

THE CONSTITUTION – SECTION 13

Table 4: Those Functions which are the Responsibility of Committees of the Council.

Appointments Committee

Governance and Audit committee

Democratic Services Committee

Environmental Licensing Committee

Licensing Committee

Planning Committee

Appointments Committee

Details of the composition of this committee are included in Section 9 of the Constitution.

The functions to be discharged by the Appointments Committee shall be:-

Appointment of Chief Executive

In the event of a vacancy arising in the post of Chief Executive to undertake the selection process supported and advised by the Head of Service, HR & OD and make a recommendation for appointment to full Council.

Appointment of Chief Officers

In the event of a vacancy arising in a Chief Officer post to undertake the selection process supported and advised by the Chief Executive and the Head of Service, HR & OD and to make the appointment.

All appointments shall be made in accordance with the Officer Employment Procedure Rules in Section 11.9.

Governance and Audit Committee

Details of the composition of this committee are included in Section 9 of the Constitution.

The functions to be discharged by the Governance and Audit Committee shall be:-

Statement of purpose

- 1 The Governance and Audit Committee is a key component of the Council's corporate governance framework. It provides an independent and high-level focus on the audit, assurance and reporting arrangements that underpin good governance and financial standards.
- 2 The purpose of the Governance and Audit Committee is to:
 - a. review and scrutinise the authority's financial affairs,
 - b. make reports and recommendations in relation to the authority's financial affairs,
 - c. review and assess the risk management, internal control, performance assessment and corporate governance arrangements of the authority,
 - d. make reports and recommendations to the authority on the adequacy and effectiveness of those arrangements,
 - e. i) review and assess the authority's ability to handle complaints effectively,
i. make reports and recommendations in relation to the authority's ability to handle complaints effectively.
 - f. oversee the authority's internal and external audit arrangements, and
 - g. review the financial statements prepared by the authority

Risk Management

- 3 To challenge the Council's framework of assurance and ensure that it adequately addresses the risks and priorities of the Council.
- 4 To monitor the effective development and operation of risk management in the Council.
- 5 To monitor progress in addressing risk-related issues reported to the committee.

Internal Control

- 6 To review reports on the effectiveness of internal controls and monitor the implementation of agreed actions.

Performance Assessment

- 7 To review the Council's draft self-assessment performance report which outlines how it met its performance objectives during the previous financial year and sets out planned actions to improve performance in the following year.
- 8 If required, to make recommendations for changes to the draft self-assessment performance report.

- 9 To consider and comment upon the Council's "Panel Performance Assessment" as required under the relevant legislation.

Corporate Governance

- 10 To review the Council's corporate governance arrangements against the governance framework, including the ethical framework and the local Governance Code.
- 11 To review the Annual Governance Statement (AGS) prior to approval and consider whether it properly reflects the risk environment and supporting assurances, taking into account Internal Audit's opinion on the overall adequacy and effectiveness of the Council's framework of governance, risk management and control.
- 12 To challenge the governance and assurance arrangements for significant partnerships or collaborations.
- 13 To consider the Council's arrangements to secure value for money and review assurances and assessments on the effectiveness of these arrangements.

Counter Fraud

- 14 To review the assessment of fraud risks and potential harm to the Council from fraud and corruption.
- 15 To monitor the Counter Fraud strategy, actions and resources.

Complaints

- 16 To review and assess the authority's ability to handle complaints effectively.
- 17 To make reports and recommendations in relation to the authority's ability to handle complaints effectively

Internal audit

- 18 To approve the Internal Audit charter.
- 19 To review proposals made in relation to the appointment of external providers of internal audit services and to make recommendations.
- 20 To approve the risk-based Internal Audit plan, including Internal Audit's resource requirements, the approach to using other sources of assurance and any work required to place reliance upon those other sources.
- 21 To approve significant interim changes to the risk-based Internal Audit plan and resource requirements.
- 22 To make appropriate enquiries of both management and the Head of Internal Audit to determine if there are any inappropriate scope or resource limitations.
- 23 To review any impairments to independence or objectivity arising from additional roles or responsibilities outside of internal auditing of the Head of Internal Audit. To approve and periodically review safeguards to limit such impairments.

