS TO OFFICERS**

### **1. Introduction**

The following functions are delegated to Chief Officers by the Council under Section 101 of the Local Government Act 1972 and by the Leader under Section 15 of the Local Government Act 2000.

All Chief Officers are authorised to make arrangements for the proper administration of the functions falling within their responsibility which are set out at Appendix 1 to this part of the Constitution. Specific functions can be undertaken jointly between Groups or Divisions or transferred between Groups or Divisions and if there is any dispute or uncertainty the Chief Executive may make a final determination.

- 1.1 The Chief Officers may authorise Officers in their or another Group/Service Area to exercise, functions delegated to them subject to such limits as they see fit. Where a Chief Officer authorises another Officer to discharge a function or power the Chief Officer remains responsible to the Council for the proper exercise of that function.
- 1.2 The Scheme delegates powers and duties within broad functional descriptions and includes powers and duties under all legislation present and future within those descriptions and all powers and duties including those relating to the employment, discipline and dismissal of staff and incidental legislation. In all cases delegated authority includes the power to issue and serve statutory and other notices, to institute formal cautions, to institute, prosecute and defend legal proceedings before courts or tribunals to settle including withdrawal and discontinuance of legal proceedings, to take default action under all legislation relevant to their functional area and to authorise Officers to appear on behalf of the Council in courts, tribunals, review boards and inquiries, to designate and/or authorise Officers pursuant to statutory powers or duties, also to sign all necessary documents and authorise entry to land in pursuance of statutory powers and for the avoidance of doubt the Director of Legal & Democratic Services may also exercise any of these powers in respect of all functional areas. In all cases, delegated authority includes the power to determine agreements. Any powers or duties exercised under previous delegations shall remain valid and effective.

- 1.3 The Constitution includes power for the Executive and for Committees to delegate their functions onwards to officers or to other local authorities.
- 1.4 Functions of the Council are divided between :-
- 1.4.1 Executive functions which are all those functions of the Council which are not non executive functions and;
  - 1.4.2 Non executive functions which are those functions listed in the Constitution together with any other functions which are required by statute or regulations to be non executive functions or local choice functions which the Council decides will be non executive functions.
- 1.5 Any exercise of responsibility of functions or delegated powers shall comply with:-
- 1.5.1 Any statutory provisions;
  - 1.5.2 The Council's Constitution including in particular the Rules of Procedure;
  - 1.5.3 The Council's Policy Framework and Budget;
  - 1.5.4 Members Code of Conduct and the Code of Conduct for Employees;
  - 1.5.5 Agreed arrangements for recording the decisions;
  - 1.5.6 Taking legal or other appropriate professional advice when required; and
  - 1.5.7 The principles of Best Value using the most efficient and effective means available.
- 1.6 The Scheme does not delegate any matter which
- 1.6.1 Is reserved by law or by this Constitution to the full Council or a Committee or the Cabinet; or
  - 1.6.2 Which may not by law be delegated to an officer.
- 1.7 Officers should in appropriate circumstances keep the appropriate Cabinet Member(s) properly informed of action taken under these delegations.

- 1.8 It is always open to the Cabinet or any Committee of the Council as appropriate to take decisions on any matter falling within the delegated power of an officer, provided that the matter is within their terms of reference.
- 1.9 Where expenditure is involved, such action shall be conditional upon financial provision being included within the approved budget of the Council and Financial Procedure Rules being complied with.
- 1.10 Should the title of an Officer be altered from that shown due to a re-organisation of group arrangements or any other reason, the approved delegated powers and duties may be exercisable by the Chief Executive or the appropriate Chief Officer, as the case may be, responsible for the function in question.
- 1.11 Any reference to a Committee shall be deemed to include a reference to any other Committee to which the Council may from time to time delegate the performance of the function referred to.
- 1.12 Any reference to a specific statute includes any statutory extension or modification or re-enactment of such statute and any regulation, orders or bylaws made thereunder.
- 1.13 In exercising these delegated powers the Chief Executive or the Chief Officer concerned shall have broad discretion subject to complying with all relevant legislation, the Council's Constitution, Council Procedure Rules and Financial Procedure Rules and overall Council policy, to use the most efficient and effective means available, including the deployment of staffing and other resources within their control and the procurement of other resources necessary, whether within or outside the Council.
- 1.14 Officers shall act so as to achieve for their service the policies and objectives of their service area always having regard to the overall corporate interests of the Council.
- 1.15 In exercising delegated powers, Officers shall consult other Officers as appropriate and shall have regard to any advice given.

- 1.16 It shall always be open to an Officer to consult a Cabinet Member, a Committee, or its Chair or Vice-Chair before the exercise of the delegated powers; Where a particular matter under delegated authority gives the Officer (or the relevant Cabinet Member or Chair) cause for concern, it should be the subject of a report to the relevant Cabinet Member or the Cabinet or Committee. Any requirements for consultation with local members on matters affecting their electoral division will also be adhered to.
- 1.17 The Chief Executive shall be entitled to exercise any functions otherwise delegated to a Chief Officer in the event of that officer's absence or refusal to exercise specific delegated powers or in an emergency.
- 1.18 Where a decision is required urgently in order to protect the interests of the Council or to prevent or reduce the risk of damage to persons or property, the Chief Executive, any Chief Officer or any individual Cabinet Member in respect of functions within his/her portfolio and in consultation with the Chief Executive or a Chief Officer may take such a decision.
- 1.19 All decisions taken by Officers under the Scheme of Delegation are open to scrutiny. All Key Decisions shall be open to scrutiny via the Council's 'call-in' procedures in accordance with the Council's Overview and Scrutiny Procedure Rules (See Part 4 of the Constitution).
- 1.20 A 'Key Decision' is a decision which is likely:
- a) to result in the Council incurring expenditure which is, or the making of savings which are, significant; or
  - b) to be significant in terms of its effects on Communities living or working in an area comprising two or more electoral wards.
- 1.21 All other decisions shall be 'Operational Decisions'.
- 1.22 A sufficient record must be made of all Key and Operational Decisions including supporting evidence.
- 1.23 Key Decisions taken by Officers under this General Scheme of Delegation shall be published on the Council's website within 2 clear working days following the decision being taken.
- 1.24 A Key Decision will come into force and may be implemented on the expiry of three clear working days after the publication of



the decision, unless the decision is called-in for review by scrutiny.

- 1.25 In respect of an Operational Decision, these will be recorded by the relevant Service Area and a record of that Operational Decision maintained by that Service Area.
- 1.26 Both Key and Operational Decisions taken under this General Scheme of Delegation are subject to the Council's Access to Information Procedure Rules set out in Part 4 of the Constitution.

# FUNCTIONAL AREAS

Appendix 1

