

# Pecyn Dogfennau Cyhoeddus

Penallta House,  
Tredomen Park,  
Ystrad Mynach,  
Hengoed CF82 7PG

Ty Penallta,  
Parc Tredomen,  
Ystrad Mynach,  
Hengoed CF82 7PG



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Am unrhyw ymholiad yn ymwneud â'r agenda hwn cysylltwch â Emma Sullivan  
(Rhif Ffôn: 01443 864420 Ebst: [sullie@caerphilly.gov.uk](mailto:sullie@caerphilly.gov.uk))

**Dyddiad: Dydd Gwener, 3 Mai 2019**

Bydd y cyfarfod hwn yn cael ei ffilmio a'i we-ddarlledu, ac ar gael i'w weld yn fyw ac mewn ffurf archif drwy wefan y Cyngor, ag eithrio trafodaeth yn ymwneud ag eitemau cyfrinachol neu eithriadau. Felly bydd delweddau /sain yr unigolion sy'n arsylwi neu siarad/roi tystiolaeth yng nghyfarfodydd Llawn y Cyngor ar gael yn gyhoeddusi bawb weld drwy'r we-ddarllodiad ar wefan y Cyngor [www.caerffili.gov.uk](http://www.caerffili.gov.uk).

Mae croeso i chi siarad Cymraeg yn y cyfarfod, mae angen rhybudd cyfnod lleiafswm o 3 diwrnod gwaith os ydych yn dymuno gwneud hynny. Bydd cyfieithu ar y pryd yn cael ei ddarparu os gofynnir amdano.

Mae pob cyfarfod pwyllgor ar agor i'r Wasg a'r Cyhoedd, gofynnir i arsylwyr a chyfranogwyr i ymddwyn gyda pharch ac ystyriaeth at eraill. Nodwch bydd methu a gwneud hyn yn arwain at rywun yn gofyn i chi adael y cyfarfod ac efallai byddwch yn cael eich hebrwng o'r eiddo.

Annwyl Gyngorydd,

Drwy hyn, cewch eich gwahodd i fynychu **Cyfarfod Blynyddol Cyngor Bwrdeistref Sirol Caerffili** a gynhelir yn **Siambr y Cyngor - Tŷ Penallta, Tredomen, Ystrad Mynach** on **Dydd Iau, 9fed Mai, 2019** am **6.00 pm** i ystyried y materion sydd wedi'u cynnwys yn yr agenda canlynol.

Yn gywir,

**Christina Harrhy**  
PRIF WEITHREDWR DROS DRO

## A G E N D A

Tudalennau

- 1 I dderbyn ymddiheuriadau am absenoldeb
- 2 Datganiadau o Ddiddordeb.

Atgoffi'r Cyngorwyr a Swyddogion o'u cyfrifoldeb personol i ddatgan unrhyw fuddiannau personol a/neu niweidiol mewn perthynas ag unrhyw eitem o fusnes ar yr agenda hwn yn unol â Deddf Llywodraeth Leol 2000, Cyfansoddiad y Cyngor a'r Cod Ymddygiad ar gyfer Cyngorwyr a Swyddogion.

A greener place Man gwyrddach



Correspondence may be in any language or format | Gallwch ohebu mewn unrhyw iaith neu fformat

- 3 Sylwadau'r Maer sy'n Ymddeol.
- 4 Ethol Maer y Cyngor tan y Cyfarfod Blynyddol ym mis Mai 2020 a gwneud taliad cyflog dinesig.
- 5 Cyflwyno Bathodynau'r Maer a'r Cymar Diwethaf.
- 6 Penodi Dirprwy Faer y Cyngor tan y Cyfarfod Blynyddol ym mis Mai 2020 a gwneud taliad cyflog dinesig.
- 7 Cyhoeddiadau'r Maer.
- 8 Penodi Arweinydd y Cyngor a gwneud taliad uwch gyflog.
- 9 Nodi penodiad Dirprwy Arweinydd/Dirprwy Arweinwyr a gwneud taliad uwch gyflog.
- 10 Nodi nifer yr Aelodau sydd i'w penodi i'r Cabinet, yr enwau y mae'r Arweinydd wedi'u dewis i fod yn Aelodau Cabinet a gwneud taliadau uwch gyflog.  
Gwasanaethau Corfforaethol  
Dirprwy Arweinydd a'r Economi, Isadeiledd, Cynaliadwyedd a Hyrwyddwr Llesiant  
Cenedlaethau'r Dyfodol (a rhannu taliad Uwch Gyflog y Dirprwy)  
Dirprwy Arweinydd a Chyllid, Perfformiad a Llywodraethu (a rhannu taliad Uwch Gyflog y Dirprwy)  
Addysg a Chyflawniad  
Yr Amgylchedd a Diogelwch y Cyhoedd  
Cartrefi a Lleoedd  
Gwasanaethau Cymdogaeth  
Gofal Cymdeithasol a Llesiant
- 11 Penodi Arweinydd y prif grŵp gwrthblaid a gwneud taliad uwch gyflog.
- 12 Datganiad yr Arweinydd.

Derbyn ac ystyried yr adroddiadau canlynol:-

- 13 Newidiadau i'r Cyfansoddiad. 1 - 122
- 14 Penodi Cadeirydd ac Is-gadeirydd y Pwyllgorau Trosolwg a Chraffu canlynol ar gyfer y flwyddyn nesaf a gwneud taliad uwch gyflog i'r Cadeirydd:-  
Pwyllgor Craffu Addysg  
Pwyllgor Craffu Gwasanaethau Cymdeithasol  
Pwyllgor Craffu Polisi ac Adnoddau/Pwyllgor Craffu Partneriaethau  
Pwyllgor Craffu yr Amgylchedd  
Pwyllgor Craffu Tai ac Adfywio
- 15 Cytuno ar benodi Aelodau i wasanaethu ar y Pwyllgorau Trosolwg a Chraffu canlynol ar gyfer y flwyddyn nesaf yn unol â'r cydbwysedd gwleidyddol (adroddiad wedi'i atodi):-

Pwyllgor Craffu Addysg  
Pwyllgor Craffu Gwasanaethau Cymdeithasol  
Pwyllgor Craffu Polisi ac Adnoddau/Pwyllgor Craffu Partneriaethau  
Pwyllgor Craffu yr Amgylchedd  
Pwyllgor Craffu Tai ac Adfywio

- 16 Penodi Cadeirydd ac/neu Is-gadeirydd (lle bo angen) i'r Pwyllgorau canlynol ar gyfer y flwyddyn nesaf a gwneud taliad uwch gyflog i'r Cadeirydd:- (\*nid yw'n berthnasol)  
Panel Apeliadau (Disgyblu/Cwyno)\*  
Pwyllgor Penodiadau\*  
Pwyllgor Gwasanaethau Democraataidd  
Pwyllgor Ymchwilio a Disgyblu\* (i'w benodi gan y Pwyllgor)  
Pwyllgor Trwyddedu a Gamblo/Pwyllgor Tacsis a Chyffredinol  
Pwyllgor Cynllunio
- 17 Nodi y caiff Cadeirydd ac Is-gadeirydd y Pwyllgor Archwilio eu penodi yng nghyfarfod cyntaf y Pwyllgor Archwilio yn dilyn Cyfarfod Blynyddol y Cyngor ac y gwneir taliad uwch gyflog i'r Cadeirydd.
- 18 Cytuno ar benodi Aelodau i wasanaethu ar y pwyllgorau canlynol ar gyfer y flwyddyn nesaf yn unol â'r cydbwysedd gwleidyddol (adroddiad wedi'i atodi):-  
Panel Apeliadau (Disgyblu/Cwyno) (3 aelod/3 dirprwy)  
Pwyllgor Penodiadau (8 aelod ynghyd a'r Aelod Cabinet perthnasol)  
Pwyllgor Archwilio (12 aelod)  
Pwyllgor Gwasanaethau Democraataidd (16 aelod)  
Pwyllgor Ymchwilio a Disgyblu (7 aelod)  
Pwyllgor Trwyddedu a Gamblo/Pwyllgor Tacsis a Chyffredinol (15 aelod)  
Pwyllgor Cynllunio (20 aelod)  
Pwyllgor Safonau (2 aelod/2 ddirprwy)  
Pwyllgor Cabinet Hawliau'r Tramwy (5 Aelod Cabinet)
- 19 Cyfansoddi Is-bwyllgorau/Gweithgorau/Paneli/Byrddau a chytuno ar benodi Aelodau i wasanaethu arnynt ar gyfer y flwyddyn nesaf yn unol â'r cydbwysedd gwleidyddol (adroddiad wedi'i atodi).  
127 - 130
- 20 Cytuno ar benodi/enwebu cynrychiolwyr i wasanaethu ar gyrff allanol lle bo angen (adroddiad wedi'i atodi).  
131 - 136

## **Cylchrediad:**

Pob Aelod a Swyddog Priodol

### **SUT FYDDWN YN DEFNYDDIO EICH GWYBODAETH**

Bydd yr unigolion hynny sy'n mynychu cyfarfodydd pwyllgor i siarad/roi tystiolaeth yn cael eu henwi yng nghofnodion y cyfarfod hynny, weithiau bydd hyn yn cynnwys eu man gweithio neu fusnes a'r barnau a fynegir. Bydd cofnodion o'r cyfarfod gan gynnwys manylion y siaradwyr ar gael i'r cyhoedd ar wefan y Cyngor ar [www.caerffili.gov.uk](http://www.caerffili.gov.uk). ac eithrio am drafodaethau sy'n ymwneud ag eitemau cyfrinachol neu eithriedig.

Mae gennych nifer o hawliau mewn perthynas â'r wybodaeth, gan gynnwys yr hawl i gael mynediad at wybodaeth sydd gennym amdanoch a'r hawl i gwyno os ydych yn anhapus gyda'r modd y mae eich gwybodaeth yn cael ei brosesu. Am wybodaeth bellach ar sut rydym yn prosesu eich gwybodaeth a'ch hawliau, ewch i'r Hysbysiad Preifatrwydd Cyfarfodydd Pwyllgor Llawn ar ein gwefan <http://www.caerffili.gov.uk/Pwyllgor/Preifatrwydd> neu cysylltwch â Gwasanaethau Cyfreithiol drwy e-bostio [griffd2@caerffili.gov.uk](mailto:griffd2@caerffili.gov.uk) neu ffoniwch 01443 863028.

Gadewir y dudalen hon yn wag yn fwriadol



## ANNUAL COUNCIL – 9TH MAY 2019

**SUBJECT: CHANGES TO THE CONSTITUTION**

**REPORT BY: HEAD OF LEGAL SERVICES AND MONITORING OFFICER**

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### **1. PURPOSE OF REPORT**

- 1.1 To deal with those matters that require consideration at the Annual Meeting of the Council in accordance with the Council Procedural Rules.
- 1.2 To note and endorse the proposed changes to Part 2 the Articles of the Constitution and Part 3 the Scheme of Delegation set out in the Council's Constitution as attached at Appendix 1 and Appendix 2 respectively and track changed in italics.
- 1.3 To ask Council to delegate authority to the Head of Legal Services and Monitoring Officer to make the necessary changes to the Council's Constitution to give effect to the changes referred to in the Report.

### **2. SUMMARY**

- 2.1 This report sets out details of those matters that require consideration at the Annual Meeting of Council. It also proposes changes to the Scheme of Delegation and changes to Part 2 the Articles of the Constitution.

### **3. RECOMMENDATIONS**

- 3.1 Members are asked to note the information contained in this report.
- 3.2 Members are asked to approve the recommendations that are set out at paragraphs 5.3, 5.4, 5.10, 5.12 and 5.15 below.

### **4. REASONS FOR THE RECOMMENDATIONS**

- 4.1 To comply with relevant legislation and the Council's Constitution.

## 5. THE REPORT

### Background

- 5.1 The Council's Constitution was formally adopted by the Council in May 2002. It sets out how the Council operates, how decisions are made and the procedures which are followed to ensure that the decision making processes are efficient, transparent and available to local people. The Constitution is a "living document" in that it is constantly being updated and revised to reflect new government legislation and improvements and changes in procedures in light of experience.
- 5.2 The Council's Procedure Rules require at the Annual Meeting to appoint at least one Overview and Scrutiny Committee, a Standards Committee and such other Committees the Council consider appropriate to deal with the matters which are neither reserved to the Council nor are executive functions. The Constitution provides for the appointment of the following Committees:-
1. Audit Committee
  2. Democratic Services Committee
  3. Licensing and Gambling Committee
  4. Taxi and General Committee
  5. Planning Committee
  6. Standards Committee
  7. Investigating and Disciplinary Committee
  8. Appeals Panel
  9. Appointments Committee
  10. Pensions Compensation Committee
- 5.3 In relation to the Overview and Scrutiny Committees, Council at its meeting on 16<sup>th</sup> April 2019 endorsed changes to the Scrutiny Committee Structure. As such the Constitution has been amended to include the following Overview and Scrutiny Committees together with the amended Terms of Reference, with the membership to remain at 16 per committee and the committee cycle to remain at six weekly.
1. Education Scrutiny Committee
  2. Policy and Resources Scrutiny Committee plus Partnership Scrutiny Committee
  3. Social Services Scrutiny Committee
  4. Housing and Regeneration Scrutiny Committee
  5. Environment *and Sustainability* Scrutiny Committee
- Members are asked to note the Terms of Reference for each of the Scrutiny Committees included in Appendix 1 and to endorse the change of name in respect of the Environment Scrutiny Committee to the Environment *and Sustainability* Scrutiny Committee.
- 5.4 It is not proposed that any further changes be made to the Committee structure as set out above at the Annual Meeting. This includes the number of Members allocated to each Committee. The current arrangements reflect a fair political balance. Members are therefore asked to note the existing arrangements at paragraphs 5.2 and 5.3.
- 5.5 The nominations for the Members to each Committee will be reported at the Annual Meeting.

## **5.6 TERMS OF REFERENCE OF COMMITTEES**

5.7 As outlined in paragraph 5.3 the changes to the Terms of Reference for the Scrutiny Committees have been updated. There is a minor change proposed to the Audit Committee's Terms of Reference to update the titles of officers who report to this Committee, together with the changes proposed to the Planning Committee Terms of Reference which are track changed in Appendix 1.

## **5.8 GENERAL CHANGES TO PART 2 – ARTICLES OF THE CONSTITUTION**

5.9 In addition to the changes outlined in paragraph 5.7 above members attention is drawn to the other amendments proposed in Part 2 of the Constitution which have also been track changed for ease of reference. In general the changes include some general minor changes, an updated Policy Framework, the deletion of Article 10 in relation to Area Forums and Community Partnerships which are no longer relevant, minor changes to Article 13; the deletion of non applicable provisions included in Article 15 together with updated information provided in Article 16.

5.10 Members are asked to note and endorse the changes to Part 2 of the Constitution as track changed in italics in Appendix 1 to this report and to delegate authority to the Head of Legal Services and Monitoring Officer to amend the Constitution as necessary. Members are also asked to note the Terms of Reference for the other Committees listed in paragraphs 5.2 and 5.3 above.

## **5.11 POLITICAL BALANCE – ANNUAL REVIEW**

5.12 The Annual Meeting is required to decide the allocation of seats to political groups in accordance with the Political Balance Rules contained in the Local Government and Housing Act 1989 and the Local Government (Committees and Political Groups) Regulations 1990 as amended.

5.13 The basis of the statutory requirements provide that committee seats should be allocated to political groups in so far as practicable in the same proportion as these groups have in relation to the total membership of the Council.

5.12 There has been no change to political balance of the Authority since last reported to council on 13th December 2018 and Members are therefore asked to note that the current allocations remain as present.

## **SCHEME OF DELEGATION**

5.14 Following consultation with all Heads of Service, a number changes are proposed to the Scheme of Delegation set out in part 3 of the Constitution and which for ease of reference are track changed in Appendix 2 to this report . The changes represent updates regarding legislation, together with changes to job titles, delegated responsibility of relevant functions and an updated list of plans schemes and strategies.

5.15 Members are asked to note and endorse the changes identified as track changes in italics in Appendix 2 to this report and to delegate authority to the Head of Legal Services and Monitoring Officer to amend the Constitution as necessary.

## **6. ASSUMPTIONS**

6.1 There are no assumptions contained within this report.

## **7. LINKS TO RELEVANT COUNCIL POLICIES**

7.1 The requirement to establish and maintain the Council's Constitution is set out in the Local Government Act 2000 and contributes the following Well-Being Goals within the Well-Being of Future Generations Act (Wales) 2015 as it sets out how the Council operates, how decisions are made and the procedures which are followed to ensure that these are efficient, transparent and accountable to local people. It sets the framework for the decision making roles and responsibilities which will impact on future generations.

- A prosperous Wales
- A resilient Wales
- A healthier Wales
- A more equal Wales
- A globally responsible Wales
- A Wales of cohesive communities
- A Wales of vibrant culture and thriving Welsh language

## **8. WELL-BEING OF FUTURE GENERATIONS**

8.1 This report contributes to the Well-Being Goals as set out in Links to Strategy above. It is consistent with the five ways of working as defined within the sustainable development principle in the Act in that the Constitution sets out a clear framework for how the Council operates in particular the decision making responsibilities which will consider the positive and negative impacts on future generations, long term resilience, economic, environmental and social capital.

## **9. EQUALITIES IMPLICATIONS**

9.1 None arising from the content of this report.

## **10. FINANCIAL IMPLICATIONS**

10.1 None arising from the content of this report.

## **11. PERSONNEL IMPLICATIONS**

11.1 None arising from the content of this report.

## **12. CONSULTATIONS**

12.1 All consultation responses have been incorporated into the report.



### **13. STATUTORY POWER**

#### 13.1 Local Government Act 2000

Author: Robert Tranter, Head of Legal Services & Monitoring Officer

Consultees: Christina HARRY Interim Chief Executive  
Dave Street Corporate Director of Social Services  
Mark S Williams Corporate Director – Communities  
Richard (Ed) Edmunds – Corporate Director Education and Corporate Services  
Lisa Lane, Deputy Monitoring Officer

Appendix 1 Part 2 Articles of the Constitution

Appendix 2 Part 3 Scheme of Delegation

Background papers - Report to Council 13<sup>th</sup> December 2018 – Review of Political Balance

Gadewir y dudalen hon yn wag yn fwriadol

# Article 1 – The Constitution

*References:*

*Section 37, Local Government Act 2000*

*Chapter 8, The Local Government Act 2000 Part II: Guidance for County and County Borough Councils in Wales on Executive Arrangements, July 2001*

*The Local Government Act 2000 (Local Authority Constitutions) (Wales) Direction 2001*

## **1.01 Powers of the Council**

The Council will exercise all its powers and duties in accordance with the law and this Constitution.

## **1.02 The Constitution**

This Constitution, and all its appendices, is the Constitution of the Caerphilly County Borough Council.

The purpose of the Constitution is to:

1. enable the Council to provide clear leadership to the community in partnership with citizens, businesses and other organisations;
2. support the active involvement of citizens in the process of local authority decision-making;
3. help councillors represent their constituents more effectively;
4. enable decisions to be taken efficiently and effectively;
5. create a powerful and effective means of holding decision-makers to public account;
6. ensure that no one will review or scrutinise a decision in which they were directly involved;
7. ensure that those responsible for decision making are clearly identifiable to local people and that they explain the reasons for decisions; and
8. provide a means of improving the delivery of services to the community through the most effective and co-ordinated use of the Council's services and the Council's decision-making processes.

## **1.03 Interpretation and Review of the Constitution**

Where the Constitution permits the Council to choose between different courses of action, the Council will always choose that option which it thinks is closest to the purposes stated above.

The Council will monitor and evaluate the operation of the Constitution as set out in Article 15.

# Article 2 – Members of The Council

## References:

*Part I, Part VA and Section 79, Local Government Act 1972*

*Chapter 2, The Local Government Act 2000 Part II: Guidance for County and County Borough Councils in Wales on Executive Arrangements, July 2001*

*Section 18, Local Government and Housing Act 1989 and regulations made under this Act*

*Section 7, Superannuation Act 1972 and regulations made under the Act.*

## 2.01 Composition and eligibility

- (a) **Composition.** The Council will comprise 73 members, otherwise called councillors. These councillors will be elected by the voters of each electoral division in accordance with a scheme drawn up by the Boundary Commission in Wales and approved by the National Assembly.
- (b) **Eligibility.** Only registered voters of the county borough council or those living or working in the area will be eligible to hold the office of councillor.

## 2.02 Election and terms of councillors

The regular election of councillors will be held on the first Thursday in May every ~~five~~ *four* years. ~~beginning in 2004~~. The terms of office of councillors will start on the fourth day after being elected and will finish on the fourth day after the date of the next regular election.

## 2.03 Roles and functions of all councillors

- (a) **Key roles.** All councillors will:
  - (i) collectively be the ultimate policy-makers and carry out a number of strategic and corporate management functions including representing the Council on other bodies;
  - (ii) contribute to the good governance of the area and actively encourage community participation and citizen involvement in decision making by the council and its partnerships;
  - (iii) effectively represent the interests of their electoral division and of individual constituents;
  - (iv) respond to constituents' enquiries and representations, fairly and impartially;
  - (v) participate in the governance and management of the Council;
  - (vi) maintain the highest standards of conduct and ethics;

- (vii) where appropriate refer a local Crime & Disorder matter (as defined by S.19 of the Police & Justice Act 2006) to the [Partnership Policy & Resources](#) Scrutiny Committee as an Agenda item for discussion at a meeting of the Committee;
  - (viii) lead on proposals relating to best interests and the wellbeing of the local community and future generations in accordance with the principles of the Well-being of Future Generations Act 2015.
- (b) **Rights and duties**
- (i) Councillors will have such rights of access to such documents, information, land and buildings of the Council as are necessary for the proper discharge of their functions and in accordance with the law.
  - (ii) Councillors will not make public information which is confidential or exempt without the consent of the Council or divulge information given in confidence to anyone other than a councillor or officer entitled to know it.
  - (iii) For these purposes, "confidential" and "exempt" information are defined in the Access to Information Rules in Part 4 of this Constitution.

## **2.04 Conduct**

Councillors will at all times observe the Members' Code of Conduct and the Protocol on Member/Officer Relations set out in Part 5 of this Constitution.

## **2.05 Allowances**

Councillors will be entitled to receive salaries, expenses and allowances as set out in the Councillors' Salaries, Expenses and Allowances Payments document in Part 6 of this Constitution as determined by the Independent Remuneration Panel (Part 8 Section 141-160 and Schedules 2 and 3 of the Local Government (Wales) Measure 2011).

## **2.06 Family Absence for Members of Local Authorities**

Members will observe the Family Absence for Members of Local Authorities Protocol set out in Part 5 of this Constitution.

## **2.07 Member Training and Development**

Members will observe the Members Training and Development Protocol set out in Part 5 of this Constitution.

# Article 3 – Citizens and The Council

## 3.01 Citizens' rights

Citizens have the following rights. Their rights to information and to participate are explained in more detail in the Access to Information Rules in Part 4 of this Constitution:

### (a) Voting and petitions.

Citizens on the electoral roll for the area have the right to vote and sign a petition to request a referendum for an elected mayor form of Constitution.

### (b) Information.

Citizens have the right to:

- (i) attend meetings of the Council, the Executive and its committees except where confidential or exempt information is likely to be disclosed, and the meeting is therefore held in private;
- (ii) find out from the forward work programme what decisions will be taken by the executive or Council and which issues the overview and scrutiny committees will be considering, and when these matters will be discussed;
- (iii) see reports and background papers, and any records of decisions made by the Council and the executive; and
- (iv) inspect the Council's accounts in accordance with provisions made in Acts of Parliament and make their views known to the external auditor.

### (c) Complaints.

Citizens have the right to complain :

- (i) to the Council itself under its Corporate Complaints Procedure (leaflets are available describing this);
- (ii) to the Ombudsman about any injustice they have suffered as a result of maladministration, but they are encouraged to use the Council's own complaints scheme first;
- (iii) to the Ombudsman where they believe a member or co-opted member of the council has breached the Member's Code of Conduct.

### (d) Welsh Language

Under the ~~Council's~~ Welsh Language ~~Standard scheme~~, citizens have the right to:-

- (i) receive council services through the Welsh language;

- (ii) receive the same standard of service in Welsh as they would expect to receive in English;
- (iii) have their language preference respected, whether that preference is English or Welsh.

### **3.02 Citizens' responsibilities**

Citizens must not be violent, abusive or threatening to councillors or officers and must not wilfully harm things owned by the council, councillors or officers.

# Article 4 - The Full Council

## References:

*The Local Authorities Executive Arrangements (Functions and Responsibilities) (Wales ) Regulations 2001*  
*Chapters 2,3 and 4, The Local Government Act 2000 Part II: Guidance for County and County Borough Councils in Wales on Executive Arrangements, July 2001*

### 4.01 Meanings

#### (a) Policy Framework.

The policy framework means the following plans and strategies for the county borough together with decisions taken from time to time by the Council on matters affecting policy.

~~The Public Services Board's Well-being Plan-Caerphilly-Delivers-Single-Integrated Plan-2013-2017~~  
~~Council's Corporate Plan and Well-being Objectives/Improvement Plan~~  
~~Policy Agreements~~  
~~Regeneration Strategy/Framework Policy~~  
~~Living Environment Strategy~~  
~~Local Development Plan~~  
~~Older Persons Strategy~~  
~~Sustainable Development Strategy~~  
~~Corporate Plan~~  
~~Local Wellbeing Plan (required from 1<sup>st</sup> April 2018 under the Wellbeing of Future Generations Act 2015)\*~~

~~The Council on the 9 January 2007 approved new arrangements for approval of plans in three categories. The first category (listed above) forms the Council's Policy Framework.~~

~~\*This document is produced by the Caerphilly Public Services Board taking account of the Council's Well Being Objectives.~~

#### (b) 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.

#### (c) Housing Land Transfer.

Housing Land Transfer means the approval or adoption of applications (whether in draft form or not) to the National Assembly for Wales for approval of a programme of disposal of 500 or more properties to a person under the Leasehold Reform, Housing and Urban Development Act 1993 or to dispose of land used for residential purposes where approval is required under sections 32 or 43 of the Housing Act 1985.