- 24 To challenge the Head of Internal Audit on Internal Audit's performance during the year, including the performance of external providers of internal audit services. These will include:
- a) Updates on the work of Internal Audit including key findings, issues of concern and action in hand as a result of internal audit work.
 - b) Regular reports on the results of the Quality Assurance and Improvement Programme (QAIP).
 - c) Reports on instances where the Internal Audit function does not conform to the Public Sector Internal Audit Standards (PSIAS) and Local Government Application Note (LGAN), considering whether the non-conformance is significant enough that it must be included in the AGS.
- 25 To review the Head of Internal Audit's annual report including:
- a) The statement of the level of conformance with the PSIAS and LGAN and the results of the QAIP that supports the statement – these will indicate the reliability of the conclusions of Internal Audit.
 - b) The opinion on the overall adequacy and effectiveness of the Council's framework of governance, risk management and control together with the summary of the work supporting the opinion – these will assist the committee in reviewing the AGS.
- 26 To consider summaries of specific Internal Audit reports as requested.
- 27 To receive reports outlining the action taken where the Head of Internal Audit has concluded that management has accepted a level of risk that may be unacceptable to the authority or there are concerns about progress with the implementation of agreed actions.
- 28 To contribute to the QAIP and in particular, to the external quality assessment of Internal Audit that takes place at least once every five years.
- 29 To consider a report on the effectiveness of Internal Audit to support the AGS, where required to do so by the Accounts and Audit (Wales) Regulations 2014.
- 30 To provide free and unfettered access to the Chair of the Governance and Audit Committee for the Head of Internal Audit, including the opportunity for a private meeting with the Governance and Audit Committee.

External audit

- 31 To support the independence of External Audit through consideration of the external auditor's annual assessment of its independence and review of any issues raised by the Auditor General for Wales.
- 32 To consider the External Auditor's annual letter, relevant reports, and the report to those charged with governance.
- 33 To consider specific reports as agreed with the External Auditor and summary reports providing an overview of national reports to ensure that the Council has provided an effective response to recommendations.

- 34 To challenge the scope and depth of External Audit work and to ensure it gives value for money.
- 35 To commission work from Internal and External Audit.
- 36 To advise and recommend on the effectiveness of relationships between external and internal audit and other inspection agencies or relevant bodies.

Financial reporting

- 37 To approve the annual Statement of Accounts. Specifically, to consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit that need to be brought to the attention of the council.
- 38 To consider the External Auditor's report to those charged with governance on issues arising from the audit of the accounts.

Accountability arrangements

- 39 To report to those charged with governance on the Governance and Audit Committee's findings, conclusions and recommendations concerning the adequacy and effectiveness of their governance, risk management and internal control frameworks; financial reporting arrangements, and internal and external audit functions.
- 40 To report to Full Council on a regular basis on the Governance and Audit Committee's performance in relation to the terms of reference and the effectiveness of the committee in meeting its purpose.
- 41 To publish an annual report on the work of the Governance and Audit Committee.

DEMOCRATIC SERVICES COMMITTEE

Details of the composition of this committee are included in Section 9 of the Constitution.

