SECTION 14

14. RESPONSIBILITY FOR FUNCTIONS - SUMMARY

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

14.1 Who can be Decision-Makers?

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

(a) Full Council;

(b) a Committee or Sub-Committee of the Council;

(c) the Executive Leader(s);

(d) the Cabinet;

(e) a Committee of the Cabinet;

(f) an individual Cabinet Member;

(g) a Joint Committee;

(h) a Corporate Joint Committee;

(i) an Officer.

The Council will issue and keep up-to-date a record of which body or individual has responsibility for particular types of decisions. This record is set out in this Section of the Constitution.

14.2 Principles of Decision-Making

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

(a) proportionately (i.e. the action must be proportionate to the desired outcome);

(b) due consideration and the taking of professional advice from Officers;

(c) respect for human rights;

(d) a presumption in favour of openness;

(e) clarity of aims and desired outcomes;

(f) consideration of any alternative options; and

(g) the giving and recording of reasons for the decision and the proper recording of these reasons.

14.3 Functions – Categories

Functions fall into the following categories:

14.3.1 Functions of the Full Council

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

14.3.2 Non-Executive Functions

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

14.3.3 "Local Choice" Functions

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

14.3.4 Executive Functions

All other functions are Executive / Cabinet Functions.

14.4 Other Bodies

14.4.1 Advisory Bodies

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

14.4.2 Scrutiny Committees

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

Whilst a Scrutiny Committee does not make formal decisions, they are able to make recommendations to Cabinet regarding policy change, which Cabinet should feedback on accordingly.

14.4.3 Officer Delegations

Officer delegations are contained in **Section 26** of the Constitution.

14.5 Who Decides – Non-Executive Functions?

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

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

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

14.6 Who Decides – Executive Functions?

The Leader(s) may decide whether to delegate Executive / Cabinet Functions to a Committee of the Cabinet, an individual Cabinet Member, a delegated Officer or a Joint Committee.

14.7 Removal of Delegation

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

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

14.8 Who May Exercise Officer Delegations?

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

A full list of Officer delegations is contained within **Section 26**.

14.9 Responsibility for Functions – Summary of Schedules

The Local Authorities (Executive Arrangements) (Functions and Responsibilities) (Wales) Regulations 2007 and the Amended Regulations 2009 give effect to Section 13 of the Local Government Act 2000 by specifying which functions are not to be the responsibility of the Cabinet, which may (but need not) be the responsibility of the Cabinet (the 'local choice functions') and which are to some extent the responsibility of the Cabinet. All other functions not so specified are to be the responsibility of the Cabinet.

The schedules overleaf provide a means of meeting this requirement. **Schedule 1** covers functions not to be the responsibility of the Cabinet. **Schedule 2** covers local choice Executive / Cabinet Functions. **Schedule 3** covers local choice Council functions. **Schedule 4** covers those functions which are not to be the sole responsibility of the Cabinet. **Schedules 5 and 6** set out mandatory Executive / Cabinet and Council functions respectively.

14.10 SCHEDULE 1: FUNCTIONS NOT TO BE THE RESPONSIBILITY OF AN AUTHORITY'S CABINET / EXECUTIVE

(1)	*(2)*
Function	***Provision of Act or Statutory Instrument***
A. Functions relating to town and country planning and development control	
1. Power to determine applications for planning permission.	Sections 70(1)(a) and (b) and 72 of the Town and Country Planning Act 1990[1] (c.8).
2. Power to determine applications to develop land without compliance with conditions previously attached.	Section 73 of the Town and Country Planning Act 1990.
3. Power to grant planning permission for development already carried out.	Section 73A of the Town and Country Planning Act 1990.
4. Power to decline to determine application for planning permission.	Section 70A of the Town and Country Planning Act 1990.
5. Duties relating to the making of determinations of planning applications.	Sections 69, 76[2] and 92 of the Town and Country Planning Act 1990 and Articles 8, 10 to 13, 15 to 22 and 25 and 26 of the Town and Country Planning (General Development Procedure) Order 1995 (S.I. 1995/419)[3] and directions made there under.
6. Power to determine applications for planning permission made by a local authority, alone or jointly with another person.	Section 316 of the Town and Country Planning Act 1990 and the Town Country Planning General Regulations 1992 (S.I. 1992/1492)

[1] Amendments pending by Planning (Wales) Act 2015 (not yet in force)
[2] Repealed by Planning and Compulsory Purchase Act 2004
[3] Revoked by Town and Country Planning (Development Management Procedure) (Wales) Order 2012/801

7. Power to make determinations, give approvals and agree certain other matters relating to the exercise of permitted development rights.	Parts 6, 7, 11, 17, 19, 20, 21 to 24, 30 and 31 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 (S.I. 1995/418).
8. Power to enter into planning obligation, regulating development or use of land.	Section 106 of the Town and Country Planning Act 1990[4].
9. Power to issue a certificate of existing or proposed lawful use or development.	Sections 191(4) and 192(2) of the Town and Country Planning Act 1990.
10. Power to serve a completion notice.	Section 94(2) of the Town and Country Planning Act 1990.
11. Power to grant consent for the display of advertisements.	Section 220 of the Town and Country Planning Act 1990 and the Town and Country Planning (Control of Advertisements) Regulations 1992.
12. Power to authorise entry onto land.	Section 196A of the Town and Country Planning Act 1990.
13. Power to require the discontinuance of a use of land.	Section 102 of the Town and Country Planning Act 1990.
14. Power to serve a planning contravention notice, breach of condition notice or stop notice.	Sections 171C, 187A and 183(1) of the Town and Country Planning Act 1990.
15. Power to issue an enforcement notice.	Section 172 of the Town and Country Planning Act 1990.
16. Power to apply for an injunction restraining a breach of planning control.	Section 187B of the Town and Country Planning Act 1990.
17. Power to determine applications for hazardous substances consent, and related powers.	Sections 9(1) and 10 of the Planning (Hazardous Substances) Act 1990 (c. 10).

[4] Amendments pending by Planning (Wales) Act 2015 (not yet in force)

18. Duty to determine conditions to which old mining permissions, relevant planning permissions relating to dormant sites or active Phase I or II sites, or mineral permissions relating to mining sites, as the case may be, are to be subject.	Paragraph 2(6)(a) of Schedule 2 to the Planning and Compensation Act 1991, paragraph 9(6) of Schedule 13 to the Environment Act 1995 (c. 25) and paragraph 6(5) of Schedule 14 to that Act.
19. Power to require proper maintenance of land.	Section 215(1) of the Town and Country Planning Act 1990.
20. Power to determine applications for listed building consent, and related powers.	Sections 16(1) and (2), 17 and 33(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (c.9).
21. Power to determine applications for conservation area consent.	Section 16(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, as applied by section 74(3) of that Act.
22. Duties relating to applications for listed building consent and conservation area consent.	Section 13(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and regulations 3 to 13 of the Planning (Listed Buildings and Conservation Areas) Regulations 1990 and paragraph 127 of the Welsh Office circular 61/96: Planning and the Historic Environment: Historic Buildings and Conservation Areas.
23. Power to serve a building preservation notice, and related powers.	Sections 3(1) and 4(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
24. Power to issue a listed building enforcement notice.	Section 38 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
25. Powers to acquire a listed building in need of repair and to serve a repairs notice.	Sections 47 and 48 of the Planning (Listed Buildings and Conservation Areas) Act 1990. Section 44A of the Planning (Listed Buildings and Conservation Areas) Act 1990.
26. Power to apply for an injunction in relation to a listed building.	Section 44A of the Planning (Listed Buildings and Conservation Areas) Act 1990.

27. Power to execute urgent works.	Section 54 of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990.
28. Power related to mineral working.	Schedule 9 of the Town and Country Planning Act 1990.
29. Power related to footpaths and bridleways.	Section 257 of the Town and Country Planning Act 1990.
30. Power as to certification of appropriate alternative development.	Section 17 of the Land Compensation Act 1961 (c.33).
31. Duties in relation to purchase notices.	Sections 137-144 of the Town and Country Planning Act 1990.
32. Powers related to blight notices.	Sections 149-171 of the Town and Country Planning Act 1990.
B. Licensing and registration functions (insofar as not covered by any other paragraph of this Schedule)	
1. Power to issue licences authorising the use of land as a caravan site ("site licences").	Section 3(3) of the Caravan Sites and Control of Development Act 1960 (c. 62).
2. Power to license the use of moveable dwellings and camping sites.	Section 269(1) of the Public Health Act 1936 (c.49).
3. Power to license hackney carriages and private hire vehicles.	(a) as to hackney carriages, the Town Police Clauses Act 1847 (10 & 11 Vict. c. 89), as extended by section 171 of the Public Health Act 1875 (38 & 39 Vict. c. 55), and section 15 of the Transport Act 1985 (c. 67); and sections 47, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions Act 1976 (c.57); (b) as to private hire vehicles, sections 48, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976.

