SECTION 26

26. OFFICER DELEGATIONS

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N.B. On 7th March, 2022 the Council agreed that the Director of Corporate Resources and the Director of Place be added to the existing Officer Scheme of Delegations for their service areas for which each Director will have responsibility (Minute No. 899 refers)	

OFFICER DELEGATIONS

GENERAL

1. In order to provide a practical method of financial and operational management throughout the Authority, Chief Officers have been given certain powers in the form of Officer Delegations.

2. These delegated powers may from time to time be amended, added to or reduced in the interests of operational efficiency as determined by the Cabinet.

3. In exercising their powers under Officer Delegations, Chief Officers should be mindful of the over-riding need to comply with Procedural and Contract Standing Orders, Financial Regulations (and any associated Financial Procedure Notes) and the Council's overall policy framework.

CHIEF EXECUTIVE OR, IN HIS ABSENCE, THE NOMINATED DEPUTY

1. Power to act, after consulting the appropriate Cabinet Member and, in the case only of matters involving the Council in financial commitments, the Leader(s), Section 151 Officer and the appropriate Chief Officer, in respect of any matter which, in his opinion:

(a) requires immediate action; and

(b) does not justify holding a special meeting of the body which would ordinarily consider the matter or is of such urgency or emergency as not to allow time for such a meeting; use of such delegated powers to be subsequently reported back to the Cabinet or Council as appropriate.

2. The nominated Deputy in the absence of the Chief Executive for the purposes of the use of the Chief Executive's Emergency Powers be the relevant Service Director or another Director in the absence of the relevant Director and in respect of the matters relating to the Resources Directorate, the Director of Environment and Housing.

3. Authority to increase annually the scale of fees, charges and expenses at elections, linked to the inflation rates supplied by the Section 151 Officer in July of each year.

4. Authority to approve, after discussion with the Leader(s), attendance at all conferences, including annual conferences, in accordance with agreed procedures.

5. Authority to make interim payments to outside organisations where he is satisfied that such action is appropriate and necessary to safeguard the continued existence of the organisation (notwithstanding the requirements of Financial Regulation Nos. 4.2 and 5.2).

6. Authority to negotiate all relevant matters relating to the transfer of CBDC assets, liabilities and responsibilities to successor authorities following consultation with the Leader(s).

7. Authority to enter into all appropriate legal agreements on behalf of the Council relating to the Wales Transport Experience Heritage Skills Training Centre subject to the availability of WDA funding.

8. After consultation with the Cabinet Member for Town Twinning (the Leader(s)) to establish a Twinning Association and to report back to the Cabinet on progress made (Minute No. C205(2), 2002/03).

9. In consultation with the Leader(s) of the Council, to award the contract for the Staff Survey, having regard to the Management Team's recommendations regarding staff coverage, frequency and nature of questions to be asked.

10. In consultation with the Leader(s), to carry out on behalf of the Authority, all associated matters involved in setting up the Shared Regulatory Service in respect of any such matters that are the responsibility of the Council. It be noted that such delegated matters include, without limitation to the generality of the forgoing:

(a) Immediate conclusion and execution of a Joint Working Agreement for the Shared Regulatory Service, to include, amongst other things, details of income and cost sharing and those matters referred to in the Legal Implications content of the report to Council on 12th November 2014 (Minute No. 600);

(b) Overseeing and directing a project board of officers established to implement the shared service;

(c) Undertaking all required statutory and other consultation on the proposed transfer of staff to the host (employing) authority;

(d) Subject to considering the outcome of such consultation, receiving the transfer of employees to the Vale of Glamorgan Council as host (employing) authority; to undertake all required statutory and other consultation on the proposed remodelling/restructuring and subject to considering the outcome of such consultation to undertake the proposed reorganisation/remodelling, making any subsequent refinements to the proposals, provided always that matters shall be reported back to Cabinet in respect of any material refinements that fall outside of the proposals for the Shared Regulatory Service as set out in the report to Council on 12th November 2014 (Minute No. 600), and

(e) Producing a three year business plan for the service, seeking to outline how the service will be developed in detail and

including the identification of further year on year savings over the three year period.

11. In consultation with the Leader(s), to authorise submission and acceptance of future external funding grant applications and allocations and to enter into the associated grant terms and conditions.

12. In consultation with the Leader(s) to consider and if deemed appropriate authorise payments in settlement of maladministration claims referred to the Public Services Ombudsman for Wales when there was no legal requirement to publicise the matter.

13. In the event of external appointments to the Cardiff and Vale Community Health Council being required, delegated powers, in consultation with the Leader(s) and the Head of Democratic Services, to consider and determine the applications and to forward the approved applications to the Board of Community Health Councils.

14. If any further vacancies or substitutes to outside bodies be considered necessary, the Chief Executive, in consultation with the Leader(s), delegated authority to appoint those positions and that these appointments be reported to Cabinet for information.

15. At the request of the relevant political group leader to approve amendments to their group representation on Council committees following the Annual Meeting of the Council in each Municipal Year.

N.B. Council on 28th September 2015 (Minute No 415) approved, with immediate effect, the provision of deputy cover arrangements for the Managing Director (redesignated to Chief Executive on 24th January, 2022, Minute No 777) to cover the circumstances of any future absence and to ensure that the Managing Director delegations as set out in the Constitution can be discharged; such arrangements to be exercised by nomination by the Managing Director from amongst the Director of Social Services, the Director of Environment and Housing and the Director of Learning and Skills.

Council, on 7th March, 2022 (Minute No. 899 refers) added that the cover arrangements for the Chief Executive as outlined about also include the Director of Corporate Resources and the Director of Place.

CHIEF EXECUTIVE IN HIS DESIGNATION AS THE COUNCIL'S RETURNING OFFICER

Authority as the Council's Returning Officer to re-designate polling places and polling stations where they become unavailable or unsuitable before or during an election.

ALL DIRECTORS

1. To delegate authority and powers to Officers within their Directorates to undertake statutory functions.

2. To delegate the administration of Simple Cautions to appropriate officers in accordance with Home Office Guidelines.

3. In consultation with the relevant Cabinet Member, to authorise submission and acceptance of future external funding grant applications and allocations for revenue funding over £75,000 and to enter into the associated grant terms and conditions.

4. To amend existing Operational Managers' reporting arrangements to a different Head of Service within the same Directorate.

5. Authority to submit business cases in liaison with the Section 151 Officer to Welsh Government to secure grant funding for capital schemes subject to scheme approval by Cabinet.

ALL DIRECTORS OR SERVICE HEADS

1. Authority to accept contracts for the supply of goods, materials or services and for the execution of works to £300,000, subject to

(a) the Council or the Cabinet having given specific or general approval for the expenditure and that the appropriate provision has been made in the estimate of expenditure for the year in question;

(b) compliance with the Council's Procurement Strategy;

(c) for amounts greater than £75,000, the prior approval of the relevant Cabinet Member having been obtained.

2. Authority to accept and enter into contracts for the sale of goods and materials to the value of £300,000, subject to

(a) the Council or the Cabinet having given specific or general approval for the sale and that the appropriate provision has been made in the estimates for the year in question;

(b) for amounts greater than £75,000, the prior approval of the relevant Cabinet Member having been obtained.

3. Authority to accept offers for the disposal of surplus or unserviceable goods or materials up to £10,000 providing that the

appropriate Financial Procedure Note relating to Inventories/Disposal of Surplus/Obsolete Items is adhered to.

4. To appoint employees below Service Head level within authorised establishments and in accordance with approved procedures. To approve applications for relocation expenses in accordance with the agreed schemes.

5. To appoint temporary employees for periods of up to twelve months providing costs are contained within approved estimates subject to compliance with any vacancy control arrangements.

6. To approve transfer to a permanent post on completion of probationary service and to terminate the employment of staff not considered suitable for such transfers.

7. To grant long service awards in accordance with the scheme approved by the Council.

8. To authorise the dismissal of all employees (excluding those on Chief Officers' terms and conditions) in accordance with agreed procedures.

9. To approve visits of staff to other authorities, or undertakings for the purposes of the work of their areas of responsibility.

10. To grant leave entitlement prior to completion of six months' service subject to staff repaying any overpayment of salary should they terminate their employment or have their employment terminated prior to completion of six months' service.

11. To authorise overtime, flexible working arrangements, mileage, subsistence claims and other expenses. To grant compassionate leave in accordance with the Council's agreed scheme.

12. To grant special leave in accordance with the Council's agreed schemes and to authorise the carrying over of annual leave in exceptional circumstances.

13. To authorise paid and unpaid time off to employees' representatives in accordance with the Council's agreed scheme.

14. To approve Post Entry Training applications, within approved budgets.

15. To remove contractors from the approved lists, where there has been a failure to meet Council criteria.

16. To approve Officers' attendance at courses, seminars, training sessions, conferences etc. within the approved departmental training budget.

17. To grant special paid leave to employees not having the benefit of the flexitime system to attend hospital, the dentist etc.

18. To submit Regulation 3 Planning (Town and Country Planning (General) Regulations 1992), Building Regulation (Building Act 1984) and Sustainable Drainage applications (The Sustainable Drainage (Approval and Adoption) (Wales) Order 2018) as and when required.

19. To designate authorised Officers to authorise and oversee requests for authorisation, reviews, cancellations and referrals of authorisations.

20. To reject applications for early retirement/redundancy from staff where the Director/Head of Service does not support the application with a business case.

ALL CHIEF OFFICERS

1. Authority, in consultation with the relevant Cabinet Member, to respond to consultation documents relating to the service area(s) concerned.

2. Authority to enter into individual Information Sharing protocols (ISPs) under the Wales Accord on Sharing Personal Information (WASPI) where necessary and appropriate.

3. Delegated authority by granted to Chief Officers to enter into Data Sharing Agreements not within the WASPI template, on the provision that such agreements have been approved by the Monitoring Officer / Head of Legal and Democratic Services in consultation with the Head of Finance / Section 151 Officer and the Data Protection Officer.

4. Delegated authority be granted to Chief Officers to enter into Data Disclosure Agreements and Joint Data Controller Agreements, on the provision that such agreements have been approved by the Monitoring Officer / Head of Legal and Democratic Services.

CHIEF EXECUTIVE AND HEAD OF HUMAN RESOURCES

HUMAN RESOURCES

1. To determine, in consultation with the appropriate Chief Officer, all matters contained in and prescribed by the various schemes of Conditions of Service for Local Authority employees, except those matters delegated to the Cabinet or Cabinet Member for Performance and Resources or the Appeals Committee.

2. To amend practices and procedures in relation to employment arrangements within the Council to accord with statutory requirements.

3. To approve in consultation with the relevant Chief Officer, and authorise employees below Grade K or equivalent to undertake secondary employment within, or outside, the Council.

4. In consultation with the relevant Chief Officer, to authorise employees to take special leave of absence for Trade Union activities.

5. To give instructions and directions requiring the suspension of operations executed by, or involving employees of the Council where operations are judged to be dangerous or in breach of any statutory involvement.

6. To consider and determine the grading of posts at or below Grade K or equivalent in consultation with the appropriate Chief Officer.