## **4.02 Functions of the full Council**

Only the Council may exercise the following functions:

- (a) adopting and changing the Constitution;
- (b) approving or adopting the policy framework, the budget and any application to the National Assembly for Wales in respect of any Housing Land Transfer;
- (c) subject to the urgency procedure contained in the Access to Information Procedure Rules in Part 4 of this Constitution, making decisions about any matter in the discharge of an executive function which is covered by the policy framework or the budget where the decision maker is minded to make it in a manner which would be contrary to the policy framework or contrary to/or not wholly in accordance with the budget;
- (d) appointing the leader and the Cabinet portfolios (not the Cabinet members);
- (e) agreeing and/or amending the terms of reference for committees, sub-committees, panels and boards, deciding on their composition and making appointments to them;
- (f) appointing representatives to outside bodies unless the appointment is an executive function or has been delegated by the Council;
- (g) adopting or amending an allowances scheme;
- (h) changing the name of the area, conferring the title of honorary alderman or freedom of the county borough ;
- (i) making or confirming the appointment of the head of paid service;
- (j) making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or personal Bills;
- (k) all local choice functions set out in Part 3 of this Constitution which the Council decides should be undertaken by itself rather than the executive; and
- (l) all other matters which, by law, must be reserved to Council.

## **4.03 Council meetings**

There are three types of Council meeting:

- (a) the annual meeting;
- (b) ordinary meetings;
- (c) extraordinary meetings

and they will be conducted in accordance with the Council Procedure Rules in Part 4 of this Constitution.

#### **4.04 Responsibility for functions**

The Council will maintain the tables in Part 3 of this Constitution setting out the responsibilities for the Council's functions which are not the responsibility of the executive.

# Article 5 - Chairing The Council

*References:*

*Sections 22, 23; Schedule 12; Local Government Act 1972  
Schedule 3, Local Government Act 2000*

## **5.01 Role and function of the chair of the council**

The Mayor of council and in their absence, the Deputy Mayor will have the following roles and functions:

The Mayor will be elected by the Council annually. The Mayor will have the following responsibilities:

1. to uphold and promote the purposes of the Constitution, and to interpret the Constitution when necessary;
2. to preside over meetings of the Council so that its business can be carried out efficiently and with regard to the rights of councillors and the interests of the community;
3. to ensure that the Council meeting is a forum for the debate of matters of concern to the local community and the place at which members who are not on the executive and committee chairs can be held to account;
4. to promote public involvement in the Council's activities;
5. to be the conscience of the Council; and
6. to attend such civic and ceremonial functions as the Council and he/she determines appropriate
7. to carry out duties as required under The Family Absence for Members of Local Authorities (Wales) Regulations 2013 in accordance with the Family Absence for Members Protocol set out in Part 5 of this Constitution

## Article 6 - Overview and Scrutiny Committees

The overview and scrutiny function is central to new constitutions. The Assembly Guidance makes clear that overview and scrutiny committees should be powerful committees which meet in public to discuss and make recommendations on the improvement and development of policies and hold the executive and officers exercising delegated powers to account for their actions. They will also have a key role in considering other matters of local concern.

### 6.01 Terms of reference

The Council will appoint the overview and scrutiny committees set out in the left hand column of the table below to oversee and scrutinise the discharge of the functions conferred by section 21 of the Local Government Act 2000 in relation to the matters set out in the right hand column of the same table, whether these cover one or more service area responsibilities and will include certain delegated power decisions, as listed in Article 13.

References:

Section 21 and Schedule 1 (Paragraphs 7,8,10 and 11), Local Government Act 2000  
Chapter 4 and 6, The Local Government Act 2000 Part II: Guidance for County and County Borough Councils in Wales on Executive Arrangements, July 2001

The Police & Justice Act 2006 required Local Authorities to establish a Crime & Disorder Committee which was brought into effect in Wales on 1st October 2009. The Council's Partnerships Scrutiny Committee has the additional function conferred by the Police & Justice Act 2006.

The Well-being of Future Generations (Wales) Act 2015 requires the Council to formally collaborate with the Local Health Board, South Wales Fire & Rescue Authority and Natural Resources Wales as a Public Services Board for the geographical area of the Council and to use the sustainable development principle to meet the wellbeing duty/goals under the Act. The Act requires the Council to designate a Scrutiny Committee to scrutinize the work of the Public Services Board. The Council agreed on 12th May 2016 to re-designate the Council's Policy & Resources Committee (sitting as the Crime & Disorder Committee) as the Partnerships Scrutiny Committee to take on the additional responsibilities to scrutinize the Public Services Board. The Partnerships Scrutiny Committee will continue to scrutinize the work of the Safer Caerphilly Community Safety Partnership as required under the Police & Justice Act 2006.

In considering membership of such committees, due regard will be paid to the potential contribution of community stakeholders outside the council. Overview and scrutiny committees for education functions will comply with the provisions of paragraphs 8, 9, 10 and 11 of schedule 1 to the Local Government act 2000 (i.e. include church and governor and parent governor representatives as voting appointed members of committees with education as all or part of their remit).



	<p>Corporate Health and Safety including liaison with the Health and Safety Executive</p> <p>Performance Management</p> <p>Overview of all policy and finance issues considered by the Executive</p> <p>Equalities and Welsh Language</p> <p>Any other matter or topic which properly falls to an Overview &amp; Scrutiny Committee function but not allocated specifically to any other of the Council's named Scrutiny Committees</p>
Directorate of the Communities Responsibilities	Emergency Planning
<b><u>The Policy &amp; Resources Scrutiny Committee has the following specific terms of reference when acting as the Partnerships Scrutiny Committee</u></b>	<p>Partnerships Scrutiny Committee</p> <p>The Committee is responsible for the scrutiny of the Public Services Board (PSB) as set out in the Well-being of Future Generations (Wales) Act 2015. The Committee is also responsible for the scrutiny of the Safer Caerphilly Community Safety Partnership (SCCSP) as required under the Police and Justice Act 2006.</p> <p>Membership of Committee</p> <p>The Committee will be comprised of the following Members:</p> <ul style="list-style-type: none"> <li>• Policy &amp; Resources Scrutiny Committee Members</li> <li>• Co-Opted Members</li> </ul>
	<p>The Committee will invite co-opted representatives from each of the PSB statutory partner agencies:</p> <p>1 non-executive, non-Councillor representative of Aneurin Bevan University Health Board</p> <p>1 non-executive representative from the Natural Resources Wales Board</p> <p>1 non-executive representative from the South Wales Fire &amp; Rescue Authority</p> <p>1 additional co-opted member from each of the following:-</p>

	<p>An equalities/Welsh language organisation</p> <p>A disability organisation</p> <p>The Youth Council</p> <p>Giving a Committee membership of 16 Councillors, 6 co-opted members (3 statutory partner agencies and 3 others as listed above). In addition up to 6 Invited Representatives as outlined below.</p> <p>Invited Representatives</p> <p>In order to ensure that the Scrutiny Committee has the benefit of additional expert knowledge and expertise from the wider partnership arena, a standing invitation will be extended to the following organisations, seeking a representative who is not a Public Services Board member.</p> <p>Gwent Association Voluntary Organisation</p> <p>Office of the Police and Crime Commissioner</p> <p>Aneurin Bevan Community Health Council</p> <p>Wales Community Rehabilitation Company</p> <p>Wales National Probation Service</p> <p>Welsh Government.</p> <p>Witnesses</p> <p>In order to carry out its role the committee will need to consider evidence to fulfil its statutory scrutiny function. The committee can seek additional information and invite expert witnesses. The following organisations will be invited to give evidence, alongside other witnesses identified by the committee.</p> <p>Chair and Members of Public Services Board</p> <p>PSB Partner Organisations Lead Officers</p> <p>Chair of the Safer Caerphilly Community Safety Partnership</p> <p>SCCSP Partnership Organisations Lead Officers</p>
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	<p>Terms of Reference</p> <p>The Terms of Reference for the Partnership Scrutiny Committee are as follows:</p> <p>Public Services Board</p> <ul style="list-style-type: none"> <li>• To provide a ‘critical friend’ challenge to the Public Services Board.</li> <li>• To scrutinise and evaluate the decisions and actions of the Public Services Board acting in partnership.</li> <li>• To review the governance arrangements of the Public Services Board.</li> <li>• To submit reports to the Public Services Board (as appropriate) in respect of its functions or governance arrangements and make recommendations for consideration and adoption.</li> <li>• To consider matters relating to the Board as the Welsh Ministers may refer to it and report to Welsh Ministers accordingly.</li> <li>• Carry out other functions in relation to the Board that are imposed on it by the Act.</li> </ul> <p>Crime &amp; Disorder</p> <p>To scrutinise the work of the SCCSP and the partners (“responsible authorities”) who comprise it ‘insofar as their activities relate to the partnership itself’. In other words, Members’ scrutiny role relates only to the work done by the SCCSP.</p> <p>The role includes:</p> <ul style="list-style-type: none"> <li>• To consider actions taken by the responsible authorities on the SCCSP.</li> <li>• To consider Councillor Calls for Action.</li> <li>• To make reports or recommendations to the Council and or others and monitor those recommendations.</li> </ul> <p>Scrutinizing Partnership Activity</p> <p>The Committee does not have statutory powers to scrutinize partners individually. It can only scrutinize activity taken in partnership when working collaboratively.</p>
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**Cabinet Members Reporting to Policy and Resources Scrutiny Committee:**

**Relevant Cabinet Member(s). For more information in relation to the portfolios of Cabinet posts please see Article 7.**

<b>Terms of Reference: Education Scrutiny Committee</b>	
Directorate of Education and Corporate Services	The discharge of the Council's obligations as Local Education Authority under statute and regulation.
	The preparation and scrutiny of statutory education and lifelong learning strategic plans, relevant Council Well-being Objectives and Directorate Performance
	To monitor the performance of the Education Achievement Service in relation to the delivery of the Raising Standards Agenda including monitoring, support and challenge in inverse proportion to success, delivered by the EAS on behalf of the Authority *.
	*Local Management of Schools and Fair Funding.
	Forward planning re. school places, , school admissions and student awards.
	Inclusion Services which involve Learning Support Services, educational psychology, education welfare, behavioural support and managing pupil exclusions.
	*Governor support and training.
	*Welsh Language Education.
	*Agreed RE Syllabus. SACRE * means delivered by the EAS with statutory duty retained by the Council
	Joint Services -via Gwent VI Service.
	National Grid for Learning Cymru.
	Adult Community Learning Partnership
	Lifelong learning, and community education.
	Public Library Service.
	Music Service.
Securing grants.	
Youth Service	

**Cabinet Members Reporting to Education Scrutiny Committee:**

**Relevant Cabinet Member(s). For more information in relation to the portfolios of Cabinet posts please see Article 7.**

<b>Terms of Reference: Social Services Scrutiny Committee</b>	
Directorate of Social Services	Provision of Children's & Adults Social Care under statute

Responsibilities	Provision of advice, guidance and support.
	The assessment, care planning and reviewing of all support packages for service users meeting the defined eligibility thresholds in line with current legislation regulation and statutory guidance
	Commissioning and contracting for Social Services
	The preparation and scrutiny of statutory social services plans, relevant Council Well-being Objectives and Directorate Performance
Directorate of Communities Responsibilities	Social Services Transport Operations

**Cabinet Members Reporting to Social Services Scrutiny Committee:**

**Relevant Cabinet Member(s).** For more information in relation to the portfolios of Cabinet posts please see Article 7.

**Terms of Reference: Environment *and Sustainability* Scrutiny Committee**

Directorate of Communities Responsibilities	The preparation and scrutiny of statutory plans, relevant Council Well-being Objectives and Directorate Performance
	Waste Collection, Waste Treatment & Disposal and Street Cleansing
	Burials, Cemeteries and Bereavement Services
	Highways Maintenance
	Street Lighting
	Engineering Services
	Land Drainage
	Fleet Management & Maintenance
	Parks & Outdoor Spaces Facilities
	Leisure & Sports Development
	Public Conveniences
	Public Transport
	Land Reclamation & Tips
	Road Safety
	Traffic Management (including Traffic Regulation Orders & Notices)
	Highway Development Control
	Car Parking
	Civil Engineering Design & Procurement Structures
	Transportation & Planning Improvements
	Public Health (including infectious diseases and health promotion/education)
Food Safety Enforcement	

	Pollution Control (including noise, litter and illicit tipping, air and water quality, contaminated land)
	Public Health (statutory nuisance and sewer/drains)
	Trading Standards
	Health and Safety of commercial premises
	CCTV & Community Safety Wardens
	Pest Control, Dog Warden, Animal Trespassing Services
	Animal Health and Welfare Enforcement
	Licensing
	Registrar of Births, Deaths, Marriages/Civil Partnerships
	Building Cleaning
	Catering
	Community Centres
	Property Services
	Corporate Asset Management

**Cabinet Member Reporting to The Environment *and Sustainability* Scrutiny Committee:**

**Relevant Cabinet Member(s).** For more information in relation to the portfolios of Cabinet posts please see Article 7.

<b>Terms of Reference: Regeneration and Housing Scrutiny Committee</b>	
Directorate of the Social Services Responsibilities	Housing Strategy
	Private Sector Housing
	Public Sector Housing
	Public Sector Housing
	Delivery of Welsh Housing Quality Standards
	Housing Repair Operations
Directorate of Communities	Planning – Strategic & Development Plan Policy
	Planning – Urban Renewal & Town Centre Management
	Planning – Development & Building Control (excluding those matters set out in the Terms of Reference of the Planning Committee)
	Planning – Countryside & Landscape Services
	Economic Development & European Programme Funding
	Arts Development
	Tourism and Heritage

**Cabinet Member Reporting to the Regeneration & Housing Scrutiny Committee:**

**Relevant Cabinet Member(s).** For more information in relation to the portfolios of Cabinet posts please see Article 7

**6.02 General role** (which may be discharged by the Committee itself or by appointing task and finish groups to examine an issue and report to the Committee for decision).

- (a) Within their terms of reference, overview and scrutiny committees will:
- i) review and/or scrutinise decisions made or actions taken in connection with the discharge of any of the Council's functions;
  - ii) make reports and/or recommendations to the full Council and/or the executive and/or any joint committee in connection with the discharge of any functions;
  - iii) consider any matter affecting the area or its inhabitants; and
  - iv) exercise the right to call-in, for reconsideration, decisions made but not yet implemented by the executive.
  - v) monitor the operation and performance of individual services, the Council's services and appropriate external bodies, including joint committees.
  - vi) comment on draft budgets
  - vii) examine performance monitoring information.
  - viii) consider relevant Councillor Calls for Action
- (b) With their terms of reference, overview and scrutiny committees may:
- i) assist the Council and the executive in the development of its budget and policy framework by in-depth analysis of policy issues;
  - ii) conduct research, community and other consultation in the analysis of policy issues and possible options;
  - iii) consider and implement mechanisms to encourage and enhance community participation in the development of policy options;
  - iv) question members of the executive and/or officers about their views on issues and proposals affecting the area;
  - v) liaise with other external organisations operating in the area, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working.
  - vi) question and gather evidence from any person (with their consent).
- (c) **Finance.** Overview and scrutiny committees may exercise overall responsibility for the finances made available to them.
- (d) **Annual report.** Overview and scrutiny committees must report annually to full Council on their workings and report future work programmes and amended working methods if appropriate.
- (e) **Officers.** Overview and scrutiny committees may exercise overall responsibility for the work programme of the officers employed to support their work.

### **6.03 Proceedings of overview and scrutiny committees**

Overview and scrutiny committees will conduct their proceedings in accordance with the Overview and Scrutiny Procedure Rules set out in Part 4 of this Constitution.

#### **6.04 Delegated powers**

- a) Each Overview and Scrutiny Committee has delegated to it all those matters falling within that Committee's terms of reference;
- b) Those powers delegated to an Overview and Scrutiny Committee may also be exercised by the Chief Executive or a Director or a Head of Service after consultation with the Chair or Vice-Chair of the appropriate Committee.

# Article 7 – The Executive

## THE ROLE OF THE EXECUTIVE

The Rules of Procedure in Part 4 of this constitution set out how the executive will operate. These include arrangements for meetings, scheme of delegation and sub-delegation of functions.

*References:*

*Section 11 and Schedule 1, paragraphs 1,2,3, Local Government Act 2000*

*Chapter 4 and 6, The Local Government Act 2000 Part II: Guidance for County and County Borough Councils in Wales on Executive Arrangements, July 2001*

*Wellbeing of Future Generations Act 2015*

### 7.01 Role

The executive will carry out all of the local authority's functions which are not the responsibility of any other part of the local authority, whether by law or under this Constitution, and will have a collective responsibility for the well-being of the local community and future generations.

### 7.02 Form and composition

The executive will consist of the executive leader appointed by the Council together with nine councillors appointed to the executive by the executive leader and holding the following portfolios:

1. Deputy Leader Finance Performance & Governance (to include the role of Older Persons Champion)
2. Deputy Leader Economy, Infrastructure and Sustainability (to include the role of Future Generations Champion)
3. Cabinet Member Social Care and Wellbeing
4. Cabinet Member Education and Achievement
5. Cabinet Member Environment and Public Protection
6. Cabinet Member Neighbourhood Services
7. Cabinet Member Homes and Places
8. Cabinet Member Corporate Services

***Finance Performance & Governance Portfolio includes (this list is not exhaustive), the following:-***

- The proper financial budgeting and control of the Authority
- Legal Services
- Electoral Services
- Internal Audit Services
- Policy & Performance including equalities *and*, Welsh language *and anti-poverty strategy*
- Executive link to Democratic Services including Member training

- Corporate Governance

***Economy Infrastructure & Sustainability Portfolio includes (this list is not exhaustive), the following:-***

- Deputy representative on City Deal Joint Cabinet
- Economic Development and Regeneration
- Sustainability/Well-being of Future Generations
- Tourism & Cultural Facilities
- Strategic Highways and Maintenance
- Integrated Transport Plan – Highways, Rail, Metro and other forms of transport
- Member of regional transport authority
- Flood and water management including land drainage
- Street lighting
- Transport including Education and Social Services transport operations
- Land reclamation and tips
- Traffic management including car parking, traffic regulation orders and notices
- Digital infrastructure

***Social Care & Well-being Portfolio includes (this list is not exhaustive) the following:-***

- All aspects of the provision of adult social care and services
- All aspects of the provision of children's social care and services
- Integration with health services

***Education & Achievement Portfolio includes (this list is not exhaustive), the following:-***

- The discharge of the Council's statutory obligations as Local Education including (but not limited to) preparation and scrutiny of strategic education plans, forward planning, re: school places and admission, local management of schools and fair funding and learning support services
- Executive link to EAS
- Public library service
- Youth service
- Adult learning (including community education)
- Youth engagement/liaison with youth forum

***Environment & Public Protection Portfolio includes (this list is not exhaustive), the following:-***

- Planning – the proper operation of development services and building control (excluding applications to the authority)
- Public protection
- Environmental health
- Licensing
- Community safety
- Emergency planning
- Registration services

- Catering services

***Neighbourhood Services Portfolio includes (this list is not exhaustive), the following:-***

- Waste & recycling
- Cleansing
- Sport & leisure services
- Parks, recreation and outdoor sports facilities
- Country parks and countryside services
- Community centres
- Building cleansing
- Fleet management and vehicle maintenance
- Burial, cemeteries and bereavement services

***Homes & Places Portfolio includes (this list is not exhaustive), the following:-***

- Public sector housing
- Delivery of Welsh housing quality standards
- Private housing including enforcement issues
- Homelessness
- Executive link with Housing Quality Task group issues
- Corporate assessment management
- Property services

***Corporate Services Portfolio includes (this list is not exhaustive), the following:-***

- All aspects of the Council's functions as an employer (other than the appointment of staff) including the oversight of recruitment, terms and condition of employment, conduct and disciplines, structural review and consequences thereof
- Oversight of HR
- Council business management
- Information and Technology services
- Customer services
- Procurement services
- Corporate health and safety
- Communications

### **7.03 Leader**

The leader will be a councillor elected to the position of leader by the Council. The leader will hold office until:

- he/she resigns from the office; or
- he/she is suspended from being a councillor under Part III of the Local Government Act 2000 (although he/she may resume office at the end of the period of suspension); or
- he/she is no longer a councillor; or



- (d) he/she is removed from office by resolution of the Council

#### **7.04 Other executive members**

Only councillors may be appointed to the executive. Neither co-optees nor substitutes for executive members is permitted. Although the Assembly Guidance notes that local authorities are free to have deputy cabinet members, it also points out that they are unable to substitute for a member of the executive at a cabinet meeting nor vote on behalf of the cabinet member for whom they deputise. Neither the chair nor vice chair of the Council may be appointed to the executive and members of the executive (including the leader) may not be members of an overview and scrutiny committee.

Other executive members shall hold office until:

- (a) they resign from office; or
- (b) they are suspended from being councillors under Part III of the Local Government Act 2000 (although they may resume office at the end of the period of suspension); or
- (c) they are no longer councillors; or
- (d) they are removed from office by the leader who must give written notice of any removal to the Council's Chief Executive. The removal will take effect two working days after receipt of the notice by the Chief Executive.

#### **7.05 Deputy cabinet members**

The Council has decided that there will be no post of deputy cabinet members other than two deputy leaders.

#### **7.06 Proceedings of the executive**

Proceedings of the executive shall take place in accordance with the Executive Procedure Rules set out in Part 4 of this Constitution.

#### **7.07 Responsibility for functions**

The leader will maintain a list setting out which individual members of the executive, committees of the executive, officers or joint arrangements are responsible for the exercise of particular executive functions as set out in Part 3 of this Constitution.

(Note: the Council has decided that there will not be a delegation of powers to individual Cabinet members).

## Article 8 – Regulatory & Other Committees

Planning and licensing are not executive or board functions. Councils will therefore need to create committees to undertake these functions under powers delegated from full Council. These are called "regulatory committees". The Council has also established

- (1) an Audit Committee
- (2) a Democratic Services Committee

### 8.01 Regulatory and other committees

The Council appoints the following committees with the Terms of Reference and delegated powers to the Committees and to officers, as set out on the following pages:-

**a) PLANNING COMMITTEE**

**Terms of Reference**

To discharge the functions of the Caerphilly County Borough Council in relation to all aspects of the following:

1. To exercise the functions of the Council as local planning authority
2. Without prejudice to the generality of the foregoing to discharge the following:
  - a) Development management and all aspects of planning enforcement
  - b) Advertisement Control
  - c) Building Preservation Notices
  - d) Tree Preservation, Felling Licences
  - e) Building Regulations
  - f) Dangerous structures and derelict sites.
  - g) Listed Building Control.
  - h) Access for disabled people
  - i) Street naming and numbering.
  - j) Minerals Planning - Policy control and enforcement
3. The institution of legal proceedings or the defence of legal proceedings in respect of infringements of legislation common law or procedures falling within the Terms of Reference of this Committee.
4. Power to take any action on behalf of the Council in relation to any matter within this Committee's Terms of Reference, where such action is necessary to protect the Council's interests and delay would significantly prejudice the attainment of the object in view.
5. Contracts and other expenditure within the Committee's Terms of Reference, where there is an existing relevant expenditure approved by the Council and subject to the Council's Standing Orders and Financial Regulations.
6. Power to authorise appropriate officers, in consultation with the Chairman and Vice Chairman, and if deemed necessary after seeking the views of appropriate members, to discharge any of this Committee's functions on behalf of the Committee.

PROVIDED THAT:

- (a) All matters relating to policy where there is no existing relevant policy decision of the Council shall be referred to the Cabinet for recommendation to the Council;
  - (b) All matters relating to financial expenditure where there is no existing relevant expenditure approved by the Council shall be referred to the Cabinet for recommendation to the Council.
  - (c) In the event that it appears to the Committee that a matter under consideration is also within the jurisdiction of another committee of this Council then the matter shall be referred to the Cabinet for a determination as to which committee shall determine the matter.
  - (d) Proposed variations within the revenue budgets agreed by the Council in excess of the sum fixed from time to time by the Council must be referred to the Cabinet for recommendation to the Council.
  - (e) Where the Head of Regeneration & Planning or the ~~Development Control~~ *Planning Services* Manager is prevented from supporting at a Public Inquiry the Committee's reasons for refusal then the member or members who promoted the decision will, if called upon to do so by the Head of Legal Services, appear as one of the Council's witnesses.
7. The Council at its meeting held on 8th May, 2014 agreed that the current restrictions within Standing Orders, which prohibits a meeting for sitting longer than four hours be removed from the Planning Committee, subject to a requirement on the Committee to take appropriate breaks, so as to ensure the comfort of those participating in the meeting.

POWERS DELEGATED TO THE COMMITTEE

All those matters listed above within the Committee's Terms of Reference subject to the Challenge Procedure.

