

BRIDGEND COUNTY BOROUGH COUNCIL **SCHEME OF DELEGATION OF FUNCTIONS**

Introduction

Section 13 of the Local Government Act 2000 provides for the determination of which functions of a local authority are the responsibility of the Executive under Executive arrangements. All functions of a local authority must be the responsibility of the Executive unless specified otherwise in Regulations or there are express provisions to the contrary in other legislation.

Part 2 of the Constitution sets out the remit of Council, Council Committees and Cabinet, briefly, Council is responsible for:

- Determination of the policy framework and budget and other constitutional and quasi legislative functions.
- Functions which involve determining an application from a person for a licence approval consent permission or registration (including particular planning permissions and consents) or direct regulation of a person (except in cases where there is only limited discretion in the discharge of the function) together with any related enforcement actions (including prosecutions).
- All other functions not being overview and scrutiny functions are to be the responsibility of the Executive.

Within this framework the role of Members is to concentrate upon broad strategy and policy decisions. Managers are to have clear managerial control and authority to implement those decisions.

It is part of the role of Members to raise concerns, particularly those of constituents, and bring to the attention of Chief Officers matters of concern on any element of a service. Chief Officers will consider the concerns and comments of Members whilst recognising their responsibility to manage service delivery in accordance with the Council's policy framework.

Procedure

1. The Chief Officers referred to in this section are those set out in the Constitution:
 - Chief Executive Officer (Head of Paid Service)
 - Corporate Director – Education and Transformation
 - Corporate Director – Communities
 - Corporate Director – Resources
 - Corporate Director – Social Services and Wellbeing
 - Assistant Chief Executive – Legal and Regulatory Services
2. Chief Officers and / or Members making decisions in connection with the discharge of the functions allocated to them in this scheme of delegation:
 - (a) must do so on the basis of the merits of the circumstances involved and the public interest;
 - (b) must have regard to any relevant advice provided by other Council Officers, in particular by:
 - (i) the Council's Chief Finance Officer acting in pursuance of that Officer's duties under Section 114 of the Local Government Finance Act 1988;

- (ii) the Council's Monitoring Officer acting in pursuance of that Officer's duties under Section 5 of the Local Government and Housing Act 1989, who should be consulted when there is any doubt as to the Council's power to act, or as to whether the action proposed lies within the policy framework agreed by the Council; where the legal consequences of action or failure to act by the Council might have important repercussions;
 - (c) must comply with any conditions or restrictions on the exercise of their discretion which have been laid down either by the Council or the Cabinet; and
 - (d) must take account of any previous decision by the Council or the Cabinet relating to any relevant policies or procedures.
3. In discharging the functions allocated to them Chief Officers and / or Members shall comply with the Council's Contracts Procedure Rules and Financial Procedure Rules in Part 4 of the Council's Constitution, and shall not discharge any function if to do so would have the effect of:
- (a) causing revenue expenditure to be incurred, unless it is incurred in accordance with the Council's approved revenue estimates or the provisions relating to virement contained in the Financial Procedure Rules in Part 4 of the Council's Constitution; or
 - (b) causing capital expenditure to be incurred, other than capital expenditure on the acquisition of land or on preliminary or design work or in connection with a scheme which appears in the Council's approved capital estimates.
4. The allocation of a function on the Authority's behalf to a Chief Officer and / or Member shall in each case include the power to utilise on the Council and/or Cabinet's behalf any statutory power available to the Council as a local authority that will facilitate the discharge of the allocated function.
5. Any Chief Officer or Member to whom a function is allocated may decline to make a decision in connection with the discharge of that function in relation to any particular matter and may instead refer the matter to the relevant decision making body. An example of such a situation would be where the matter is considered to be particularly politically contentious or where the result of the decision being taken is likely to have a greater impact.
6. The Council's Chief Finance Officer and/or the Council's Monitoring Officer may require any Chief Officer or Member to cease to discharge all or any of the functions allocated to that Officer pending the submission of a report to the next meeting of the Council and/or Cabinet.
7. Before making a decision in accordance with Scheme A and/or Scheme B1 of the Schemes of Delegation the Chief Officer and/or the Cabinet Member proposing to make the decision shall:
- (a) complete the prescribed form and send a copy to the Council's Proper Officer for Committees to enable him to make the information available for inspection by Council Members generally;
 - (b) not make a final decision in connection with the discharge of the allocated Council and/or Cabinet function until a period of three working days, excluding the day on which it was sent, shall have elapsed from the date on which the prescribed form was sent to the Proper Officer for Committees;

- (c) take into consideration, in addition to the views expressed by the Council Member(s) and/or Council Officer(s) where specified as consultee(s), any views expressed by any Council Member in relation to the proposed decision.
8. Paragraph 7 above shall not apply in respect of a decision made by:
- (a) the Chief Executive or Corporate Director – Communities upon any matter relating to the Council’s emergency planning functions which, for reasons of urgency, cannot await the next meeting of the Cabinet; or
 - (b) an officer in exercise of a function allocated to that officer under this Scheme to authorise the settlement of civil and / or criminal proceedings whether commenced or in anticipation or to withdraw or discontinue civil or criminal proceedings; or
 - (c) a Cabinet Member in exercise of a function falling within the Cabinet Member’s portfolio (other than decisions which are contrary to the Policy Framework or contrary to or not wholly in accordance with the approved Budget) which, if delayed, would seriously prejudice the Council’s or the public’s interests, subject to the requirements of paragraph 17 of the Overview and Scrutiny Procedure Rules; or
 - (d) the Chief Executive or if absent or otherwise unable to act the Assistant Chief Executive Legal & Regulatory Services upon any Council function which, for reasons of urgency, cannot await the next meeting of the Council or of any Committee or other body to which the Council has delegated the function in connection with which a decision is required (other than a decision which must by law be taken by the Council itself), subject to the following consultation:
 - The Chairperson of any committee or other body to which the Council has delegated the function in respect of which the decision is required or, if there is no such committee or other body, the Mayor;
 - The leader(s) of each political group into which the members of the Council are divided;
 - The Chief Officers (s) (if any) responsible for the function in respect of which the decision is required.
9. Every Chief Officer or Cabinet Member on making a decision after following the evidenced procedure set out in 7 above shall ensure that full details of the decision are completed on the prescribed form in respect of the final decision.
10. Every Chief Officer or Cabinet Member on making a decision under Scheme B2 shall ensure that full details of the decision are completed on the prescribed form in respect of the final decision.
11. The prescribed form shall be signed by the Officer and/or Member making the decision.
12. The written record of a proposed and/or actual decision, the prescribed form, shall be retained for a period of six years from the date of the decision.
13. On completion of the prescribed form in relation to both a proposed and/or actual decision a copy of the prescribed form shall be sent by the Chief Officer and/or Cabinet Member who made the decision:
- (a) to the Proper Officer for Committees:

- (b) The Proper Officer for Committees shall supply a copy to the Chairperson of the Overview and Scrutiny Committee responsible for scrutinising decisions made in connection with the discharge of the Cabinet function in respect of which the decision was made.
14. Whilst decisions made in accordance with Scheme A, and Scheme B1 of the Scheme of Delegation, other than those decisions set out in 8 above, are subject to call-in by Overview and Scrutiny Committees, the procedure for which is set out in Part 4 of the Constitution, decisions made in accordance with Scheme B2 of the Scheme of Delegation are not subject to call-in.
15. In the event of any Council Member or Council Officer who is designated in the attached Schedule as a consultee being absent or for any other reason being unable to act as such the Council Member or Council Officer may nominate in writing another Council member or Officer (as the case may be) to act as consultee in his / her place.

General Powers of Chief Officers

The Chief Executive and all Chief Officers have the general powers set out below, in addition, they are authorised to carry out the specific functions of the Council and of the Executive delegated to them in Schemes B1 and B2.

Only in connection with the functions administered by their Directorate/Office, Chief Officers have the power to:

1. Undertake:-
 - (a) the day-to-day management and control of their Directorate/Office, including: directorate, departmental, other divisional reviews of establishment, and amendments to the existing staffing structure which can be funded within existing budgets and / or with the benefit of any additional funding receivable; the approval of shortlists for and making permanent and temporary appointments to all posts within their respective directorates other than those which are the responsibility of Members in accordance with the Local Authorities (Standing Orders) (Wales) Regulations 2006; the determination of applications by staff for special leave of absence.
 - (b) the functions administered by their Directorate/Office and the services for which they are responsible.
- 1.1 in pursuance of section 222 of the Local Government Act 1972, in the name of the Council, make representations in the interests of the inhabitants at any public inquiry held by or on behalf of any Minister or public body under any enactment.
- 1.2 exercise the Council's statutory powers to enter upon land and premises for the purposes of inspection, survey, carrying out of any works, investigation of any matter, the taking of samples or for any other purpose for which the Council are so authorised, and to give such notices as may be required in relation thereto.
- 1.3 obtain particulars of persons interested in land under section 16 of the Local Government (Miscellaneous Provisions) Act 1976.
- 1.4 make arrangements for the provisions of supplies and services by and for other local authorities and public bodies (as defined) under the Local Authorities (Goods and Services) Act 1970 or other enabling legislation.

- 1.5 exercise virement within the financial limits contained in the Financial Regulations.
- 1.6 sign on behalf of the Council / Cabinet any document to give effect to any decision made by the Council / Cabinet within the functions of the directorate.
- 1.7 accept the lowest tender received where payment is to be made by the Council and the highest tender received where payment is to be received by the Council
- 1.8 determine applications for Housing Benefit (including Discretionary Housing Payments) and Council Tax Reduction.
- 1.9 assess the need of people who may be in need of care services and, if appropriate, the ability of carers to provide care; decide, on the basis of the assessment what, if any, services should be provided to meet those needs; and take all necessary steps to provide those services including the making of contracts for their provision.
- 1.10 To determine the priority accorded to individual applications to the Housing Register and to nominate applicants for accommodation with registered social landlords in accordance with the Council's policies.
- 1.11 To determine applications from owner/occupiers to the Housing Register, in accordance with the Council's policies.
- 1.12 To determine applications for housing which may not fully comply with the requirements of the Council's Housing Register and Allocation Rules, but are considered to be of a particularly urgent or sensitive nature.
- 1.13 To determine applications for assistance by homeless persons and persons threatened with homelessness pursuant to Part 2 of the Housing (Wales) Act 2014 and to secure temporary accommodation as appropriate.
- 1.14 To issue Fixed Penalty Notices in accordance with Section 95A and Schedule 4B of the New Roads and Street Works Act 1991, to offer the opportunity of discharging liability to conviction for an offence by payment of a penalty
2. Nothing contained in paragraph 1 shall affect or detract from the exercise by a Chief Officer of any function conferred directly on the Chief Officer by any provision of this Scheme of Delegation.
3. All Chief Officers may authorise in writing any other Officer or Officers of the Council, specified either by name, or by designation and post reference, either generally or specifically for the purpose, to exercise any or all of the powers authorised to be exercised by them, except for this power, provided that:
 - (a) officer reports to or is responsible to the delegator;
 - (b) the officer is appropriately qualified, trained and experienced;
 - (c) the functions to be exercised are within that officer's area of responsibility;
 - (d) it is necessary or desirable for the effective performance of the day to day operation of a service, and
 - (e) It is lawful to do so.

