

## THE CONSTITUTION – SECTION 13

### Table 1 – Responsibility for Local Choice Functions ((i.e. where there is a choice between the Council or Executive Board in exercising the function)

The table below lists the specific functions in The Local Authorities (Executive Arrangements) (Functions and Responsibilities) (Wales) Regulations 2007 (namely functions that are local choice functions which may be but need not be the responsibility of the Executive under Schedule 2) denoting whether the function is exercisable by Council or the Executive Board and if applicable which have been delegated to a committee or Chief Officer. The headings, numbers and letters correspond to those in the Regulations.

<b>Function and relevant statutory provision</b>	<b>Decision Making Body</b>	<b>Delegation of Functions (if applicable)</b>
1 Any function under a local Act other than a function specified or referred to in Schedule 1 of the Local Authorities Executive Arrangements (Functions and Responsibilities) (Wales) Regulations 2007 (See Functions listed in Table 2).	Executive Board	The Chief Officer Environment & Technical may exercise powers under Section 15 of the Clwyd County Council Act 1985.
2 The determination of an appeal against any decision made by or on behalf of the Authority.	Council	A Chief Officer
3 Functions in relation to the revision of decisions made in connection with claims for housing benefit or Council tax benefit and for appeals against such decisions under Section 68 of and Schedule 7 to the Child Support Pensions and Social Security Act 2000.	Executive Board	N/A
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.	Executive Board	Chief Officer Education & Early Intervention
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)	Executive Board	Chief Officer Education & Early Intervention

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).	Executive Board	Chief Officer Education & Early Intervention
7 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 functions of a Police Authority. (No longer in force since establishment of Police & Crime Commissioners)	Council	N/A
8 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. (No longer in force since establishment of Police & Crime Commissioners)	Council	N/A
9 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. (This provision has been superseded by the establishment of Welsh Improvement Authorities under the Local Government (Wales) Measure 2009.)	Executive Board	N/A
10 Any function relating to contaminated land. (Part IIA of the Environmental Protection Act 1990 and subordinate legislation)	Executive Board	Chief Officer Economy & Planning

11 The discharge of any function relating to the control of pollution or the management of air quality. (Pollution Prevention and Control Act 1999, Part IV of the Environment Act 1995, Part I of the Environment Act 1990 and the Clean Air Act 1993)	Council	Environmental Licensing Committee Chief Officer Economy & Planning
12 The service of an abatement notice in respect of a statutory nuisance. (Section 8 Noise and Statutory Nuisance Act 1993)	Executive Board	Chief Officer Economy & Planning
13 The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the Authority's area.	Executive Board	N/A
14 The inspection of the Authority's area to detect any statutory nuisance. (section 79 Environmental Protection Act 1990)	Executive Board	Chief Officer Economy & Planning
15 The investigation of any complaint as to the existence of a statutory nuisance.	Executive Board	Chief Officer Economy & Planning
16 The obtaining of information under section 330 of the Town and Country Planning Act 1990 as to interests in land	Executive Board	Chief Officer Governance & Customer may serve notices under the Town and Country Planning Act 1990
17 The obtaining of particulars of persons interested in land under section 16 of the Local Government (Miscellaneous Provisions) Act 1976.	Executive Board	Chief Officer Governance & Customer, Chief Officer Economy & Planning and Chief Officer Environment & Technical
18 Any of the following functions in respect of highways -		
(a) the making of agreements for the execution of highways works;	Executive Board	Chief Officer Environment & Technical