4. Power to license drivers of hackney carriages and private hire vehicles.	Sections 51, 53, 54, 59, 61 and 79 of the Local Government (Miscellaneous Provisions) Act 1976.
5. Power to license operators of hackney carriages and private hire vehicles.	Sections 55 to 58, 62 and 79 of the Local Government (Miscellaneous Provisions) Act 1976.
6. Power to register pool promoters.	Schedule 2 to the Betting, Gaming and Lotteries Act 1963[5] (c. 2).
7. Power to grant track betting licences.	Schedule 3 to the Betting, Gaming and Lotteries Act 1963[6].
8. Power to license inter-track betting schemes.	Schedule 5ZA to the Betting, Gaming and Lotteries Act 1963.[7]
9. Power to grant permits in respect of premises with amusement machines.	Schedule 9 to the Gaming Act 1968[8] (c. 65).
10. Power to register societies wishing to promote lotteries.	Schedule 1 to the Lotteries and Amusements Act 1976[9] (c. 32).
11. Power to grant permits in respect of premises where amusements with prizes are provided.	Schedule 3 to the Lotteries and Amusements Act 1976.[10]
12. Power to issue entertainments licences.	Section 12 of the Children and Young Persons Act 1933 (c.12)
13. Power to license sex shops and sex cinemas.	The Local Government (Miscellaneous Provisions) Act 1982, section 2 and Schedule 3.

[5] Repealed by the Gambling Act 2005
[6] Repealed by the Gambling Act 2005
[7] Repealed by the Gambling Act 2005
[8] Repealed by the Gambling Act 2005
[9] Repealed by the Gambling Act 2005
[10] Repealed by the Gambling Act 2005

14. Power to license performances of hypnotism.	The Hypnotism Act 1952 (c. 46).
15. Power to license premises for acupuncture, tattooing, ear-piercing and electrolysis.	Sections 13 to 17 of the Local Government (Miscellaneous Provisions) Act 1982.
16. Power to license pleasure boats and pleasure vessels.	Section 94 of the Public Health Acts Amendment Act 1907 (c. 53).
17. Power to license market and street trading.	Part III of, and Schedule 4 to, the Local Government (Miscellaneous Provisions) Act 1982.
18. Duty to keep list of persons entitled to sell non-medicinal poisons.	Sections 3(1)(b)(ii), 5, 6 and 11[11] of the Poisons Act 1972 (c. 66).
19. Power to license dealers in game and the killing and selling of game.	Sections 5, 6, 17, 18 and 21 to 23 of the Game Act 1831[12] (c. 32); sections 2 to 16 of the Game Licences Act 1860 (c. 90)[13], section 4 of the Customs and Inland Revenue Act 1883 (c. 10)[14], section 27 of the Local Government Act 1894 (c. 73)[15], and section 213 of the Local Government Act 1972 (c. 70).[16]
20. Power of register and license premises for the preparation of food.	Section 19 of the Food Safety Act 1990 (c. 16).
21. Power to license scrap yards.	Section 1 of the Scrap Metal Dealers Act 1964 (c. 69).[17]
22. Power to issue, amend or replace safety certificates (whether general or special) for sports grounds.	The Safety of Sports Grounds Act 1975 (c. 52).
23. Power to issue, cancel, amend or replace safety certificates for regulated stands at sports	Part III of the Fire Safety and Safety of Places

[11] All sections repealed by Deregulation Act 2015
[12] All sections repealed by Regulatory Reform (Game) Order 2007/2007
[13] All sections repealed by Regulatory Reform (Game) Order 2007/2007
[14] Repealed by Regulatory Reform (Game) Order 2007/2007
[15] Repealed by Regulatory Reform (Game) Order 2007/2007
[16] Repealed by Regulatory Reform (Game) Order 2007/2007
[17] Repealed by Scrap Metal Dealers Act 2013

grounds.	of Sport Act 1987 (c.27).
24. Duty to promote fire safety	Section 6 of the Fire and Rescue Services Act 2004 (c.21)
25. Power to license premises for the breeding of dogs.	Section 1 of the Breeding of Dogs Act 1973 (c. 60) and section 1 of the Breeding and Sale of Dogs (Welfare) Act 1999 (c. 11).[18]
26. Power to license pet shops and other establishments where animals are bred or kept for the purposes of carrying on a business.	Section 1 of the Pet Animals Act 1951 (c. 35); section 1 of the Animal Boarding Establishments Act 1963 (c. 43); the Riding Establishments Acts 1964 and 1970 (1964 c. 70 and 1970 c. 70); section 1 of the Breeding of Dogs Act 1973 (c. 60),[19] and sections 1 and 8 of the Breeding and Sale of Dogs (Welfare) Act 1999.[20]
27. Power to register animal trainers and exhibitors.	Section 1 of the Performing Animals (Regulation) Act 1925 (c. 38).
28. Power to license zoos.	Section 1 of the Zoo Licensing Act 1981 (c. 37).
29. Power to license dangerous wild animals.	Section 1 of the Dangerous Wild Animals Act 1976 (c. 38).
30. Power to enforce regulations in relation to animal by-products.	Regulation 49 of the Animal By-products (Wales) Regulations 2006 (S.I 1292 (W.127))[21]
31. Power to license the employment of children.	Part II of the Children and Young Persons Act 1933 (c.12), bye-laws made under that Part, and Part II of the Children and Young Persons Act 1963 (c. 37).
32. Power to approve premises for the solemnisation of marriages and the registration	Section 46A of the Marriage Act 1949 (c. 76), section 6A of the Civil Partnership Act 2004 (c.33) and the Marriages and Civil Partnerships

[18] Amended by Animal Welfare (Breeding of Dogs) (Wales) (Regulations) 2014 (section no longer applies to Wales)
[19] Amended by Animal Welfare (Breeding of Dogs) (Wales) (Regulations) 2014 (section no longer applies to Wales)
[20] Amended by Animal Welfare (Breeding of Dogs) (Wales) (Regulations) 2014 (section no longer applies to Wales)
[21] Revoked by SI 2011/2377 and by Animal By-Products (Enforcement) (Wales) Regulations 2011/600

of civil partnerships.	(Approved Premises) Regulations 2005 (S. I. 2005/3168).
33. Power to register common land or town or village greens, except where the power is exercisable solely for the purpose of giving effect to— 33(a).an exchange of lands effected by an order under section 19(3) of, or paragraph 6(4) of Schedule 3 to, the Acquisition of Land Act 1981 (c. 67) or 3(b) an order under section 147 of the Inclosure Act 1845 (c. 8 & 9 Vict. c. 118), Authority to determine applications and establish processes and procedures as are necessary under The Commons Act 2006 and The Commons Act 2006 (Correction, Non-registration or Mistaken registration) (Wales) Regulations 2017, including the appointment of an independent person to chair inquiries where appropriate and make referrals to the Planning Inspectorate in line with the 2017 Regulations.	Regulation 6 of the Commons Registration (New Land) Regulations 1969 (S.I. 1969/1843). The Commons Act 2006 and The Commons Act 2006 (Correction, Non-registration or Mistaken Registration) (Wales) Regulations 2017.
34. Power to register variation of rights of common.	Regulation 29 of the Commons Registration (General) Regulations 1966 (S.I. 1966/1471).
35. Power to issue a permit to conduct charitable collections.	Section 68 of the Charities Act 1992[22].
36. Power to grant consent for the operation of a loudspeaker.	Schedule 2 to the Noise and Statutory Nuisance Act 1993 (c. 40).
37. Power to grant a street works licence.	Section 50 of the New Roads and Street Works Act 1991 (c. 22).
38. Duty to register the movement of pigs.	Regulations 21(3) and (4) of the Pigs (Records Identification and Movement) (Wales) Order 2004 (S.I 2004/996 (W.104)[23].
39. Power to enforce regulations in relation to the movement of pigs.	Regulation 27(1) of the Pigs (Records, Identification and Movement (Wales) Order

