

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.

<i>Function*</i> *The detail of each function is set out in the next Table.	Decision making body	<i>Delegation of functions</i>
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 40	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 Officer * Licensing Officer *Environmental Health Manager * Senior Trading Standards Officer <u>Trading Standards Team Manager</u> *Senior Environmental Health Officer *Trading Standards Officer *Senior Fair Trading Officer * Environmental Health Officer *Senior Commercial Safety Officer *Commercial Safety Officer *Fair Trading Officer Technical Assistant

		(Officers marked * are appointed under Section 19(1) of the Health and Safety at Work Act 1974 or any statutory 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</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>

	<p>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>(d) In relation to all other staff the Head of Paid Service or his/her nominee.</p>	<p>(d) The Chief Executive and any person nominated by the Chief Executive.</p>
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.
<p>Those functions specified by law as being the responsibility of the Council including:</p> <p>(a) the setting of the Budget;</p> <p>(b) the setting of the policy framework;</p> <p>(c) any housing land transfers.</p>	The Council (receiving recommendations from the Executive)	The Council, or the Chief Executive or any Director or the relevant Head of Service.
<p>The functions of –</p> <p>(a) imposing any condition, limitation or other restriction on an approval, consent, licence, permission or registration granted –</p> <p>(i) in the exercise of a function specified in column (1) of Schedule 1; or</p> <p>(ii) otherwise than by an executive of the authority, in the</p>	The Council (receiving Recommendations from the Executive)	The Council, or the Chief Executive or any Director or the relevant Head of Service.

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<p>exercise of any function under a local Act; or</p> <p>(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.</p>		
<p>The functions of determining whether, and in what manner, to enforce –</p> <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 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 –</p> <p>(a) amending, modifying or varying any such approval, consent,</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>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, is not to be the responsibility of an executive of the authority.</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 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.</p> <p>Section 101 of the Local Government Act 1972 (Powers to Delegate Functions) does not apply in relation to this provision.</p>	<p>The Council (receiving recommendations from the Executive)</p>	
<p>The functions of determining</p> <p>(a) the amount of any allowance payable under —</p> <p>(i) subsection (5) of section 22 of the 1972 Act (chairman's expenses);</p> <p>(ii) subsection (4) of section 24 of that Act (vice-chairman's expenses);</p> <p>(iii) subsection (4) of section 173 (financial</p>	<p>The Council (receiving recommendations from the Executive)</p>	

<p>loss allowance) of that Act(1);</p> <p>(iv) section 175 of that Act (allowances for attending conferences and meetings);</p> <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 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>		
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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.	The Council	The Chief Executive or any Director or the relevant Head of Service.
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.	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:-

(1) Function	(2) Provision of Act or Statutory Instrument
A. Functions relating to town and country planning and development control	
1. Power to determine applications for planning permission.	Sections 70(1)(a) and (b) and 72 of the Town and Country Planning Act 1990 (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.
15. Power to issue an enforcement notice.	Section 172 of the Town and Country Planning Act 1990.
16. Power to apply for an injunction restraining a breach of planning control.	Section 187B of the Town and Country Planning Act 1990.
17. Power to determine applications for hazardous substances consent, and related powers.	Sections 9(1) and 10 of the Planning (Hazardous Substances) Act 1990 (c. 10).
18. Duty to determine conditions to which old mining permissions, relevant planning permissions relating to dormant sites or active Phase I or II sites, or mineral permissions relating to mining sites, as the case may be, are to be subject.	Paragraph 2(6)(a) of Schedule 2 to the Planning and Compensation Act 1991, paragraph 9(6) of Schedule 13 to the Environment Act 1995 (c. 25) and paragraph 6(5) of Schedule 14 to that Act.

19. Power to require proper maintenance of land.	Section 215(1) of the Town and Country Planning Act 1990.
20. Power to determine applications for listed building consent, and related powers.	Sections 16(1) and (2), 17, 19 and 33(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (c.9).
21. Power to determine applications for conservation area consent.	Section 16(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, as applied by section 74(3) of that Act.
22. Duties relating to applications for listed building consent and conservation area consent.	Section 13(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and regulations 3 to 13 of the Planning (Listed Buildings and Conservation Areas) Regulations 1990 and paragraph 127 of the Welsh Office circular 61/96: Planning and the Historic Environment: Historic Buildings and Conservation Areas.
23. Power to serve a building preservation notice, and related powers.	Sections 3(1) and 4(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
24. Power to issue a listed building enforcement notice.	Section 38 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
25. Powers to acquire a listed building in need of repair and to serve a repairs notice.	Sections 47 and 48 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
26. Power to apply for an injunction in relation to a listed building	Section 44A of the Planning (Listed Buildings and Conservation Areas) Act 1990.
27. Power to execute urgent works and recovery of expenses.	Section 54 & 55 of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990.
28. Power related to discontinuance of mineral workings.	Schedule 9 of the Town and Country Planning Act 1990.
29. Power related to footpaths and bridleways.	Section 257 & 258 of the Town and Country Planning Act 1990.
30. Power as to certification of appropriate alternative development.	Section 17 of the Land Compensation Act 1961 (c.33).