7. In consultation with the relevant Chief Officer, to approve sickness payments to employees absent from duty because of injury sustained in accidents outside the working environment.

8. In consultation with the relevant Chief Officer, to authorise the early retirement of employees on grounds of ill-health, in accordance with the agreed procedures.

9. Authority, in consultation with the Leader(s), to respond on behalf of the Council to enquiries or consultations on issues received from the National Employers.

10. Authority to agree and approve appropriate facilities and paid time off for representatives from the recognised Trade Unions.

11. To determine the grades of all posts above Grade K or equivalent (excluding Directors and Heads of Service) in consultation with the Leader(s), Section 151 Officer and Chief Executive.

12. Authority, in consultation with the Leader(s), the appropriate Cabinet Member and Chief Officer, to create new posts to the Council's establishment, including all benefits necessary to support the appointment.

13. To approve payments in accordance with the National and Local Scheme of Conditions of Service for additional duties undertaken following consultation with the employing Director or Head of Service.

14. To agree acceleration of increments within scales based on qualification and performance in accordance with agreed schemes and subject to consultation with the employing Director or Head of Service.

15. To determine applications from former employees for access to pension benefits under the Local Government Pension Scheme Regulations.

For leavers after 31st March 2008 Regulation 30 of the Local Government Pension Scheme (Benefits, Membership and Contribution) Regulations 2007 to apply.

Local Government Pension Scheme (Transitional Provisions, Savings and Amendment) Regulations 2014 in force from 1st April 2014.

For leavers after 31st March 2014, the new Regulations apply.

DIRECTOR OF CORPORATE RESOURCES, SECTION 151 OFFICER AND DEPUTY SECTION 151 OFFICER

FINANCE

1. **The Local Government Finance Act 1988 And Subordinate Legislation**

To carry out the functions and exercise the powers of the Authority under Part III of the Local Government Act 1988 and subordinate regulations as amended - in relation to the Administration, Collection and Recovery of Non Domestic Rates with the exception of Section 47 - (Discretionary Rate Relief); Section 49 - (Reduction or Remission of Liability); Section 56, Schedule 7 and 7A (Valuation and Multipliers).

2. **The Local Government Finance Act 1992 And Subordinate Legislation**

To carry out the functions and exercise the powers of the Authority under Part I of the Local Government Finance Act 1992 and subordinate regulations as amended in relation to the Administration, Collection and Recovery of Council Tax with the exception of Section 8(2) - (Determination of Liability in Prescribed Cases); Section 12 - (Discounts); Section 13A (Power to Reduce Amount of Tax Payable) and Chapter 3 (Setting of Council Tax).

3. **Authority To Deal With The Following**:

(a) That in the absence of the Section 151 Officer and the Deputy Section 151 Officer, the Operational Manager Exchequer Services and the Exchequer Manager be granted delegated authority to deal with the instigation of appropriate legal proceedings for the recovery of Rates, Council Tax, Non Domestic Rates and other monies due to the Council.

(**N.B. Council, on 26th September, 2018, approved with immediate effect the extension to the existing authority which currently is granted to the Section 151 Officer and Deputy Section 151 Officer and to ensure that there is sufficient cover during periods of absence of the above officers who are responsible for the signing of relevant documentation within a very short timeline to allow for the Council to lodge papers in the court.)**

(b) To negotiate on disputed debts to achieve settlement in liaison with relevant departments the appropriate Operational Manager to undertake negotiations.

(c) With other nominated officers, the writing off of irrecoverable Council Tax and Non Domestic Rates:
Up to £5,000 – Operational Manager Exchequer

Up to £2,500 – Exchequer Manager
Up to £1,000 – Deputy Exchequer Manager / Court and Recovery Officer
Up to £50 – Senior Revenues Assistants / Training and Technical Officer.

(d) With other nominated officers, the writing off of irrecoverable debts in relation to bankruptcy, receivership and liquidation:
Up to £5,000 – Operational Manager Exchequer
Up to £2,500 – Exchequer Manager
Up to £1,000 – Deputy Exchequer Manager / Court and Recovery Officer
Up to £50 – Senior Revenues Assistants / Training and Technical Officer
Up to £100 Community Care debt – Head of Resources Management and Safeguarding / Operational Manager (Commissioning and Finance).

(e) The writing off of other irrecoverable debts up to £10,000 in each case with other nominated officers:
Up to £5,000 – Operational Manager Exchequer
Up to £2,500 – Exchequer Manager
Up to £1,000 – Deputy Exchequer Manager / Court and Recovery Officer
Up to £50 – Senior Revenues Assistants / Training and Technical Officer
Up to £100 Community Care debt – Head of Resources Management and Safeguarding / Operational Manager (Commissioning and Finance).

4. Authority to permit departures from the requirements of Financial Regulations in accordance with Financial Regulation 2.2.2 (iii).

5. With other nominated officers, authority to implement the provisions of the Housing Benefit and Council Tax Reduction schemes, including the backdating of claims and the acceptance of late claims in appropriate cases:
Operational Manager Exchequer
Benefits and Payments Manager
Deputy Benefits and Payments Manager
Senior Benefits Assistants.

6. With other nominated officers, authority to write off any Housing Benefit and/or Council Tax Reduction overpayments which are irrecoverable:
Up to £5,000 – Operational Manager Exchequer
Up to £2,500 – Benefits and Payments Manager
Up to £1,000 – Deputy Benefits and Payments Manager

Up to £50 – Senior Benefits Assistants.

7. Waive recovery of overpayment of cases above whose balance does not exceed £10,000 with other nominated officers:
Up to £5,000 – Operational Manager Exchequer
Up to £2,500 – Benefits and Payments Manager / Exchequer Manager
Up to £1,000 – Deputy Benefits and Payments Manager
Up to £50 – Senior Benefits Assistants.

8. To write back un-refundable credits up to a maximum of £10,000 in each case with other nominated officers:
Up to £5,000 – Operational Manager Exchequer / Benefits and Payments Manager / Exchequer Manager
Up to £2,500 – Deputy Benefits and Payments Manager
Up to £1,000 – Senior Benefits Assistants / Senior Revenues Assistants / Training and Technical Officer.

9. To issue Concessionary Travel Passes.

10. Administer the car loan scheme and all matters related to it, including the approval and issue of loans to Officers.

11. Approve the hire of contract and leased vehicles.

12. Administer the Officers' car leasing scheme and all matters relating to it.

13. Effect adequate insurance to cover all foreseeable risks (except as otherwise agreed by the Council) and negotiate all claims in consultation with other Officers where necessary.

14. Manage the Insurance Fund (including all insurance reserves and provisions) and all matters relating to it, including risks.

15. Refer claims for damage caused to Members' cars while on official business to the Council's insurers or grant ex-gratia payments depending on the circumstances.

16. Arrange leasing facilities for items contained within the revenue and capital budget.

17. Take all Executive decisions on borrowing, investment or financing in accordance with the Council's Treasury Management policy.

18. Borrow and lend money to maintain the Council's bank balance within the overdraft limit agreed with the Council's bankers.

19. Pay all approved sums due and payable to the Council.

20. Determine the following matters under the Local Government Act 2003, relating to the Government's control of capital expenditure which may be so delegated:

20.1 The amount of overspending (if any) on capital expenditure.

20.2 The amount of capital receipts to be used to repay debt rather than used for further capital projects.

20.3 How money provided by "any other person" is to be used (e.g. grants, but not grants from the European Commission).

20.4 The use of supported and unsupported borrowing.

20.5 If supported borrowing should be transferred to another Local Authority.

20.6 The use of supported and unsupported borrowing when entering into credit arrangements (e.g. leases).

20.7 The amount of money to be charged to revenue, above the minimum required, relating to the repayment of debt, and to finance capital expenditure.

21. Approve additional estimates not exceeding £100,000 in total in any one financial year, provided such expenditure can be met from within the Council's overall budget and/or provisions/reserves.

22. Utilise sums from contingency, provisions or earmarked balances and reserves as appropriate.

23. Approve advances/mortgage applications that meet the required criteria, in consultation with the Head of Legal and Democratic Services.

24. Approve an assisted car purchase loan where the insurance conditions relating to the granting of such a loan cannot be met, and that any uninsured losses that arise from the default in the repayment of the loan by the employee (or his / her personal representative where death has occurred) be met from the Council's insurance fund.

25. To negotiate and enter into agreements with external agencies in relation to the establishment of consortium and other finance-raising or cost-saving initiatives (e.g. Welsh Purchasing Consortium, National Procurement Service), including membership of associated management boards and the approval of funding contributions, subject to any expenditure being contained within the

Council's approved estimates.

26. Authority, in consultation with the Leader(s), to determine the nature of advertisers and products on pay slips.

27. Authority to approve specific projects for CASH funding (including Christmas CASH) on receipt of the same from the Town / Community Councils in consultation with the relevant Cabinet Member.

28. Authority to purchase and finance school and other ICT equipment via the internal leasing mechanism.

29. In consultation with the Cabinet Member for Performance and Resources to vire or implement changes to the Asset Renewal Building Programme and Housing Capital Programme when appropriate.

30. Exercise of executive decisions on discretions as an employing authority under the Local Government Pensions Scheme and Teachers' Pension Scheme which are not reserved for Cabinet or ERR Committee subject to any guidance or policy framework set by Cabinet/Council.

31. To implement national agreed pay awards subject to the costs being contained within the approved budget.

32. In consultation with the Chair of the Standards Committee, to consider applications received from Members of the Council for a legal costs indemnity for defending an allegation of breach of the Members' Code of Conduct, and determine whether an indemnity should be provided by the Council; if an indemnity was to be granted, the amount be limited up to a maximum of £20,000, subject to the further limitations referred to in paragraph 10 of the report to Cabinet on 7th April 2014.

33. To operate the Small Business Rate Relief Scheme and High Street Rate Relief Scheme, in consultation with the Leader(s) as Cabinet Member for Performance and Resources.

34. To act as the Senior Information Risk Officer on behalf of the Authority to provide senior accountability and assurance that information risks are addressed.

35. To authorise payment of grant awards from the Mayor's Foundation in consultation with the Mayor.

36. Delegated authority to the Council's Sanctions Panel consisting of the Council's Head of Finance / Section 151 Officer, Monitoring Officer / Head of Legal and Democratic Services and the Head of Human Resources supported by the Head of the Regional Internal Audit Service (or nominated representatives) to refer cases for prosecution or to recommend another form of sanction as an alternative to prosecution, where permitted by certain legislation.

DIRECTOR OF CORPORATE RESOURCES, SECTION 151 OFFICER AND HEAD OF CORPORATE LANDLORD

PROPERTY

1. The day to day management of the Smallholdings Estate and Welsh Church Acts Estates.

2. To consider and decide upon terms for sales or acquisition of land and/or buildings which the Council has agreed or is required to sell or buy on which it is necessary to sell or buy to implement proposals approved by Council, such disposals to include "options" and building Agreements.

3. To negotiate and agree terms to take or grant a lease of property which the Council has agreed shall be leased by or to them, and to negotiate and agree subsequent rent reviews, together with attendant landlord and tenants issues.