[22] Repealed by Charities Act 2006
[23] Revoked by Pigs (Records Identification and Movement) (Wales) Order 2011/2830

	2004/996 (W.104)[24].
40. Power to issue a licence to move cattle from a market.	Article 5(2) of the Cattle Identification Regulations 1998 (S.I. 1998/871)[25].
41. Power to sanction use of parts of buildings for storage of celluloid.	Section 1 of the Celluloid and Cinematograph Film Act 1922 (c. 35).[26]
42. Duty to enforce and execute Regulations (EC) No. 852/2004 and 853/2004 in relation to food business operators as further specified in regulation 5 of the Food (Hygiene) (Wales) Regulations 2006.	Regulation 5 of the Food (Hygiene) (Wales) Regulations 2006.
43. Functions in respect of establishing a Licensing Committee.	Section 6 of the Licensing Act 2003 (c.17).
44. Power to designate an individual performing a special procedure to be licensed.	Public Health (Wales) Act 2017 Section 61(1)
45. Power to issue a Warning Notice where the Local Authority intends to designate an individual as a person requiring a Special Procedure Licence.	Public Health (Wales) Act 2017 Section 65(2) The Special Procedures Licensing Committees (Wales) Regulations 2024
46. Power to issue a Warning Notice where the Local Authority intends to refuse an application for a Special Procedure Licence.	Public Health (Wales) Act 2017 Section 65(2) The Special Procedures Licensing Committees (Wales) Regulations 2024
47. Power to refuse an application for a Special Procedure Licence.	Public Health (Wales) Act 2017 Section 65(2) The Special Procedures Licensing Committees (Wales) Regulations 2024
48. Power to issue a Warning Notice where the Local Authority intends to refuse an application to vary a Special Procedure Licence (in respect of adding a special procedure to the Special Procedure Licence authorising the performance of that procedure).	Public Health (Wales) Act 2017 Section 65(2) The Special Procedures Licensing Committees (Wales) Regulations 2024

[24] Revoked by Pigs (Records Identification and Movement) (Wales) Order 2011/2830
[25] Revoked by Cattle Identification (Wales) Regulations 20076/842
[26] Repealed by Health and Safety (Miscellaneous Repeals, Revocations and Amendments) Regulations 2013/448

49. Power to issue a Special Procedures Licence where all the applicable licensing criteria is met.	Public Health (Wales) Act 2017 Section 65(3)
50. Power to decide on an applicant's fitness to be licensed where they have previous relevant offences.	Public Health (Wales) Act 2017 Section 66(3) The Special Procedures Licensing Committees (Wales) Regulations 2024
51. Power to issue a Warning Notice where the Local Authority intends to refuse an application to renew a Special Procedure Licence.	Public Health (Wales) Act 2017 Section 65(2) The Special Procedures Licensing Committees (Wales) Regulations 2024
52. Power to renew a Special Procedures Licence where all the applicable licensing criteria is met.	Public Health (Wales) Act 2017 Section 67 and paragraph 13(1) The Special Procedures Licensing Committees (Wales) Regulations 2024
53. Power to revoke a Special Procedure Licence either in whole or in part, in a case where representations are made under paragraph 15 and having regard to paragraphs 15(8), 16 and 17.	Public Health (Wales) Act 2017 Section 68 The Special Procedures Licensing Committees (Wales) Regulations 2024
54. Power to issue a Warning Notice where the Local Authority intends to revoke a Special Procedure Licence.	Public Health (Wales) Act 2017 Section 65(2) The Special Procedures Licensing Committees (Wales) Regulations 2024
55. Power to issue an approval certificate for a premises or vehicle.	Public Health (Wales) Act 2017 Section 70(1)
56. Power to renew an approval certificate for a premises or vehicle.	Public Health (Wales) Act 2017 Section 70(1)
57. Power to refuse an approval certificate for a premises or vehicle.	Public Health (Wales) Act 2017 Section 70(1)
58. Power to issue a Warning Notice where the Local Authority intends to revoke an approved certificate.	Public Health (Wales) Act 2017 Section 65(2) The Special Procedures Licensing Committees (Wales) Regulations 2024
59. Power to take reasonable steps for bringing a Voluntary Termination Notice to the	Public Health (Wales) Act 2017 Section 72(4)

attention of appropriate persons.	
60. Power to issue a Stop Notice.	Public Health (Wales) Act 2017 Section 77(2)
61. Power to issue a Remedial Action Notice in respect of a Special Procedures Licence.	Public Health (Wales) Act 2017 Section 78(1)
62. Power to issue a Remedial Action Notice in respect of an Approved Premises Certificate.	Public Health (Wales) Act 2017 Section 79(1)
63. Power to issue a Completion Certificate in respect of a Special Procedure Licence or an Approved Premises Certificate.	Public Health (Wales) Act 2017 Section 80(2)
64. Power to carry out Enforcement Action and consultation in respect of intimate piercing.	Public Health (Wales) Act 2017 Section 97
65. Power to issue a Warning Notice.	Public Health (Wales) Act 2017 Schedule 3 Paragraph 15(3)
66. Power to consider representations (either within the period specified in the Warning Notice or within the further period allowed under sub-paragraph 7(a)).	Public Health (Wales) Act 2017 Section 15(8)
67. Power to review the level of fees one year after the regulations come into force and at the end of each subsequent period of three years thereafter.	The Special Procedures Licensing Committees (Wales) Regulations 2024 Regulation 11
C. Functions relating to health and safety at work	
Functions under any of the "relevant statutory provisions" within the meaning of Part I (health, safety and welfare in connection with work, and control of dangerous substances) of the Health and Safety at Work etc. Act 1974, to the extent that those functions are discharged otherwise than in the authority's capacity as an employer.	Part I of the Health and Safety at Work etc. Act 1974 (c. 37).

D. Functions relating to elections	
1. Duty to appoint an electoral registration officer.	Section 8(2A) of the Representation of the People Act 1983 (c. 2).
2. Power to assign officers in relation to requisitions of the registration officer.	Section 52(4) of the Representation of the People Act 1983.
3. Power to dissolve community councils.	Section 28 of the Local Government Act 1972.[27]
4. Power to make orders for grouping communities.	Section 29 of the Local Government Act 1972.[28]
5. Power to make orders for dissolving groups and separating community councils from groups.	Section 29A of the Local Government Act 1972.[29]
6. Duty to appoint returning officer for local government elections.	Section 35 of the Representation of the People Act 1983.
7. Duty to provide assistance at European Parliamentary elections.	Section 6(7) and (8) of the European Parliamentary Elections Act 2002.
8. Duty to divide constituency into polling districts.	Section 18[30] of the Representation of the People Act 1983.
9. Power to divide electoral divisions into polling districts at local government elections.	Section 31 of the Representation of the People Act 1983.
10. Powers in respect of holding of elections.	Section 39(4) of the Representation of the People Act 1983.
11. Power to pay expenses properly incurred by electoral registration officers.	Section 54 of the Representation of the People Act 1983.