The functions to be discharged by the Democratic Services Committee shall be:-

- 1 To appoint one of the Council's Officers as the Head of Democratic Services.
- 2 To nominate a Member Development Champion from within the Committee's membership.
- 3 To review the adequacy of provision by the Authority of staff, accommodation and other resources to discharge democratic functions and make recommendations to the Executive or Council as appropriate.
- 4 To review and monitor the effectiveness of the Council's democratic services functions, including:-
 - a. The provision of support and advice to meetings of the Council, Committees, Sub-Committees and Joint Committees.
 - b. The provision of support and advice to Scrutiny.
 - c. The provision of support and advice to individual Councillors in carrying out their roles as Members.
 - d. Such other democratic services functions as may be prescribed from time to time by Regulations made by the Welsh Ministers and make recommendations to Executive and Council, as appropriate.
- 5 To review and make recommendations about the Council's Member ICT Policy and provision.
- 6 To review the Role Descriptions of elected Members.
- 7 To review the processes and monitor progress in relation to the introduction of Member Annual reports and Member Development Interviews.
- 8 To consider changes to the Member Development Strategy, consider the Annual Member Development Programme and make recommendations to Council as appropriate.
- 9 To consider reports of the Independent Remuneration Panel for Wales in respect of Members' salaries, expenses and allowances and any proposed responses.
- 10 To consider, as appropriate, consultation documents and contribute to any proposed responses which impact upon Members.
- 11 To monitor the development of webcasting of and remote attendance at council meetings.

- 12 To consider and make recommendations on the Authority's Member Induction Programme.
- 13 To monitor and review the Authority's arrangements in relation to Member Family Absence Regulations.
- 14 To require the attendance of any Members or Officers of the Council to answer questions and invite other persons to attend meetings, as required.
- 15 To appoint one or more Task and Finish Groups to receive reports back on their findings and recommendations.

It is for the Democratic Services Committee to determine how to exercise the above functions.

ENVIRONMENTAL LICENSING COMMITTEE

Details of the composition of this committee are included in Section 9 of the Constitution.

The tables below list the specific functions in The Local Authorities (Executive Arrangements) (Functions and Responsibilities) (Wales) Regulations 2007 (namely functions that are not to be the responsibility of the authority's Executive under Schedule 1 or local choice functions which may be but need not be the responsibility of the Executive under Schedule 2) which have been delegated to the committee. The headings, numbers and letters correspond to those in the Regulations.

The third column notes whether or not the function has been delegated onwards to a Chief Officer. Further details on the rights of the Chief Officer, including any restriction on the right to act are to be found in the Schemes for Delegation to Officers in Table 6 appended to Section 13 of the Constitution.

Schedule 1 - Functions that cannot be the responsibility of the Executive.

- B. Licensing and Registration functions (provided that no other paragraph in this schedule deals with them)

Function	Provision of Act or Statutory Instrument	Delegation - (subject to any restrictions in the Scheme for Delegation to Officers)
1. Power to issue licences authorising the use of land as a caravan site.	Section 3(3) Caravan Sites and Control of Development Act 1960 (c.62)	Chief Officer Planning & Regulatory
2. Power to license the use of moveable dwellings and camping sites.	Section 269(1) of the Public Health Act 1936 (c.49).	Chief Officer Planning & Regulatory

Function	Provision of Act or Statutory Instrument	Delegation - (subject to any restrictions in the Scheme for Delegation to Officers)
3. Power to license hackney carriages and private hire vehicles.	(a) as to hackney carriages, the Town Police Clauses Act 1847 (10 & 11 Vict. C. 89), as extended by section 171 of the Public Health Act 1875 (38 & 39 Vict. C.55), and section 15 of the Transport Act 1985 (c.67); and sections 47, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976 (c.57); (b) as to private hire vehicles, sections 48, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976.	Chief Officer Planning & Regulatory
4. Power to license drivers of hackney carriages and private hire vehicles.	Sections 51, 53, 54, 59, 61 and 79 of the Local Government (Miscellaneous Provisions) Act 1976.	Chief Officer Planning & Regulatory
5. Power to license operators of hackney carriages and private hire vehicles.	Sections 55 to 58, 62 and 79 of the Local Government (Miscellaneous Provisions) Act 1976.	Chief Officer Planning & Regulatory
6. Power to register pool promoters.	Schedule 2 to the Betting, Gaming and Lotteries Act 1963 (c.2)	Chief Officer Planning & Regulatory
7. Power to grant track betting licences.	Schedule 3 to the Betting, Gaming and Lotteries Act 1963.	Chief Officer Planning & Regulatory
8. Power to license intertrack betting schemes.	Schedule 5ZA to the Betting, Gaming and Lotteries Act 1963.	Chief Officer Planning & Regulatory
9. Power to grant permits in respect of premises with amusement machines.	Schedule 9 to the Gaming Act 1968 (c.65).	Chief Officer Planning & Regulatory
10. Power to register societies wishing to promote lotteries.	Schedule 1 to the Lotteries and Amusements Act 1976 (c.32).	Chief Officer Planning & Regulatory