4. To agree payment of compensation necessitated by a proposal approved by Council, which will include all statutory claims emanating from Compulsory Purchase Orders, and acquisitions of land by agreement.

5. To agree the assignment and sub-letting of property held on lease from Council.

6. To grant ground landlord's consent for alteration to property held on lease from the Council, subject to the agreement of the appropriate Chief Officers.

7. To grant wayleaves, easements and leases etc. to statutory undertakers for operational purposes of the undertakings.

8. To let property acquired by the Council in advance of requirement.

9. To grant and renew grazing licences and short term tenancies or licences for use of land or buildings for temporary periods.

10. To authorise expenditure on works or repairs to properties for which the Council is liable.

11. To settle valuations of property upon appropriation from one function to another.

12. Powers to deal with minor property transactions not covered by the foregoing, up to a capital value of £75,000 and an annual rental value of £7,500 after consultation with the Leader(s), including appropriation of land in accordance with Section 122 of the Local Government Act 1972 (other than land forming part of a common, open space, highways or housing land).

13. The power to incur expense to protect persons and property at risk subject to seeking retrospective approval.

14. To authorise expenditure within available budgets on works or repairs to properties for which the Council is liable.

15. To accept offers for disposal of land up to £100,000, provided the highest offer is accepted and after consultation with the Leader(s).

16. To maintain the Council's asset register for lands and buildings.

17. After consultation with the relevant Cabinet Member, to determine, negotiate and agree terms and conditions for the acquisition of the interest of an applicant entitled to assistance by way of re-purchase under Part XVI of the Housing Act 1985 and to serve such notice as may be required in connection therewith.

18. In respect of proposed changes of use of shops, industrial and warehouse premises, after consultation with ward members for the area in which the premises are situate and the relevant Cabinet Member, to grant ground landlord consent in respect of property held on lease from the Council (except dwellings held under the Housing Revenue Account) for:

(a) Alterations to property,

(b) Change of use. This delegation shall not be exercised where planning permission is required and has not first been obtained.

19. To undertake professional valuation and estate management duties as agent for, or in pursuance of any agreement for services with, any public body or organisation for whom the Authority is authorised to carry out such services provided that all costs and expenses are met by the recipient of such services.

20. After consultation with the Head of Legal and Democratic Services, to do all such things that are necessary to secure the removal of unauthorised occupiers of land and premises (excluding dwellings under the Housing Revenue Account).

21. To authorise action for the repossession of commercial properties if rental is twenty one days or more in arrears after consultation with the Head of Legal and Democratic Services.

22. To grant consent to the inclusion of clauses permitting assignment of building agreements.

23. In relation to the disposal of public open space by way of a lease to statutory undertakers for operational purposes or for the purpose of granting wayleaves or easements, to authorise the Head of Legal and Democratic Services to advertise pursuant to the

statutory requirements and to authorise such disposals after consultation with the Head of Sustainable Development.

24. To determine, following property condition surveys, and after consultation with the relevant Cabinet Member, priorities for urgently needed building work within the resources allocated from building maintenance funds.

25. To carry out handover surveys on all acquired buildings, new buildings, extensions and adaptations and to report the maintenance and budgetary implications to the Cabinet.

26. Authority to institute a regular programme of inspection and testing of all electrical installations, heating plant and building equipment either owned by the Council, or leased or hired to the Council, and to maintain appropriate records as required by the Electricity at Work Regulations.

27. Authority to inspect and test all portable equipment and appliances on behalf of user departments, if so requested, on a rechargeable basis, it being noted that the inspection and testing of such equipment was the responsibility of the department concerned.

28. Authority, after consultation with the relevant Service Director, to vary the programme of asset maintenance, to reflect any change in service requirements.

29. Authority to raise invoices for rent due and to authorise payments of rent to the Council for all Council properties and interests (excluding housing) where monies are payable to, or receivable by, the Council.

30. Authority to dispose of surplus properties in the most advantageous ways on terms to be agreed following consultation with the Leader(s).

31. Approve minor works of adaptation or improvement to buildings, land and facilities up to £15,000, subject to the costs being met from the existing revenue budget of the appropriate Service Director and after consultation with budget holders.

32. Authority to seek appropriate deemed planning consent under Regulation 4 of the Town and Country Planning (General) Regulations 1992 for land/buildings declared surplus by the Council; it being noted that such action would expedite the disposal of such properties.

33. Authority to dispose of surplus land and properties in the most advantageous way on terms to be agreed in consultation with the Leader(s) and relevant Cabinet Member.

34. Authority, to manage the portfolio of Council-owned shops, kiosks, concessions and cafes (not internally managed) viz.:

(a) all budgets;

(b) day to day estate management;

(c) to negotiate and agree terms to grant leases, and subsequent rent reviews (with attendant landlord and tenant issues), up to an annual rental value which is considered to be the market level for that particular type of property;

(d) where appropriate, to agree the assignment and sub-letting of shops;

(e) to grant consent for alterations (subject to any required planning approval first being sought);

(f) to agree changes of use of shops, after consultation with ward members for the area in which the premises are situated (subject to any required planning approval first being sought);

(g) all rental collection and payment;

(h) to authorise action for forfeiture, if the tenant is in breach of agreed lease terms, in consultation with the Head of Legal and Democratic Services

35. To determine the phasing of the budget in respect of the Penarth Heights: Harbour View/Royal Close Regeneration project over the appropriate years.

36. To authorise the appropriation of land held for specific purposes to another purpose or purposes in accordance with any statutory provision relating to such appropriation.

HEAD OF LEGAL AND DEMOCRATIC SERVICES AND OPERATIONAL MANAGER (LEGAL SERVICES)

Authority to:

1. Take legal proceedings to recover possession of any Council land occupied by unauthorised occupiers at the request of the Chief Officer responsible for the day to day management of the land in question.

2. Authority to institute legal proceedings on behalf of the Council under Section 167 of the Criminal Justice and Public Order Act 1994 and Section 143 and Part VI of the Road Traffic Act 1988.

3. Take legal proceedings to recover any monies due to the Council and to take on behalf of the Council any preliminary steps necessary to secure such recover, including the serving of Notices, statutory demands or other documents required under any statutory provisions.

4. Commence and conduct legal proceedings on behalf of the Council under any enactments, regulations orders or bye-laws which the Council is permitted to prosecute or enforce at the request of the Chief Officer within the scope of his responsibilities.

5. Defend any actions, claims or legal proceedings instituted against the Council and to do all things necessary to protect the Council's interest in such cases.

6. Institute legal proceedings on behalf of any employee of the Council assaulted during the course of his employment, or any Member assaulted while engaged on Council business at the request of the Chief Officer of the service area concerned.

7. To initiate or respond to proceedings in relation to adults or children in accordance with such statutory provisions as may from time to time be in force.

8. Issue and serve Notices to Treat, Notices of Entry, Warrants for Possession, and any such other Notices as may be necessary to give effect to a confirmed Compulsory Purchase Order and to refer compensation payable on compulsory acquisition to the Lands Tribunal, and to defend proceedings brought by a Claimant in such Tribunal.

9. Give any certificate or notice required where it is necessary to register a statutory charge at H.M. Land Registry in order to protect the Council's interest in any premises or in relation to any expenses or costs incurred by the Council in carrying out works pursuant to its statutory powers.

10. Make entries in the Register of Local Land Charges and the Commons Register and to answer Searches in the Registers and supplementary enquiries, and to issue any certificate required at law.

11. In respect of works in default debts, in cases of tenanted properties, to make orders declaring the expenses and interest to be payable by instalments and to make rent orders requiring tenants to pay their rent directly to the Council in payment of the outstanding amount after consultation with the Section 151 Officer.

12. Take all such actions as may be necessary as a result of appeals or applications to ministers, Courts, Tribunals or any other body in respect of anything done by the Council or a Committee or officer acting in pursuance of delegated powers or against any decision, Order, Notice, requirement or Direction of the Council or Against any decision or Order in legal proceedings to which the Council was a Party.

13. Lodge and proceed with any appeal from an order or decision of a Court, Tribunal, Inspector or other person of competence within any time limit set therefore, the matter to be reported to the next meeting of the Cabinet.

14. Institute legal proceedings to recover possession and or arrears of rent from Council tenants upon the recommendation of the Director of Environment and Housing in respect of rent arrears, breaches of tenancy agreements, nuisances and abandoned premises and possession and arrears of repayments from mortgagors of the Council.

15. Enforce statutory charges upon premises arising as a result of anything done by the Council or Cabinet or Cabinet Member or officer acting in pursuance of delegated powers.

16. After consultation with the Section 151 Officer to issue and serve Notices terminating business tenancies under the Landlord and Tenant Act 1954, Notices to remedy breaches of covenants and to review rents.

17. Issue and serve appropriate Notices and Counter-Notices and to take such other steps as may be required to protect the Council's interest as lessee in consultation with the Resources Directorate.

18. Make and publish Traffic Regulation Orders and Notices under the Town Police Clauses Act 1847 after consultation with the Police and relevant Service Director(s) or any appointed officer(s).

19. Exercise the functions of the Council upon receipt of Purchase Notices under any enactment including the service of Notices and Counter-Notices and the acceptance of such Notices (this delegation relates to any provision of any enactment, rule or regulation enabling owners of land or an interest in land to require the Council to purchase the relevant interest).

20. Authorise:

(a) Trainee Solicitors; and

(b) Other staff of the Council who have been trained and are adequately supervised to appear on behalf of the Council in proceedings under Section 60 of the County Courts Act 1984; in Magistrates' Court under Section 223 of the Local Government Act 1972 and in Valuation Tribunals under the Valuation Tribunals (Wales) Regulations 2010.

21. In relation to children in care:

(a) in proceedings before the Court to engage Counsel or outside solicitors if appropriate and to apply for legal aid;

(b) to approve apprenticeship deeds.

22. Issue authorisations and obtain warrants to enter upon land or premises or to seize anything pursuant to any statutory power or function of the Council and to prepare warrants of authorisation for Officers of the Authority.

23. After consultation with the appropriate Cabinet Member:

(a) to issue and serve Notices under any contract to which the Council is a party;

(b) to take legal proceedings for the enforcement of or in respect of the breach of any contract to which the Council is a party;

(c) in respect of all contracts to which the Council is a party and which contains clauses for determination or forfeiture, to exercise the powers vested in the Council by virtue of those provisions.

24. Take legal proceedings, including seeking an injunction, where that action is necessary to protect the Council, its land or property, or Council Members or staff or where it is expedient to do so in connection with any function power or duty of the Council.

25. Serve statutory Notices requiring the provision of particulars of the nature of an interest in and use of land with which the Council is statutorily concerned.

26. Issue and serve any Notices, Orders, directions or statements under any statutory provision in order to give effect to any decision of the Council or a Committee, or officer acting in pursuance of delegated powers.

27(a) Issue Enforcement Notices and Stop Notices under the Town and Country Planning Act 1990 upon the instruction of the

Head of Sustainable Development or Operational Manager (Planning and Building Control).

27(b) Upon the instruction of the Head of Sustainable Development or Operational Manager (Planning and Building Control), to give notice of the variation or withdrawal of a previously issued Enforcement Notice or Stop Notice to correct a defect or error or make such other minor variation as deemed necessary.

