

# **1 INTRODUCTION TO FUNCTIONS**

## **1.1 Purpose**

1.1.1 Responsibility for Functions is designed to set out who is responsible for making decisions in Neath Port Talbot County Borough Council.

## **1.2 Who can be Decision Makers?**

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

- (a) Full Council;
- (b) Committee or Sub-Committee of the Council;
- (c) the Leader;
- (d) the Executive (referred to as “Cabinet”);
- (e) a Committee of Cabinet;
- (f) an individual Cabinet Member;
- (g) a Joint Committee;
- (h) a corporate joint committee;
- (i) an Officer.

1.2.2 The Council must issue and keep up to date a record of which individual has responsibility for particular types of decisions.

## **1.3 Cabinet Model**

1.3.1 Neath Port Talbot County Borough Council is a Cabinet authority with a Leader elected by the Council (as opposed to, for example, having a directly elected Mayor). This is the most common form of Local Government in Wales.

1.3.2 Under this system, decisions and functions fall by default to the Cabinet as established by Part II of the Local Government Act 2000. However, this does not make the Cabinet supreme, and subsequent legislation such as the Local Authorities (Cabinet Arrangements) (Functions and Responsibilities) (Wales) Regulations 2007 and its subsequent amendments provide further detail on what functions have to sit with the Cabinet, what functions must not sit with the Cabinet, and what functions are left to individual Local Authorities to decide where they wish them to sit.

## **1.4 Functions**

1.4.1 Functions fall into the following categories.

- (a) 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.
- (b) Non-Cabinet 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 (who may further sub-delegate) or an Officer.
- (c) ‘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-

Cabinet, at its discretion. Again, these functions may be delegated to a Committee or an Officer.

- (d) Cabinet Functions. As per 19.3.2, all other functions not defined as falling under the above categories are Cabinet functions that may be delegated to individual Cabinet Members, Committees or Officers by the Leader.

## **1.5 Other Bodies**

- 1.5.1 Advisory Bodies. The Council and/or the Cabinet can also set up Advisory Committees and Joint Advisory Committees.
- 1.5.2 Scrutiny Committees. Scrutiny Committees are responsible for the overview and scrutiny function. They cannot exercise other functions and make decisions.
- 1.5.3 Officer Delegations. Officer delegations are also contained in this Section of the Constitution.
- 1.5.4 Joint Committees. Committees established in agreement with other authorities or bodies with a view to having decision making powers.

## **1.6 Removal of Delegation**

- 1.6.1 Where a function has been delegated, the body that delegated the function may withdraw the delegation generally or in any case and may exercise the function itself.
- 1.6.2 Where a function has been delegated, the decision maker is not required to exercise the delegation and may refer any matter to the body that made the delegation or any other body that has power to exercise the function.

## **1.7 Who May Exercise Officer Delegations?**

- 1.7.1 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 delegate to a third party unless that Officer is specifically restricted from doing so relevant to that specific power.
- 1.7.2 Where a function has been delegated, the body that delegated the function may withdraw the delegation generally or in any case and may exercise the function itself.
- 1.7.3 Where a function has been delegated, the decision maker is not required to exercise the delegation and may refer any matter to the body that made the delegation or any other body that has power to exercise the function.

## **2 FULL COUNCIL**

### **2.1 Functions Only to be Exercised by Full Council**

2.1.1 Only the Full Council will exercise the following functions:

- (a) To adopt and change the Constitution;
- (b) To approve or adopt the policy framework and budget. The Budget includes the allocation of financial resources to different services and projects, proposed contingency funds, the council tax base, setting the council tax and decisions relating to the control of the Council's borrowing requirement, the control of its capital expenditure and the setting of virement limits. The Full Council will decide the Council's overall revenue budget and overall capital budget and any changes to these;
- (c) Subject to the urgency procedures as detailed in this Constitution, to make decisions

about any matter in the discharge of an executive function which is covered by the policy framework or the budget where the decision maker is minded to make it in a manner which would be contrary to the policy framework or contrary to/or not wholly in accordance with the budget;

- (d) To appoint the Leader on an annual basis, with the reserve power to be able to remove and replace the Leader at any time;
- (e) To appoint a Deputy Leader on an annual basis, with the reserve power to be able to remove and replace the Deputy Leader at any time;
- (f) To determine the size of the Cabinet;
- (g) To determine the allocation of executive functions to be discharged by the Cabinet, any Cabinet Committees, any Cabinet Members, and any Officers (and on the latter determining "Proper Officers" under statutes); and to make any changes or additions at any time - where an Officer is exercising a power given to them under legislation, they will be acting as the "Proper Officer" in respect of that power. While these powers are not strictly "delegated" by Council, they are included in this Scheme of Delegation to provide clarity on Officer decision-making as a whole. Proper Officers are authorised under statute to make decisions within the scope of that authorisation without recourse to the Cabinet or the Leader.
- (h) To appoint Scrutiny Committees; and also other Committees of the Council for the purpose of discharging functions which are not the responsibility of the executive; to appoint any Member Briefing or Advisory Groups; to determine Terms of Reference and delegation arrangements as appropriate (and also the delegation of functions by Officers, and the designation of "Proper Officers" under statutes); and to make any changes, or additions at any time;
- (i) To adopt a Members Allowances Scheme and determine members expenses arrangements;
- (j) To deal with the following matters:-
  - make or confirm the appointment of the Chief Executive and other Chief Officers of the Council;
  - functions relating to elections;
  - functions as to name and status of areas and individuals;
  - make, amend, revoke or re-enact byelaws;
  - promote or oppose local or personal Bills;
  - consider reports from the Ombudsman under Section 19 of the Public Service Ombudsman (Wales) Act 2005;
  - make Standing Orders, Contract Standing Orders, and Financial Regulations;
  - make an Order under Section 13(2) of the Criminal Justice and Police Act 2001 (designated public place for purposes of police powers in relation to alcohol consumption);
  - functions relating to pensions, allowances and gratuities (SI 2003 No. 2676);
  - establishment of a Licensing Committee under Section 6 of the Licensing Act 2003;
  - appointment of Proper Officers (Section 270(3) of the Local Government Act 1972);

- designation of an Officer as the Head of the Authority's paid service etc. (Section 4(1) of the Local Government and Housing Act 1989);
  - designation of an Officer as the Monitoring Officer etc. (Section 5(1) of the Local Government and Housing Act 1989);
  - to determine affordable borrowing limit (Section 3 of the Local Government Act 2003);
  - approval of annual investment strategy in accordance with guidance (Section 15 of the Local Government Act 2003);
  - duty to make arrangements for proper administration of financial affairs (Section 151 of the Local Government Act 1972).
  - To determine whether change electoral voting methods in respect of local government in accordance with Part 1 of the Local Democracy and Elections (Wales) Act 2020. To exercise this power the Council Procedure Rules shall save that:
    - At least two third of the total number of elected members must agree
    - A resolution must be made at a meeting specially convened for this purpose
    - Written notice of the meeting must be given to all members of the Authority
    - The meeting must take place after the end of a period of 21 days beginning with the day on which the notice is given
    - The resolution will have no effect unless it is passed before 15<sup>th</sup> November of the year that is three years before the year in which the next ordinary election of the Council is due to be held.
    - Once exercised, a further resolution cannot be made until at least two ordinary elections of the Council have been held under the voting system to which it was changed.
- (k) to reserve to full Council the following functions:-
- the making of appeal arrangements under the School Standards and Framework Act 1998 (items 5 and 6 refer in Schedule 2 of regulations referred to below)
  - the making of arrangements as to questions on Police matters at Council meetings
  - appointments to Police Authority
  - to determine, pursuant to Section 92 of the Local Government Act 2000, any payment or other benefit arising from any maladministration determined by the Ombudsman under Section 19 of the Public Service Ombudsman (Wales) Act 2005
  - making of appeals arrangements under Section 52 of the Education Act 2002;
  - determination, review and revision of Statement of Licensing Policy (Section 5 of the Licensing Act 2003);
  - determination, review and revision of a three year Gambling Policy under Section 349 of the Gambling Act 2005;
  - a resolution not to issue Casino licences under Section 166 of the Gambling Act 2005.

- to deal with appointments to outside bodies (including where related to executive functions) as a shared arrangement with the Cabinet.
- (l) To determine procedures for the appointment of staff;
  - (m) To ensure there are clear lines of communication between the Council and the Cabinet about partnership plans;
  - (n) To determine any arrangements for the discharge of functions directly by or jointly with another Authority or Authorities (unless being matters within the purview of the executive);
  - (o) To deal with matters referred to Council by the Cabinet or Scrutiny Committees;
  - (p) To elect the Chair of the Council on an annual basis, who will be known as the Mayor;
  - (q) To appoint the Vice Chair of the Council on an annual basis, who will be known as the Deputy Mayor;
  - (r) To receive regular reports from the Leader and Cabinet members on executive issues;
  - (s) To make compulsory purchase orders where appropriate to functions which are not the responsibility of the Executive;
  - (t) Any matters which cannot be the responsibility of the executive, and which may otherwise be delegated to other Committees of the Council or Officers;
  - (u) Following receipt of information under Regulation 34(1) of the Family Absence for Members of Local Authorities (Wales) Regulations 2013 from the Head of Democratic Services, to consider whether to cancel a Member's period of family absence before it begins or bring a period of family absence to an end;
  - (v) Where a Member has failed to return from a period of family absence on the date specified under Regulation 34(3), to consider whether to withhold the Member's remuneration;
  - (w) To promote or oppose a private Bill in Parliament or in the National Assembly for Wales;
  - (x) Approving or adopting the Single Integrated Plan, Policy Framework, the Budget and any application to the Welsh Ministers in respect of any Housing Land Transfer;
  - (y) performing the corporate joint committee functions set out in Section **Error! Reference source not found.** of this Constitution, including the making of a corporate joint committee application and the giving of consent to corporate joint committee regulations being made;
  - (z) agreeing, reviewing and amending the Council's wellbeing objectives in accordance with section 9 of the Well-being of Future Generations (Wales) Act 2005 and the accompanying statutory guidance issued by the Welsh Government.
  - (A1) consulting local people, other persons carrying on a business in the Council's area, the officers of the Council and every trade union which is recognised by the Council about the extent to which the Council is meeting its performance requirements
  - (A2) preparing an annual report on the extent to which the Council has met performance requirements and to receive any annual reports from the Council's Committees
  - (A3) keeping under review the extent to which it is exercising its functions effectively using its resources economically, efficiently and effectively; and its governance arrangements are effective for securing these

(A4) receive any report of the Chief Executive's power to report to the Council on the coordination of the Council's different functions, the Council's arrangements in respect of financial planning, risk management and asset management, and the Council's staffing arrangements.

(A5) All other matters which, by law, must be reserved to the full Council.

The policy framework includes the plans and strategies listed in Schedule 3 to the Local Authorities (Cabinet Arrangements) (Functions and Responsibilities) (Wales) Regulations 2007 (as amended), together with such other plans and strategies which the Authority may decide should be adopted by the Council as a matter of local choice, as set out in this Constitution.

### 3 COMMITTEES OF COUNCIL

#### 3.1 Committees

3.1.1 This section lists the Committees established by Council. Their responsibilities are set out in the Constitution:

<p>Planning Committee</p>	<p>To discharge the functions set out in the Planning Committee Annex.</p> <p>In addition the Planning Committee is given delegated authority (by Council) to make any future amendments it deems necessary to the following:-</p> <ul style="list-style-type: none"> <li>(a) The General Planning Delegations (set out in Part 3 of the Constitution - Appendix J - Paragraph 17.1 of the delegations made to the Director of Environment).</li> <li>(b) The Building Regulations Delegations (set out in Part 3 of the Constitution – Appendix J – Paragraph 17.2 of the delegations made to the Director of Environment).</li> <li>(c) The Other Delegations (set out in Part 3 of the Constitution – Appendix J – Paragraph 17.3 of the delegations made to the Director of Environment).</li> <li>(d) Protocol for Public Speaking at the Planning Committee.</li> <li>(e) Planning Site Visit Procedure.</li> </ul> <p>With regard to the Planning Committee, a member who is not appointed as a voting member may as of right in respect of a particular item (or items) of interest/concern, attend a meeting of that Committee (with prior notification to the Chief Executive and Chair). Such member may then, subject to any provisions of the Members Code of Conduct or any other relevant Code,</p>
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	attend the Committee to speak, but not vote, nor move, second or amend a motion. The attendance here is not meant to relate to attendance and participation for all or most of the items on the agenda, and if such a request is made, the decision on attendance shall rest with the Committee (except that the Leader and Deputy Leader of the Council, and the relevant Cabinet member, if not otherwise voting members of the Committee, may attend for all items on the agenda).
Registration and Licensing Committee	To discharge with delegated authority the functions specified in the Registration and Licensing Committee Annex
Appeals Panel	To discharge with delegated authority the function of determining any appeal against any decision made by or on behalf of the Authority in the Appeals Panel Annex  <i>Note: Pursuant to Section 17 of the Local Government &amp; Housing Act 1989 the Authority has resolved that the political balance requirements of Sections 15 &amp; 16 of that Act do not apply to the Appeals Panel. There are separate substitute arrangements.</i>
Special Appointments Committee	To discharge with delegated authority the function of shortlisting and appointing Heads of Service and shortlisting Directors and the Chief Executive
Governance and Audit Committee	To discharge the functions set out in the Governance and Audit Committee Annex
Democratic Services Committee	To discharge the functions set out in the Democratic Services Committee Annex
Standards Committee	To discharge the functions set out in the Standards Committee Annex
Licensing and Gambling Act Committee	To discharge the functions set out in the Licensing and Gambling Act Committee Annex
Licensing and Gambling Act Sub Committee	To discharge the functions set out in the Licensing and Gambling Act Sub Committee Annex
Family Absence Appeal Panel	The Mayor to convene a Panel of 3 Members as and when required  (a) To exercise appeal functions under Regulation 36 (4) of the Family Absence for Members of Local Authorities (Wales) Regulations 2013 to either confirm a decision of Council to cancel a Member's period of family absence before it begins (or bring it to an end) or to substitute its own decision.  (b) To exercise appeal functions under Regulation 38(7) of the

	Family Absence for Members of Local Authorities (Wales) Regulations 2013 to either confirm a decision of the Mayor to refuse an application by a Member on maternity absence or parental absence to attend particular meetings to descriptions of meetings (or to perform particular duties or duties of a particular description) or to substitute its own decision.
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## 4 LOCAL CHOICE FUNCTIONS

### 4.1 What are they?

4.1.1 An Cabinet led Council must abide by the rules set out in the Local Authorities (Cabinet Arrangements) (Functions and Responsibilities) (Wales) Regulations 2007 as amended

4.1.2 These regulations define what matters must and must not sit with the Cabinet. What is left are known as 'Local Choice Functions', ie. it is up to that particular authority to decide what decision making should sit where. The table below sets out those matters for Neath Port Talbot

4.1.3 Table:

Function	Body	Delegation
Any functions under a local Act other than a function specified or referred to in Schedule 1 of the Local Authorities Cabinet arrangements (Functions and Responsibilities) (Wales) Regulations 2007 as amended	Cabinet	Relevant Cabinet Member
The determination of an appeal against any decision made by or on behalf of the authority (where a right of appeal exists)	Council	Appeals Panel
Functions in relation to the revision of decisions made in connection with claims for housing benefit and for appeals against such decisions under section 68 of and Schedule 7 to the Child Support, Pensions and Social Security Act 2000	Council	S151 Officer
The making of arrangements in relation to appeals against the exclusion of pupils in maintained schools under section 52 of the Education Act 2002	Council	Director of Education, Leisure and Lifelong Learning
The making of arrangements pursuant to section 94(1), (1A) and (4) of, and Schedule 24 to, the School Standards and Framework Act 1998 (admission appeals)	Council	Director of Education, Leisure and Lifelong Learning
The making of arrangements pursuant to section 95(2) of, the School Standards and Framework Act 1998 (children to whom section 87 applies: appeals by governing bodies)	Council	Director of Education, Leisure and Lifelong Learning



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	Council	
The conducting of best value reviews in accordance with the provisions of any order for the time being having effect under section 5 (best value reviews) of the Local Government Act 1999	Cabinet following consultation with relevant Scrutiny Committee	
Any function relating to contaminated land	Landowner responsibility with Cabinet,	Relevant Cabinet Member
The discharge of any function relating to the control of pollution or the management of air quality	Landowner responsibility with Cabinet,	Relevant Cabinet Member
The Service of an abatement notice in respect of statutory nuisance	Cabinet	All Chief Officers as appropriate
The passing of a resolution that Schedule 2 to the Noise and statutory Nuisance Act 1993 should apply in the council's area	Cabinet	
The inspection of the authority's area to detect any statutory nuisance	Cabinet	All Chief Officers as appropriate
The investigation of any complaint as to the existence of a statutory nuisance	Cabinet	All Chief Officers as appropriate
The obtaining of information under section 330 of the Town and Country Planning Act 1990 as to interest in land	Cabinet	Director of Environment and Public Protection
The obtaining of particulars of persons interested in land under section 16 of the Local Government (Miscellaneous Provisions) Act 1976	The Cabinet and all non- Cabinet committees in relation to their functions	All Chief Officers as appropriate
The appointment of any individual:  (a) to any office or position representative of the Council other than that to which they have been appointed by the electorate or as already covered as a specific function of the AGM (eg Chair); (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	Council	

Power to make payment or provide other benefits in cases of maladministration etc	Council	All Chief Officers as appropriate
The discharge of any function by an authority acting as a harbour authority	Council	
Functions in respect of the calculation of council tax base in accordance with any of the following: (a) the determination of an item in section 33(1) and 44(1) of the Local Government Finance Act 1992; (b) the determination of an amount for item TP in sections 34(3), 45(3) 48(3) and 48(4) of the Local Government Finance Act 1992; (c) the determination of an amount required for determining an amount for the item mentioned in paragraph (a) or (b) above.	Council	
Licensing functions in accordance with Part 2 of the Licensing Act 2003 except section 6	Licensing and Regulatory Committee	
Functions in respect of gambling in accordance with any of the following:  (a) a resolution not to issue casino licenses in accordance with section 166 of the Gambling Act 2005 (c.19);  (b) prescribing of fees in accordance with section 212 of the Gambling Act 2005;  (c) making an order disapplying section 279 or section 282(1) of the Gambling Act 2005 in accordance with section 284 of the Gambling Act 2005;  (d) authorised persons in accordance with section 304 of the Gambling Act 2005;  (e) prosecutions by a licensing authority in accordance with section 346 of the Gambling Act 2005;  (f) three-year licensing policy in accordance with section 349 of the Gambling Act 2005;	Council	Licensing and Gambling Acts Committee (save for point (a) and (f))
The determination of school organisation proposals under the School Standards and Organisation (Wales) Act 2013	Cabinet	Relevant Cabinet Member
The regulation of sexual entertainment venues as per the Local Government (Miscellaneous Provisions) Act 1982 by Section 27 of the Policing and Crime Act 2009	Council	Registration and Licensing Committee

## 5 CABINET

### 5.1 What are they?

5.1.1 These are the functions to be carried out by the Cabinet (Cabinet) on behalf of the authority. They are subject to the restrictions and obligations placed upon the Cabinet by the Local Authorities (Cabinet Arrangements) (Functions and Responsibilities) (Wales) Regulations 2007 as amended.