31. Duties in relation to purchase notices.	Sections 137-144 of the Town and Country Planning Act 1990.
32. Powers related to blight notices.	Sections 149-171 of the Town and Country Planning Act 1990.
33. Local development orders	Sections 61A to D of the Town and Country Planning Act 1990 as amended
34. Simplified planning zones	Sections 82 to 87 and Schedule 7 of the Town and Country Planning Act 1990 as amended
35. Powers to revoke or modify a planning permission	Sections 97 to 99 of the Town and Country Planning Act 1990 as amended
36. Duty of mineral planning authority to review mineral workings	Section 105 of the Town and Country Planning Act 1990 as amended
37. 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
38. The determination of applications submitted under the Building Regulations	The Building Act 1984 as amended and associated Building Regulations
39. 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
40. Power to deal with non-material amendments	Section 96A of the Town & Country Planning Act 1990
41. Power to declare an application invalid	Section 62 of the Town & Country Planning Act 1990
42. Power to deal with statutory pre-application enquiries	The Town & Country Planning (Pre-Application Services) (Wales) (Regulations) 2016

B. Licensing and registration functions (in so far as not covered by any other paragraph of this Schedule)	
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.

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	<p>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);</p> <p>(b) as to private hire vehicles, sections 48, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976.</p>
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	
12. Power to issue entertainments licences.	Section 12 of the Children and Young Persons Act 1933 (c.12)
13. 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.

14. Power to licence performances of hypnotism.	The Hypnotism Act 1952 (c. 46).
15. 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.
16. Power to licence pleasure boats and pleasure vessels.	Section 94 of the Public Health Acts Amendment Act 1907 (c. 53).
17. Power to licence market and street trading.	Part III of, and Schedule 4 to, the Local Government (Miscellaneous Provisions) Act 1982.
18. Blank	
19. Power to issue registrations or licences for the manufacture and storage of explosives	The Explosive Regulations 2014
19A. Power to issues licences for the supply of fireworks	Fireworks Regulations 2004
19B. Power to issue licences for the keeping of petroleum spirit	The Petroleum (Consolidation) Regulations 2014 Health & Safety at Work etc Act 1974
20. Power of register and licence premises for the preparation of food.	Section 19 of the Food Safety Act 1990 (c. 16).
21. BLANK	
22. Power to issue, amend or replace safety certificates (whether general or special) for sports grounds.	The Safety of Sports Grounds Act 1975 (c. 52).
23. Power to issue, cancel, amend or replace safety certificates for regulated stands at sports grounds.	Part III of the Fire Safety and Safety of Places of Sport Act 1987 (c.27).
24. Duty to promote fire safety	Section 6 of the Fire and Rescue Services Act 2004 (c.21)
25. BLANK	
26. Power to licence dog boarding and other animal activities	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);

27. Power to register animal trainers and exhibitors.	Section 1 of the Performing Animals (Regulation) Act 1925 (c. 38).
28. Power to licence zoos.	Section 1 of the Zoo Licensing Act 1981 (c. 37).
29. Power to licence dangerous wild animals.	Section 1 of the Dangerous Wild Animals Act 1976 (c. 38).
29A. Power to licence riding establishments	Riding Establishments Act 1964 & 1970
30. Power to enforce regulations in relation to animal by-products.	The Animal By-Products (Enforcement) (Wales) Regulations 2014
31. 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).
32. Power to approve premises for the solemnisation of marriages and the registration of civil partnerships.	Marriages & Civil Partnerships (Approved Premises) Regulations 2005 & 2011
33. Power to register common land or town or village greens, except where the power is exercisable solely for the purpose of giving effect to— (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 Enclosure 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.
41 BLANK	
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).