28. To make:

(a) Doctor Parking Place Orders and for that purpose to determine their location and periods of operation after consultation with the Director of Environment and Housing;

(b) Disabled Person Parking Places Orders after consultation with the Director of Environment and Housing and the Director of Social Services;

(c) Consolidation Orders pursuant to Road Traffic Regulations after consultation with the Director of Environment and Housing;

(d) Revoke and vary Tree Preservation Orders.

29. After consultation with the Leader(s) of the Cabinet to decline to allow a Member or officer of the Council to inspect or call for a copy of any document which is or in the event of legal proceedings, would be protected by legal privilege arising from the relationship of solicitor and client.

30. Lodge objections to applications for operators' licences under the provision of the Goods Vehicles (Licencing of Operators) Act 1995.

31. Carry out the procedure for the listing of buildings under the Planning (Listed Buildings and Conservation Areas) Act 1990.

32. Determine applications for the use of the Committee Rooms and Foyer of the Civic Offices, by outside organisations (subject to the necessary insurance) and to waive charges for non-profit making organisations where appropriate.

33. Act on behalf of Town and Community Councils when so requested subject to there being no conflict of interest with the Council and to the Town and Community Councils concerned reimbursing the costs incurred.

34. Take such Counsel's or solicitor's opinions as are considered necessary in the interests of the Council.

35. Determine applications for and the charges to be made for supplying copies of the Council minutes and copies of documents

and review the same as and when deemed necessary.

36. Determine applications for the transfer of interest in mortgaged properties.

37. Determine legal fees payable to the Council and review the same as and when deemed necessary.

38. Take all necessary steps after consultation with the Director of Social Services to safeguard the welfare of children including the institution of legal proceedings.

39. To execute and arrange for the sealing and, where appropriate, signing of documents (including contracts) on behalf of the Council.

40. To enter into Agreements and Bonds pursuant to Sections 38 and 278 of the Highways Act 1980 (Adoption of Road by Agreement and Improvements of Existing Highway) and seal on behalf of the Authority.

41. To enter into Agreements pursuant to Section 25 of the Highways Act 1980 and seal on behalf of the Authority (Creation of Footpaths, Bridleways and Restricted Byways).

42. To make and seal such Orders as are necessary pursuant to Section 26 of the Highways Act 1980 (Creation of Footpaths, Bridleways and Restricted Byways).

43. To make and seal such Orders as are necessary pursuant to Section 118 of the Highways Act 1980 (Extinguishment of Footpaths, Bridleways and Restricted Byways).

44. To make and seal such Orders as are necessary pursuant to Section 119 of the Highways Act 1980 (Diversion of Footpaths, Bridleways and Restricted Byways).

45. To make and seal such Orders as are necessary pursuant to Section 257 of the Town and Country Planning Act 1990 (Stopping Up or Diversion of Footpaths, Bridleways and Restricted Byways).

46. To enter into and seal Licences made pursuant to Section 142 of the Highways Act 1980 (Planting Trees/Shrubs etc. on Highway).

47. To serve Notices under all Sections of the Highways Act 1980 at the request of the Director of Environment and Housing.

48. Authority, to take all necessary legal proceedings to remedy neighbourhood nuisance.

49. Authority, with the Director of Social Services, to apply to a magistrate to cancel a registration of a private residential home by urgent procedure.

50. Authority to complete leases in respect of the Barry Community Enterprise Centre on terms and conditions to be determined by the Head of Sustainable Development.

51. Authority to serve Notices under Section 215 of the Town and Country Planning Act 1990 to effect the removal of graffiti.

52. Authority, following receipt of adequate notice that a Tied Accommodation employee's contract would be ending, and following three reasonable offers in respect of alternative accommodation based on housing need having been made and in the case of failure to take up a negotiable offer, to take all appropriate legal action to terminate the Tied Accommodation tenancy as defined under Schedule 2 of 1985 Housing Act.

53. To confirm unopposed Orders made pursuant to s.26, s.118 and s.119 Highways Act 1980.

54. To confirm Definitive Map Modification Orders that have been made as a result of past legal decisions.

55. In consultation with the Chief Executive, as and when required, to execute a new Agency Agreement on the same terms as previously in respect of Porthkerry Cemetery

56. Negotiate the resolution of a dispute which has not led to any formal claim being issued or legal action pursued and that where there is a threat or concern of such claim or action being initiated and is considered to be in the best interest of the Council for the matter to be resolved at an early stage.

57. In consultation with the Head of Sustainable Development or Operational Manager (Planning and Building Control), to confirm an Article 4 Notice served to prevent development and / or demolition that may otherwise be permitted development.

58. On the instruction of the Director of Environment and Housing, Head of Neighbourhood Services and Transport, or Operational Manager (Engineering) to make orders pursuant to the Cycle Tracks Act 1984 and Cycle Tracks Regulations 1984.

59. Upon the instruction of the Head of Neighbourhood Services or Operational Manager – Engineering or Engineering Manager – Environment, to issue Temporary Stop Notices under The Flood Water Management Act 2010 and The Sustainable Drainage (Enforcement) (Wales) Order 2018, and if appropriate, to pursue a prosecution in respect of any failure to comply with the terms of

a Temporary Stop Notice issued.

60. Issue Enforcement Notices and Stop Notices under The Flood Water Management Act 2010 and The Sustainable Drainage (Enforcement) (Wales) Order 2018 upon the instruction of the Head of Neighbourhood Services or Operational Manager – Engineering or Engineering Manager – Environment.

61. Upon the instruction of the Head of Neighbourhood Services, or Operational Manager – Engineering or Engineering Manager – Environment, to give notice of the variation or withdrawal of a previously issued Enforcement Notice or Stop Notice to correct a defect or error or make such other minor variation as deemed necessary.

CHIEF EXECUTIVE, OR IN HIS ABSENCE, MONITORING OFFICER OR DEPUTY MONITORING OFFICER

1. As "Proper Officer", to witness the signing by Members of the Council's Declaration of Acceptance of Office form (which also includes the Member signing up to the Council's Members' Code of Conduct).

CHIEF EXECUTIVE AND OPERATIONAL MANAGER (DEMOCRATIC SERVICES)

Authority:

1. To manage the Registration Service as Proper Officer. (The role/delegation to rest with the Operational Manager (Democratic Services.)

2. Authority to set Registrars fees to the Operational Manager (Democratic Services) as the Proper Officer for the Council's Registration Service, in consultation with the Director of Corporate Resources, Head of Finance / Section 151 Officer and the Cabinet Member for Performance and Resources.

3. To submit a completed Publication Scheme as required under the Freedom of Information Act 2000 to the Information Commissioner.

HEAD OF DEMOCRATIC SERVICES

1. To carry out duties as required under the Family Absence for Members of Local Authorities (Wales) Regulations 2013.

2. Authority, following receipt of requests, in writing, from a Group Leader of a political party, for amendments to be made to the membership on Council Committees of their Group as and when required during the Municipal Year, after the Council's Annual Meeting.

MONITORING OFFICER

In consultation with the Chair of the Standards Committee, or in his / her absence, the Vice-Chair of the Standards Committee, to consider, refuse and approve urgent applications for dispensation on behalf of the Standards Committee, and thereafter report the use of such delegation to the next relevant meeting of the Standards Committee.

MONITORING OFFICER OR, IN HER ABSENCE, DEPUTY MONITORING OFFICER

To perform the role of Monitoring Officer in accordance with the provisions of Section 5 of the Housing and Local Government Act 1989 and in particular to report to the Council on any proposal, decision or omission by the Council, Cabinet, Cabinet Member, its committees, sub-committees or any joint committee or officer on which it is represented which has given rise to, or is likely or would give rise to

1. a contravention of law or any code of practice made or approved by or under any enactment; or

2. such maladministration or injustice as would fall within the investigation remit of the Local Government Commissioner.

DIRECTOR OF LEARNING AND SKILLS

SCHOOLS

1. To determine allocations of pupils to Vale of Glamorgan primary, middle and secondary schools in accordance with the Council's admissions policy and published admission arrangements, subject to parental right of appeal.

2. To allow appeals in those cases where appeals against the allocation of pupils to particular schools are complementary (e.g. where a pupil allocated to school A wishes to attend school B, and a pupil allocated to school B wishes to attend school A), and where places exist in schools, this delegation to be exercised only when, at the relevant time, there are no other appeals outstanding for admission to the school in question.

3. To allocate any place(s) that become(s) vacant at secondary, middle or primary schools for the September admission, and later applications that may occur within the year to the next most eligible pupil(s) as defined by the admission criteria.

4. To approve arrangements relating to the assessment, statementing and placement of pupils with special educational needs and to implement ALN reform as set out in the Additional Learning Needs and Tribunal Wales Act from September 2021.

5. To determine the amount of money to be allocated to the schools' delegated budgets and the formula for distribution after consultation with the Schools' Budget Forum.

6. Authority to issue warning letters to schools causing concern and, in consultation with the Cabinet Member, where schools do not comply with warning letters or where no warning is required, to make appropriate interventions.

7. Authority to issue fixed penalty notices and prosecutions under Section 444(1) (1a) (z) Education Act 1996 in response to the failure of parents / carers to secure the "**efficient, full-time education**" of children of compulsory school age.

8. Authority to issue a School Attendance Order in accordance with the Education Act 1996 should it appear that a child who is Electively Home Educated is not receiving an efficient, suitable full-time education. In the event of non-compliance, further authority to issue an Education Supervision Order.

9. The issuing, approval, variation and revocation of licences including chaperone licences under the Children and Young Persons Act 1933/63 and the Children (Performances and Activities) (Wales) Regulations 2015 in relation to children engaged in public performances, working in TV, film, paid modelling or sporting activities.

DIRECTOR OF ENVIRONMENT AND HOUSING

1. Authority to carry out all statutory responsibilities on behalf of the Council under the Safety of Sports Grounds Act 1975 and the Fire Safety and Safety of Places of Sport Act 1987, including the issue of Prohibition Notices.

2. Authority to set up a working party to carry out the necessary consultation with other enforcement bodies before the issue of any relevant Safety Certificate or annual inspection under the Safety of Sports Grounds Act 1975.

3. Authority to negotiate and agree terms with the Trustees of the Dunraven Estates regarding the management of the Cimla Car park.

DIRECTOR OF ENVIRONMENT AND HOUSING AND HEAD OF NEIGHBOURHOOD SERVICES AND TRANSPORT

A. GENERAL

1. Authority to approve any joint bids for funding for the development of the Regional Public Transport Strategy.

2. Authority to approve the draft annual Local Transport Plan for consultation purposes and, subject to the results of that consultation, to submit the Local Transport Plan to the Senedd Cymru in support of the annual Transport Grant bid, and any other funding arrangements.