- 3.1 Chief Officers must prepare in writing a scheme authorising any other officers to exercise such powers. Chief Officers shall remain accountable for any action or decisions taken under such authority and shall provide the Monitoring Officer with a copy of the Scheme.
- 3.2 For the avoidance of doubt, where under this scheme a subordinate officer exercises a power, duty or function delegated to him by another officer, the delegation is hereby authorised as if Council / Cabinet delegated it directly and particularly.
4. In the event of a Chief Officer post being vacant or the Chief Officer being unavailable then subject to any arrangements provided for in any scheme of delegation prepared by a Chief Officer under paragraph 3 above that Chief Officer's delegated powers may be exercised by the relevant Assistant Directors / Heads of Service(s) within that Directorate so far as permitted by law.
5. In the event of the Chief Executive post being vacant or the Chief Executive being unavailable then subject to any arrangements provided for in any scheme of delegation prepared by the Chief Executive under paragraph 3 above the Chief Executive's delegated powers may be exercised by the Assistant Chief Executive of Legal and Regulatory Services following consultation with the Chief Finance Officer.
6. Delegation does not extend to any action which affects another Directorate of the Authority or involves the functions of a Directorate, Department or Individual Officer outside the Directorate of the Chief Officer.

SCHEME A

**CABINET FUNCTIONS DELEGATED TO INDIVIDUAL
CABINET MEMBERS**

Where any delegated power is allocated to an individual Cabinet Member and that Member is absent or otherwise unable to act the power is allocated to the Leader and in the Leader's absence to the Deputy Leader.

Any delegated power includes the authority to undertake any action incidental to the application of the delegated power.

1. FUNCTIONS ALLOCATED TO EACH CABINET MEMBER

| | <u>Allocated Functions</u> |
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| 1.1 | Subject to the requirements of paragraph 18 of the Overview and Scrutiny Procedure Rules, to make decisions on any matters falling within the Cabinet Member's portfolio (other than decisions which are contrary to the Policy Framework or contrary to or not wholly in accordance with the approved Budget) which, if delayed, would seriously prejudice the Council's or the public's interests. |
| 1.2 | In respect of any contract having an estimated value exceeding £1,000,000 but not exceeding £5,000,000: (a) To authorise the invitation of tenders; and (b) To accept a tender other than the lowest tender received where payment is to be made by the Council, or other than the highest tender received where payment is to be received by the Council where there are special reasons approved by the Section 151 Officer for not accepting the lowest tender or the highest tender as the case may be. (c) To authorise invitation of tenders, to accept a tender or enter into a contract in accordance with any exemption under the Council's Contract Procedure Rules. |
| 1.3 | In connection with services falling within the Cabinet Member's portfolio to authorise the submission of tenders for the supply of goods, works or services to another local authority or a public body in accordance with the powers conferred upon the Council by the Local Authorities (Goods and Services) Act 1970 where the estimated value of the proposed tender exceeds £1,000,000 but does not exceed £5,000,000. |
| 1.4 | To authorise the disposal of surplus goods acquired in connection with services falling within the Cabinet Member's portfolio having an estimated total value exceeding £100,000 but not exceeding £200,000. |
| 1.5 | To declare land or buildings utilised in connection with services falling within the Cabinet Member's portfolio surplus to requirements. |
| 1.6 | To approve, subject to the budget process: (1) Fees and charges for new services in accordance with any relevant charging policy approved by the Cabinet; and (2) Increases in existing fees and charges which are in accordance with any relevant charging policy approved by the Cabinet and which are necessary to reflect either inflation or other increases in costs. |
| 1.7 | To authorise the appointment of consultants providing a professional service whose fees are estimated to exceed £100,000. |

| <u>Allocated Functions</u> | |
|-----------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------|
| 1.8 | To make a formal response on behalf of the County Borough Council to any Government Paper or Circular and any draft European Union Directive. |

2. FUNCTION ALLOCATED TO CABINET MEMBER FOR RESOURCES

| | <u>Allocated Function</u> |
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| 2.1 | To authorise the exercise of rights of pre-emption vested in the Council. |
| 2.2 | To allocate Capital Programme funds to Town and Community Councils to facilitate community projects, upon the recommendation of the Asset Management and Capital Investment Group. |
| 2.3 | To approve levels of maximum funding to voluntary organisations where the amount of the funding exceeds £50,000. |

3. FUNCTIONS ALLOCATED TO THE CABINET MEMBER – COMMUNITIES

| | <u>Allocated Functions</u> |
|-----|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 3.1 | <p>(a) To approve the making of applications for orders in pursuance of Section 116 of the Highways Act 1980 and Sections 247, 248 and 249 of the Town and Country Planning Act 1990 and to approve the making, modification or variation of orders in pursuance of any provision contained in the following enactments (or any statutory modification, re-enactment or amendment thereof): Road Traffic Regulation Act 1984; Road Traffic Regulation (Special Events) Act 1994 Town Police Clauses Act 1847;</p> <p>(b) To confirm, where the Council has power to do so, any proposed Order made in accordance with paragraph (a) above to which there are no objections or in respect of which any objections made are withdrawn;</p> <p>(c) Where the Council does not have power to determine any proposed Order to refer the proposed Order to such determining body (i.e. the National Assembly for Wales, the Magistrate’s Court or the County Court) as is appropriate in the circumstances.</p> |
| 3.2 | To decide the name and/or numbering of a street, or to change or alter the name and/or numbering of a street, in accordance with the relevant provisions of the Town Improvement Clauses Act 1847 and the Public Health Act 1925, and to authorise any action considered appropriate as a result of making such a decision. |
| 3.3 | To determine requests for the use of Council car parks for purposes not authorised by the relevant Off-Street Parking Places Order and to suspend the use of any parking place or part thereof when considered appropriate. |

4. FUNCTIONS ALLOCATED TO THE CABINET MEMBER - ADULT SOCIAL CARE AND HEALTH & WELLBEING

| | <u>Allocated Functions</u> |
|-----|-----------------------------------------------------------------------------|
| 4.1 | To approve any adjustments in the level of fees paid for placements made in |

| <u>Allocated Functions</u> | |
|-----------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| | Independent Sector Residential and Nursing Care Homes within the County Borough. |
| 4.2 | To approve levels of maximum funding to voluntary organizations which are subject to a formal service agreement where the amount of the funding exceeds £50,000. |

5. FUNCTIONS ALLOCATED TO THE CABINET MEMBER - CHILDREN'S SOCIAL SERVICES AND EQUALITIES

| <u>Allocated Functions</u> | |
|-----------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 5.1 | To approve any adjustments in the level of grants, fees and allowances for Children and Young People and their carers in respect of: Children's Foster Care; Residential Care; Adoption Services; Aftercare Services; Respite Care Services; Volunteer Drivers. |
| 5.2 | To approve levels of maximum funding to voluntary organizations which are subject to a formal service agreement where the amount of the funding exceeds £50,000. |
| 5.3 | To approve applications for grants to voluntary organisations in accordance with the policy approved by the Cabinet or Council where the amount of the grant exceeds £50,000. |

6. FUNCTIONS ALLOCATED TO THE DEPUTY LEADER AND CABINET MEMBER - EDUCATION

| <u>Allocated Functions</u> | |
|-----------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 6.1 | In consultation with the Corporate Director – Education & Transformation, to appoint additional LEA school governors to support schools causing concern. |
| 6.2 | To approve applications for grants to voluntary organisations in accordance with the policy approved by the Cabinet or Council where the amount of the grant exceeds £50,000. |

SCHEME B1

FUNCTIONS DELEGATED TO CORPORATE DIRECTORS SUBJECT TO CONSULTATION AND CALL IN

1. FUNCTIONS DELEGATED TO EACH CHIEF OFFICER

A. COUNCIL / CABINET FUNCTIONS:

| | <u>Delegated Functions</u> | <u>Consultee(s)</u> |
|-----|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1.1 | To authorise the disposal of surplus goods acquired in connection with services for which the Chief Officer concerned is responsible having an estimated total value exceeding £50,000 but not exceeding £100,000. | <p>(1) <u>COUNCIL FUNCTIONS</u> The Chairperson of any committee or other body to which the Council has also delegated the function which includes the service in connection with which the goods were acquired or, if there is no such committee or other body, the Mayor</p> <p>(2) <u>CABINET FUNCTIONS</u> The Cabinet Member with the relevant function</p> |
| 1.2 | To authorise the appointment of consultants providing a professional service whose fees are estimated to exceed £50,000 but not exceeding £100,000 | <p>(1) <u>COUNCIL FUNCTIONS</u> The Chairperson of any Committee or other body to which the Council has also delegated the function which includes the service in respect of which the fees or charges will be payable or, if there is no such committee or other body, the Mayor</p> <p>(2) <u>CABINET FUNCTIONS</u> The Cabinet Member with the relevant function</p> |

B. CABINET FUNCTIONS:

| | <u>Delegated Functions</u> | <u>Consultee(s)</u> |
|-----|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------|
| 1.3 | To authorise the submission of tenders for the supply of goods, works or services to another local authority or a public body in accordance with the powers conferred upon the Council by the Local Authorities (Goods and Services) Act 1970 where the estimated value of the proposed tender exceeds £100,000 but does not exceed £1,000,000. | The Cabinet Member with the relevant function |

2. FUNCTIONS ALLOCATED TO THE CHIEF EXECUTIVE (OR IF ABSENT OR OTHERWISE UNABLE TO ACT TO THE ASSISTANT CHIEF EXECUTIVE LEGAL & REGULATORY SERVICES)

A. COUNCIL FUNCTIONS:

| | <u>Delegated Functions</u> | <u>Consultee(s)</u> |
|-----|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 2.1 | To make a decision upon any matter which, for reasons of urgency, cannot await the next meeting of the Council or of any Committee or other body to which the Council has delegated the function in connection with which a decision is required (other than a decision which must by law be taken by the Council itself). | <p>(1) The Chairperson of any committee or other body to which the Council has delegated the function in respect of which the decision is required or, if there is no such committee or other body, the Mayor;</p> <p>(2) The leader(s) of each political group into which the members of the Council are divided;</p> <p>(3) The Corporate Director(s) (if any) responsible for the function in respect of which the decision is required</p> |

3. FUNCTIONS ALLOCATED TO THE ASSISTANT CHIEF EXECUTIVE LEGAL & REGULATORY SERVICES

B. COUNCIL / CABINET FUNCTIONS:

| | <u>Delegated Functions</u> | <u>Consultee(s)</u> |
|-----|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 3.1 | To instruct counsel or to engage external solicitors in connection with any legal matter affecting the Council where the estimated cost of doing so is estimated to exceed £100,000. | <p><u>COUNCIL FUNCTIONS</u> The Chairperson of any committee or other body to which the Council has delegated the function in respect of which it is proposed to instruct counsel or, if there is no such committee or other body, the Mayor.</p> <p><u>CABINET FUNCTIONS</u> The Cabinet Member with the relevant function</p> |
| 3.2 | To authorise the settlement of civil and / or criminal proceedings whether commenced or in anticipation where the amount payable by or to the Council exceeds £100,000. | <p><u>COUNCIL FUNCTIONS</u> The Chairperson of any committee or other body to which the Council has delegated the function to which the proposed relate or, if there is no such committee or other body, the Mayor.</p> <p><u>CABINET FUNCTIONS</u> The Cabinet Member with the relevant function</p> |

C. CABINET FUNCTIONS:

| | <u>Delegated Functions</u> | <u>Consultee(s)</u> |
|-----|-------------------------------------------------------------------------------------------------------------|--------------------------------------|
| 3.3 | To provide observations on behalf of the Council to the National Assembly for Wales upon proposals to amend | The Cabinet Member with the relevant |

| | <u>Delegated Functions</u> | <u>Consultee(s)</u> |
|-----|---------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------|
| | "Planning Guidance Wales" and related Technical Advice Notes. | function |
| 3.4 | To provide observations on behalf of the Council to the appropriate Government Department upon proposals to amend national planning and environmental policy. | Cabinet Member with the relevant function |
| 3.5 | To exercise the functions set out in the Scrap Metal Dealers Act 2013 | Cabinet Member with the relevant function |