C. Functions relating to health and safety at work	
Functions under any of the “relevant statutory provisions” within the meaning of Part I (health, safety and welfare in connection with work, and control of dangerous substances) of the Health and Safety at Work etc. Act 1974, to the extent that those functions are discharged otherwise than in the authority’s capacity as an employer.	Part I of the Health and Safety at Work etc. Act 1974 (c. 37).

D. Functions relating to elections	
1. Duty to appoint an electoral registration officer.	Section 8(2A) of the Representation of the People Act 1983 (c. 2).
2. Power to assign officers in relation to requisitions of the registration officer.	Section 52(4) of the Representation of the People Act 1983.

3. Power to dissolve community councils.	Section 28 of the Local Government Act 1972 (amended by Local Government (Wales) Act 1994).
4. Power to make orders for grouping communities.	Section 29 of the Local Government Act 1972 (amended by Local Government (Wales) Act 1994).
5. 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).
6. Duty to appoint returning officer for local government elections.	Section 35 of the Representation of the People Act 1983.
7. Duty to provide assistance at European Parliamentary elections.	Section 6(7) and (8) of the European Parliamentary Elections Act 2002.
8. Duty to divide constituency into polling districts.	Section 18 of the Representation of the People Act 1983.
9. Power to divide electoral divisions into polling districts at local government elections.	Section 31 of the Representation of the People Act 1983.
10. Powers in respect of holding of elections.	Section 39(4) of the Representation of the People Act 1983.
11. Power to pay expenses properly incurred by electoral registration officers.	Section 54 of the Representation of the People Act 1983.
12. Power to fill vacancies in the event of insufficient nominations.	Section 21 of the Representation of the People Act 1985.
13. Duty to declare vacancy in office in certain cases.	Section 86 of the Local Government Act 1972.
14. Duty to give public notice of a casual vacancy.	Section 87 of the Local Government Act 1972.
15. Power to make temporary appointments to community councils.	Section 91 of the Local Government Act 1972.
16. Power to determine fees and conditions for supply of copies of, or extracts from, elections documents.	Rule 48(3) of the Local Elections (Principal Areas) Rules 1986 (S.I. 1986/2214) and rule 48(3) of the Local Elections (Parishes and Communities) Rules 1986 (S.I. 1986/2215).

17. Power to submit proposals to the the Welsh Ministers for an order under section 10 (pilot schemes for local elections in England and Wales) of the Representation of the People Act 2000.	Section 10 of the Representation of the People Act 2000 (c. 2).
18. Miscellaneous electoral functions under Part II, S.I. 2003/284.	The Senedd Cymru(Representation of the People) Order 2003, S.I. (2003/284).
19. Duty to assign officers to assist at the elections of the Police & Crime Commissioner	Section 54(4) Police Reform & Social Responsibility Act 2011

E. Functions relating to name and status of areas and individuals	
1. Power to change the name of a county or county borough.	Section 74 of the Local Government Act 1972.
2. Power to change the name of a community.	Section 76 of the Local Government Act 1972.
3. Power to confer title of honorary alderman or to admit to be an honorary freeman.	Section 249 of the Local Government Act 1972.
4. Power to petition for a charter to confer county borough status.	Section 245A of the Local Government Act 1972.

F. Power to make, amend, revoke or re-enact byelaws	Any provision of any enactment (including a local Act), whenever passed, and section 14 of the Interpretation Act 1978 (c. 300).
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G. Power to promote or oppose local or personal Bills.	Section 239 of the Local Government Act 1972.
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H. Functions relating to pensions etc.	
1. Functions relating to local government pensions, etc.	Regulations under section 7, 12 or 24 of the Superannuation Act 1972 (c. 11)
2. Functions relating to pensions, allowances and gratuities.	Regulations under section 18 (3A) of the Local Government and Housing Act 1989 (c.42).

3. Functions under existing pension schemes as respects persons employed by the fire and rescue authorities pursuant to section 1 of the Fire and Rescue Services Act 2004.	Sections 34 and 36 of the Fire and Rescue Services Act 2004.
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I. Miscellaneous functions	
1. Duty to approve authority's statement of accounts, income and expenditure and balance sheet or record of receipts and payments (as the case may be).	The Accounts and Audit (Wales) Regulations 2005.
2. Functions relating to sea fisheries.	Sections 1, 2, 10 and 19 of the Sea Fisheries Regulation Act 1966 (c. 38).
3. 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).
4. Powers relating to the protection of important hedgerows.	The Hedgerows Regulations 1997 (S.I. 1997/1160).
5. Power to make standing orders.	Section 106 of, and paragraph 42 of Schedule 12 to, the Local Government Act 1972.
6. 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.
7. Power to make standing orders as to contracts.	Section 135 of the Local Government Act 1972.
8. Power to consider reports from the Public Services Ombudsman for Wales.	Section 19 of the Public Services Ombudsman (Wales) Act 2005 (c.10).
9. 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).

