

PART 3 – RESPONSIBILITY FOR FUNCTIONS

Section 3 – Responsibility for Local Choice Functions

The Council is able to determine who has responsibility for the functions, identified as Local Choice functions. They have assigned these functions to the decision making bodies set out in the table below:

Function	Decision Making Body	Delegation
The discharge of any function by the Authority acting as a Harbour Authority.	Cabinet	
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.	Council	
The determination of an appeal against any decision made by or on behalf of the authority.	Appeals Committee	
Functions in relation to the revisions 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.	Council	Monitoring Officer
The making of arrangements in relation to appeals against the exclusion of pupils in maintained schools under section 52 of the Education Act 2002.	Cabinet	Monitoring Officer
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).	Cabinet	Monitoring Officer

Function	Decision Making Body	Delegation
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).	Cabinet	Monitoring Officer
The making of arrangements under section 20 (questions on police matters at council meetings) of the Police Act 1996 for enabling questions to be put on the discharge of the functions of a police authority.	Council	
The making of appointments under paragraphs 2 to 4 (appointment of Members by relevant councils) of Schedule 2 (police authorities established under section 3) to the Police Act 1996.	Council	
The conducting of best value reviews in accordance with the provisions of any order for the time being having effect under section 5 (best value reviews) of the Local Government Act 1999.	Cabinet	
Any function relating to contaminated land.	Public Protection Committee/Shared Regulatory Service Joint Committee	Director/Assistant Director/Chief Officer/Head of Shared Regulatory Service
The discharge of any function relating to the control of pollution.	Public Protection Committee/Shared Regulatory Service Joint Committee	Director/Assistant Director/Chief Officer/Head of Shared Regulatory Service
The discharge of any function relating to the management of air quality.	Cabinet	
The service of an abatement notice in respect of a statutory nuisance.	Public Protection Committee/Shared Regulatory Service Joint Committee	Director/Assistant Director/Chief Officer/Head of Shared Regulatory Service

Function	Decision Making Body	Delegation
The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the authority's area.	Public Protection Committee	Director/Assistant Director/Chief Officer
The inspection of the authority's area to detect any statutory nuisance.	Public Protection Committee/Shared Regulatory Service Joint Committee	Director/Assistant Director/Chief Officer/Head of Shared Regulatory Service
The investigation of any complaint as to the existence of a statutory nuisance.	Public Protection Committee/Shared Regulatory Service Joint Committee	Director/Assistant Director/Chief Officer/Head of Shared Regulatory Service
The obtaining of information under section 330 of the Town and Country Planning Act 1990 as to interests in land.	Cabinet and non-executive Committees	Director/Assistant Director/Chief Officer
The obtaining of particulars of persons interested in land under section 16 of the Local Government (Miscellaneous Provisions) Act 1976.	Cabinet	Director/Assistant Director/Chief Officer
Any of the following functions in respect of highways: (a) the making of agreements for the execution of highways works. (b) the functions contained in the following provisions of Part III of the Highways Act 1980 (creation of highways) – (i) section 25 – creation of footpath, bridleway or restricted byway by agreement; (ii) section 26 – compulsory powers for creation of footpaths, bridleways or restricted byways;	Council Council	Monitoring Officer/ Director/ Assistant Director/ Chief Officer Planning Committee

Function	Decision Making Body	Delegation
<p>(c) the functions contained in the following provisions of Part VIII of the Highways Act 1980 (stopping up and diversion of highways etc) –</p> <ul style="list-style-type: none"> (i) section 16 – power magistrates’ court to authorise stopping up or diversion of highway; (ii) section 117 – application for under section 116 on behalf of another person; (iii) section 118 – stopping up of footpaths, bridleways and restricted byways; (iv) section 118ZA - application for a public path extinguishment order; (v) section 118A – stopping up of footpaths, bridleways and restricted byways crossing railways; (vi) section 118B – stopping up of certain highways for purposes of crime prevention etc; (vii) section 118C - application by proprietor of school for special extinguishment order; (viii) section 119 – diversion of footpaths, bridleways and restricted byways; (ix) section 119ZA – application for a public path diversion order; (x) section 119A – diversion of footpaths, bridleways and restricted byways crossing railways etc; (xi) section 119B – diversion of certain highways for purposes of crime prevention etc; (xii) section 119C – application by proprietor of school for special diversion order; (xiii) section 119D – diversion of certain highways for protection of sites of special scientific interest; (xiv) section 120 – exercise of powers of making public path extinguishment and diversion orders; (xv) section 121B – register of applications; 	Council	Planning Committee