3. Authority, following consultation with the relevant Cabinet Member and subject to adherence with Standing Orders, Financial Regulations (and any associated Financial Procedure Notes) and the Council's overall policy framework, to:

(a) approve the acquisition of bus services, in accordance with the Transport Act 1985, and for school transport provision under the Education Act 1996, and to terminate or amend contracts, subject to expenditure being contained within estimates; and

(b) invite tenders for bus services where existing contracts are due for renewal or where changes in the commercial services require the Council to consider providing a service under its transportation policies;

(c) approve the acquisition of bus services in accordance with the "de minimus" arrangements of the Transport Act 1985, and to terminate or amend contracts subject to expenditure being contained within estimates, and after consultation with the relevant Cabinet Member.

4. Authority, in consultation with the Chair of the Planning Committee, to name streets, unless there is any dispute, in which case the matter be referred to the Planning Committee for final consideration.

5. In consultation with the Section 151 Officer and the Head of Legal and Democratic Services, to negotiate with Sully and Lavernock Community Council terms and conditions for a lease of the recreational land at Burnham Avenue, Sully with a further report to be made to Cabinet on the outcome of the negotiations (Minute No. C719 (1), 2002/03).

6. Authority, in consultation with the relevant Cabinet Member, to issue parking permits, for named vehicles, to businesses situated within residential streets in the Barry Central Parking Control Zone, with a maximum of two permits per business premises where appropriate, effective from 1st April, 1997.

7. Authority, in consultation with the relevant Cabinet Member, to add any such streets as may be considered necessary, from time to time to the schedule of prohibited streets.

8. Determination of applications under the New Roads and Street Works Act 1991.

9. Acceptance of agreements and deposits, issuing of licences and granting of consent under the Highways Act 1980.

10. Provision of road markings, rails, barriers and signs not requiring Welsh Government approval.

11. Determination of applications for the deposit of contractors' skips on the highway.

12. Determination of applications for consent in respect of the erection of flagpoles and the positioning of cut or tub trees in the highway.

13. To deal with applications under Section 20 of the Local Government (Miscellaneous Provisions) Act, i.e. in relation to activities in pedestrianised areas, after consultation with the relevant Cabinet Member.

14. To deal with applications for temporary exemptions from the normal prohibitions on driving and parking in pedestrianised streets after consultation with the relevant Cabinet Member.

15. Determination of applications for alternative use of Council car parks, for individual events or for temporary purposes, after consultation with the relevant Cabinet Member.

16. Determination of applications for erection of temporary signs on the highway within the Vale.

17. Determination of applications for permission to erect street displays above or across the highway.

18. Objections in respect of applications for Goods Vehicles Operators' Licences to be reported subsequently to the Cabinet.

19. To approve the making, and where necessary the extension of, temporary traffic regulation orders relating to temporary road closures after consultation with the relevant Cabinet Member.

20. Authority, in consultation with the relevant Cabinet Member, to make “Disabled Persons Parking Place” Orders subject to statutory consultation.

21. Authority, in consultation with the relevant Cabinet Member, to revoke “Disabled Persons Parking Place” Orders, subject to statutory consultation notices.

22. To administer the central stores on behalf of the Council, and particularly to deal with all matters regarding materials, protective clothing, etc., used in connection with the Council’s in-house services.

23. To purchase, maintain and manage the Council's vehicles and plant.

24. To sell or otherwise dispose of vehicles which appear to be abandoned after the requisite period of custody has expired, after consultation with the Head of Legal and Democratic Services, and in accordance with the Refuse Disposal (Amenity) Act 1978.

25. Authority to undertake building maintenance works up to a value of £100,000 in accordance with the appropriate schedule of rates.

26. Authority to include vehicles of a similar category from other manufactures on the list of approved vehicles.

27. Authority, in consultation with the relevant Cabinet Member, to vary fees and charge in respect of Porthkerry Cemetery.

28. Authority under an amendment of the Age Policy Guidelines to add or remove vehicles from the Prestige Classes lists subject to an update list being submitted to the Cabinet for approval on a yearly basis.

29. Authority to make representations of objections to the Traffic Commissioners on short period road service licence applications and other urgent matters, after consultation with the relevant Cabinet Member.

30. To implement and administer the provisions of the Housing Acts 1985, 1996 and 2004 as subsequently amended in relation

to tenants' right to buy and all matters ancillary thereto.

31. After consultation with the appropriate Cabinet Member, to accept the lowest tender within budget for emergency highway reinstatement works (Minute No. C109 (2), 2002/03).

32. After consultation with the appropriate Cabinet Member, to accept the lowest tender within budget for the carriageway pavement renewal contract (Minute No. C141 (2), 2002/03).

33. With the Section 151 Officer, to determine the most cost effective means of procurement for the Vehicle Replacement Programme (Minute No. C252 (3), 2002/03).

34. Authority, in consultation with the relevant Cabinet Member, to determine whether or not routes are to be regarded, or continue to be regarded, as safe walking routes to school for school transport purposes.

35. Authority, in consultation with the relevant Cabinet Member, to vary the Council's current winter maintenance gritting schedule (as defined in the Winter Service manual) to increase or decrease the routes for treatment by +/-10% of the overall distance treated.

B. LEISURE

1. Authority to manage and let allotment plots including:

(a) the issue of approvals, permissions and consents under allotment tenancy agreements;

(b) the provision of store sheds for use by allotment management committees;

(c) the appointment of allotment management committees.

2. Authority to discharge the functions of the Council under Sections 23 and 24 of the Local Government (Miscellaneous Provisions) Act 1976, or any other enactment relating to dangerous trees.

3. Authority to determine requests from voluntary and other bodies for the provision of floral displays on public occasions, up to a maximum of £1,000, subject to there being sufficient available financial resources.

DIRECTOR OF ENVIRONMENT AND HOUSING, HEAD OF NEIGHBOURHOOD SERVICES AND TRANSPORT AND OPERATIONAL MANAGER (ENGINEERING)

Authority, in consultation with the Cabinet Member for Neighbourhood and Building Services, to prepare, approve, undertake statutory consultation and confirm Traffic Regulation Orders where no objections are received; where objections are received, the Traffic Regulation Order shall be determined by Cabinet.

Authority to instruct the Head of Legal and Democratic Services and Operational Manager (Legal Services) to publish all Notices required by the appropriate legislation and subsequently to make the Traffic Regulation Orders.

A. GENERAL

1. Authority to enter into agreements pursuant to Section 278 of the Highways Act 1980.

2. Adoption of roads including highway structures, on completion to the Council's specifications.

3. To deal with applications under Part VIIA of the Highways Act 1980 and any adopted highway within the County, after consultation with the relevant Cabinet Member.

4. To deal with applications in relation to activities on areas of adopted highway after consultation with the relevant Cabinet Member.

5. To issue notices under:

(a) Sections 59, 62 and 63 of the Building Act 1984;

(b) Section 35 of the Local Government (Miscellaneous Provisions) Act 1976;

(c) Sections 45 and 50 of the Public Health Act 1936;

and in connection therewith to execute works in default.

6. To carry out works under Sections 25 and 26 of the Local government (Miscellaneous Provisions) Act 1976 (dealing with

dangerous excavations), the cost not to exceed £5,000.

7. To instruct the Head of Legal and Democratic Services to enter into agreements and serve notices under the Highways Act 1980.

8. Authority in consultation with the Cabinet Member for Neighbourhood and Building Services to instruct the Head of Legal and Democratic Services / Operational Manager (Legal Services) to make orders pursuant to the Cycle Tracks Act 1984 and Cycle Tracks Regulations 1984.

9. Authority in consultation with the Cabinet Member for Neighbourhood and Building Services to make a Cycle Track in or by the side of a highway maintainable at the public expense pursuant to s.65 of the Highways Act 1980.

DIRECTOR OF ENVIRONMENT AND HOUSING, HEAD OF NEIGHBOURHOOD SERVICES AND TRANSPORT AND OPERATIONAL MANAGER (NEIGHBOURHOOD SERVICES)

To take all necessary steps for the enforcement of all legislation currently in force, or in the future to be enacted, relating to the functions of Highway Authority, Principal Litter Authority, Waste Collection Authority and Waste Disposal Authority.

DIRECTOR OF ENVIRONMENT AND HOUSING AND HEAD OF HOUSING AND BUILDING SERVICES

Authority, following consultation with the Head of Legal and Democratic Services, to make such amendments to the C.C.T.V. Code of Conduct and/ or the Confidentiality Agreement to ensure that compliance with the Code extends to police radio and storenet radio communications.

DIRECTOR OF ENVIRONMENT AND HOUSING, HEAD OF HOUSING AND BUILDING SERVICES AND HEAD OF NEIGHBOURHOOD SERVICES AND TRANSPORT

To take whatever action is necessary to manage the financial affairs of the Council's in-house services subject to compliance with Standing Orders, Financial Regulations (and any associated Financial Procedure Notes) and the Council's overall policy framework.

HEAD OF NEIGHBOURHOOD SERVICES AND TRANSPORT AND OPERATIONAL MANAGER – ENGINEERING AND, ONLY WHERE INDICATED, ENGINEERING MANAGER – ENVIRONMENT

1. To authorise Officers with the appropriate skills and competencies to carry out duties relating to the enforcement and administration of all legislation currently in force or in the future to be enacted relating to the functions of Flood Risk Management, Land Drainage, and Coast Protection.

2. To authorise Officers with the appropriate skills and competencies to carry out duties relating to the enforcement and administration of the following:

(a) Sections 59, 62 and 63 of the Building Act 1984;
(b) Section 35 of the Local Government (Miscellaneous Provisions) Act 1976;
(c) Sections 45 and 50 of the Public Health Act 1936;

3. To grant, issue, renew, refuse, revoke or suspend, **including granting, issuing, renewing, refusing, revoking or suspending by the Engineering Manager – Environment,** approval, consents, certificates, licences or permits, after any requisite consultations and where no objections have been received under the following legislation and any amendments to and any subsequent legislation replacing, amending or extending the same, together with any future acts, Orders or Regulations made thereunder which relate to the functions specified:

(a) Flood Risk Regulations 2009
(b) Flood and Water Management Act 2010
(c) Land Drainage Act 1991.

4. To determine**, including determination by the Engineering Manager – Environment,** applications made under Schedule 3 paragraph 11 of the Flood and Water Management Act 2010.

5. In consultation with the Head of Legal and Democratic Services, to authorise the preparation of Enforcement and Stop Notices under the Flood Water Management Act 2010 and The Sustainable Drainage (Enforcement)(Wales) Order 2018, and to instruct the Head of Legal and Democratic Services to issue such notices, if appropriate, and to pursue a prosecution in respect of any failure to comply with the terms of the Notice issued.

6. In consultation with the Head of Legal and Democratic Services, to authorise the variation or withdrawal of a previously issued Enforcement Notice or Stop Notice to correct a defect or error or make such other minor variation as deemed necessary and to instruct the Head of Legal and Democratic Services to issue such amended Notices, if appropriate.

7. In consultation with the Head of Legal and Democratic Services, to authorise the preparation of Temporary Stop Notices under the Flood Water Management Act 2010 and The Sustainable Drainage (Enforcement)(Wales) Order 2018 and to instruct the Head of Legal and Democratic Services to issue such Notices, if appropriate. Also, to exercise the Council's power of enforcement and to instruct Legal Services to pursue a prosecution in respect of any failure to comply with the terms of a Temporary Stop Notice issued.