Function	Provision of Act or Statutory Instrument	Delegation - (subject to any restrictions in the Scheme for Delegation to Officers)
11. Power to grant permits in respect of premises where amusements with prizes are provided.	Schedule 3 to the Lotteries and Amusements Act 1976.	Chief Officer Planning & Regulatory
12. Power to issue entertainments licences.	Section 12 of the Children and Young Persons Act 1933 (c.12).	Chief Officer Planning & Regulatory
13. Power to license sex shops and sex cinemas.	The Local Government (Miscellaneous Provisions) Act 1982, section 2 and Schedule 3.	Chief Officer Planning & Regulatory
14. Power to license performances of hypnotism.	The Hypnotism Act 1952 (c.46).	Chief Officer Planning & Regulatory
15. Power to license premises for acupuncture, tattooing, ear-piercing and electrolysis.	Sections 13 to 17 of the Local Government (Miscellaneous Provisions) Act 1982.	Chief Officer Planning & Regulatory
16. Power to license pleasure boats and pleasure vessels.	Section 94 of the Public Health Acts Amendment Act 1907 (c.53).	Chief Officer Planning & Regulatory
17. Power to license market and street trading.	Part III of, and Schedule 4 to, the Local Government (Miscellaneous Provisions) Act 1982.	Chief Officer Planning & Regulatory
18. Duty to keep list of persons entitled to sell non-medicinal poisons.	Sections 3(1)(b)(ii), 5, 6 and 11 of the Poisons Act 1972 (c.66).	Chief Officer Planning & Regulatory
19. Power to license dealers in game and the killing and selling of game.	Sections 5, 6, 17, 18 and 21 to 23 of the Game Act 1831 (c.32); sections 2 to 16 of the Game Licensing Act 1860 (c.90), section 4 of the Customs and Inland Revenue Act 1883 (c.10), sections 12(3) and 27 of the Local Government Act 1874 (c.73), and section 213 of the Local Government Act 1972 (c.70).	Chief Officer Planning & Regulatory
20. Power to register and license premises for the preparation of food.	Section 19 of the Food Safety Act 1990 (c.16).	Chief Officer Planning & Regulatory

Function	Provision of Act or Statutory Instrument	Delegation - (subject to any restrictions in the Scheme for Delegation to Officers)
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).	Chief Officer Planning & Regulatory
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).	Chief Officer Planning & Regulatory
25. Power to license premises for the breeding of dogs.	Section 1 of the Breeding of Dogs Act 1973 (c.60) and Section 1 of the Breeding and Sale of Dogs (Welfare) Act 1999 (c.11).	Chief Officer Planning & Regulatory
26. Power to license pet shops and other establishments where animals are bred or kept for the purposes of carrying on a business.	Section 1 of the Pet Animals Act 1951 (c.35); section 1 of the Animal Boarding Establishments Act 1963 (c.43); the Riding Establishments Acts 1964 and 1970 (1964 c. 70 and 1970 c.70); section 1 of the Breeding of Dogs Act 1973 (c.60), and sections 1 and 8 of the Breeding and Sale of Dogs (Welfare) Act 1999.	Chief Officer Planning & Regulatory
27. Power to register animal trainers and exhibitors.	Section 1 of the Performing Animals (Regulation) Act 1925 (c.38).	Chief Officer Planning & Regulatory
28. Power to license zoos.	Section 1 of the Zoo Licensing Act 1981 (c.37)	Chief Officer Planning & Regulatory
29. Power to license dangerous wild animals.	Section 1 of the Dangerous Wild Animals Act 1976 (c.38).	Chief Officer Planning & Regulatory
30. Power to enforce regulations in relation to animal by-products.	Regulation 49 of the Animal By-Products (Wales) Regulations 2006.	Chief Officer Planning & Regulatory
31. Power to license the employment of children.	Part II of the Children and Young Persons Act 1933 (c. 33), byelaws made under that Part, and Part II of the Children and Young Persons Act 1963 (c.37).	Chief Officer Education & Early Intervention