11. Power to appoint officers for particular purposes (appointment of “proper officers”).	Section 270(3) of the Local Government Act 1972 (c.42).
12. 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).
13 (a) Duty to designate an officer as the monitoring officer and to provide staff, etc.	Section 5(1) of the Local Government and Housing Act 1989.
13 (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:
Governance & 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
 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 Welfare Act 2006
 Anti Social Behaviour Act 2003
 Anti Social Behaviour Crime & Policing Act 2014
 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

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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
 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 Legislation
 Dogs (Fouling of Land) Act 1996
 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 Act 2011
 Energy Conservation Act 1981
 Enterprise Act 2002
 Environment Act 1995
 Environmental Protection Act 1990
Environmental Protection (Single Use) (Plastic Products) Wales Act 2023
 Environment (Wales) Act 2016
 Estate Agents Act 1979
 *
 European Union (Withdrawal) Act 2018
 *
 Factories Act 1961
 Farm and Garden Chemicals Act 1967
 Fire Precautions Act 1971
 Fire Safety and Safety of Places of Sports Act 1987
 Fireworks Act 2003
 Flood and Water Management Act 2010
 Food and Environment Protection Act 1985
 Food Hygiene Rating Wales Act 2013
 Food Act 1984
 * Food Safety Act 1990
 Forgery and Counterfeiting Act 1981
 Fraud Act 2006
 Freedom of Information Act 2000
 Gambling Act 2005

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Hallmarking Act 1973
Hazardous Substances Act 1990
Health Act 2006
[Health and Social Care Act 2008](#)
Health and Safety at Work etc Act 1974
[Health Service Procurement Wales Act 2024](#)
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
Leasehold Reform (Ground Rent) Act 2022
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
Medicine and Medical Devices Act 2021
Mines & Quarries (Tips) Act 1969
Mobile Homes (Wales) Act 2013
Motor Cycle Noise Act 1987
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 2019
Offices, Shops and Railway Premises Act 1963
Olympic Symbol etc., (Protection) Act 1995
Performance of Animals (Regs) Act 1925
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

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Prevention of Damage by Pests Act 1949
 Proceeds of Crime Act 2002
[Procurement Act 2023](#)
 Prices Acts 1974 and 1975
 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
 Public Health (Minimum Price for Alcohol Wales) Act 2018
 Refuse Disposal (Amenity) Act 1978
 Registration Service Act 1953
 Regulation and Inspection of Social Care (Wales) Act 2016
 Renting Homes (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 Partnership & Public Procurement Wales Act 2023](#)
 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
 The Children and Families Wales Measure 2010
 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
 Trade Descriptions Act 1968
 Traffic Management Act 2004
 Transport Act 1985, 2000 & 2006
 Unsolicited Goods and Services Acts 1971 and 1975
 Vehicles (Crime) Act 2001
 Video Recordings Acts – 1984 and 2010
 Water Industry Act 1991
 Water Act 1989
 Weights and Measures Act 1985
 Wellbeing of Future Generations Act 2015

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Wildlife and Countryside Act 1981
Zoo Licensing 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"

Function	Decision making body	Membership	Delegation of Functions
<p>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)</p>	The Executive	The Executive as defined in Article 7 of Part 2 of this Constitution.	<p>(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>
<p>2. The determination of an appeal against any decision made by or on behalf of the authority.</p>	<p>(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;</p> <p>(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;</p>	<p>(a) 3 members</p> <p>(b) 15 members</p>	<p>(a) All those matters within the Panels Committee's Terms of Reference.</p> <p>(b) All those matters within the Committee's Terms of Reference.</p>
<p>3. Functions in relation to the revision of decisions made in</p>	The Executive	The Executive as defined in Article 7 of	<p>(a) The Cabinet (b) The Chief Executive or a</p>

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Function	Decision making body	Membership	Delegation of Functions
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.		Part 2 of this Constitution.	Director or the relevant Head of Service after consultation with the Leader or the appropriate Cabinet member.
4. 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.
5. 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.
6. 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.