[27] Repealed by Local Government (Wales) Measure 2011
[28] Repealed by Local Government (Wales) Measure 2011
[29] Repealed by Local Government (Wales) Measure 2011
[30] Repealed by the Elections Administration Act 2006

12. Power to fill vacancies in the event of insufficient nominations.	Section 21 of the Representation of the People Act 1985.
13. Duty to declare vacancy in office in certain cases.	Section 86 of the Local Government Act 1972.
14. Duty to give public notice of a casual vacancy.	Section 87 of the Local Government Act 1972.
15. Power to make temporary appointments to community councils.	Section 91 of the Local Government Act 1972.
16. Power to determine fees and conditions for supply of copies of, or extracts from, elections documents.	Rule 48(3) of the Local Elections (Principal Areas) Rules 1986 (S.I.1986/2214) and rule 48(3) of the Local Elections (Parishes and Communities) Rules 1986 (S.I. 1986/2215).[31]
17. Power to submit proposals to the Welsh Ministers for an order under section 10 (pilot schemes for local elections in England and Wales) of the Representation of the People Act 2000.	Section 10 of the Representation of the People Act 2000 (c. 2).
E. Functions relating to name and status of areas and individuals	
1. Power to change the name of a county or county borough.	Section 74 of the Local Government Act 1972.
2. Power to change the name of a community.	Section 76 of the Local Government Act 1972.
3. Power to confer title of honorary alderman or to admit to be an honorary freeman.	Section 249 of the Local Government Act 1972.
4. Power to petition for a charter to confer county borough status.	Section 245A of the Local Government Act 1972.
F. Power to make, amend, revoke or re-enact bye-laws	Any provision of any enactment (including a local Act), whenever passed, and section 14 of

[31] Repealed by the Local Elections (Principal Areas) (England and Wales) Rules 2006

	the Interpretation Act 1978 (c. 300).
G. Power to promote or oppose private Bills	Section 239 of the Local Government Act 1972 and Sections 52 and 53 of the Local Government (Democracy) (Wales) Act 2013.
H. Functions relating to pensions etc.	
1. Functions relating to local government pensions, etc.	Regulations under section 7, 12 or 24 of the Superannuation Act 1972 (c. 11).
2. Functions relating to pensions, allowances and gratuities.	Regulations under section 18 (3A) of the Local Government and Housing Act 1989 (c.42).
3. Functions under existing pension schemes as respects persons employed by the fire and rescue authorities pursuant to section 1 of the Fire and Rescue Services Act 2004.	Sections 34 and 36 of the Fire and Rescue Services Act 2004.
I. Miscellaneous functions	
1. Duty to approve authority's statement of accounts, income and expenditure and balance sheet or record of receipts and payments (as the case may be).	The Accounts and Audit (Wales) Regulations 2005.[32]
2. Powers relating to the preservation of trees.	Sections 197 to 214D of the Town and Country Planning Act 1990 and the Town and Country Planning (Trees) Regulations 1999 (S.I. 1999/1892).
3. Powers relating to the protection of important hedgerows.	The Hedgerows Regulations 1997 (S.I. 1997/1160).
4. Power to make standing orders.	Section 106 of, and paragraph 42 of Schedule 12 to, the Local Government Act 1972
5. Appointment and dismissal of staff	Section 112 of the Local Government Act 1972 and sections 7 and 8 of the Local Government and Housing Act 1989.

[32] Repealed by the Audit Wales Regulations 2014

6. Power to make standing orders as to contracts.	Section 135 of the Local Government Act 1972.
7. Power to consider reports from the Public Services Ombudsman for Wales.	Section 19 of the Public Services Ombudsman (Wales) Act 2005 (c.10).[33]
8. Power to make an order identifying a place as a designated public place for the purposes of police powers in relation to alcohol consumption.	Section 13(2) of the Criminal Justice and Police Act 2001 (c.16).
9. Powers in respect of registration of motor salvage operators.	Part 1 of the Vehicles (Crime) Act 2001 (c.3).
10. Power to appoint officers for particular purposes (appointment of "proper officers").	Section 270(3) of the Local Government Act 1972 (c.42).
11. Duty to designate an officer as the head of the authority's paid service, and to provide staff, etc.	Section 4(1) of the Local Government and Housing Act 1989 (c.42).
12. Duty to designate an officer as the monitoring officer and to provide staff, etc.	Section 5(1) of the Local Government and Housing Act 1989.
13. Duty to determine affordable borrowing limit.	Section 3 of the Local Government Act 2003 (c.22).
14. Approval of annual investment strategy in accordance with guidance.	Section 15 of the Local Government Act 2003.
15. Duty to make arrangements for proper administration of financial affairs.	Section 151 of the Local Government Act 1972 (c.11).
16. Power to make or revoke an order designating a locality as an Alcohol Disorder Zone.	Section 16[34] of the Violent Crime Reduction Act 2006.
17. Duty of a principal council to respond to the Auditor General's recommendations.	Section 96 of the Local Government and Elections (Wales) Act 2021

[33] Repealed by the Public Services Ombudsman for Wales Act 2019
[34] Repealed by Police Reform and Social Responsibility Act 2011

18. Duty that a principal council may ask the Welsh Ministers to consider providing the Council with support and assistance under subsection (1). Subsection (1) being – The Welsh Ministers may provide a principal council with such support and assistance as the Welsh Ministers consider appropriate to increase the extent to which the council meets the performance requirements.	Section 102(2) of the Local Government and Elections (Wales) Act 2021.
J. Functions relating to Family Absence of Local Authority Members	Family Absence for Members of Local Authorities (Wales) Regulations 2013 as amended by The Family Absence for Members of Local Authorities (Wales) (Amendment) Regulations 2021.

14.11 **SCHEDULE 2:**

LOCAL CHOICE EXECUTIVE FUNCTIONS

The following functions or actions are to be the responsibility of the Executive ("Cabinet").

Functions and Actions

- Any function under a local Act other than a function specified or referred to in Schedule 1 of the Local Authorities (Executive Arrangements) (Functions and Responsibilities) (Wales) Regulations 2007.
- Functions in relation to the revision of decisions made in connection with claims for housing benefit or Council Tax benefit and for appeals against such decisions under Section 68 of, and Schedule 7 to, the Child Support, Pensions and Social Security Act 2000.
- The conducting of best value reviews in accordance with the provisions of any order for the time being having effect under section 5 (best value reviews) of the Local Government Act 1999.
- Any function relating to contaminated land.
- The discharge of any function relating to the control of pollution or the management of air quality.
- The service of an abatement notice in respect of a statutory nuisance.
- The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the Authority's area.
- The inspection of the Authority's area to detect any statutory nuisance.
- The investigation of any complaint as to the existence of a statutory nuisance.
- The obtaining of information under section 330 of the Town and Country Planning Act 1990 as to interests in land.
- The obtaining of particulars of persons interested in land under section 16 of the Local Government (Miscellaneous Provisions) Act 1976.
- The appointment of any individual –

  (a) to any office other than an office in which he is employed by the Authority;

  (b) to any body other than –

  (i) the Authority;

  (ii) a Joint Committee of two or more Authorities; or

  (c) to any Committee or sub-committee of such a body;

and the revocation of any such appointment.

- Power to make payments or provide other benefits in cases of maladministration etc.
- The determination of school organisation proposals, including those which receive objections, (save for those that are required to be considered by the Welsh Government).

14.12 **SCHEDULE 3:**

LOCAL CHOICE COUNCIL FUNCTIONS

The following functions or actions are to be the responsibility of the Council:

- The determination of an appeal against any decision made by or on behalf of the Authority.
- The making of arrangements in relation to appeals against the exclusion of pupils in maintained schools under section 52 of the Education Act 2002.
- The making of arrangements pursuant to Section 94(1), (1A) and (4) of the School Standards Framework Act 1998 (admission appeals) and relevant Regulations and Codes of Practice.
- The making of arrangements pursuant to section 95(2) of, and Schedule 25 to, the School Standards and Framework Act 1998 (children to whom section 87 applies: appeals by governing bodies).
- The making of arrangements under section 20 (questions on police matters at Council meetings) of the Police Act 1996 for enabling questions to be put on the discharge of the functions of a police authority.
- The making of appointments under paragraphs 2 to 4 (appointment of members by relevant councils) of Schedule 2 (police authorities established under section 3) to the Police Act 1996.
- Licensing functions in accordance with Part 2 of the Licensing Act 2003 except Section 6.
- Functions in respect of gambling under the following provisions of the Gambling Act 2005 (3)

  (a) section 29 - licensing authority information;

  (b) section 30 - other exchange of information;

  (c) section 166 - resolution not to issue casino licences;

  (d) section 212 and regulations made under that section - fees;

  (e) section 284 - removal of exemption;

  (f) section 304 - authorised persons;

  (g) section 346 - prosecutions by licensing authority;

  (h) section 349 - three year licensing policy;

  (i) section 350 - exchange of information;

  (j) Part 5 of Schedule 11 - registration with local authority.

- The responsibility for Rights of Way/Highway related functions contained in the Local Authorities (Executive Arrangements) (Functions and Responsibilities) (Wales) (Amendment) Regulations 2009.

14.13 **SCHEDULE 4:**

COUNCIL FUNCTIONS: PLANS AND STRATEGIES

Council functions with regard to the plans and strategies listed below will be:

- Adoption of the plan or strategy with or without modification.
- Giving the Cabinet instructions requiring it to reconsider any draft plan or strategy submitted for Council consideration.
- The amendment of any plan or strategy.