Function	Provision of Act or Statutory Instrument	Delegation - (subject to any restrictions in the Scheme for Delegation to Officers)
32. Power to approve premises for the solemnisation of marriages.	Section 46A of the Marriage Act 1949 (c.76) and the Marriages (Approved Premises) Regulations 1995 (S.I.1995/510).	Chief Officer Governance & Customer
35. Power to license persons to collect for charitable and other causes.	Section 68 of the Charities Act 1992.	Chief Officer Planning & Regulatory
36. Power to grant consent for the operation of a loudspeaker.	Schedule 2 to the Noise and Statutory Nuisance Act 1993 (c.40).	Chief Officer Planning & Regulatory
38. Duty to register the movement of pigs.	Articles 21(3) and (4) of the Pigs (Records, Identification and Movement) (Wales) Order 2004 (S.I. 2004/96).	Chief Officer Planning & Regulatory
39. Power to enforce regulations in relation to the movement of pigs.	Article 27(1) of the Pigs (Records, Identification and Movement) (Wales) Order 2004.	Chief Officer Planning & Regulatory
40. Power to issue a licence to move cattle from a market.	Article 5(2) of the Cattle Identification Regulations (S.I. 1998/871)	Chief Officer Planning & Regulatory
41. Power to sanction use of parts of buildings for storage of celluloid.	Section 1 of the Celluloid and Cinematograph Film Act 1922 (c.35).	Chief Officer Planning & Regulatory
42. Duty to enforce and execute Regulations (E.C.) No. 852/2004 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.	Chief Officer Planning & Regulatory

C. Functions Relating to Health and Safety at Work

Function	Provision of Act or Statutory Instrument	Delegation - (subject to any restrictions in the Scheme for Delegation to Officers)
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).	Chief Officer Planning & Regulatory

I. Miscellaneous Functions

Function	Provision of Act or Statutory Instrument	Delegation - (subject to any restrictions in the Scheme for Delegation to Officers)
10. Power in respect of registration of motor salvage operators.	Part 1 of the Vehicles (Crime) Act 2001 (c.3)	Chief Officer Planning & Regulatory

Schedule 2 - Functions which may be (but need not be) the responsibility of the Executive. (local choice functions)

Function	Provision of Act or Statutory Instrument	Delegation - (subject to any restrictions in the Scheme for Delegation to Officers)
11. The discharge of any function relating to the control of pollution or the management of air quality.	Pollution Prevention and Control Act 1999 (c.24), Part IV of the Environmental Act 1995 (c.25), Part I of the Environment Act 1990 (c.43) and the Clean Air Act 1993 (c.11)	Chief Officer Planning & Regulatory

The following functions, powers and duties shall be exercised by this committee:-