POWERS DELEGATED TO THE COUNCIL'S OFFICERS

1.	<p>The determination by the Head of Regeneration &amp; Planning or the <del>Development Control</del> <i>Planning Services</i> Manager of all enforcement matters under the Town and Country Planning Act 1990 and associated legislation, other than (a) any case that any Member requests in writing to the Head of Regeneration &amp; Planning within 21 days of the publication of the weekly list containing the latest cases shall be determined only after consultation with the Chair and Vice-chair of the Planning</p>	<p>Head of Regeneration &amp; Planning or <del>Development Control</del> <i>Planning Services</i> Manager</p>
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<p>Committee and local Member(s)  (b) any case where it is recommended that it is not expedient to take enforcement action but the resulting development would be contrary to the Council's planning policies shall be determined only after consultation with the Chair and Vice-chair of the Planning Committee and local Member(s)  (c) cases which in the opinion of the officers are likely to be controversial or of significant public interest or should in any event be determined only after consultation with the Chair and Vice-chair of the Planning Committee and local Member(s)  (d) cases where the decision would conflict with an objection received from a statutory consultee shall be determined only after consultation with the Chair and Vice-chair of the Planning Committee and local Member(s)</p>	
<p>2. Emergency action on behalf of the Council in relation to any matter within the Committee's Terms of Reference where such action is necessary to protect the Council's interests and delay in bringing the matter before the Committee would significantly prejudice the attainment of the object in view</p>	<p>The Director or the Head of Regeneration &amp; Planning or the <del>Development Control Planning Services</del> Manager in consultation with the Chairman and the Vice Chairman of the Committee</p>
<p>3. The institution of legal proceedings in respect of any matter within the Committee's Terms of Reference and the defence of legal proceedings instituted against the Council</p>	<p>Head of Legal Services or any Principal Solicitor or the Head of Regeneration &amp; Planning or the <del>Development Control Planning Services</del> Manager in consultation with the Head of Legal Services or any Senior Solicitor.</p>
<p>4. Service of Building Preservation Notices</p>	
<p>5. Approval or refusal of plans under Building Regulations</p>	<p>Head of Regeneration &amp; Planning or the <del>Development Control Planning Services</del> Manager</p>
<p>6. Completion certificates for guarantee purposes</p>	<p>Head of Regeneration &amp; Planning or the <del>Development Control Planning Services</del> Manager</p>
<p>7. Enforcement action under Building Regulations, dangerous structures and ruinous and dilapidated property</p>	<p>Head of Regeneration &amp; Planning or the <del>Development Control Planning Services</del></p>

<p>8. Determination of dates upon which duly authorised enforcement notices take effect</p>	<p>Manager Head of Regeneration &amp; Planning or the <del>Development Control</del> Manager</p>
<p>9. Approval of minor amendments to approved plans or relaxation of Building Regulations</p>	<p>Head of Regeneration &amp; Planning or the <del>Development Control</del> <i>Planning Services</i> Manager</p>
<p>10. Receipt of planning applications, determination of fees, extension of time for determination of planning applications</p>	<p>Head of Regeneration &amp; Planning or the <del>Development Services</del> <i>Planning Services</i> Manager</p>
<p>11. Any action under the terms of a confirmed Tree Preservation Order, or any issue relating to Tree Felling Licences below 10 hectares.</p>	<p>Head of Regeneration &amp; Planning or the <del>Development Control</del> <i>Planning Services</i> Manager</p>
<p>12. Signing on behalf of the Council all notices required in accordance with decisions, determinations and enforcements within the Terms of Reference of this Committee</p>	<p>Head of Regeneration &amp; Planning or the <del>Development Control</del> <i>Planning Services</i> Manager.</p>
<p>13. Any steps required in connection with the progressing of appeals to the Secretary of State against the decision of the local planning authority.</p>	<p>Head of Regeneration &amp; Planning or the <del>Development Control</del> <i>Planning Services</i> Manager</p>
<p>14. Serving of notices for the proper maintenance of waste land.</p>	<p>Head of Regeneration &amp; Planning or the <del>Development Control</del> <i>Planning Services</i> Manager</p>
<p>15. Making any necessary determinations under Regulations 5,6,7,10 and 25 of The Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 or any amendment thereto.</p>	<p>Head of Regeneration &amp; Planning or the <del>Development Control</del> <i>Planning Services</i> Manager</p>
<p>16. Conservation Area consent including demolition of buildings or extension thereto.</p>	<p>Head of Regeneration &amp; Planning or the <del>Development Control</del> <i>Planning Services</i> Manager</p>
<p>17. In consultation with the Chairman and Vice-Chairman of the committee to correct or amend consents to take account of errors or omissions or minor amendments not considered at the committee which do not significantly</p>	<p>Head of Regeneration &amp; Planning or the <del>Development Control</del> <i>Planning Services</i> Manager</p>

<p>affect the nature of the decision taken for the consent granted.</p>	
<p>18. The determination of all applications for planning permission, reserved matters, listed building consent, conservation area consent, tree preservation order consent, advertisement consent and all other matters submitted for the determination formal application or comment of the local planning authority under the relevant Town and Country Planning Act and associated legislation, <b>OTHER THAN:-</b></p> <p>(a) any application which any member requests in writing to the Head of Regeneration &amp; Planning within 21 days of the publication of the weekly list containing the application, should be considered by the Planning Committee.</p> <p>(b) any application where it is recommended that permission be granted contrary to the Council's planning policies.</p> <p>(c) any application which in the opinion of the C Head of Regeneration &amp; Planning or the <del>Development Control Planning Services</del> Manager are likely to be controversial or of significant public interest or should in any event be determined by the Planning Committee.</p> <p>(d) applications where the decision would conflict with an objection received from a statutory consultee.</p>	<p>Head of Regeneration &amp; Planning or the <del>Development Control Planning Services</del> Manager</p> <p>Head of Regeneration &amp; Planning or the <del>Development Control Planning Services</del> Manager</p> <p>Head of Regeneration &amp; Planning or the <del>Development Control Planning Services</del> Manager</p>
<p>19 <i>The consideration of details and schemes submitted pursuant to a condition applied to a planning permission in accordance with Section 72 of the Town and Country Planning Act 1990, apart from details and schemes submitted as 'reserved matters' as defined by Article 2 of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012</i></p>	<p><i>The Head of Regeneration and Planning, or the Planning Services Manager</i></p>

<p>4920. Discharging all other day to day aspects of the functions listed within the Committee's Terms of Reference which power shall be exercised by the appropriate Director or Head of Regeneration &amp; Planning or the <del>Development Control Planning Services</del> Manager after consultation with the Chairman and Vice Chairman of the Committee</p>	<p>Head of Regeneration &amp; Planning or the <del>Development Control Planning Services</del> Manager</p>
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## CHALLENGE PROCEDURE

1. This Procedure is only available in respect of development control and associated matters where this Committee has delegated powers.
2. This Procedure is only available to any member not a member of the Planning Committee who is unable to attend the meeting of the Planning Committee at which the particular matter the subject of the challenge is to be considered for the first time.
3. Any Challenge should wherever possible be submitted within 21 days of the appearance of the matter in the Council's weekly list of applications but in any event no later than 48 hours before the time appointed for the meeting at which the matter is to be considered.
4. The Challenge shall:
  - (a) be in writing and
  - (b) be sent to the Chief Executive to be received by him no later than 48 hours before the date fixed for the meeting and
  - (c) shall be in the following form:

***"I am of the opinion that permission should be granted/refused/granted subject to the following conditions: .....for the following reason(s): ..... If the Planning Committee does not resolve accordingly, I require its decision to be deferred to the next meeting of the Planning Committee"***

## **GUIDELINES FOR SITE VISITS**

### **Purpose of site inspections**

- 1 Site inspections are fact-finding exercises to allow members to make a more informed decision than would be possible from reading the officer's report and considering the views expressed at the Planning Committee meeting.
- 2 The sole purpose of site inspections is to allow the chairperson and vice-chairperson and other members to look at the site and its surroundings. In conducting the site visit, the members will not formally debate the application, express a prior opinion, lobby for any particular decision or come to any decision.

### **Requests for Committee site inspections**

- 3 If Members wish an application to be reported to Planning Committee and be the subject of a site visit, they should advise the case officer or in his/her absence any other officer of the Development Management Team in writing (including email) within 21 days of receiving the weekly list of planning applications.
- 4 Site visits should be allowed on the basis of a request from either the chairperson or vice-chairperson, or from any local member including an adjoining ward Councillor whether or not a member of the committee. It is expected that local members will already be familiar with the site. Members are encouraged to go to the sites themselves, discuss proposals with officers, and look at the presentation that officers now email to Planning Committee Members before Committee.
- 5 Site visits may also be arranged, at the behest of the Head of Planning and Regeneration or Development Control Manager when they consider that there are particular site issues that members should be aware of prior to the determination of the application.

### **Criteria for agreeing to hold site inspections**

- 6 Any request for a formal site visit will have to comply with the following criteria:-
  - Illustrative material is insufficient to convey the issues;
  - A judgement is required on visual impact;
  - The setting and surroundings are relevant to the determination of the application;
  - The site has not been visited recently by the Planning Committee in relation to another planning application.
- 7 Requests for formal site visits made at Planning Committee will only be allowed in exceptional circumstances, e.g. where a Councillor is incapable of notifying officers of the need for a site visit when the application for planning permission was first publicised.

Examples where a site visit would not normally be appropriate include where:

- The member simply disagrees with the conclusion reached in the report.
- The member wishes to consider boundary or neighbour disputes.
- Loss of property values
- Any issues that are not material planning considerations.
- Where councillors have already visited the site within the last 12 months, except in exceptional circumstances.

Where there is any dispute about the need for a site visit, the final decision will be taken by the Chair and/or Vice-Chair of the Planning Committee in consultation with the Head of Planning and Regeneration and/or the Development Control Manager.

### **Notification of site visits**

- 8 All site visits will take place on the Monday before Planning Committee for applications being reported to that Committee. Where it is impractical to undertake all approved site visits on the Monday before the Planning Committee, the visit/s may take place on any day subject to the visit/s taking place before the Planning Committee to which the application/s is/are being reported. All Members (subject to declarations of interests) will be entitled to attend the site visits, and all Planning Committee Members will be encouraged to attend.

Committee Services will arrange the site visits, but will not attend to take minutes. A brief note will be prepared by Planning Officers and will be presented to the Planning Committee, confirming that a site visit has taken place and providing a summary of any additional information received or matters arising from the site visit.

### **Attendance At Site Inspections**

- 9 Site visits will normally be attended by the chairperson and vice-chairperson of Planning Committee, ward members and appropriate officers. All Members (subject to declarations of interest) will be encouraged to attend the site visits and all Planning Committee Members will be encouraged to attend.
- 10 Members may through the chairperson ask questions of officers to clarify factual matters relevant to the site inspection.
- 11 If a request is received from a third party to inspect the site from a different location, the members, as a group, should take the view whether to do so. Unless there are good reasons not to do so, such a request should normally be acceded to but only if all participants at the site inspection are extended the same invitation.
- 12 Members may only enter onto the site with the permission of the site owner who has the right of attendance at the site inspection.
- 13 The public does not have a right of access to a site but may attend and view the site by way of public vantage points or on site with the consent of the owner.

- 14 Applicants, their agents and members of the public, will not be allowed to speak at the site visits apart from providing matters of information or clarification; the informal meeting with the public that has become the part of the customer practice of the Council will end so that the site visits are undertaken in a more formal manner.
- 15 If a member finds it necessary to visit a site alone, he or she shall view it from public vantage points only, seek to avoid discussion with interested parties and, if dialogue occurs, make it clear that a decision will be taken when the Planning Committee has discussed it after the site inspection.
- 16 Members are reminded that the rules of declarations of interest apply to site visits, and that if a member has an interest that would require the member to withdraw from a Planning Committee, the member is not entitled to attend the site meeting.**

#### **Conduct at site inspections**

- 17 The inspection will be chaired by the chairperson or vice chair of the Planning Committee who will ensure that it is conducted as a single meeting and in an orderly fashion.
- 18 The planning officer will give a brief summary of the application and the site inspection issues at the beginning of each site visit.
- 19 Members of the Planning Committee attending the site inspection shall not make comments that would create an impression that they have already formed a view on the merits of the application.
- 20 Members of the Planning Committee shall not discuss the application, other than to clarify issues of fact, and shall not make a decision while on site.
- 21 Non-Committee members may address their colleagues on issues of fact pertaining to the site context.

## LICENSING AND GAMBLING COMMITTEE

### Terms of Reference

1. To discharge the functions of a licensing committee as required by the Licensing Act 2003 and the Gambling Act 2005 and to authorise, approve or determine any enforcement matters under the Acts;

### POWERS DELEGATED TO THE COMMITTEE

All those matters referred to in paragraph 1 above, including a power to delegate to a sub-committee the power to determine matters within the Committee's Terms of Reference.

### POWERS DELEGATED TO OFFICERS

POWER	DELEGATED TO
All matters arising from the exercise of the Committee's terms of reference (to include the power to issue licences and permits), with the power to establish one or more sub-committees in accordance with Section 9 of the Licensing Act 2003, and powers under the Gambling Act 2005 and power to delegate its functions under the Licensing Act 2003, and under the Gambling Act 2005 to a sub-committee or to an officer of the authority.	The Chief Executive or a Director or a relevant Head of Service or any of the following officers:- Licensing Manager & Assistant Licensing Manager, Senior Licensing Administrator, Licensing Administrator Trading Standards, Licensing & Registrars Manager Environmental Health Manager *Senior Trading Standards Officer *Senior Environmental Health Officer *Trading Standards Officer *Senior Fair Trading Officer * Environmental Health Officer *Senior Commercial Safety Officer *Commercial Safety Officer *Fair Trading Officer *Enforcement Officer (Officers marked * where appropriate are appointed under Section 19(1) of the Health and Safety at Work Act 1974 or any statutory amendment thereto)]
The following officers are designated as authorised for the purposes of the Licensing Act 2003, and of the Gambling Act 2005 and are given delegated powers to act in that capacity.	Head of Public Protection Environmental Health Manager Trading Standards Licensing & Registrars Manager Licensing Manager Assistant Licensing Manager Senior Environmental Health Officer Environmental Health Officer Senior Trading Standards Officer Trading Standards Officer Senior Fair Trading Officer

	Fair Trading Officer Scientific Officer Senior Commercial Safety Officer Commercial Safety Officer Community Safety Wardens Enforcement Officer
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The Council on the 24<sup>th</sup> January 2017 approved the following procedural matters in relation to the Licensing and Gambling Committee and the Licensing and Gambling sub-committee, including a procedural change to the Council's Standing Orders, as follows: -

- (a) the quorum for the Licensing and Gambling sub-committee is two. Every effort will be made to maintain the sub-committee at three members present when dealing with an application but there will inevitably be some circumstances where a member is unable to attend at the last minute and a substitute cannot be found or a member part way through needs to declare an interest and withdraw from the hearing. In accordance with our Standing Orders, the chairman will have a casting vote.
- (b) that members serving on the Licensing and Gambling sub-committee will be drawn in rotation from the whole of the Licensing and Gambling Committee. This will allow each member an equal opportunity to contribute to the work of the Committee and will hopefully ensure a fairness to members in the demands being made on them to sit;
- (c) that the chair and vice-chair of the Licensing and Gambling Committee are not automatically on the Licensing and Gambling sub-committee but will be part of the normal rotation;
- (d) that the current restriction within Standing Orders which prohibits a meeting sitting for longer than four hours be removed from applying to the Licensing and Gambling Committees or its sub-committee, subject to a requirement on the committee to take appropriate breaks so as to ensure the comfort of those participating in the meeting.

## TAXI AND GENERAL COMMITTEE

### Terms of Reference

1. To discharge on behalf of the Council all matters relating to the grant, refusal, issue, revocation, cancellation and suspension of licences or permits and without prejudice to the generality of the foregoing to discharge these functions in respect of:
  - a) Private Hire Operators.
  - b) Private Hire and Hackney Carriage Drivers.
  - c) Private Hire Vehicles.
  - d) Hackney Carriage
  - e) Hypnotism
  - f) Lottery Registrations
  - g) Street Collections.
  - h) House-to-House Collections.
  - i) Street Trading.
  - j) Sex Shops & Sexual Entertainment Venues.
  - k) Burials in Public Cemeteries.
  - l) Reservoirs.
  - m) Dangerous Wild Animals.
  - n) Animal Boarding Establishments.
  - o) Guard Dogs.
  - p) Acupuncture\Cosmetic\Piercing\Electrolysis\Tattooing\Semi Permanent Skin Colouring.
  - q) Performing Animals.
  - r) Pet Shops.
  - s) Zoos.
  - t) Camping Sites.
  - u) Caravan Sites.
  - v) Pleasure Boats.
  - w) Filling Materials.
  - x) Riding Establishments.
  - y) Charities for Disabled Persons and War Charities.
  - z) Explosives.
  - aa) Fireworks.
  - bb) Petroleum.
  - cc) Marriage & Civil Partnerships.
  - dd) Those matters set out in Part B of Schedule 1 of the Local Authorities Executive Arrangements (Functions and Responsibilities) (Wales) Regulations 2007 in so far as they are not governed by the Licensing Act 2003 and/or the Gambling Act 2005 or delegated separately under Part 3 of the Council's Constitution.
  - ee) Such other matters as may from time to time under statute or practice fall to be considered by the Council in a quasi-judicial manner, other than employment appeals or grievances in so far as they are not governed by the Licensing Act 2003 and/or the Gambling Act 2005 or delegated separately under Part 3 of the Council's Constitution.

POWERS DELEGATED TO THE COMMITTEE

All those matters listed above, including a power to delegate to a sub-committee the power to determine matters within the Committee's Terms of Reference.

POWERS DELEGATED TO OFFICERS

POWER	DELEGATED TO
All matters arising from the exercise of the Committee's terms of reference (to include the power to issue licences and permits),	The Chief Executive or a Director or a relevant Head of Service or any of the following officers:- Licensing Manager & Assistant Licensing Manager, Senior Licensing Administrator, Licensing Administrator Trading Standards, Licensing & Registrars Manager Environmental Health Manager *Senior Trading Standards Officer *Senior Environmental Health Officer *Trading Standards Officer *Senior Fair Trading Officer * Environmental Health Officer *Senior Commercial Safety Officer *Commercial Safety Officer *Fair Trading Officer *Enforcement Officer Acting Parks Manager (Officers marked * <i>where appropriate</i> are appointed under Section 19(1) of the Health and Safety at Work Act 1974 or any statutory amendment thereto)]

The Council on the 24<sup>th</sup> January 2017 approved the following procedural matters in relation to the Taxi and General Committee and the Taxi and General sub-committee, including a procedural change to the Council's Standing Orders, as follows: -

- (a) the quorum for the Taxi and General sub-committee is two. Every effort will be made to maintain the sub-committee at three members present when dealing with an application but there will inevitably be some circumstances where a member is unable to attend at the last minute and a substitute cannot be found or a member part way through needs to declare an interest and withdraw from the hearing. In accordance with our Standing Orders, the chairman will have a casting vote.
- (b) that members serving on the Taxi and General sub-committee will be drawn in rotation from the whole of the Taxi and General Committee. This will allow each member an equal opportunity to contribute to the work of the Committee and will hopefully ensure a fairness to members in the demands being made on them to sit;



- (c) that the chair and vice-chair of the Taxi and General Committee are not automatically on the Taxi and General sub-committee but will be part of the normal rotation;
- (d) that the current restriction within Standing Orders which prohibits a meeting sitting for longer than four hours be removed from applying to the Taxi and General Committee or its sub-committee, subject to a requirement on the committee to take appropriate breaks so as to ensure the comfort of those participating in the meeting.

**c) RIGHTS OF WAY COMMITTEE**

**The functions of the (Council) Rights of Way Committee ceased to exist on the 16 February 2007 by virtue of changes in legislation. The function is now carried out by a committee of the Cabinet - see the entry in Part 3 of this Constitution.**

## d) AUDIT COMMITTEE

### Terms of Reference

#### 1. MEMBERSHIP

- 1.1 The Audit Committee will have a membership of thirteen individuals, twelve shall be elected members being representative of all parties and independents and one lay co-opted member to be appointed by the Committee. Members of the executive will not be eligible to be members of this Committee.
- 1.2 The co-opted member, not being a member of the Council, to be recruited for skills appropriate to the Audit Committee's work, and shall be appointed by the Councillor members of the Audit Committee for a fixed term to be determined by them when the appointment is made.
- 1.3 As and when necessary the appointment of a lay member to the Committee shall be undertaken by an appointment panel consisting of three Audit Committee members, to include the Chairperson. The panel will be responsible for considering all applications for the vacancy, short listing and interviewing prospective candidates. The panel will report their recommendations to the Audit Committee for confirmation/agreement prior to approval by Council.
- 1.4 The Audit Committee will appoint its chairperson who will not be a member of any of the groups represented on the Executive except when all groups are represented on the Executive (and could be a co-opted member).
- 1.5 All members of the Audit Committee shall have a vote.

#### 2. MEETINGS

- 2.1 The Committee will meet at least 4 times a year. Additional meetings may be convened as the chair deems necessary or when the Authority as a whole resolves that it should.
- 2.2 A quorum for the meeting will be one quarter of the whole membership.
- 2.3 The Committee shall be advised by the Director of *Education and* Corporate Services, the Section 151 Officer, the Head of Corporate Finance, the Head of *Business Improvement*~~*Performance and Property*~~ and both the external and internal auditors. They may additionally, within an approved budget, seek independent advice from outside the authority
- 2.4 The Committee shall meet with the Council's external auditor on an informal basis as deemed necessary by the Committee to discuss and exchange information.
- 2.5 The Section 151 Officer, the Manager of Internal Audit and the representative of the External Auditor will have free and confidential access to the Chair of the Committee.

- 2.6 The external and internal auditors of the council shall have the right to request the chair of the audit committee to consider any matter which the auditors believe should be brought to the attention of the council
- 2.7 The Committee may ask any other officers to attend to assist it with its discussions on any particular matter.

### **3. TERMS OF REFERENCE**

- 3.1 To review and scrutinise the Authority's financial affairs, to make reports and recommendations in relation to the Authority's financial affairs and to review and consider the financial statements prepared by the Authority or its external auditors.
  - 3.1.1 to review the authority's accounting policies and procedures with a view to appropriateness and compliance.
  - 3.1.2 to provide direction concerning accounting records and control systems as may be required by the Accounts and Audit Regulations (Wales) 2005.
  - 3.1.3 to consider the external auditors report to those charged with governance on issues arising from the audit of the financial statements.
  - 3.1.4 to review and consider the effectiveness on the Council's policy for the prevention of fraud and corruption.
- 3.2 Review and assess the risk management, internal control and corporate governance arrangements and to report and make recommendations on the adequacy and effectiveness of those arrangements:
  - 3.2.1 To ensure that the authority has a sound system of internal control which facilitates the effective exercise of functions and which includes arrangements for the management of risk and adequate and effective financial management. To review the effectiveness of internal control at least once a year and approve an annual governance statement for inclusion with the authority's statement of accounts.
  - 3.2.2 In reviewing corporate governance, risk management or internal control issues any member or officer of the authority may be required to attend before the committee to explain in relation to matters within their remit e.g. compliance or otherwise with council procedures, compliance or otherwise with established corporate governance standards and the degree to which risk has been considered and addressed.
  - 3.2.3 to oversee and monitor the compliance and assurance requirements and to satisfy itself as to the adequacy of the structures, processes and responsibilities for identifying and managing key risks facing the organisation.

- 3.2.4 to review the councils corporate governance framework.
  - 3.2.5 to receive, review and approve the annual governance statement and the resultant action plans.
  - 3.2.6 to develop and keep under review a risk management strategy for the council including methodology for assessing risks in all functions of the council.
  - 3.2.7 to oversee and monitor Council activities that are subject to the RIPA regulations.
  - 3.2.8 to oversee and monitor the outcomes of complaints received by the Authority under the Council's Corporate Complaints Policy and to review the policy on an annual basis and to make comments on the adequacy and effectiveness of the policy.
- 3.3 Oversee the internal and external audit arrangements of the Council
- 3.3.1 to liaise with the Wales Audit Office over the appointment of external auditors
  - 3.3.2 to consider the external auditors proposed audit plan
  - 3.3.3 to consider the external auditors Annual letter
  - 3.3.4 to approve, on behalf of the Council, a statement of aims and objectives of the internal audit function
  - 3.3.5 to consider the annual audit plan as to the allocation of internal audit resources against different categories of work
  - 3.3.6 to ensure that the internal audit function is adequately resourced and has appropriate standing within the organisation
  - 3.3.7 to consider the Head of Internal audit's annual report and opinion, and a summary of internal audit activity (actual and proposed) and the level of assurance it can give over the council's internal control environment

POWERS DELEGATED TO THE COMMITTEE

All those matters listed above within the Committee's terms of reference.

POWERS DELEGATED TO OFFICERS

POWER	DELEGATED TO
All matters arising from the exercise of the Committee's terms of reference.	The Chief Executive or a Director or the Head of Corporate Finance after consultation with the Chair or Vice Chair of the Committee. Any officer mentioned above may authorise in writing that any delegated function given to him/her may be exercised by any officer named in that authorisation.

**(e) Democratic Services Committee**

**Terms of Reference**

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

(a)

(i) Each Member of the Democratic Services Committee shall be a Member of the Council; and

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

(ii) Each Member of the Democratic Services Committee shall be appointed by full Council.

(iii) The Chair of the Democratic Services Committee shall be appointed by full Council.

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

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

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

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

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

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

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

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

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

- (k) At least one third of the members of the Democratic Services Committee may requisition a meeting by giving notice in writing to the chair of the committee.
- (l) The Chair of the Democratic Services Committee must secure that meetings are held in accordance with the requirements stated in paragraph (i) - (k) above.
- (m)
  - (i) Designating one of the Council's Officers to be the Head of Democratic Services (who may not be the Head of Paid Service, Monitoring Officer or Chief Finance Officer (as defined in the Local Government and Housing Act 1989). The Head of Democratic Services shall exercise the functions as set out in Section 9(1) of the Measure;
  - (ii) review the adequacy of provision by the Council of staff, accommodation and other resources to discharge Democratic Services functions; and
  - (iii) make reports and recommendations to the Council in relation to such provision.
- (n) To determine how it exercises its functions listed under paragraphs (m)(i)(ii)(iii) above and not exercise any functions other than those set out in these Terms of Reference.
- (o) To make reports and recommendations on Member induction activities following local elections.
- (p) To secure a programme of reasonable training and development opportunities for Councillors and co-opted members and make reports and recommendations to full Council as necessary.
- (q) To monitor the quality and value of Members' training and development.
- (r) To monitor the Council's membership of the WLGA Wales Charter for Member Support and Development.
- (s) To nominate a Member Development Champion from the Committee's membership.
- (t) To be consulted on reports published by the Independent Remuneration Panel for Wales (or other bodies) in respect of Member's salaries, expenses and allowances.
- (u) To make reports and recommendations on the support and advice provided for any other Member support service.
- (v) To assist the Council's Monitoring Officer to review and make recommendations about the Council's Constitution.
- (w) To review and make recommendations about Members role descriptions.
- (x) To review and make recommendations about Members Annual Reports.
- (y) To review and make recommendations about Webcasting and Remote Attendance.