<p>(b) the functions contained in the following provisions of Part III of the Highways Act 1980 (creation of highways) -</p> <ul style="list-style-type: none"><li>(i) section 25 - creation of footpath, bridleway or restricted byway by agreement;</li><li>(ii) section 26 - compulsory powers for creation of footpaths, bridleways or restricted byways;</li></ul>	Executive Board	Chief Officer Environment & Technical
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<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> <p>(i) section 116 - power of magistrates' court to authorise stopping up or diversion of highway;</p> <p>(ii) section 117 - application for order under section 116 on behalf of another person;</p> <p>(iii) section 118 - stopping up of footpaths, bridleways and restricted byways;</p> <p>(iv) section 118ZA - application for a public path extinguishment order;</p> <p>(v) section 118A - stopping up of footpaths, bridleways and restricted byways crossing railways;</p> <p>(vi) section 118B - stopping up of certain highways for purposes of crime prevention etc;</p> <p>(vii) section 118C - application by proprietor of school for special extinguishment order;</p> <p>(viii) section 119 - diversion of footpaths, bridleways and restricted byways;</p> <p>(ix) section 119ZA - application for a public path diversion order;</p> <p>(ix) section 119A - diversion of footpaths, bridleways and restricted byways crossing railways;</p> <p>(x) section 119B - diversion of certain highways for purposes of crime prevention etc;</p>	<p>Executive Board</p>	<p>Chief Officer Environment &amp; Technical</p>
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<p>(xi) section 119C - application by proprietor of school for special diversion order;</p> <p>(xii) section 119D - diversion of certain highways for protection of sites of special scientific interest;</p> <p>(xiii) section 120 - exercise of powers of making public path extinguishment and diversion orders;</p> <p>(xiv) section 121B - register of applications;</p>		
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<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"> <li>(i) section 130 - protection of public rights;</li> <li>(ii) sections 139 - control of builders' skips;</li> <li>(iii) section 140 - removal of builders' skips;</li> <li>(iv) section 140A - builders' skips: charges for occupation of the highway;</li> <li>(v) section 142 - licence to plant trees, shrubs etc in a highway;</li> <li>(vi) section 147 - power to authorise erection of stiles etc on footpath or bridleway;</li> <li>(vii) section 147ZA – agreements relating to improvements for benefit of persons with mobility problems;</li> <li>(viii) section 149 - removal of things so deposited on highways as to be a nuisance etc;</li> <li>(ix) section 169 - control of scaffolding on highways;</li> <li>(x) section 171 - control of deposit of building materials and making of excavations in streets;</li> <li>(xi) section 171A and regulations made under that section - works under s169 or s171: charge for occupation of the highway;</li> <li>(xii) section 172 - hoardings to be set up during building etc;</li> </ul>	<p>N/A</p>	<p>N/A</p>
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<p>(xiii) section 173 - hoardings to be securely erected;</p> <p>(xiv) section 178 - restriction on placing of rails, beams etc over highways;</p> <p>(xv) section 179 - control of construction of cellars etc under street;</p> <p>(xv) section 180 - control of openings into cellars etc under streets, and pavement lights and ventilators;</p>		
<p>(e) exercising functions under section 34 of the Wildlife and Countryside Act 1981 (limestone pavement orders); and</p>	<p>Executive Board</p>	<p>Chief Officer Environmental &amp; Technical</p>
<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>Executive Board</p>	<p>Chief Officer Environmental &amp; Technical</p>
<p>19 The appointment of any individual -</p> <p>(a) to any office other than an office in which he 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, and the revocation of any such appointment.</p>	<p>Executive Board and Council</p>	<p>The Executive Board make appointments to outside bodies within its defined areas of responsibility.</p> <p>The Council make appointments to outside bodies other than those falling to the Executive Board for appointment.</p>



<p>20 Power to make payments or provide other benefits in cases of maladministration etc. Section 92 Local Government Act 2000.</p>	<p>Executive Board</p>	<p>N/A</p>
<p>21 The discharge of any function by an authority acting as a harbour authority (not applicable).</p>	<p>N/A</p>	<p>N/A</p>
<p>22 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 and Finance Act 1992;</p> <p>(b) the determination of an amount for item TP in 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>Executive Board</p>	<p>N/A</p>
<p>23 Licensing functions in accordance with Part 2 of the Licensing Act 2003, except section 6.</p>	<p>Council</p>	<p>The Licensing Committee and the Chief Officer Economy &amp; Planning to the extent defined in the Scheme of Delegation to Officers - see Table 6</p>

<p>24 Functions in respect of gambling under the following provisions of the Gambling Act 2005 —</p> <p>(a) section 29 - licensing authority information;</p> <p>(b) section 30 - other exchange of information;</p> <p>(c) section 166 - resolution not to issue casino licences;</p> <p>(d) section 212 and regulations made under that section - fees;</p> <p>(e) section 284 - removal of exemption;</p> <p>(f) section 304 - authorised persons;</p> <p>(g) section 346 - prosecutions by licensing authority;</p> <p>(h) section 349 - three-year licensing policy;</p> <p>(i) section 350 - exchange of information;</p> <p>(j) Part 5 of Schedule 11 - registration with local authority.</p>	<p>Council</p>	<p>The Licensing Committee and its Sub-Committees and the Chief Officer Economy &amp; Planning to the extent defined in Table 4 (Licensing Committee) and the Scheme of Delegation to Officers (see Table 6)</p>
<p>24 Functions in respect of approval by a local authority under section 51 or a determination by a local authority under section 53 of the Schools Standards and Organisation (Wales) Act 2013.</p>	<p>Executive Board</p>	<p>N/A</p>