1. To authorise the grant of licences and exercise the Council's functions under the following enactments (without prejudice to any powers otherwise delegated)
 - * Betting, Gaming and Lotteries Act, 1963 (Betting Tracks)
 - * Police, Factories etc. (Miscellaneous Provisions) Act, 1916 and House to House Collections Act, 1939 (House to House and Street Collections)
 - * The Theatres Act, 1968 (Theatre Licences)
 - * Cinemas Act, 1985 and Sunday Entertainments Act, 1932 (Cinemas)
 - * Charities Act 2006 (or such other legislation as may replace or supersede such Act)
2. To exercise the Council's powers and duties under the Town Police Clauses Act, 1847 and the Local Government (Miscellaneous Provisions) Act, 1976 relating to hackney carriage and private hire vehicles including the issue and refusal of licences as appropriate, other than those otherwise delegated to the Chief Officer Planning & Regulatory.
3. To determine applications for Private Hire and Hackney Carriage Operators, Vehicles and Drivers' Licences which the Chief Officer Planning & Regulatory does not feel able to approve because of the facts revealed in the application and to advise applicants to attend personally in all cases.
4. To exercise the Council's functions under the Licensing Act 2003 in relation to Public Entertainment Licences including determining applications for licences in the light of submissions made by the applicants and objectors.
5. To exercise the Council's functions under the Local Government (Miscellaneous Provisions) Act 1982 in relation to the control of sex establishments.
6. To issue and monitor Authorisations to operate industrial processes.
7. To exercise the Council's functions relating to the control of pollution or the management of air quality pursuant to the Pollution Prevention and Control Act 1999, Part IV of the Environment Act 1995, Part 1 of the Environmental Protection Act 1990 and the Clean Air Act 1993, including the determination of applications for variation of authorisations under Sections 10 and 11 of the Environmental Protection Act, 1990, and permits under the Environmental Permitting (England and Wales) Regulations 2010, involving a substantial change.

LICENSING COMMITTEE

Details of the composition of this committee are included in Section 9 of the Constitution.

The tables below list the specific functions in The Local Authorities (Executive Arrangements) (Functions and Responsibilities) (Wales) Regulations 2007 (namely functions that are not to be the responsibility of the authority's Executive under Schedule 1 or local choice functions which may be but need not be the responsibility of the Executive under Schedule 2) which have been delegated to the committee. The headings, numbers and letters correspond to those in the Regulations.

The third column notes whether or not the function has been delegated onwards to a Chief Officer. Further details on the rights of the Chief Officer, including any restriction on the right to act are to be found in the Scheme for Delegation to Officers in Table 6 appended to Section 13 of the Constitution.

Schedule 2 - Functions which may be (but need not be) the responsibility of the Executive.

Function	Provision of Act or Statutory Instrument	Delegation - (subject to any restrictions in the Scheme for Delegation to Officers)
23. Licensing functions	Part 2 of the Licensing Act 2003, except section 6	Chief Officer Planning & Regulatory
24. Functions in respect of gambling	Gambling Act 2005 Sections 29, 30, 166, 212, 284, 304, 346, 349, 350 and Part 5 of Schedule 11	Chief Officer Planning & Regulatory

Licensing Functions

To delegate the discharge of the following functions, powers and duties to Sub-Committees of the Licensing Committee:

- (a) To determine the following applications where a "relevant representation" has been made:-
- Application for premises licence
 - Application for club premises certificate
 - Application for provisional statement
 - Application to vary premises licence
 - Application to vary club premises certificate
- (b) To determine the following applications where a police objection has been made:-

- Application for (or renewal of) personal licence
 - Application to transfer of premises licence
 - Application for interim authority
 - Application to vary designated premises supervisor
- (c) The determination of a police objection to a temporary event notice
- (d) To determine applications to review premises licences
- (e) To determine applications to review club premises certificates
- (f) To determine whether to object when Wrexham County Borough Council is a consultee and not the relevant authority considering an application
- (g) To determine applications for personal licences with unspent convictions
- (h) To determine applications for 3 or more gaming machines or an increase in the number of permitted machines on an alcohol licensed premises made under Section 34 of the Gaming Act 1968 and Section 16 of the Lotteries and Amusements Act 1976.
- (i) To authorise and revoke orders for gaming on alcohol licensed premises made under Section 6 of the Gaming Act 1968.