- (z) To review and make recommendations about the Council's programme and timing of Council meetings.
- (aa) To review and make recommendations about the Council's Members' ICT Policy and provision.
- (bb) To review and make recommendations about Members Family absence policy.
- (cc) To review and make recommendations about the Youth Champion.
- (dd) To review and make recommendations to promote public engagement in Council business.
- (ee) To be consulted on reports published by the Welsh Government, Local Government Boundary Commission and Electoral Commission (or other bodies) in respect of ward boundaries, local authority boundaries and electoral arrangements.
- (ff) To consider any report or recommendation sent to its members prepared by the Head of Democratic Services under Section 9(1)(h) of the Measure at a meeting held not more than three months after copies of the report are first sent to members of the committee.
- (gg) As soon as practicable after it has prepared a report or made a recommendation under paragraph (ff) above arrange for a copy of it to be sent to each Member of the Council who is not a Member of the Committee.
- (hh) The Council must consider any report or recommendation at a meeting held not more than three months after copies of the report or recommendation are first sent to the Members of the Council.
- (ii) To have regard to formal guidance issued by The Welsh Ministers.
- (jj) An Executive Member sitting on the Democratic Services Committee should have within his/her portfolio Member Development and Training
- (kk) To oversee the Council's Constitution.

POWERS DELEGATED TO THE COMMITTEE

All those matters listed above within the Committee's terms of reference.

POWERS DELEGATED TO OFFICERS

POWER	DELEGATED TO
All matters arising from the exercise of the Committee's terms of reference.	The Head of Democratic Services in consultation with the Chair or Vice Chair of the Committee

# Article 9 – The Standards Committee

*References:*

*Sections 53-55 and Sections 81(5), Local Government Act 2000  
The Standards Committees (Wales) Regulations 2001 as amended (“the Regulations”)  
Local Government (Democracy) (Wales) Act 2013*

## 9.01 Standards Committee

- (a) The Council will establish a Standards Committee with the Terms of Reference and delegated powers to the Committee, and officers, as set out below:

Note: Two or more Councils may establish a Joint Standards Committee.

## 9.02 Composition

- (a) **Membership.** The Standards Committee will be composed of eight members. Its membership will include:

- i. Five ‘independent’ members, who are not either a councillor or an officer or the spouse of a councillor or an officer of this council or any other relevant authority as defined by the Act, appointed in accordance with the procedure set out in the Standards Committees (Wales) Regulations 2001 (the Council’s appointment criteria exclude someone who is an active member of a political party);
- ii. two councillors excluding any member of the Executive;
- iii. one member of a community council wholly or mainly in the Council’s area (a ‘community council member’).

- (b) **Term of office.**

- i. Independent members are appointed for a period of not less four years and may be re-appointed for one further consecutive term of up to four years only.
- ii. Members of the local authority who are members of the standards committee will have a term of office of no longer than the period until the next ordinary Local Government Elections following the Members appointment to the Committee. They may be reappointed for one further consecutive term.
- iii. A Member of the Standards Committee who is a Community Council Member will have a term of office of no longer than the period until the next ordinary elections for the Community Council following his or her appointment to the Standards Committee. They may be reappointed for one further consecutive term.

- (c) **Quorum.** A meeting of the standards committee shall only be quorate when:
- i. at least three members, including the chair, are present, and
  - ii. at least half the members present (including the chair) are independent members

(Note: See (f) below as to who can act as chair of the meeting)

- (d) **Voting.** Independent members and community council members will be entitled to vote at meetings;

- (e) **Community council members.** A community council member shall not take part in the proceedings of the standards committee when any matter relating to their community council is being considered;

- (f) **Chairing the Committee.**

- i. The Chair and Vice-Chair of the Standards Committee must be independent members
- ii. The Chair and Vice-Chair will be elected by the members of the Standards Committee for the duration of the period of that person's appointment as an independent member by the Council
- iii. For the purpose of deciding whether the committee is quorate, "the Chair" means the Chair of the Standards Committee or in the absence of that person the Vice-Chair and in the absence of both of those persons an independent member present at the meeting chosen by members of the committee present at the meeting to preside for that meeting.

### 9.03 Terms of Reference

1. To promote and maintain high standards of conduct by the members and co-opted members of the authority.
2. To assist members and co-opted members of the authority to observe the authority's code of conduct.
3. To advise the Council on the adoption or revision of a code of conduct.
4. To monitor the operation of the Council's adopted Code of Conduct throughout the Authority.
5. To train councillors and advise on conduct matters generally.
6. Where statutes so permit, to arrange dispensation to speak and/or vote where a councillor has an interest.

7. To receive and implement advice from the Public Services Ombudsman For Wales or Standards Board or recommendation from the Adjudication Panel or case tribunals.
8. Where statute permits to receive reports and complaints in relation to councillors, to conduct or oversee appropriate investigations and to make appropriate recommendations to the Council.
9. To receive and hear complaints referred to the Committee under the Council's Local Resolution Protocol set out in Part 5 of the Council's Constitution.
10. To receive reports on the outcome of disciplinary matters.
11. To oversee the whistleblowing régime.
12. (a) To receive Public Services Ombudsman For Wales reports in relation to allegations of maladministration or allegations of breach of a code of conduct and make appropriate recommendations.  
  
(b) To consider referring a report from the Public Services Ombudsman for Wales to the appropriate Scrutiny Committee, where in the opinion of the Standards Committee there has been a serious failure in service delivery that would benefit from further consideration by the appropriate Scrutiny Committee. A report setting out the reason for referral will be presented to the relevant Scrutiny Committee along with the report from the Ombudsman. The Chair of Standards Committee (or a nominee) will be invited to attend the respective Scrutiny Committee when the report is presented.
13. To exercise such powers or duties as may be given to or imposed on Standards Committees from time to time by legislation.
14. To exercise in relation to community councils and their members within the County Borough area such of the foregoing matters as are covered by Section 56 of the Local Government Act 2000.
15. To consider referrals by the Head of Democratic Services of member(s) who refuse to attend the mandatory training or do not have good reason for being unable to attend mandatory training as set out in the Member Training and Development Protocol set out in Part 5 of this Constitution.

Note: Provision is made under the Regulations to enable the Standards Committee or a monitoring officer with the prior written agreement of the Chairperson of the Standards Committee to

- (a) refer a report of a misconduct investigation to another authority's Standards Committee for determination and/or
- (b) To refer a dispensation application to another authority's Standards Committee for determination.

## POWERS DELEGATED TO THE COMMITTEE

Delegated powers in relation to any matter within the terms of reference of the committee except where this involves expenditure where there is no approved budget.

## POWERS DELEGATED TO OFFICERS

POWER	DELEGATED TO
All matters arising from the exercise of any of the Committee's terms of reference.	The Monitoring Officer, Head of Legal Services, Chief Executive, or any Director or Head of Service after consultation with the Chair or Vice-Chair of the Committee

The following procedure shall apply

- (a) that applications for dispensation from county borough or community or town council members must be unless this is impracticable be made in writing and must state:-
  - (i) the name of the member;
  - (ii) the nature of the interest;
  - (iii) the grounds for application.
- (b) the Monitoring Officer will report the application to the Standards Committee or where this is not possible with the Chair or the Vice-Chair of the committee and with one other independent member and will determine the application under delegated powers taking account of comments made in that consultation and the result notified in writing to the councillor involved;
- (c) that all applications and their results determined under delegated powers be reported to the Standards Committee for information.

The statutory grounds on which a Standards Committee can grant dispensation are as follows:-

- (i) No fewer than half of the members of the relevant authority or of a committee of the authority (as the case may be) by which the business is to be considered has an interest which relates to that business;
- (ii) No fewer than half of the members of a leader and cabinet executive of the relevant authority by which the business is to be considered has an interest which relates to that business and either paragraph (iv) or (v) also applies;
- (iii) In the case of a county or county borough council, the inability of the member to participate would upset the political balance of the relevant authority or of the committee of the authority by which the business is to be considered to such an extent that the outcome would be likely to be affected;

- (iv) The nature of the member's interest is such that the member's participation in the business to which the interest relates would not damage public confidence in the conduct of the relevant authority's business;
- (v) The interest is common to the member and a significant proportion of the general public;
- (vi) The participation of the member in the business to which the interest relates is justified by the member's particular role or expertise;
- (vii) The business to which the interest relates is to be considered by an overview and scrutiny committee of the relevant authority and the member's interest is not a pecuniary interest;
- (viii) The business which is to be considered relates to the finances or property of a voluntary organisation of whose management committee or board the member is a member otherwise than as a representative of the relevant authority and the member has no other interest in that business provided that any dispensation shall not extend to participation in any vote with respect to that business; or
- (ix) It appears to the committee to be in the interests of the inhabitants of the area of the relevant authority that the disability should be removed; or
- (x) It appears to the Committee to be otherwise appropriate to grant a dispensation.

Note: A dispensation granted by the Standards Committee on the grounds set out in paragraph (x) above and which remains in effect must be reviewed by the Standards Committee once in every 12 month period from the date on which the dispensation is first granted.

When considering a review the Standards Committee must determine whether the dispensation should continue to have effect.

## **~~Article 10 - Area Forums & Community Partnerships~~**

*Reference:*

*Local Government Act Part I*

### **~~10.01 — Community strategy and community planning~~**

*The Council is under a legal duty to co-ordinate the production of a community strategy to improve social, economic and environmental well-being in the county borough, via a community planning process. As well as involving all parts of the local authority the process must also engage partner agencies in the public, private and voluntary sectors and local communities. Agencies are being drawn together in a bi-annual meeting of the Caerphilly Standing Conference and a variety of partnership working groups. Communities are being engaged through area forums and local community partnerships.*

### **~~10.02 — Area forums~~**

*As well as making the process community planning process more meaningful to local communities, area forums have been established to introduce a semi-strategic level between the Standing Conference and the local community partnerships. The area forums can therefore (i) set a framework within which local developments can be fostered in ways consistent with county borough-wide objectives whilst also (ii) providing a local 'sounding board' for the development of those county borough wide strategies.*

*The county borough has been divided into geographical areas, with an area forum for each as follows, meeting twice a year (or more frequently if required):*

- — Upper Rhymney Valley*

- ~~Mid Valleys West~~
- ~~Mid Valleys East~~
- ~~Caerphilly Basin~~
- ~~Lower Islwyn~~

#### ~~10.03 Membership of area forums~~

~~In the initial period of the area forums, membership was restricted largely to agency representatives (police, health, council) and key individuals who can represent wider interests, including elected members (in their 'community leadership role') from the county borough and community councils and nominated individuals from within the voluntary sector and via the Caerphilly Business Forum and Trades Council. One Cabinet Member and one member of the Corporate Management Team have been assigned to each area. Now that community partnerships have become established, representatives from those partnerships are also attending.~~



~~10.04 Terms of reference of area forums~~

~~Council has agreed the following terms of reference for the area forums:~~

~~• To meet at least two to three times a year to provide a 'sounding board' and source of feedback for Standing Conference partners on issues affecting the area~~

~~• To receive and consider the local implications of draft plans in preparation by the partners. These plans will include individual and multi-agency plans, brought together into under a single Community Strategy over time. This will embrace strategic plans with local implications, associated extracts of capital expenditure plans and monitoring of implementation~~

~~• To put forward ideas and issues for consideration by the partners in relation to their plans~~

~~• To receive and consider reports on major development proposals for their area and on their progress~~

~~• To offer advice on community consultation arrangements and consider/comment on feedback from local consultation exercises~~

~~• To comment on and provide input into successive drafts of the Community Strategy~~

~~• To represent, by mutual agreement, the interests of other groups not on the forum but active in the area.~~

~~Now that more localised community partnerships have become established, an additional role is to provide a forum where their work can be assimilated and where good practice and other information can be exchanged.~~

#### ~~10.05—Community partnerships~~

~~Beneath the area forums, local community partnerships have been established, again with representatives drawn from the public, private and voluntary and community sectors. These partnerships are encouraged to nominate representatives to attend the relevant area forum. Their purpose is to develop a local action plan for their area, consult with the wider public on its content, seek agency support and other external funding for implementation and monitor progress over time.~~

#### ~~10.06—Powers and budget~~

~~Neither the area forums nor the community partnerships have decision-making powers in relation to the Council or any other partner agency. However, they can exert a powerful influence as a source of ideas, advice and feedback. The forums can take decisions about their own style of operation. Initially, to provide accountability, forum meetings have been chaired by Council Members. However, the forums and partnerships can influence not only on the chairing of meetings, but also matters such as the content, the venues, frequency and format of meetings.~~

~~The Council has allocated a small budget to the area forums/community partnerships and this is an option available to other partner agencies. The Council reserves the right to set the framework within which this money is spent by the forums/community partnerships. Over time, other partner agencies may choose to allocate funds to the area forums and the pooling of budgets will be encouraged.~~

#### ~~10.07—Review~~

~~The community planning process is an evolving one and all of the above details (including the numbers of area forums and community partnerships, their membership, frequency of meetings etc) will be reviewed periodically to ensure that they deliver required outcomes. The success of the forums in terms of outcomes will also be reviewed.~~

# Article 11 - Joint Arrangements

## References:

*Sections 2, 19, 20 Local Government Act 2000*

*The Local Authorities (Executive Arrangements) (Discharge of Functions) (Wales) Regulations 2001 (No. 2287)*

*The Local Authorities (Executive Arrangements) (Discharge of Functions) (Amendment) (Wales) Regulations 2002 (No. 2941)*

*The Local Authorities (Alternative Arrangements) (Wales) Regulations 2001*

*Chapter 4, The Local Government Act 2000 Part II: Guidance for County and County Borough Councils in Wales on Executive Arrangements, July 2001*

## 11.01 Joint arrangements

- (a) The Council may establish joint arrangements with one or more local authorities and/or their executives to exercise functions which are not executive functions – in any of the participating authorities, or advise the Council. Such arrangements may involve the appointment of a joint committee with these other local authorities.
- (b) The executive may establish joint arrangements with one or more local authorities to exercise functions which are executive functions. Such arrangements may involve the appointment of joint committees with these other local authorities.
- (c) The executive may appoint executive or non-executive members to a joint committee and those members need not reflect the political composition of the local authority as a whole.
- (d) The executive may appoint members to a joint committee from outside the executive where the joint committee has functions for only part of the area of the authority, and that area is smaller than two-fifths of the authority by area or population. In such cases, the executive may appoint to the joint committee any councillor who is a member for an electoral division which is wholly or partly contained within the area. The political balance requirements do not apply to such appointments.
- (e) Details of any joint arrangements including any delegations to joint committees will be found in the Council's scheme of delegations in Part 3 of this Constitution.

## 11.02 Access to information

- (a) The Access to Information Rules in Part 4 of this Constitution apply.
- (b) If all the members of a joint committee are members of the executive in each of the participating authorities then its access to information regime is the same as that applied to the executive.

- (c) If the joint committee contains members who are not on the executive of any participating authority then the access to information rules in Part VA of the Local Government Act 1972 will apply.

### **11.03 Delegation to and from other local authorities**

- (a) The Council may delegate functions to another local authority or, in certain circumstances, the executive of another local authority.
- (b) The executive may delegate executive functions to another local authority or the executive of another local authority in certain circumstances.
- (c) The decision whether or not to accept a delegation from another local authority shall be reserved to the Council meeting.

### **11.04 Contracting out**

The Council may contract out to another body or organisation functions which may be exercised by an officer and which are subject to an order under section 70 of the Deregulation and Contracting Out Act 1994, or under contracting arrangements where the contractor acts as the Council's agent under usual contracting principles, provided there is no delegation of the Council's discretionary decision making.

## Article 12 - Officers

Contracts for all officers will be with the authority rather than, in executive constitutions, the executive. All officers will be subject to the same code of conduct as part of their conditions of service.

The use of the word "officers" means all employees and staff engaged by the council to carry out its functions. This word has also been used instead of "employees" to cover those engaged under short term, agency or other non employed situations.

*References:*

*Chapter 2 and 4, The Local Government Act 2000 Part II: Guidance for County and County Borough Councils in Wales on Executive Arrangements, July 2001*

### 12.01

- (a) **General.** The full Council may engage such staff (referred to as officers) as it considers necessary to carry out its functions. There are statutory obligations (e.g. Health & Safety) which apply to all of the Authority's officers.

Post	Functions and areas of responsibility
Chief Executive (and Head of Paid Service) Including Director of Environment responsibilities included below	<ul style="list-style-type: none"> <li>• Overall corporate management and operational responsibility (including overall management responsibility for all officers);</li> <li>• The provision of professional and impartial advice to all parties in the decision making process the executive, overview and scrutiny committees, the full council and other committees;</li> <li>• Together with the monitoring officer, responsibility for a system of record keeping for all the authority's decisions (executive or otherwise);</li> <li>• Representing the authority on partnership and external bodies (as required by statute or the council); and</li> <li>• Service to the whole council, on a politically neutral basis.</li> </ul>
Deputy Chief Executive & Director of Corporate Services	To support the Chief Executive and manage agreed directorate services including Audit, Corporate Finance, I.T., Legal, Personnel, Property Services, Corporate Asset Management, Performance, oversight of Policy & Central Services function, Monitoring Officer and Procurement functions, Public and Private Housing. To deputise for the Chief Executive in his absence in respect of all directorate

Post	Functions and areas of responsibility
	services/activities.
Director of the Environment	<ul style="list-style-type: none"> <li>• Highways, Transportation Engineering, Planning (management and strategic) Catering &amp; Cleaning</li> <li>• Registrars Births Deaths &amp; Marriages &amp; Civil Partnerships</li> <li>• Emergency Planning</li> <li>• Burials Cemeteries &amp; Bereavement Services</li> <li>• Environmental &amp; Community Health &amp; Trading Standards</li> <li>• Licensing</li> <li>• Community Safety</li> <li>• Oversight of Economic Development</li> <li>• Leisure &amp; Community Facilities</li> </ul>
Corporate Director of Education & Lifelong Learning	<ul style="list-style-type: none"> <li>• Education, community education, and libraries, Youth Service &amp; Community Centres</li> </ul>
Corporate Director of Social Services	<ul style="list-style-type: none"> <li>• Social and welfare services for children and adults.</li> </ul>

- (b) **Head of paid service, monitoring officer and chief financial officer (S151 Officer).** The Council will designate the following posts as shown:

Post	Designation
Chief Executive	Head of Paid Service
Monitoring Officer	Monitoring Officer
Head of Corporate Finance	S151 Officer
Head of Democratic Services	Deputy Monitoring Officer

Such posts will have the functions described in Article 12.02–12.04 below.

- (c) **Structure.** The head of paid service will determine and publicise a description of the overall departmental structure of the Council showing the management structure and deployment of officers. This is set out at Part 7 of this Constitution.

## 12.02 Functions of the head of paid service

*References:*

*Sections 4 and 5, Local Government and Housing Act 1989*

- (a) **Discharge of functions by the Council.** The head of paid service will report to full Council on the manner in which the discharge of the Council's functions is co-ordinated, the number and grade of officers required for the discharge of functions and the organisation of officers.

- (b) **Restrictions on functions.** The head of paid service may not be the monitoring officer but may hold the post of chief finance officer if a qualified accountant.

### 12.03 Functions of the monitoring officer

#### *References:*

*Section 5, Local Government and Housing Act 1989*

*Sections 68 – 73; 78 - 80, Local Government Act 2000*

*Chapter 2, The Local Government Act 2000 Part II: Guidance for County and County Borough Councils in Wales on Executive Arrangements, July 2001*

- (a) **Maintaining the Constitution.** The monitoring officer will maintain an up-to-date version of the Constitution and will ensure that it is widely available for consultation by members, staff and the public.
- (b) **Ensuring lawfulness and fairness of decision making.** After consulting with the head of paid service and chief finance officer, the monitoring officer will report to the full Council [or to the executive in relation to an executive function] if he or she considers that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission has given rise to maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.
- (c) **Supporting the Standards Committee.** The monitoring officer will contribute to the promotion and maintenance of high standards of conduct through provision of support to the Standards Committee.
- (d) **Receiving reports.** The monitoring officer will receive and act on reports made by the Ombudsman and decisions of the case tribunals.
- (e) **Conducting investigations.** The monitoring officer will conduct investigations into matters referred by the Ombudsman and make reports or recommendations in respect of them to the Standards Committee.
- (f) **Proper officer for access to information.** The monitoring officer will ensure that executive decisions, together with the reasons for those decisions and relevant officer reports and background papers are made publicly available as soon as possible.
- (g) **Advising whether decisions of the executive are within the budget and policy framework.** The monitoring officer will advise whether decisions of the executive are in accordance with the budget and policy framework.
- (h) **Providing advice.** The monitoring officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all councillors.

- (i) **Restrictions on posts.** The monitoring officer cannot be the chief finance officer or the head of paid service.

#### **12.04 Functions of the chief finance officer (S151 Officer)**

*Reference:*

*S.151 Local Government Act 1972.*

- (a) **Ensuring lawfulness and financial prudence of decision making.** After consulting with the head of paid service and the monitoring officer, the chief finance officer will report to the full Council or to the executive in relation to an executive function and the Council's external auditor if he or she considers that any proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss or deficiency or if the Council is about to enter an item of account unlawfully.
- (b) **Administration of financial affairs.** The chief finance officer will have responsibility for the administration of the financial affairs of the Council.
- (c) **Contributing to corporate management.** The chief finance officer will contribute to the corporate management of the Council, in particular through the provision of professional financial advice.
- (d) **Providing advice.** The chief finance officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all councillors and officers in their respective roles.
- (e) **Give financial information.** The chief finance officer will provide financial information to the media, members of the public and the community.

#### **12.05 Duty to provide sufficient resources to the monitoring officer and chief finance officer**

The Council will provide the monitoring officer and chief finance officer with such officers, accommodation and other resources as are in their opinion sufficient to allow their duties to be performed.

#### **12.06 Functions of the Head of Democratic Services**

- (a) To discharge the responsibilities contained in Section 9 of the Local Government (Wales) Measure 2011.
- (b) To review the adequacy of provision by the Authority of staff, accommodation and other resources to discharge democratic services functions.
- (c) To make reports and recommendations to the Authority in relation to such provision.



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

The Head of Democratic Services must not be:

- (a) the Head of the Authority's Paid Service, the Monitoring Officer or the Chief Finance Officer.

### **12.07 Conduct**

All Officers will comply with the Officers' Code of Conduct and the Protocol on Officer/Member Relations set out in Part 5 of this Constitution.

### **12.08 Employment**

The recruitment, selection and dismissal of officers will comply with the Officer Employment Rules set out in Part 4 of this Constitution.

# Article 13 - Decision Making

New constitutions established under the Local Government Act 2000 change the basis of decision making in local authorities fundamentally. They require the Council to record and keep up to date details of who has responsibility for which decisions, and to make this available to the public. They also change the way in which information about forthcoming decisions are publicised and the ways in which decisions of the executive are recorded.

## 13.01 Responsibility for decision-making

The Council will issue and keep up to date a record of what part of the Council or individual has responsibility for particular types of decisions or decisions relating to particular areas or functions. This record is set out in Part 3 of this Constitution.

## 13.02 Principles of decision-making

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

- (a) proportionality (i.e. the action must be proportionate to the desired outcome);
- (b) due consultation and the taking of professional advice from officers;
- (c) respect for human rights;
- (d) a presumption in favour of openness;
- (e) clarity of aims and desired outcomes; and
- (f) decisions are made in accordance with the policy framework, particularly with respect to [sSustainable](#) [dDevelopment](#) and [equalityEqual Opportunities](#).

## 13.03 Decisions reserved to full Council

Decisions relating to the functions listed in Article 4.02 will be made by the full Council and not delegated.

## 13.04 Decision making by the full Council

Subject to Article 13.07, the Council meeting will follow the Council Procedures Rules set out in Part 4 of this Constitution when considering any matter.

## 13.05 Decision making by the executive

Subject to Article 13.07, the executive will follow the Executive Procedures Rules set out in Part 4 of this Constitution when considering any matter.

~~13.06 Decision making by overview and scrutiny committees~~

~~Overview and scrutiny committees will follow the Overview and Scrutiny Procedures Rules set out in Part 4 of this Constitution when considering any matter.~~

**13.067 Decision making by Council bodies acting as tribunals**

Many of the licensing and enforcement functions of ordinary committees will entail them acting in a "quasi judicial" capacity.

The Council, a councillor or an officer acting as a tribunal or in a quasi judicial manner or determining/considering (other than for the purposes of giving advice) the civil rights and obligations or the criminal responsibility of any person will follow a proper procedure which accords with the requirements of natural justice and the right to a fair trial contained in Article 6 of the European Convention on Human Rights.

Note: The principles set out above also apply where the powers are exercised by officers under their delegated powers.

**13.078 Scrutiny of officer delegated power decisions**

Decisions taken under an officer's delegated powers in the following categories will be recorded in writing and notified to members by way of an Information Bulletin. These may be subject to scrutiny in accordance with Article 6.

- (a) Matters which are not within approved budgets or within the Council's approved policies;
- (b) Matters relating to the development of policy or budgets for the Authority;
- (c) Something which materially impacts upon the delivery of a service in respect of which a decision has been taken.
- (d) Matters which on consultation have produced responses which are contrary to the decision taken by the officer;
- (e) The sale, purchase or lease or other disposal of land or property which the Protocol for Disposal of Property requires a report.

~~Matters falling within categories (a) (b) and (c) will be referred automatically to the appropriate Scrutiny Committee.~~

Matters falling within categories (d) to and (e) will be reported on the Information Bulletin and may be brought before a Scrutiny Committee in accordance with Article 6.

# Article 14 - Finance, Contracts And Legal Matters

## *References:*

*Sections 135, 151, 223 & 234, Local Government Act 1972  
Part VIII, Local Government Finance Act 1988*

### **14.01 Financial management**

The management of the Council's financial affairs will be conducted in accordance with the financial rules set out in Part 4 of this Constitution.

### **14.02 Contracts**

Every contract made by the Council will comply with the Contracts Procedure Rules set out in Part 4 of this Constitution.

### **14.03 Legal proceedings**

The Head of Legal Services is authorised to institute, defend or participate in any legal proceedings in any case where such action is necessary to give effect to decisions of the Council or in any case where the Head of Legal Services considers that such action is necessary to protect the Council's interests.