Plans And Strategies

(a) Those required by The Local Authorities Executive Arrangements (Functions and Responsibilities) (Wales) Regulations 2007 and the Amended Regulations 2009 to be adopted by the Council:

- Children and Young People's Plan (now incorporated in the Community Strategy);
- Best Value Performance Plan;
- Community Strategy;
- Crime and Disorder Reduction Strategy;
- Health and Wellbeing Strategy(now incorporated in the Community Strategy);
- Local Transport Plan;
- Plans and alterations which together comprise the Development Plan;
- Welsh Language Scheme;
- Youth Justice Plan;
- Powers to approve a Young People's Partnership Strategic Plan and a Children and Young People's Framework Partnership;
- Housing Strategy;
- Rights of Way Improvement Plan;

(b) Those other plans and strategies which Chapter 3 of the Assembly Guidance recommends should be adopted by the Council as part of the Policy Framework:

- Children First Plan;
- Corporate Plan;
- Housing Operational Plan;
- Housing Stock Business Plan;
- Lifelong Learning Development Plan;
- Policy Agreements;

(c) Plans and strategies other than those listed above will be the responsibility of the Cabinet.

14.14 **SCHEDULE 5:**

MANDATORY EXECUTIVE / CABINET FUNCTIONS

Plans, Strategies and Finance

1. The **formulation or preparation** of the plans and strategies listed in Appendix 3 to these proposals, and any plan or strategy for the control of the Council's borrowing or capital expenditure.

2. The amending, modification, variation or revocation of any such plan or strategy where required to give effect to requirements of the Senedd Cymru in relation to a plan or strategy submitted for its approval, or to any part so submitted or where authorised by a determination made by the Council when approving or adopting the plan or strategy.

Disposal of Housing

3. Making an application **pursuant to an authorisation** by the Council –

(a) under subsection (5) of Section 135 (programmes for disposals) of the Leasehold Reform, Housing and Urban Development Act 1993; or

(b) under Section 32 (power to dispose of land held for the purposes of part II) or Section 43 (consent required for certain disposals not within Section 32) of the Housing Act 1985.

Preparing Estimates for the Budget and Rate

4. The preparation, for submission to the Authority for their consideration of estimates in accordance with the provisions of the Local Government Finance Act 1992 or subsequent legislation replacing that Act.

5. The reconsideration of those estimates and amounts in accordance with the Council's requirements.

6. The submission for the Council's consideration of revised estimates and amounts.

Any Other Functions

7. All other functions not designated as Council functions under these proposals and not by law required to be exercised by the Council shall be Executive / Cabinet Functions.

14.15 **SCHEDULE 6:**

MANDATORY COUNCIL FUNCTIONS

Only the Council will exercise the following functions:

(a) adopting and changing the Constitution;

(b) approving or adopting the policy framework, the budget and any application to the Senedd Cymru in respect of any Housing Land Transfer;

(c) subject to the urgency procedure contained in the Council Procedure Rules in **Section 15** of the Constitution, making decisions about any matter in the discharge of an Executive / Cabinet Function which is covered by the policy framework or the budget where the decision-maker is minded to make it in a manner which would be contrary to the policy framework or contrary to/or not wholly in accordance with the budget;

(d) appointing the Leader(s) (in accordance with Standing Orders);

(e) agreeing and/or amending the terms of reference for Committees, deciding on their composition and making appointments to them;

(f) appointing representatives to outside bodies unless the appointment is an Executive/ Cabinet Function or has been delegated by the Council;

(g) adopting an allowances scheme;

(h) changing the name of the area or granting freedom of the County Borough;

(i) making or confirming the appointment of the Chief Executive;

(j) making, amending, revoking, re-enacting or adopting bye-laws and promoting or opposing the making of legal legislation or personal Bills;

(k) all regulatory, licensing and miscellaneous functions as set out in Schedule 1 to the Local Authorities Executive Arrangements (Functions and Responsibilities) (Wales) Regulations 2007 and amendment Regulations 2009;

(l) any decision to determine or vary the remuneration of Chief Officers (or those to be appointed as Chief Officers);

(m) all other matters which, by law, must be reserved to Council.

(N.B. For Council Functions exercised by Committees, please see the Committees' Terms of Reference [Responsibility for Functions (Section 14.16)]).

14.16 **RESPONSIBILITY FOR COUNCIL FUNCTIONS: COMMITTEES' TERMS OF REFERENCE**

(a) Appeals Committee (6 Members, none of whom should be members of either the Early Retirement / Redundancy Committee or the Investigating Committee)

Terms of Reference:

With delegated powers:

(1) To hear and determine appeals against decisions on disciplinary proceedings instituted against Chief Officers (excluding the Chief Executive, Monitoring Officer, Chief Finance Officer and Head of Democratic Services).

(2) To hear and determine matters relating to grievance appeals from Chief Officers.

(3) To hear and determine appeals arising from local government reorganisation.

(4) To consider and make recommendations to Cabinet on all matters relating to re-grading appeals by all Chief Officers.

(5) To hear and determine appeals against the redundancy of Council employees issued with redundancy notification.

(6) To hear and determine appeals against the redundancy of employees employed by school governing bodies following notice of school closure.

N.B. Pursuant to the provisions of the Local Authorities (Standing Orders) (Wales) Regulations 2006 and the Amendment Regulations 2014, where in the case of the dismissal of

- a Chief Officer
- a Deputy Chief Officer

a committee or sub-committee is discharging the function of the dismissal, at least one member and not more than half of the members of that committee or sub-committee are to be members of the Cabinet.

Separate mechanisms are in place to deal with dismissal and disciplinary issues affecting the Chief Executive , Monitoring Officer, Chief Finance Officer and Head of Democratic Services.

N.B. Appeals Panel [for Employees] – Appeals for employees (except for Chief Officers, the Chief Executive, Monitoring Officer and Chief Finance Officer (Section 151 Officer), the Head of Democratic Services and schools employed staff) are undertaken by an Appeals Panel established by Full Council on 26th June 2013 (Minute No. 143). The Appeals Panel consists of one elected Member drawn from a pool of three Elected Member nominees, the Chief Executive or Service Director (as nominated by the Chief Executive) and the Head of Human Resources or substitute as nominated by the Head of Human Resources. The pool of three Members (from which one Member is drawn) to be determined as a result of

nominations from Group Leaders from the three largest political parties, as set out in Appendix 1 to the report to Council on 26th June, 2013.

(a)(i) Appeals Panel [for Employees] (1 Member (from a pool of 3 Members), Chief Executive (or Service Director as nominated by the Chief Executive) and the Head of Human Resources (or a substitute as nominated by the Head of Human Resources)

Terms of Reference:

(1) The Appeals Panel will determine dismissal appeals relating to conduct, capability or attendance and final stage grievance appeals.

(2) Such determination will apply to all Council employed staff other than Chief Officers, the Chief Executive , Monitoring Officer and Chief Finance Officer (Section 151 Officer), the Head of Democratic Services and schools employed staff.

(b) Investigating Committee (7 Members, none of whom should be members of the Appeals Committee)

Terms of Reference:

With delegated powers:

(1) To act in accordance with the procedures laid down by the JNC Conditions of Service for Chief Officers and in accordance with the Local Authorities (Standing Orders) (Wales) Regulations 2006 and the Local Authorities (Standing Orders) (Wales) Regulations (Amendment) Regulations 2014 and any statutory modifications made thereunder in all matters of discipline and capability.

(2) To determine such matters as appropriate with delegated powers on behalf of the Council in relation to non-statutory Chief Officers and statutory Chief Officers, with the exception of the Chief Executive, Monitoring Officer, Chief Finance Officer and Head of Democratic Services.

(3) To recommend, where considered appropriate, in the case of the Chief Executive, Monitoring Officer, Chief Finance Officer and the Head of Democratic Services referral of the issue to an independent person in accordance with the provisions of the Local Authorities (Standing Orders) (Wales) Regulations 2006 and the Local Authorities (Standing Orders) (Wales) Regulations (Amendment) Regulations 2014 and any statutory modifications made thereunder.