8. Authority to enter into agreements pursuant to paragraph 11(2)(b) of Schedule 3 to the Flood and Water Management Act 2010 and ditto with authority granted to enter into agreements and bonds pursuant to … the Flood and Water Management Act 2010.

DIRECTOR OF ENVIRONMENT AND HOUSING AND HEAD OF SHARED REGULATORY SERVICES

To take all necessary steps for the enforcement and administration of all legislation currently in force or in the future to be enacted relating to the functions of Environmental Health, Consumer Protection, Licensing and Housing legislation, and to carry out actions as specified below:-

1. To authorise Officers with the appropriate skills and competencies to carry out duties relating to the enforcement and administration of all legislation currently in force or in the future to be enacted relating to the functions of Environmental Health, Consumer Protection, Licensing and Housing legislation.

2. To grant, issue, renew, refuse, revoke or suspend registration certificates, consents, licences or permits, after any requisite consultations and where no objections have been received under the following legislation and any amendments to and any subsequent legislation replacing, amending or extending the same, together with any future acts, Orders or Regulations made thereunder which relate to the functions specified:

Licensing Act 2003

Gambling Act 2005

House to House Collections Act 1939

Police, Factories etc., (Miscellaneous Provisions) Act 1916

Local Government (Miscellaneous Provisions) Act 1982

Town Police Clauses Act 1847

Local Government (Miscellaneous Provisions) Act 1976

Marriage Act 1949/Civil Partnership Act 2004/The Marriages and Civil Partnerships (Approved Premises) Regulations 2005/The Marriages and Civil Partnerships (Approved Premises)(Amendment) Regulations 2011

Equality Act 2010

Scrap Metal Dealers Act 2013

Animal Boarding Establishments Act 1963

Pet Animals Act 1951

Animal Welfare Act 2006

Animal Welfare (Breeding of Dogs) (Wales) Regulations 2014

Breeding of Dogs Act 1973

Breeding and Sale of Dogs (Welfare) Act 1999

Riding Establishments Act 1964 and 1970

Dangerous Wild Animals Act 1976

Zoo Licensing Act 1981

Petroleum (Consolidation) Regulations 2014

Performing Animals (Regulation) Act 1925

Public Health Acts Amendment Act 1907

Legislative Reform (Supervision of Alcohol Sales in Church and Village Halls and Community Premises) Order 2009

Explosives Regulations 2014

Hypnotism Act 1952

Mobile Homes (Wales) Act 2013

Public Health (Wales) Act 2017

The Special Procedures Licensing Committees (Wales) Regulations 2024.

3. Authority to:

(a) donate seized or forfeited goods to outside bodies as appropriate in consultation with the relevant Cabinet Member;

(b) dispose of seized or forfeited goods as appropriate;

(c) waive fees in respect of any of the functions delegated, where appropriate

(d) approve Company insignia on licensed vehicles;

(e) suspend or revoke Hackney Carriage/Private Hire Driver, Vehicle or Operator licences where it is considered that immediate action should be taken in the public interest;

(f) determine applications to display advertisements on Hackney Carriages and Private Hire vehicles after consultation with the Chair of the Licensing Committee;

(g) make representations in respect of applications for licences/transfers/variations under the Licensing Act 2003 and Gambling Act 2005

(h) submit applications for the review of licences under the Licensing Act 2003 and Gambling Act 2005;

(i) arrange for the burial or cremation of the dead under the Public Health (Control of Disease) Act 1984;

(j) issue the necessary authorisations for the various specified processes under Part I of the Environmental Protection Act 1990;

(k) determine applications for concessions for the payment of fees for impounded dogs in certain circumstances, on the grounds of special hardship.

4. Authority to grant rebates of fees in suitable cases where traders offered facilities on their own premises and where a Trading Standards Officer tested and stamped equipment in bulk.

5. Authority, in consultation with the Section 151 Officer, to give a discount on verification fees for weights and measures equipment used for trade purposes when the owner or agent arranges for suitable equipment to be made available on site.

6. Authority, with other nominated Officers to carry out works in default and recover the costs in the event of non-compliance of

notices issued under the following Acts:

(a) Environmental Protection Act 1990;

(b) Local Government (Miscellaneous Provisions) Act 1982;

(c) Public Health Act 1936

(d) Housing Act 2004;

(e) Prevention of Damage by Pests Act 1949.

7. Authority, in consultation with the Chair of the Licensing Committee, to determine applications for waiving of the Council's Age Policy Guidelines regarding vehicles registered for Hackney Carriage and Private Hire use.

8. Authority, in consultation with the relevant Cabinet Member, to appoint temporary staff and spend additional monies on sampling as necessary during a major outbreak of food poisoning or infectious disease.

9. To appoint Proper Officers for Weights and Measures, the Chief Weights and Measures Inspector and the Chief Port Health Officer.

10. Authority to adopt the all-Wales fees for the new mandatory licensing regime for special procedures for body piercing, tattooing, acupuncture, electrolysis, etc. Regulations, due to come into force on 29th November,2024, or on such date as to be appointed by the Welsh Ministers thereafter, in consultation with the relevant Cabinet Member.

11. Under the Public Health (Wales) Act 2017 authority to:

- designate an individual performing a special procedure to be licensed
- issue a Special Procedures Licence where all the applicable licensing criteria is met
- issue an Approval Certificate for a premises or vehicle
- renew an Approval Certificate for a premises or vehicle
- refuse an Approval Certificate for a premises or vehicle

- take reasonable steps for bringing a Voluntary Termination Notice to the attention of appropriate persons
- issue a Stop Notice
- issue a Remedial Action Notice in respect of Special Procedures Licence
- issue a Remedial Action Notice in respect of an Approved Premises Certificate
- issue a Completion Certificate in respect of a Special Procedure Licence or an Approved Premises Certificate
- carry out enforcement action and consultation in respect of intimate piercing
- issue a Warning Notice under Schedule 3 paragraph 15(3).

HEAD OF SHARED REGULATORY SERVICES (as provided for under Schedule 1, Part 3 of the Joint Working Agreement for the Shared Service)

(N.B. References below to "Part" and "Schedule" relate to the Joint Working Agreement)

1. Head of Service

Subject to the provisions of Clause 10 [matters not delegated] and the limitations on delegations set out in the Agreement the following functions are hereby delegated to the Head of Regulatory Services and his nominated deputies by the Participants to be carried out on behalf of those Participants subject to the terms hereof:-

1.1 In respect of the Regulatory Service Functions all duties and functions including:

(a) Appointment of Inspectors, Authorised Officers or similar designated persons

(b) Undertaking inspections and investigation of complaints

(c) Signing and service of notices

(d) Signing and issuing, revoking and varying, any licence, permit, order or other document

(e) Executing, or arranging for the execution of, works in default

(f) Purchasing or otherwise procuring samples, seize equipment, goods and animals

(g) The exercise of powers of entry

(h) The engagement of specialist advisors/contractors to support/supplement service activity,

(i) The institution of legal proceedings (in consultation with the Head of Legal and Democratic Services of the Relevant Authority)

(j) The obtaining of warrants of entry

(k) And all other ancillary matters relating to the Regulatory Service functions.

1.2 In respect of all functions arising out of or in connection with the following functional areas of responsibilities of the Participants

- All Duties of the Local Weights and Measures Authority
- All Duties of Local Food and Feed Authority
- All duties assigned to a Local Authority associated with Consumer Protection, Public Health and Environmental Protection
- Animal Health, Welfare, and Disease Control
- Consumer Protection
- Food Safety/Infectious Disease Control
- Environment
- Pest Control
- Miscellaneous Trading

- Pollution Control
- Public Health
- Sales to Minors
- Smoking Regulations
- Trading Standards

including (without prejudice to the generality of the foregoing) the duties, functions, responsibilities and powers of the Participants under the primary and secondary legislation listed in **Part 1 of Schedule 1** (save insofar as they relate to matters listed in **Part 2 of Schedule 1**) and all regulations and orders made there-under, and any subsequent legislation replacing amending or extending the same together with any future acts, orders or regulations made there-under which relate to the functions specified or to functions which are analogous thereto

1.3 Responding to all requests for information in accordance with the Freedom of Information Act 2000 and Environmental Information Regulations 2004 in respect of the functions delegated to the Joint Committee (whether such requests are addressed to the Joint Committee or any Participant)

1.4 Authorisation of Directed Surveillance activities in accordance with the Regulation of Investigatory Powers Act 2000; all such authorisations to be made in accordance with the procedures and policies of the Shared Regulatory Service (provided that authorisation for the use of a juvenile or vulnerable adult as a covert human intelligence source shall only be given by the Chief Executive of the relevant Participants).

1.5 That the Head of Shared Regulatory Services be given delegated authority so as to authorise relevant officers to exercise, as and when required, the carrying out of those statutory enforcement powers under the Renting Homes (Fees etc.) (Wales) Act 2019.

2. General Responsibilities

The Head of Regulatory Services shall

(i) be responsible for all day to day operational and technical decisions in respect of the Shared Regulatory Service (including the appointment of all staff in accordance with the Host Authority's policies) and shall carry out such role and responsibilities in accordance with the Budget and Business Plan; and (ii) prepare reports on the financial position and performance of the Shared Regulatory Service to the members of the Joint Committee, Management Board and to the Section 151 Officers of each Participant.

DIRECTOR OF PLACE AND HEAD OF SUSTAINABLE DEVELOPMENT

That responsibility for rights of way/highway related functions contained in the Local Authorities (Executive Arrangements) (Functions and Responsibilities) (Wales) (Amendment) (Regulations) 2009, other than those already allocated to the Planning Committee or the Public Rights of Way Sub-Committee be delegated to the Head of Sustainable Development* and that

(i) In all the sub sections contained in Appendix A, pre-Order consultation shall always include Local Ward Members.

(ii) In all the sub sections contained in Appendix A, pre-Order consultation with Local Ward Members would afford Members the right to request that the matter be reported to the relevant Committee/Sub-Committee.

Authority, in consultation with the Chief Executive and Cabinet Member for Sustainable Places to agree fees/charges, terms and conditions for new commercial (leisure, tourism and retail) activities in respect of the Country Parks and Medieval Village and to authorise the Head of Legal and Democratic Services to enter into the appropriate agreements on behalf of the Council in this regard.

To approve the making, and where necessary the extension of, temporary traffic regulation orders relating to temporary road closures in respect of filming after consultation with the relevant Cabinet Member and notification to the Director of Environment and Housing.

*** Note: Previously "Head of Regeneration and Planning" as set out in Appendix A of the report to Planning Committee of 20th May, 2010**

DIRECTOR OF PLACE, HEAD OF SUSTAINABLE DEVELOPMENT AND OPERATIONAL MANAGER (REGENERATION)

A. GENERAL

1. In relation to land held for economic development purposes to instruct the Section 151 Officer on the acquisition or disposal of such land, as and when required, in accordance with Council policies, after consultation with the relevant Cabinet Member and appropriate local member(s).

2. Authority to determine grant applications under the Commercial Renewal Areas (CRAs) Scheme.

3. Authority to manage and determine applications for lettings at Barry Community Enterprise Centre, the Business Service Centre (BSC), Hood Road, Barry and the BSC2, Hood Road, Barry.