### **14.04 Authentication of documents**

Where any document is necessary to any legal procedure or proceedings on behalf of the Council, it will be signed by the Head of Legal Services or other person authorised by him/her, unless any enactment otherwise authorises or requires, or the Council has given requisite authority to some other person.

### **14.05 Common Seal of the Council**

The Common Seal of the Council will be kept in a safe place in the custody of the Head of Legal Services. A decision of the Council, or of any part of it, will be sufficient authority for sealing any document necessary to give effect to the decision. The Common Seal will be affixed to those documents which in the opinion of the Head of Legal Services should be sealed. The affixing of the Common Seal will be attested by the Head of Legal Services or the Chief Executive or some other person authorised by the Council.

# Article 15 - Review And Revision Of The Constitution

*References:*

*Sections 30 and 37, Local Government Act 2000*

Chapter 7 and 8, The Local Government Act 2000 Part II: Guidance for County and County Borough Councils in Wales on Executive Arrangements, July 2001

## **15.01 Duty to monitor and review the constitution**

The Monitoring Officer will monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect.

## **15.02 Protocol for monitoring and review of constitution by monitoring officer**

A key role for the monitoring officer is to be aware of the strengths and weaknesses of the Constitution adopted by the Council, and to make recommendations for ways in which it could be amended in order better to achieve the purposes set out in Article 1. In undertaking this task the monitoring officer may:

- (a) observe meetings of different parts of the member and officer structure;
- (b) undertake an audit trail of a sample of decisions;
- (c) record and analyse issues raised with him/her by members, officers, the public and other relevant stakeholders; and
- (d) compare practices in this authority with those in other comparable authorities, or national examples of good practice.

## **15.03 Change where there is a Cabinet form of Executive.**

Changes to the constitution will only be approved by the full Council after consideration of the proposal by the Monitoring Officer.

## ~~**15.04 Change within a mayoral form of executive.**~~

~~*Unless the change relates only to the operation of overview and scrutiny committees, any resolution of the full Council to approve a change will have no effect without the written consent of the mayor.*~~

~~15.05 Change from a mayoral form of executive to another form of executive or to alternative arrangements, or from alternative arrangements to a mayoral form of executive.~~

~~The Council must take reasonable steps to consult with local electors and other interested persons in the area when drawing up proposals and must hold a binding referendum. The change will not take effect until the end of the mayor's term of office.~~

~~15.06 Change from a leader and cabinet form of executive to alternative arrangements, or vice versa.~~

~~The Council must take reasonable steps to consult with local electors and other interested persons in the area when drawing up proposals.~~

~~Note that: Significant changes will require the consent of the National Assembly (in accordance with Regulations and guidance in force from time to time).~~

# Article 16 – Suspension, Interpretation and Publication of the Constitution

## 16.01 Suspension of the Constitution

This Article ensures that the articles of the Constitution may not be suspended. This provides certainty and stability to the fundamental aspects of the Council's governance. However, it does provide for rules of procedure to be suspended provided this is to achieve an effect consistent with the purposes of the Constitution set out in Article 1. This might apply, for example, to rules of debate in Council where particular circumstances arise.

(a) **Limit to suspension.** The Articles of this Constitution may not be suspended. The Rules of Procedure may be suspended by the full Council to the extent permitted within those Rules and the law.

(b) **Procedure to suspend.** This is set out in the Council's Procedure rules in Part 4.

## 16.02 Interpretation

The ruling of the Chairman of the council as to the construction or application of this Constitution or as to any proceedings of the Council shall not be challenged at any meeting of the Council. Such interpretation will have regard to the purposes of this Constitution contained in Article 1.

## 16.03 Publication

- (a) The Chief Executive will *provide an electronic version ~~give a printed copy~~* of this Constitution to each member of the authority upon delivery to him/her of that individual's declaration of acceptance of office on the member first being elected to the Council.
- (b) The Chief Executive will ensure that copies are available for inspection at council offices, libraries and other appropriate locations, and can be purchased by members of the local press and the public on payment of a reasonable fee.
- (c) The Monitoring Officer will ensure that the summary of the Constitution is made widely available within the area and is updated as necessary.

# Schedule 1: Description of Executive Arrangements

The following parts of this Constitution constitute the executive arrangements:

1. Article 6 of Part 2 (Overview and Scrutiny committees) and the Overview and Scrutiny Procedure Rules;
2. Article 7 of Part 2 (The Executive) and the Executive Procedure Rules;
3. Article 13 of Part 2 (Decision making) and the Access to Information Procedure Rules;
4. Part 3 (Responsibility for Functions).



## **PART 3**

### **RESPONSIBILITY FOR FUNCTIONS**

*References:*

*Chapter 3, The Local Government Act 2000 Part II: Guidance for County and County Borough Councils in Wales on Executive Arrangements, July 2006*

*The Local Authorities Executive Arrangements (Functions and Responsibilities) (Wales) Regulations 2007 (SI2007 No. 399) (W.45)*  
*Section 13, Local Government Act 2000*

This Part of the Constitution sets out: -

- (1) Those functions which the law says only the Council can exercise ("the Council functions").
- (2) The functions which the law says may be dealt with in a way which is chosen by the Council ("local choice functions").
- (3) Functions not to be the sole responsibility of an Authority's Executive.
- (4) The functions which the law says are functions of the Executive ("Executive functions").
- (5) Other general delegations of functions.
- (6) Joint arrangements.

## 1. NOT RESPONSIBILITY OF THE EXECUTIVE - COUNCIL FUNCTIONS

### Schedule 1 The Local Authorities (Executive Arrangements) (Functions and Responsibilities) (Wales) Regulations 2007 - SI2007 No. 399

Note that for each delegation set out in this part, the delegation includes the power to take any steps in relation to the delegated function, including the authorisation of, or defence of, any proceedings in any court, tribunal, board or panel.

<b>Function*</b> *The detail of each function is set out in the next Table.	<b>Decision making body</b>	<b>Delegation of functions</b>
Section A paras. 1 to 42 incl.	Planning Committee (as set out in Article 8)	As set out in Article 8.
Section B paras 1 to 5, 12 to 17, 19 to 20, 26 to 30, 32, 35, 35A, 39 to <del>41-40</del>	Taxi & General Committee (as set out in Article 8)	As set out in Article 8.
Section B paras 6 to 7	Licensing & Gambling Committee (as set out in Article 8)	As set out in Article 8.
Section B paras 22, 23, 24, 31, 33, 34, 36, 37, 42, 43	The Council	The Council, or the Chief Executive or any Director or the relevant Head of Service. In relation to paras. 33 & 34 any Principal Solicitor.
Section C	The Council	The Council, or the Chief Executive or any Director or the relevant Head of Service or any of the following: - *Trading Standards, Licensing & Registrars Manager * Licensing Manager * Assistant Licensing Manager * Senior Licensing <i>Officer Administrator</i> * Licensing <i>Administrator Officer</i> *Environmental Health Manager *Senior Trading Standards Officer *Senior Environmental Health Officer *Trading Standards Officer *Senior Fair Trading Officer * Environmental Health Officer *Senior Commercial Safety Officer *Commercial Safety Officer *Fair Trading Officer <i>Technical Assistant</i> (Officers marked * are appointed under Section 19(1) of the Health and Safety at Work Act 1974 or any statutory

<b>Function*</b> *The detail of each function is set out in the next Table.	<b>Decision making body</b>	<b>Delegation of functions</b>
		amendment thereto)
Sections D, E, F, G and H.	The Council	The Council, or the Chief Executive or any Director or the relevant Head of Service. In relation to Section D, the Electoral Services Manager.
Section I paras. 1, 2, 5, 7, 9, 11, 12, 13, 14, 15, 16	The Council	The Council, or the Chief Executive or any Director or the relevant Head of Service.
Section I para 17	The Council	The Council
Section I para. 6	<p>(a) In relation to the appointment of Head of Paid Service, the Council <u>but note</u> the provisions in I paras. 11-13 below, which must be exercised by the Council.</p> <p>(b) A Committee of 9 Members (the Appointments Committee) shall discharge on behalf of the Council the appointment of a Chief Officer, deputy Chief Officers and Head of Democratic Services and to determine any details relating to such appointments (except remuneration of Chief Officers which must be determined by Council)</p> <p>(c) In relation to applications for voluntary early retirement/ redundancy, a committee ("the Pensions/ Compensation Committee") of 7 members to determine such applications and to approve the early release of pension benefits exercising the Council's discretionary powers under the Local Government Pensions Scheme Regulations</p>	<p>(b) All those matters within the Committee's Terms of Reference are delegated to that Committee.</p> <p>(c) All those matters within the Committee's Terms of Reference are delegated to that Committee.</p>

<b>Function*</b> *The detail of each function is set out in the next Table.	<b>Decision making body</b>	<b>Delegation of functions</b>
	(d) In relation to all other staff the Head of Paid Service or his/her nominee.	(d) The Chief Executive and any person nominated by the Chief Executive.
Section I paras, 3 & 4.	The Planning Committee as described in Article 8.	As set out in Article 8.
Section I para. 8	The Standards Committee as described in Article 9.	As set out in Article 9.
Section I para. 10	Licensing Committee (as set out in Article 8)	As set out in Article 8.
Those functions specified by law as being the responsibility of the Council including: (a) the setting of the Budget; (b) the setting of the policy framework; (c) any housing land transfers.	The Council (receiving recommendations from the Executive)	The Council, or the Chief Executive or any Director or the relevant Head of Service.
The functions of - (a) imposing any condition, limitation or other restriction on an approval, consent, licence, permission or registration granted — (i) in the exercise of a function specified in column (1) of Schedule 1; or (ii) otherwise than by an executive of the authority, in the exercise of any function under a local Act; or (b) determining any other terms to which any such approval, consent, licence, permission or registration is subject, are not to be the responsibility of an executive of the authority.	The Council (receiving recommendations from the Executive)	The Council, or the Chief Executive or any Director or the relevant Head of Service.
The functions of determining whether, and in what manner, to enforce -	The Council (receiving recommendations from the Executive)	The Council, or the Chief Executive or any Director or the relevant Head of Service.

<b>Function*</b> *The detail of each function is set out in the next Table.	<b>Decision making body</b>	<b>Delegation of functions</b>
<p>(a) any failure to comply with an approval, consent, licence, permission or registration granted in the exercise of a function specified in column (1) of Schedule 1.</p> <p>(b) any failure to comply with a condition, limitation or term to which any such approval, consent, licence, permission or registration is subject, or</p> <p>(c) any other contravention in relation to a matter with regard to which the function of determining an application for approval, consent, licence, permission or registration would not be the responsibility of an executive of the authority is not to be the responsibility of the executive of the authority.</p>		
<p>The function of -</p> <p>(a) amending, modifying or varying any such approval, consent, licence, permission or registration granted or any condition, limitation, restriction or term as mentioned in paragraph (2) to which it is subject; or</p> <p>(b) revoking any such approval, consent, licence, permission or registration,</p> <p>is not to be the responsibility of an executive of the authority.</p>	<p>The Council (receiving recommendations from the Executive)</p>	<p>The Council, or the Chief Executive or any Director or the relevant Head of Service.</p>
<p>The function of making any scheme authorised or required by regulations under section 18 of the Local Government and Housing Act 1989 (schemes for basic, attendance and special</p>	<p>The Council (receiving recommendations from the Executive)</p>	

<b>Function*</b> *The detail of each function is set out in the next Table.	<b>Decision making body</b>	<b>Delegation of functions</b>
responsibility allowances for local authority members), or of amending, revoking or replacing any such scheme, is not to be the responsibility of an executive of the authority. <ul style="list-style-type: none"> <li>• Section 101 of the Local Government Act 1972 (Powers to Delegate Functions) does not apply in relation to this provision.</li> </ul>		
The functions of determining <p>(a) the amount of any allowance payable under —</p> <ol style="list-style-type: none"> <li>(i) subsection (5) of section 22 of the 1972 Act (chairman’s expenses);</li> <li>(ii) subsection (4) of section 24 of that Act (vice-chairman’s expenses);</li> <li>(iii) subsection (4) of section 173 (financial loss allowance) of that Act(1);</li> <li>(iv) section 175 of that Act (allowances for attending conferences and meetings);</li> </ol> <p>(b) the rates at which payments are to be made under section 174 of that Act (travelling and subsistence allowances);</p> <p>(c) the amount of any allowance payable pursuant to a scheme under section 18 of the Local Government and Housing Act 1989 or regulations made under section 100 of the 2000 Act, or the rates at which</p>	The Council (receiving recommendations from the Executive)	

<b>Function*</b> *The detail of each function is set out in the next Table.	<b>Decision making body</b>	<b>Delegation of functions</b>
<p>payments by way of any such allowance are to be made;</p> <p>(d) whether a charge should be made for any approval, consent, licence, permit or registration the issue of which is not the responsibility of an executive of the authority; and</p> <p>(e) where a charge is made for any such approval, consent, licence, permit or registration, the amount of the charge; are not to be the responsibility of an executive of the authority.</p> <p>* Section 101 of the Local Government Act 1972 (Powers to Delegate) does not apply in relation to (a) to (c) above.</p>		
<p>Subject to any provision of regulations under section 20 (joint exercise of functions) of the 2000 Act the function of making arrangements for the discharge of functions by a committee or officer under section 101(5) of the 1972 Act is not to be the responsibility of an executive of the authority.</p>	The Council	The Chief Executive or any Director or the relevant Head of Service.
<p>The function of making appointments under section 102 (appointment of committees) of the 1972 Act is not to be the responsibility of an executive of the authority.</p>	The Council	The Chief Executive or any Director or the relevant Head of Service.

The detail of the functions set out above is as follows:-

<b>(1)</b>	<b>(2)</b>
<b>Function</b>	<b>Provision of Act or Statutory Instrument</b>
<b>A. Functions relating to town and country planning and development</b>	

<b>control</b>	
1. Power to determine applications for planning permission.	Sections 70(1)(a) and (b) and 72 of the Town and Country Planning Act 1990 (c.8).
2. Power to determine applications to develop land without compliance with conditions previously attached.	Section 73 of the Town and Country Planning Act 1990.
3. Power to grant planning permission for development already carried out.	Section 73A of the Town and Country Planning Act 1990.
4. Power to decline to determine application for planning permission & overlapping applications.	Sections S70A & S70B of the Town and Country Planning Act 1990.
5. Duties relating to the making of determinations of planning applications.	Sections 69, 74, 76, 91 and 92 of the Town and Country Planning Act 1990 and supporting regulations
6. Power to determine applications for planning permission made by a local authority, alone or jointly with another person.	Section 316 of the Town and Country Planning Act 1990 and the Town and Country Planning General Regulations 1992 (S.I. 1992/1492)
7. Power to make determinations, give approvals and agree certain other matters relating to the exercise of permitted development rights.	Town and Country Planning (General Permitted Development) Order 1995 (S.I. 1995/418) (as amended).
8. Power to enter into planning obligation, regulating development or use of land.	Section 106 of the Town and Country Planning Act 1990.
9. Power to issue a certificate of existing or proposed lawful use or development.	Sections 191(4) and 192(2) of the Town and Country Planning Act 1990.
10. Power to serve a completion notice.	Section 94(2) of the Town and Country Planning Act 1990.
11. Power to control the display of advertisements.	Section 220 of the Town and Country Planning Act 1990 and the Town and Country Planning (Control of Advertisements) Regulations 1992.
12. Power to authorise entry onto land.	Section 196A of the Town and Country Planning Act 1990.
13. Power to require the discontinuance of a use of land or alteration or renewal of buildings or works.	Section 102 of the Town and Country Planning Act 1990.
14. Power to serve a planning contravention notice, breach of condition notice or stop notice.	Sections 171C, 187A and 183(1) of the Town and Country Planning Act 1990.



<b>15.</b> Power to issue an enforcement notice.	Section 172 of the Town and Country Planning Act 1990.
<b>16.</b> Power to apply for an injunction restraining a breach of planning control.	Section 187B of the Town and Country Planning Act 1990.
<b>17.</b> Power to determine applications for hazardous substances consent, and related powers.	Sections 9(1) and 10 of the Planning (Hazardous Substances) Act 1990 (c. 10).
<b>18.</b> Duty to determine conditions to which old mining permissions, relevant planning permissions relating to dormant sites or active Phase I or II sites, or mineral permissions relating to mining sites, as the case may be, are to be subject.	Paragraph 2(6)(a) of Schedule 2 to the Planning and Compensation Act 1991, paragraph 9(6) of Schedule 13 to the Environment Act 1995 (c. 25) and paragraph 6(5) of Schedule 14 to that Act.
<b>19.</b> Power to require proper maintenance of land.	Section 215(1) of the Town and Country Planning Act 1990.
<b>20.</b> Power to determine applications for listed building consent, and related powers.	Sections 16(1) and (2), 17, 19 and 33(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (c.9).
<b>21.</b> Power to determine applications for conservation area consent.	Section 16(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, as applied by section 74(3) of that Act.
<b>22.</b> Duties relating to applications for listed building consent and conservation area consent.	Section 13(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and regulations 3 to 13 of the Planning (Listed Buildings and Conservation Areas) Regulations 1990 and paragraph 127 of the Welsh Office circular 61/96: Planning and the Historic Environment: Historic Buildings and Conservation Areas.
<b>23.</b> Power to serve a building preservation notice, and related powers.	Sections 3(1) and 4(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
<b>24.</b> Power to issue a listed building enforcement notice.	Section 38 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
<b>25.</b> Powers to acquire a listed building in need of repair and to serve a repairs notice.	Sections 47 and 48 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
<b>26.</b> Power to apply for an injunction in	Section 44A of the Planning (Listed

relation to a listed building	Buildings and Conservation Areas) Act 1990.
<b>27.</b> Power to execute urgent works and recovery of expenses.	Section 54 & 55 of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990.
<b>28.</b> Power related to discontinuance of mineral workings.	Schedule 9 of the Town and Country Planning Act 1990.
<b>29.</b> Power related to footpaths and bridleways.	Section 257 & 258 of the Town and Country Planning Act 1990.
<b>30.</b> Power as to certification of appropriate alternative development.	Section 17 of the Land Compensation Act 1961 (c.33).
<b>31.</b> Duties in relation to purchase notices.	Sections 137-144 of the Town and Country Planning Act 1990.
<b>32.</b> Powers related to blight notices.	Sections 149-171 of the Town and Country Planning Act 1990.
<b>33.</b> Local development orders	Sections 61A to D of the Town and Country Planning Act 1990 as amended
<b>34.</b> Simplified planning zones	Sections 82 to 87 and Schedule 7 of the Town and Country Planning Act 1990 as amended
<b>35.</b> Powers to revoke or modify a planning permission	Sections 97 to 99 of the Town and Country Planning Act 1990 as amended
<b>36.</b> Duty of mineral planning authority to review mineral workings	Section 105 of the Town and Country Planning Act 1990 as amended
<b>37.</b> Screening and scoping of Environmental Impact Assessment applications and other duties in respect of EIAs	Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 as amended
<b>38.</b> The determination of applications submitted under the Building Regulations	The Building Act 1984 as amended and associated Building Regulations
<b>39.</b> Duties as specified under the Building Act 1984 including the service of notice on dangerous structures.	The Building Act 1984 as amended and associated Building Regulations
<b>40.</b> Power to deal with non-material amendments	Section 96A of the Town & Country Planning Act 1990
<b>41.</b> Power to declare an application invalid	Section 62 of the Town & Country Planning Act 1990
<b>42.</b> Power to deal with statutory pre-application enquiries	The Town & Country Planning (Pre-Application Services) (Wales)



<b>B. Licensing and registration functions (in so far as not covered by any other paragraph of this Schedule)</b>	
1. Power to issue licences authorising the use of land as a caravan site or mobile home site (“site licences”).	Section 3(3) of the Caravan Sites and Control of Development Act 1960 (c. 62). And Section 7(1) of the Mobile Homes (Wales) Act 2013
2. Power to licence the use of moveable dwellings and camping sites.	Section 269(1) of the Public Health Act 1936 (c.49).
3. Power to licence hackney carriages and private hire vehicles.	(a) as to hackney carriages, the Town Police Clauses Act 1847 (10 & 11 Vict. c. 89), as extended by section 171 of the Public Health Act 1875 (38 & 39 Vict. c. 55), and section 15 of the Transport Act 1985 (c. 67); and sections 47, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976 (c. 57); (b) as to private hire vehicles, sections 48, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976.
4. Power to licence drivers of hackney carriages and private hire vehicles.	Sections 51, 53, 54, 59, 61 and 79 of the Local Government (Miscellaneous Provisions) Act 1976.
5. Power to licence operators of hackney carriages and private hire vehicles.	Sections 55 to 58, 62 and 79 of the Local Government (Miscellaneous Provisions) Act 1976.
6. Power to issue licences, certificates and permits in accordance with the Licensing Act 2003	Licensing Act 2003
7. Power to issues licences and permits in accordance with the Gambling Act 2005	Gambling Act 2005
There is no paragraph 8 duties are incorporated into the Gambling Act 2005	
There is no paragraph 9 duties are incorporated into the Gambling Act 2005	
There is no paragraph 10 duties are incorporated into the Gambling Act 2005	
There is no paragraph 11 duties are incorporated into the Gambling Act 2005	

<b>12.</b> Power to issue entertainments licences.	Section 12 of the Children and Young Persons Act 1933 (c.12)
<b>13.</b> Power to licence sex shops and sex cinemas & Sexual Entertainment Venues.	The Local Government (Miscellaneous Provisions) Act 1982, section 2 and Schedule 3 and S27 the Policing & Crime Act 2009.
<b>14.</b> Power to licence performances of hypnotism.	The Hypnotism Act 1952 (c. 46).
<b>15.</b> Power to licence premises for acupuncture, tattooing, cosmetic piercing, semi permanent skin colouring, and electrolysis.	Sections 13 to 17 of the Local Government (Miscellaneous Provisions) Act 1982 as amended by the Local Government Act 2003.
<b>16.</b> Power to licence pleasure boats and pleasure vessels.	Section 94 of the Public Health Acts Amendment Act 1907 (c. 53).
<b>17.</b> Power to licence market and street trading.	Part III of, and Schedule 4 to, the Local Government (Miscellaneous Provisions) Act 1982.
<b>18.</b> Blank	
<b>19.</b> Power to issue registrations or licences for the manufacture and storage of explosives	The Explosive Regulations 2014
<b>19A.</b> Power to issues licences for the supply of fireworks	Explosives Act 1875 and the Fireworks Regulations 2004
<b>19B.</b> Power to issues licences for the keeping of petroleum spirit	The Petroleum (Consolidation) Regulations 2014 Health & Safety at Work etc Act 1974
<b>20.</b> Power of register and licence premises for the preparation of food.	Section 19 of the Food Safety Act 1990 (c. 16).
<b>21.</b> BLANK	
<b>22.</b> Power to issue, amend or replace safety certificates (whether general or special) for sports grounds.	The Safety of Sports Grounds Act 1975 (c. 52).
<b>23.</b> Power to issue, cancel, amend or replace safety certificates for regulated stands at sports grounds.	Part III of the Fire Safety and Safety of Places of Sport Act 1987 (c.27).
<b>24.</b> Duty to promote fire safety	Section 6 of the Fire and Rescue Services Act 2004 (c.21)

<b>25. BLANK</b>	
<b>26.</b> Power to licence pet shops and other establishments where animals are bred or kept for the purposes of carrying on a business.	Section 1 of the Pet Animals Act 1951 (c. 35); section 1 of the Animal Boarding Establishments Act 1963 (c. 43); the Riding Establishments Acts 1964 and 1970 (1964 c. 70 and 1970 c. 70); <del>section 1 of the Breeding of Dogs Act 1973 (c. 60), and sections 1 and 8 of the Breeding and Sale of Dogs (Welfare) Act 1999.</del> <a href="#">The Animal Welfare (Breeding of Dogs) (Wales) Regulations 2014</a>
<b>27.</b> Power to register animal trainers and exhibitors.	Section 1 of the Performing Animals (Regulation) Act 1925 (c. 38).
<b>28.</b> Power to licence zoos.	Section 1 of the Zoo Licensing Act 1981 (c. 37).
<b>29.</b> Power to licence dangerous wild animals.	Section 1 of the Dangerous Wild Animals Act 1976 (c. 38).
<b>29A.</b> Power to licence riding establishments	Riding Establishments Act 1964 & 1970
<b>30.</b> Power to enforce regulations in relation to animal by-products.	<del><a href="#">Animal By-products Enforcement No. 2 (Wales) Regulations 2011</a></del> <a href="#">The Animal By-Products (Enforcement) (Wales) Regulations 2014</a>
<b>31.</b> Power to licence the employment of children.	Part II of the Children and Young Persons Act 1933 (c.12), byelaws made under that Part, and Part II of the Children and Young Persons Act 1963 (c. 37).
<b>32.</b> Power to approve premises for the solemnisation of marriages and the registration of civil partnerships.	Marriages & Civil Partnerships (Approved Premises) Regulations 2005 & 2011
<b>33.</b> Power to register common land or town or village greens, except where the power is exercisable solely for the purpose of giving effect to—  (a) an exchange of lands effected by an order under section 19(3) of, or paragraph 6(4) of Schedule 3 to, the Acquisition of Land Act 1981 (c. 67) or  (b) an order under section 147 of the Inclosure Act 1845 (c. 8 & 9 Vict. c. 118).	Regulation 6 of the Commons Registration (New Land) Regulations 1969 (S.I. 1969/1843).