Gambling Functions

To delegate the discharge of the following functions, powers and duties under the Gambling Act 2005 to Sub-Committees of the Licensing Committee:

- (a) To determine the following applications where a representation has been received and not withdrawn:
- Application for premises licence
 - Application for variation to a licence
 - Application for a provisional statement
 - Application for club gaming/club machine permits
- (b) To determine applications for a transfer of a licence where representations have been received from the Gambling Commission
- (c) To review premises licences
- (d) To cancel club gaming/club machine permits
- (e) To make the decision to give a counter notice to a temporary use notice

PLANNING COMMITTEE

Details of the composition of this committee are included in Section 9 of the Constitution.

The tables below list the specific functions in The Local Authorities (Executive Arrangements) (Functions and Responsibilities) (Wales) Regulations 2007 (namely functions that are not to be the responsibility of the authority's Executive under Schedule 1 or local choice functions which may be but need not be the responsibility of the Executive under Schedule 2) which have been delegated to the committee. The headings, numbers and letters correspond to those in the Regulations.

The third column notes whether or not the function has been delegated onwards to a Chief Officer. Further details on the rights of the Chief Officer, including any restriction on the right to act are to be found in the Scheme for Delegation to Officers in Table 6 appended to Section 13 of the Constitution.

SCHEDULE 1 - Functions that cannot be the responsibility of the Executive.

A. Town and Country Planning and Development Control functions (provided that no other paragraph in this schedule deals with them)

Function	Provision of Act or Statutory Instrument	Delegation - (subject to any restrictions in the Scheme for Delegation to Officers)
1. Power to determine applications for planning permission.	Sections 71(a) and (b) and 72 of the Town and Country Planning Act 1990 (c.8) (TCPA 1990)	Chief Officer Planning & Regulatory
2. Power to determine applications to develop land without compliance with conditions previously attached.	Section 73 TCPA 1990.	Chief Officer Planning & Regulatory
3. Power to grant planning permission for development already carried out.	Section 73A TCPA 1990.	Chief Officer Planning & Regulatory
4. Power to decline to determine application for planning permission.	Section 70A TCPA 1990.	Chief Officer Planning & Regulatory
5. Duties relating to the making of determinations of planning applications.	Sections 69, 76 and 92 of the TCPA 1990 and relevant Articles under the Town and Country Planning (General Development Procedure) Order 1995 (S.I. 1995.419) and any directions made thereunder.	Chief Officer Planning & Regulatory

Function	Provision of Act or Statutory Instrument	Delegation - (subject to any restrictions in the Scheme for Delegation to Officers)
6. Power to determine applications for planning permission made by a local authority, alone or jointly with another person.	Section 316 TCPA 1990 and Town Country Planning General Regulations 1992 (S.I. 1992/1492)	Chief Officer Planning & Regulatory
7. Power to make determinations, give approvals and agree certain other matters related to the exercise of permitted development rights.	Parts 6, 7, 11, 17, 19, 20, 21 to 24, 30 and 31 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 (S.I. 1995/418).	Chief Officer Planning & Regulatory
8. Power to enter into planning obligation, regulating development or use of land.	Section 106 TCPA 1990	Chief Officer Planning & Regulatory
9. Power to issue a certificate of existing or proposed lawful use or development.	Sections 191(4) and 192(2) TCPA 1990	Chief Officer Planning & Regulatory
10. Power to serve a completion notice.	Section 94(2) TCPA 1990	Chief Officer Governance & Customer
11. Power to grant consent for the display of advertisements.	Section 220 TCPA 1990 and the Town and Country Planning (Control of Advertisements) Regulations 1992.	Chief Officer Planning & Regulatory
12. Power to authorise entry onto land.	Section 196A TCPA 1990.	Chief Officer Planning & Regulatory
13. Power to require the discontinuance of a use of land.	Section 102 TCPA 1990.	Chief Officer Planning & Regulatory
14. Power to serve planning contravention notice, breach of condition notice or stop notice.	Sections 171C, 187A and 183(1) TCPA 1990	Chief Officer Planning & Regulatory
15. Power to issue an enforcement notice.	Section 172 TCPA 1990	Chief Officer Planning & Regulatory