## 5.2 The Functions

5.2.1 References are made throughout this Constitution to matters that must be dealt with by Cabinet; these are not repeated here. The above legislation, and the general purpose of an Cabinet-led Council, is that matters not reserved to Council, allocated elsewhere via the Local Choice Functions table or prohibited from sitting with the Cabinet by legislation default to being an Cabinet matter and any desired delegation thereafter.

5.2.2 The list below therefore is not definitive nor exhaustive and, where doubt exists, the Monitoring Officer should be consulted.

## 5.3 Delegation of Functions

5.3.1 Responsibility is delegated to each Cabinet Member for functions within the scope of their portfolio, provided a matter is:

- (a) within the policy framework or corporate policy;
- (b) is not in conflict, or does not compromise any existing or proposed policy;
- (c) has no corporate impact (does not apply to decisions within corporate portfolios);
- (d) is within approved budgets or within virement discretion;
- (e) not considered (by the Cabinet member or the Leader) to be in the public interest to be determined at Full Cabinet and subject to the provisions of clause 5.3.2 below

and subject:

- (f) in all cases to the Leader being able to require any proposed decision to be taken by the Cabinet itself (where they judge this appropriate) and subject to the provisions of clause 5.3.2 below;
- (g) to the Cabinet taking the final decision on joint arrangements, arrangements to provide well-being-partnership arrangements and delegations to other local authorities;
- (h) to the Cabinet itself making policy framework and byelaw recommendations to Council.

5.3.2 Prior to taking a decision as to the forum for the decision, a Cabinet Member or Leader should seek the advice of the Chief Executive or any other Chief Officer and shall have due regard to any views of Overview and Scrutiny that have been provided.

5.3.3 Providing the above criteria are met, cross-portfolio decisions may be made by individual Cabinet Members in respect of their responsibilities provided there is agreement between the Cabinet Member concerned on the cross-portfolio decisions to be taken. In the absence of this, the decisions will fall to the Cabinet.

5.3.4 Cabinet may delegate matters to an appropriate Officer as long as it is a matter within the remit of the Cabinet.

5.3.5 For the purpose of this clause 5.3, public interest shall mean the common well-being or general welfare that public policies and actions aim to achieve, serving the best interests of the community, promoting transparency, accountability, and inclusivity, and addressing community needs, aspirations, and values. For example, this could include, but not be limited to matters affecting more than ward, where there is a significant expenditure on the

part of the Council, or it will involve a major impact (whether positive or negative) on a local community.

#### 5.4 **Cabinet Functions List**

5.4.1 The following list needs to be read in conjunction with the rest of Section 5.3 and shall not be capable of delegation:

- (a) to take any urgent decisions which are contrary or not wholly in accordance with the approved Budget or contrary to the Policy Framework;
- (b) to develop a medium term financial strategy, with priorities and targets, over a rolling three year period;
- (c) to prepare, agree and, if appropriate, consult on the Authority's plans, policies and strategies which do not form part of the Policy Framework;
- (d) to initiate and guide reviews of the Authority's Policy Framework;
- (e) to lead the integration of strategic objectives across the Authority;
- (f) to agree responses to consultation papers from the Government (including White and Green papers), from the Welsh Government, LGA, WLGA and all other bodies in respect of strategic policy;
- (g) to determine the response to reports from Scrutiny Committees;
- (h) to receive financial forecasts including the medium term financial strategy and the monitoring of financial information and indicators;
- (i) to recommend to the Council the annual budget, including the Capital and Revenue Budgets and the level of Council Tax;
- (j) to ensure that the annual budget is implemented and the underlying principles adhered to in any changes required from time to time and between annual budgets. This will include recommending to Council any changes to policy that will materially reduce or increase the services of the Authority or create significant financial commitments in future years;
- (k) to agree and oversee the Authority's overall policy in relation to grants to external bodies and to agree the Authority's strategy for the payment of grants;
- (l) to approve the purchase, sale or appropriation of land and buildings in any case where arrangements have not been made for discharge of the function by an officer;
- (m) to approve the letting or taking of a lease, tenancy or license of land and/or premises in any case where arrangements have not been made for discharge of the function by an officer;
- (n) to authorise the making of compulsory purchase orders except for compulsory purchase orders made in respect of single houses under Part II of the Housing Act 1985 and or the Acquisition of Land Act 1981;
- (o) to consider, at least annually, the level of reserves, provisions and balances held by the Authority and to make recommendations to Council where appropriate;
- (p) to approve writing-off of debts in any case where arrangements have not been made for discharge of the function by an officer;
- (q) to approve the write-off of stocks, stores and other assets in any case where arrangements have not been made for discharge of the function by an officer;

- (r) to approve revenue and capital budget virements or any inter-service virements where the purpose of the budget has been amended or in any case where arrangements have not been made for discharge of the function by an officer and within the Policy and Budgetary Framework and Financial procedure Rules;
- (s) to agree to the provision of new primary and secondary schools, nursery and special schools, and to provide sites for new, substituted or transferred voluntary schools;
- (t) to approve the publication of proposals for the closure or significant change or significant enlargement of schools and to enact the closure or change or enlargement of any schools once the agreement of the Welsh Government has been given when required;
- (u) to approve any arrangements for joint service provision with the National Health Service;
- (v) to approve the making of bids to the Welsh Government and other bodies for capital funding (except where these are within the Policy and Budgetary Framework);
- (w) to authorise the implementation of any capital project within the approved capital programme or fully funded via grant or s106 capital;
- (x) to consider the reports of external review bodies on matters of strategic service delivery;
- (y) to determine any matter delegated to an officer, where that officer considers it more appropriate for it to be dealt with by the Cabinet and it is not reserved to Full Council or prohibited for Cabinet decision by law;
- (z) to receive reports from appropriate officers of the Council, and/or Cabinet Members, on significant matters requiring consideration/decision, and/or proposals for new or amended policy and its implementation;
- (aa) to have discretion to seek the advice or comments, of a Scrutiny Committee or other relevant body, in relation to significant matters before making a decision.

## **6 OFFICERS**

### **6.1 Introduction**

- 6.1.1 The day-to-day operation of the Authority relies on myriad decisions on a vast spectrum of matters. In order to function properly, efficiently and effectively, the majority of these decisions sit with Officers appropriately trained, experienced and empowered to make them.
- 6.1.2 The following sections set out the general and specific (post by post) delegations of functions of Council and Cabinet to Officers in operation. It should be interpreted widely and in accordance with the parameters established in the general functions rather than narrowly.
- 6.1.3 When making a decision under this Scheme of Delegation, Officers should have due regard to any advice provided, and should consult relevant Members and Officers, in relation to the matter for decision. Officers should keep Members (including Local Members) informed (and consulted, where appropriate) about relevant decisions.
- 6.1.4 Officers should also consult the Monitoring Officer and/or the Section 151 Officer (as appropriate) when making decisions that have legal or financial implications. All reports to members that contain financial or legal implications should be reviewed by the Monitoring Officer and the Section 151 Officer before they are presented to members for decision-making purposes
- 6.1.5 This scheme operates under Sections 101, 151 and 270 of the Local Government Act 1972

and all other powers enabling the Council.

- 6.1.6 Each Director is required to agree with the Chief Executive an internal scheme of delegation for their Directorate. Each Directorate Scheme of Delegation will set out how sub-delegations of delegated powers under this Scheme of Delegation have been made. Officers will make decisions in accordance with their Directorate Scheme of Delegation. Each Director will provide their Directorate Scheme of Delegation to the Monitoring Officer and will review and update it regularly and not less frequently than once a year.
- 6.1.7 Officers making decisions under this Scheme of Delegation will be politically restricted under section 2(1)(g) of the Local Government and Housing Act 1989. This means that while they hold a decision-making post in the Council, they may belong to a political party but may not have an active political role either in or outside the workplace.
- 6.1.8 Any new functions which become the Council's responsibility will be included within this Scheme and the delegated authority of the Officer given or acquiring responsibility for those functions shall be automatically extended without the need for the full Council, or where appropriate the Leader, to amend the Scheme and if any doubt should arise as to which Officer is responsible for the function the Chief Executive shall decide.
- 6.1.9 Any powers or duties delegated to an officer may be exercised by their deputy or other persons duly authorised by that officer.
- 6.1.10 The Chief Executive may exercise any power delegated to another Officer, except the statutory functions of the Monitoring Officer and the Section 151 Officer.
- 6.1.11 The Chief Executive is authorised to make any arrangements required (including re-allocation of delegations) for the necessary discharge of the Council's functions, for example, during a period of absence of an Officer to whom powers have been delegated.

## 6.2 Definitions

6.2.1 "Officer" means the holder of any post named in this scheme as having delegated powers and duties, and for the avoidance of doubt, the term "officer" shall be deemed to include any individual who is not an employee of the Council (for example, a locum, agency worker, specialist consultant, joint manager appointed with another organisation or similar) who is engaged by the Council to take responsibility for discharging the delegated powers and duties concerned, unless legislation provides that the relevant power or duty can only be carried out by an employee of the authority.

6.2.2 "Chief Officer" has the meaning within the Local Authorities (Standing Orders) (Wales) Regulations 2006 (as amended).

6.2.3 The following terms shall be regarded as conferring delegated powers:

To administer, agree, allocate, appoint, approve, authorise, be responsible, carry out, consider recommendations, control and develop, deal with, decide, determine, discharge, ensure, exercise, grant, identify, initiate and carry out, interview, issue, keep under review, make, make decisions, review, settle, undertake, waive.

6.2.4 For the avoidance of doubt, unless otherwise indicated, the words "to approve", "to issue", "to appoint" and all other such words mentioned in paragraph 1 above shall be construed having a negative as well as a positive meaning.

6.2.5 References to any Act or Regulation shall include any statutory extension or modification, amendment or re-enactment of the same.

6.2.6 References to an Act shall include any regulations made under it.

## 6.3 Obligations

6.3.1 Officers should keep appropriate Cabinet Members properly informed of activity arising within the scope of these delegations.

6.3.2 Officers should, where appropriate, consult with or inform any local Member(s) that may be affected by a decision.

6.3.3 Officers should consult with their line manager as appropriate.

6.3.4 Officers should inform those listed above of any delays to agreed schemes or projects.

6.3.5 When taking, or considering taking, delegated decisions all officers must have regard to the following questions and whether they need to inform/consult as above:

- (a) Does the decision involve significant expenditure to the service budget, or wider Council budget?
- (b) Does the decision affect the reputation of the service and/or Council?
- (c) Is the decision applicable to one or more wards?
- (d) Does the decision carry a risk to the service or wider Council?
- (e) Does the decision impact reputationally or financially on service users, partner

organisations or committees outside the Council?

- (f) Is the decision subject to high degree of public interest to the extent that it would be inappropriate for an officer to make that determination.

## 6.4 Overall Limitations

6.4.1 This scheme does not delegate to officers:

- (a) any matter reserved to full Council;
- (b) any matter which by law may not be delegated to an officer;
- (c) any matter expressly withdrawn from delegation by this scheme or at any time by the Cabinet.

6.4.2 Officers cannot make decisions which:

- (a) make, amend or are not in accordance with the budget and policy framework;
- (b) review Council performance;
- (c) set or change policy and associated service standards set by the Council or the Cabinet;
- (d) respond to formal central or Welsh Government consultation in respect of strategic policy;
- (e) make by-laws;
- (f) make compulsory purchase orders;
- (g) are contrary to statutory requirements or restrictions and such decisions remain the responsibility of the Council/the Cabinet/Committees as appropriate.

6.4.3 Any exercise of delegated powers shall be subject to:

- (a) any statutory restrictions;
- (b) the Council's Constitution;
- (c) the Council's budget and policy framework;
- (d) any other policies;
- (e) the Code of Conduct for Members;
- (f) the Code of Conduct for Employees.

6.4.4 In exercising delegated powers officers shall:

- (a) not go beyond the provision in the revenue or capital budgets for their service or agree individual items of expenditure or virement beyond that permitted by the Contracts and Financial Procedure Rules;



- (b) have regard to any report by the Monitoring Officer under s4- 5 of the Local Government and Housing Act 1989 or of the s151 Officer under s114 of the Local Government Finance Act 1988;
- (c) maintain a full record of the exercise of those powers, including all relevant details; and
- (d) have regard to any report from the Council's internal and external auditors in relation to a fundamental weakness in management and financial controls.

## **6.5 Further Provisions**

6.5.1 Delegated authority includes management of the human and material resources made available for their functions and departments within the limitations of this scheme and subject to specific delegations in this scheme or elsewhere to another officer.

6.5.2 Delegated authority includes the power to issue and serve statutory and other notices, to institute formal cautions, to recommend the institution of legal proceedings before courts or tribunals, to take default action under all legislation relevant to their functional area and to authorise Officers to appear on behalf of the Council in tribunals, review boards and inquiries, also to sign all necessary documents and authorise entry to land in pursuance of statutory powers, provided always that this is in accordance with the functional responsibilities of the officer concerned.

6.5.3 Delegated authority includes the power to determine applications and authorise payments and implement national agreements.

6.5.4 It shall always be open to an officer to consult with the Cabinet, or a non Cabinet committee on the exercise of delegated powers, or not to exercise delegated powers but to refer the matter to the Cabinet or a committee (as appropriate).

6.5.5 In exercising delegated powers, officers shall consult with such other relevant officers as may be appropriate and shall have regard to any advice given.

## **7 GENERAL DELEGATIONS**

### **7.1 Introduction**

7.1.1 The following delegations must be read in conjunction with the previous section which set out the overall basis, limitations, and further provisions which apply to this scheme of delegations.

7.1.2 All subsequent delegations are provided always that the decision is:

- (a) within budget;
- (b) in accordance with the Council's policy framework;
- (c) in accordance with the Council's Financial Procedure Rules and Contracts Procedure Rules;
- (d) not a matter specifically reserved for Full Council, a Committee of the Council, the Cabinet or a Statutory Officer.

7.1.3 The qualification within 7.1.2 will not apply to urgent decisions or decisions taken either

side of a Local Government Election where there is no elected Member body available to act.

7.1.4 Where there is any doubt as to interpretation the Monitoring Officer will decide.

## 7.2 Delegations to Chief Executive and Chief Officers

### 7.2.1 General:

- (a) to make any decisions relating to any matter within their area of responsibility ('General Delegation'), including, for the avoidance of doubt, any matter specifically delegated in this Scheme of Delegations to a Head of Service or Manager.
- (b) to take appropriate action, which is necessary, to ensure the efficient, equitable and effective delivery of services;
- (c) in the year of local government elections, delegated authority for council and Cabinet functions for decisions that need to be taken as a matter of urgency between the day of the election and the annual meeting of council. Any decisions taken during this period will be reported to the annual meeting of council or the first meeting of the cabinet of the new council if the decision taken is a Cabinet function.
- (d) Any delegations to a Director shall be capable of being exercised by a Head of Service within their respective directorate in respect of the areas to which they have responsibilities unless otherwise specified.
- (e) To deal with reports from the Ombudsman under Section 21 of the Public Service Ombudsman (Wales) Act 2005 and in consequence to determine any payment or other benefit arising from any maladministration or service failure pursuant to Section 34 of the 2005 Act
- (f) to determine any payment or other benefit arising from any maladministration or anything which may amount to maladministration in cases where a person has been adversely affected and the Ombudsman is not involved, such action being pursuant to Section 92 of the Local Government Act 2000.
- (g) The following are authorised to act as Authorising Officers pursuant to The Regulation of Investigatory Powers Act 2000, for the purposes of authorising directed surveillance, the use of covert human intelligence sources and access to communications data, provided that the Monitoring Officer has certified that the named Officers have attended an appropriate RIPA Training Course – Michael Roberts and Ceri Morris

### 7.2.2 People:

- (a) to manage the human resources within their area of responsibility, including the appointment, establishment, salary/grade, training, terms and conditions of employment, health and safety, discipline, suspension and dismissal of staff, in accordance with the Council's HR and financial procedures subject to monthly reports being provided to the relevant Cabinet member(s) of any changes made;
- (b) to consider and approve, as appropriate, in consultation with the Head of People

and Organisational Development and Director of Finance and in accordance with the provisions of the Local Government Pension Scheme and the Council's approved policy and criteria, the early retirement of staff (aged 55 or over) in the following circumstances:

- (i) in the interests of the efficiency of the service;
- (ii) who request voluntary retirement;
- (c) to approve courses for staff;
- (d) to approve carry-over of leave in accordance with the Council's policy;
- (e) to deal with applications for leave without pay;
- (f) to pay honoraria subject to notification to the Head of People and Organisational Development
- (g) to appoint temporary staff in cases of special need or urgency.

#### 7.2.3 Financial:

- (a) to procure works, goods, services and/or supplies and manage all aspects of the contract in accordance with the Contract Procedure Rules and subject to the delegations and decision-making structures contained in those rules.
- (b) to undertake virements subject to compliance with the Financial Procedure Rules;
- (c) to exercise the rights and responsibilities of the Council as shareholder or member of a company or other body, where no other specific provision has been made and where named as a Council representative.
- (d) in consultation with the S151 Officer to make applications or submit bids for funding or financial assistance or assistance in kind, to any person or body and take all necessary steps to accept this assistance;
- (e) to make ex gratia payments for loss or damage to property of up to £5,000 subject to consultation with the s151 Officer;
- (f) to make grants and donations (excluding under Welsh Church Fund) within the terms of the relevant grants scheme or other conditions imposed by the Council/Cabinet up to the relevant aggregate budget;
- (g) to incur revenue expenditure within estimates subject to compliance with contract procedure rules and financial regulations of the Council;
- (h) to incur capital expenditure provided:
  - (i) the project is included in the approved capital programme;
  - (ii) the project does not exceed the approved budget;
  - (iii) the contract procedure rules and financial regulations of the Council have been complied with;

- (i) in consultation with the s151 Officer to make applications for grants from Welsh Government, UK Government or any other external source;
- (j) to agree fees and charges in consultation with the Cabinet Member and Chair of the relevant Overview and Scrutiny Committee or Chair of the appropriate regulatory committee where a non-executive function.

#### 7.2.4 Assets:

- (a) to make any applications under the planning legislation to the Authority as Local Planning Authority in relation to development of land for which the Chief Officer is responsible including Planning Applications to develop any land held by the Authority or for the development of any land by the Authority whether on its own or jointly;
- (b) to manage any operational land or premises or assets and to secure such maintenance, repair or renewal of the same and including letting the same either temporarily or in accordance with Council policy and securing the removal of trespassers.
- (c) to write off or sell surplus or obsolete equipment, vehicles and plant valued over £5,000 by a process determined in accordance with the Monitoring Officer and S151 Officer;
- (d) to give directions under s77 of the Criminal Justice and Public Order Act 1994 (Power of local authority to direct unauthorised campers to leave land).