34. Power to register variation of rights of common.	Regulation 29 of the Commons Registration (General) Regulations 1966 (S.I. 1966/1471).
35. Power to issue a permit to conduct a street collection.	Police, Factories etc (Miscellaneous Provisions Act) 1916
35A. Power to issue a licence to conduct a house to house collection.	Section 2 of the House to House Collections Act 1939 as amended by the Local Government Act 1972 and the House to House Collections Regulations 1947
36. Power to grant consent for the operation of a loudspeaker.	Schedule 2 to the Noise and Statutory Nuisance Act 1993 (c. 40).
37. Power to grant a street works licence.	Section 50 of the New Roads and Street Works Act 1991 (c. 22).
38. BLANK	
39. Power to enforce regulations in relation to the movement of pigs.	Section 25 Pigs (Records, Identification and Movement (Wales) Order 2011.
40. Power to issue a licence to move cattle from a market.	Schedule 1 Para 3(3) of the Cattle Identification (Wales) Regulations 2007.
<del>41. Power to sanction use of parts of buildings for storage of celluloid.</del> BLANK	<del>Section 1 of the Celluloid and Cinematograph Film Act 1922 (c. 35).</del>
42. Duty to enforce and execute Regulations (EC) No. 852/2004 and 853/2004 in relation to food business operators as further specified in regulation 5 of the Food (Hygiene) (Wales) Regulations 2006.	Regulation 5 of the Food (Hygiene) (Wales) Regulations 2006.
43. Functions in respect of establishing a Licensing Committee.	Section 6 of the Licensing Act 2003 (c.17).
<b>C. Functions relating to health and safety at work</b>	
Functions under any of the “relevant statutory provisions” within the meaning of Part I (health, safety and welfare in connection with work, and control of dangerous substances) of the Health and Safety at Work etc. Act 1974, to the extent that those functions are discharged otherwise than in the authority’s capacity as an employer.	Part I of the Health and Safety at Work etc. Act 1974 (c. 37).

<b>D. Functions relating to elections</b>	
<b>1.</b> Duty to appoint an electoral registration officer.	Section 8(2A) of the Representation of the People Act 1983 (c. 2).
<b>2.</b> Power to assign officers in relation to requisitions of the registration officer.	Section 52(4) of the Representation of the People Act 1983.
<b>3.</b> Power to dissolve community councils.	Section 28 of the Local Government Act 1972 (amended by Local Government (Wales) Act 1994).
<b>4.</b> Power to make orders for grouping communities.	Section 29 of the Local Government Act 1972 (amended by Local Government (Wales) Act 1994).
<b>5.</b> Power to make orders for dissolving groups and separating community councils from groups.	Section 29A of the Local Government Act 1972 (amended by Local Government (Wales) Act 1994).
<b>6.</b> Duty to appoint returning officer for local government elections.	Section 35 of the Representation of the People Act 1983.
<b>7.</b> Duty to provide assistance at European Parliamentary elections.	Section 6(7) and (8) of the European Parliamentary Elections Act 2002.
<b>8.</b> Duty to divide constituency into polling districts.	Section 18 of the Representation of the People Act 1983.
<b>9.</b> Power to divide electoral divisions into polling districts at local government elections.	Section 31 of the Representation of the People Act 1983.
<b>10.</b> Powers in respect of holding of elections.	Section 39(4) of the Representation of the People Act 1983.
<b>11.</b> Power to pay expenses properly incurred by electoral registration officers.	Section 54 of the Representation of the People Act 1983.
<b>12.</b> Power to fill vacancies in the event of insufficient nominations.	Section 21 of the Representation of the People Act 1985.
<b>13.</b> Duty to declare vacancy in office in certain cases.	Section 86 of the Local Government Act 1972.
<b>14.</b> Duty to give public notice of a casual vacancy.	Section 87 of the Local Government Act 1972.
<b>15.</b> Power to make temporary appointments to community councils.	Section 91 of the Local Government Act 1972.
<b>16.</b> Power to determine fees and conditions for supply of copies of, or	Rule 48(3) of the Local Elections (Principal Areas) Rules 1986 (S.I. 1986/2214) and



extracts from, elections documents.	rule 48(3) of the Local Elections (Parishes and Communities) Rules 1986 (S.I. 1986/2215).
<b>17.</b> Power to submit proposals to the Secretary of State for an order under section 10 (pilot schemes for local elections in England and Wales) of the Representation of the People Act 2000.	Section 10 of the Representation of the People Act 2000 (c. 2).
<b>18.</b> Miscellaneous electoral functions under Part II, S.I. 2003/284.	The National Assembly for Wales (Representation of the People) Order 2003, S.I. (2003/284).
<b>19.</b> Duty to assign officers to assist at the elections of the Police & Crime Commissioner	Section 54(4) Police Reform & Social Responsibility Act 2011
<b>E. Functions relating to name and status of areas and individuals</b>	
<b>1.</b> Power to change the name of a county or county borough.	Section 74 of the Local Government Act 1972.
<b>2.</b> Power to change the name of a community.	Section 76 of the Local Government Act 1972.
<b>3.</b> Power to confer title of honorary alderman or to admit to be an honorary freeman.	Section 249 of the Local Government Act 1972.
<b>4.</b> Power to petition for a charter to confer county borough status.	Section 245A of the Local Government Act 1972.
<b>F. Power to make, amend, revoke or re-enact byelaws</b>	Any provision of any enactment (including a local Act), whenever passed, and section 14 of the Interpretation Act 1978 (c. 300).
<b>G. Power to promote or oppose local or personal Bills.</b>	Section 239 of the Local Government Act 1972.
<b>H. Functions relating to pensions etc.</b>	
<b>1.</b> Functions relating to local government pensions, etc.	Regulations under section 7, 12 or 24 of the Superannuation Act 1972 (c. 11)
<b>2.</b> Functions relating to pensions, allowances and gratuities.	Regulations under section 18 (3A) of the Local Government and Housing Act 1989 (c.42).
<b>3.</b> Functions under existing pension schemes as respects persons employed by the fire and rescue authorities pursuant to section 1 of the Fire and Rescue Services Act 2004.	Sections 34 and 36 of the Fire and Rescue Services Act 2004.

<b>I. Miscellaneous functions</b>	
<b>1.</b> Duty to approve authority's statement of accounts, income and expenditure and balance sheet or record of receipts and payments (as the case may be).	The Accounts and Audit (Wales) Regulations 2005.
<b>2.</b> Functions relating to sea fisheries.	Sections 1, 2, 10 and 19 of the Sea Fisheries Regulation Act 1966 (c. 38).
<b>3.</b> Powers relating to the preservation of trees.	Sections 197 to 214D of the Town and Country Planning Act 1990 and the Town and Country Planning (Trees) Regulations 1999 (S.I. 1999/1892).
<b>4.</b> Powers relating to the protection of important hedgerows.	The Hedgerows Regulations 1997 (S.I. 1997/1160).
<b>5.</b> Power to make standing orders.	Section 106 of, and paragraph 42 of Schedule 12 to, the Local Government Act 1972.
<b>6.</b> Appointment and dismissal of staff.	Section 112 of the Local Government Act 1972 and sections 7 and 8 of the Local Government and Housing Act 1989.
<b>7.</b> Power to make standing orders as to contracts.	Section 135 of the Local Government Act 1972.
<b>8.</b> Power to consider reports from the Public Services Ombudsman for Wales.	Section 19 of the Public Services Ombudsman (Wales) Act 2005 (c.10).
<b>9.</b> Power to make an order identifying a place as a designated public place for the purposes of police powers in relation to alcohol consumption.	Section 13(2) of the Criminal Justice and Police Act 2001 (c.16).
<b>10.</b> Powers in respect of motor salvage operators.	Part 1 of the Vehicles (Crime) Act 2001 (c.3).
<b>11.</b> Power to appoint officers for particular purposes (appointment of "proper officers").	Section 270(3) of the Local Government Act 1972 (c.42).
<b>12.</b> Duty to designate an officer as the head of the authority's paid service, and to provide staff, etc.	Section 4(1) of the Local Government and Housing Act 1989 (c.42).
<b>13(a)</b> Duty to designate an officer as the monitoring officer and to provide staff, etc.	Section 5(1) of the Local Government and Housing Act 1989.
<b>13(b)</b> Duty to designate an officer as Head of Democratic Services to provide staff etc	Section 8 of the Local Government Wales Measure 2011

14. Duty to determine affordable borrowing limit.	Section 3 of the Local Government Act 2003 (c.22).
15. Approval of annual investment strategy in accordance with guidance.	Section 15 of the Local Government Act 2003.
16. Duty to make arrangements for proper administration of financial affairs.	Section 151 of the Local Government Act 1972 (c.11).
17. Determination of level and any change in the level of remuneration to be paid to a Chief Officer	Regulation 7 of the Local Authorities (Standing Orders) (Wales) Regulations 2006 as amended by the 2014 amendment regulations.

The Constitution establishes the following Committees to discharge some of the Council's functions. Their Terms of Reference and delegated powers are set out in detail in the parts of this Constitution as follows:

Committee	In this Constitution at:
Audit Committee	Article 8
Planning Committee	Article 8
Rights of Way Cabinet Committee	Part 3 Responsibility for Executive Functions
Licensing & Gambling Committee	Article 8 and Part 3 Table 1
Taxi & General Committee	Article 8 and Part 3 Table 1
Standards Committee	Article 9
Appointments Committee	Part 3 Table 1
Appeals Panel	Part 3 Table 2
Pensions/Compensation Committee	Part 3 Table 1
Democratic Services Committee	Article 8
Investigating and Disciplinary Committee	Officer Employment Procedure Rules Part 4

#### OTHER DELEGATED POWERS

Power	Delegation
1. The power to fix criteria by which the qualifications for authorisation to allow individual staff are measured and applied, and to issue and certify authorisations of officers.	The Director or any Head of Service in that Directorate in relation to any staff in that Directorate.
2. All other functions including emergency action where this is necessary to protect the Council's interests.	The Council, or the Chief Executive or any Director or the relevant Head of Service.

The statutory functions referred to in the above table are as follows:-

Accommodation Agencies Act 1953

~~Administration of Justice Act 1970~~

Agricultural Produce (Grading & Marking) Acts 1928, 1931

Agriculture (Miscellaneous Provisions) Act 1968

Agriculture Acts 1967 - 1970  
 Animal Boarding Establishments Act 1963  
 Animal Health Act 1981  
~~Animal Health and Welfare Act 1984~~  
 Animal Welfare Act 2006  
 Anti Social Behaviour Act 2003  
 Anti Social Behaviour Crime & Policing Act 2014  
~~Banking Act 1987~~  
~~British Telecommunications Act 1981~~  
 Building Act 1984  
 Cancer Act 1939  
 Caravan Sites Act 1968  
 Caravan Sites and Control of Development Act 1960  
 Charities Acts 1992 and 2006  
 Children and Families Act 2014  
 Children and Young Persons (Protection from Tobacco) Act 1991  
 Children and Young Persons Acts 1933 - 1963  
 Children Act 1989 – 2004  
 Children Leaving Care Act 2000  
 Clean Air Acts 1956 - 1993  
 Clean Neighbourhood and Environment Act 2005  
 Climate Change Act 2005  
 Commons Registration Act 1965/2006  
 Companies Act 1985 and 2006  
 Consumer Credit Act 1974 & 2006  
 Consumer Protection Act 1987  
 Consumer Rights Act 2015  
 Control of Horses (Wales) Act 2014  
 Control of Pollution Acts 1974 – 1989  
 Copyright Designs and Patents Act 1988  
~~Courts and Legal Services Act 1990~~  
 Countryside and Rights of Way Act 2000  
 Criminal Justice Act 1982, 1988, 1991  
 Criminal Justice and Police Act 2001  
 Dangerous Wild Animals Act 1976  
 Data Protection Act 1998  
~~Development of Tourism Act 1969~~  
 Dogs (Fouling of Land) Act 1996  
~~Dogs Act 1906~~  
 Education Act 1996  
 Education Act 1997  
 Education Act 2002 & 2005  
 Education (Fees & Awards) Act 1983 (Discretionary Award)  
 Education Reform Act 1988  
 Education & Inspections Act 2006  
 Electricity at Work Act 1989  
 Energy Act 1976  
 Energy Conservation Act 1981  
 Enterprise Act 2002  
 Environment Act 1995  
 Environmental Protection Act 1990  
 Environment (Wales) Act 2016  
 Estate Agents Act 1979  
 \* European Communities Act 1972  
 Explosives Act 1875

Factories Act 1961  
~~Fair Trading Act 1973~~  
 Farm and Garden Chemicals Act 1967  
 Fire Precautions Act 1971  
 Fire Safety and Safety of Places of Sports Act 1987  
~~Fireworks Act 1951~~  
 Fireworks Act 2003  
 Flood and Water Management Act 2010  
 Food and Environment Protection Act 1985  
 Food Hygiene Rating Wales Act 2013  
 \* Food Safety Act 1990  
 Forgery and Counterfeiting Act 1981  
 Fraud Act 2006  
 Freedom of Information Act 2000  
 Gambling Act 2005  
 Hallmarking Act 1973  
 Hazardous Substances Act 1990  
 Health Act 2006  
 Health and Safety at Work etc Act 1974  
 Highways Act 1980  
 Home Safety Act 1961  
 House to House Collections Act 1939  
 Housing Act 1985  
 Housing Act 1996  
 Housing Act 2004  
 Housing (Wales) Act 2014  
 Housing Grants, Construction and Regeneration Act 1996  
 The Hypnotism Act 1952  
 Insurance Brokers (Registration) Act 1977  
 Insurance Companies Act 1982  
 Intoxicating Substances (Supply) Act 1985  
 Land Drainage Act 1991  
 Law of Property Act 1925  
 Learning & Skills Act 2000  
 Licensing Act 2003  
 Local Government Byelaws (Wales) Act 2012  
 Local Government (Miscellaneous Provisions) Acts 1976 and 1982  
 Local Government Acts 1972 – 2003  
 Local Government and Housing Act 1989  
 Malicious Communications Act 1988  
 Medicines Act 1968  
 Mines & Quarries (Tips) Act 1969  
 Mobile Homes (Wales) Act 2013  
 Mock Auctions Act 1961  
 Motor Cycle Noise Act 1987  
~~Motor Vehicles (Safety Equipment for Children) Act 1991~~  
 National Lotteries etc. Act 1993  
 Natural Environment and Rural  
 Communities Act 2006  
 New Roads and Street Works Act 1991  
 Noise Act 1996  
 Noise and Statutory Nuisance Act 1993  
~~Offensive Weapons Act 1996~~  
 Offices, Shops and Railway Premises Act 1963  
 Olympic Symbol etc., (Protection) Act 1995

Performance of Animals (Regs) Act 1925  
 Pet Animals Act 1951  
 Planning Act 2008  
 Planning & Compensation Act 1991  
 Planning and Compulsory Purchase Act 2004  
 Planning Listed Buildings and Conservation Areas Act 1990  
 Planning (Wales) Act 2015  
 Police Reform and Social Responsibility Act 2011  
 Pollution Prevention and Control Act 1999  
 Powers of the Criminal Courts (Sentencing) Act 2000  
 Prevention of Damage by Pests Act 1949  
 Prices Acts 1974 and 1975  
 ————— ~~Proceeds of Crime Act 2002~~  
 Psychoactive Substances Act 2016  
 Public Health (Control of Disease) Act 1984  
 Public Health (Recurring Nuisances) Act 1969  
 Public Health Acts 1936 to 1961  
 Public Health (Wales) Act 2017  
 Refuse Disposal (Amenity) Act 1978  
 Registration Service Act 1953  
 Regulation and Inspection of Social Care (Wales) Act 2016  
 Reservoirs Act 1975  
 Riding Establishments Acts 1964 to 1970  
 Road Traffic (Foreign Vehicles) Act 1972  
 Road Traffic Acts 1974 - 1988  
 Safety of Sports Grounds Act 1975  
 School Standards & Framework Act 1998  
 School Standards and Organisation Wales Act 2013  
 Scrap Metal Dealers Act 2013  
 Scotch Whisky Act 1988  
 Slaughter of Poultry Act 1967  
 Slaughterhouses Act 1974  
 Social Services & Wellbeing (Wales) Act 2014  
 Solicitors Act 1974  
 Special Educational Needs & Disability Act 2001  
 Sunbeds (Regulation) Act 2010  
 Sunday Trading Act 1994  
 Tattooing of Minors Act 1969  
 Teaching & Higher Education Act 1998  
 Telecommunications Act 1984  
 Theft Acts 1968 and 1978  
 Timeshare Act 1992  
 Town and Country Planning Act 1990  
 Tobacco Advertising & Promotion Act 2002  
 Town Police Clauses Act 1847  
 Trade Marks Act 1994  
 Trading Representations (Disabled Persons) Acts 1958 and 1972  
 ————— ~~Trading Schemes Act 1996~~  
 Trading Stamps Act 1964  
 Traffic Management Act 2004  
 Transport Act 1985, 2000 & 2006  
 Unsolicited Goods and Services Acts 1971 and 1975  
 Vehicles (Crime) Act 2001  
~~Vehicles (Excise) and Registration Act 1994~~

Video Recordings Acts – [1984 2010](#)  
Water Industry Act 1991  
Water Act 1989  
Weights and Measures Act 1985  
Wellbeing of Future Generations Act 2015  
Wildlife and Countryside Act 1981

- \* The Food Hygiene (Wales) Regulations which enact in regulations the provisions under the Food Safety Act and European Communities Act regulations.

**2. FUNCTIONS WHICH MAY BE (BUT NEED NOT BE) THE RESPONSIBILITY OF AN AUTHORITY'S EXECUTIVE - "LOCAL CHOICE FUNCTIONS"**

<b>Function</b>	<b>Decision making body</b>	<b>Membership</b>	<b>Delegation of Functions</b>
1. Any function under a local Act other than a function specified or referred to in Schedule 1 of the Local Authorities Executive Arrangements (Functions and Responsibilities) (Wales) Regulations 2007 (as amended)	The Executive	The Executive as defined in Article 7 of Part 2 of this Constitution.	(a) The Cabinet (b) The Chief Executive or a Director or the relevant Head of Service after consultation with the Leader or the appropriate Cabinet member.
2. The determination of an appeal against any decision made by or on behalf of the authority.	(a) The Council in relation to matters of disciplinary appeals a committee designated "the Appeals Panel " whose terms of reference are to hear and determine appeals from decisions connected with officer dismissal; (b) In relation to other appeals or applications as may fall to be considered by the Council in a quasi judicial manner, the Licensing Committee described in Article 8;	(a) 3 members  (b) 15 members	(a) All those matters within the Panels Committee's Terms of Reference.  (b) All those matters within the Committee's Terms of Reference.
3. Functions in relation to the revision of decisions made in connection with claims for housing benefit or council tax benefit and for appeals against such decisions under section 68 of and Schedule 7 to the Child Support, Pensions and Social Security Act 2000.	The Executive	The Executive as defined in Article 7 of Part 2 of this Constitution.	(a) The Cabinet (b) The Chief Executive or a Director or the relevant Head of Service after consultation with the Leader or the appropriate Cabinet member.



<b>Function</b>	<b>Decision making body</b>	<b>Membership</b>	<b>Delegation of Functions</b>
<b>4.</b> The making of arrangements in relation to appeals against the exclusion of pupils in maintained schools under section 52 of the Education Act 2002.	The Executive	The Executive as defined in Article 7 of Part 2 of this Constitution.	(a) The Cabinet (b) The Chief Executive or a Director or the relevant Head of Service after consultation with the Leader or the appropriate Cabinet member.
<b>5.</b> 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).	The Executive	The Executive as defined in Article 7 of Part 2 of this Constitution.	(a) The Cabinet (b) The Chief Executive or a Director or the relevant Head of Service after consultation with the Leader or the appropriate Cabinet member.
<b>6.</b> 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).	The Executive	The Executive as defined in Article 7 of Part 2 of this Constitution.	(a) The Cabinet (b) The Chief Executive or a Director or the relevant Head of Service after consultation with the Leader or the appropriate Cabinet member.
<b>7.</b> Any function relating to contaminated land.	The Executive	The Executive as defined in Article 7 of Part 2 of this Constitution.	(a) The Cabinet (b) The Chief Executive or a Director or the relevant Head of Service or any of the following:- Environmental Health Manager; Senior Environmental Health Officer; Environmental Health Officer; Enforcement Officer) after consultation with the Leader or the appropriate Cabinet member.
<b>8.</b> The discharge of any function relating to the control of pollution or the management of air quality	The Executive	The Executive as defined in Article 7 of Part 2 of this Constitution.	(a) The Cabinet (b) The Chief Executive or a Director or the relevant Head of Service or any of the following:- Environmental Health Manager;

Function	Decision making body	Membership	Delegation of Functions
			Senior Environmental Health Officer; Environmental Health Officer; Enforcement Officer after consultation with the Leader or the appropriate Cabinet member.
9. The service of an abatement notice in respect of a statutory nuisance	The Executive	The Executive as defined in Article 7 of Part 2 of this Constitution.	(a) The Cabinet (b) The Chief Executive or a Director or the relevant Head of Service or any of the following:- Environmental Health Manager; Senior Environmental Health Officer; <i>Housing Services Manager</i> <i>Private Sector Housing Manager:</i> Environmental Health Officer; Enforcement Officer) <i>after consultation with the Leader or the appropriate Cabinet member.</i>
10. The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the authority's area.	The Executive	The Executive as defined in Article 7 of Part 2 of this Constitution.	(a) The Cabinet (b) The Chief Executive or a Director or the relevant Head of Service after consultation with the Leader or the appropriate Cabinet member.
11. The inspection of the authority's area to detect any statutory nuisance.	The Executive	The Executive as defined in Article 7 of Part 2 of this Constitution.	(a) The Cabinet (b) The Chief Executive or a Director or the relevant Head of Service or any of the following:- Environmental Health Manager; Senior Environmental Health Officer; Environmental Health Officer; Enforcement Officer) <i>after consultation with</i>

Function	Decision making body	Membership	Delegation of Functions
			<del><i>the Leader or the appropriate Cabinet member.</i></del>
<b>12.</b> The investigation of any complaint as to the existence of a statutory nuisance.	The Executive	The Executive as defined in Article 7 of Part 2 of this Constitution.	(a) The Cabinet (b) The Chief Executive or a Director or the relevant Head of Service or any of the following:- Environmental Health Manager; Senior Environmental Health Officer; <i>Housing Services manager;</i> <i>Private Sector Housing Manager</i> Environmental Health Officer; Enforcement Officer <del><i>after consultation with the Leader or the appropriate Cabinet member.</i></del>
<b>13.</b> The obtaining of information under section 330 of the Town and Country Planning Act 1990 as to interests in land	The Executive	The Executive as defined in Article 7 of Part 2 of this Constitution.	(a) The Cabinet (b) The Chief Executive or a Director or the relevant Head of Service or the Development Control Manager after consultation with the Leader or the appropriate Cabinet member.
<b>14.</b> The obtaining of particulars of persons interested in land under section 16 of the Local Government (Miscellaneous Provisions) Act 1976.	The Executive	The Executive as defined in Article 7 of Part 2 of this Constitution.	(a) The Cabinet (b) The Chief Executive or a Director or the relevant Head of Service <del><i>after consultation with the Leader or the appropriate Cabinet member.</i></del>
<b>15.</b> The making of agreements for the execution of highways works	The Executive	The Executive as defined in Article 7 of Part 2 of this Constitution.	(a) The Cabinet (b) The Chief Executive or a Director or the relevant Head of Service or the Transportation Engineering Group Manager or the

Function	Decision making body	Membership	Delegation of Functions
			Highways Operations Group Manager after consultation with the Leader or the appropriate Cabinet member.
<p><b>16.</b> The appointment of any individual:-            (a) to any office other than an office in which he is employed by the authority;            (b) to any body other than:-            (i) the authority;            (ii) a joint committee of two or more authorities;            or            (c) to any committee or sub-committee of such a body,            and the revocation of any such appointment.</p>	The Executive	The Executive as defined in Article 7 of Part 2 of this Constitution.	(a) The Cabinet  (b) The Chief Executive or a Director or the relevant Head of Service after consultation with the Leader or the appropriate Cabinet member.
<p><b>17.</b> Power to make payments or provide other benefits in cases of maladministration etc.</p>	The Council acting through the Standards Committee (Standards Committee may approve payments of up to £10,000 total in any one case.	Standards Committee as defined in Article 9 of Part 2 of this Constitution.	As set out in the terms of reference of the Standards Committee.
<p><b>18.</b> Functions in respect of the calculation of council tax base in accordance with any of the following-            (a) the determination of an item for T 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)</p>	The Executive	The Executive as defined in Article 7 of Part 2 of this Constitution.	(a) The Cabinet (b) The Chief Executive or a Director or the relevant Head of Service after consultation with the Leader or the appropriate Cabinet member.

Function	Decision making body	Membership	Delegation of Functions
<p>and 48(4) of the Local Government Finance Act 1992;</p> <p>(c) the determination of an amount required for determining an amount for the item mentioned in paragraph (a) or (b) above.</p>			
<p><b>19.</b> Licensing functions in accordance with Part 2 of the Licensing Act 2003 except section 6.</p>	<p>Council (through the Licensing &amp; Gambling Committee)</p>	<p>As in Article 8.</p>	<p>Licensing &amp; Gambling Committee. As set out in Article 8.</p>
<p><b>20.</b> Functions in respect of gambling in accordance with any of the following-</p> <p>(a) a resolution not to issue casino licenses in accordance with section 166 of the Gambling Act 2005 (c.19);</p> <p>(b) prescribing of fees in accordance with section 212 of the Gambling Act 2005;</p> <p>(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;</p> <p>(d) authorised persons in accordance with section 304 of the Gambling Act 2005;</p> <p>(e) prosecutions by a licensing authority in accordance with section 346 of the Gambling Act 2005;</p> <p>(f) three-year licensing policy in accordance with Gambling Act 2005.</p>	<p>The Council in respect of (a) and (f).</p> <p>The Council through the Licensing &amp; Gambling Committee in respect of (b), (c), (d), (e)</p>	<p>As in Article 8.</p>	<p>None in relation to (a) and (f)</p> <p>The Licensing &amp; Gambling Committee as set out in Article 8 in respect of (b), (c), (d), (e)</p>

<b>Function</b>	<b>Decision making body</b>	<b>Membership</b>	<b>Delegation of Functions</b>
<b>21.</b> The approval and/or determination of school organisation proposals (including those which receive objections (except for those that are required to be considered by Welsh Ministers)).	The Executive	The Executive as defined in Article 7 of Part 2 of this Constitution	The Cabinet

### 3. FUNCTIONS NOT TO BE THE SOLE RESPONSIBILITY OF AN AUTHORITY'S EXECUTIVE

These relate to the approval of specified plans which the law, or separate decision of the Council, requires that the Executive will consider those plans but pass them by way of a recommendation to the Council to finally determine.