N.B. The "second hearing" as referred to within the Chief Officers' Hand Book in respect of non-statutory Chief Officers and statutory Chief Officers, with the exception of the Chief Executive, Monitoring Officer, Chief Finance Officer and Head of Democratic Services, shall be a referral to the Appeals Committee in accordance with ACAS guidelines.

(c) Planning Committee (17 Members)

Planning Protocol

The Council has a Planning Protocol, which is a Code of Practice which sets out principles to guide Members and Officers in determining planning applications and making other decisions within the terms of reference of The Planning Committee. A copy of the Protocol is available here.

Although of particular relevance to Members of Planning Committee it applies to all Members of the Council who may become involved in planning and development matters. This Planning Protocol supplements and sits alongside the Protocol for Member/Officer Relations and the Council's Members' Code of Conduct. Where appropriate Members should refer to the Code of Conduct which is set out in the Council's Constitution. The Council's Monitoring Officer's advice may be sought on the interpretation of the Code of Conduct or this Code. This Protocol applies together with the Council's Procedure Rules (as set out in the Council's Constitution) insofar as they relate to Committees.

Membership and Meetings

17 Members (politically balanced) to be appointed by Full Council at the Annual Meeting.

Meetings to normally be held at intervals of 4-5 weeks on a Thursday at 4.00 p.m., other than where other Council meeting cycles or Council business require a deviation from that pattern of intervals with approval from the Chair.

The Size and Composition of Local Planning Authorities Committees (Wales) Regulations 2017 require Local Authority Planning Committees in Wales to be structured and operated in accordance with the following requirements:

- The Planning Committee must contain no fewer than 11 Members and no more than 21 Members, but no more than 50% of the Authority Members (rounded up to the nearest whole number).
- Where Wards have more than one Elected Member, only one Member may sit on the Planning Committee, in order to allow other Ward Members to perform the representative role for local community interests.

Whilst the second bullet point above does not apply to a Local Authority that comprises solely of multiple Member Wards (due to the need to maintain political balance on the Committee), the Vale of Glamorgan Council is one of the Councils to which both of the above provisions do apply.

In addition to the above, the Local Authorities (Standing Orders) (Wales) (Amendment) Regulations 2017 provide that:

- each meeting of the Planning Committee must have a quorum of 50% to make decisions; and
- the use of substitute Members is prohibited.

Planning Committee meetings should be 4 hours maximum, with the Chair having discretion to conclude an agenda (or individual agenda item) if part way through, if considered to be in the best interests of the Committee and the decision making process.

Where necessary in order to progress a matter of Corporate, Strategic or Public importance, a special meeting of the Planning Committee may be convened at any time, by agreement of the Chair of the Committee and / or Chief Executive.

Site visits for the Planning Committee will usually take place on the day of the Planning Committee, in accordance with the guidance set out in the Vale of Glamorgan Council Planning Protocol (Section 14).

Functions and Role of the Planning Committee

With delegated powers:

(1) To deliver functions relating to the delivery of the Land Use Planning system in the Vale of Glamorgan.

(2) To carry out the Authority's statutory planning functions in relation to the determination of applications, enforcement matters and other allied Planning issues relating to development and the regulation of uses of land, as specified in the Council's Constitution – Section 26 (Officer Delegations) relating to the Director of Place, Head of Sustainable Development and Operational Manager for Planning and Building Control..

(3) To consider and determine applications and related Planning matters in line with all relevant national and local planning policy, so as to advance and contribute to the Council's Corporate Strategy and Priorities, in the wider public interest and actively work towards achieving the key well-being objectives in the Council's Corporate Plan.

- Creating great places to live and work;
- Respecting and celebrating the environment;
- Giving everyone a good start in life;
- Supporting and protecting those who need us;
- Being the best Council we can be.

(4) To make planning decisions based on sound material planning considerations, and not personal circumstances, opinions or feelings, and to ensure that decisions are not affected by bias, or "interests" which would prevent or be perceived to prevent fair and objective consideration of the Planning matter in question.

5. To take into account and promote the sustainable development principle in determining planning applications, enforcement issues and related planning matters.

6. To ensure that all Committee made decisions comply with the Well-being of Future Generations (Wales) Act 2015, assist towards achieving the 7 well-being Goals (A prosperous Wales, A resilient Wales, A healthier Wales, A more equal Wales, A Wales of more cohesive communities, A Wales of vibrant culture and thriving Welsh

language, and A globally responsible Wales) and embed the five ways of working of Long term, Integration, Involvement, Collaboration and Prevention.

7. To ensure that all Committee made decisions comply with the Council's Equality Policy, Strategic Equality Plan and the Equality Act 2010, including the Public Sector Equality Duty and the specific duties for Wales.

8. To receive and consider reports from time to time from the Chief Executive, Senior Officers in the Directorate of Place (and other Officers) regarding the exercise of any functions relating to the control of development which may have been delegated to them.

N.B. The Planning Committee have delegated some of these functions to the Public Rights of Way Sub-Committee and resolved 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 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.

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

(d) Public Rights of Way Sub-Committee (5 Members)

Terms of Reference:

(1) To consider and determine under delegated powers applications for Footpath, Bridleway and Restricted Byway Agreements made under Section 25 of the Highways Act 1980.

(2) To consider and determine under delegated powers applications for Footpath, Bridleway and Restricted Byway Orders made under Sections 26, 118 and 119 of the Highways Act 1980.

(3) To consider and determine under delegated powers applications for Footpath, Bridleway and Restricted Byway Orders affected by development under Section 257 of the Town and Country Planning Act 1990 where opposition which has been raised as a result of pre-order consultation remains unresolved.

(4) To consider and determine under delegated powers applications for Orders made under Sections 53(3)(b), 53(3)(c) and 54 of the Wildlife and Countryside Act 1981 in respect of modifications of the Definitive Map.

(N.B. See also terms of reference of the Planning Committee above.)

(e) Public Protection Licensing Committee (15 Members)

Terms of Reference

(1) To determine all licensing matters and any other matters of a licensing nature, with the exception of Licensing Act 2003 and Gambling Act 2005 licensing functions and any matters and such other licensing functions which fall within the remit of the:

(i) Council, any of its committees or the Cabinet.
(ii) The Joint Committee for Shared Regulatory Services

(2) All Licensing matters will be considered by the Public Protection Licensing Committee or Public Protection Licensing Sub Committee as deemed necessary, exercising plenary powers and meeting on such specific occasions as necessary.

(3) The Public Protection Licensing Committee or Public Protection Licensing Sub Committee shall be empowered to do anything which is necessarily incidental to the exercise of the delegated function and all delegations and or authorisations shall be construed accordingly (unless they are expressly limited) in order to facilitate the determination of any matters considered by them.

(4) The Public Protection Licensing Committee or Public Protection Licensing Sub Committee shall be empowered to adopt or modify any such rules of procedure including, but not limited to, the Statement of Principles for taxi licensing in order to facilitate the determination of any matters considered by them.

(5) To determine all licensing matters delegated to the Committee, including applications for Hackney Carriage, Private Hire Vehicles, Street Trading Licences, any other matters of a licensing nature.

(6) To review and update conditions attached to existing licences/certificates/ permits/consents and to agree new conditions required due to changes in legislation and or changes in trends or practices.

(7) Any function in relation to the making of an Alcohol Consumption in Designated Public Places Order under the provisions of the Criminal Justice and Police Act 2001.

(8) To determine all Licensing matters as required under the Public Health (Wales) Act 2017 and The Special Procedures Licensing Committees (Wales) Regulations 2024 relating to Sections 65(2), 66(3), 67 and paragraphs 13(1) and 15 and Section 68 (in the case where representations are made under paragraphs 15, 15(8), 16 and 17).

(9) To review the level of fees one year after the Regulations come into force and at the end of each subsequent period of three years thereafter.

(f) Statutory Licensing Committee (15 Members)

Terms of Reference

(1) To determine all matters regulated by the Licensing Act 2003 and the Gambling Act 2005 and any statutory modifications made thereunder in accordance with the Council's Statements of Licensing Policy.

(2) All Licensing Act 2003 and Gambling Act 2005 functions and matters will be considered by the Statutory Licensing Committee or Statutory Licensing Sub Committee as deemed necessary, exercising plenary powers meeting on such specific occasions as necessary.