## 8 URGENCY

8.1 That in respect of matters within their Directorate's functions which Directors deem to require urgent action (where any delay would prejudice the Council's or the public's interests) and which do not warrant the holding of a special meeting of the Council (or a Committee or Sub Committee) or a Cabinet or a Cabinet Committee, such Officers shall have delegated power to authorise any action as a matter of urgency on any such matters within the terms of reference and delegation arrangements of Council (its Committees and Sub Committees) or Cabinet and Cabinet Committees; and in connection herewith:-

- (a) The urgency provisions must be observed, particularly the member consultation arrangements;
- (b) That in respect of an urgent decision to be taken by a Director in respect of an executive function, approval shall be sought with the Leader and relevant Cabinet member (or in either of their absence an alternative Cabinet member) and the Chair (or vice chair in their absence) of the appropriate Overview and Scrutiny Committee.
- (c) That in respect of an urgent decision to be taken by a Director in respect of a non-executive function, approval shall be sought with the Chair and Vice Chair of the relevant Committee (or in their absence any two members of the relevant Committee provided at least one of those members is from the largest opposition group).
- (d) The above is in addition to such other powers expressly delegated to Directors - Directors cannot take decisions in matters which can only be statutorily discharged by the full Council;
- (e) A Director's decision under the urgency provisions above, and under any other

expressly delegated powers, shall be deemed to be a resolution of the Council or of the Committee/Sub Committee, or of the Cabinet or Cabinet Committee as the case may be, and shall be sufficient authority for sealing any documents necessary to give effect to such decision;

- (f) The reference to Directors under the urgency provisions above, and under any other powers expressly delegated to them, shall be deemed also to include their Heads of Service who shall be empowered to take decisions, whether urgent or otherwise, in those matters delegated to their Director. Generally, such decisions by Heads of Service should only be taken in respect of those matters which are applicable to their own functional responsibilities, unless the absence of the Head of Service for a particular functional responsibility (and the absence of the Director) necessitates a decision being taken by another of that Directorate's Head of Service;
- (g) Any powers or duties delegated to a Director or Head of Service may be exercised by any other person duly authorised by him/her in writing from time to time;
- (h) A record shall be kept in each Directorate of all such authorisations which have been made by the Director or Head of Service as in (ii) above; and a central register of same shall be kept by the Monitoring Officer
- (i) No delegation shall preclude the referral of matters to the delegating body for a decision;
- (j) Officers decisions under urgency delegated arrangements will be reported back to the relevant Executive or Council Committee meeting with the reasons for the urgency action.
- (k) Other Officer decisions under delegated arrangements will be recorded within Directorates and available on request to Scrutiny Committees and to individual Councillors (subject to the limitations on rights as described under the Access to Information Procedures Rules); and also to the public, except that no information which is confidential or exempt under the Access to Information Procedure Rules need to be disclosed;
- (l) Any reference under any Officer delegation powers as to authorisation, initiation, institution, instruction or commencement of legal proceedings, prosecutions or possessions, must be in conjunction with the Monitoring Officer or such other Solicitor/Barrister in his/her Division as he/she may authorise from time to time;
- (m) The Chief Executive shall also be construed as reference to a Director for the purposes of this rule.

## **9 SPECIFIC DELEGATIONS**

### **9.1 Chief Executive Officer**

9.1.1 To be exercised following consultation with Appropriate Members:

- (a) approval of activities as 'approved duties';
- (b) to deal with any urgent business relating to the work of more than one Council directorate.

9.1.2 Other delegations:

- (a) to take any action and incur any expenditure necessary in connection with an emergency or disaster in the County Borough;
- (b) In cases of urgency or emergency, to exercise any Executive Function (even where such matters are reserved to the Cabinet) or take any decision on behalf of the Council, where this is necessary to protect the Council's interests
- (c) to be Chief Executive pursuant to legislative requirements and discharge the functions of appointment and dismissal of, and taking disciplinary action against, any member of staff, in accordance with the Council's HR and financial procedures and subject to appropriate consultation as outlined therein, except where such functions have been reserved to the Personnel Committee
- (d) to determine any matter which is not a matter specifically reserved for full Council, a committee of the Council, the Cabinet or another Statutory Officer.
- (e) in consultation with relevant Members for the Electoral division being reviewed, to conduct, determine and implement Polling District Reviews under the Representation of the People Acts.
- (f) the approval and issue of all official publicity, press statements and official publications;
- (g) to execute a power delegated to any officer when that officer is unable or unwilling to act and, where appropriate, delegate to a third officer;
- (h) to maintain a list of politically sensitive posts by adding or deleting posts as they consider appropriate and to issue certificates under Section 3(3) of the Local Government and Housing Act 1989.
- (i) under Section 35 (1A) of the Representation of the People Act 1983 to be designated as the Returning Officer for the County Borough Council and Community Council purposes.
- (j) appointed the Electoral Registration Officer for the Parliamentary Constituencies of Aberavon and Maesteg and Neath and Swansea East, in accordance with Section 8 of the Representation of the People Act 1983
- (k) under Section 35 (1A) of the Representation of the People Act 1983 that the Electoral Services Manager is designated as the standing Deputy Returning Officer for the County Borough Council and Community Council purposes.
- (l) to designate Mr Rhys George is designated as the standing Deputy Electoral Registration Officer for the Parliamentary Constituencies of Aberavon and Maesteg and Neath and Swansea East, in accordance with Section 8 of the Representation of the People Act 1983.

## 9.2 Director of Environment and Regeneration

### 9.2.1 To be exercised following consultation with Appropriate Members:

- (a) in relation to County Farms:
  - (i) approval of all wayleave and easement agreements of apparatus over,

under and through County Farm land;

- (ii) sale of small areas of surplus County Farm land (up to valuation of £20,000);
  - (iii) sale of land and buildings approved by Council as part of the County Farms strategy for disposal;
  - (iv) notification of tenants who are more than a quarter in arrears with the payment of their farm rent;
  - (v) all matters relating to end of tenancy valuations;
  - (vi) letting of land on short term agreement i.e. for less than 3 years;
  - (vii) enforcement of County Farms strategies and policies;
  - (viii) review of all County Farms and Cottage rents for reporting to Members;
  - (ix) shortlisting, interviewing and appointment of new tenants;
- (b) The above is also be applicable for other land owned by the County Council including Welsh Church Trust and Education Trust land;
- (c) recreation and industry:
- (i) to grant rent reduced or rent free periods, subject to the Council's appropriate policy;
  - (ii) To serve notices to quit on tenants or lessees of industrial units.
- (d) to assess and charge rents on new and existing dwellings acquired or provided by the Council;

#### 9.2.2 Specific delegations:

- (a) To have delegated powers in line with the Estates Delegated Authority set out in Annex 3
- (b) The "Engineer for the Works" and the Director's contractual responsibilities be approved (Minute 10 Page 316 November 1995) viz:- responsibilities relative to contract and tender preparation, invitation, award and subsequent management
- (c) To instigate, where necessary, CPO and associated procedures for any scheme prepared by the Department, whether financed by Council's Revenue or Capital programmes, or by external finance of any type, or any work undertaken for third parties
- (d) That the Road Traffic Regulations 1984, Road Traffic Act 1998 and Guidance Notes are adopted and the Director is authorised to draw up a scale of fees, in consultation with neighbouring Authorities, the purpose of which is to cover the Authority's reasonable costs only.
- (e) To procure vehicle acquisition pursuant to the Fleet Management function of the Director of Environment and Regeneration

- (f) To name new developments – however, where there is disagreement or dispute with a local Member, the decision shall vest in the Cabinet
- (g) To determine bus service registrations, charges and new services – however, where there is disagreement or dispute with a local Member, a report be submitted to the Cabinet
- (h) to determine representations made to Council with regard to the Decriminalised Parking Notices in accordance with Council policies along with the Head of Engineering and Transport and Parking Manager
- (i) to act in all matters associated with burials/exhumations (Capable of being exercised by the Head of Streetcare and Neighbourhood Services Manager)
- (j) Administer the Mines and Quarries (Tips) Act 1969
- (k) make all necessary personnel and operational decisions for the continued establishment and management of the South Wales Trunk Road Agency.
- (l) make any necessary amendments to the charge levied for the negotiation of the Affordable Housing Contribution.
- (m) To let industrial units and any other land in accordance with approved policies, procedures and guideline
- (n) In accordance with the lettings policy for the Sandfields Young Business Centre, to approve individual lettings at the Centre
- (o) To approve recommendations made for Loan and Grant applications up to a maximum value of £50,000 per project
- (p) to determine grant applications for the Rural Development Plan funded Y Gronfa Wledig, and the Accommodation Provider's Grant Scheme.

9.2.3 To be exercised following consultation with the appropriate Cabinet Member:

- (a) to make unopposed temporary Prohibition Orders and Notices under Section 14 of the Road Traffic Regulation Act 1984;
- (b) tree preservation:
  - (i) to make provisional tree preservation orders under s.201 of the Act;
  - (ii) applications for consent for the cutting down, topping, lopping or destruction of trees under Sections 198 and 211 of the Act;
- (c) to exercise the Council's functions under Part IX of the Housing Act 1985 (Demolition and Closing Orders);
- (d) in consultation with the relevant Cabinet Member and the Director of Finance and Corporate Services, is granted Delegated Authority to make strategic acquisitions within the County Borough.
- (e) To approve use of monies by the Community and Town Councils pursuant to the Maesgwyn Wind Farm Community Fund – the criteria for



approval being compliance with the aims and objectives of the scheme

- (f) to authorise the preparation and submission of tender bids, quotations, etc., for works offered by bodies other than the Council of a value estimated greater than £400,000 per annum.

#### 9.2.4 Other Delegations:

- (a) Conservation:

- (i) to approve grants for historic buildings under Historic Town Schemes;
- (ii) conservation and woodland management.

- (b) Tree Preservation:

- (i) to serve notices under Section 207 of the Act to plant replacement trees and to subsequently monitor;
- (ii) to confirm tree preservation orders where no objections were made or where all objections have been withdrawn.

- (c) Entry onto Land. To authorise persons to enter land under:

- (i) Sections 196A, 214B and 324 of the Town and Country Planning Act 1990;
- (ii) Section 95 of the Building Act 1984;
- (iii) Section 293 of, and paragraph 7 of Sched. 12A to, the Highways Act 1980;
- (iv) Section 71 of the Road Traffic Regulation Act 1984;
- (v) Highways Act 1980;
- (vi) Wildlife and Countryside Act 1981;
- (vii) Countryside and Rights of Way Act 2000. Leisure Services;

- (d) Neighbourhood Services:

- (i) to respond on behalf of the Council to HGV operator's licence applications;
- (ii) where necessary to authorise the preparation and submission of tender bids, quotations, etc., for work offered by the Council;
- (iii) where necessary, to authorise the preparation and submission of tender bids, quotations, etc., for works offered by bodies other than the Council of a value estimated up to £400,000 per annum.

- (e) Highways:

- (i) issuing and entering into of agreements, permissions and licences in accordance with the provisions of the Highways Act 1980, the New Road and Street Works Act 1991, the Land Drainage Act 1976 and the Public Health Act 1936;

- (ii) the serving of notices and enforcement (including works in default), in accordance with the provisions of the Highways Act 1980, the New Roads and Street Works Act 1991, the Land Drainage Act 1976 and the Public Health Act 1936;
- (iii) undertake emergency works on private land, as necessary, to alleviate flooding or potential flooding to properties, with a minimum of works being undertaken to alleviate the emergency
- (iv) served on riparian owners to undertake the necessary works and that in default the Authority undertakes the works on a rechargeable basis
- (v) exercise functions under Section 32 and Schedule 3 of the Flood and Water Management Act 2010, and secondary legislation made thereunder in relation to sustainable drainage. In addition, the delegation to negotiate and enter an agreement on behalf of the Sustainable Drainage Systems approving body with the Local Planning Authority as to the undertaking of enforcement under Section 32 and Schedule 3 of the Flood and Water Management Act 2010, and secondary legislation made thereunder
- (vi) issue consent and undertake any Enforcement Action using the Land Drainage Act 1991 or subsequent Acts
- (vii) authorise the making of agreements under section 38 and 278 of the Highways Act 1980;
- (viii) enforcement of car parking orders;
- (ix) to respond to planning applications on behalf of the Council as Highway Authority;
- (x) to authorise applications to the magistrates' court to divert or extinguish highways, under section 116 of the Highways Act 1980;
- (xi) to authorise persons to enter land and/or premises for the purpose of:- - undertaking surveys pursuant to section 289 of the Highways Act 1980 and maintaining, altering or removing certain structures and works pursuant to section 291 of the Highways Act 1980;
- (xii) Under Section 14 Public Health Act 1925 to consent subject to such conditions as may be necessary, to the erection and maintenance of seats, drinking fountains for the public and troughs for watering horses and cattle in any street or public place
- (xiii) Under New Roads and Street Works Act, 1991 to serve a notice of objection to works carried out without the submission of a plan and section thereof and failing an agreement to the objection to refer the matter to arbitration
- (xiv) Under Road Traffic Acts, as amended, in relation to the weighing of motor vehicles and the institution of legal proceedings for offences relating to overloading
- (xv) Under Sections 55 and 56 of the New Roads and Street Works Act 1991 to

prosecute Statutory Undertakers for contravention of Works Procedures and Safety Measures

- (xvi) Under Road Traffic Acts, Road Traffic Regulations Act, and Transport Acts with relation to temporary road closures, operators licences (HGV, PSV) and public building road signing.
  - (xvii) To rationalise the list of “inherited” New Street Orders to those in reasonable prospect of being actioned.
  - (xviii) Under Section 23 of the Local Government (Miscellaneous Provisions) Act 1976, to serve Notices in respect of dangerous trees
- (a) Waste:
- (i) to authorise officers under the Environmental Protection Act 1990 to serve notices under sections 46 and 47, issue fixed penalty notices under sections 34, 47ZA and 88 and to investigate alleged contraventions of sections 33 and 34;
  - (ii) to authorise officers to serve fixed penalty notices for contraventions of the Dogs (Fouling of Land) Act 1996;
  - (iii) To seek tenders for the removal of abandoned vehicles and to accept the lowest suitable tender.
  - (iv) To be authorised, subject to Police checks, to remove abandoned vehicles within 24 hours of notification in circumstances where a vehicle is burned out or likely to be burnt or otherwise poses a risk to the safety of the public
  - (v) to designate authorised officers for the purposes of issuing on behalf of the Authority fixed penalty notices to deal with any offences
  - (vi) delegated (i) to authorise individual competent and qualified Officers to act under the items of legislation listed and (ii) to institute legal proceedings thereunder in conjunction with the Monitoring Officer including the signing of any cautions in accordance with Home Office Guidelines
  - (vii) authority to serve Notice(s) under the Environmental Protection Act 1990 in relation to waste and litter
  - (viii) authority to serve notice in relation to abandoned refuse under Section 6 of the Refuse Disposal (Amenity) Act 1978 and to dispose of refuse on unoccupied land. Authority to serve Notice(s) under the Refuse Disposal (Amenity) Act 1978, and/or to dispose of abandoned refuse on unoccupied land
  - (ix) authority to serve notices under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976 in relation to obtaining the particulars of persons interested in land. Authority to serve Notice(s) under the Local Government (Miscellaneous Provisions) Act 1976.
  - (x) authority to serve notices and to have vehicles removed under Section 3 of the Refuse Disposal (Amenity) Act 1978 relating to abandoned vehicles. Authority to serve Notice(s) under the Refuse Disposal (Amenity) Act

1978, and/or to have abandoned vehicles removed.

- (xi) authority to issue Fixed Penalty Notice(s) for breaches of the Environmental Protection Act 1990, as amended
  - (xii) authority to issue Fixed Penalty Notice(s) for breaches of the Anti-Social Behaviour, Crime and Policing Act 2014, as amended.
  - (xiii) To authorise officers capable of taking enforcement action and issuing fixed penalty notices pursuant to  
Sections 3, 4 & 6 Clean Neighbourhoods & Environment Act 2005.  
Sections 2 (1) (a) & Section 2A Refuse Disposal (Amenity) Act 1978.  
Sections 87 & 88 Environmental Protection Act 1990.  
Sections 47, 48 & 52 of the Anti-Social Behaviour, Crime and Policing Act 2014.  
Sections 67 & 68 of the Anti-Social Behaviour, Crime and Policing Act 2014  
Section 43 Anti-social Behaviour Act 2003.  
Sections 34(5), 34A & 34ZB Environmental Protection Act 1990, and Sections 5 & 5B Control of Pollution (Amendment) Act 1989.  
Sections 46, 47 & 47ZA Environmental Protection Act 1990.
  - (xiv) to take enforcement action pursuant to  
Anti Social Behaviour Act 2003  
Anti-Social Behaviour, Crime and Policing Act 2014  
Control of Pollution (Amendment) Act 1989  
Dogs (Fouling of Land) Act 1996  
Environmental Protection Act 1990  
Litter Act 1983  
Local Government (Miscellaneous Provisions) Act 1976  
Refuse Disposal Amenity Act 1978  
Road Traffic Regulation Act 1984
- (b) Energy and Decarbonisation:
- (i) to enter into agreements, commission, procure and otherwise deliver the policy framework including but not limited to the REFIT programme, power purchase agreements, loan and other schemes and grant funding.
- (c) to serve Street Litter Control Notices under Part IV of the Environmental Protection Act 1990.