4. FUNCTIONS ALLOCATED TO THE CORPORATE DIRECTOR - RESOURCES

A. CABINET FUNCTIONS:

| | <u>Delegated Functions</u> | <u>Consultee(s)</u> |
|-----|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 4.2 | To authorise, and agree terms for, the disposal of land and buildings, whether by way of a freehold sale or the grant of a lease, in consideration of the payment of a premium at best consideration having an estimated value not exceeding £500,000 . | (1) Cabinet Member with the relevant function (2) Assistant Chief Executive – Legal & Regulatory (3) Section 151 Officer or in the event of sub delegation to the Section 151 Officer, then the Deputy Section 151 officer. |
| 4.3 | To authorise, and approve the terms of, any lease to be granted to or by the Council in consideration of the payment of a rent, including any rent in excess of £100,000 per annum payable: (a) by the Council; or (b) to the Council. | Cabinet Member with the relevant function |
| 4.4 | To authorise and agree the release of restrictive covenants in favour of or binding the Council for sums exceeding £50,000. | Cabinet Member with the relevant function |
| 4.5 | To authorise and agree the terms of the surrender of leases by or to the Council including the payment or receipt of a premium exceeding £50,000. | Cabinet Member with the relevant function |
| 4.6 | To approve levels of maximum funding to voluntary organisations where the amount of the funding does not exceed £50,000. | Cabinet Member with the relevant function |

| | <u>Delegated Functions</u> | <u>Consultee(s)</u> |
|-----|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 4.7 | To authorise, and agree terms for, the disposal of land and buildings having an estimated value not exceeding £300,000, at an undervalue where it is considered that: The disposal is in the interests of the economic, social or environmental well being of the whole or any part of the Authority's area, or any or all persons resident or present in the Authority's area; and the disposal is in accordance with the General Disposal Consent (Wales) 2003, the Authority's approved Disposal Strategy and Community Asset Transfer Guidance; and the disposal is at an undervalue of £300,000 or less provided that the disposal is not in breach of any State Aid requirements. . | 1) Cabinet Member with the relevant function 2) Assistant Chief Executive – Legal & Regulatory 3) Section 151 Officer or in the event of sub delegation to the Section 151 Officer, then the Deputy Section 151 officer. |
| 4.8 | To authorise, and agree terms for, the acquisition of land or buildings in connection with scheme which appears in the Council's approved capital estimates a particular category of scheme which appears in the Council's approved capital estimates, provided that the acquisition will not exceed the aggregate capital estimate for the category of scheme. | Cabinet Member with the relevant function. |

5. FUNCTIONS ALLOCATED TO THE CORPORATE DIRECTOR – EDUCATION & TRANSFORMATION

A. CABINET FUNCTIONS:

| | <u>Delegated Functions</u> | <u>Consultee</u> |
|-----|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------|
| 5.1 | To issue and serve public notice of proposals to open and to close schools and to consult the public on such proposals. | Cabinet Member with the relevant function |
| 5.2 | To approve applications for grants to voluntary organisations in accordance with the policy approved by the Cabinet or Council where the amount of the grant does not exceed £50,000. | Cabinet Member with the relevant function |
| 5.3 | Intentionally Blank | |
| 5.4 | Intentionally Blank | |
| 5.5 | To approve levels of maximum funding to voluntary organizations which are subject to a formal service agreement where the amount of the funding exceed £10,000 but does not exceed £50,000. | Cabinet Member with the relevant function |

6. FUNCTIONS ALLOCATED TO THE CORPORATE DIRECTOR – SOCIAL SERVICES & WELLBEING

A. CABINET FUNCTIONS:

| | <u>Delegated Functions</u> | <u>Consultee</u> |
|-----|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------|
| 6.1 | To approve levels of maximum funding to voluntary organizations where the amount of the funding exceeds £10,000 but does not exceed £50,000. | Cabinet Member with the relevant function |
| 6.2 | To exercise any of the Council's powers in respect of Porthcawl Harbour contained in Part V of the Mid Glamorgan County Council Act 1987. | Cabinet Member with the relevant function |
| 6.3 | To approve applications for grants to voluntary organisations in accordance with the policy approved by the Cabinet or Council where the amount of the grant does not exceed £50,000. | Cabinet Member with the relevant function |
| 6.4 | To issue and serve public notice of proposals to open and to close leisure facilities and to consult the public on such proposals. | Cabinet Member with the relevant function |
| 6.5 | To exercise the Council's functions under the Fostering Services (Wales) Regulations relating to the appointment from time to time of new members of the Bridgend Fostering Panel (other than the appointment of elected members of the Council) as and when vacancies arise. | Cabinet Member with the relevant function |
| 6.6 | To exercise the Council's functions under the Adoption Agencies Regulations 2005 relating to the appointment from time to time of the Chair and Vice-Chair and members of the Bridgend Adoption Panel (other than the appointment of elected members of the Council) as and when vacancies arise. | Cabinet Member with the relevant function |
| 6.7 | To approve levels of maximum funding to voluntary organizations which are subject to a formal service agreement where the amount of the funding exceed £10,000 but does not exceed £50,000. | Cabinet Member with the relevant function |

7. FUNCTIONS ALLOCATED TO THE CORPORATE DIRECTOR - COMMUNITIES

A. COUNCIL FUNCTIONS:

| | <u>Delegated Functions</u> | <u>Consultee</u> |
|-----|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------|
| 7.1 | To provide observations upon the request of the National Assembly for Wales in respect of applications for offshore dredging submitted to the Crown Estate under the "Government View" procedure. | Chairperson or in their absence the Vice-Chairperson of the Planning and Development Committee |

B. CABINET FUNCTIONS:

| | <u>Allocated Functions</u> | <u>Consultee</u> |
|------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------|
| 7.2 | To make a decision upon any matter relating to the Council's emergency planning functions which, for reasons of urgency, cannot await the next meeting of the Cabinet. | Leader or in their absence the Deputy Leader |
| 7.3 | To authorise the carrying out of civic amenity schemes. | Cabinet Member with the relevant function |
| 7.4 | To undertake projects of Sustainable Waste Management within the County Borough. | Cabinet Member with the relevant function |
| 7.5 | To make arrangements for publicity for and public consultation on all proposed waste policy documents. | Cabinet Member with the relevant function |
| 7.6 | To approve or amend programmes for the preparation of policy documents required by Section 6 of the Planning and Compulsory Purchase Act 2004. | Cabinet Member with the relevant function |
| 7.7 | To provide observations on behalf of the Council to the National Assembly for Wales upon proposals to amend "Planning Guidance Wales" and related Technical Advice Notes. | Cabinet Member with the relevant function |
| 7.8 | To provide observations on behalf of the Council to the appropriate Government Department upon proposals to amend national planning and environmental policy. | Cabinet Member with the relevant function |
| 7.9 | To initiate projects for environmental education improvement and management within the County Borough. | Cabinet Member with the relevant function |
| 7.10 | To make arrangements for publicity and public consultation for all Council Policy Documents relating to countryside access and management and building conservation. | Cabinet Member with the relevant function |

| | <u>Allocated Functions</u> | <u>Consultee</u> |
|------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------|
| 7.11 | To make arrangements for publicity and public consultation on projects for environmental education, improvement and management within the County Borough. | Cabinet Member with the relevant function |
| 7.12 | To increase or decrease the fees chargeable under the Building Regulations by not more than 10%. | (1) Cabinet Member with the relevant function (2) Chief Finance Officer |
| 7.13 | To authorise the carrying out of Land Reclamation, Coastal Protection and Land Drainage schemes not exceeding an estimated value of £100,000. | Cabinet Member with the relevant function |
| 7.14 | To review the prescribed limits of financial assistance provided under the grant schemes operated by the Council pursuant to its economic development powers. | Cabinet Member with the relevant function |
| 7.15 | To determine the award of Discretionary Disabled Facilities Lifetime Grants, and the award of the residual Disabled Facilities Top-Up Grants, in accordance with the Private Sector Housing Renewal & Disabled Adaptions Policy | Cabinet Member with the relevant function |
| 7.16 | To increase or decrease any of the rates payable for any statutory grants administered under the Housing Grants, Construction and Regeneration Act 1996 and any non-statutory grants administered under the Bridgend County Borough Council Private Sector Housing Renewal Policy. | (1) Cabinet Member with the relevant function (2) Chief Finance Officer |
| 7.17 | To approve levels of maximum funding to voluntary organisations which are subject to a formal service agreement where the amount of the funding exceeds £10,000 but does not exceed £50,000. | Cabinet Member with the relevant function |
| 7.18 | To provide observations on behalf of the Council to the National Assembly for Wales upon proposals to amend Highways and Transportation policy and regulations. | Cabinet Member with the relevant function |
| 7.19 | Intentionally Blank | |
| 7.20 | To issue and serve public notice of proposals to open and to close community facilities and to consult the public on such proposals. | Cabinet Member with the relevant function |

SCHEME B2

FUNCTIONS DELEGATED TO CORPORATE DIRECTORS WITHOUT CONSULTATION AND CALL IN.

1. FUNCTIONS ALLOCATED TO EACH CHIEF OFFICER

A. COUNCIL / CABINET FUNCTIONS:

| | <u>Allocated Functions</u> |
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| 1.1 | To authorise the appointment of consultants providing a professional service whose fees do not exceed £50,000. |
| 1.2 | To authorise the application for and acceptance of applications for grant aid to the National Assembly for Wales and other appropriate bodies for purposes connected with matters falling within the Directorate. |
| 1.3 | To exercise the powers conferred upon them under the Council's Disciplinary and Grievance Procedures. |
| 1.4 | In respect of any contract having an estimated value not exceeding £1,000,000: (a) To authorise the invitation of tenders; and (b) To accept a tender other than the lowest tender received where payment is to be made by the Council, or other than the highest tender received where payment is to be received by the Council where there are special reasons approved by the Corporate Procurement Manager in respect of tenders not in excess of £100,000 and by the Section 151 Officer in respect of tenders in excess of £100,000 for not accepting the lowest tender or the highest tender as the case may be. (c) To authorise invitation of tenders, to accept a tender or enter into a contract in accordance with any exemption under the Council's Contract Procedure Rules. Contract Procedure Rules. |

B. CABINET FUNCTIONS:

| | <u>Allocated Functions</u> |
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| 1.5 | To authorise the disposal of surplus goods acquired in connection with services for which the Chief Officer is responsible having an estimated total value not exceeding £50,000. |
| 1.6 | To authorise the submission of tenders for the supply of goods, works or services to another local authority or a public body in accordance with the powers conferred upon the Council by the Local Authorities (Goods and Services) Act 1970 where the estimated value of the proposed tender exceeds does not exceed £100,000. |
| 1.7 | To take any steps necessary to assist the Council in complying with the obligations imposed under the Data Protection Act 1998 in consultation with the Assistant Chief Executive Legal and Regulatory Services. |