Function	Provision of Act or Statutory Instrument	Delegation - (subject to any restrictions in the Scheme for Delegation to Officers)
16. Power to apply for an injunction restraining a breach of planning control.	Section 178B TCPA 1990	Chief Officer Planning & Regulatory
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)	Chief Officer Planning & Regulatory
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.	Para 2(6)(a) of Schedule 2 to the Planning and Compensation Act 1991, para 9(6) of Schedule 13 to the Environment Act 1995 (c.25) and para 6(5) of Schedule 14 to that Act.	Chief Officer Planning & Regulatory
19. Power to require proper maintenance of land.	Section 215(1) TCPA 1990	Chief Officer Planning & Regulatory
20. Power to determine applications for listed building consent, and related powers.	Sections 16(1) and (2), 17 and 33(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (c.9)	Chief Officer Planning & Regulatory
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.	Chief Officer Planning & Regulatory
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 3-13 of the Planning (Listed Buildings and Conservation Areas) Regulations 1990	Chief Officer Planning & Regulatory
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	Chief Officer Planning & Regulatory

Function	Provision of Act or Statutory Instrument	Delegation - (subject to any restrictions in the Scheme for Delegation to Officers)
24. Power to issue a listed building enforcement notice.	Section 38 of the Planning (Listed Buildings and Conservation Areas) Act 1990.	Chief Officer Planning & Regulatory
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.	Chief Officer Planning & Regulatory
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	None
27. Power to execute urgent works.	Section 54 of the Planning (Listed Buildings and Conservation Areas) Act 1990	Chief Officer Planning & Regulatory
28. Powers related to mineral working.	Schedule 9 TCPA 1990	Chief Officer Planning & Regulatory
29. Powers related to footpaths and bridleways.	Section 257 TCPA 1990	Chief Officer Planning & Regulatory
30. Power as to certification of appropriate alternative development.	Section 17 of the Land Compensation Act 1961 (c.33)	Chief Officer Planning & Regulatory
31. Duties in relation to purchase notices.	Sections 137-144 TCPA 1990	Chief Officer Governance & Customer
32. Powers related to blight notices.	Sections 149 – 171 TCPA 1990	Chief Officer Governance & Customer

Miscellaneous Functions

Function	Provision of Act or Statutory Instrument	Delegation - (subject to any restrictions in the Scheme for Delegation to Officers)
3. Powers relating to the preservation of trees.	Sections 197 to 214D TCPA 1990 and the Town and Country Planning (Trees) Regulations 1999 (S.I.1999/1892)	Chief Officer Planning & Regulatory
4. Powers relating to the protection of important hedgerows.	The Hedgerows Regulations 1997 (S.I.1997/1160)	Chief Officer Planning & Regulatory

Other functions, powers and responsibilities delegated by Council

Function	Provision of Act or Statutory Instrument	Delegation - (subject to any restrictions in the Schemes for Delegation to Officers)
To authorise the stopping up or diversion of footpaths and bridleways.	Section 257 TCPA 1990	None
To approve local impact reports and any other representations by the Council to the examining authority	Section 60(2) Planning Act 2008	None
To act as a consultee in relation to the development of Supplementary Planning Guidance	TCPA 1990	
To act as a consultee in relation to Conservation Area Boundary Reviews and Designation, and Conservation Area Character Assessments	TCPA 1990 and Town and Country Planning (General Permitted Development) Order 1995	
The naming and numbering of streets and the numbering and re-numbering of properties		Chief Officer Planning & Regulatory