#### 2.1.2 Other regulatory functions:

- (a) Environmental Health
  - (i) to serve any notice or requisition for information under any Act relating to any environmental health or private sector housing matter and requiring the owner or occupier of, or any person having an interest in, or managing any land or premises, to give information to the Council and to authorise such other officers as are appropriate to serve such notice or requisition;
  - (ii) to determine applications for licences for game;
  - (iii) to authorise the removal of abandoned vehicles including the recovery of costs;

- (iv) to take action under the Public Health (Control of Disease) Act 1984 in relation to the control of communicable diseases and in particular to authorise officers (in addition to the Environmental Health Manager):
  - (1) on behalf of the Proper Officer to require information from a person in the case of a notifiable disease or food poisoning (s18); On behalf of the Proper officer, to issue a notice in writing to request a person to discontinue work (s20);
  - (2) on behalf of the Proper Officer, to exclude from school a child liable to convey a notifiable disease (s21);
  - (3) on behalf of the Proper officer, to require a list of pupils at a school having a case of notifiable disease (s22);
  - (4) to exclude children from places of entertainment or assembly (s23);
  - (5) to prohibit certain work on premises where a notifiable disease exists (s28);
  - (6) to cleanse or disinfect premises and destroy articles (s31);
  - (7) to sign any notice, order or other document which the authority are authorised or required by or under the Act to give, make or issue (s59);
  - (8) power of entry (s61);
- (v) to approve furnaces and chimney heights under the Clean Air Acts;
- (vi) to enforce the provisions of s16 and s19 of and Schedule 2 to the Food and Protection Act 1985 (including the appointment of authorised officers) and the Control of Pesticides Regulations 1986;
- (vii) to authorise officers generally or specially for the purposes of the Food Safety Act 1990;
- (viii) to enforce the provisions of the Health and Safety at Work etc., Act 1974;
- (ix) to exercise the Council's powers under s19 (1) of the Health and Safety at Work etc. Act 1974 in relation to the appointment of inspectors;
- (x) to exercise the Council's functions under s16 (6) of the Environmental Protection Act 1990 in relation to the appointment of inspectors;
- (xi) to deal with applications under Schedule 2 to the Noise and Statutory Nuisance Act 1993 and to determine the level of fee chargeable for an application dependent upon the circumstances of each case;
- (xii) to take urgent action in relation to matters of animal health;
- (xiii) to exercise the Council's functions under legislation relating to food and drugs, food hygiene, offices shops and railway premises;
- (xiv) to serve notices and, where necessary, arrange for work to be carried out in

default and recover costs incurred in relation to the drainage of existing buildings including private sewers;

- (xv) to authorise persons to enter land and/or premises under any of the following Acts (as amended or incorporated by post-Brexit instruments):
- (1) Riding Establishments Acts 1964 and 1970;
  - (2) Public Health (Control of Disease) Act 1984;
  - (3) Water Industry Act 1991;
  - (4) Local Government (Miscellaneous Provisions) Act 1976 and 1982;
  - (5) Caravan Sites and Control of Development Act 1960 as amended by Local Govt. (Misc. Provisions) Act 1982;
  - (6) Control of Pollution Act 1974;
  - (7) Refuse Disposal (Amenity) Act 1978;
  - (8) Environment Act 1995;
  - (9) Sunday Trading Act 1994;
  - (10) Prevention of Damage by Pests Act 1949;
  - (11) European Communities Act 1972 and regulations made there under;
  - (12) Antisocial Behaviour Act 2003, part 8 (High Hedges): Section 74 (Powers of entry);
  - (13) Public Health Act 1936;
  - (14) Public Health Act 1961;
  - (15) Health and Safety at Work etc., Act 1974;
  - (16) Building Act 1984 (for drainage purposes);
  - (17) Local Government (Miscellaneous Provisions) Act 1982 (for purposes of public entertainment licensing, acupuncture, tattooing, ear-piercing and electrolysis);
  - (18) Food Safety Act 1990;
  - (19) Environmental Protection Act 1990;
  - (20) Housing Act 2004;
  - (21) Animal Welfare Act 2006;
- (xvi) to authorise officers under the Dangerous Dogs Act 1991;
- (xvii) in respect of statutory nuisances, to serve notices and to take action in default and to authorise Environmental Health Officers to serve notices

under s80 Environmental Protection Act 1990 and to take action under section 81 to abate a nuisance;

- (xviii) to authorise officers for the purpose of Paragraph 2A of Schedule 3 to the Environmental Protection Act 1990 (entry to or opening vehicles, etc.);
- (xix) to obtain information about the emission of pollutants and other substances into the air under s79(2) of the Control of Pollution Act 1974
- (xx) to serve notices requiring information about air pollution under s80 of the Control of Pollution Act 1974;
- (xxi) to serve notices under s93 of the Control of Pollution Act 1974;
- (xxii) to take action under s20 of the Local Government (Miscellaneous Provisions) Act 1976 for the provision of sanitary accommodation;
- (xxiii) to administer the provisions of Part 1 of the Environmental Protection Act 1990 (schedule B processes) including the appointment of officers as inspectors, under s16 of the Act, for the purposes of enforcement of Part 1 of the Act. The Council's powers in relation to authorisations and enforcement generally under Part 1 of the Environmental Protection Act 1990 is delegated to officers duly appointed as inspectors under Part 1 of the Act, in line with such authority as may be approved by the Chief Officer Communities and Place;
- (xxiv) to authorise officers under Part II of the Clean Neighbourhoods & Environment Act 2005;
- (xxv) to authorise officers under the Refuse Disposal Amenity Act 1978;
- (xxvi) to authorise officers to serve a Litter Clearing Notice under Part IV of the Environmental Protection Act 1990;
- (xxvii) to authorise officers under Part IV of the Environmental Protection Act 1990;
- (xxviii) to authorise officers to serve Fixed Penalty Notices under section 47ZA of the Environmental Protection Act 1990;
- (xxix) to authorise officers under Part 6 Chapter 1 of the Clean Neighbourhoods & Environment Act 2005;
- (xxx) to exercise the Council's functions as contained in the Water Industry Act 1991 in relation to private water supplies;
- (xxxi) to authorise officers under the European Communities Act 1972 and regulations made thereunder, including the Food Labelling Regulations 1996, the General Food Regulations 2004, the Official Feed and Food Controls (Wales) Regulations 2007, the Imported Food Regulations 1997 and the Products of Animal Origin (Third Country Imports (Wales) Amendment) Regulations 2007 and to appoint and authorise officers under the Food Hygiene (Wales) Regulations 2005 and the Food Hygiene (Wales)(No. 2) Regulations 2005;
- (xxxii) to authorise officers under the provisions of Part 1, Chapter1 of the Health Act 2006 with discretion to serve fixed penalty notices in accordance with

that Act, any subordinate legislation and related guidance;

- (xxxiii) to authorise officers to take action, including the service of notices under the following provisions of the Public Health 1936:
  - (1) s45 to remedy defective sanitary conveniences;
  - (2) s50 to remedy overflowing and leaking cesspools;
  - (3) s83 to remedy filthy or verminous premises;
- (xxxiv) to authorise officers to take action, including the service of notices under s17 of the Public Health 1961 (repair of stopped up drains);
- (xxxv) to authorise officers for the purpose of enforcement of the Dogs (Fouling of Land) Act 1996, including the issue of a fixed penalty notice in relation to dog fouling offences;
- (xxxvi) to authorise officers to take enforcement action under the Pollution Prevention and Control Act 1999 and regulations made thereunder including those functions under the Environmental Permitting (England and Wales) Regulations 2007; including the granting, variation and revocation of Environmental Permits, the service of Enforcement Notices and Suspension Notices and the Power to prevent or remedy pollution, and the Power to require the provision of information;
- (xxxvii) to authorise officers to discharge the local authority's functions under the Water Industry Act 1991, including the service of notices under s80 and enforcement action under any Regulations made thereunder;
- (xxxviii) to authorise officers to serve notices under s60 of the Control of Pollution Act 1974;
- (xxxix) to authorise persons to serve notices under s4 of the Prevention of Damage by Pests Act 1949 requiring steps to be taken for the destruction of rats or mice or otherwise for keeping the land free from rats and mice and, subject to the approval of the Environmental Health Manager, to take action in default (s5);
- (xl) to authorise Food Law Enforcement Officers considered by the Head of Public Protection to be competent to discharge the general duties and powers of the Authority under the Food Hygiene Rating (Wales) Act 2013 and any regulations made thereunder;
- (xli) to appoint authorised officers under the Sunbeds (Regulation) Act 2010 and any associated regulations:
  - (1) to enter any premises at which the officer has reason to believe that a sunbed business is being carried on;
  - (2) to carry out on those premises such inspections as the officer considers necessary for the purpose of the proper exercise of the officer's functions;
  - (3) where the officer considers it necessary for that purpose, to require the production of any book, document or record (in whatever form it



is held) and inspect it, and take copies of or extracts from it;

- (4) to take possession of any book, document or record which is on the premises (in whatever form it is held) and retain it for as long as the officer considers necessary for that purpose;
- (5) to require any person to give such information, or afford such facilities and assistance, as the officer considers necessary for that purpose;
- (6) to may make such purchases and secure the provision of such services as the officer considers necessary for the purpose of the proper exercise of the officer's functions and to undertake any such other powers as may be considered by the Head of Public Protection to be appropriate under any subsequent regulation made under the Act;

(xlii) to authorise officers under the Anti-Social Behaviour, Crime and Policing Act 2014 to:

- (1) to issue Community Protection Notices (CPN) (s43);
- (2) to take remedial action in default of CPN (s47);
- (3) to issue fixed penalty notices (s52 and 68);
- (4) to issue a Closure Notice (s76 and 77);

(b) Trading Standards:

- (i) to exercise the registration and enforcement functions of the Council contained in the Explosives Act 1875;
- (ii) to provide under the Weights and Measures Act 1985 local standards and other weights, measures and testing equipment;
- (iii) to exercise the enforcement functions of the Council as weights and measures authority;
- (iv) to authorise officers to enter land, inspect and undertake enforcement action and/or take action in the public interest as appropriate pursuant to the following legislation (as amended or incorporated by post-Brexit instruments):

Accommodation Agencies Act 1953  
Administration of Justice Act 1970  
Agriculture (Miscellaneous Provisions) Act 1968  
Agriculture Act 1970 as it applies to Animal Feeding Stuffs and Fertilisers;  
Animal Boarding Establishments Act 1963  
Animal Health Acts 1981  
Animal Health and Welfare Act 1984  
Animal Welfare Act 2006  
Anti-Social Behaviour Act 2003  
Anti-Social Behaviour Crime & Policing Act 2014  
Cancer Act 1939  
Charities Acts 1992 and 2006

Children and Families Act 2014  
Children and Young Persons (Protection from Tobacco) Act 1991  
Clean Air Acts 1956 – 1993  
Clean Neighbourhood and Environment Act 2005  
Climate Change Act 2008  
Commons Registration Act 1965/2006  
Companies Act 2006  
Consumer Credit Act 1974 & 2006  
Consumer Protection Act 1987  
Consumer Rights Act 2015  
Control of Horses (Wales) Act 2014  
Copyright Designs and Patents Act 1988  
Courts and Legal Services Act 1990  
Countryside and Rights of Way Act 1990  
Criminal Justice Act 1982, 1988 and 1991  
Criminal Justice and Police Act 2001  
Criminal Justice and Public Order Act 1984  
Crossbows Act 1987  
Dangerous Wild Animals Act 1976  
Development of Tourism Act 1969  
Dogs Act 1906  
Education Reform Act 1988  
Energy Act 1976  
Enterprise Act 2002  
Environment Act 1995  
Environmental Protection Act 1990  
Estate Agents Act 1979  
European Communities Act 1972  
Explosives Act 1875  
Factories Act 1961  
Fair Trading Act 1973  
Farm and Garden Chemicals Act 1967  
Financial Services Act 2012  
Firearms Act 1968  
Fireworks Act 2003  
Food Safety Act 1990  
Forgery and Counterfeiting Act 1981  
Fraud Act 2006  
Gambling Act 2005  
Hallmarking Act 1973  
Health Act 2006  
Health and Safety at Work Act 1974  
Highways Act 1980  
House to House Collections Act 1939  
Housing Act 2004  
Intoxicating Substances (Supply) Act 1985  
Knives Act 1997  
Legal Services Act 2007  
Licensing Act 2003  
Local Government Byelaws (Wales) Act 2012  
Local Government (Miscellaneous Provisions) Acts 1976 and 1982  
Local Government Acts 1972 – 2003  
Malicious Communications Act 1988  
Medicines Act 1968  
Mock Auctions Act 1961

Motorcycles Noise Act 1987  
Motor Vehicles (Safety Equipment for Children) Act 1991  
National Lotteries Act 1993  
Natural Environment and Rural Communities Act 2006  
Offensive Weapons Act 1996  
Olympic Symbol (Protection) Act 1995  
Performance of Animals (Regulations) Act 1925  
Pet Animals Act 1951  
Petroleum (Consolidation) Act 1928  
Psychoactive Substances Act 2016  
Police Reform and Social Responsibility Act 2011  
Prices Act 1974 and 1975  
Proceeds of Crime Act 2002  
Protection of Animals (Amendment) Act 2000  
Regulation of Investigatory Powers Act 2000  
Riding Establishments Acts 1964 to 1970  
Road Traffic (Foreign Vehicles) Act 1972  
Road Traffic Acts 1974 – 1988  
Scrap Metal Dealers Act 2013  
Slaughter of Poultry Act 1967  
Sunbeds (Regulation) Act 2010  
Sunday Trading Act 1994  
Tattooing of Minors Act 1969  
Theft Acts 1968 and 1978  
Timeshare Act 1992  
Tobacco Advertising and Promotion Act 2002  
Town Police Clauses Act 1847  
Trade Descriptions Act 1968  
Trade Marks Act 1994  
Trading Schemes Act 1996  
Unsolicited Goods and Services Acts 1971 and 1975  
Vehicles (Crime) Act 2001  
Video Recordings Acts 2010  
Weights and Measures Act 1985

- (v) having obtained the agreement of the Monitoring Officer, to lay information in respect of offences under the Acts listed above and the following:

Enterprise Act 2002  
Tobacco Advertising and Promotion Act 2002  
Criminal Justice and Police Act 2001  
Vehicle Crimes Act 2001  
Licensing (Young Persons) Act 2000  
Protection of Animals (Amendment) Act 2000  
Knives Act 1997  
Offensive Weapons Act 1996  
Olympic Symbol (Protection) Act 1995  
Clean Air Act 1993  
National Lottery Act 1993  
Malicious Communications Act 1988  
Protection of Children (Tobacco) Act 1986  
Energy Conservation Act 1981  
Forgery and Counterfeiting Act 1981  
Unsolicited Goods and Services Act 1975  
Administration of Justice Act 1970

Development of Tourism Act 1969  
Licensing Act 1964  
Mock Auctions Act 1961  
Protection of Animals (Anaesthetics) Act 1954  
Accommodation Agencies Act 1953  
Pet Animals Act 1951  
Dogs Act 1906 and Dogs (Amendment) Act 1928

and any other legislation within the ambit of the Trading Standards section;

- (vi) to appoint for enforcement purposes:
    - (1) inspectors under the Agriculture Act 1970 as it applies to animal feeding stuffs and fertilisers;
    - (2) inspectors under the Animal Health Acts 1981 and 1984;
    - (3) officers under the Consumer Protection Act 1987;
    - (4) officers under the Environmental Protection Act 1990 as it applies to sale, labelling etc. of pesticides and dangerous substances;
    - (5) officers under the Health and Safety at Work etc. Act 1974 (the 1974 Act):
      - a. to exercise the powers of an Inspector specified in sections 20, 21, 22, 25 and in England and Wales section 39 of the 1974 Act;
      - b. any health and safety regulations;
      - c. the provisions of the Acts mentioned in Schedule 1 to the 1974 Act which are specified in the third column of that Schedule and of the regulations, orders or other instruments of a legislative character made or having effect under any provision so specified, as in force from time to time;
  - (vii) officers under Part II of the Clean Neighbourhoods & Environment Act 2005;
  - (viii) officers under the Refuse Disposal Amenity Act 1978;
  - (ix) Environmental Health Officers to serve a Litter Clearing Notice under Part IV of the Environmental Protection Act 1990;
  - (x) officers under Part IV of the Environmental Protection Act 1990;
  - (xi) officers to serve Fixed Penalty Notices under s47ZA of the Environmental Protection Act 1990;
  - (xii) officers under Part 6 Chapter 1 of the Clean Neighbourhoods & Environment Act 2005  
Licensing;
- (c) Building Regulations:

- (i) to deal with applications under the Building Regulations including relaxation, dispensation and enforcement thereof;
  - (ii) to serve notices and take any necessary action in respect of demolition works, dangerous buildings, walls, stands, trees, places, hoardings and other structures;
  - (iii) authorise individual Officers to act as Inspectors/Authorised Officers/Enforcement Officers under legislation contained in the Building Act 1984
  - (iv) To issue and sign the relevant Safety Certificates under the Safety at Sports Ground Act 1975 (as amended) and to take any enforcement action (the latter to be reported to the Planning Committee for information).
  - (v) Take actions pursuant to the Sections 26 and 42 of the West Glamorgan Act 1987
- (d) Private Sector Housing:
- (i) to serve notices in respect of unfit houses under s189 and s264 of the Housing Act 1985;
  - (ii) to serve repair notices under s190 of the Housing Act 1985;
  - (iii) to authorise work in default of compliance with notices served under s190 of the Housing Act 1985;
  - (iv) to exercise the Council's functions as contained in Part XI of the Housing Act 1985 in relation to houses in multiple occupation;
  - (v) to exercise the powers conferred on Councils under the Housing Act 2004 Part 1;
  - (vi) to carry out inspections of any residential premises to see if a Category 1 or Category 2 hazard exists;
  - (vii) to take appropriate enforcement action where a Category 1 or Category 2 hazard exists, this includes:
    - (1) serving an Improvement Notice. (Housing Act 2004 s11 - s12);
    - (2) making a Prohibition Order (Housing Act 2004 s20 - s21);
    - (3) serving a Hazard Awareness Notice. (Housing Act 2004 s28 - s29);
    - (4) taking emergency remedial action. (Housing Act 2004 Section 40);
    - (5) making an Emergency Prohibition Order. (Housing Act 2004 s43);
  - (viii) to suspend Improvement Notices and to review such Improvement Notices. (Housing Act 2004 s14);
  - (ix) to revoke or vary Improvement Notices and to suspend and review suspended Improvement Notices. (Housing Act 2004 s16);

- (x) to suspend Prohibition Orders and to review such Prohibition Orders. (Housing Act 2004 s23);
- (xi) to revoke or vary Prohibition Orders and to suspend and review suspended Prohibition Orders. (Housing Act 2004 s25);
- (xii) to serve an Overcrowding Notice. (Housing Act 2004 s139);
- (xiii) to revoke or vary Overcrowding Notice. (Housing Act 2004 s144);
- (xiv) to take enforcement action under Schedule 3 (works in default). - To exercise the powers conferred on Councils under the Housing Act 2004 Part 2);
- (xv) to operate and manage any HMO licensing scheme;
- (xvi) to compile and maintain a public register of licensed H.M.Os. (Housing Act 2004 s232);
- (xvii) to impose conditions relating to the management of a HMO (Housing Act 2004 s67);
- (xviii) to serve or decide not to serve a Temporary Exemption Notice. (Housing Act 2004 s62);
- (xix) to require a fee for HMO licensing;
- (xx) to grant or refuse a HMO licence. (Housing Act 2004 s.64);
- (xxi) to vary or revoke a HMO licence. (Housing Act 2004 s69 - 70);
- (xxii) to apply to A Residential Property Tribunal to make a Rent Repayment Order and to serve a Notice of Intended Proceedings. (Housing Act 2004 s73);
- (xxiii) to make an Interim and Final Management Order. (Housing Act 2004 s102 and s113);
- (xxiv) to authorise officers to enter premises to carry out work under Housing Act 2004 s131, Schedule 3 para. 3 (4) and Schedule 7 para. 25;
- (xxv) to require the production of documents under Section 235;
- (xxvi) to enter premises for the purposes of survey and examination under s.239;
- (xxvii) to apply to a Justice of the peace for a warrant to authorise entry;
- (xxviii) to authorise officers for enforcement purposes. (Housing Act 2004 s243);
- (xxix) to carry out relevant functions under the Housing Act 2004, such delegation to include the authorisation of Environmental Health Officers including:
  - (1) to exercise the powers conferred on Councils under the Housing Act 2004 - Part One;

- (2) to carry out inspections of any residential premises to see if a Category 1 or Category 2 hazard exists;
- (3) to take appropriate enforcement action where a Category 1 or Category 2 hazard exists, this includes:
  - a. serving an Improvement Notice. (Housing Act 2004 s11 - s12);
  - b. making a Prohibition Order. (Housing Act 2004 s20 - s21);
  - c. serving a Hazard Awareness Notice. (Housing Act 2004 s28 – s29);
  - d. taking emergency remedial action. (Housing Act 2004 s40);
  - e. making an Emergency Prohibition Order. (Housing Act 2004 s43);
- (4) to suspend Improvement Notices and to review such Improvement Notices. (Housing Act 2004 s14);
- (5) to revoke or vary Improvement Notices and to suspend and review suspended Improvement Notices. (Housing Act 2004 s16);
- (6) to suspend Prohibition Orders and to review such Prohibition Orders. (Housing Act 2004 s23);
- (7) to revoke or vary Prohibition Orders and to suspend and review suspended Prohibition Orders. (Housing Act 2004 s25);
- (8) to serve an Overcrowding Notice. (Housing Act 2004 s139);
- (9) to revoke or vary Overcrowding Notice. (Housing Act 2004 s144);
- (10) to take enforcement action under Schedule 3 (works in default);
- (11) to exercise the powers conferred on Councils under the Housing Act 2004 - Part 2);
- (12) to operate and manage any HMO licensing scheme;
- (13) to compile and maintain a public register of licensed HMOs. (Housing Act 2004 s232);
- (14) to impose conditions relating to the management of a HMO (Housing Act 2004 s67);
- (15) to serve or decide not to serve a Temporary Exemption Notice (Housing Act 2004 s62);
- (16) to require a fee for HMO licensing;
- (17) to grant or refuse a HMO licence (Housing Act 2004 s64);
- (18) to vary or revoke a HMO licence (Housing Act 2004 s69 - 70);