(1)	(2)
Plans, schemes and strategies	Reference
The Caerphilly <i>We Want Well-being Plan Delivers Single Integrated Plan 2013 to 2017 2018 to 2023</i>	Shared Purpose - Shared <i>Delivery Future Guidance on Integrating Partnerships and Plans Welsh Government 19th June 2012 On planning under the Well-being of Future Generations (Wales) Act 2015</i>
Crime and Disorder Reduction Strategy	Sections 5 and 6 of the Crime and Disorder Act 1998 (c.37).
Local Transport Plan	Section 108 of the Transport Act 2000 (c.38).
Plans and alterations which together comprise the Local Development Plan	Section 10A of the Town and Country Planning Act 1990 (c.8).
Blaenau Gwent & Caerphilly Youth <i>Offending Service Youth Justice Plan 2018-2021 2-2014</i>	Section 40 of the Crime and Disorder Act 1998 (c.37).
Local Housing Strategy	Section 87 of the Local Government Act 2003 (c.26).
<i>Local Wellbeing Plan</i>	<i>As required under the Wellbeing of Future Generations Act 2015</i>

**Note: the provisions of regulation 5 of the 2007 regulations in relation to the above table.**

**CIRCUMSTANCES IN WHICH THE FUNCTIONS ARE NOT TO BE THE RESPONSIBILITY OF AN AUTHORITY’S EXECUTIVE**

These provisions limit the right of the Executive to take a decision under certain circumstances (e.g. not in accordance with approved budget or policy framework). In these circumstances the Executive will refer the matter by way of a recommendation to the Council, for final determination.

<b>(1)</b>	<b>(2)</b>
<b>Function</b>	<b>Circumstances</b>
<p><b>1.</b> The adoption or approval of a plan or strategy (whether statutory or non-statutory), other than a plan or strategy for the control of the authority’s borrowing or capital expenditure or referred to in Article 4.</p>	<p>The authority determines that the decision whether the plan or strategy should be adopted or approved should be taken by them.</p>
<p><b>2.</b> The determination of any matter in the discharge of a function which —</p> <ul style="list-style-type: none"> <li>(a) is the responsibility of the executive; and</li> <li>(b) is concerned with the authority's budget, or their borrowing or capital expenditure.</li> </ul>	<p>The individual or body by whom, by virtue of any of sections 14 to 17 of the Local Government Act 2000 or provision made under section 18 or 20 of that Act, the determination is to be made —</p> <ul style="list-style-type: none"> <li>(a) is minded to determine the matter contrary to, or not wholly in accordance with — <ul style="list-style-type: none"> <li>(i) the authority's budget; or</li> <li>(ii) the plan or strategy for the time being approved or adopted by the authority in relation to their borrowing or capital expenditure; and</li> </ul> </li> <li>(b) is not authorised by the authority's executive arrangements, financial regulations, standing orders or other rules or procedures to make a determination in those terms.</li> </ul>

**Note: the provisions of regs 6(2) to (5) of the 2007 regulations in relation to the above table.**



#### 4. RESPONSIBILITY FOR EXECUTIVE FUNCTIONS

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

- (a) those which the law says are functions of the Council alone (Section 1 of this part of the Constitution);
- (b) the “local choice functions” (Section 2 of this part of the Constitution) which have been allocated to the Council rather than to the Executive. Note that Section 2 lists specific functions which have been allocated to the Executive;
- (c) functions which are not to be the sole responsibility of an authority’s Executive. These are set out in the table below;
- (d) Circumstances in which functions are not to be the responsibility of an authority’s Executive. These are set out in a table below and generally relate to circumstances where the decision would conflict with the Council’s budget or its overall strategy policy framework.

#### EXECUTIVE FUNCTIONS

**NOTE THAT** the Executive powers delegated to any officer is subject to the right of the appropriate Cabinet member, or the Leader in any matter, to require that the proposed decision be taken by the Cabinet.

**NOTE THAT** each delegation includes the power to take any steps in relation to the delegated function, including the authorisation of or defence of any proceedings in any court, tribunal, board or panel.

Function	Responsible	Delegation
(a) The Finance and Resources function <ul style="list-style-type: none"> <li>• The proper financial planning budgeting and control</li> <li>• Control of the Authority's resources</li> <li>• Information Technology Services</li> <li>• Personnel Services</li> <li>• Financial Services</li> <li>• Electoral Registration</li> <li>• Legal Services</li> <li>• Audit Services</li> <li>• Procurement Services</li> <li>• Democratic Services</li> <li>• Corporate Policy (including Equalities &amp; Welsh Language see paragraph (f))</li> <li>• Property Services</li> <li>• Corporate Asset Management</li> <li>• Corporate Health &amp; Safety including liaison with the Health &amp; Safety Executive</li> <li>• Information Governance including Data Protection/Freedom of Information</li> </ul>	The Cabinet	The Cabinet, or the Chief Executive or any Director or the relevant Head of Service and in relation to Financial Services any of the following: Finance Managers (Revenues, Corporate Services, Education, Environment & Social Services) Housing Benefits Manager Internal Audit Manager and in relation to Information Governance the Senior Information Risk Owner

Function	Responsible	Delegation
<p>(b) The Personnel function All aspects of the Council's functions as an employer including the oversight of recruitment, terms and conditions of employment, conduct and discipline, structural review and the consequences thereof.</p>	The Cabinet	The Cabinet, or the Chief Executive or any Director or the relevant Head of Service.
<p>(c) The Housing function</p> <ul style="list-style-type: none"> <li>• Private Housing Enforcement (including <i>but not limited to the</i> HMO's, clearance, compulsory purchase orders);</li> <li>• <del>renewal</del> <i>Aarea regenerations</i></li> <li>• <del>and</del> <i>To approve or refuse applications for funding for aall</i> types of housing grants <i>and loans</i>)</li> <li>• Housing Agency Service</li> <li>• Homelessness &amp; Housing Advice</li> <li>• Landlord Services</li> <li>• Housing Strategy <i>including but not limited to Local Housing Market Assessments, affordable housing, Gypsy and Traveller Accommodation Assessments and securing grants</i></li> <li>• Older Persons Accommodation Services</li> <li>• Housing Repair Operations</li> <li>• Delivery of Welsh Housing Quality Standards</li> <li>• <i>Power to deal with all aspects of HMO Licensing</i></li> <li>• <i>Common Housing Register</i></li> <li>• <i>Public Health (statutory nuisances, sewers and drains)</i></li> <li>•</li> </ul>	The Cabinet	<p>The Cabinet, or the Chief Executive, or any Director or the relevant Head of Service or any of the following:</p> <p>Housing Repair Operations Manager (in relation to Housing Repair Operations) Chief Housing Officer <i>Housing Services Manager</i> <i>Housing Technical Manager</i> Private Sector Housing Manager <i>Housing Solutions Manager</i> Principal Housing Officer <i>Environmental Health officer</i></p> <p><del>———— (Private Sector)</del> <del>———— Public Sector Housing Manager</del> <del>———— Homelessness &amp; Housing Advice Manager</del></p>
<p>(d) The Social Services function</p> <ul style="list-style-type: none"> <li>• Strategic issues in relation to the provision of Children's &amp; Adult Social Services other than those functions imposed by Section 2 and Schedule 1 of the Local Authority Social Services Act 1970 which fall to be specifically discharged by the <del>Health &amp; Social</del> <i>Social Services Care</i> Scrutiny Committee</li> <li>• Provision of advice, guidance and support</li> <li>• The assessment, care planning and reviewing of all support packages for service users meeting the defined</li> </ul>	The Cabinet	The Cabinet, or the Chief Executive or any Director or the relevant Head of Service.

Function	Responsible	Delegation
<p>eligibility thresholds in line with current legislation, regulation and statutory guidance</p> <ul style="list-style-type: none"> <li>• Commissioning and contracting for Social Services</li> </ul>		
<p>(e)The Education &amp; Lifelong Learning function</p> <ul style="list-style-type: none"> <li>• The discharge of the Council's obligations as Local Education Authority under statute</li> <li>• The implementation of the School Standards and Framework Act 1998 and associated legislation</li> <li>• The preparation and scrutiny of education and lifelong learning strategic plans and best value performance plans</li> <li>• Raising standards in schools, monitoring of schools' performance, curriculum advice and support and other activities set out in the LEA-Schools Code of Conduct</li> <li>• Local Management of Schools and Fair Funding</li> <li>• Forward planning re. school places, school admissions, student awards</li> <li>• Learning Support Services including educational psychology, education welfare, behavioural support and managing pupil exclusions</li> <li>• Governor support and training</li> <li>• Welsh Language Education</li> <li>• Agreed RE Syllabus</li> <li>• Partnerships</li> <li>• Lifelong learning, and Adult education</li> <li>• Public libraries Library Service</li> <li>• Music Service</li> <li>• Securing grants</li> <li>• Youth Service</li> </ul>	The Cabinet	The Cabinet, or the Chief Executive or any Director or the relevant Head of Service.
<p>(f) The Environment function</p> <ul style="list-style-type: none"> <li>• Emergency Planning</li> <li>• Community &amp; Leisure Services including waste collection, waste disposal, street cleansing, , public conveniences, Cemeteries and Bereavement Services, Parks &amp; Outdoor Sports Facilities, Fleet Management &amp; Maintenance, Sport &amp;</li> </ul>	<p>The Cabinet</p> <p>The Cabinet</p>	<p>The Cabinet or the Chief Executive or any Director or relevant Head of Service</p> <p>The Cabinet, or the Chief Executive or any Director or the relevant Head of Service or any of the following: Waste Strategy &amp; Operations Manager Green Spaces and Transport</p>

Function	Responsible	Delegation
<p>Leisure Services, Community Centres, Building Cleaning</p> <ul style="list-style-type: none"> <li>• Countryside and Landscape Services</li> <li>• Public Rights of Way</li> <li>• Rural Development Programme Functions</li> <li>• Planning and Biodiversity duties</li> <li>• Land Management</li> <li>• Pollution Control (including noise, litter and illicit tipping, air and water quality, contaminated land)</li> <li>• Public Health (including infectious diseases, statutory nuisance, sewer/drains, health promotion/education)</li> <li>• Trading Standards Enforcement</li> <li>• Food Safety Enforcement</li> <li>• Community Safety</li> <li>• Pest Control, Dog Warden, Animal Trespassing Services</li> <li>• Animal Health and Welfare Enforcement</li> <li>• Power to issue Scrap Metal Dealers Licences (including enforcement action)</li> <li>• Licensing (other than those functions set out in the 'Council functions' and the 'Local Choice functions' sections of this Part of the Constitution, when the functions are Council functions.</li> <li>• Catering</li> </ul>		<p>Services Manager, Parks and Countryside Operations Manager, Green Space Strategy and Cemeteries Manager, Fleet Manager Sports and Leisure Facilities Manager, Sports &amp; Leisure Development Manager Trading Standards Licensing &amp; Registrars Manager Civil Enforcement Officer Community Safety Warden Community Safety Officer <del>Assistant Community Safety Officer</del> Environmental Health Manager Senior Trading Standards Officer Senior Environmental Health Officer with delegated powers to the Head of Public Protection <i>and</i> <del>the Head of</del> Community &amp; Leisure Services and the Head of Regeneration &amp; Planning to any authorised officer to take appropriate steps (including the service of any notices and taking of any proceedings) under the provisions of the Clean Neighbourhood and Environment Act 2005, <i>the Anti- social Behaviour, Crime and Policing Act 2014</i> and the Anti- Social Behaviour Act 2003. The Head of Public Protection <i>Community &amp; Leisure Services</i> is authorised to fix the level of fine for fixed penalty notices following consultation with relevant officers and Cabinet members. Trading Standards Officer Environmental Health Officer Licensing Manager Assistant Licensing Manager Senior Fair Trading Officer Fair Trading Officer Senior Commercial Safety Officer Commercial Safety Officer</p>

Function	Responsible	Delegation
<p>The power to grant, refuse, renew, vary, impose conditions and/or suspend a licence for dog breeding establishments</p> <p>The power to determine disputed decisions to suspend or vary and to reinstate or revoke a licence for dog breeding establishments</p> <p>Corporate Policy including Equalities and Welsh Language</p> <p>To approve or refuse applications for funding under the Technical Assistance Fund Greener Caerphilly Small Grants Fund</p> <p>Proper Officer for the Administration of Registration of Births, Deaths and Marriages under Section 13 of the Registration Service Act 1953 and Section 270 of the Local Government Act 1972</p> <p>Rights of Way matters including Local Access Forum</p>	<p></p> <p></p> <p></p> <p></p> <p></p> <p>Rights of Way Cabinet Committee</p>	<p>Enforcement Officer Technical Assistant Senior Pest Control/Straying Animals Officer Pest Control/Animal Trespass/Dog Warden The above are authorised to take any action in relation to the functions in this section of the table including the authorising or defence of legal proceedings of any nature and in any court, tribunal, board or panel and without prejudice to the generality of this authorisation to exercise functions from the list of statutes appearing at the end of this table, so far as those functions are Executive functions.</p> <p>Licensing Officers</p> <p>Trading Standards, Licensing &amp; Registrar Manager</p> <p>The Cabinet or the Chief Executive or any Director or the <i>relevant</i> Head of <i>Public Protection Service</i></p> <p>The Cabinet or the Chief Executive or any Director or the <i>relevant</i> Head of <i>Public Service Protection</i></p> <p>Trading Standards, Licensing and Registrars Manager</p> <p>See entry later in this section</p>
<p>(g) The Planning function</p> <ul style="list-style-type: none"> <li>• Planning - Development and Building</li> </ul>	<p>The Cabinet</p>	<p>—The Cabinet, or the Chief Executive or any Director</p>

Function	Responsible	Delegation
<p>Control</p> <ul style="list-style-type: none"> <li>• Planning - Strategic Planning and Urban Renewal</li> <li>• Planning Economic Development &amp; Rural functions</li> <li>• Planning Economic Development including European functions</li> <li>• Planning – Tourism including inward investment and Arts Development</li> <li>• Planning Business Development</li> <li>• Planning maximisation of funding opportunities from external funding sources including funding from Europe</li> <li>• Planning Sustainable Development</li> <li>• Planning control of non-native species</li> <li>• Regeneration including Communities First</li> </ul>		<p>or the relevant Head of Service or the <i>Development Control Manager</i></p> <hr/> <p><i>Planning Services Manager</i></p>
<p>(h) Highways and Transportation Functions</p> <ul style="list-style-type: none"> <li>• Highways Maintenance</li> <li>• Street Lighting</li> <li>• Functions under the highways legislation</li> <li>• Construction</li> <li>• Civil Engineering Design and Procurement</li> <li>• Structures</li> <li>• Transportation Planning and Improvements</li> <li>• Engineering Services</li> <li>• Public Transport</li> <li>• Education and Social Services Transport Operations</li> <li>• Highway Development Control</li> <li>• Land Reclamation and Tips</li> <li>• Land Drainage</li> <li>• Road Safety Education and Training</li> <li>• Traffic Management including Traffic Regulation Orders and Notices</li> <li>• Car Parking/Enforcement</li> </ul>	Cabinet	<p>The Cabinet, or the Chief Executive of any Director or the relevant Head of Service. In relation to approval and signing of emergency road closure orders the Transportation Engineering Group Manager or the Highways Operations Group Manager or the Engineering Projects Group Manager</p> <p>Civil Enforcement Officer</p>
<p>(i) The development and implementation of the Council's Corporate Plan and corporate themes through a multi-agency approach of community planning of the delivery of services to achieve the Council's strategic objectives</p>	The Cabinet	<p>The Cabinet, or the Chief Executive or any Director or the relevant Head of Service.</p>

Function	Responsible	Delegation
(j) The power to enter into joint or delegated function arrangements with one or more other authorities or bodies as permitted by law from time to time and to delegate executive functions.	The Cabinet	The Cabinet, or the Chief Executive or any Director or the relevant Head of Service.
(k) Any executive functions not allocated in accordance with the executive arrangements of the Council. Section 15(4) Local Government Act 2000	The Leader (NOTE: this reflects a delegated power given by S.15(4) Local Government Act 2000)	The Leader
(l) The power to set up committees of the Cabinet for any purpose and to delegate to that committee such power or powers as may be appropriate.	The Cabinet	The Cabinet
(m) Emergency action where this is necessary to protect the Council's interests.	The Cabinet	The Cabinet, or the Chief Executive or any Director or the relevant Head of Service.

The statutory functions referred to in the above table are as follows:-

Accommodation Agencies Act 1953  
[Administration of Justice Act 1970](#)  
Agricultural Produce (Grading & Marking) Acts 1928, 1931  
Agriculture (Miscellaneous Provisions) Act 1968  
Agriculture Acts 1967 - 1970  
Animal Boarding Establishments Act 1963  
Animal Health Act 1981  
[Animal Health and Welfare Act 1984](#)  
Animal Welfare Act 2006  
Anti-Social Behaviour Act 2003  
Anti Social Behaviour Crime & Policing Act 2014  
[Banking Act 1987](#)  
[British Telecommunications Act 1981](#)  
Building Act 1984  
Cancer Act 1939  
Caravan Sites Act 1968  
Caravan Sites and Control of Development Act 1960  
Charities Act 1992 and 2006  
Children and Families Act 2014  
Children and Young Persons (Protection from Tobacco) Act 1991  
Children and Young Persons Acts 1933 - 1963  
Children Act 1989 – 2004  
Children Leaving Care Act 2000  
Clean Air Acts 1956 - 1993  
Clean Neighbourhoods and Environment Act 2005

Climate Change Act 2008  
 Commons Registration Act 1965/2006  
 Companies Act 1985 and 2006  
 Consumer Credit Act 1974 & 2006  
 Consumer Protection Act 1987  
 Consumer Rights Act 2015  
 Control of Horses (Wales) Act 2014  
 Control of Pollution Acts 1974 - 1989  
 Copyright Designs and Patents Act 1988  
~~Courts and Legal Services Act 1990~~  
 Countryside & Rights of Way Act 2008  
 Criminal Justice Act 1982, 1988, 1991  
 Criminal Justice and Police Act 2001  
 Dangerous Wild Animals Act 1976  
 Data Protection Act 1998  
~~Development of Tourism Act 1969~~  
 Dogs (Fouling of Land) Act 1996  
~~Dogs Act 1906~~  
 Education Act 1996  
 Education Act 1997  
 Education Act 2002 & 2005  
 Education (Fees & Awards) Act 1983 (Discretionary Award)  
 Education Reform Act 1988  
 Education & Inspections Act 2006  
 Electricity at Work Act 1989  
 Energy Act 1976  
 Energy Conservation Act 1981  
 Enterprise Act 2002  
 Environment Act 1995  
 Environmental Protection Act 1990  
 Environment (Wales) Act 2016  
 Estate Agents Act 1979  
 \* European Communities Act 1972  
 Explosives Act 1875  
 Factories Act 1961  
~~Fair Trading Act 1973~~  
 Farm and Garden Chemicals Act 1967  
 Fire Precautions Act 1971  
 Fire Safety and Safety of Places of Sports Act 1987  
~~Fireworks Act 1951~~  
 Fireworks Act 2003  
 Flood and Water Management Act 2010  
 Food and Environment Protection Act 1985  
 Food Hygiene Rating (Wales) Act 2013  
 \* Food Safety Act 1990  
 Forgery and Counterfeiting Act 1981  
 Fraud Act 2006  
 Freedom of Information Act 2000  
 Gambling Act 2005  
 Hallmarking Act 1973  
 Hazardous Substances Act 1990  
 Health Act 2006  
 Health and Safety at Work etc Act 1974  
 Highways Act 1980  
 House to House Collections Act 1939



Home Safety Act 1961  
 Housing Act 1985  
 Housing Act 1996  
 Housing Act 2004  
 Housing (Wales) Act 2014  
 Housing Grants, Construction and Regeneration Act 1996  
 The Hypnotism Act 1952  
 Insurance Brokers (Registration) Act 1977  
 Insurance Companies Act 1982  
 Intoxicating Substances (Supply) Act 1985  
 Land Drainage Act 1991  
 Law of Property Act 1925  
 Learning & Skills Act 2000  
 Licensing Act 2003  
 Local Government Byelaws (Wales) Act 2012  
 Local Government (Miscellaneous Provisions) Acts 1976 and 1982  
 Local Government Acts 1972 – 2003  
 Local Government and Housing Act 1989  
 Malicious Communications Act 1988  
 Medicines Act 1968  
 Mines and Quarries (Tips) Act 1969  
 Mobile Homes (Wales) Act 2013  
 Mock Auctions Act 1961  
 Motor Cycle Noise Act 1987  
~~Motor Vehicles (Safety Equipment for Children) Act 1991~~  
 Natural Environment & Rural Communities Act 2006  
 New Roads & Street Works Act 1991  
 National Lotteries etc. Act 1993  
 Noise Act 1996  
 Noise and Statutory Nuisance Act 1993  
~~Offensive Weapons Act 1996~~  
 Offices, Shops and Railway Premises Act 1963  
 Olympic Symbol etc., (Protection) Act 1995  
 Performance of Animals (Regs) Act 1925  
 Pet Animals Act 1951  
 Planning Act 2008  
 Planning & Compulsory Purchase Act 2004  
 Planning, Listed Buildings & Conservation Areas Act 1990  
 Planning & Compensation Act 1991  
 Planning (Wales) Act 2015  
 Police Reform and Social Responsibility Act 2011  
 Pollution Prevention and Control Act 1999  
 Powers of the Criminal Courts (Sentencing) Act 2000  
 Prevention of Damage by Pests Act 1949  
 Prices Acts 1974 and 1975  
~~Proceeds of Crime Act 2002~~  
 Psychoactive Substances Act 2016  
 Public Health (Control of Disease) Act 1984  
 Public Health (Recurring Nuisances) Act 1969  
 Public Health Acts 1936 to 1961  
 Public Health (Wales) Act 2017  
 Refuse Disposal (Amenity) Act 1978  
 Registration Service Act 1953  
 Regulation & Inspection of Social Care (Wales) Act 2016  
 Reservoirs Act 1975

Riding Establishments Acts 1964 to 1970  
 Road Traffic (Foreign Vehicles) Act 1972  
 Road Traffic Acts 1974 - 1988  
 Safety of Sports Grounds Act 1975  
 School Standards & Framework Act 1998  
 School Standards and Organisation Wales Act 2013  
 Scotch Whisky Act 1988  
 Scrap Metal Dealers Act 2013  
 Slaughter of Poultry Act 1967  
 Slaughterhouses Act 1974  
 Social Services & Wellbeing (Wales) Act 2014  
 Solicitors Act 1974  
 Special Educational Needs & Disability Act 2001  
 Sunbeds (Regulation) Act 2010  
 Sunday Trading Act 1994  
 Tattooing of Minors Act 1969  
 Teaching & Higher Education Act 1998  
 Telecommunications Act 1984  
 Theft Acts 1968 and 1978  
 Timeshare Act 1992  
 Tobacco Advertising & Promotion Act 2002  
 Town Police Clauses Act 1847  
 Trade Marks Act 1994  
 Trading Representations (Disabled Persons) Acts 1958 and 1972  
[Trading Schemes Act 1996](#)  
 Trading Stamps Act 1964  
 Traffic Management Act 2004  
 Transport Act 1985, 2000 and 2006  
 Town & Country Planning Act 1990  
 Unsolicited Goods and Services Acts 1971 and 1975  
 Vehicles (Crime) Act 2001  
[Vehicles \(Excise\) and Registration Act 1994](#)  
 Video Recordings Acts – [1984 2010](#)  
 Water Industry Act 1991  
 Water Act 1989  
 Weights and Measures Act 1985  
 Wellbeing of Future Generations Act 2015  
 Wildlife & Countryside Act 1981

\* The Food Hygiene (Wales) Regulations which enact in regulations the provisions under the Food Safety Act and European Communities Act regulations.

## **RIGHTS OF WAY**

A Rights of Way Cabinet Committee whose terms of reference are to discharge on behalf of the Cabinet the following functions: -

- a) Generally to consider and determine the creation, diversion and extinguishment of public rights of way
- b) To consider evidence and determine matters relating to the reclassification of Roads Used as Public Paths as required by the Wildlife and Countryside Act 1981
- c) To consider errors in the Definitive Map or the Definitive Statement and how they can be corrected.
- d) To make where appropriate Stopping Up Orders on Rights of Way under the Highways Act 1980
- e) To make where appropriate Modification Orders to Rights of Way as permitted by the Wildlife and Countryside Act 1981
- f) To consider evidence on claimed rights of way and to determine those claims
- g) To consider other such matters relating to the management of rights of way as specified on the Definitive Map or Statement as required to discharge the Authority's duties to manage Rights of Way.

### **POWERS DELEGATED TO THE COMMITTEE**

Those matters listed in the terms of reference above.

### **POWERS DELEGATED TO OFFICERS**

<b>Power</b>	<b>Delegated to</b>
All matters arising from the exercise of the committee's terms of reference	The Chief Executive or a Director or the relevant Head of Service after consultation with the Chair or Vice Chair of the committee.

\* Note that the decisions of this committee are excluded from the Executive call-in provisions of the Council's Constitution.

\*Note in relation to quorum, Cabinet at its meeting on 8<sup>th</sup> May, 2007, agreed that the quorum for a Committee would not fall below three in number.

5. **GENERAL DELEGATIONS OF POWERS: COUNCIL & EXECUTIVE POWERS**

NOTE THAT each delegation includes the power to take any steps in relation to the delegated function, including the authorisation of or defence of any proceedings in any court, tribunal, board or panel.	POWER DELEGATED TO
(a) Determination of all matters which are not required to be considered by the Council or Cabinet or which have not been referred to a committee or a sub-committee for determination.	The Chief Executive or any Director or the relevant Head of Service.
(b) Determination of any urgent matter in the purview of the Council, the Cabinet or any committee of these where it is impractical to convene a meeting of that body to consider the matter.	Chief Executive or in his absence any Director.
(c) To serve requisitions for information under Local Government (Miscellaneous Provisions) Act 1976 or any other enabling legislation.	Any Director or the relevant Head of Service.
(d) The approval of tenders or award of contracts within the terms of the Council's Financial Standing Orders or Financial Regulations	As set out in the Council's Standing Orders for Contracts or Financial Regulations as set out in Part 4 of the Constitution
(e) In any legal proceedings to have authority to take all action in relation to those proceedings, to prosecute pursue defend appeal abandon or settle those proceedings, and to have the authority to instruct or brief Counsel where considered appropriate.	Head of Legal Services or the Monitoring Officer or any Principal Solicitor; or the appropriate Director or the relevant Head of Service in consultation with the Head of Legal Services or any Principal Solicitor
(f) To act as proper officer:- (i) for the issue of determinations consents licences or notices within the Terms of Reference of the Planning Committee (ii) for the issue of determinations consents licences or notices on behalf of the Council	The Director of the Environment or the Head of Regeneration & Planning or the Development Control Manager.  Chief Executive or the appropriate Director or the relevant Head of Service.