Function	Decision making body	Membership	Delegation of Functions
7. Any function relating to contaminated land.	The Executive	The Executive as defined in Article 7 of Part 2 of this Constitution.	<p>(a) The Cabinet</p> <p>(b) The Chief Executive or a Director or the relevant Head of Service or any of the following:-</p> <p style="padding-left: 40px;">Environmental Health Manager;</p> <p style="padding-left: 40px;">Senior Environmental Health Officer;</p> <p style="padding-left: 40px;">Environmental Health Officer;</p> <p style="padding-left: 40px;">Enforcement Officer)</p> <p style="padding-left: 40px;">after consultation with the Leader or the appropriate Cabinet member.</p>
8. 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.	<p>(a) The Cabinet</p> <p>(b) The Chief Executive or a Director or the relevant Head of Service or any of the following:-</p> <p style="padding-left: 40px;">Environmental Health Manager;</p> <p style="padding-left: 40px;">Senior Environmental Health Officer;</p> <p style="padding-left: 40px;">Environmental Health Officer;</p> <p style="padding-left: 40px;">Enforcement Officer</p>

Function	Decision making body	Membership	Delegation of Functions
			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; Housing Services Manager Private Sector Housing Manager: Environmental Health Officer; Enforcement Officer
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

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Function	Decision making body	Membership	Delegation of Functions
			<p>relevant Head of Service or any of the following:-</p> <p>Environmental Health Manager;</p> <p>Senior Environmental Health Officer;</p> <p>Environmental Health Officer;</p> <p>Enforcement Officer</p>
<p>12. The investigation of any complaint as to the existence of a statutory nuisance.</p>	<p>The Executive</p>	<p>The Executive as defined in Article 7 of Part 2 of this Constitution.</p>	<p>(a) The Cabinet</p> <p>(b) The Chief Executive or a Director or the relevant Head of Service or any of the following:-</p> <p>Environmental Health Manager;</p> <p>Senior Environmental Health Officer;</p> <p>Housing Services Manager;</p> <p>Private Sector Housing Manager</p> <p>Environmental Health Officer;</p> <p>Enforcement Officer</p>
<p>13. The obtaining of information under section 330 of the Town and Country Planning Act 1990</p>	<p>The Executive</p>	<p>The Executive as defined in Article 7 of Part 2 of this Constitution.</p>	<p>(a) The Cabinet</p> <p>(b) The Chief Executive or a Director or the relevant Head of</p>

Function	Decision making body	Membership	Delegation of Functions
as to interests in land			Service or the Planning Services Manager after consultation with the Leader or the appropriate Cabinet member.
14. 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.
15. 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 Highways Services Operations Group Manager <u>or Highway Engineering Group Manager</u> after consultation with the Leader or the appropriate Cabinet member.
16. The appointment of any individual:- (a) to any office other than an office in which he is employed by the authority;	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

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Function	Decision making body	Membership	Delegation of Functions
<p>(b) to any body other than:-</p> <p>(i) the authority;</p> <p>(ii) a joint committee of two or more authorities; or</p> <p>(c) to any committee or sub-committee of such a body, and the revocation of any such appointment.</p>			<p>relevant Head of Service after consultation with the Leader or the appropriate Cabinet member.</p>
<p>17. Power to make payments or provide other benefits in cases of maladministration etc.</p>	<p>The Council acting through the Standards Committee (Standards Committee may approve payments of up to £10,000 total in any one case.</p>	<p>Standards Committee as defined in Article 9 of Part 2 of this Constitution.</p>	<p>As set out in the terms of reference of the Standards Committee.</p>
<p>18. Functions in respect of the calculation of council tax base in accordance with any of the following-</p> <p>(a) the determination of an item for T in section 33(1) and 44(1) of the Local Government Finance Act 1992;</p> <p>(b) the determination of an amount for item TP in</p>	<p>The Executive</p>	<p>The Executive as defined in Article 7 of Part 2 of this Constitution.</p>	<p>(a) The Cabinet</p> <p>(b) The Chief Executive or a Director or the relevant Head of Service after consultation with the Leader or the appropriate Cabinet member.</p>

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Function	Decision making body	Membership	Delegation of Functions
<p>sections 34(3), 45(3) 48(3) 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>19. Licensing functions in accordance with Part 2 of the Licensing Act 2003 except section 6.</p>	<p>Council (through the Licensing & Gambling Committee)</p>	<p>As in Article 8.</p>	<p>Licensing & Gambling Committee. As set out in Article 8.</p>
<p>20. 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</p>	<p>The Council in respect of (a) a</p> <p>The Council through the Licensing & 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 & Gambling Committee as set out in Article 8 in respect of (b), (c), (d), (e)</p>

Function	Decision making body	Membership	Delegation of Functions
<p>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; three-year licensing policy in accordance with Gambling Act 2005.</p>			
<p>21. 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)).</p>	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.