- (19) to apply to A Residential Property Tribunal to make a Rent Repayment Order and to serve a Notice of Intended Proceedings (Housing Act 2004 s73);
- (20) to make an Interim and Final Management Order (Housing Act 2004 s102 and s113);
- (21) to authorise officers to enter premises to carry out work under Housing Act 2004 s131, Schedule 3 paragraph 3 (4) and Schedule 7 paragraph. 25;

(e) General:

- (i) under the Mobile Homes (Wales) Act 2013, to issue site licences with conditions, as necessary; to serve the site owner a fixed penalty notice and/or compliance notice; to take emergency action; and the power to enter the site;
- (ii) under the Public Health (Control of Disease) Act 1984 (as amended by the Health and Social Care Act 2008) and Regulations made under the 1984 Act to enter premises (Sections 61 and 62) and to sign any notice, order or other document which the authority are authorised or required by or under this Act to give, make or issue (Section 59);
- (iii) under the Health Protection (Local Authority Powers) (Wales) Regulations 2010:
  - (1) to serve, if satisfied a child is or may be infected or contaminated and therefore presents or could present significant harm to human health, a notice to require that the child be kept away from school (Reg. 2);
  - (2) to serve notice to require the Head teacher of a school to provide a list of names, addresses and contact telephone numbers of children attending school (Reg. 3);
  - (3) to arrange disinfection or decontamination of things, premises on request of the owner (Reg. 4);
  - (4) to arrange disinfection or decontamination of things on request of person with custody or control (Reg. 5);
  - (5) to arrange disinfection or decontamination of premises on request of the owner (Reg. 6);
  - (6) to arrange disinfection or decontamination of premises on request of tenant (Reg. 7);
  - (7) to serve a notice to request co-operation for health protection purposes (Reg. 8);
  - (8) to serve a notice to restrict contact with dead bodies (Reg. 9);
  - (9) to serve a notice to restrict access to dead bodies (Reg. 10);



- (10) to relocate, or cause to be relocated a dead body that is or may be infected or contaminated (Reg. 11);
- (iv) under the Health Protection (Part 2A Orders) (Wales) Regulations 2010:
  - (1) to make an application to a Justice of the Peace for an order under Part 2A of the Act for Health Measures (Regulation 3):
    - a. health measures in relation to persons (under s45G(2a-k) or (4) of Part 2A of 1984 Act);
    - b. health measures in relation to things (under s45H(2a-e) or (4a&b) of Part 2A of 1984 Act);
    - c. health measures in relation to premises (under s45I(2a-d) or (4) of Part 2A of 1984 Act);
  - (2) to make reasonable enquiries as to the existence and location of persons in relation to an application for an order, namely:
    - a. the person subject to the application for an order and
    - b. persons to whom the local authority must give notice of an application for an order, (as specified in paragraphs (4) to (7) Regulation 3);
  - (3) to determine information, as deemed necessary, to enable provision of the evidence required for a Part 2A application in relation to persons (Regulation 4);
- (v) under the Petroleum Consolidation Act 1928 to grant or vary petroleum licences;
- (vi) under the Regulatory Enforcement and Sanctions Act 2008:
  - (1) to enter into Primary Authority partnerships, considered on a case by case basis;
  - (2) to agree the provision of services to businesses;

## 2.2 Director of Social Services, Health and Housing

### 2.2.1 Social Services functions to be exercised following consultation with Appropriate Members:

- (a) to make decisions to exempt persons from the usual fostering limit in accordance with paragraph 4 of Schedule 7 to the Children Act 1989;
- (b) to cancel an eviction in the event of a change in circumstances;
- (c) to approve the registration of HOMES applications within Council policy;
- (d) to determine all succession and assignment cases in accordance with Council policy;
- (e) to take action under the National Assistance Act 1948 to remove persons in need of

care to hospital;

- (f) to determine whether repayment of housing renovation grants should be sought (where this is a discretionary matter);
- (g) the ability to purchase appropriate property or land for the purposes of 26.4.2(a)(iv) in conjunction with delegation made to the Cabinet Member and Chief Officer for Resources in the Council decision 27 Jan 22.

#### 2.2.2 Other Social Services delegations:

- (a) Children:
  - (i) to maintain the Child Protection Register;
  - (ii) to undertake assessments of the need for care and support, determine eligibility and make arrangements for meeting those assessed needs of children in accordance with the Council's statutory duties under the Social Services and Well-Being (Wales) Act 2014;
  - (iii) to safeguard and promote the well-being of looked after children in accordance with Section 78 of the Social Services and Well-Being (Wales) Act 2014;
  - (iv) to exercise the Council's functions under Part 6 of the Social Services and Well-Being (Wales) Act 2014 to secure sufficient accommodation and maintenance for looked after children and to maintain and review care and support plans;
  - (v) to exercise the functions of the Council under Sections 120 and 121 of the Social Services and Well-Being (Wales) Act 2014 in relation to children accommodated by health and education authorities or in residential care homes or mental nursing homes;
  - (vi) to exercise all duties and functions of the Council under the Children and Young Persons Act 1969;
  - (vii) to exercise the powers and duties of the Council under Part III of the Children Act 1989 (Local Authority Support for Children and Families);
  - (ix) to commence such proceedings as are appropriate under Sections 25, 31, 34, 35, 39, 43, 44 and 49 of the Children Act 1989 and otherwise to exercise the powers and duties of the Council under Parts 4 (Care and Supervision) and 5 (Protection of Children) of the Act;
  - (x) to exercise the duties of the Council under Section 7 of the Children Act 1989 to report to the court on the welfare of children in private proceedings;
  - (xi) to exercise the duties of the Council under Section 16 of the Children Act 1989, to provide advice, assistance and befriending under the terms of the Family Assistance Order;
  - (xii) to recover, vary or waive the charges for any service provided by the Council under Part 3 of the Children Act 1989 and part 6 of the Social Services and Well-being (Wales) Act 2014;

- (xiii) to make contributions towards the maintenance of children placed with a person as a result of a Residence Order in accordance with paragraph 15 of Schedule 1 to the Children Act 1989;
- (xiv) to approve payment where appropriate of the legal expenses of applicants for orders under Section 8 of the Children Act 1989 in respect of children in care to the extent that they are not met by the Legal Aid Fund;
- (xv) to consent to the change of names of children who are the subject of a Care Order in favour of the County Council subject to the requirements of Section 33 of the Children Act 1989;
- (xvi) to appoint an independent visitor for a child where appropriate in accordance with paragraph 17 of Schedule 2 to the Children Act 1989;
- (xvii) to guarantee apprenticeship and similar deeds under paragraph 18 of Schedule 2 to the Children Act 1989 and to guarantee tenancy agreements entered into on behalf of children to whom the Council have a responsibility under the provisions of the Children Act 1989;
- (xviii) to give consent to the marriage of a young person in care pursuant to Section 3 of the Marriage Act 1949;
- (xix) to approve and sign applications for passports for children and young persons in the care of the Council;
- (xx) to arrange for a child in care to live abroad subject to the approval of the court in accordance with paragraph 19 of Schedule 2 to the Children Act 1989;
- (xxi) to respond to the Local Education Authority who has consulted the Council under Section 36(8) of the Children Act 1989;
- (xxii) to approve the applications of children and young persons in the care of the Council who wish to join HM Forces;
- (xxiii) to exercise the powers of the Council under Section 125 of the Social Services and Well-Being (Wales) Act 2014 in relation to the death of children looked after by local authorities;
- (xxiv) to exercise the functions of the Council under Part VI (Community Homes) of the Children Act 1989 in relation to the provision of accommodation for children in community homes;
- (xxv) to take such action as may be necessary to implement the payments of the various foster care allowances for the time being approved by the Council within current budgetary limits and in consultation with the Director of Finance and IT to increase the allowances annually;
- (xxvi) to sanction payments of the cost of the initial clothing and equipment required by children looked after by the Council who are placed in boarding schools and other establishments within current budgetary limits;
- (xxvii) to approve applications to go on school expeditions, including expeditions abroad, by children looked after by the Council, including expenditure on

equipment and pocket money within current budgetary limits;

- (xxviii) to make ex gratia payments in respect of damage or injury resulting from the action of children looked after by the Council;
- (xxix) to make payments to promote contact between parents and children looked after by the Council in accordance with Section 96 of the Social Services and Well-Being(Wales) Act 2014;
- (xxx) to assess the contributions to be paid towards board and lodging by working children provided that the amount remaining of weekly personal pocket money and clothing allowance should not be less than the amount currently approved under the payment of foster care allowances;
- (xxxi) to exercise the powers of the Council to make applications under Section 18 of the Adoption Act 1976;
- (xxxii) to make applications under the Criminal Injuries Compensation Board Scheme for compensation in respect of children in care.

(b) Adoption:

- (i) to set up an adoption panel in accordance with Regulation 56 of the Adoption Agencies Regulations 1983 and to make such decisions and notifications as to the adoption of children as are specified in those Regulations;
- (ii) to approve the institution of adoption proceedings by foster parents;
- (iii) to approve the payment of legal expenses of prospective adoptive parents for children who are being placed for adoption by the Council as an adoption agency;
- (iv) to grant allowances to persons who have adopted children in accordance with Section 57 of the Adoption Act 1976;

(c) Guardian ad Litem Panel:

- (i) to maintain a panel of Guardians ad Litem in accordance with the Guardians ad Litem and Reporting Officers (Panels) Regulations 1991;
- (ii) to pay the fees and expenses of individual members of the panel in accordance with the Regulations;

(d) Registration Functions:

- (i) to exercise the powers conferred on the Council under Part IX (Private Arrangements for Fostering Children) of the Children Act 1989 in respect of arrangements for the care of privately fostered children;
- (ii) in consultation with an authorised officer of the appropriate Health Authority, to approve the registration of nursing agencies under Section 2 of the Nurses Agencies Act 1957;
- (iii) to exercise the functions of the Council under Sections 85, 86 and 87 of the Children Act 1989. (Notification of children accommodated in certain

establishments);

(e) Adult Services:

- (i) to undertake assessments of the need for care and support, determine eligibility and make arrangements for meeting those assessed needs of adults and carers in accordance with the Council's statutory duties under the Social Services and Well-Being (Wales) Act 2014;
- (ii) to exercise the Council's functions under Part 4 of the Social Services and Well-Being (Wales) Act 2014 to maintain and review care and support plans to meet the assessed needs of adults and carers;
- (iii) to exercise the Council's functions under Section 15 of the Social Services and Well-Being (Wales) Act 2014 in providing or arranging preventative services, to include delaying the need for care and support, minimizing the effect on disabled persons of their disabilities and preventing people from suffering from abuse and neglect;
- (iv) to be responsible for discharging the Council's safeguarding role in relation to adults at risk in accordance with part 7 of the Social Services and Well-Being (Wales) Act 2014;
- (v) to waive the assessment charge for any services to clients in circumstances where it is essential for the family for social and/or medical reasons and to record every case requiring such action in the register to be provided for this purpose;
- (vi) to authorise and approve the maintenance costs for the admission of any person to any residential accommodation;
- (vii) to authorise the following facilities for any registered disabled person within the approved budget and within approved policies: attendance at a centre providing appropriate development opportunities, the provision of special facilities, minor alterations and adaptations to premises including the installation of appropriate equipment, (the works to be supervised by the appropriate professional staff), contribute where assessed as appropriate to the cost of adaptations to premises where the client is not eligible for a grant;
- (viii) to act as receiver in all matters in which it is appropriate for an officer of the Council to so act;
- (ix) to accept guardianship application and to make an order for discharge of patients subject to guardianship under the Mental Health Act 1983;
- (x) to appoint officers to act as approved social workers under the Mental Health Act 1983;
- (xi) to make appropriate applications to the Court of Protection for receivership orders;
- (xii) to exercise the Council's functions in relation to badges for disabled persons as drivers or passengers;
- (xiii) within the approved policies and estimates of the Council to discharge the duties towards people with disabilities imposed upon the Council by the

National Assistance Act 1948, the Chronically Sick and Disabled Persons Act 1970 and the Disabled Persons (Services Consultation Representation) Act 1986;

- (xiv) within the provisions of the National Health Service and Community Care Act 1990 to arrange for provision of appropriate care service to those persons assessed as having needs that fall within the Council's agreed priorities subject always to appropriate contract and financial regulations, the approved estimates and policies of the Council;
- (f) Complaints:
- (i) within the arrangements for the hearing of representations and complaints in accordance with Part 10 of the Social Services and Well-Being (Wales) Act 2014 to respond to and determine responses to recommendations of Complaint Review Panels (including application of financial redress) as considered appropriate within the framework of the Council's policies on remedies to complaints, financial regulations and, where necessary, in consultation with the Monitoring Officer.
- (g) Housing
- (i) receipt of enquiry and related investigation of cases;
  - (ii) all initial decisions relating to homelessness status and discharge of duties and referrals to other Authorities, required by the Housing Act, 1996 (as amended by the Homelessness Act 2002);
  - (iii) to authorise legal proceedings for the recovery of rent arrears and/or recovery of possession of premises for non-payment of rent;
  - (iv) to authorise legal proceedings to recover other debts arising from charges levied by the Council for its services or for the services of other organisations and businesses for which the Council acts as agent.
  - (v) Signing licences and tenancy agreements issued to discharge duties to the homeless and issued any notices to quit
- (h) Disabled Property Grants and Private Sector Grants
- (i) approval of grant, interim payments and final payments and variations for unforeseen works along with administration of Mandatory Disabled Facilities Grants under the strategy above and the Housing Grant Construction and Regeneration Act 1996 as amended by the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002.
  - (ii) Administration of approval under the Housing Grants, Construction and Regeneration Act 1996 and any recovery of sums
  - (iii) Approve amendments to the grant schedule of rates use when considering applications for grant aid
  - (iv) Agree the waiver of disabled property grants up to the value of £25,000
- (j) Anti Social Behaviour
- (i) To prepare and publish the procedures and policies and the summaries and statements thereof regarding anti-social behaviour which are required by Section 12 of the Anti-Social Behaviour Act 2003.
  - (ii) that in respect of applications for Anti-Social Behaviour Orders, including Interim Orders to consider under the Crime and Disorder Act 1998, with the

Police and other appropriate agencies, whether such Orders should be applied for; and following consultation above to issue the requisite Certificate under the Act to allow the Police and other bodies falling within Section 1(1A) of the Crime and Disorder Act 1998 to institute proceedings for an Order, and where the Authority is to institute proceedings, to take those proceedings and where there has been a breach of an Anti-Social Behaviour Order, the terms of which apply in the Neath Port Talbot County Borough Council, to prosecute the respondent for the breaches of that Order.

- (iii) that with regard to Injunctions against Nuisance and in respect of unlawful use of premises and Anti-Social Behaviour, to apply for and enforce an Injunction to prevent such Behaviour, including seeking an Exclusion Order and/or power of arrest where appropriate;
- (iv) Crack Houses – to consider under the Anti-Social Behaviour Act 2003 (“ASB Act”) with the Police and, except in urgent cases, other appropriate agencies whether a closure notice under Section 1 of that Act be issued and to provide to the Police a certificate that the statutory consultation has taken place. Where the Police are considering applying for an extension of a closure order issued under the ASB Act, to respond to the consultation that the Police must make with the Council under Section 5 of the ASB Act.
- (v) If appropriate and after the necessary consultation with the Police and any other relevant agencies, have taken place:
  - to apply to the Magistrates Court for a discharge of a closure order under Section 5(6) of the ASB Act;
  - to lodge an appeal pursuant to Section 6 of the ASB Act against a decision of the Magistrates Court not to make a closure order or extend a closure order;
  - pursuant to Sections 8 or 10 of the ASB Act to make an application for reimbursement of costs or losses incurred by the Council in connection with a closure order.
- (vi) Dispersal Orders - that in respect of authorisations for the exercise of powers under Section 30 of the Anti-Social Behaviour Act 2003 (Dispersal of groups, etc.) to consider with the Police (and, where appropriate the British Transport Police - BTP) and other appropriate agencies, whether such authorisations should be issued and following such consultation to consent, or otherwise, on behalf of the Council to the giving of such authorisation, and following consultation as above, to provide to the Police or BTP, a certificate that the statutory consultation under Section 31(7) for the withdrawal of an authorisation has taken place.

## 2.3 Director of Education, Leisure and Lifelong Learning

### 2.3.1 Delegations to be exercised following consultation with Appropriate Members:

- (a) School Term Dates. In the case of County, Voluntary Controlled and Special Schools, including residential schools, (as from 1 September 1999, community, foundation and voluntary schools and community and foundation special schools) to determine school term dates after consultation with the Teachers’ Associations;
- (b) regarding admissions:
  - (i) to keep standard numbers under review and to implement any necessary changes, where these are agreed by the governing body;

- (ii) to respond to any proposals from governing bodies to increase standard numbers;
- (iii) to set admission limits which exceed the standard number where this is considered appropriate;
- (c) to consider proposed statements of additional educational need where it is proposed that consideration is to be given to placement at a school establishment outside the area of the Council;
- (d) to determine and authorise the payment of discretionary awards and grants including any awards from charitable trust funds which the Council administers;
- (e) to agree, on safety grounds, that home to school arrangements be provided in any particular case in excess of the Council's mileage policy.

