

THE CONSTITUTION – SECTION 13

TABLE 3: FUNCTIONS WHICH ARE SPLIT BETWEEN THE EXECUTIVE BOARD AND THE COUNCIL

The table below lists the specific functions in The Local Authorities (Executive Arrangements) (Functions and Responsibilities) (Wales) Regulations 2007 that are split between the Council and the Executive depending on the circumstances according to Regulations 5 & 6 and Schedules 3 & 4.

Function	Role/Responsibility of the Executive Board (and Officers where such functions are delegated to them)	Role/Responsibility of the Council
<p>1. Formulation of the following plans and strategies:</p> <p>Council Plan (Improvement Plan)</p> <p>Well-being Plan (Public Services Board)</p> <p>Local Transport Plan</p> <p>Plans and alterations which together comprise the Development Plan</p> <p>Welsh Language Scheme</p> <p>Youth Justice Plan</p> <p>Rights of Way Improvement Plan</p> <p>Housing Strategy</p> <p>2. Formulation of a plan or strategy for the control of the Council's borrowing or capital Expenditure (which includes The Treasury Management Strategy and the Treasury Management Policy.</p> <p>3. Formulating or preparing plans, schemes or strategies (statutory or non-statutory), other than those listed at Paragraphs 1 or 2 above, where the Council decides that the decision on whether such plans, schemes or strategies should be adopted or approved, should be taken by them.</p>	<p>In relation to functions 1, 2 & 3:-</p> <p>The formulation or preparation of the plans, schemes and strategies listed and referred to.</p> <p>AND</p> <p>The amendment, modification, variation or revocation of such plans, schemes or strategies (whether approved or adopted), only where such amendment etc. is:</p> <p>(i) required for giving effect to requirements of the Welsh Government or a Minister thereof in relation to a plan, scheme or strategy submitted for approval, or to any part so submitted, or</p> <p>ii) authorised by a determination made by the Council when making the arrangements or approving or adopting the plan, scheme or strategy, as the case may be.</p> <p>N.B. The Executive Board may approve details in relation to such plans and strategies and amendments to them so long as such details and amendments are not contrary to or undermine the plan/strategy as adopted by</p>	<p>In relation to functions 1, 2 & 3:-</p> <p>(1) The giving of instructions requiring the Executive Board to reconsider such Draft plans, schemes or Strategies, which are submitted by the Executive Board for the Council's consideration.</p> <p>(2) The amendment of such draft plans, schemes or strategies submitted by the Executive Board for the Council's consideration.</p> <p>(3) The approval for the purpose of its submission to the Welsh Government, or any Minister thereof, of such plans, schemes or strategies (whether or not in the form of a draft) of which any part is required to be so submitted.</p> <p>(4) The adoption (with or without modification) of such plans, schemes or strategies.</p> <p>AND</p> <p>The amendment, modification, variation or revocation of any such plan, scheme or strategy, to any extent other than that set out in the preceding column as being the responsibility of the Executive Board.</p>

Function	Role/Responsibility of the Executive Board (and Officers where such functions are delegated to them)	Role/Responsibility of the Council
	<p>Council.</p> <p>The Executive Board is responsible for the adoption of the Capital Programme and the Annual Report.</p>	
<p>4 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 and those listed at paragraph 1 of this column.</p>	<p>To make the determination in all circumstances other than where the Council decides that the decision should be taken by them.</p>	<p>To make the determination where the Council decides that the decision whether the plan or strategy should be adopted or approved should be taken by them.</p>
<p>5 The determination of any matter in the discharge of a function which -</p> <p>(a) is the responsibility of the Executive Board, and</p> <p>(b) is concerned with the Council's budget, or their borrowing or capital expenditure.</p>	<p>To make the determination when decision is within the Council's budget and its adopted plans and strategies relating to borrowing or capital expenditure (i.e. other than the circumstances set out in the next column). However the Executive Board may make determinations on matters which are outside the budget strategy where the decision is required as a matter of urgency, so long as it is made in accordance with the Budget and Policy Framework Rules set out in Section 15 of this Constitution.</p>	<p>To make the determination where the Executive Board -</p> <p>(a) is minded to determine the matter contrary to, or not wholly in accordance with -</p> <p>(i) the Council's budget (i.e. the Budget Book)</p> <p>or</p> <p>(ii) the plan or strategy for the time being approved or adopted by the Council in relation to their borrowing or capital expenditure, and</p>

Function	Role/Responsibility of the Executive Board (and Officers where such functions are delegated to them)	Role/Responsibility of the Council
	N.B. A determination will be within the Council's budget if it is provided for in the Council's budget book.	(b) is not authorised by the Council's executive arrangements, financial Regulations, standing orders or other rules or procedures to make a determination in those terms.
<p>6 The determination of any matter in the discharge of a function -</p> <p>(a) which is the responsibility of the Executive Board; and</p> <p>(b) in relation to which a plan or strategy (whether statutory or non-statutory) has been adopted or approved by the Council.</p>	<p>To make the determination if it accords with the Council's policy framework (i.e. other than the circumstances set out in the next column). However, the Executive Board may make determinations contrary to the policy framework where the decision is required as a matter of urgency, so long as it is made in accordance with the Budget and Policy Framework Rules set out in Section 15 of this Constitution.</p> <p>N.B. A determination will accord with the Council's Policy Framework if it is provided for in any of the Plans and Strategies listed in Section 4 of this Constitution.</p>	To make the determination, where the Executive Board is minded to determine the matter in terms contrary to the plan, or, as the case may be, the strategy adopted or approved by the Council.
<p>7 The function of making an application -</p> <p>(a) under sub-section (5) of section 135 (programmes for disposals) of the Leasehold Reform, Housing and Urban Development Act 1993; or</p> <p>(b) under section 32 (power to dispose of land held for the purposes of Part II) or section 43 (consent required for certain disposals not within section 32) of the Housing Act 1985.</p>	The making of the application.	The authorisation of the making of the application.
8 The discharge of the function of -	(a) the preparation for submission to the Council for	Any matter in connection with the discharge of this function, other than

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<p>(a) (subject to the provisions in respect of calculation of Council tax base in Table 1) making a calculation in accordance with any of sections 32 to 37, 43 to 49, 52I, 52J, 52T and 52U of the Local Government Finance Act 1992 whether originally or by way of substitute; or</p> <p>(b) issuing a precept under Chapter IV of that Act.</p>	<p>their consideration of -</p> <p>(i) estimates of the amounts to be aggregated in making the calculation or of other amounts to be used for the purposes of the calculation;</p> <p>(ii) the amounts required to be stated in the precept.</p> <p>(b) the reconsideration of those estimates and amounts in accordance with the Council's requirements.</p> <p>(c) the submission for the Council's consideration of revised estimates and amounts.</p>	<p>those matters set out in the previous column as being the responsibility of the Executive Board.</p>