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(1)	(2)
Plans, schemes and strategies	Reference
The Caerphilly We Want Well-being Plan 2018 to 2023 Gwent Public Service Boards Wellbeing Plan	Shared Purpose - Shared Future Guidance On planning under the Well-being of Future Generations (Wales) Act 2015
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 Justice Plan 2018-2021	Section 40 of the Crime and Disorder Act 1998 (c.37).
Local Housing Strategy	Section 87 of the Local Government Act 2003 (c.26).

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.

(1)	(2)
Function	Circumstances
1. 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.	The authority determines that the decision whether the plan or strategy should be adopted or approved should be taken by them.
2. The determination of any matter in the discharge of a function which —	The individual or body by whom, by virtue of any of sections 14 to 17 of the Local Government Act 2000 or provision made

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<p>(a) is the responsibility of the executive; and</p> <p>(b) is concerned with the authority's budget, or their borrowing or capital expenditure.</p>	<p>under section 18 or 20 of that Act, the determination is to be made —</p> <p>(a) is minded to determine the matter contrary to, or not wholly in accordance with —</p> <p>(i) the authority's budget; or</p> <p>(ii) the plan or strategy for the time being approved or adopted by the authority in relation to their borrowing or capital expenditure; and</p> <p>(b) is not authorised by the authority's executive arrangements, financial regulations, standing orders or other rules or procedures to make a determination in those terms.</p>
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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.

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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
<p>(a) The Finance and Resources function</p> <ul style="list-style-type: none"> • The proper financial planning budgeting and control • Control of the Authority's resources • Information Technology Services • Personnel Services • Financial Services • Electoral Registration • Legal Services • Audit Services • Procurement Services • Democratic Services • Corporate Policy (including • Equalities & Welsh Language see paragraph (f) • Performance Management • Property Services • Corporate Asset Management • Corporate Health & Safety including liaison with the Health & Safety Executive • Information Governance including Data Protection/Freedom of Information 	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
<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"> • Private Housing Enforcement (including but not limited to HMO's, clearance, compulsory purchase orders) • Area regeneration • To approve or refuse applications for funding for all types of housing grants and loans) 	The Cabinet	The Cabinet, or the Chief Executive, or any Director or the relevant Head of Service or any of the following: Housing Repair Operations Manager (in relation to Housing Repair Operations) Chief Housing Officer Housing Services Manager Housing Technical Manager

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<ul style="list-style-type: none"> • Housing Agency Service • Homelessness & Housing Advice • Landlord Services • Housing Strategy including but not limited to Local Housing Market Assessments, affordable housing, Gypsy and Traveller Accommodation Assessments and securing grants • Older Persons Accommodation Services • Housing Repair Operations • Delivery of Welsh Housing Quality Standards • Power to deal with all aspects of HMO Licensing • Common Housing Register • Resettlement support • Public Health (statutory nuisances, sewers and drains) 		<p>Private Sector Housing Manager Housing Solutions Manager Principal Housing Officer Environmental Health officer</p>
<p>(d) The Social Services function</p> <ul style="list-style-type: none"> • Strategic issues in relation to the provision of Children’s & 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 Social Services Scrutiny Committee • 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 	<p>The Cabinet</p>	<p>The Cabinet, or the Chief Executive or any Director or the relevant Head of Service.</p>
<p>(e) The Education & Lifelong Learning function</p> <ul style="list-style-type: none"> • The discharge of the Council's obligations as Local Education Authority under statute 	<p>The Cabinet</p>	<p>The Cabinet, or the Chief Executive or any Director or the relevant Head of Service.</p>