#### 2.3.2 Other delegations:

- (a) admissions:
  - (i) to administer arrangements for admissions to nursery schools and classes in accordance with policies agreed by the Council;
  - (ii) to administer arrangements for the admission of individual pupils to primary and secondary schools, including designated areas and other relevant factors and to present the case on behalf of the Council to admission appeal panels;
  - (ii) to exercise the functions of the Council in relation to pupils excluded from school and to present the case on behalf of the Council to exclusion appeal panels;
- (b) attendance at school:
  - (i) to ensure that appropriate transport arrangements are made in accordance with the Council's policies;
  - (ii) to exercise the powers and duties of the Council in respect of children excluded from school and to make suitable arrangements for the continuing education of pupils who are excluded or otherwise unable to attend school;
  - (iii) to exercise the functions of the Council relating to the non-attendance of pupils at school;
  - (iv) to undertake the powers and duties of the Council under Section 36 of the Children Act 1989 regarding Education Supervision Orders;
- (c) curriculum:
  - (i) to monitor the implementation of the requirements in respect of the school curriculum, including religion, values and ethics, in conjunction with SAC, if appropriate, as set out in the Education Act 1996;
  - (ii) investigate complaints in accordance with s409 of the Education Act 1996;



- (d) Additional Learning Needs
  - (i) to arrange for children to be assessed in accordance with the requirements of the Education Act 1996, to determine the additional learning needs which should be made for them and to maintain and review statements of additional learning needs;
  - (ii) to represent the Council at Special Educational Needs/Additional Learning Needs Tribunals in connection with the assessment of educational needs;
- (e) staffing as respects primary, secondary and special schools:
  - (i) to appoint:
    - (1) persons selected by governing bodies to fill vacant posts as head teachers or deputy head teachers;
    - (2) persons recommended or accepted for appointment by governing bodies to fill other teaching posts;
    - (3) persons recommended by governing bodies for appointment to non-teaching posts unless the person does not meet any qualification requirements applicable to the post;
  - (ii) in the case of aided schools to exercise any advisory rights relating to the appointment of head teachers, deputy head teachers or other teaching or ancillary staff conferred by agreement or legislation;
  - (iii) to nominate persons to fill vacancies in other teaching posts in schools where governing bodies have notified their intention to fill those vacancies;
  - (iv) to appoint persons selected by governing bodies as their Clerks;
  - (v) to implement determinations of governing bodies of schools relating to the determination of potential dismissals and any subsequent appeals against such dismissals, which are within the Council's powers to determine;
  - (vi) to exercise the powers of the Council as local education authority in respect of the Licensed Teacher Scheme;
  - (vii) to appoint supply teachers from funds held centrally;
  - (viii) to exercise the powers and duties under the School Teacher (Appraisal) Regulations 1991 in respect of head teachers;
- (f) Finance:
  - (i) to design and keep under review the Council's scheme of delegation in accordance with the Council's policies and any statutory requirements;
  - (ii) to determine and authorise the payment of boarding awards, grants towards tuition fees and expenses at schools where fees are payable, mandatory awards, maintenance allowances and tuition fees for correspondence

courses and requests for the refund of grants in accordance with the policy of the Council;

- (iii) to make payable such sums as appropriate to students having to repeat periods of study either because of a serious, personal illness or some other extenuating circumstances resulting from factors beyond the student's control – such applications to be considered on their individual merits
  - (iv) to make payable such sums as appropriate to extend by one academic year the mandatory award entitlement to students who were eligible to receive a modified award, with requests which fall outside this arrangement being referred to the executive for determination;
  - (v) to approve funding so as to extend the mandatory award entitlement of students who are eligible for a modified award by one or more years in cases where the course structure does not provide for exemption from the first or subsequent years of study
  - (vi) to approve the payment of recoupment charges for pupils at establishments located outside the area of the Council;
  - (vii) that the Selar funds for Glynneath and Blaengwrach be disbursed under delegated powers and the decision on the funding of projects is delegated to the Head of Transformation and Support Services taking full note of the recommendations of the local Panels;
  - (viii) that the Project Development and Funding Manager from Education, Leisure and Lifelong Learning be present at each local Panel meeting with voting rights at the Mynydd Y Betws Steering Panel and attending on an advisory capacity at the Selar Opencast meetings.
  - (ix) administer the Council Managed Energy Sites and Community Benefit Funds, in accordance with details outlined in the report to the Economic and Community Regeneration Cabinet Board of 20<sup>th</sup> December 2012.
  - (x) to accept deeds of gift
  - (xi) deal with future grant applications from Voluntary Organisations – with a report on decisions being submitted to the relevant Cabinet Board for information on a quarterly basis.
  - (xii) make such sums, as appropriate, to extend by one academic year the Mandatory Award entitlement of students who are eligible for a modified award, and for more than one year where the course structure necessitates a longer period of attendance. Requests which fall outside this arrangement being referred to the executive for determination
- (g) Copyright. To enter into such agreements with licensing agencies as are necessary to ensure the Council's establishments comply with all relevant statutory provisions;
- (h) to exercise the Council's duties pursuant to section 12C of the Children and Young Persons Act 1969.
- (i) to negotiate and enter into agreements for events at Margam Country Park

- (j) grant access to Community Centres when it is deemed appropriate or necessary outside the official hours during which hiring of Community Centres can be made and at unstaffed centres, and wherever else it is deemed necessary by the Officers, responsible user group representatives be issued with keys and an accurate record of keyholder information be kept
- (k) to act as licence holder for Public Entertainments Licences for community recreation facilities

## 2.4 **Monitoring Officer**

2.4.1 In the absence of the Monitoring Officer, the Deputy Monitoring Officer is authorised to take any such delegations conferred on the Monitoring Officer. Mr. Michael Shaw, Principal Solicitor Litigation is delegated to act as the Authority's Deputy Monitoring Officer in circumstances where the Monitoring Officer is unable to act due to his/her absence or illness pursuant to Section 5 of the Local Government and Housing Act 1989 and in respect of all other related functions.

### 2.4.2 Delegations:

- (a) to take all steps incidental to completing or obtaining the confirmation of any order or other formal proceedings made by the Council;
- (b) to serve any notice or requisition for information under any Act requiring the owner or occupier of or any person having an interest in or managing any land or premises to give information to the local authority;
- (c) the maintenance of the Land Charges Register and responses to local searches;
- (d) to take out grants of representation to a deceased's estates as creditor, beneficiary or trustee;
- (e) to settle the amount of compensation for damage to land which the Council is liable to pay in consequence of works carried out or other action taken on behalf of the Council up to a maximum of £5,000 in any one case and to report thereon to Council;
- (f) to obtain Counsel's opinion and to brief Counsel;
- (g) to sign on behalf of the Council any document necessary to give effect to any resolution of the Council, or of any Committee or Sub-Committee or Officer acting within powers delegated by the Council;
- (h) to institute, appeal or defend civil proceedings and intervene in or appear in proceedings before any court, the Lands Tribunal, an industrial tribunal, a Coroner, or any other statutory tribunal or inquiry, or arbitrator, where the interests of the Council, whether on its own behalf or on behalf of an authority for which the Council is agent, are involved, and to reach agreement as to settlement of such proceedings where appropriate;
- (i) to accept service of any proceedings;
- (j) to institute criminal proceedings in respect of offences against legislation (including bye-laws) which the Council is authorised to enforce, and institute or defend appeals arising out of such proceedings and act as the Authority's Solicitor;

- (k) in accordance with the provisions of s101 of the Local Government Act 1972, the Monitoring Officer may, in the circumstances mentioned in the paragraph below, authorise another local authority to initiate and conduct the prosecution of offences committed in the County Council's area; the circumstances are that the Monitoring Officer is satisfied that:
  - (i) the offences in question are related to offences alleged to have been committed in that other authority's area;
  - (ii) it is expedient for the prosecution to be initiated and conducted by that other authority;
- (l) to defend any criminal proceedings brought against the Council and to institute or defend appeals arising out of such proceedings;
- (m) under section 78 of the Criminal Justice and Public Order Act 1994, to make complaints to the Magistrates Court and to take any action authorised by the Court;
- (n) to authorise persons to survey and enter land in connection with proposed compulsory acquisitions;
- (o) to settle all claims made on the Council not exceeding £25,000 where provision is not clearly made (in consultation with the appropriate Chief Officer and s151 Officer);
- (p) to make determinations as a qualified person in accordance with s36 of the Freedom of Information Act 2000.
- (q) to consider and determine appeals pursuant to the Freedom of Information Act 2000 and Environmental Information Regulations 2004
- (r) to act as Proper Officer for Registration purposes set out in the Registration Service Act 1953, the Registration of Births, Deaths and Marriages Regulations 1968 onwards and by the Local Registration Scheme; together with Civil Partnerships.
- (s) to discharge any duties under the Marriage Act 1949, Registration Service Act 1953, Local Registration Scheme and to introduce a scheme for the availability of the service, setting appropriate fees and other conditions considering each application as it arises, in line with staff availability and other conditions and operational issues.
- (t) to agree any Scheme of Charges for local authority property search services
- (u) to vary the non statutory fees for Registration Services
- (v) to indemnify any member covering the cost of defending an allegation of a breach of the Members Code of Conduct to a ceiling of £20,000 pursuant to the Local Government Act 2000 and the Local Authorities (Indemnities for Members and Officers) (Wales) Order 2006
- (w) to act Proper Officer for all purposes relevant to the functioning of the

Standards Committee pursuant to the Local Government Act 2000

- (x) to be Data Protection Officer pursuant to the Data Protection Act 2018 and take any such steps necessary to meet the legal obligations of a data protection officer set out in legislation
- (y) to make minor amendments to the Constitution to include amending typographical errors, to reflect legislative changes, to remove anomalies or enhance clarity
- (z) To oversee and implement the scheme of delegations included the Constitution.

## 2.5 **Chief Digital Officer**

- 2.5.1 For the purposes of all information governance procedures, the Chief Digital Officer shall be classed as the Senior Information Risk Owner.
- 2.5.2 For the purposes of fulfilling the obligations of the Protection of Freedoms Act 2012, the Chief Digital Officer shall be the Senior Responsible Officer to ensure responsibilities arising from the Protection of Freedoms Act 2012 are implemented.

## 2.6 **Head of Democratic Services**

- 2.6.1 Mrs Stacy Curran (Democratic Services Manager) shall exercise the functions of Head of Democratic Services under Section 9 of the Local Government (Wales) Measure 2011 and in particular to make recommendations under Section 9(1)(h) of the Measure regarding the number, grades, appointment and organisation (together with the proper management) of staff required for discharging Democratic Services functions.

## 2.7 **Section 151 Officer**

- 2.7.1 Delegations to be exercised following consultation with the relevant Cabinet Member:

- (a) to exercise discretions relating to Community Charge, Council Tax and National Non-Domestic Rates where the Council has not established a policy on how such discretions might be exercised.

- 2.7.2 Other Delegations:

- (a) to manage the Council's treasury function in accordance with the Treasury Management Strategy established annually;
- (b) to write-off debts in accordance with the Council's Sundry Debtor Policy;
- (c) to agree charges for council services which may be made available to outside bodies;
- (d) to enter into finance or operational leasing arrangements or other off balance sheet arrangements to give effect to decisions to acquire vehicles, plant, equipment, etc.;
- (e) to administer the Council's scheme for loans for car purchase and car leasing;

- (f) to determine the manner in which and conditions on which invoices or accounts should be issued;
- (g) to make declarations as to rates of interest under Paragraph 3 of Schedule 16 to the Housing Act 1985;
- (h) to administer the schemes in relation to Housing Benefit and Council Tax Benefit; taking such decisions and giving such notices and all other action as may be necessary for their efficient administration;
- (i) to administer the statutory provisions relating to Community Charge, Council Tax and National Non-Domestic Rates;
- (j) to exercise discretions relating to Community Charge, Council Tax and National Non-Domestic Rates;
- (k) to manage the fund administered by the Council in accordance with the scheme made under Section 19 of the Welsh Church Act 1914;
- (l) to sign cheques, bailiff warrants, bonds, securities and loans; provided that cheques in excess of £50,000 shall be countersigned by either the Chief Internal Auditor;
- (m) to pay all accounts and to receive all income;
- (n) to deal with all insurance issues including risk management;
- (o) to manage arrangements with the Council's bankers;
- (p) to sign all statutory financial returns, accounts, grants and subsidy claims;
- (q) to instruct valuers for purposes of capital accounting, in consultation with the Monitoring Officer;
- (r) to act as principal point of contact with the Council's external auditors.
- (s) pursuant to Section 137A of the Local Government Act 1972, all voluntary organisations receiving financial assistance to the value of £2,000 or more, be required to provide a written statement of the use to which the amount has been put e.g. annual report or accounts, and that the Proper Officer for the deposit of this information be the S151 Officer
- (t) to fulfill the functions listed in Annex 4.

## 2.1 Proper Officers

2.1.1 In relation to the references and provisions mentioned in the first column of the Schedule hereto:

- (a) the officer specified in the second column of the schedule is hereby appointed the proper officer, and
- (b) the officer specified in the third column of the schedule is hereby appointed to act as proper officer when the first-mentioned officer is absent or otherwise unable to act;

2.1.2 Any reference to a "Proper Officer" within this Constitution which is not defined in the

Schedule hereto, shall mean the Chief Executive and when they are absent or otherwise unable to act, shall mean the Monitoring Officer

2.1.3 Proper Officer Schedule:

Any reference in any enactment passed before or during the 1971-72 session of Parliament other than the Local Government Act 1972 or in any instrument made before 26 October 1972 to the following officers which, by virtue of any provisions of the said Act, is to be construed as a reference to the proper officer of the Council:	Chief Executive Director of Environment and Regeneration Director of Environment and Regeneration
<ul style="list-style-type: none"> <li>• Clerk or Town Clerk</li> <li>• Engineer or Surveyor</li> <li>• Public Health Inspector</li> </ul>	
Local Government Act 1972	
s84. Receipt of declaration of resignation of office	Chief Executive (or Monitoring Officer in her absence)
s88(2). Convening of meeting of Council to fill casual vacancy in the office of Chair	Chief Executive (or Monitoring Officer in her absence)
s89(1)(b). Receipt of notice of casual vacancy from two local government electors	Chief Executive (or Monitoring Officer in her absence)
s96(1). Receipt of notices of pecuniary interest.	Monitoring Officer
s96(2). Keeping record of disclosures of pecuniary interest under Section 94, and of notices under Section 96(1);	Monitoring Officer
s.100B(2). Exclusion of reports likely to be considered in private session	Chief Executive (or Monitoring Officer in her absence)
s100B(7)(c). Supply of papers to press	Chief Executive (or Monitoring Officer in her absence)
s100C(2). Inspection of minutes and other documents	Chief Executive (or Monitoring Officer in her absence)
s100D(1)(a). Compilation of lists of background papers	Relevant Chief Officer
s100D(5)(a). Identification of background papers	Relevant Chief Officer
s100F(2). Identification of papers disclosing certain exempt information (rights of members to inspect)	Relevant Chief Officer
s115(2). Receipt of money due from officers	S151 Officer
Section 146(1)(a) & (b) - declarations and certificates with regard to securities	S151 Officer
Section 151 - administration of the Council's financial affairs;	S151 Officer
s204(3). Receipt of applications for Licence under Schedule 2, Licensing Act 1964	Monitoring Officer
s210(6)(7). Officer for the purpose of certain charities	S151 Officer
s225(1)&(2). Deposit of documents, and on behalf of a community without a Community	Monitoring Officer

Council	
s.229(5). Certification of photographic copies of documents	Monitoring Officer
s234(1)(2). Authentication of documents	Monitoring Officer
s236(9)(10). Officer to send copies of bylaws	Monitoring Officer
s238. Certification of byelaws	Monitoring Officer
Schedule 12 paragraph (2)(b). Signature of summonses to Council meetings	Chief Executive (or Monitoring Officer in her absence)
Schedule 14 paragraph 25(7). Certification of resolutions under paragraph 25	Chief Executive (or Monitoring Officer in her absence)
Schedule 16 paragraph 28. Receipt on deposit of lists of protected buildings	Chief Executive
s30(5). Publication of reports of Local Commissioner. Local Government Act 1974	Chief Executive (or Monitoring Officer in her absence)
s41. Certification of copies of resolutions orders, reports, minutes, and instruments of appointment or authorisation Local Government (Miscellaneous Provisions) Act 1976	Monitoring Officer
Receipt on deposit of first and revised lists of politically restricted posts Local Government and Housing Act 1989	Chief Executive and Monitoring Officer
Local Government (Committees and Political Groups) Regulations 1990	Monitoring Officer
Local Authorities (Members' Interests) Regulations 1992	Monitoring Officer
Public Health Act 1961 Section 191 – stopped up drains.	Director of Environment and Regeneration
Local Government Act 1972 Section 191 – functions with respect to Ordnance Survey.	Director of Environment and Regeneration
Section 234(1) and (2) authentication of all Notices, Orders or Documents for the purpose of approved delegated powers.	Director of Environment and Regeneration
Sections 59-68 of the Transport Act 1968.	Director of Environment and Regeneration
Authorised signatory for the purpose of the Local Government (Contracts) Act 1987 and associated Regulations.	Director of Environment and Regeneration
Environmental Protection Act 1990 Section 149 – control of straying dogs.	Director of Environment and Regeneration
Section 234(1) and (2) – documents relating to the provisions of Sections 60, 70, 70A, 71A, 73 and 73A of the Town and Country Planning Act 1990, Sections 16, 19 and 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Section 37 of the Electricity Act 1989, the Hedgerow Regulations 1997 and as respects documents relating to the provisions of Sections 8, 10, 16 32, 36 and 39 of the Building Act 1984, the Safety of Sports Ground Act 1975, and Section 41 of the	Director of Environment and Regeneration Head of Planning and Public Protection



West Glamorgan Act 1987	
Town and Country Planning (Control of Advertisements) Regulations 1992 – issuing decisions on applications for express consents.	Director of Environment and Regeneration Head of Planning and Public Protection
Planning (Hazardous Substances) Act 1990 and Planning (Hazardous Substances) Regulations 1992.	Director of Environment and Regeneration Head of Planning and Public Protection
Building Act 1984 Section 78(8) – dangerous building.	Director of Environment and Regeneration Head of Planning and Public Protection
Building Act 1984 and Building Regulations 1985 – passing and rejection of plans and giving notices under the Building Regulations 1985 and notices under the Building Act 1984.	Director of Environment and Regeneration Head of Planning and Public Protection
Town and Country Planning (Trees) Regulations 1999 – issuing of decisions on applications made under any Tree Preservation Order for consent to the cutting down, topping, lopping or uprooting of any tree	Director of Environment and Regeneration Head of Planning and Public Protection
To authenticate and/or to sign and issue Statutory Notice(s) and/or other documentation, where appropriate, in respect of all matters falling within the areas of responsibility undertaken by the Services including, but not limited to, the following legislation: Highways Act 1980; Coast Protection Act 1949; New Roads and Street Works Act 1991; Environmental Protection Act 1990; Traffic Management Act 2004; Land Drainage Act 1991; Water Resources Act 1991.	Director of Environment and Regeneration Head of Planning and Public Protection
Where a Council function has been delegated to a specified officer and that function requires or otherwise involves action by the proper officer then for those purposes the proper officer shall be	The officer to whom the function is delegated
Until the Council determines otherwise, the Chief Executive is appointed the proper officer for the purpose of all statutory provisions, whether existing or future, in respect of which no express proper officer appointment has for the time being been made.	Chief Executive
Notwithstanding anything to the contrary above, where any order, notice or other document requires the seal of the Council to be attached then the proper officer for the authentication of such order, notice or other	Monitoring Officer

document shall be	
Medical Adviser in relation to Section 47 of the National Assistance Act 1948 (as amended by the Act of 1951), Sections 11 and 20 of the Public Health (Control of Diseases) Act 1984 and Section 24, 29, 30 and 48 of the Public Health (Control of Diseases) Act 1984 and the Health Protection (Notification)(Wales) Regulations 2010	Director of Environment and Regeneration
Part 2A of the Public Health (Control of Disease) Act 1984 as amended	Director of Environment and Regeneration
Public Analyst under the Food Safety Act 1990	Director of Environment and Regeneration
Agricultural Analyst under the Agriculture Act 1970	Director of Environment and Regeneration
Chief Inspector of Weights and Measures under the Weights and Measures Act 1985	Director of Environment and Regeneration
Local Government - (Miscellaneous Provisions) Act 1982, Section 41(3) – Property found on premises owned by the Council	S151 Officer
S113 – Professional Qualification	S151 Officer
S114 – Reporting under that section	S151 Officer
Proper Officer for the purposes of the Local Authorities (Allowances for Members of County and County Borough Councils and National Park Authorities) (Wales) Regulations 2002	S151 Officer
Town Police Clauses Act 1847	Monitoring Officer
Local Government (Miscellaneous Provisions) Act 1976 Part II – issuing licences and notices;	Monitoring Officer

2.8.4 In addition, the aforementioned have also been designated as “Proper Officers” under the following statutes:-

- (a) Section 100F(2) of the Local Government Act 1972 and Regulations 10 and 11 of the Local Authorities (Executive Arrangements) (Decisions, Documents and Meetings) (Wales) Regulations 2001 – determining documents disclosing exempt information which are not open to inspection by Members;
- (b) Section 229(5) of the Local Government Act 1972 – Certification of Photographic Copies of Documents;
- (c) Section 234(1) and (2) of the Local Government Act 1972 – Authentication of any Notices, Orders or other Documents;
- (d) Section 238 of the Local Government Act 1972 – Certification of Byelaws;
- (e) Section 41 of the Local Government (Miscellaneous Provisions) Act 1976 – Certifications.