2. FUNCTIONS ALLOCATED TO THE ASSISTANT CHIEF EXECUTIVE – LEGAL & REGULATORY SERVICES

A. COUNCIL FUNCTIONS:

| | <u>Allocated Functions</u> |
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| 2.1 | To determine applications for the grant or renewal of approvals of premises for the solemnization of marriages and civil partnerships in pursuance of section 26(1)(bb) of the Marriage Act 1949 and the Civil Partnership Act 2004, and to revoke such approvals. |
| 2.2 | To take all steps required to undertake Compulsory Purchase Orders. |
| 2.3 | To exercise any powers available to the Council under the provisions of any contract relating to the determination or forfeiture of the contract. |
| 2.4 | To confirm unopposed tree preservation orders under Section 199 of the Town and Country Planning Act 1990. |
| 2.5 | To exercise the functions of the Council following the service of a Purchase Notice or Blight Notice, including the issue and service of notices or counter notices. |
| 2.6 | To appoint authorised officers for the purposes of Part II of the Local Government (Miscellaneous Provisions) Act 1976, the Local Government (Miscellaneous Provisions) Act 1982, the Licensing Act 2003 and the Gambling Act 2005. |
| 2.7 | To determine all applications and administrative arrangements in respect of designated grounds and regulated stands under the Safety of Sports Ground Act 1975 and to issue prohibition notices under Section 10 of the Act. |
| 2.8 | To authorise officers to have power of entry, issue prohibition notices under Section 10 and undertake responsibilities as to implementation and enforcement under paragraphs 10B and 11 of the Safety of Sports Grounds Act 1975. |
| 2.9 | To grant applications for hackney carriage and private hire vehicle licences and private hire operator licences and to revoke existing licences when replacement vehicle licences are granted, in accordance with the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976, as appropriate. |
| 2.10 | To suspend licences pertaining to hackney carriage and private hire vehicles in accordance with sections 60 and 68 of the Local Government (Miscellaneous Provisions) Act 1976 |
| 2.11 | To grant, suspend and/or revoke, and reinstate existing hackney carriage and private hire vehicle drivers' licences in accordance with such guidelines, conditions, limitations or restrictions as may be prescribed by the Licensing Committee and in accordance with the Town Police Clauses Act 1847 and the local Government (Miscellaneous Provisions) Act |

| <u>Allocated Functions</u> | |
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| | 1976 as appropriate. |
| 2.12 | <p>To grant or renew the under mentioned applications providing no objections or representations have been received from statutory bodies or the public:</p> <p>(a) Amusements with Prizes Permits (other than those relating to arcades)</p> <p>(b) Street Trading Consents</p> <p>In accordance with the Gaming Act 1968 and Local Government (Miscellaneous Provisions) Act 1982 as appropriate.</p> |
| 2.13 | To vary the conditions attached to Premises Licences which involve the giving of written consent for an activity providing no objections or representations have been received from responsible authorities or the public in accordance with the Licensing Act 2003. |
| 2.14 | <p>To grant and renew applications for licences, permits and registrations, and to do anything which the Council has a power or duty to do (including the power to serve any notice) that is necessary for the enforcement of any of the provisions contained in the enactments listed below (subject to any policies prescribed by the Licensing Committee):</p> <p style="padding-left: 40px;">House to House Collection Act 1939 Police, Factories, etc (Miscellaneous Provisions) Act 1916</p> |
| 2.15 | <p>To determine or make decisions (as appropriate) under the Licensing Act 2003 regarding the following matters:</p> <p>(a) Applications for personal licenses (if no objection made);</p> <p>(b) Applications for premises / club premises certificates (if no relevant representations made);</p> <p>(c) Applications for provisional statements (if no relevant representations made);</p> <p>(d) Applications to vary premises / club premises certificates (if no relevant representations made);</p> <p>(e) Applications to vary designated premises supervisor (if no police objection);</p> <p>(f) Requests to be removed as designated premises supervisor;</p> <p>(g) Applications for transfer of premises licence (if no police objection);</p> <p>(h) Applications for interim authorities (if no police objection);</p> <p>(i) Whether a complaint or representation is irrelevant, frivolous or vexatious etc.</p> <p>(j) To do anything which the Council has a power to do (including the power to serve any notice or counter notice) that is necessary for the enforcement of any of the provisions contained in the Licensing Act 2003.</p> <p>(k) To do anything which the licensing authority has a duty or power to do in respect of Temporary Event Notices.</p> <p>(l) To determine applications received under the Legislative Reform (Minor Variations to Premises Licences and Club Premises) Order 2009 in accordance with Secretary of State Guidance.</p> <p>(m) To determine applications received under the Legislative Reform (Supervision of Alcohol Sales in Church and Village Halls & community premises) Order 2009 where there is no objection notice received from the Chief Officer of Police.</p> |

| <u>Allocated Functions</u> | |
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| 2.16 | To do anything which the Council has a duty or power to do (including the power to serve any notice) that is necessary for the enforcement of any of the provisions contained within the Town Police Clauses Act 1847, the Local Government (Miscellaneous Provisions) Act 1976, and the Local Government (Miscellaneous Provisions) Act 1982. |
| 2.17 | To determine applications to amend the register of common land in accordance with the Commons Registration Act 1965 and Commons Act 2006 where no objections have been received following a statutory consultation process. |
| 2.18 | To do anything which the Council has a power to do (including the power to serve any notice) that is necessary for the enforcement of any of the provisions contained within the Commons Registration Act 1965 and Commons Act 2006. |
| 2.19 | To issue applications to review premises licences in accordance with s. 197 Gambling Act 2005. |
| 2.20 | <p>To determine or make decisions (as appropriate) under the Gambling Act 2005 regarding the following matters:</p> <ul style="list-style-type: none"> (a) Applications for premises licence where no representations have been received or where representations have been withdrawn; (b) Applications for a variation to a licence where no representations have been received or where representations have been withdrawn; (c) Applications for a transfer of a licence where no representations have been received from the Gambling Commission; (d) Applications for a provisional statement where no representations have been received or where representations have been withdrawn; (e) Applications for club gaming/club machine permits where no objections have been received or where objections have been withdrawn; (f) Applications for other permits; (g) Cancellation of licensed premises gaming machine permits; (h) Application for occasional use notice; (i) Application for temporary use notice; (j) Determination of whether representations are frivolous, vexatious or certainly will not influence the Authority's determination of an application. (k) Application for the registration as a Small Society Lottery. |
| 2.21 | To exercise any power conferred upon the Council to recover expenses incurred by it as a result of the exercise of any of the powers hereby delegated to him by this Scheme of Delegation. |
| 2.22 | To issue licences authorising the use of land as a caravan site ("site licences") in accordance with Section 3(3) of the Caravan Sites and Control of Development Act 1960. |
| 2.23 | To license the use of moveable dwellings and camping sites in accordance with Section 268(1) of the Public Health Act 1936. |
| 2.24 | To license premises for acupuncture, tattooing, ear-piercing and electrolysis in accordance |

| | <u>Allocated Functions</u> |
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| | with Section 13 to 17 of the Local Government (Miscellaneous Provisions) Act 1982. |
| 2.25 | To license dealers in game and the killing and selling of game in accordance with Sections 5,6,17,18 and 21 to 23 of the Game Act 1831. |
| 2.26 | To register and approve food business establishments in accordance with Article 31 of EC Regulation 882/2004. |
| 2.27 | To license premises for the breeding of dogs in accordance with Section 1 of the Breeding of Dogs Act 1973 and Section 1 of the Breeding and Sale of Dogs (Welfare) Act 1999. |
| 2.28 | To license dangerous wild animals in accordance with Section 1 of the Dangerous Wild Animals Act 1976. |
| 2.29 | To grant consent for the operation of a loudspeaker in accordance with Schedule 2 of the Noise and Statutory Nuisance Act 1993. |
| 2.30 | To licence and record the movements of goats, sheep, cattle, pigs and deer in accordance with the provisions of the Disease Control (Wales) Order 2003. |
| 2.31 | To approve product specific establishments subject to approval under the provisions of EC Regulation 853/2004. |
| 2.32 | All 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 Council’s capacity as an employer. |
| 2.33 | The functions described in paragraphs (2), (3) and (4) of Regulation 2 of the Local Authorities Executive Arrangements (Functions and Responsibilities) (Wales) Regulations 2001 to the extent that they are exercisable in connection with the discharge of the functions listed. |
| 2.34 | To issue applications to review premises licenses in accordance with s.197 Gambling Act 2005. |
| 2.35 | To provide observations to other authorities when the Council is consulted on planning applications in neighbouring areas and there is insufficient time to report such proposals to the Council, such observations to be subsequently reported to Council for information. |
| 2.36 | Intentionally Blank |

| <u>Allocated Functions</u> | |
|-----------------------------------|------------------------------------------------------------------------------------------------------------------------------------|
| 2.37 | To determine applications and deal with all other issues relating to the administration and enforcement of the Hypnotism Act 1952. |
| 2.38 | To institute proceedings for an injunction pursuant to section 187B of the Town and Country Planning Act 1990; |

B COUNCIL/CABINET FUNCTIONS:

| <u>Allocated Functions</u> | |
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| 2.39 | To institute and defend all civil and criminal proceedings (including appeals) on behalf of the Council and any other organisation, and to authorise other organisations to do so on behalf of this Authority, as appropriate, where commenced or in anticipation, other than proceedings in respect of which any other Council officer has been allocated a similar function (with the exception of members of staff in the Legal Services Department), and to take any other steps in connection with the conduct of proceedings as he deems appropriate, including their withdrawal or discontinuance. |
| 2.40 | To authorise the settlement of civil and / or criminal proceedings whether commenced or in anticipation where the amount payable by or to the Council does not exceed £100,000. |
| 2.41 | To instruct Counsel or to engage external solicitors in connection with any legal matter affecting the Council where the estimated cost of so doing does not exceed £100,000. |
| 2.42 | To institute and conduct legal proceedings on behalf of any Council employee within the Indemnity Policy. |
| 2.43 | To authorise Legal Services staff to appear on behalf of the Council in county court or magistrates' court proceedings in accordance with Section 60 of the County Court Act 1984 and Section 223 of the Local Government Act 1972. |
| 2.44 | To take all steps required to protect the Authority and/or to enable the Authority to undertake it's Statutory and Common Law duties and powers. |
| 2.45 | To issue and serve statutory notices requisitioning information in respect of interests in and/or the use of land. |
| 2.46 | To give any certificate or notice required for the purpose of registering any statutory or other charge at H.M. Land Registry on behalf of the Council. |
| 2.47 | To exercise any powers available to the Council under the provisions of any contract relating to the determination or forfeiture of the contract. |