NOTE THAT each delegation includes the power to take any steps in relation to the delegated function, including the authorisation of or defence of any proceedings in any court, tribunal, board or panel.	POWER DELEGATED TO
<ul style="list-style-type: none"> <li>(iii) for all matters arising out of Part VA of the Local Government Act 1972 (Access to Information) or the Local Government Act 2000</li> <li>(iv) for the signing of any documents on behalf of the Council relating to land</li> <li>(v) for the attestation of the Council's Seal as the officer authorised under the Council's Standing Orders</li> <li>(vi) for the signing of any contractual documents on behalf of the Council relating to any other matter</li> <li>(vii) to act as Registrar of Local Land Charges and Commons Registration Officer.</li> <li>(viii) Power to incur expenditure or take any other step in the day to day running in accordance with approved budgets of any Service area.</li> <li>(ix) Power to set all fees and charges in accordance with the Council's policies.</li> <li>(x) To provide a certificate under Local Government (Contracts) Act 1997</li> </ul>	<p>Chief Executive or Director of Corporate Services or Monitoring Officer</p> <p>Chief Executive or Head of Legal Services or any Principal Solicitor</p> <p>Chief Executive or Head of Legal Services or any Principal Solicitor.</p> <p>Chief Executive or Director of Corporate Services or Head of Legal Services or any Principal Solicitor or the appropriate Director or the relevant Head of Service subject to that officer advising and obtaining the approval of the Head of Legal Services of the proposed signing of such document in advance of such signing.</p> <p>Head of Regeneration &amp; Planning or Development Control Manager or relevant Director or Head of Legal Services</p> <p>Chief Executive or the appropriate Director or the relevant Head of Service.</p> <p>The Chief Executive or any Director or relevant Head of Service in consultation with the Head of Corporate Finance and the appropriate Cabinet member. S.151 Officer or Head of Corporate Finance.</p>

NOTE THAT each delegation includes the power to take any steps in relation to the delegated function, including the authorisation of or defence of any proceedings in any court, tribunal, board or panel.	POWER DELEGATED TO
(xi) To act as 'proper officer' in relation to any other function not named above and referred to in any requirement in law in force for the time being.	The Chief Executive or Director of Corporate Services or Monitoring Officer
(xii) Functions relating to Cardiff Capital Region City Deal as set out in the report to Council on the 31 <sup>st</sup> January, 2017.	The Leader or his/her nominated Deputy
(xiii) To exercise the functions of the Council as a member of the Regional Partnership Board and to consider any specific arrangements which need to be put in place to meet statutory duties at a local and regional level	Cabinet Member for Social Care and Well-being

6. The following joint arrangements have been established with other Local Authorities.

Glamorgan Archives Joint Committee.  
 Greater Gwent Cremation Joint Committee.  
 Gwent Frailty Joint Committee.  
 Gwent Archives Joint Committee  
 Project Gwyrdd Joint Committee  
 Cardiff Capital Region City Deal

## CURRENT MEMBERSHIP OF OVERVIEW AND SCRUTINY COMMITTEES

### Education Scrutiny Committee (16 members) 11 - 4 - 1

Councillors C. Andrews, P.J. Bevan, A. Collis, S. Cook, W. David, A. Farina-Childs, D.T. Hardacre, D. Havard, M.P. James, B. Miles, Mrs G.D. Oliver, Mrs T. Parry, J.E. Roberts, R. Saralis, J. Simmonds, R. Whiting

Chair: Vacant (Plaid Cymru)

Vice-Chair: C. Andrews

### Social Services Scrutiny Committee (16 members) 11 - 4 - 1

Councillors A. Angel, J. Bevan, C. Bezzina, L. Binding, D. Cushing, M. Evans, Ms E. Forehead, A. Gair, Ms J. Gale, D. Harse, V. James, L. Jeremiah, Mrs A. Leonard, B. Owen, S. Skivens, C. Thomas

Chair: L. Binding

Vice-Chair: J. Bevan

### Policy and Resources Scrutiny Committee (16 members) 11 - 4 - 1 Partnerships Scrutiny Committee

Councillors M. Adams, Mrs E.M. Aldworth, K. Etheridge, Mrs C. Forehead, Ms E. Forehead, L. Harding, G. Johnson, G. Kirby, C.P. Mann, B. Miles, J. Pritchard, J. Ridgewell, Mrs M.E. Sargent, R. Saralis, J. Taylor, L.G. Whittle

Chair: J. Pritchard

Vice-Chair: G. Kirby

### Environment & Sustainability Scrutiny Committee (16 members) 11 - 4 - 1

Councillors M. Adams, D.T. Davies, A. Collis, C. Elsbury, M. Evans, A. Hussey, J. Gale, A. Gair, R.W. Gough, S. Kent, Ms A.. Leonard, D. Preece, J. Scriven, G. Simmonds, A. Whitcombe, T.J. Williams,

Chair: D. T. Davies

Vice-Chair: A. Hussey

### Housing and Regeneration Scrutiny Committee (16 members) 11 – 4 – 1

Councillors J. Bevan, C. Forehead, L. Harding, A. Higgs, G. Kirby, P. Leonard, G. Oliver, D. Price, John Ridgewell, W. Williams, B. Zaplatynski, 4 x Plaid Cymru vacancies, 1 x Independent vacancy.

Chair: J. Ridgewell

Vice-Chair: C. Forehead

Gadewir y dudalen hon yn wag yn fwriadol



## MEMBERSHIP OF COMMITTEES

### Appeals Panel (Disciplinary/Grievance) (3 members) 1 - 1 - 1

Councillors **W. David**, **Mrs T. Parry**, K. Etheridge

Nominated substitutes - **P.J. Bevan**, **Mrs C. Forehead**, **Mrs B.A. Jones**, **D.W.R. Preece**

Chair: **Councillor W. David**

### Appointments Committee (Chief Officer Related Posts/Heads of Service) (6 - 2 - 1 - plus Cabinet Member)

Councillors **Mrs E. M. Aldworth**, **W. David**, K. Etheridge, **Mrs. C. Forehead**, **D.T. Hardacre**, **V. James**, **C.P. Mann**, **J. Ridgewell**, **J. Taylor** and relevant Cabinet Member

Chair: **Councillor Mrs E. M. Aldworth** Vice-Chair: **Mrs C. Forehead**

Substitutes Councillor **Mrs M. Sargent**

### Audit Committee (12 members) 8 - 3 - 1 (1 lay member)

Councillors **Mrs E.M. Aldworth**, **J. Bevan**, **M. Adams**, **C. Elsbury**, **A. Gair**, **Ms J. Gale**, **D. Hardacre**, **B. Miles**, **Mrs T. Parry**, **Mrs M.E. Sargent**, **G. Simmonds**, **J. Simmonds**

Chair: **Councillor Mrs M.E. Sargent** Vice-Chair: **Mr N. D Yates**

### Democratic Services Committee (16 members) 11 - 4 - 1

Councillors **C. Andrews**, **P.J. Bevan**, **D. Cushing**, **W. David**, **D.T. Davies**, K. Etheridge, **Mrs C. Forehead**, **A. Hussey**, **L. Jeremiah**, **G. Kirby**, **C.P. Mann**, **Mrs G.D. Oliver**, **Mrs M.E. Sargent**, **C. Thomas**, **R. Whiting**, **W. Williams**,

Chair: **Councillor C.P. Mann** Vice-Chair: **Councillor G. Kirby**

### Investigating and Disciplinary Committee (7 members) 5 - 2

Councillors **M. Adams**, **A. Angel**, **D.T. Davies**, **N. George**, **C. Gordon**, **J. Simmonds**, **J. Taylor**

Substitutes Councillors **D. Havard**, **T. Williams** and **R. Gough**

### Licensing and Gambling Committee/Taxi and General Committee (15 members) 10 - 4 - 1

Councillors **J. Bevan**, **P.J. Bevan**, **D. Cushing**, **W. David**, **M. Davies**, K. Etheridge, **Ms J. Gale**, **D. Harse**, **D.W.R. Preece**, **Mrs D. Price**, **J. Ridgewell**, **J. Roberts**, **J. Simmonds**, **R. Whiting**, **W. Williams**

Chair: **Councillor D.W.R. Preece** Vice-Chair: **Councillor J. Simmonds**

### Planning Committee (20 members) 14 - 5 - 1

Councillors M. Adams, Mrs E.M. Aldworth, C. Andrews, A. Angel, J. Bevan, M. Davies, J.E. Fussell, R.W Gough, D. Hardacre, A. Higgs, A. Hussey, B. Miles, Mrs G. D. Oliver, J. Ridgewell, J. Simmonds, J. Taylor, A. Whitcombe, R. Whiting, T.J. Williams 1 x Independent vacancy

Chair: Councillor M. Adams Vice-Chair: Councillor A. Whitcombe

**Standards Committee (2 members/5 lay members/1 community councillor)**

Councillor Mrs D. Price (substitute Councillor Ms J. Gale), C.P. Mann (substitute Mrs M.E. Sargent)

**Rights of Way Cabinet Committee (5 Cabinet Members)**

Councillors C. Cuss, N. George, C.J Gordon, S. Morgan, Mrs E. Stenner.

## CURRENT REPRESENTATIVES

### SUB-COMMITTEES/WORKING PARTIES/PANELS/BOARDS

1. **Advisory Panel for the Appointment and Removal of Local Authority Governors (5 - 2)**  
Councillors P.J. Bevan, W. David, D. Havard, Mrs P. Marsden, R. Saralis, J. Simmonds, J. Roberts  
Nominated Substitutes: M. Adams, M. James, Mrs T. Parry, A. Whitcombe
  
2. **Bargoed Town Centre Management Group (6 members - Aberbargoed/Bargoed/Gilfach Wards plus Cabinet Member)**  
Councillors C. Andrews, A. Collis, D.T. Davies, L. Harding, A.G. Higgs, Mrs D. Price,  
plus Cabinet Member for Economy, Infrastructure and Sustainability - Councillor S. Morgan
  
3. **Blackwood Town Centre Management Group (5 members - Blackwood/Cefn Forest Wards plus Cabinet Member)**  
Councillors N. Dix, K. Etheridge, A. Farina-Childs, G. Simmonds, T.J. Williams plus Cabinet  
Member for Economy, Infrastructure and Sustainability - Councillor S. Morgan
  
4. **Caerphilly Community Safety Delivery Group (1 member)**  
Cabinet Member for Environment and Public Protection - Councillor Mrs E. Stenner
  
5. **Caerphilly Homes Task Group (Welsh Housing Quality Standard)(7 members/7 tenant representatives) 5 - 2**  
Councillors M. Davies, L. Harding, A. Hussey, Mrs B. Jones, Mrs L. Phipps, Mrs D. Price,  
L.G. Whittle
  
6. **Caerphilly Local Access Forum (Cabinet Member)**  
Cabinet Member for Neighbourhood Services - Councillor N. George
  
7. **Caerphilly Town Centre Management Group (9 members - Morgan Jones/St. Martins/St. James Wards plus Cabinet Member)**  
Councillors P.J. Bevan, S. Cooke, C. Elsbury, Mrs C. Forehead, Ms E. Forehead, J.E. Fussell,  
Mrs B.A. Jones, S. Kent, J. Pritchard plus Cabinet Member for Economy, Infrastructure and  
Sustainability - Councillor S. Morgan
  
8. **Community Council Liaison Sub-Committee (16 members) 11 - 4 - 1**  
Councillors A. Angel, C. Andrews, A. Farina-Childs, A. Gair, A. Higgs, V. James, M. James, L.  
Jeremiah, Ms P. Leonard, Mrs T. Parry, J. Ridgewell, Mrs M.E. Sargent, C. Thomas, A.  
Whitcombe, R. Whiting, B. Zaplatynski

9. **Corporate Health and Safety Committee (7 members) 5 - 2**  
Councillors M. Adams, P.J. Bevan, D.T. Hardacre, D. Havard, A.G. Higgs, S. Kent, W. Williams
10. **Corporate Joint Consultative Committee (all Cabinet members)**  
Councillors C.J. Cuss, N. George, C. Gordon, Mrs B. Jones, Mrs P. Marsden, S. Morgan, Mrs L. Phipps, D.V. Poole, Mrs E. Stenner,
11. **Education Achievement Service Board (EAS)**  
Councillor Mrs L. Phipps - substitute Councillor C. Cuss
12. **Education Achievement Service Audit and Risk Assurance Committee**  
Councillors Mrs E.M. Aldworth and Mrs C. Andrews
13. **Future Generations Advisory Panel (11 members) 7 - 3 - 1**  
Councillors S. Cook, K. Dawson, C. Elsbury, D. Havard, S. Kent, C.P. Mann, S. Morgan, J. Ridgewell, G. Simmonds, R. Whiting, B. Zaplatynski
14. **Grants to the Voluntary Sector Panel (15 members) 10 - 4 - 1**  
Councillors C. Andrews, M. Davies, A. Farina-Childs, A. Gair, D. Hardacre, R. Gough, A. Higgs, L. Jeremiah, Mrs A. Leonard, Mrs G. Oliver, D.W.R. Preece, J. Roberts, R. Saralis, J. Taylor, A. Whitcombe
15. **Monmouthshire and Brecon Canal - Crumlin Arm Working Group (adjoining ward members (Abercarn/Crosskeys/Crumlin/Newbridge/Risca East/Risca West) and Cabinet Member)**  
Councillors M. Davies, A. Hussey, L. Jeremiah, G. Johnston, Mrs A. Leonard, Ms P. Leonard, B. Owen, D.W.R Preece, J. Simmonds, C. Thomas, A. Whitcombe, R. Whiting plus Cabinet Member for Neighbourhood Services - Councillor N. George
16. **Pensions/Compensation Committee (8 members) 6 - 2 (plus relevant Cabinet Member)**  
Councillors W. David, Ms J. Gale, D.T. Hardacre, B. Miles, D.W.R. Preece, Mrs M.E. Sargent, L.G. Whittle, W. Williams plus appropriate Cabinet Member  
Substitutes M. Adams, Mrs E. M. Aldworth, J. Simmonds, J. Taylor
17. **Prosiect Gwyrd Joint Scrutiny Panel (2 members) 1 - 1**  
Councillors J. Bevan, C. Elsbury
18. **Rights of Way Cabinet Committee (5 Cabinet Members)**  
Councillors C. Cuss, C. Gordon, S. Morgan, Mrs L. Phipps, Mrs E. Stenner

19. **Risca Town Centre Management Group (5 members - Risca East/Risca West Wards plus Cabinet Member)**
- Councillors N. George, Mrs A. Leonard, Ms P. Leonard, B. Owen, R. Whiting plus Cabinet Member for Economy, Infrastructure and Sustainability – Councillor S. Morgan
20. **River Rhymney Task Group (3 members) 2 - 1**
- Councillors A. Collis, M. Evans, S. Kent
21. **Scrutiny Leadership Group**
- Chairs and Vice Chairs of Scrutiny Committees, Democratic Services Committee and Audit Committee
22. **Standing Advisory Council on Religious Education (6 members) 4 - 2**
- Councillors Mrs E. M. Aldworth, Mrs G. Oliver, J. Ridgewell, Mrs M.E. Sargent, J. Simmonds, J. Taylor
23. **View Point Panel**
- |                                   |   |                          |
|-----------------------------------|---|--------------------------|
| Education for Life                | } | relevant Cabinet Members |
| Health Social Care and Well Being | } |                          |
| Policy and Resources              | } |                          |
| Regeneration and Environment      | } |                          |
24. **Voluntary Sector Liaison Committee (15 members) 10 - 4 - 1**
- Councillors Mrs E. M. Aldworth, J. Bevan, A. Collis, S. Cook, K. Etheridge, J.E. Fussell, R.W. Gough, D. Harse, A.G. Higgs, Mrs B.A. Jones, Mrs T. Parry, A. Whitcombe, R. Whiting, L.G. Whittle, W. Williams
25. **Ystrad Mynach Town Centre Management Group (4 members - Hengoed/Ystrad Mynach Wards plus Cabinet Member)**
- Councillors A. Angel, D. Cushing, Mrs T. Parry, M. James, plus Cabinet Member for Economy, Infrastructure and Sustainability - Councillor S. Morgan

Gadewir y dudalen hon yn wag yn fwriadol

## REPRESENTATION ON ASSOCIATIONS/OUTSIDE BODIES 1 YEAR UNLESS OTHERWISE INDICATED

### CAERPHILLY COUNTY BOROUGH COUNCIL CHAMPIONS

1. **Anti-Poverty Champion**  
Cabinet Member for Finance, Performance and Governance - Councillor Mrs B.A. Jones
2. **Armed Forces Community Covenant Champion**  
Councillor A. Whitcombe
3. **Child Poverty Champion**  
Cabinet Member for Social Care and Well Being - Councillor C.J. Cuss
4. **Dementia Friend Champion**  
Councillor Mrs C. Andrews
5. **Domestic Abuse Champions**  
Cabinet Members for Corporate Services and Neighbourhood Services - Councillors C.J. Gordon and N. George
6. **Equalities Champion**  
Councillor J. Pritchard
7. **Future Generations Champion**  
Cabinet Member for Economy, Infrastructure and Sustainability - Councillor S. Morgan
8. **Homeless Persons Champion**  
Cabinet Member for Homes and Places - Councillor Mrs L. Phipps
9. **LGBTQ Champion**  
Cabinet Member for Social Care and Wellbeing – Councillor C. Cuss
10. **Older Persons Champion**  
Cabinet Member for Finance, Performance and Governance - Councillor Mrs B.A. Jones
11. **White Ribbon Campaign Champion**  
Cabinet Member for Neighbourhood Services- Councillor N. George
12. **Youth Champion (appointed by Youth Forum)**  
Councillor M. Evans

### OUTSIDE BODIES AND ASSOCIATIONS

1. **Aneurin Bevan Community Health Council**  
Councillors B. Miles, Mrs T. Parry, J. Simmonds

2. **Army Benevolent Fund - Gwent**  
Councillor A. Whitcombe
3. **Association of Public Services Excellence (APSE) Welsh Regional Committee**  
Cabinet Members for Corporate Service, Homes and Places, Economy, Infrastructure and Sustainability - Councillors C.J. Gordon, Mrs L. Phipps and S. Morgan
4. **Caerphilly Foster Panel**  
Councillor Mrs B. Miles
5. **Carbon Reduction Group**  
Cabinet Member for Economy, Infrastructure and Sustainability - Councillor S. Morgan
6. **Cardiff Capital Region Joint Committee (Regional Cabinet)**  
Leader of Council - Councillor D.V. Poole and Cabinet Member for Economy, Infrastructure and Sustainability - Councillor S. Morgan
7. **Cardiff Capital Region Joint Scrutiny Committee**  
Councillor J. Ridgewell and Councillor C. Elsbury (Deputy)
8. **Care and Repair - Caerphilly**  
Cabinet Member for Homes and Places - Councillor Mrs L. Phipps and Private Sector Housing Manager
9. **Citizens Advice Bureau Trustee Board**  
Cabinet Member for Corporate Services - Councillor C.J. Gordon
10. **Coleg Gwent Further Education Corporation (Crosskeys Community Partnership)**  
Councillor D.T. Hardacre
11. **Coleg Harlech WEA North**  
Cabinet Member for Education and Achievement - Councillor Mrs P. Marsden
12. **Coleg Y Cymoedd Corporation (formerly Ystrad Mynach College Board of Governors)**  
Sian Farquharson, Challenge Advisor EAS
13. **Corporate Parenting Group**  
Cabinet Members for Social Care and Well Being and Education and Achievement  
Councillors C.J. Cuss and Mrs P. Marsden, Councillors L. Binding, D. Cushing, J. Simmonds (Foster Panel Member)
14. **Corporate Safeguarding Group**  
Cabinet Members for Social Care and Well Being and Education and Achievement  
Councillors C.J. Cuss, Mrs P. Marsden and Councillor D. Cushing, 1 Independent
15. **Fields in Trust (formerly National Playing Fields Association)**  
Cabinet Member for Neighbourhood Services - Councillor N. George
16. **Glamorgan Archives Joint Committee**  
Councillors Mrs B.A. Jones and A.G Higgs



17. **Greater Gwent Cremation Joint Committee**  
Councillor J. Simmonds and J. Taylor
18. **Groundwork Wales**  
Councillor D. Havard
19. **Gwent Association of Voluntary Organisations**  
Relevant Officer and Councillor A. Higgs
20. **Gwent Regional Partnership Board**  
Cabinet Member for Social Care and Well Being - Councillor C.J. Cuss
21. **Gwent Archives Joint Committee**  
Councillors Mrs B.A. Jones and A.G. Higgs
22. **Gwent Police and Crime Panel - politically balanced across Gwent**  
Councillors Mrs C. Forehead, G. Kirby and C.P. Mann
23. **Industrial Communities Alliance (formerly Coalfield Communities Campaign)**  
Cabinet Member for Economy, Infrastructure and Sustainability - Councillor S. Morgan
24. **Islwyn Indoor Bowls Club Management Board**  
Councillor M. Adams and Cabinet Member for Neighbourhood Services - Councillor N. George
25. **Joint Council for Wales**  
Cabinet Members for Corporate Services and Homes and Places - Councillors C.J. Gordon and Mrs L. Phipps
26. **The Learning Centre (Pupil Referral Unit)**  
Councillor M. Evans
27. **Local Authority Action for Southern Africa (LAACTSA)**  
Councillor R. Saralis
28. **Local Government Association**  
Leader of the Council - Councillor D.V. Poole and Cabinet Members for Finance, Performance and Governance, Economy, Infrastructure and Sustainability and Neighbourhood Services - Councillors Mrs B.A. Jones, S. Morgan and N. George
29. **Monmouthshire and Brecon Canal Joint Steering Group** (Formally Monmouthshire and Brecon Canal Regeneration Partnership)  
Cabinet Members for Neighbourhood Services and Environment and Public Protection, - Councillors N. George and Mrs E. Stenner (substitute Councillor C. Thomas)
30. **Monmouthshire Farm School Endowment Trust**  
Councillor D. Havard
31. **Pen Bryn Oer Wind Farm Community Benefit Panel**  
Member for Twyn Carno Ward - Councillor C. Cuss

32. **PFI Liaison Committee**  
Cabinet Member for Education and Achievement - Councillor Mrs P. Marsden
33. **Prosiect Gwyrdd Joint Committee**  
Cabinet Members for Neighbourhood Services and Corporate Services - Councillors N. George and C.J. Gordon
34. **Regional Technical Statement (Aggregates)**  
Cabinet Member for Economy, Infrastructure and Sustainability - Councillor S. Morgan
35. **Regional Transport Authority**  
Cabinet Member for Economy, Infrastructure and Sustainability - Councillor S. Morgan
36. **Reserve Forces and Cadets Association for Wales**  
Councillor A. Whitcombe
37. **Safer Caerphilly Community Safety Partnership**  
Cabinet Member for Environment and Public Protection - Councillor Mrs E. Stenner
38. **Schools Admission Forum**  
Cabinet Member for Education and Achievement - Councillor Mrs P. Marsden
39. **Schools Budget Forum**  
Cabinet Members for Education and Achievement and Finance, Performance and Governance - Councillors Mrs P. Marsden and Mrs B.A. Jones
40. **South East Area Environment Group**  
Cabinet Member for Environment and Public Protection - Councillor Mrs E. Stenner
41. **South East Wales Strategic Planning Group**  
Cabinet Member for Environment and Public Protection - Councillor Mrs E. Stenner
42. **South Wales Fire and Rescue Authority**  
Councillors D.T. Davies, A. Hussey, C. Elsbury
43. **South Wales Regional Aggregates Working Party**  
Cabinet Member for Economy, Infrastructure and Sustainability - Councillor S. Morgan
44. **Sportlot Community Chest Panel**  
Councillors A. Gair, C. Thomas and W. Williams
45. **St. Johns Cymru Wales**  
Councillor Mrs C. Andrews
46. **Urban Commission (Local Government Association)**  
Councillor S. Morgan
47. **Wales and National Nuclear Free Zone Forum**  
Councillor Mrs C. Forehead
48. **Wales Council for Deaf People**  
Councillor A. Gair

49. **Welsh Books Council (3 years) and Wales Book Council Executive Committee (1 year)**  
Councillor J. Simmonds
50. **Welsh Centre for International Affairs**  
Councillor D. Havard
51. **Welsh Church Fund**  
Cabinet Member for Corporate Services - Councillor C. Gordon, Substitute - Cabinet Member for Finance, Performance and Governance - Councillor Mrs B.A. Jones
52. **Welsh Local Government Association**  
Leader of the Council - Councillor D.V. Poole and Cabinet Members for Finance, Performance and Governance, Economy, Infrastructure and Sustainability and Neighbourhood Services - Councillors Mrs B.A. Jones, S. Morgan and N. George
53. **Welsh Local Government Association - Executive Board**  
Leader of the Council - Councillor D.V. Poole
54. **Welsh Purchasing Consortium** - to be disbanded in due course  
Cabinet Member for Corporate Services - Councillor C. Gordon
55. **WJEC**  
Cabinet Member for Education and Achievement - Councillor Mrs P. Marsden
56. **Workers Education Association - South Wales District Committee**  
Councillor Mrs C. Forehead
57. **Youth Forum**  
Councillors C.J. Cuss and J. Pritchard plus Cabinet Member for Education and Achievement - Councillor Mrs P. Marsden and the Youth Champion

Gadewir y dudalen hon yn wag yn fwriadol