4. Authority to manage and determine applications for lettings of the commercial storage units at the Glamorgan Heritage Coast Centre, Southerndown.

5. Authority to approve expenditure of up to £10,000 on background research in collaboration with other agencies on economic development issues identified in connection with the Rural Business Development Project.

6. Authority to agree the final levels of grant to external organisations providing economic development services.

7. Authority, following consultation with the three elected Member nominees, to arrange appropriate management of the Heritage Skills Centre and delivery of training and to apply for lottery or other funding for restoration activities.

8. To determine applications for proposed public footpaths after consultation with the relevant Cabinet Member and to instruct the Head of Legal and Democratic Services to undertake the necessary legal procedures.

9. Authority, after consultation with the relevant Cabinet Member, to determine applications to erect site notices in accordance with Schedule 14 of the Wildlife and Countryside Act 1981.

10. Authority to approve the redistribution of any underspend in the Commercial Renewal Area Grant Initiative allocations to any commercial renewal area which required additional resources, following consultation with the relevant Cabinet Member and Section 151 Officer.

11. To determine applications for lettings and management at the Vale Enterprise Centre.

12. To authorise the preparation of Definitive Maps and Statements for the relevant area and to authorise preparation of a consolidated Definitive Map and Statement for the relevant area.

13. In consultation with the relevant Cabinet Member, be granted delegated powers to authorise dedication of Public Rights of Way on land owned by the Council, subject to consultation with the relevant service area and local Members.

14. Authority to consider and determine Footpath and Bridleway Orders under Section 257 of the Town and Country Planning

Act 1990, where such orders are unopposed during pre-Order consultation.

15. To take all necessary action under Section 29 of the Local Government (Miscellaneous Provisions) Act 1982, including the carrying out of works to buildings for the purpose of preventing unauthorised entry or for preventing a danger to public health, after the appropriate consultations.

16. To invite consultants to tender for group repair work on a fixed percentage fee price in Renewal Areas where the work cannot be provided in-house.

17. To obtain and allocate public and private funding for Renewal Areas and other housing related initiatives.

18. To determine all housing grant applications and applications for unforeseen works in accordance with the Local Government and Housing Act 1989 and Regulatory Reform (Housing Assistance) (England and Wales) Order 2002/1860.

19. To reduce or waive the fee in respect of the processing of grant applications, where it exceeds the applicant's grant entitlement.

20. To waive the requirement to obtain three estimates where specialist services/equipment are being provided by means of disabled facilities grant under the Local Government and Housing Act 1989, the Housing Grants, Construction and Regeneration Act 1996 and the Council's Private Sector Housing Renewal Policy.

21. To recover grant monies in cases of a breach of grant conditions in accordance with the Council's guidelines approved in July 1990 and the Council's Private Sector Housing Renewal Policy.

22. To waive the requirement for a landlord to provide a Letting Certificate to accompany a Tenant's Disabled Facilities Grant.

23. To extend, where appropriate, the deadlines for the return of documents/information in respect of grants.

24. To grant appropriate consent for alterations to Council property being carried out with the benefit of Disabled Facilities Grant.

25. To approve, in consultation with the Section 151 Officer and the Cabinet Member for Performance and Resources, requests for waiving conditions outside of existing policies relating to the repayment of money up to the value of £10,000 in relation to Disabled Facilities Grants, (house renovation) grants and group repair schemes in accordance with Council policy.

B LEISURE

1. Authority to issue permits for horse riding at Porthkerry Country Park and Cosmeston Lakes Country Park.
2. Authorise the use of Cosmeston Lakes Country Park eastern lake for water sports activities by clubs and organisations.

DIRECTOR OF PLACE, HEAD OF SUSTAINABLE DEVELOPMENT, OPERATIONAL MANAGER (PLANNING AND BUILDING CONTROL) AND, ONLY WHERE INDICATED, PRINCIPAL PLANNING OFFICERS

1. BUILDING CONTROL

1.1 To apply for an order under Section 22 of the Building Act 1984 (as amended) and to execute works in default thereof after consultation with the Head of Legal and Democratic Services.

1.2 With other nominated Officers:

a) to authorise the carrying out of works in default and recover the costs in the event of non-compliance of notices issued under the Building Act 1984 (as amended);

b) to authorise entering into agreement with the owner or occupier of any premises and carry out at his expense any work he is required to carry out by the Local Authority under the Building Act 1984 (as amended), or any work in connection with the construction, lay, alteration or repair of a sewer or drain that he is entitled to carry out.

1.3 To review and set level of charges relating to general building control matters in accordance with the Building (Local Authority Charges) Regulations 2010 on an annual or more frequent basis should market trends dictate and to issue the required notice and financial statements at the end of each financial year in consultation with the relevant Cabinet Member.

1.4 To determine building regulation applications submitted in accordance with the relevant provisions of the Building Act 1984 (as amended).

1.5 To issue, vary or revoke any notice under the Building Act 1984 (as amended) and to exercise the Council's powers of enforcement and prosecution under the Building Act 1984 (as amended) in respect of any failure to comply with the terms of a Notice issued.

1.6 To sell materials from demolished buildings in accordance with the provisions of Section 100 of the Building Act 1984 (as

amended).

1.7 To implement the Building Regulations.

1.8 To determine applications for the relaxation and dispensation of Building Regulations.

1.9 To issue, vary or revoke a Notice under section 29 of the Local Government (Miscellaneous Provisions) Act 1982 (as amended) for the protection of buildings and to exercise the Council's powers of enforcement and prosecution under the 1982 Act in respect of any failure to comply with the terms of a section 29 Notice issued.

2. LISTED BUILDINGS etc.

2.1 To determine grant applications under the Historic Buildings Grants Programme.

2.2 To serve an Article 4 Notice to prevent development and / or demolition that may otherwise be permitted development.

3. PLANNING APPLICATIONS etc.

3.1 To determine all applications made under planning legislation (*including applications for planning permission [full and outline], Reserved Matters, advertisement consent, Minerals applications, EIA Screening and Scoping, Listed Building consent, Conservation Area consent, Hazardous Substances consent, the discharge of planning conditions, Non Material Amendments, works to trees protected by Tree Preservation Orders, notifications of works to trees located within Conservation Areas, applications for Lawful Development Certificates, Hedgerow Removal, variations of Legal Agreements, Local Impact Reports relating to Developments of National Significance, and any determinations (including granting consent) in relation to prior approval / permitted development rights under the General Permitted Development Order [including but not limited to telecommunications, demolition and agricultural determinations])* except the following, where determination shall be referred to the Council's Planning Committee:

a) Applications contrary to the provisions of the Development Plan, where recommended for approval.

b) Applications for outline or full planning permission where the development is defined as "major" development in Article 2 of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 (as amended or modified by subsequent legislation) and where the site does not already benefit from an extant consent (outline or full) for a similar type and scale of development.

c) Applications for Environmental Impact Assessment (EIA) Development (not including screening and scoping applications).

d) Applications submitted by any Officer involved in the planning process or a Councillor of the Vale of Glamorgan Council. An Officer is involved in the planning process if they are a member of staff in the planning section, or involved in enforcing planning matters, or giving advice or support to Officers or Councillors involved in the planning process or could be perceived to be involved in, or responsible for, the planning process.

e) Applications where an Elected Member has requested that an application be determined by the Planning Committee, giving planning reasons for that request, in accordance with the following procedure:

Where any Member of the Council requires that a particular application shall be determined by the Planning Committee, the application will be referred to the Committee for consideration subject to the Member contacting a Principal Planning Officer, Operational Manager for Planning and Building Control or Head of Sustainable Development within 21 days of a formal consultation / re-consultation on the application and such request being substantiated by a good planning reason or demonstration that strong local objections had been received and in the case of a difference of opinion between the relevant officer and any Member the matter shall be referred to the Chair of the Planning Committee for consideration and a decision on the Member's request.

f) Applications which, while not falling within subsections a) to e) above, are considered by the Director of Place, Head of Sustainable Development or Operational Manager for Planning and Building Control to be of strategic importance and should be determined by Planning Committee.

3.2 The following matters included within section 3.1 above may be determined by the Principal Planning Officers (Team Leaders); Householder Applications that are recommended for approval where there have been no objections made as a result of the consultation process, Applications for Non-Material Amendments, applications for the discharge and / or approval of details required by condition, applications for pre-application advice, EIA Screening and Scoping applications, consultations in respect of planning applications notified by adjacent Local Planning Authorities, and issuing a Notice under section 62ZA (Notice that an application does not comply with a validation requirement imposed under section 62) of the Town and Country Planning Act 1990 (as amended).

3.3 To instruct the Head of Legal and Democratic Services to draft and complete Section 106 legal agreements.

4. MINERALS

4.1 To discharge the functions of the Council to determine the following mineral planning matters (other than where they comprise “Major Development”):

a) Determination of details submitted in discharge of Part 19 of The Town and Country Planning (General Permitted Development) Order 1995 (as amended), including:

i) Class A: Quarry processing plant;

ii) Class B: Ancillary plant e.g. ready mixed concrete and coating plants.

b) Applications for plant, machinery, offices etc., at quarries outside the scope of the 1995 Order, including retention of plant following the cessation of mineral working.

c) Applications for mineral exploration not permitted by Part 22 of 1995 Order 1995 (boreholes, seismic surveys etc.).

d) Applications for revised working schemes required by the Review of Mineral Sites set up by the Environment Act 1995 (as amended) (Schedules 13 and 14).

e) Applications for schemes in discharge of registered Interim Development Orders pursuant to the Planning and Compensation Act 1991 (as amended).

f) Amendments / variation to conditions of mineral permissions.

g) Schemes in discharge of conditions of mineral permissions.

h) Consultations by adjoining authorities on mineral working proposals in their areas.

i) Determination of the need for an Environmental Assessment to be submitted with any application (this is mandatory for mineral extraction areas greater than 2.5ha).

j) Amendment to, and determination of, details in discharge of requirements of Section 106 Agreements at quarries.

5. ENFORCEMENT

5.1 To investigate and resolve complaints of unauthorised development / breaches of Planning control, including issuing Planning Contravention Notices and Requisitions for Information, instigating prosecution proceedings, action under the Proceeds of Crime Act, taking direct action, removing and / or obliterating advertisements and placards, and / or resolving to take no further action where formal enforcement action is not considered expedient (where necessary by instruction to the Head of Legal and Democratic Services).

5.2 By instruction to the Head of Legal and Democratic Services, to issue formal enforcement notices or similar* under Planning and associated legislation, other than in the following cases, which shall be referred to Planning Committee:

a) Where the unauthorised development in question is defined as "major" development in Article 2 of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 (as amended or modified by subsequent legislation).

b) Where the proposed enforcement action would result in the cessation of use of a residentially occupied building/ unit.

5.3 By instruction to the Head of Legal and Democratic Services, to issue formal enforcement notices or similar* under Planning and associated legislation in relation to matters covered by 5.2 b) and c) above, in instances where reference to the Planning Committee would result in detrimental delay to the ability of the Council to enforce the matter.