C CABINET FUNCTIONS:

| | <u>Allocated Functions</u> | | | | | | | | | | |
|----------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------|-----------------------------------------|----------------------------------------------------|-------------------------------------------|----------------------------------------------------|-------------------------------------------------------------------|--------------------------------|--------------------------------------------------------------------|--------------------------------|----------------------------------------------------------|
| 2.48 | To issue permits for parking places in accordance with Sections 32(1) and 35(1) of the Road Traffic Regulation Act 1984. | | | | | | | | | | |
| 2.49 | To take appropriate action to enforce any statutory charge over premises existing in the Council's favour. | | | | | | | | | | |
| 2.50 | To approve requests for consent to the transfer of mortgage interests when satisfied that the transferee has sufficient resources to meet the mortgage repayments and the mortgage account is clear of arrears. | | | | | | | | | | |
| 2.51 | To issue and serve Advance Payments Code Notices in accordance with the Highways Act 1980. | | | | | | | | | | |
| 2.52 | To be the person of appropriate seniority designated by the Council to undertake a review upon any decision of the Corporate Director – Communities pursuant to the provisions of the Part VII (Homelessness) of the Housing Act 1996. | | | | | | | | | | |
| 2.53 | To approve applications for grants to voluntary organisations in accordance with the policy approved by the Cabinet or the Council where the amount of the grant does not exceed £10,000. | | | | | | | | | | |
| 2.54 | To exercise any power conferred upon the Council to recover expenses incurred by it as a result of the exercise of any of the powers hereby delegated to him by this Scheme. | | | | | | | | | | |
| 2.55 | To authorise exhumations subject to any necessary consents being first obtained. | | | | | | | | | | |
| 2.56 | <p>To do anything which the Council has a power or duty to do under the provisions of the following enactments or any subordinate legislation made thereunder:</p> <table border="0" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">Control of Horses (Wales) Act 2014</td> <td>Power to seize and impound stray horses</td> </tr> <tr> <td>Mid Glamorgan County Council Act 1987 – Section 15</td> <td>Power to seize and impound stray animals.</td> </tr> <tr> <td>Mid Glamorgan County Council Act 1987 – Section 19</td> <td>Power to serve notice requiring works to party or boundary walls.</td> </tr> <tr> <td>Building Act 1984 – Section 77</td> <td>Power to execute work to dangerous buildings and recover expenses.</td> </tr> <tr> <td>Building Act 1984 – Section 78</td> <td>Emergency measures for dealing with dangerous structures</td> </tr> </table> | Control of Horses (Wales) Act 2014 | Power to seize and impound stray horses | Mid Glamorgan County Council Act 1987 – Section 15 | Power to seize and impound stray animals. | Mid Glamorgan County Council Act 1987 – Section 19 | Power to serve notice requiring works to party or boundary walls. | Building Act 1984 – Section 77 | Power to execute work to dangerous buildings and recover expenses. | Building Act 1984 – Section 78 | Emergency measures for dealing with dangerous structures |
| Control of Horses (Wales) Act 2014 | Power to seize and impound stray horses | | | | | | | | | | |
| Mid Glamorgan County Council Act 1987 – Section 15 | Power to seize and impound stray animals. | | | | | | | | | | |
| Mid Glamorgan County Council Act 1987 – Section 19 | Power to serve notice requiring works to party or boundary walls. | | | | | | | | | | |
| Building Act 1984 – Section 77 | Power to execute work to dangerous buildings and recover expenses. | | | | | | | | | | |
| Building Act 1984 – Section 78 | Emergency measures for dealing with dangerous structures | | | | | | | | | | |
| 2.57 | <p>The service of Improvement Notices and Emergency Prohibition Notices under the following statutory provisions:</p> <ul style="list-style-type: none"> (a) Food Safety Act 1990; European Communities Act 1972. (b) Service of Remedial Action Notices, Detention Notices, Hygiene Improvement Notices and Hygiene Emergency Prohibition Notices and making of applications for Hygiene Emergency Prohibition Orders under the Food Hygiene (Wales) Regulations | | | | | | | | | | |

| | <u>Allocated Functions</u> |
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| | 2006. |
| 2.58 | <p>To do anything which the Council has a power or duty to do that is necessary for the enforcement of any of the provisions contained in the enactments listed below and any Orders, Regulations or other Instrument made thereunder or relating thereto or any modification or re-enactment of the foregoing (other than any of those provisions the enforcement of which is not a Cabinet function) and to recommend to the Assistant Chief Executive Legal & Regulatory Services the institution of criminal proceedings arising from any breach of those provisions:</p> <ul style="list-style-type: none"> Administration of Justice Acts 1970 and 1985 Agriculture Act 1970 Agriculture (Miscellaneous Provisions) Act 1968 Agriculture Produce (Grading and Marketing) Acts 1928 and 1931 Animals Act 1971 Animal Boarding Establishments Act 1963 Animal Health Act 1981 Animal Health and Welfare Act 1984 Animal Welfare Act 2006. Anti-Social Behaviour Act 2003 Breeding of Dogs Act 1973 Breeding of Dogs Act 1989 and 1991 Breeding and Sale of Dogs (Welfare) Act 1999 Building Act 1984 Burial Act 1857 Cancer Act 1939 Caravan Sites Control of Development Act 1960 Caravan Sites Act 1968 Children and Young Persons Act 1933 Children and Young Persons (Protection from Tobacco) Act 1991 Christmas Day (Trading) Act 2004 Clean Air Act 1993 Clean Neighbourhoods & Environment Act 2005 Communications Act 2003 Companies Act 1985 Companies Act 1989 Companies Act 2006 Consumer Credit Act 1974 Consumer Protection Act 1987 Consumer Protection from Unfair Trading Regulations 2008 Control of Horses (Wales) Act 2014 Control of Pollution Act 1974 Control of Pollution (Amendment) Act 1989 Copyright Designs and Patent Act 1988 Criminal Justice Act 1988 – Section 141 Criminal Justice and Police Act 2001 Criminal Justice and Public Order Act 1994 Criminal Law Act 1977 Dangerous Wild Animals Act 1976 Development of Tourism Act 1969 Dangerous Dogs Act 1989 and 1991 Dogs Act 1871 Dogs Act 1906 Dogs (Fouling of Land) Act 1996 |
| | <ul style="list-style-type: none"> Education Reform Act 1988 Energy Act 1976 |

| | <u>Allocated Functions</u> |
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| | <p>Energy Conservation Act 1981 Enterprise Act 2002 Environmental Protection Act 1990 Environment Act 1995 Estate Agents Act 1979 European Communities Act 1972 including Trade in Animals and Related Products Regulations 2011 Explosives Act 1875 Explosives (Age of Purchase) Act 1976 Factories Act 1961 Fair Trading Act 1973 Farm & Garden Chemicals Act 1967 Fireworks Acts 1951 and 1964 Fireworks Act 2003 Food and Environment Protection Act 1985 Food Hygiene (Wales) Regulations 2006 Food Hygiene Rating (Wales) Act 2013 Food Safety Act 1990 Fraud Act 2006 Game Act 1831 Guard Dogs Act 1975 Hallmarking Act 1973 Health Act 2006 (Part 1) Health and Safety at Work etc. Act 1974 Health Protection (Local Authority Powers) (Wales) Regulations 2010 Health Protection (Part 2A Orders) (Wales) Regulations 2010, Health Protection (Notification) (Wales) Regulations 2010. Highways Act 1980 Home Energy and Conservation Act 1995 Equine Identification (Wales) Regulations 2009 Housing Act 1985 Housing Act 2004 Housing, Grants, Construction and Regeneration Act 1996 Insurance Brokers (Registration) Act 1971 Intoxicating Substances (Supply) Act 1985 Knives Act 1997 Licensing Act 2003 Local Government (Miscellaneous Provisions) Act 1976 Local Government (Miscellaneous Provisions) Act 1982 Local Government and Housing Act 1989 Medicines Act 1968 Mid Glamorgan County Council Act 1987 Mobile Homes (Wales) Act 2013 Mock Auctions Act 1961 Motor Cycle Noise Act 1987 Motor Vehicles (Safety Equipment for Children) Act 1991 National Assistance Act 1948 National Lotteries Act 1993 Noise and Statutory Nuisance Act 1993 Offices, Shops and Railway Premises Act 1963 Official Feed and Food Controls (Wales) Regulations 2006 Olympic Symbol Etc (Protection) Act 1995 Performing Animals (Regulation) Act 1925 Pet Animals Act 1951</p> |
| | <p>Petroleum (Consolidation) Act 1928 Petroleum (Transfer of Licences) Act 1936</p> |

| | <u>Allocated Functions</u> |
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| | <p>Poisons Act 1972 Pollution, Prevention & Control Act 1999 Prevention of Damage by Pests Act 1949 Prices Acts 1974 and 1975 Property Misdemeanors Act 1991 Protection of Animals Act 1911 Protection of Animals (Amendment) Act 1988 Protection of Children (Tobacco) Act 1986 Protection From Eviction Act 1977 Public Health Act 1936 Public Health Act 1961 Public Health (Control of Disease) Act 1984 (as amended) Refuse Disposal (Amenity) Act 1978 Regulation of Investigatory Powers Act 2000 Riding Establishments Acts 1964 and 1970 Road Traffic Acts 1988 and 1991 Road Traffic (Foreign Vehicles) Act 1972 Shops Act 1950 Slaughter of Poultry Act 1967 Sunbeds (Regulation) Act 2010 Sunday Trading Act 1994 Tattooing of Minors Act 1969 Telecommunications Act 1984 Theft Act 1968 and 1978 Timeshare Act 1992 Tobacco Advertising and Promotion Act 2002 Town Police Clauses Act 1847 Trade Descriptions Act 1968 Trade Marks Act 1994 Trading Representation (Disabled Persons) Acts 1958 and 1972 Trading Stamps Act 1964 Transmissible Spongiform Encephalopathies (Wales) Regulations 2006 Unsolicited Goods and Services Acts 1971 and 1975 Vehicles (Crime) Act 2001 Video Recordings Acts 1984 and 1993 Water Industries Act 1991 Weights and Measures Act 1976 Weights and Measures Act 1985</p> |
| 2.59 | To conduct age related surveillance under the Local Government Act 2000. |
| 2.60 | To approve and execute agreements made pursuant to section 185 of the Water Industries Act 1991 |
| 2.61 | To authorise Officers of the Council to appear on behalf of the Council in magistrates' court proceedings in accordance with Section 223 of the Local Government Act 1972 to obtain approval of authorisations and notices under the Regulation of Investigatory Powers Act 2000. |
| 2.62 | To approve and execute agreements made pursuant to Section 104 of the Water Industry Act 1991 |
| 2.63 | To apply to the Magistrates' Court for a warrant to enter land under s.196B of the Town and County Planning Act 1990 |

3. FUNCTIONS ALLOCATED TO THE CORPORATE DIRECTOR - RESOURCES

A. CABINET FUNCTIONS:

| | <u>Allocated Functions</u> |
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| 3.1 | To take any steps which the Council is empowered to take to recover National Non-Domestic Rates and Council Tax, including the commencement of proceedings and the taking of any steps in connection with the conduct of proceedings. |
| 3.2 | To determine: (a) applications for discretionary rating relief from charities; (b) applications for rating relief on grounds of hardship. |
| 3.3 | To recommend to the Assistant Chief Executive Legal and Regulatory Services the commencement of criminal proceedings in respect of fraudulent Housing Benefit and Council Tax Benefit claims. |
| 3.4 | To refer cases of financial impropriety by Council staff or elected members to the Police for investigation. |
| 3.5 | To take any steps which the Council is empowered to take for the recovery of rents, sums due under Council mortgages and other income due to the Council, including instructing the Assistant Chief Executive Legal and Regulatory Services to commence County Court proceedings. |
| 3.6 | To determine mortgage interest rates in accordance with statutory requirements. |
| 3.7 | To determine applications from persons or bodies for financial assistance which no other officer has been delegated the power to determine. |
| 3.8 | To determine applications by tenants for the Council's consent as landlord for: (a) the assignment of their leasehold interests; (b) the subletting or parting with possession of the whole or part of the premises let; (c) the change of use of the premises let provided the proposed use: (i) falls within the same use class as defined in the Town and Country Planning (Use Classes) Order 1987 as the current use or (ii) is a change of use for which planning permission has been granted either specifically or by the Town and Country Planning (General Permitted Development) Order 1995 subject to any arrears of rent being paid and any other breaches of covenant being remedied; (d) the creation of a mortgage or charge over their leasehold interests; |
| | (e) the making of internal and external alterations and the erection of additions and extensions subject to the tenant obtaining all necessary statutory consents and complying with such other conditions as may be considered appropriate. (f) the surrender of an underlease |