(3) The Statutory Licensing Committee or Statutory Licensing Sub Committee shall be empowered to do anything which is necessarily incidental to the exercise of the delegated function and all delegations and or authorisations shall be construed accordingly (unless they are expressly limited) in order to facilitate the determination of any matters considered by them.

(4) The Statutory Licensing Committee or Statutory Licensing Sub Committee as deemed necessary shall be empowered to adopt or modify any such rules of procedure in order to facilitate the determination of any matters considered by them.

(g) Standards Committee (9 Members, including 5 independent members; 3 Councillors other than the Leader(s) and not more than 1 member of the Cabinet; and 1 member of a town/community council wholly or mainly in the Council's area)

Terms of Reference:

(1) To promote and maintain high standards of conduct by Councillors, Co-Opted Members and church and parent governor representatives.

(2) To assist Councillors, Co-Opted Members and church and parent governor representatives to observe the Members' Code of Conduct.

(3) To advise the Council on the adoption or revision of the Members' Code of Conduct.

(4) To monitor the operation of the Members' Code of Conduct.

(5) To advise, train or arrange to train Councillors, Co-Opted Members and church and parent governor representatives on matters relating to the Members' Code of Conduct.

(6) To grant dispensations to Councillors, Co-Opted Members and church and parent governor representatives from requirements relating to interests set out in the Members' Code of Conduct.

(7) To deal with any reports from a case tribunal or interim case tribunal, and any report from the Monitoring Officer on any matter referred to that officer by the Public Services Ombudsman.

(8) To exercise (1) to (7) above in relation to the community councils wholly or mainly in its area and the Members of those community councils.

(9) To overview complaints handling and Ombudsman investigations.

(10) To make an Annual Report to Full Council describing how the Committee's functions have been discharged during the financial year.

(11) To monitor compliance by political leaders of the above duties and provide advice, training or arrange to train Leaders of political groups.

(h) Standards Committee Appointments Committee (3 Members – the Elected Members who sit on the Standards Committee)

Terms of Reference:

To appoint the Independent Members to the Standards Committee, having regard to the Appointment Panel's recommendations and to deal with other matters requiring a decision for the appointment of a non-Council member of the Standards Committee.

(i) Appointment of Local Authority Governors Advisory Panel (6 Members – to be chaired by the Cabinet Member for Education, Arts and the Welsh Language)

Terms of Reference:

A representative of the Vale Governors' Association (AVAGO), as determined by the management committee of that Association, will be invited to attend the Panel in an advisory capacity (i.e. without voting rights). In the event of any of the six members or the AVAGO representative being unable to attend, named substitutes will be eligible to take their place to ensure that all these groups are adequately represented when the Panel meets.

The Advisory Panel for the Appointment of Local Authority Governors will be responsible for making recommendations to the Cabinet regarding the appointment and removal of Local Authority Governors in line with the approved criteria contained within this policy. If the Cabinet do not endorse any recommendations of the Panel regarding any Local Authority Governor appointments, they will refer them back to the Panel in the first instance, stating appropriate reasons for doing so. In the event of failure by the Panel to recommend an appointment, that appointment will then be made by the Cabinet, so as to ensure that the Council meets its obligation to fill vacancies within six months of their notification.

(j) Community Liaison Committee (13 Members)

Terms of Reference:

(1) To discuss local government matters of mutual concern in attendance with one representative, or nominated substitute, from each Town / Community Council, and from any other organisation considered appropriate.

(2) To refer, as appropriate, reports / recommendations to Cabinet.

N.B. Only Members of the Vale of Glamorgan Council will have voting rights. However, if requested by Town and Community Councillors, a vote will be obtained from Town and Community Councillors as an indication of their views, which will be reported in the minutes and, if the Committee requests, included in any related report / recommendations referred to Cabinet.

(k) Democratic Services Committee (10 Members)

To comprise of Councillors only – to be politically balanced with no more than 1 Cabinet Member, who cannot be the Leader(s).

Full Council to appoint Chair, who must not be a member of any political group on the Cabinet.

Terms of Reference:

(1) To designate the Head of Democratic Services.

(2) To keep under review the provision by the Authority of adequate resources to discharge Democratic Services functions.

(3) To make reports and recommendations in respect of (2) above to Full Council at least annually.

(4) To have regard to Welsh Ministerial guidance when exercising its functions.

(5) To be responsible for overseeing the Council's approach to Member Development.

Frequency of Meetings

The Committee must meet at least once a year.

(l) Democratic Services Sub-Committee (3 Members)

To be members of the Democratic Services Committee but not include the Mayor / Chair of Council.

Terms of Reference

To hear and determine any complaints from Members regarding a refusal by the Head of Democratic Services to grant family absence under the Family Absence for Elected Members of Local Authorities (Wales) Regulations 2013, as amended by the Family Absence for Members of Local Authorities (Wales) (Amendment) Regulations 2021.

(m) Early Retirement / Redundancy Committee (7 Members - none of whom should be members of the Appeals Committee)

Terms of Reference:

With delegated powers:

(1) To determine individual applications for Early Retirement / Voluntary Redundancy / Flexible Retirement.

(2) To determine compulsory redundancies from schools and other areas of the Council where statutory payments are prescribed.

(n) Governance and Audit Committee (6 Members plus 3 Lay Members)

Composition

The membership of the Governance and Audit Committee is to be determined by Council subject to at least two thirds of the members must be Vale of Glamorgan Councillors and one third are lay members, no more than one member of the Committee is a Member of the Cabinet or an assistant to the Cabinet and the Leader of the Cabinet is not a member of the Committee.

Chairing the Committee

The Chair of the Governance and Audit Committee must be a lay member and the Vice-Chair of a Governance and Audit Committee must not be a Member of the Cabinet or an assistant to the Cabinet.

Voting

All Governance and Audit Committee members, including lay members, have the right to vote on any issue considered by the Committee.

Frequency of meetings

The Committee must meet at least once a year.

Terms of Reference:

(1) To consider the external auditor's annual report and other relevant reports; and to make recommendations on their implementation to Cabinet and/or Council as appropriate.

(2) To consider specific reports as agreed with the external auditor and to make recommendations on their implementation to Cabinet and/or Council as appropriate.

(3) To maintain an overview of Contracts Procedure Rules, Financial Regulations; and Officers' Codes of Conduct and behaviour and to make recommendations to Cabinet and/or Council as appropriate.

(4) To monitor Council policies on "Raising Concerns at Work" and the anti-fraud and bribery strategy and the Council's complaints procedure and to make recommendations to Cabinet and/or Council as appropriate.

(5) To oversee the production of the Council's Annual Governance Statement and to recommend its adoption.

(6) To review the annual Statement of Accounts. Specifically, to consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit that need to be brought to the attention of the Council.

(7) Overall responsibility for the maintenance and operation of the Whistleblowing Policy.

(8) To consider the Council's draft Annual Performance Self-Assessment report and if deemed necessary may make recommendations for changes to the Council.

(9) To receive the Council's finalised Annual Self-Assessment report in respect of a financial year as soon as reasonably practicable after the end of that financial year.

(10) At least once during the period between two consecutive ordinary elections of Councillors to the Council, consider the independent Panel Performance Assessment report into which the Council is meetings its performance requirements.

(11) To receive and review the Council's draft response to the report of the independent Panel Performance Assessment and if deemed necessary may make recommendations for changes to the statements made in the draft response to the Council.

(12) To review and assess the Council's ability to deal with complaints effectively.

(13) To make reports and recommendations in relation to the Council's ability to deal with complaints effectively.

(14) Review and scrutinise the Authority's financial affairs.

(15) Make reports and recommendations in relation to the Authority's financial affairs.

(16) Review and assess the risk management, internal control, performance assessment and corporate governance arrangements of the Authority.

(17) Make reports and recommendations to the Authority on the adequacy and effectiveness of those arrangements.

(18) Oversee the Authority's internal and external audit arrangements, and

- Review the financial statements prepared by the Authority.

(19) A Local Authority may confer on its Governance and Audit Committee such other functions as the Authority considers suitable to be exercised by such a Committee.

(20) It is for the Governance and Audit Committee to determine how to exercise its functions.

With delegated powers:

(1) To approve the Internal Audit Charter.

(2) To approve the risk-based Internal Audit Plan and to approve significant interim changes to the risk-based Internal Audit Plan.

(3) To oversee the Council's Internal Audit arrangements (including the performance of the providers of Internal Audit).