Mr. Michael Shaw (Principal Solicitor – Litigation), Mrs Katie Lewis (Principal Solicitor – Commercial), Mr. Gareth Griffiths (Principal Solicitor – Property) and Mrs Stacey Coe (Legal Safeguarding

Manager) are authorised to act under the aforementioned statutory provisions, as Proper Officer

## 2.2 **Scheme of Delegation to Officers – Planning Service**

2.2.1 The delegation scheme enclosed at Annex 2 shall be implemented in respect of planning delegations

## **ANNEX 1 – Licensing Functions**

- (i) **Schedule 1** sets out legislation relevant to the licensing function of the Authority and delegated to the Chief Executive, the Monitoring Officer and the Legal Regulatory Manager.

These officers are also delegated (i) to authorise individual competent and qualified Officers to act under the items of legislation listed and (ii) to institute legal proceedings thereunder, including the signing of any cautions in accordance with Home Office Guidelines.

Further, that the appropriate officers who are authorised officers under the Health and Safety at Work Etc. Act 1974 be indemnified by the Council under Section 26 of the 1974 Act.

- (ii) To be authorised to serve Notice or take such actions as described in **Schedule 2** (i.e. the Chief Executive, the Monitoring Officer and the Legal Regulatory Manager).
- (iii) That the Chief Executive, Director of Strategy and Corporate Services, Monitoring Officer and the Legal Regulatory Manager be each given delegated authority to authorise individual competent and qualified officers to serve notice or take such actions in respect of serving Notices under the Statutory Provisions set out in Schedule 2.

(iv) **Licensing Authorisations**

The Chief Executive, Director of Strategy and Corporate Services, the Monitoring Officer and the Legal Regulatory Manager have delegated authority as set out below:-

**A. Hackney Carriage and Private Hire Licensing**

**1. Issue and Renewal**

Issue and renewal of all hackney carriage and private hire vehicle, driver and operator licences except:

Driver and Operators Licences

- (a) where the driver/applicant has a major traffic conviction in the previous five years and or
- (b) where the driver/applicant has a criminal conviction (excluding motoring convictions) within the previous five years;

Where it is considered appropriate, an application which falls within the terms of (a) or (b) above may be dealt with by the Legal Regulatory Manager under delegated powers, after consultation with the Chair and Legal Officer.

The above delegations do not preclude the Legal Regulatory Manager where it is considered appropriate to refer any driver or application to the Registration and Licensing Committee.

**2. Suspension of Hackney Carriage and Private Hire Driver Licences**

- (a) Delegated authority is granted to both the Monitoring Officer and the Legal Regulatory Manager, to lift the suspensions imposed on a hackney carriage or private hire vehicle driver licence, where the licence has previously been suspended for a medical reason;

- (b) That the power to lift the suspension is subject to consultation with the legal adviser and the Chair (or Vice Chair) of the Committee and that the matter is subsequently reported to the Registration and Licensing Committee.

### **3. Suspension of Vehicle Licences**

The power to suspend a Hackney Carriage or Private Hire Vehicle Licence, under Section 60 of the Local Government (Miscellaneous Provisions) Act 1976 is delegated to the Chief Executive, the Monitoring Officer and the Legal Regulatory Manager, as detailed in the circulated report.

### **B. Other Licence/Registrations**

#### **1. Issue and Renewal**

- (1) Street Trading Consents
- (2) Street Collection Permits and House to House Collection Licences
- (3) Poisons Registration
- (4) Pleasure Boats and Boatmen Licences
- (5) Scrap Metal Dealers Registration
- (6) Motor Salvage Operators Registration
- (7) Animal Boarding Establishments Act 1963
- (8) Riding Establishments Act 1964
- (9) Dangerous Wild Animals Act 1976
- (10) Pet Animals Act 1951
- (11) Performing Animals (Regulations) 1925
- (12) Zoo Licensing Act 1981

#### **2. Renewal Only**

- (1) Animal Welfare Licences
- (2) Petroleum Licences

#### **3. Issue Only**

- (1) Acupuncture, Tattooing, Electrolysis, Cosmetic Piercing Registration
- (2) Hairdresser Registration

#### **4. Transfer, Renewal and Variation**

- (1) Sex Establishments Licences including Sex Entertainment Venues

The delegated powers in respect of paragraphs 1-2 above are subject to the following:-

- (a) All new licence applications that are premises based to be notified to local members;
- (b) Consultation on licence applications to be sought in accordance with legal or policy requirements;
- (c) That there are no objections to the application;
- (d) All licensing/policy requirements are met.

(v) **Licensing Act 2003**

- (a) The Senior Legal Regulatory Officer shall act as the “Responsible Authority” for the purposes of the Licensing Act 2003;
- (b) That, as an interim measure, until a Senior Licensing Officer is appointed, the Legal Regulatory Manager shall divide the Local Authority area into three sub-areas, and assign a Licensing Officer to each to act as the “Responsible Authority” for his/her area

To deal with delegated authority, with the following functions under the Licensing Act 2003:-

- \* (i) application for personal licence;
  - # (ii) application for premises licence/club premises certificate;
  - # (iii) application for provisional statement;
  - # (iv) application to vary premises licence/club premises certificate;
  - \* (v) application to vary designated premises supervisor;
  - \* (vi) application for transfer of premises licence;
  - \* (vii) application for interim authorities;
  - (viii) request to be removed as designated premises supervisor;
  - (ix) decision on whether a complaint is irrelevant, frivolous, vexatious, etc.
- \* provided there are no police objections  
# provided there are no relevant representations made

(vi) **Gambling Act 2005**

To deal, with delegated authority, with the following functions under the Gambling Act 2005:-

- \* (i) Application for a premises licence;
- \* (ii) Application for a variation to a licence;
- \* (iii) Application for a transfer of a licence;
- \* (iv) Application for a provisional statement;
- # (v) Application for club gaming/club machine permits;
- (vi) Applications for other permits;
- (vii) Cancellation of licensed premises gaming machine permits;
- (viii) Consideration of temporary use notice;
- (x) Decision on whether a complaint is irrelevant frivolous vexatious etc;

(xi) Decision as Responsible Authority to call for a review of a Premises Licence;

(xii) Grant and renewal of small society lottery registrations.

\* these only in respect of where no representations received or representations have been withdrawn

# this is where no objections have been made or objections have been withdrawn

**Note:**

(1) All new licence applications that are premises based to be the subject of consultation/notification with local members.

(2) Consultation on licence applications is sought in accordance with legal or policy requirements.

(3) The issue/renewal of licences under delegated powers to be subject to full consultation; no objections; all licensing requirements satisfied; compliance with any policy requirements.

(4) The power to issue a licence in the circumstances referred to in respect of Street Trading consents is applied to all licences.

(5) All delegations in (iii) (iv) (v) above also applicable to the Legal Regulatory Manager

(vii) **Veterinary Surgeons**

The Chief Executive, Director of Strategy and Corporate Services, the Monitoring Officer and the Legal Regulatory Manager may authorise suitably qualified veterinary surgeons to make the necessary inspections and reports, where appropriate, under the following legislation:-

Animal Boarding Establishments Act 1963

Breeding of Dogs Act 1973 & 1991

Dangerous Dogs Act 1991

Dangerous Wild Animals Act 1976

Deer Act 1991

Pet Animals Act 1951

Performing Animals (Regulations) Act 1925

Protection of Animals Act 1911 & 1964

Riding Establishments Act 1964 & 1973

Zoo Licensing Act 1981

Animal Welfare Act 2006

(viii) **Sale of Intoxicating Liquor  
(Page 42 Council October 2001 – Minute No. 8)**

On satisfaction as to the use of unlicensed premises for the sale of intoxicating liquor, to serve closure notices in accordance with S19(2) of the Criminal Justice and Police Act 2001 to apply for a closure order in accordance with S.20 of the Act.

(ix) **Suspension of Hackney Carriage and Private Hire Driver Licence**

The Chief Executive, Director of Strategy and Corporate Services, the Monitoring Officer and the Legal Regulatory Manager:

- (a) May in the interests of public safety, suspend with immediate effect Hackney Carriage and Private Hire Driver Licences under the provisions of Section 61 Local Government (Miscellaneous Provisions) Act 1976, as amended by Section 52 of the Road Safety Act 2006;
- (b) Prior to implementing this course of action, there must be consultation with the Legal Officer and, where possible, the Chair and/or Vice Chair of the Registration and Licensing Committee;
- (c) Any actions/decisions taken under the above delegated authority shall be reported to the Registration and Licensing Committee, for Members endorsement.

(x) **Exhibition of Films**

- (a) Applications for authorisation of films already classified by the BBFC shall be referred to the Licensing and Gambling Acts Sub-Committee who shall have delegated authority to determine such applications on behalf of the Licensing Authority;
- (b) The authorisation of films which have not been classified by the BBFC or Neath Port Talbot County Borough Council shall be delegated to the Chief Executive or Director of Strategy and Corporate Services or the Monitoring Officer or the Legal Regulatory Manager. (At their discretion any request to classify a film is referred to the Licensing and Gambling Acts Sub Committee.

(xi) **Scrap Metal Dealers Act 2013**

Until such time as the Welsh Government resolves the question of whether these matters are an executive or Council function the powers set below are delegated to the Monitoring Officer and the Legal Regulatory Manager:-

- Power to grant licence
- Power to issue a notice proposing that a licence be refused
- Power to refuse licence
- Power to revoke licence
- Power to vary licence from one type to the other
- Power to vary licence to add conditions
- Power to issue a closure notice

(xii) **Breeding of Dogs (Wales) Regulations 2014**

The following powers contained in the Breeding Dogs (Wales) Regulations 2014 be delegated to both the Monitoring Officer and the Legal Regulatory Manager

- Power to grant a licence
- Power to refuse a licence
- Power to renew a licence
- Power to vary a licence
- Power to vary a licence with immediate effect
- Power to impose conditions
- Power to suspend a licence
- Power to suspend a licence with immediate effect
- Power to reinstate a suspended licence
- Power to revoke a licence



(xii) **Special Procedures – Public Health (Wales) Act 2017**

In order to deal efficiently with applications and enforcement, it is proposed that the powers listed below be delegated to:

- The Director of Strategy and Corporate Services and the Director of Environment and Regeneration
- The Monitoring Officer and the Head of Planning and Public Protection,
- The Legal Regulatory Manager, the General Environmental Health Manager and the Trading Standards, Food and Health Protection Manager.

Section 61(1) - Power to designate an individual performing a special procedure to be licensed. Section 65(3) - Power to issue a Special Procedures Licence where all the applicable licensing criteria is met.

Section 67 - Power to renew a Special Procedures Licence where all the applicable licensing criteria is met.

Section 70(1) - Power to issue an approval certificate for a premises or vehicle.

Section 70(1) - Power to renew an approval certificate for a premises or vehicle.

Section 70(1) - Power to refuse an approval certificate for a premises or vehicle.

Section 72(4) - Power to take reasonable steps for bringing a voluntary termination notice to the attention of appropriate persons.

Section 77(2) - Power to issue a stop notice.

Section 78(1) - Power to issue a remedial action notice in respect of a Special Procedures Licence. Section 79(1) - Power to issue a remedial action notice in respect of an Approved Premises Certificate.

Section 80(2) - Power to issue a completion certificate in respect of a Special Procedure Licence or an Approved Premises Certificate.

Section 97 - Power to carry out enforcement action and consultation in respect of intimate piercing. Schedule 3 Paragraph 15(3) - Power to issue a warning notice.

The officers specified at paragraph above be deemed authorised officers for the purposes of Sections 98 to 107 and shall have the power to nominate any supplementary officers as appropriate.

## SCHEDULE 1

Legislation	Effect Of Legislation
Animal Boarding Establishments Act 1963	Requires licensing of animal boarding establishments
Animal Welfare Act 2006	Animal welfare licences
Breeding of Dogs Act 1973 and 1991	Licenses dog breeders
Breeding & Sale of Dogs (Welfare) Act 1999	As above
Celluloid & Cinematograph Film Act 1922	Control of storage of film
Charities Act 2006	Charity collections
Children and Young Persons Act 1933	In relation to street trading
Criminal Justice & Police Act 2001	Alcohol Licensed Premises
Dangerous Wild Animals Act 1976	Controls keeping of specified animals
Deer Act 1991	Controls sale of venison
Disability Discrimination Act 1995	Facilities in taxis for the disabled
Equalities Act 2010	As above
Explosives Act 1875 & 1923	Registration of explosive stores
Fireworks Act 2003	Licensing of suppliers and displays
Gambling Act 2005	Regulates gambling
Health & Safety at Work etc. Act 1974	In relation to explosives & petroleum stores
Health Protection (Coronavirus Restrictions) No5 (Wales) Regulations 2020	Restrictions in respect of the spread of Covid-19
House to House Collections Act 1939	Controls charity collections
Hypnotism Act 1952	Controls public performances of hypnotism
Licensing Act 2003	Regulates sale of alcohol, provision of entertainment and late night refreshment
Local Government (Miscellaneous Provisions) Act 1976	Taxi Licensing
Local Government (Miscellaneous Provisions) Act 1982	Public entertainment licensing; sex shops licences; street trading
Performing Animals (Regulation) Act 1925	Registration of animals which perform or are exhibited
Pet Animals Act 1951	Licensing of pet shops
Petroleum (Consolidation) Act 1928	Requires business storing petroleum spirit to hold a licence and to comply with stringent safety rules
Petroleum (Transfer of Licences) Act 1936	An act to permit the transfer of petroleum spirit licences granted under Petroleum Consolidation Act
Poisons Act 1972	Provides for registration of the sellers of poisons and controls the sale of poisons
Police Factories etc. (Miscellaneous Provisions) Act 1916	Control of street collections
Policing & Crime Act 2009	Sex Entertainment Venues, Alcohol Licences
Private Security Industry Act 2001	Door supervisors registration
Public Health Acts Amendment Act 1907	Licensing Pleasure boats
Riding Establishments Acts 1964 and 1970	Licensing of trekking centres etc. where horses are hired out
Road Traffic Offenders Act 1988	Enforcement provisions in relation to taxi drivers
Scrap Metal Dealers Act 1964	Registration of scrap dealers
Sunday Trading Act 1994	Controls hours of operation of large shops

Tattooing Minors Act 1969	Prohibits tattooing of under 18's except as a medical procedure
Theft Acts 1968 and 1978	Obtaining money by deception
Town Police Clauses Act 1847	Licensing of taxis
Transport Act 1985	Regulation of taxis
Vehicles (Crime) Act 2001	Regulates motor salvage operators and registration plate suppliers
West Glamorgan Act 1987	Registration of hairdressers
Zoo Licensing Act 1981	Licensing of Zoos

## SCHEDULE 2

- (a) Authority to serve notice under Section 50 of the Local Government (Miscellaneous Provisions) Act 1976 in relation to testing of licensed vehicles.
- (b) Authority to serve notice under Section 58 of the Local Government (Miscellaneous Provisions) Act 1976 requiring return of the licence plate or disc within seven days.
- (c) Authority to serve notice under Section 68 of the Local Government (Miscellaneous Provisions) Act 1976 in respect of inspection of licensed vehicles.

## Annex 2 - General Planning Delegations

### **A. Determination of applications/matters by the Planning Committee**

The Planning Committee will determine all applications/matters which fall within the following criteria:-

1. Where an application is considered to be of strategic importance, or where it is considered by Officers to be appropriate to be determined by Members, taking into account the views of Members where they have requested an application to be considered at Committee (*Note: the member process is set out in the Appendix*).
2. Where an application is to be recommended for approval, and where it is considered by Officers that the proposals would materially depart from Policies within the Development Plan.
3. Where an application has been submitted relating to a Nationally Significant Infrastructure Project (NSIP), approval of the Authority's Local Impact Report and initial Written Representations.
4. Where an application has been submitted relating to a Development of National Significance (DNS), approval of the Authority's Local Impact Report.
5. Where an application (with the exception of Non-Material or Minor Material Amendments or the approval of conditions pursuant to permissions previously granted) has been submitted by a Member of the Council or close relative of a Member.
6. Where an application (with the exception of Non-Material or Minor Material Amendments or the approval of conditions pursuant to permissions previously granted) has been submitted by an employee of the Council who is directly involved in the Development Management process or in a post identified below:-
  - Director of Environment and Regeneration
  - Head of Planning and Public Protection
  - All posts under the direct responsibility of the Head of Planning and Public Protection
  - Head of Engineering and Transportation
  - Highways Development Control Officers
  - Drainage Officers
  - Head of Regeneration
  - Head of Streetcare
  - Head of Legal and Democratic Services
  - Committee Clerk (Planning)
  - Principal Solicitor (Litigation)

Except as listed above, the Director of Environment and Regeneration and Regeneration, the Head of Planning and Public Protection, and Development Manager – Planning are granted Delegated Powers for the determination of all planning and other related matters/applications in accordance with the following procedures:-

### **B. 'Delegated Panel' Procedure**

To determine applications/reports relating to the following matters and following agreement with local Ward Members and subject to the provisions of the Planning Code of Conduct:-

- Applications/matters where three or more objections are received on valid planning grounds
- Refusal of Applications

- Developments in excess of 5 dwellings (either in full or outline) which do not already have the benefit of a live planning permission
- Developments (either in full or outline) creating new floorspace in excess of 1000 sq.m. in respect of industrial, agricultural, commercial or non-commercial buildings which do not already have the benefit of a live planning permission
- Applications made under section 73 (to develop land without compliance with conditions previously attached to a consent) where development comprises more than 5 dwellings or more than 1000 sq.m. of new floorspace
- Changes of use where the floorspace is in excess of 1000 sq.m.
- Approval of applications where proposals materially depart from approved Supplementary Planning Guidance
- Deeds of Variation or applications seeking to vary the terms of an existing Section 106 legal agreement
- Authorisation to serve an Enforcement Notice (unless urgently required in connection with a Stop Notice)
- Applications made by the Council (under Regulation 3 or Regulation 4 of the Town & Country Planning General Regulations 1992)
- Felling of trees covered by Tree Preservation Order
- Authorisation to confirm a Tree Preservation Order where objections are received to its issue
- Approval of Hedgerow Removal Notice under the Hedgerow Regulations 1997 where a hedgerow is “important”

### C. ‘Normal’ Delegated Matters

All other applications or matters not referred to under ‘A’ – Determination of Application/Matters by the Planning Committee; or ‘B’ – ‘Delegated Panel’ Procedure in addition to but not limited to the following:-

- (i) Nationally Significant Infrastructure Projects (NSIPs):  
Submission of consultation responses; discharge of requirements following grant of a Development Consent Order (DCO), and responses to applications to vary such Consent (including consents previously granted under section 36 of the Electricity Act 1989).
- (ii) Developments of National Significance (DNS):  
Submission of consultation responses etc.; Discharge of Conditions/Requirements on DNS applications.
- (iii) Planning Enforcement Procedures:  
Including service and withdrawal of Notices and to institute legal proceedings for non-compliance with notices, or injunction proceedings, in conjunction with the Head of Legal Services.
- (iv) Section 106 Agreements:  
To authorise the entering into of Section 106 Agreements under the Town and Country Planning Act 1990.