| <u>Allocated Functions</u> | |
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| 3.9 | To authorise the grant of a lease or tenancy in circumstances in which the identity of the proposed tenant has changed since the terms of the transaction were approved by or on behalf of the Council. |
| 3.10 | To authorise and agree terms for the letting of all properties by or to the Council (including the rent payable) at a rent not exceeding £100,000 per annum. |
| 3.11 | To approve the settlement of statutory compensation claims. |
| 3.12 | To appoint Estate Agents to market for sale any Council land or buildings. |
| 3.13 | To authorise, and agree terms for, the disposal of land and buildings whether by way of a freehold sale or the grant of a lease in consideration of the payment of a premium at best consideration having an estimated value not exceeding £300,000. |
| 3.14 | To authorise, and agree terms for, the disposal of land and buildings having an estimated value not exceeding £150,000, at an undervalue where it is considered that: The disposal is in the interests of the economic, social or environmental well being of the whole or any part of the Authority's area, or any or all persons resident or present in the Authority's area; and the disposal is in accordance with the General Disposal Consent (Wales) 2003, the Authority's approved Disposal Strategy and Community Asset Transfer Guidance; and the disposal is at an undervalue of £50,000 or less provided that the disposal is not in breach of any State Aid requirements. |
| 3.15 | Intentionally Blank |
| 3.16 | To agree the terms of all rent reviews relating to properties leased by and to the Council. |
| 3.17 | To decide that the rent review provisions contained in a lease of property in the Council's ownership should not be implemented when a rent review is deemed inappropriate due to special circumstances. |
| 3.18 | To agree terms for the renewal of all leases granted by or to the Council. |
| 3.19 | To authorise and agree terms for the grant of easements and wayleaves and of licences to occupy land by or to the Council. |
| 3.21 | To make planning applications in respect of land which the Council is proposing to dispose of. |
| 3.22 | To arrange for title indemnity insurance to be effected in suitable circumstances. |

| <u>Allocated Functions</u> | |
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| 3.23 | To authorise the service of notices terminating leases or tenancies (including Those of business premises covered by Part II of the Landlord and Tenant Act 1954) where the Council does not oppose the grant of a new lease or tenancy. |
| 3.24 | To authorise the service of notices terminating leases and tenancies (other than those relating to business premises covered by Part II of the Landlord and Tenant Act 1954 where it is not intended to oppose the grant of a new lease or tenancy) and of notices to remedy breaches of covenant. |
| 3.25 | To recommend the commencement of forfeiture or other legal proceedings against lessees / tenants to the Assistant Chief Executive Legal & Regulatory Services and Monitoring Officer. |
| 3.26 | To authorise the service of appropriate notices and counter notices and the taking of any other steps required to protect the Council's interests as lessor or lessee. |
| 3.27 | To determine and approve applications for the transfer of Council mortgages and applications by mortgagors for the release of a part of a mortgaged property from the mortgage. |
| 3.28 | To determine in conjunction with the Corporate Director – Communities applications for the re-mortgage or transfer of mortgage of properties purchased with assistance under the Homefinders Scheme. |
| 3.29 | To authorise and agree lodging and settling rating appeals submitted by or on behalf of the Council. |
| 3.30 | To authorise and agree the release of restrictive covenants in favour of or binding the Council for sums up to a limit of £100,000 . |
| 3.31 | To authorise and agree terms for the surrender of leases by or to the Council, including the payment or receipt of a premium not exceeding £50,000. |
| 3.32 | To authorise and agree terms for the resolution of dilapidation claims made by or against the Council. |
| 3.33 | To authorise and agree terms for the acquisition of land or buildings having an estimated capital or annual value not exceeding £100,000 . |
| 3.34 | To approve the variation of existing lease terms. |
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| <u>Allocated Functions</u> | |
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| 3.35 | To appoint an expert or arbitrator to determine a rent review or any dispute under the provisions of an existing lease. |
| 3.36 | To authorise at the request of the Corporate Director – Communities the creation of permissive paths on any Council owned land, in consultation with any holding department |
| 3.37 | To authorise at the request of the Corporate Director – Communities the dedication of a public right of way (namely a public footpath, public bridleway, or restricted byway) on any Council owned land, in consultation with any holding department. |
| 3.38 | To approve levels of maximum funding to voluntary organisations where the amount of the funding does not exceed £10,000. |
| 3.39 | To purchase equipment on behalf of all directorates using a loan under the Prudential Code, having regard to the Community Strategy. |
| 3.40 | To issue and serve statutory notices, in accordance with the Road Traffic Regulation Act 1984, requisitioning information. |
| 3.41 | To determine applications by freeholders for the Council's consent : (a) as covenantee where the Council has the benefit of covenants affecting the freeholder's property; (b) as mortgagee where there is a mortgage registered against the freeholder's property in favour of the Council; (c) where the Council's consent is required in accordance with a restriction registered against the freeholder's property in favour of the Council. |
| 3.42 | To authorise and agree terms for a deed of covenant on any land or buildings having an estimated capital or annual value not exceeding £100,000. |

4. FUNCTIONS ALLOCATED TO THE CORPORATE DIRECTOR – EDUCATION & TRANSFORMATION

A. COUNCIL FUNCTIONS:

| | <u>Allocated Functions</u> |
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| 4.1 | Intentionally Blank |

B. CABINET FUNCTIONS:

| | <u>Allocated Functions</u> |
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| 4.2 | To institute proceedings for failures in school attendance pursuant to Section 444 of the Education Act 1996. |
| 4.3 | To approve expenditure on minor capital projects having an estimated cost not exceeding £100,000. |
| 4.4 | To approve, following appropriate consultation, amendments to the Council's funding formula for schools. |
| 4.5 | To approve, following appropriate consultation, amendments to the Council's schools admissions policy. |
| 4.6 | To make discretionary awards to students in circumstances falling outside normal guidelines considered by finance and awards. |
| 4.7 | To act as the designated officer under the local complaints procedure established under Section 23 of the Education Reform Act 1988. |
| 4.8 | To make suitable contractual arrangements for the provision of school transport. |
| 4.9 | To terminate school transport contracts in circumstances in which the contractor is in breach of contract. |
| 4.10 | To determine and authorise expenditure on projects for which specific approval has been granted by the National Assembly for Wales. |
| 4.11 | To approve applications for grants to voluntary organisations in accordance with the policy approved by the Cabinet or the Council where the amount of the grant does not exceed £10,000. |
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| <u>Allocated Functions</u> | |
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| 4.12 | Intentionally Blank |
| 4.13 | Intentionally Blank |
| 4.14 | Intentionally Blank |
| 4.15 | Intentionally Blank |
| 4.16 | In the absence of the Cabinet Member responsible for the education function to appoint additional LEA school governors to support schools causing concern. |

5. FUNCTIONS ALLOCATED TO THE CORPORATE DIRECTOR – SOCIAL SERVICES & WELLBEING

A. CABINET FUNCTIONS:

| | <u>Allocated Functions</u> |
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| 5.1 | To take any steps necessary to ensure that the Council complies with its statutory obligations to children and adults. |
| 5.2 | To receive into guardianship persons who are suffering from a mental disorder. |
| 5.3 | To approve mental health professionals as having appropriate competence in dealing with persons who are suffering from a mental disorder. |
| 5.4 | To exercise powers of a Deputy upon appointment by the Court of Protection. |
| 5.5 | To approve levels of maximum funding to voluntary organisations and to individuals where the amount of the funding does not exceed £10,000. |
| 5.6 | To authorise temporary closures or variations in the opening hours of recreation centres. |
| 5.7 | To perform the functions of a Nearest Relative in accordance with the Mental Health Act 1983 upon appointment by the County Court or on the authority of the person who has been identified as the patient's nearest relative. |
| 5.8 | To sign a tenancy agreement pursuant to an order of the Court of Protection on behalf of a named individual or individuals who lack capacity under the Mental Capacity Act 2005. |
| 5.9 | To authorise, and agree terms for, deferred payment agreements under the Health and Social Care Act 2001. |
| 5.10 | To determine and authorise expenditure on projects for which specific approval has been granted by the National Assembly for Wales. |
| 5.11 | To assess the needs of people who may be in need of care services and, if appropriate, the ability of carers to provide care; to decide, on the basis of the assessment what, if any, services should be provided to meet those needs; and to take all necessary steps to provide those services including the making of contracts for their provision. |
| 5.12 | After taking into account any recommendations made by the Bridgend Fostering Panel: (a) To approve a person as a foster parent; |

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| | <p>(b) To decide, following a review, that a foster parent and a foster parent's household continue to be suitable and that the terms of a foster parent's approval continue to be appropriate;</p> <p>(c) To decide, following a review, that the fostering service provider is no longer satisfied that a foster parent and a foster parent's household continue to be suitable or that the terms of a foster parent's approval continue to be appropriate, and either to terminate the approval from a specified date or to determine the revised terms of the approval as the case may be.</p> |
| 5.13 | <p>After taking into account any recommendations made by the Bridgend Adoption Panel and any other matters the Council may in its capacity as an adoption agency be obliged to take into account:</p> <p>(a) To decide whether adoption is in a child's best interest, and if it is so decided, whether an application should be made to free the child for adoption and whether an allowance should be paid;</p> <p>(b) To decide whether a prospective adopter is suitable to be an adoptive parent and</p> <p>(c) To decide whether a prospective adopter would be a suitable adoptive parent for a particular child.</p> |

B. COUNCIL FUNCTIONS:

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| 5.14 | To issue applications to review premises licenses in accordance with s. 197 Gambling Act 2005. |
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6. FUNCTIONS ALLOCATED TO THE CORPORATE DIRECTOR - COMMUNITIES