Function	Decision Making Body	Delegation
<p>(d) the functions contained in the following provisions of part IX of the Highways Act 1980 (lawful and unlawful interference with highways and streets) –</p> <ul style="list-style-type: none"> (i) section 130 – protection of public rights; (ii) section 139 – control of builders’ skips; (iii) section 140 – removal of builders’ skips; (iv) section 140A(1) – builders’ skips: charges for occupation of the highway; (v) section 142 – licence to plant trees, shrubs etc in a highway; (vi) section 147 – power to authorise erection of stiles etc on footpath or bridleway; (vii) section 147ZA(1) – agreements relating to improvements for benefit of provisions of persons with mobility problems; (viii) section 149 – removal of things so deposited on highways as to be a nuisance etc; (ix) section 169 – control of scaffolding on highways; (x) section 171 – control of deposit of building materials (xi) section 171A(2) and regulations made under that section – works under s169 or s171: charge for occupation of the highway; (xii) section 172 – hoardings to be set up during building etc; (xiii) section 173 – hoardings to be securely erected; (xiv) section 178 – restriction on placing of rails, beams, etc under streets, and pavements lights and ventilators; (xv) section 179 – control of construction of cellars etc under street; (xvi) section 180 – control of openings into cellars etc under streets, and pavement lights and ventilators; 	Council	<p>Planning Committee</p> <p>Delegated to the Chief Officer (or equivalent) responsible for highways</p>
<p>(e) exercising functions under section 34 of the Wildlife and Countryside Act 1981 (limestone pavement orders); and</p>	Council	Planning Committee

Function	Decision Making Body	Delegation
<p>(f) exercising functions under section 53 of the Wildlife and Countryside Act 1981 (duty to keep definitive map and statement under continuous review).</p>	<p>Council</p>	<p>Planning Committee</p> <p>Chief Officer (or equivalent) responsible for highways – The function of making Legal Event Modification Orders (pursuant to section 53(2)(b) and 53(3)(a))</p>
<p>The appointment of any individual:-</p> <p>(a) to any office other than an office in which he/she is employed by the authority;</p> <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,</p> <p>and the revocation of any such appointment.</p>	<p>Council – except for appointments pursuant to powers of intervention under section 6 or section 7 of the School Standards and Organisation (Wales) Act 2013 Delegation – which are assigned as Cabinet Functions.</p>	<p>- For appointment of officer representatives to outside bodies and groups, authority to make and revoke appointments from time to time as necessary is delegated to the Chief Executive, in consultation with the relevant Cabinet member (further delegable if the Chief Executive has a conflict of interest).</p> <p>- For appointments pursuant to powers of intervention –</p>

		Director of Education under delegation reference DEd1 (in Section 4F of this scheme)
Power to make payments or provide other benefit in cases of maladministration etc.	Council	Director/Assistant Director/Chief Officer
<p>Functions in respect of the calculation of council tax base in accordance with any of the following:-</p> <ul style="list-style-type: none"> (a) the determination of an amount for item 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), 48(4) of the Local Government Finance Act 1992; (c) the determination of an amount required for determining an amount for the item mentioned in paragraph (a) or (b) above. 	Council	
Licensing functions in accordance with Part 2 of the Licensing Act 2003 except Section 6.	Licensing Committee	
<p>Functions in respect of gambling under the following provisions of the Gambling Act 2005.</p> <ul style="list-style-type: none"> (a) section 29 – licensing authority information; (b) section 30 – other exchange of information; (c) section 166 – resolution not to issue casino licenses; (d) section 212 and regulations made under that section – fees; (e) section 284 – removal of exemption; (f) section 304 – authorised persons; (g) section 346 – prosecutions by licensing authority; (h) section 349 – three year licensing policy; (i) section 350 – exchange of information; (j) part 5 of Schedule 11 – registration with local authority 	Licensing Committee	

Function	Decision Making Body	Delegation
Functions in respect of approval under Section 51 or a determination under Section 53 of the School Standards and Organisation (Wales) Act 2013.	Cabinet	