<ul style="list-style-type: none"> • The implementation of the School Standards and Framework Act 1998 and associated legislation • The preparation and scrutiny of education and lifelong learning strategic plans and best value performance plans • Raising standards in schools, monitoring of schools' performance, curriculum advice and support and other activities set out in the LEA-Schools Code of Conduct • Local Management of Schools and Fair Funding • Forward planning re. school places, school admissions, student awards • Learning Support Services including educational psychology, education welfare, behavioural support and managing pupil exclusions • Governor support and training • Welsh Language Education • Agreed RE Syllabus • Partnerships • Lifelong learning, and Adult education • Public libraries Library Service • Music Service • Securing grants • Youth Service 		
<p>(f) The Environment function</p> <ul style="list-style-type: none"> • Emergency Planning • Community & Leisure Services including waste collection, waste disposal, street cleansing, , public conveniences, Cemeteries and Bereavement Services, Parks & Outdoor Sports Facilities, Fleet Management & Maintenance, Sport & Leisure Services, Community Centres, Building Cleaning • Countryside and Landscape Services • Public Rights of Way 	<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:</p> <p>Waste Strategy & Operations Manager</p> <p>Green Spaces and Transport Services Manager,</p> <p>Parks and Countryside Operations Manager,</p> <p>Green Space Strategy and Cemeteries Manager, Fleet Manager</p>

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<ul style="list-style-type: none"> • Rural Development Programme Functions • Planning and Biodiversity duties • Land Management • Pollution Control (including noise, litter and illicit tipping, air and water quality, contaminated land <u>and single use plastic products</u>) • Public Health (including infectious diseases, statutory nuisance, sewer/drains, health promotion/education) • Trading Standards Enforcement • Food Safety Enforcement • Community Safety • Pest Control, Dog Warden, Animal Trespassing Services • Animal Health and Welfare Enforcement • Power to issue Scrap Metal Dealers Licences (including enforcement action) • 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. • Catering • Channel Responsibilities 		<p>Sports and Leisure Facilities Manager, Sports & Leisure Development Manager Trading Standards Licensing & Registrars Manager Civil Enforcement Officer Community Safety Warden Community Safety Officer Environmental Health Manager Senior Trading Standards Officer <u>Trading Standards Team Manager</u> Senior Environmental Health Officer with delegated powers to the Head of Public Protection Community & Leisure Services and the Head of Regeneration & 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, the Anti-social Behaviour, Crime and Policing Act 2014 and the Anti-Social Behaviour Act 2003. The Head of Public Protection Community & Leisure Services 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 Enforcement Officer Technical Assistant Senior Pest Control/Straying Animals Officer</p>
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<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>Rights of Way Cabinet Committee</p>	<p>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 & Registrar Manager</p> <p>The Cabinet or the Chief Executive or any Director or the relevant Head of Service</p> <p>The Cabinet or the Chief Executive or any Director or the relevant Head of Service</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"> • Planning - Development and Building Control • Planning - Strategic Planning and Urban Renewal 	<p>The Cabinet</p>	<p>The Cabinet, or the Chief Executive or any Director or the relevant Head of Service or the Planning Services Manager</p>

<ul style="list-style-type: none"> • Planning Economic Development & Rural functions • Planning Economic Development including European functions • Planning – Tourism including inward investment and Arts Development • Planning Business Development • Planning maximisation of funding opportunities from external funding sources including funding from Europe • Planning Sustainable Development • Planning control of non-native species • Regeneration including Communities First 		
<p>(h) Highways and Transportation Functions</p> <ul style="list-style-type: none"> • Highways Maintenance • Street Lighting • Functions under the highways legislation • Construction • Civil Engineering Design and Procurement • Structures • Transportation Planning and Improvements • Engineering Services • Public Transport • Education and Social Services Transport Operations • Highway Development Control • Land Reclamation and Tips • <u>Land Drainage</u> • <u>SuDs/SAB drainage</u> • Road Safety Education and Training • Traffic Management including Traffic Regulation Orders and Notices • Car Parking/Enforcement 	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 or the Highway Services Group Manager or the Highway Engineering Group Manager</p> <p>Civil Enforcement Officer</p>
<p>(i) The development and implementation of the Council's Corporate Plan and wellbeing objectives corporate themes through</p>	The Cabinet	<p>The Cabinet, or the Chief Executive or any Director or the relevant Head of Service.</p>

a multi-agency approach of community planning of the delivery of services to achieve the Council's strategic objectives		
(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
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 Welfare Act 2006
Anti-Social Behaviour Act 2003
Anti Social Behaviour Crime & Policing Act 2014
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