A. COUNCIL FUNCTIONS:

| <u>Allocated Functions</u> | | | | | | | | | | | | | | | | | |
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| 6.1 | <p>The following provisions together with:</p> <p>(a) The power to determine: Council applications including those submitted by the Corporate Director Communities unless a material planning objection has been received; any application where a local Member has expressed a material planning concern and the delegated decision is in line with that concern or no other objection has been received within the consultation / publicity period and the Chairman of the Development Control Committee does not consider it necessary to report the application to Committee; any application submitted by a Member, a Chief Officer, or any officer reporting directly to the Chief Officer, or any officer in the Development or Highway Services Departments involved in processing/commenting upon applications (or the spouse or partner of any of these) if a material planning objection has not been received.</p> <p>(b) The power to determine all planning applications and applications for reserved matters approval, advertisement consent, listed building consent, conservation area consent, applications for Tree Preservation Order consent and applications under the High Hedges regulations submitted to the Council except applications falling within any of the categories of excepted applications from time to time prescribed by the Council;</p> <p>(c) The power to determine planning applications in accordance with the scheme approved for the time being by the Council;</p> | | | | | | | | | | | | | | | | |
| | <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: center;"><u>Provision</u></th> <th style="text-align: center;"><u>Summary of Effect</u></th> </tr> </thead> <tbody> <tr> <td>General Development Order Consolidation 1995-Appendix A (Para.5)</td> <td>To deal with minor amendments to planning applications</td> </tr> <tr> <td>Land Compensation Act 1961 – Section 17</td> <td>To determine jointly with the Assistant Chief Executive Legal and Regulatory Services applications for Certificate of Appropriate Alternative Development</td> </tr> <tr> <td>Listed Buildings Act 1990 – Section 38</td> <td>To issue listed building enforcement notice.</td> </tr> <tr> <td>Planning and Compensation Act 1991 – Section 191 (as amended by Section 10 of the Planning and Compensation Act 1991).</td> <td>To determine jointly with the Assistant Chief Executive Legal and Regulatory Services Certificates of Lawfulness.</td> </tr> <tr> <td>Town and Country Planning Act 1990 – Section 324 and Planning (Listed Buildings and Conservation Areas) Act 1990 – Section 88</td> <td>To issue written authorisation to appropriate officers to enable them to exercise powers of entry.</td> </tr> <tr> <td>Town and Country Planning Act 1990 – Section 330</td> <td>To issue notices requiring information as to interests in land.</td> </tr> <tr> <td>Town and Country Planning (General Permitted Development) Order 1995 – Class A of Part 6 of Schedule 2 to the Order</td> <td>To determine applications for prior approval in respect of agricultural buildings and operations.</td> </tr> </tbody> </table> | <u>Provision</u> | <u>Summary of Effect</u> | General Development Order Consolidation 1995-Appendix A (Para.5) | To deal with minor amendments to planning applications | Land Compensation Act 1961 – Section 17 | To determine jointly with the Assistant Chief Executive Legal and Regulatory Services applications for Certificate of Appropriate Alternative Development | Listed Buildings Act 1990 – Section 38 | To issue listed building enforcement notice. | Planning and Compensation Act 1991 – Section 191 (as amended by Section 10 of the Planning and Compensation Act 1991). | To determine jointly with the Assistant Chief Executive Legal and Regulatory Services Certificates of Lawfulness. | Town and Country Planning Act 1990 – Section 324 and Planning (Listed Buildings and Conservation Areas) Act 1990 – Section 88 | To issue written authorisation to appropriate officers to enable them to exercise powers of entry. | Town and Country Planning Act 1990 – Section 330 | To issue notices requiring information as to interests in land. | Town and Country Planning (General Permitted Development) Order 1995 – Class A of Part 6 of Schedule 2 to the Order | To determine applications for prior approval in respect of agricultural buildings and operations. |
| <u>Provision</u> | <u>Summary of Effect</u> | | | | | | | | | | | | | | | | |
| General Development Order Consolidation 1995-Appendix A (Para.5) | To deal with minor amendments to planning applications | | | | | | | | | | | | | | | | |
| Land Compensation Act 1961 – Section 17 | To determine jointly with the Assistant Chief Executive Legal and Regulatory Services applications for Certificate of Appropriate Alternative Development | | | | | | | | | | | | | | | | |
| Listed Buildings Act 1990 – Section 38 | To issue listed building enforcement notice. | | | | | | | | | | | | | | | | |
| Planning and Compensation Act 1991 – Section 191 (as amended by Section 10 of the Planning and Compensation Act 1991). | To determine jointly with the Assistant Chief Executive Legal and Regulatory Services Certificates of Lawfulness. | | | | | | | | | | | | | | | | |
| Town and Country Planning Act 1990 – Section 324 and Planning (Listed Buildings and Conservation Areas) Act 1990 – Section 88 | To issue written authorisation to appropriate officers to enable them to exercise powers of entry. | | | | | | | | | | | | | | | | |
| Town and Country Planning Act 1990 – Section 330 | To issue notices requiring information as to interests in land. | | | | | | | | | | | | | | | | |
| Town and Country Planning (General Permitted Development) Order 1995 – Class A of Part 6 of Schedule 2 to the Order | To determine applications for prior approval in respect of agricultural buildings and operations. | | | | | | | | | | | | | | | | |

| | <u>Provision</u> | <u>Summary of Effect</u> |
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| | Town and Country Planning (General Permitted Development) Order 1995 – Class A of Part 7 of Schedule 2 to the Order | To determine applications for prior approval in respect of forestry buildings and operations. |
| | Town and Country Planning (General Permitted Development) Order 1995 – Class A of Part 24 of Schedule 2 to the Order | To determine applications for prior approval in respect of development by Telecommunications Code System Operators. |
| | Town and Country Planning (General Permitted Development) Order 1995 – Class A of Part 31 of Schedule 2 to the Order | To determine applications of prior approval of demolition of buildings. |
| | Town and Country Planning Act 1990 – Section 207 | The service of tree replacement notices. |
| | Town and Country Planning (General Development Procedure) Order 1995 – Article 21 | To authorise works in compliance with conditions imposed on planning permissions. |
| | Town & Country (Environmental Impact Assessment) (England and Wales) Regulations 1999 | To determine whether planning applications should be subject to an environmental assessment. |
| | Town and Country Planning Act 1990 – Section 171C | The service of planning contravention notice and consideration of any offers or representations made in person in response to such a notice. |
| | Town and Country Planning Act 1990 – Section 172 | The issue of enforcement notices. |
| | Town and Country Planning Act 1990 – Section 183 | The service of stop notices. |
| | Town and Country Planning Act 1990 – Section 187A | The service of breach of condition notices. |
| | Town and Country Planning Act 1990 – Sections 199 and 201 | The power to make a tree preservation order and to include in the order a direction that it shall take effect immediately without previous confirmation. |
| | Town and Country Planning Act 1990 – Section 333(7) | The power to vary or revoke Tree Preservation Orders in appropriate cases. |
| | To make emergency Article 4 Directions under the Town and Country (General Permitted Development) Order 1995 (as amended by The Town and Country (General Permitted Development) Order 2013) | To make an emergency Article 4 (2) Direction in Conservation Areas where there is an imminent threat of harm to the character or appearance of Conservation Areas. |
| 6.2 | To provide observations to other authorities when the Council is consulted on planning applications in neighbouring areas and there is insufficient time to report such proposals to the Council, such observations to be subsequently reported to Council for information. | |
| 6.3 | In consultation with the Assistant Chief Executive Legal & Regulatory Services and Monitoring Officer, to determine applications for the use of retail units at the Designer Outlet Village, Bridgend, outside the terms of the agreement concluded under section 106 of the Town and Country Planning Act 1990. | |

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| 6.4 | To exercise any power conferred upon the Council to recover expenses incurred by it as a result of the exercise of any of the powers hereby delegated to him by this Scheme of Delegation. |
| 6.5 | To authorise officers to enter land for the purposes set out in section 324 of the Town and Country Planning Act 1990. |
| 6.6 | To exercise the powers relating to the protection of important hedgerows conferred upon the Council by the Hedgerows Regulations 1997. |
| 6.7 | To authorise officers to enter land for the purposes set out in section 196A of the Town and Country Planning Act 1990. |

B. CABINET FUNCTIONS:

| | <u>Allocated Functions</u> |
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| 6.8 | To approve applications for grants to voluntary organisations in accordance with the policy approved by the Cabinet or the Council where the amount of the grant does not exceed £10,000. |
| 6.9 | To authorise exhumations subject to any necessary consents being first obtained. |
| 6.10 | To do anything which the Council has a power or duty to do (including the power to serve any notice) that is necessary for the enforcement of any of the provisions contained in the enactments listed below (other than any of those provisions the enforcement of which is not a Cabinet function), and to recommend to the Assistant Chief Executive Legal and Regulatory Services the institution of criminal proceedings arising from any breach of those provisions: Anti-Social Behaviour Act 2003 Births and Deaths Registration Act 1926 Burial Act 1857 Clean Neighbourhoods & Environment Act 2005 Controlled Waste Regulations 1992 Cremation Acts 1902 and 1952 Dogs (Fouling of Land) Act 1996 Environmental Protection Act 1990 Health and Safety at Work Act 1974 Local Authorities Cemeteries Order 1977 Local Government Act 1972 Local Government (Miscellaneous Provisions) Act 1982 Mid Glamorgan County Council Act 1987 Refuse Disposal (Amenity) Act 1978 |
| 6.11 | To exercise the Council's powers under Sections 3, 4, 5 and 6 of the refuse Disposal (Amenity) Act 1978 to remove and dispose of abandoned vehicles and to recover the expenses connected therewith. |
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| 6.12 | To determine applications for grant assistance under the Inner Urban Areas Act 1978 for improvements to properties in Industrial and Commercial Improvement Areas in accordance with the rules approved by or on behalf of the Council. | |
| 6.13 | To discuss and express views on behalf of the Council on the development of strategic waste planning policies at inter-authority meetings. | |
| 6.14 | To do anything which the Council has a power or duty to do under the provisions of the following enactments or any subordinate legislation made thereafter: | |
| | <u>Provision</u> | <u>Summary of Effect</u> |
| | Planning (Listed Buildings and Conservation Areas) Act 1990 – Section 2 | Power to publish lists of listed buildings |
| | Planning (Listed Buildings and Conservation Areas) Act 1990 – Section 3 | Power to serve notice of listing on owner and occupier |
| | Planning (Listed Buildings and Conservation Areas) Act 1990 – Sections 54-60 | Power to execute urgent works to preserve a listed building and to recover expenses |
| | Planning (Listed Buildings and Conservation Areas) Act 1990 – Sections 57-58 | Power to determine applications for grant assistance towards repair or maintenance of historic buildings |
| | Planning (Listed Buildings and Conservation Areas) Act 1990 – Section 76 | Power to execute urgent works and preserve an unoccupied building in a conservation area and to recover expenses |
| | Planning (Listed Buildings and Conservation Areas) Act 1990 – Sections 79-80 | Power to determine applications for grant assistance towards repair or maintenance of historic buildings in a town scheme |
| 6.15 | Upon being consulted, to provide formal observations, including, where appropriate, objections to neighbouring planning authorities in respect of documents prepared by them to meet requirements of Section 6 of the Planning and Compulsory Purchase Act 2004. | |
| 6.16 | To discuss and express views on behalf of the Council on the development of Strategic Planning Guidance for South East Wales and Waste Planning Policy for South West Wales with other persons and bodies involved in the formulation of national and regional planning policies. | |
| 6.17 | To renew contractual arrangements with the appropriate Government and / or the National Assembly for Wales to maintain existing arrangements to provide secretarial support to the South Wales Aggregates Working Party. | |
| 6.18 | In consultation with the Assistant Chief Executive Legal and Regulatory Services and Monitoring Officer to approve service level agreements with the Countryside Council for Wales, Glamorgan Gwent Archaeological Trust, Groundwork Bridgend and Coed Cymru. | |
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| 6.19 | To authorise the service of Building Preservation Notices on the owners and occupiers of buildings pursuant to the Planning (Listed Buildings and Conservation Areas) Act 1990, Sections 3 and 4. |
| 6.20 | To enter into agreements to enable highways to become maintainable at the public expense in accordance with Part IV of the Highways Act 1980. |
| 6.21 | To authorise the making of orders relating to highways (other than Orders under s. 257 of the Town and Country Planning Act 1990) and the confirmation, modification or variation thereof in accordance with the provisions contained in the following enactments: Cycle Tracks Act 1984 Highways Act 1980 Road Traffic Act 1991 Road Traffic Regulation Act 1984 Road Traffic Regulation (Special Events) Act 1994 Town and Country Planning Act 1990 Town Police Clauses Act 1847 Wildlife and Countryside Act 1981 |
| 6.22 | To take any action as is necessary to declare highways to be maintainable at the public expense including where considered appropriate accepting requests for dedication of highways. |
| 6.23 | To undertake and maintain all works (including alteration and removal where necessary) for highway purposes in accordance with Part V of the Highways Act 1980, and to enter into any agreements in respect of any of the works referred to in Part V of the Highways Act 1980. |
| 6.24 | To provide services and amenities over a highway and to give consents to other parties as to execution of works and use of objects in accordance with Paragraph VIIA of the Highways Act 1980. |
| 6.25 | To take such action as is necessary to prevent or remove the unlawful interference with, annoyance or nuisance upon, or obstruction of highways including the service of relevant notices where appropriate. |
| 6.26 | To give consent where required for interference with or obstruction of a highway in accordance with Part IX of the Highways Act 1980. |
| 6.27 | To exercise all powers contained in Part XI of the Highways Act 1980 (other than the power contained in Section 205 of that Act) as to making up of Private Streets including powers to enter into agreements and the issuing of notices and determination of payments together with any consents or permissions required. |
| 6.28 | To exercise any power conferred upon the Council to recover expenses incurred by it as a result of the exercise of any of the powers hereby allocated to them. |