(4) To contribute to the Quality Assurance and Improvement Programme and, in particular, to the external quality assessment of Internal Audit that takes place at least once every five years.

(5) To consider and approve the Head of Internal Audit's annual report and opinion, and a summary of internal audit activity (actual and proposed) and the level of assurance it can give over the Council's risk management, internal control and corporate governance arrangements.

(6) To consider and approve summaries of special internal audit reports as requested.

(7) To consider and approve reports dealing with the management and performance of the providers of internal audit services.

(8) To consider reports from internal audit on agreed recommendations not implemented within a reasonable timescale and approve necessary remedial action.

(9) To comment on the scope and depth of external audit work and to ensure it gives value for money.

(10) To commission work from internal and external audit.

(11) To review and determine on any issue referred to it by the Chief Executive , Section 151 Officer, Monitoring Officer or by a Director, or any Council body.

(12) To approve measures to ensure the effective development and operation of risk management and corporate governance in the Council.

(13) To consider the Council's arrangements for corporate governance and to approve necessary actions to ensure compliance with best practice.

(14) To approve the external auditor's report to those charged with governance on issues arising from the audit of accounts.

(o) Joint Consultative Forum (7 Members)

Composition

(1) The Forum shall consist of seven elected members of the Council. In the event of an elected member being unable to attend the place will be taken by the Member's named substitute.

(2) The employee representatives shall consist of a total of twelve representatives in the employ of the Council. In the event of an employee representative being unable to attend a meeting a substitute member in the employ of the Council can be nominated in the first instance. In certain circumstances, when representatives in the employ of the Council are not available to attend or pending the election of a local representative, where an employee representative cannot be sourced, regional representatives will be nominated collectively by the appropriate Trade Unions with the Teaching Association Trade Unions being provided with four representatives..

(3) The Chair of the Forum will be a Vale of Glamorgan Councillor, elected at the first meeting of the Joint Consultative Forum by all Elected Members, following the local government elections for the duration of the current administration.

(4) The Vice-Chair of the Forum will be elected by the Trade Unions representatives and will chair the Forum in the absence (and at the request) of the Chair.

(5) The quorum at a meeting will be three elected members and six trade union / employee representatives.

(6) The Standing Joint Secretary to the Forum will be the Head of Human Resources. (In his / her absence the Operational Manager – Organisational Development and Learning or Operational Manager – Employee Services will act as substitute). The Joint Secretary for the employee representatives shall be nominated on an annual basis by the appropriate trade unions.

Terms of Reference:

(1) To consider any relevant matter referred to it by a Committee, Elected Member or the Chief Executive of the Council or by the Employees' Group.

(2) To make recommendations to the Cabinet on the above and on the application of the terms and conditions of service and the education, training and welfare of employees of the Council.

(3) To discharge any other functions specifically assigned to the Forum.

(p) Senior Management Appointment Committee (6 Members, including Leader(s) and Deputy Leader(s))

Terms of Reference:

With delegated powers to select for and to interview and appoint to the Management Structure and to appoint the lay members to the Governance and Audit Committee.

N.B. In order to assist the process in respect of joint appointments (i.e. with partner organisations), the Council has granted delegated authority to the Chief Executive, in consultation with the Leader(s), to agree the arrangements for the involvement of the partner organisation in the decision-making process."

(q) Standards Committee Appointment Panel (1 Community Councillor, 1 Lay Person (to be appointed by the Monitoring Officer) and 1 Vale of Glamorgan Councillor from each political group (who is not a member of the Standards Committee))

Terms of Reference:

To consider applications to fill Independent Member vacancies on the Standards Committee and make recommendations to the Appointments Committee.

(r) Voluntary Sector Joint Liaison Committee (8 Members plus 7 Voluntary Sector representatives and 1 representative as nominated by the Community Liaison Committee from Town and Community Councils)

Terms of Reference:

(1) To refer, as appropriate, reports and recommendations to the Council's Cabinet and the Executives of Voluntary Sector organisations.

(2) To appoint a Chair and Vice-Chair from amongst the eight Members of the Council and an Honorary Vice-Chair from amongst the seven representatives from the Voluntary Sector.

(3) To advise the Council of the needs, views and concerns of the Voluntary Sector.

(4) To report on the work of those organisations grant funded by the Council, either in full or in part.

(5) To act as a consultative forum where the Voluntary Sector and the Council may, in partnership, put forward policy proposals for discussion and decision.

(6) To facilitate and promote joint working between the Council and the Voluntary Sector.

(7) In accordance with the statutory provisions, only Members of the Council will have voting rights. However, where there is no consensus, this will be reported in the minutes and placed before the Cabinet prior to a decision being taken.

(8) To review the Compact and associated Annual Work Plan and to monitor and report on progress made towards achieving the actions contained within the Compact and the Plan.

(9) To consider reports of the Cabinet and other Committees of the Council which have a bearing and impact on the Voluntary Sector.

(s) Welsh Church Act Estate Committee (7 Members)

Terms of Reference:

(1) Delegated authority to administer and manage the Welsh Church Act Estate as vested in the Council.

(2) Authority to negotiate with other authorities and the Welsh Government to rationalise the ownership of Welsh Church Act properties administered by other authorities, but actually located within the Vale of Glamorgan.

(3) To ensure that the Wales Programme for Improvement is observed in all areas of the Committee's responsibility.

(t) Equalities Consultative Forum (6 Members – to be Chaired by the Cabinet Member for Community Engagement, Equalities and Regulatory Services)

Terms of Reference:

(1) To act as a consultative forum in relation to the equalities policy and procedures developed by the Council.

(2) To facilitate the promotion of equal opportunities and the elimination of discrimination both within the Council and the wider community.

(3) To consider reports from Departments and representative organisations on equalities related subjects and new initiatives; and to make recommendations to the Council on changes to policies and procedures where appropriate.

(4) To advise the Council of the views and concerns of equality organisations and of the residents of the Vale.

(5) To facilitate and promote joint working between the Council and equality organisations.

Composition of the Forum

The Forum will be chaired by the Cabinet Member for Community Engagement, Equalities and Regulatory Services. In her or his absence, a Chair will be nominated for each particular meeting by the members of the Forum in attendance.

In addition to the Chair, membership will consist of five Elected Members as determined by the Annual Meeting of Council.

The membership of external organisations on the Forum will be reviewed on an ongoing basis by the Head of Performance and Development, in consultation with the Chair, to ensure that all equality strands are represented wherever possible.

Frequency of Meetings

As required, but as a minimum once every six months.

(u) Glamorgan Heritage Coast Advisory Group (7 Members)

One representative from each of the following:

Natural Resources Wales; Friends of the Glamorgan Heritage Coast; One Voice Wales; Bridgend County Borough Council; National Farmers Union / Farmers Union of Wales / Farming and Wildlife Advisory Group; Glamorgan Wildlife Trust; Dunraven Estates; Country Landowners Association; Merthyr Mawr Estates, Crown Estates Commissioners and Vale of Glamorgan Tourist Association.

Terms of Reference:

(1) To act as a forum for discussion with major interest groups and appropriate organisations.

(2) To promote awareness and interest in the Heritage Coast.

(3) To report discussions to the Cabinet and to advise on relevant matters.

(v) Shared Regulatory Services Joint Committee (2 Members)

The Joint Working Agreement provides for each of the three constituent Authorities to appoint substitutes for its two named Members.

Representatives – Cabinet Member for Community Engagement, Equalities and Regulatory Services and the Chair of the Public Protection Licensing Committee.

Substitutes – Cabinet Member for Neighbourhood and Building Services and the Vice-Chair of the Public Protection Licensing Committee.

(w) Local Authority Trading Company "The Big Fresh Catering Company"

Terms of Reference:

The Shareholder Committee has authority to undertake all the functions of the Council as shareholder under the Companies Act 2006, and all relevant legislation and associated guidance in respect of its shareholder duties including but not limited to the following matters:

- To provide information relating to the company's community benefit and wider service outcomes to be reported through the Council's corporate performance reporting arrangements, with the company's financial performance and position reported through the Council's Annual Statement of Accounts. The Shareholder Committee will maintain oversight of the company's performance, governance, and compliance with the financial and propriety controls applicable to Local Authority-controlled companies as set out in the Local Government and Housing Act 1989