### D Amendments

The Council has given delegated authority to the Planning Committee to make any future amendments which the Committee considers necessary to make to those delegations set out in Paragraphs 18.1, 18.2 and 18.3 above, the Planning Site Visit Procedure and the Protocol for Public Speaking at Committee Meetings.

## APPENDIX

### Delegation Process (Development Management Matters/Applications)

1. If any Member of the Council considers that it would be more appropriate to report an application to the Planning Committee for decision, Officers will put the matter before the Planning Committee provided:-
  - (a) A valid planning reason has been given by the Member (such reason to be clearly indicated within the subsequent report to Committee), and
  - (b) Such request has been made in writing to the Head of Planning and Public Protection or Development Manager – Planning within 14 days of the application being circulated on the 'weekly list' of applications (This does not undermine the ability of a local Member to call in an application after a delegated panel has made a recommendation) , and
  - (c) Subject to the Member's request having been approved by a Panel comprising the Chairperson of Planning and either the Head of Planning and Public Protection or the Development Manager – Planning, having regard to the need to ensure that the Planning Committee is restricted to dealing with those applications which, by reason of their complexity or local sensitivity, require detailed scrutiny by Committee, and the need for making expeditious decisions, such approval not to be withheld by the panel unreasonably. In the event of the Panel being unable to agree, the Chairperson of Planning has the casting vote.
2. To maintain accountability and transparency, reports will be prepared for all delegated matters/applications outlining the material issues for consideration together with a recommendation.
3. In the case of 'Normal' Delegated Matters each report is to be signed by the Case Officer and Team Leader or in their absence the Development Manager – Planning or Head of Planning and Public Protection, prior to issuing the decision notice.
4. Where applications are being dealt with under the 'Delegated Panel' procedure a panel of Officers (comprising a minimum of three at Senior Planning Officer grade or above, including the Head of Planning and Public Protection and/or the Development Manager – Planning) will consider and sign off the report and its recommendation, in addition to which the following additional process will apply:-
  - (a) Where following consultation with officers the relevant Ward Member(s) have agreed that the application can be determined the delegated decision can be made.
  - (b) If any Ward Member (or such Member nominated to deal with matters in the event of their absence) considers that it would be more appropriate to report the application to Committee for decision, Officers will put the matter before Committee provided a valid planning reason has been given by the Ward Member (such reason to be clearly indicated within the subsequent report to Committee) and subject to agreement of the panel procedure in 1(c) above.
  - (c) In the absence of any agreement under 4(a) or representation under 4(b) that the relevant Ward Member(s) (or such Member nominated to deal with matters in the event of their absence) be advised of the proposed decision via e-mail, giving 3 working days to respond to a named officer(s) within the Department. Responses will be dealt with in accordance with (a) or (b), but if no response is received, it will be assumed that the relevant Members are satisfied that the application can be continued to be dealt with under delegated powers

and the decision notice will be issued.



### **Annex 3 – Estates Delegations**

1. To determine applications for the payment of:-
  - (a) Home Loss Payments
  - (b) Well maintained payments
  - (c) Reimbursement of removal expenses relating to properties affected by Closing/Demolition Orders and/or included in Clearance Areas on C.P.O.
  - (d) Residential Disturbance Claims up to £10,000
  - (e) Disturbance claims and injurious affection/severance up to £20,000
  - (f) Agricultural disturbance claims up to £5,000
  - (g) Land Compensation Act 1973 – Part 1 Claims up to £2,500
  - (h) Landlord and Tenant compensation on quitting. No limit.
  - (i) Dilapidation up to £15,000
2. Statutory Agricultural Compensation payments on quitting. No limit.
3. To negotiate rents and allocate industrial units including licences to: assign, underlet, mortgage, change of use, alterations to premises and changing of leases.
4. To negotiate rents and grant tenancies of shops and any other premises on Council owned land including change of use, waiving of covenants or assignments thereof, together with any other related consent as may be sought.
5. To negotiate freehold disposals up to £20,000.
6. To negotiate freehold and leasehold acquisition up to £20,000.
7. Dilapidation claims up to £15,000.
8. To negotiate Leases to the County Borough Council (where principle already approved) up to a rental of £10,000 per annum.
9. Grants of Annual Tenancy including existing grazing rights (where principle already approved) up to a rental of £2,500 per annum.
10. Appropriations.
11. Grant/Acquisition of sundry easements, wayleaves and similar agreements including applications from Telecommunication Companies, Statutory Undertakers, other similar bodies and private individuals. No limit.
12. To accept Valuers Report subject to provision in estimates, where relevant.
13. Authorising the service of Notices to Quit.
14. Lettings of dwelling houses on tenancy – with no limits on rental levels.
15. To formally approve or otherwise applications made under the Leasehold Reform Act 1967 (as amended)
16. To formally approve or otherwise, assignments together with other related requests of leasehold interests in dwelling houses.
17. To grant revocable annual licences for applications received to cross over garage compounds.

18. To determine applications from the Open Air Market Operators to vary the days of trading at Christmas and other times.
19. To offer the Council's freehold reversionary interests for sale to the tenants of houses held on long leases from the Council and that the lessees are approached in batches of approximately 50 at a time. These cases would be dealt with in addition to any other requests made in the normal way.
20. Forfeiture or other legal proceedings for breach of lease conditions and rent arrears.
21. Removal/modification of restrictive covenants up to a value of £10,000.
22. To regularise site boundary issues.
23. To approve exchanges of land involving considerations of less than £15,000.
24. To negotiate and agree amendments to the rating list with the District Valuer.
25. To liaise with the National Gypsy Council and sanction the granting of licences for the occupation of the plots on the official gypsy sites.
26. To institute legal proceedings for any unauthorised occupations on Council owned land (in consultation with the Head of Legal Services) – this to include all land or property owned or occupied by Neath Port Talbot County Borough Council (other than that occupied under the Housing Acts) where any unauthorised occupation takes place or where there are or have been breaches of agreements in relation to authorised occupation.
27. To negotiate Deeds of Variation and Surrender of Leases/Tenancies.
28. The Head of Property and Regeneration is granted delegated authority, following any necessary consultation with the Leader, Cabinet Members and the Trade Unions, to determine and implement the Accommodation Strategy.

## Annex 4 – S151 Officer Delegations

### 1. Local Government Finance Act 1988 and 1992

The delegation arrangements set out in the Directors report (extract hereunder - Minute 4 Page 591 May 1996) be approved as follows:-

#### Report

With regard to collection and recovery issues for non-domestic rates, the only practical way in which the legislation can be implemented is for the authority to delegate day to day functions to the Director of Finance & Corporate Services. Accordingly, in **Appendix 1**, are listed all the powers conferred on the billing authority which should be delegated to the S151 Officer.

The administration of Council Tax is governed by the Local Government Finance Act 1992, which places responsibility for the various functions on the billing authority. As with Non-Domestic Rates, the only practical way in which these responsibilities can be fulfilled is by delegating all day to day functions to the Director of Finance & Corporate Services.

**Appendix 2** lists all the powers of the billing authority which should be delegated to the Director of Finance and Corporate Service. These powers related to the area summarised in the following paragraphs.

#### Discounts

The power to determine discounts - i.e. reductions to the amount of council tax payable (single person households etc.) is delegated to the Director.

#### Reduced Amounts

Section 13 of the Act provides that a reduced amount of Council Tax may be payable in certain circumstances (e.g. where there is a disabled person in the household). The power to determine reduced amounts is delegated to the Director.

#### Administration

The provision in respect of the administration of Council Tax are contained in Schedule 2 (administration), Schedule 3 (penalties in respect of failure to supply information), and Schedule 4 (recovery). The billing authority's powers under these schedules, as set out in Appendix 2, are delegated to the Director.

#### Valuation List Matters

Although the completion and maintenance of the Valuation List is the responsibility of the Listing Officer (who is independent of the local authority) the billing authority does have certain powers in respect of Valuation Lists. These powers are delegated to the Director.

## 2. Authorisation of Officers to Represent the Council for Recovery Proceedings

In accordance with Section 223 of the Local Government Act 1972, the following Officers are authorised to represent the Authority in proceedings before a Magistrate Court for the purpose of the recovery of Council Tax, Non-Domestic Rates and Residual Community Charge:-

- Mrs Ann Hinder – Principal Officer
- Miss Lesley Spencer – Senior Council Tax Officer
- Mrs Angela Greenway – Senior Council Tax Officer
- Mr Christopher Watkins – Team Leader
- Mr Matthew Tucker – Team Leader
- Mrs Alice Hendry – Team Leader
- Mrs Lisa Morgan – Senior Business Rates Officer
- Mrs Emma Harris – Team Leader
- 

\*These Officers are also authorised to represent the Authority for the purpose of prosecutions for non-provision of information following receipt of a liability order for unpaid Council Tax.

## 3. National Agreements – Pay and Conditions of Service

In consultation with the Head of Human Resources to implement all relevant national agreements insofar as they are applicable to the Authority's employees.

## 4. Leasing

To deal with leasing issues as set out in the Director's report (Minute 24 Page 539 July 1996).

## 5. Accounts and Audit Regulations 1996

Responsibility for monitoring an adequate and effective system of internal audit is delegated to the S151 Officer as "Responsible Financial Officer".

## 6. Determinations to be made by Local Authorities

The Officer to whom the function is delegated under Section 101 of the Local Government Act 1972, is given delegated authority to deal with those determinations, as outlined in the report (Minute 11 Page 1552 March 1997), under Part IV of the Local Government and Housing Act 1989.

## 7. Leasing

That the S151 Officer be authorised to sign lease agreements on behalf of Neath Port Talbot County Borough Council.

## 8. LGPS Regulations 1997 – Discretionary Powers

That the discretionary powers contained within the Local Government Pension Scheme Regulations 1997 are to be exercised by the Authority as below:-

Regulation	Description	Discretionary Powers
34(1)(b)	If the Member has double entitlement to benefit, in respect of the same service, under the	Allow and delegate authority to the S151 Officer

	Regulations, the employing authority to choose which benefit is payable if the member does not do so within 3 months	
88	Exclusion of right of return of contributions – members with less than 2 years' service. The employing authority may direct a payment from the fund of a sum equal to all or part of the contributions, where an employee ceases employment due to fraud.	Allow and delegate authority to the S151 Officer
113	Forfeiture of pension rights. The employing Authority may apply to the Secretary of State for the forfeiture of pension benefit if the member is convicted of an offence gravely injurious to the State.	Allow and delegate authority to the S151 Officer
113	Recovery of monetary obligation. The employing authority may recover monies out of the employee's pension benefits if the employment ceases due to fraud.	Allow and delegate authority to the S151 Officer

## 9. Debt Collection and Addition of Interest Charges

That in the ordinary course of business, interest will be added to debts pursued by Court at the statutory Court rate, current from time to time, subject to delegated authority being given to the S151 Officer and in his stead to the Head of Legal Services, to determine that such interest be not applied in cases where it is deemed it would be inequitable to do so or where undue hardship would result.

## 10. Vehicle Acquisition Procedure

Within the procedure for vehicle acquisition in Minute 3 Page 799 October 1996, the S151 Officer to procure vehicles pursuant to the Fleet Management function of the Director of Environment and Regeneration

## 11. South Wales Magistrates Court Committee

To accept this Authority's share of the 20% related costs by way of supplementary credit approval.

## 12. Housing Benefits

(i) The following officers are authorised to determine the appropriate action to be taken in cases of benefit fraud, taking into account the recommendations of the Prosecution Panel:

- S151 Officer
- Principal Benefits Officer

(ii) The following officers are authorised in the absence of the officers named at (i) above to determine the appropriate action to be taken in cases of benefit fraud, taking into account the recommendations of the Prosecution Panel:

- Chief Internal Auditor

- Principal Solicitor Litigation

(iii) The following officers are authorised to issue Home Office formal cautions and to issue financial penalties in accordance with the Social Security Administration Act 1992 in cases of proven fraud:

- S151 Officer
- Principal Benefits Officer

(iv) The following officer is authorised in the absence of the officers named at (iii) above to issue Home Office formal cautions and to issue financial penalties in accordance with the Social Security Administration Act 1992 in cases of proven fraud:

- Senior Fraud Officer

(v) the S151 Officer and the Principal Benefits Officer are granted delegated authority:-

- (a) To instigate County Court action for the recovery of Housing Benefits overpayments;
- (b) To determine and instigate the relevant recovery action following the issue by the County Court of the Order to enforce an award

#### **14. Housing/Council Tax Benefit – Prevention and Investigation of Fraud**

That, pursuant to the Social Security Fraud Act 2001, the following are designated as authorised Officers to obtain information relating to fraudulent claims for housing benefit and/or council tax benefit:-

- Principal Benefits Officer
- Chief Internal Auditor

#### **15. Statutory Demands for Non-payment of Debt**

To initiate bankruptcy and liquidation proceedings, including the issuing of statutory demands in respect of council tax, business rates and sundry debtors.

#### **16. Housing Benefit Fraud – Prosecution Panel**

To give the appropriate certification under Section 116 of the Social Security Act 1992, where offences of obtaining housing benefit and council tax benefit by making fraudulent representations come to light more than twelve months after the offence has been committed. (Also applicable to the Principal Benefits Officer).

#### **17. Recovery of Estates Rentals**

The following are authorised to instruct bailiffs to act for the Authority in the recovery of unpaid estate rentals:

S151 Officer  
Monitoring Officer  
Director of Environment and Regeneration

#### **18. Treasury Management**

(i) To vary the limits set out in the Treasury Management practices document if necessary by

way of urgency action provisions (PRB – 28.7.05);

- (ii) That the S151 Officer is granted delegated authority to utilise any changes in relation to debt repayment in line with the Welsh Assembly Government Guidance.

#### **19. Relief Delegations**

- (i) To determine applications for relief of partly occupied properties (Local Government Act 1988 Section 44A);
- (ii) To determine applications for discretionary relief for charities and non-profit making organisations (Local Government Act 1988 Section 47) which meet the criteria set out in the circulated report of 30.11.06;
- (iii) To determine applications for discretionary relief for small businesses in rural areas (Local Government Act 1988 Section 47) which meet the criteria set out in the circulated report of 30.11.06.

#### **20. Welsh Church Act Fund**

To determine applications under the above fund which do not meet the criteria.

#### **21. Housing and Council Tax Benefit**

To administer the Housing and Council Tax Benefit Schemes (including revision of the claim decisions) through the S151 Officer and his Officers

#### **22. Write Offs – Insolvencies**

That the S151 Officer is granted delegated authority to write off Council Tax, Business Rates, Sundry Debtor and Housing Benefits overpayments debts over £1,000 which are caused by insolvency.

## **APPENDIX 1**

### **Local Government Finance Act 1988 Powers Delegated To the S151 Officer**

1. To collect and recover the National Non-Domestic Rate – Schedule 9.
2. To make agreements with ratepayers with regard to schedules of payments – Schedule 9(2).
3. To serve notices on ratepayers stating the amount payable and the payments which are due – Schedule 9 (2).
4. To supply prescribed information to the ratepayers when serving notices – Schedule 9 (2).
5. To supply information to the Valuation Officer – Schedule 9 (6).
6. To enter into agreements with persons with regard to charging their interest in a property with amounts which are liable – Schedule 9(4A).
7. To give access to information regarding the Rating List – Schedule 9(8).
8. To serve completion notices in respect of new buildings – Schedule 4A(1).
9. To supply copies of the Valuation Officer of any completion notices served – Schedule 4A(7).



## **APPENDIX 2**

### **Local Government Finance Act 1992 Powers Delegated To the S151 Officer**

#### **Discounts**

1. To determine discounts – Section 11/Schedule 1

#### **Reduced Amounts**

2. To determine reduced amounts of Council Tax – Section 13

#### **Administration**

3. To administer and collect Council Tax – Schedule 2
4. To determine the liable person – Schedule 2, Para 2(1)(a)
5. To make agreements with liable persons with regard to payments – Schedule 2, Para 2(2)(b)
6. To request information – Schedule 2, Para 2(3)
7. To serve notices in respect of chargeable amounts – Schedule 2, Para 2(4)
8. To take reasonable steps to ascertain whether any chargeable amount is subject to any discount – Schedule 2, Para 4(2)
9. To grant discounts – Schedule 2, Para 4(2)
10. To inform liable persons about any assumptions made in respect of the granting or otherwise of discounts – Schedule 2, Para 4(4)
11. To notify persons in respect of exempt dwellings etc. – Schedule 2, Para 8
12. To determine the liability of owners – Schedule 2, Para 8(3)
13. To take reasonable steps to ascertain whether any dwellings are exempt dwellings – Schedule 2, Para 9(1)
14. To determine exempt dwellings – Schedule 2, Para 9(2)
15. To inform relevant persons about any assumptions made in determining that a dwelling is exempt or otherwise – Schedule 2, Para 9(3)
16. To request information – Schedule 2, Para 9(5)
17. To request information – Schedule 2, Para 11
18. To supply information – Schedule 2, Para 14
19. To supply information to another authority – Schedule 2, Para 16
20. To supply information to any person – Schedule 2, Para 17
21. To serve demand notices – Council Tax (Admin and Enforcement) Regulations 1992

22. To serve adjustment notices – Council Tax (Admin and Enforcement) Regulations 1992
23. To serve reminder notices – Council Tax (Admin and Enforcement) Regulations 1992
24. To serve final notices – Council Tax (Admin and Enforcement) Regulations 1992

### **Penalties**

25. To impose penalties in respect of non-compliance with an information request or in respect of the supply of inaccurate information – Schedule 3, Paragraph 1
26. To quash any penalties imposed – Schedule 3, Paragraph 1(6)

### **Recovery**

27. To apply for Liability orders – Schedule 4, Paragraph 3(1)
28. To request relevant information when a liability order is made – Schedule 4, Paragraph 4
29. To make an Order for an attachment of earnings and to serve a copy of the Order on a debtor's employer – Schedule 4, Paragraph 5
30. To apply to the Secretary of State for deductions from Income Support – Schedule 4, Paragraph 6
31. To levy distress – Schedule 4, Paragraph 7
32. To decide if there are insufficient goods on which to levy distress and to apply for a Committal Warrant – Schedule 4, Paragraph 8
33. To apply for a Charging Order – Schedule 4, Paragraph 11

### **Valuation Lists**

34. To make proposals for the alteration of the Valuation List – Council Tax (Alteration of Lists and Appeals Regulations), 1993 – Regulation 5
35. To withdraw any proposal made – Council Tax (Alteration of Lists and Appeals Regulations) 1993 – Regulation 11
36. To agree alterations to the Valuation List with the Listing Officer – Council Tax (Alteration of Lists and Appeals Regulation), 1993 – Regulation 12
37. To represent the authority at hearings of Valuation Tribunals – Council Tax (Alteration of Lists and Appeals Regulations), 1993 – Regulation 24