* *Including but not limited to issuing: Enforcement Notices, Listed Building Enforcement Notices, Stop Notices, Temporary Stop Notices, Breach of Condition Notices, Breach of Condition Enforcement Notices, Enforcement Warning Notice, Notices under Section 215 of the Planning Act, Hedgerow Replacement Notices, Tree Replacement Notices.*

5.4 In consultation with the Head of Legal and Democratic Services, to authorise the variation or withdrawal of a previously issued Notice (as set out at * in 5.3 above), to correct a defect or error to make such other minor variation as deemed necessary and to instruct the Head of Legal Services to issue such amended notices, if appropriate.

6. TREES

6.1 To instruct the Head of Legal and Democratic Services and Operational Manager (Legal Services) to make, revoke and vary Tree Preservation Orders under the Town and Country Planning Act 1990 (as amended).

6.2 To instruct the Head of Legal and Democratic Services and Operational Manager (Legal Services) to confirm a Tree

Preservation Order made under the Town and Country Planning Act 1990 (as amended) where there are no objections to the Order or where objections are subsequently withdrawn.

7. APPEALS

7.1 In the circumstances where there is a change to the matters that are material to the Council's case, authority to amend or withdraw all or parts of the Council's case during the course of any Appeal made under the Town and Country Planning Act 1990 (as amended), the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended), The Hedgerow Regulations 1997, the Town and Country Planning (Control of Advertisement) Regulations 1992, the Anti-Social Behaviour Act 2003 or the Town and Country Planning (Trees) Regulations 1992, subject to the matter being reported to the Planning Committee in due course.

8. RIGHTS OF ENTRY

8.1 To authorise Planning and Building Control officers of the Council, in undertaking the Planning and Building Control functions, the right to enter land granted by virtue of the following legislation:

- Town and Country Planning Act 1990 (as amended) – Sections 196A, 196B, 196C, 324, 325 and 325A.
- Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) – Section 88.
- Building Act 1984 (as amended) – Sections 95 and 96.

DIRECTOR OF PLACE, HEAD OF SUSTAINABLE DEVELOPMENT, OPERATIONAL MANAGER (REGENERATION), HEAD OF NEIGHBOURHOOD SERVICES AND TRANSPORT AND OPERATIONAL MANAGER (NEIGHBOURHOOD SERVICES – HEALTHY LIVING AND PERFORMANCE)

LEISURE

1. Authority to manage the pleasure grounds, public open spaces, pitches, leisure gardens and sports and leisure facilities provided by the Council or under their management and control, and in connection therewith:

(a) to approve and authorise uses, lettings, displays and applications,

(b) grant any necessary consents or permissions,

(c) make charges, grant concessions and make refunds where appropriate,

(d) set aside or allocate areas for specified uses, after consultation with the relevant Cabinet Member,

(e) issue permits and passes,

(f) stage contests and special aqua shows,

(g) to exercise the Council's powers under Section 145 of the Local Government Act 1972 in respect of any park or pleasure ground,

subject to:

(i) any fees and charges levied being in accordance with the scales and policies set from time to time by the Council or Cabinet;

(ii) lettings for commercial and similar events shall be for events of the nature or kind previously agreed by the Council or Cabinet;

(iii) any concessions are to be in accordance with any policies or limitations set from time to time by the Council or Cabinet;

(iv) compliance with any relevant bye-laws,

(v) any expenditure to be contained within revenue budgets for the relevant period.

2. Authority to approve the use of seaside, recreational and leisure facilities for sports, cultural, social and entertainment activities, including special events.

3. Authority to approve contract variations and issue appropriate instructions to the contractor services.

4. Authority to issue permits for photographic rights, sale of refreshments, seaside activities, children's swings, landing stages for pleasure boats, plying for hire with pony carriage, ponies and donkeys and other miscellaneous entertainments.

5. Authority to submit applications for National Lottery funding for all relevant schemes approved within the service's Capital Programme.

6. Authority to utilise appropriate sites under the control of the Cabinet for roller-skating activity.

DIRECTOR OF SOCIAL SERVICES

A. SOCIAL SERVICES

CHILDREN AND YOUNG PEOPLE SERVICES

DIRECTOR OF SOCIAL SERVICES

HEAD OF CHILDREN AND YOUNG PEOPLE SERVICES AND OPERATIONAL MANAGERS (CHILDREN AND YOUNG PEOPLE SERVICES)

1. Payment of foster carer, adoption and residential care allowances for children being looked after.

2. Financial and material aid under Section 17 of the Children Act 1989 as follows:

(a) grants and/or loans not exceeding £500 at any one time

(b) provision of essential furniture, household goods and equipment from the service area's stock.

3. To decide whether a Social Worker should stand bail for a child or young person being looked after and that the officer be reimbursed for any payment made.

4. To decide the amount of the financial contribution by the child/young person being looked after by any alternative thereto where the Council pays a fine imposed by the Court.

5. Where parents or nearest relatives receive income support or any other welfare benefit, to approve payment of their fares in contacting children being looked after.

6. To approve the payment of fares and subscriptions to youth organisations for children being looked after.

7. To allow visits to Out-County placements where necessary.

8. Authority to seek nomination for membership and to make suitable appointments to the Adoption and Fostering Panels

under the Adoption and Fostering Agencies regulations or such other legislation as may from time to time be in force.

9. To consent, in appropriate cases (after medical counselling and when it is considered in the best interests of the child to do so) to the giving of contraceptive treatment to children being looked after.

10. To accommodate children and/or initiate Court proceedings under the Children Act 1989

11. To approve payments and financial support beyond eighteenth birthday for young people previously looked after by the Authority.

12. To consent to medical treatment for children looked after by the Authority.

13. To undertake statutory reviews of children looked after by the Authority.

14. In respect of adoption of children:

(a) to determine membership of panels to consider questions relating to the adoption of specific children;

(b) to decide placements for adoption in the context of the individual needs of children, acting in accordance with the advice of the panel.

15. To authorise payments in line with the current income support rates to young persons aged between 18 and 21 years who meet the criteria for assistance detailed in Section 24 of the Children Act 1989

16. To authorise payments of weekly allowances in respect of children in need but not being looked after by the Council.

17. Authority, after consultation with the Head of Legal and Democratic Services, to institute legal proceedings under Part 2 of the Children and Families (Wales) Measure 2010.

18. Authority to act on behalf of the Vale Adoption and Fostering Agencies.

19. Authority to:

(a) give children who are the subject of Care Orders (Children Act 1989) permission to travel abroad for holiday periods;

(b) authorise and sign the Declaration section of a passport application form in respect of a child who is the subject of a Care

Order;

(c) give permission for a child who is the subject of a Care Order to be placed in the parent/parents care under the Placement With Parents Regulations 1991.

ADULT SERVICES

DIRECTOR OF SOCIAL SERVICES, HEAD OF ADULT SERVICES AND VALE LOCALITY MANAGER AND OPERATIONAL MANAGERS (LEARNING DISABILITIES, LOCALITY SERVICES AND RESIDENTIAL AND COMPLIANCE)

1. To determine eligibility in the event of any dispute over the issue of a “Blue” badge to disabled drivers.

2. To allow visits to Out-County placements where necessary.

3. To decide on the reception of persons into the guardianship of the Council under Sections 7 and 37 of the Mental Health Act 1983.

4. To approve expenditure in emergencies arising during cold weather spells, and subject to discussions with the Section 151 Officer if it is not possible to meet such expenditure from within estimates after consultation with the relevant Cabinet Member.

5. To determine requests for heating when adaptations are being undertaken in houses for disabled people in accordance with criteria approved by the Cabinet.

6. The issue of Telecare and minicom telecommunications equipment or any new equipment of a similar nature following assessment of need in accordance with criteria approved by the Cabinet.

7. To approve additional posts where such posts are fully funded (for the duration of the appointment) by the Welsh Government or Cardiff and Vale University Health Board after consultation with the relevant Cabinet Member.

8. In respect of people with a physical disability and after consultation with the Section 151 Officer:

(a) to approve requests for assistance under the Social Services and Wellbeing Act (Wales) in accordance with Welsh Government Guidance;

(b) to determine the cost threshold below which equipment will not be provided and revise the threshold in line with the relevant movements in the Retail Price Index.

(c) to approve fee levels for standard residential and nursing contracts for services under the Social Services and Wellbeing Act (Wales), in consultation with the relevant Cabinet Member.

9. To approve fee payments above the standard contracted level, in cases of emergency.

10. To approve a package of community care in excess of the gross cost of a residential placement for the registration category of the person concerned when the cost can be met by the budget holder.

11. To determine financial assistance for the provision of hardstandings for vehicles for disabled people in accordance with any criteria approved by the Cabinet (and in exceptional circumstances applications which fall outside the criteria).

12. Authority, in consultation with the Director of Learning and Skills, to create procedures of regularising the recruitment of temporary employee to meet the specialist needs of individual clients where such needs could not otherwise be met; such procedures and associated staffing changes to be the subject of consultation with the recognised Trade Unions.

13. Following consultation with the relevant Cabinet Member, to appoint Approved Social Workers under Section 114 of the Mental Health Act 1983

14. In appropriate circumstances, upon the advice of the Head of Legal and Democratic Services, to make application to the Court of Protection/ Public Guardianship Office for Deputyship or such other order as is appropriate in `the given circumstances.

BUSINESS MANAGEMENT AND INNOVATION

DIRECTOR OF SOCIAL SERVICES

HEAD OF RESOURCES MANAGEMENT AND SAFEGUARDING, OPERATIONAL MANAGER (SAFEGUARDING AND SERVICE OUTCOMES) AND OPERATIONAL MANAGER (COMMISSIONING AND FINANCE)

1. Authority to refer individual cases of debt recovery to the Section 151 Officer.

2. To pilot recruitment of social workers from overseas.

3. In consultation with the Section 151 Officer and the relevant Cabinet Member, to vary fee levels in appropriate circumstances in respect of residential and nursing homes.

4. Upon instruction to the Head of Legal and Democratic Services to take such action in relation to the placing of a legal charge upon the property of a service user as is permitted by Statute, specifically Section 22 of the Health and Social Services and Social Security Adjudications Act 1983 or such other Act that permits a placing of a charge upon a property that may from time to time be in force, and a charge s.71 of the Social Services (Well-being) Wales Act 2014, as appropriate.

5. In hardship cases to depart from the standard scale in assessing charges to be made for certain social services.

6. Upon being satisfied on making reasonable enquiries that there is no relative, executor/administrator or any other person who could make appropriate arrangements, authority to arrange a burial or a cremation of a body of a person who has died in social services/residential accommodation, subject to consultation with the Head of Legal and Democratic Services/Operational Manager (Legal Services).

7. Upon instruction to the Head of Legal and Democratic Services to take such action in relation to the recovery of monies owed to the Local Authority in respect of the assessed charge for Part III accommodation, where no charge is in place under s.22, on being satisfied on making reasonable enquiries that there is no relative, executor / administrator or any other person who could make appropriate arrangements, authority to act on behalf of the council in respect of an application under s.116 of the Senior Courts Act 1981, to the Probate Registry for England and Wales, for a grant of representation.