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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
 Counter Terrorism And Security Act 2015
 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 Data Protection Legislation 1998
 Dogs (Fouling of Land) Act 1996
 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 Act 2011
 Energy Conservation Act 1981
 Enterprise Act 2002
 Environment Act 1995
 Environmental Protection Act 1990
Environmental Protection (Single Use) (Plastic Products) Wales Act 2023
 Environment (Wales) Act 2016
 Estate Agents Act 1979
 * European Union (Withdrawal) Act 2018
 Factories Act 1961
 Farm and Garden Chemicals Act 1967
 Fire Precautions Act 1971
 Fire Safety and Safety of Places of Sports Act 1987
 Fireworks Act 2003
 Flood and Water Management Act 2010
 Food and Environment Protection Act 1985
 Food Hygiene Rating (Wales) Act 2013
 Food Act 1984
 * Food Safety Act 1990
 Forgery and Counterfeiting Act 1981
 Fraud Act 2006
 Freedom of Information Act 2000
 Gambling Act 2005

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Hallmarking Act 1973
Hazardous Substances Act 1990
Health Act 2006
[Health and Social Care Act 2008](#)
Health and Safety at Work etc Act 1974
[Health Service Procurement Wales Act 2024](#)
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
Leasehold Reform (Ground Rent) Act 2022
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
Medicine and Medical Devices Act 2021
Mines and Quarries (Tips) Act 1969
Mobile Homes (Wales) Act 2013
Motor Cycle Noise Act 1987
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 2019
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
[Procurement Act 2023](#)
Powers of the Criminal Courts (Sentencing) Act 2000

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Prevention of Damage by Pests Act 1949
Proceeds of Crime Act 2002
Prices Acts 1974 and 1975
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
Renting Homes (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 Partnership & Public Procurement Wales Act 2023](#)
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
Theft Acts 1968 and 1978
The Children and Families Wales Measure 2010
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
Trade Descriptions Act 1968
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
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
Zoo Licensing 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

Power	Delegated to
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 8th May, 2007, agreed that the quorum for a Committee would not fall below three in number.

5. GENERAL DELEGATIONS OF POWERS: COUNCIL & EXECUTIVE POWERS

<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.</p>	<p>POWER DELEGATED TO</p>
<p>(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.</p>	<p>The Chief Executive or any Director or the relevant Head of Service.</p>
<p>(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.</p>	<p>Chief Executive or in his/her absence any Director.</p>
<p>(c) To serve requisitions for information under Local Government (Miscellaneous Provisions) Act 1976 or any other enabling legislation.</p>	<p>Any Director or the relevant Head of Service.</p>
<p>(d) The approval of tenders or award of contracts within the terms of the Council's Financial Standing Orders or Financial Regulations</p>	<p>As set out in the Council's Standing Orders for Contracts or Financial Regulations as set out in Part 4 of the Constitution</p>
<p>(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</p>	<p>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</p>
<p>(f) To act as proper officer –</p> <p>(i) for the issue of determinations consents licences or notices within the Terms of Reference of the Planning Committee</p>	<p>The Director of the Environment or the Head of Regeneration & Planning or the Planning Services Manager</p>

<p>(ii) for the issue of determinations consents licences or notices on behalf of the Council</p>	<p>Chief Executive or the appropriate Director or the relevant Head of Service</p>
<p>(iii) for all matters arising out of Part VA of the Local Government Act 1972 (Access to Information) or the Local Government Act 2000</p>	<p>Chief Executive or Director of Corporate Services or Monitoring Officer</p>
<p>(iv) for the signing of any documents on behalf of the Council relating to land</p>	<p>Chief Executive or Head of Legal Services or any Principal Solicitor</p>
<p>(v) for the attestation of the Council's Seal as the officer authorised under the Council's Standing Orders</p>	<p>Chief Executive or Head of Legal Services or any Principal Solicitor</p>
<p>(vi) for the signing of any contractual documents on behalf of the Council relating to any other matter</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>(vii) to act as Registrar of Local Land Charges and Commons Registration Officer</p>	<p>Head of Regeneration & Planning or Development Control Manager or relevant Director or Head of Legal Services</p>
<p>(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</p>	<p>Chief Executive or the appropriate Director or the relevant Head of Service</p>
<p>(ix) Power to set all fees and charges in accordance with the Council's policies</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</p>
<p>(x) To provide a certificate under Local Government (Contracts) Act 1997</p>	<p>S.151 Officer or Head of Corporate Finance</p>

(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 South East Wales Corporate Joint Committee	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
- [South East Wales Corporate Joint Committee](#)
- ~~Cardiff Capital Region City Deal~~
- Gwent [Public Services Board](#) ~~PSB~~