| 6.29 | To take such action as is necessary to stop up private means of access to the highway in accordance with Part VIII of the Highways act 1980. | | | | | | | | |
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| 6.30 | To take such action as is necessary to enforce the provisions of the Coast Protection Act 1949. | | | | | | | | |
| 6.31 | <p>To do anything which the Council has a power or duty to do that is necessary for the enforcement of any of the provisions contained in the enactments listed below and any Orders, Regulations or other Instrument made thereunder or relating thereto or any modification or re-enactment of the foregoing (other than any of those provisions the enforcement of which is not a Cabinet function) and to recommend to the Assistant Chief Executive Legal and Regulatory Services the institution of criminal proceedings arising from any breach of those provisions:</p> <p>Animals Act 1971 Coast Protection Act 1949 Highways Act 1980 Countryside and Rights of Way Act 2000 Land Drainage Act 1991 Mines, Quarries and Tips Act 1969 National Parks and Access to the Countryside Act 1949 – Section 57 New Roads and Streetworks Act 1991 – Part III Reservoir Act 1975 Road Traffic Act 1991 Road Traffic Regulation Act 1984 Road Traffic Regulation (Special Events) Act 1994 Town and Country Planning Act 1990 Town Police Clauses Act 1847 Transport Act 1985 Transport Act 2000 Wildlife and Countryside Act 1981</p> | | | | | | | | |
| 6.32 | To authorise the making of emergency Traffic Orders under the Road Traffic Regulation Act 1984. | | | | | | | | |
| 6.33 | To authorise the making of Orders and the issue of Notices under Section 14 of the Road Traffic Regulation Act 1984. | | | | | | | | |
| 6.34 | To do anything which the Council has a power or duty to do under the provisions of the following enactments or any subordinate legislation made thereunder: | | | | | | | | |
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| <u>Provision</u> | <u>Summary of Effect</u> | | | | | | | | |
| Building Act 1984 – Section 77 | Power to execute work to dangerous buildings and recover expenses. | | | | | | | | |
| Building Act 1984 – Section 78 | Emergency measures for dealing with dangerous structures | | | | | | | | |
| Highways Act 1980 – Section 37 | Provision whereby highway created by dedication | | | | | | | | |

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| | | may become maintainable at public expense. |
| | Highways Act 1980 - Section 38 | Power of highway authorities to adopt by agreement. |
| | Highways Act 1980 – Section 57 | Default powers of highway authorities in respect of non-repair of privately maintainable highways. |
| | Highways Act 1980 – Section 59 | Recovery of expenses due to extraordinary traffic. |
| | Highways Act 1980 – Section 73 | Power to prescribe improvement line for widening street |
| | Highways Act 1980 – Section 74 | Power to prescribe Building Line. |
| | Highways Act 1980 – Section 122 | Power to make temporary diversion where highway about to be repaired or widened. |
| | Highways Act 1980 – Section 146 | Duty to maintain stiles etc. on footpaths and bridleways. |
| | Highways Act 1980 – Section 147 | Power to authorise the erection of stiles etc. on footpaths and bridleways. |
| | Highways Act 1980 – Section 278 | Contributions towards highway works by persons deriving special benefit from them. |
| | Highways Act 1980 – Section 286 | Power to require angles of new buildings at corners of street to be rounded off. |
| | Highways Act 1980 – Section 287 | Power to erect barriers in streets in cases of emergency etc. |
| | Highways Act 1980 – Section 288 | Power to require gas and water pipes to be moved |
| | Highways Act 1980 – Section 289 | Powers of entry of Highway Authority for purposes of survey. |
| | Highways Act 1980 – Section 290 | Supplementary provisions as to powers of entry for the purpose of survey. |
| | Highways Act 1980 – Section 291 | Powers of entry of highway authority for purpose of maintaining, etc., certain structures and works. |
| | Highways Act 1980 – Section 292 | Compensation for damage resulting from, and offences connected with, exercise of powers of entry etc. under Section 289 or 291. |
| | Highways Act 1980 – Section 293 | Powers of entry for purposes connected with certain orders relating to footpaths and bridleways. |
| | Highways Act 1980 – Section 294 | Entry etc., of premises by highway authority or council for certain purposes. |
| | Highways Act 1980 – Section 295 | Power of councils to dispose of certain materials. |
| | Highways Act 1980 – Section 297 | Power of highway authority or council to require information as to ownership of land. |
| | Highways Act 1980 – Section 305 | Recovery of expenses by Councils and highway authorities. |
| | Local Government (Miscellaneous Provisions) Act 1976 – Sections 23 and 24. | Powers to deal with dangerous trees. |
| | Local Government (Miscellaneous Provisions) Act 1976 – Sections 25 and 26. | Powers to deal with dangerous excavations. |
| | Mid Glamorgan County Council Act 1987 – Section 10 | Power to serve notice to reduce the emission of dust etc. from building operations. |
| | Mid Glamorgan County Council Act 1987 – Section 11 | Power to serve notice to reduce dust from movement of coal. |
| | Mid Glamorgan County Council Act | Power to weatherproof walls. |

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| | 1987 – Section 12 | |
| | Mid Glamorgan County Council Act 1987 – Section 13 | Power to approve of plans etc. of retaining walls. |
| | Mid Glamorgan County Council Act 1987 – Section 14 | Power to approve plans etc. of new sewers and to serve notices on persons submitting plans etc. |
| | Mid Glamorgan County Council Act 1987 – Section 17 | Power to make an order prohibiting the use of residential streets for parking by heavy vehicles. |
| | Mid Glamorgan County Council Act 1987 – Section 19 | Power to serve notice requiring works to party or boundary walls. |
| | Mines, Quarries and Tips Act 1969 | Inspections and powers in relation to tips. |
| | National Parks and Access to the Countryside Act 1949 – Section 57 | Penalty for displaying on public paths notices deterring public use. |
| | New Roads and Street Works Act 1991 – Part III | Control of street works by public utilities undertakers pursuant to a statutory right or street works licence |
| | Reservoir Act 1975 | Inspection and registration of reservoirs. |
| | Road Traffic Regulation Act 1984 – Section 14(1) | Powers to restrict weight and size of vehicles crossing highway bridges. |
| | Wildlife and Countryside Act 1981 – Section 61 | Ploughing of public rights of way. |
| 6.35 | <p>To do anything which the Council has a power or duty to do that is necessary for the enforcement of any of the provisions contained in the enactments listed below and any Orders, Regulations or other Instrument made thereunder or relating thereto or any modification or re-enactment of the foregoing (other than any of those provisions the enforcement of which is not a Cabinet function) and to recommend to the Assistant Chief Executive Legal and Regulatory Services the institution of criminal proceedings arising from any breach of those provisions:</p> <ul style="list-style-type: none"> Building Act 1984 Burial Act 1857 Clean Neighbourhoods & Environment Act 2005 Health and Safety at Work etc. Act 1974 Highways Act 1980 Local Government (Miscellaneous Provisions) Act 1961 Mid Glamorgan County Council Act 1987 Public Health Act 1961 Road Traffic Acts 1988 and 1991 | |
| 6.36 | <p>To do anything which the Council has a power or duty to do under the provisions of the Building Regulations and of the Building Act 1994 regarding the passing (with or without conditions) or rejection of deposited plans, the giving of notices that deposited plans are of no effect and the removal or alteration of offending work.</p> | |
| 6.37 | <p>To undertake the following functions:</p> <ul style="list-style-type: none"> Notification of Burials under Births and Deaths Registration Act 1926 Memorial Permits under the Local Authorities Cemeteries Order 1977 Notification of Burial under Births and Deaths Registration Act 1926 Memorial Permits under the Local Authorities Cemeteries Order 1977 Notice of Transfer of Duty of Care under Control of Waste Regulations 1992 Notice of Intention to Remove Abandoned Vehicles under the Refuse Disposal (Amenity) Act 1978 | |

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| | Enforcement of provisions of the Refuse Disposal (Amenity) Act 1978; Section 132 of the Highways Act 1980; the Environmental Protection Act 1990; Section 224 of the Town & Country Planning Act 1990; the Dogs (Fouling of Land) Act 1996; the Anti-Social Behaviour Act 2003; and the Clean Neighbourhoods & Environment Act 2005. |
| 6.38 | To enter into agreements to create footpaths and bridleways in accordance with section 25 of the Highways Act 1980. |
| 6.39 | To approve applications by eligible businesses for financial assistance under the grant schemes operated by the Council pursuant to its economic development powers. |
| 6.40 | To authorise expenditure upon marketing and participation in appropriate economic development activities and events. |
| 6.41 | To appoint officers from the Communities Directorate to be the Secretary and the Deputy Secretary of the Bridgend Local Access Forum. |
| 6.42 | To undertake the process laid down in the Countryside Access (Local Access Forums) (Wales) Regulations 2001 to seek nominations for membership of the Bridgend Local Access Forum; |
| 6.43 | To appoint, following discussions with the Head of Neighbourhood Services and the Bridgend Local Access Forum Secretary appropriate applicants to be members of the Bridgend Local Access Forum. |
| 6.44 | Intentionally blank |
| 6.45 | To Authorize the carrying out of works of adaptation in accordance with Section 2(e) of the Chronically Sick and Disabled Persons Act 1970: (a) Up to the value specified from time to time by the Council; (b) In exceptional circumstances and where an urgent decision is required up to the higher value specified from time to time by the Council. |
| 6.46 | To exercise any power conferred upon the Council to recover expenses incurred by it as a result of the exercise of any of the powers hereby delegated to him by this Scheme of Delegation. |
| 6.47 | To determine the award of Mandatory Disabled Facilities Grants and all Discretionary Grants and Loans, and to determine the payment of reasonable and appropriate fees in connection therewith, in accordance with the Private Sector Housing Renewal & Disabled Adaptations Policy, with the exception of the award of Discretionary Disabled Facilities Lifetime Grant. |
| 6.48 | To authorise, in appropriate circumstances, the waiver of the prior qualifying period for owner-occupiers and tenants specified in the Bridgend County Borough Council Private |

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| | Sector Housing Renewal Policy in relation to applications for the various types of grant contained therein. |
| 6.49 | To make discretionary awards to prevent the homelessness of those persons to whom the Authority would otherwise owe a duty to accommodate in accordance with legislation. |
| 6.50 | To consider and adjust the professional fees payable to agents engaged by applicants for any grants administered under the Bridgend County Borough Council Private Sector Housing Renewal Policy. |
| 6.51 | To adjust grant payments in respect of any statutory grants approved under the Local Government and Housing Act 1989 or the Housing Grants, Construction and Regeneration Act 1996 and any non-statutory grants approved under the Bridgend County Borough Council Private Sector Housing Renewal Policy where: <ul style="list-style-type: none"> (a) Additional works are considered to be necessary which could not have been foreseen at the time of initial approval of the grant; (b) Works which were included in the initial approval have been found to be unnecessary. |
| 6.52 | To approve applications for Industrial Estates Improvement Programme grants under £60,000.00. |
| 6.53 | To exercise the powers conferred upon the Council under the Commons Act 1899 or any other statutory provision in respect of regulated commons, other than the power to make, revoke or alter any byelaws. |
| 6.54 | To exercise any power conferred upon the Council relating to the adoption and management of Open Space Land, Parks (enclosed) and Playing Fields, including equipped children's play areas, sports pavilions and associated recreational buildings. |
| 6.55 | To enter into agency agreements with Town and Community Councils under section 43 of the Highways Act 1980 for the maintenance of public rights of way. |
| 6.56 | "To determine applications for Definitive Map Modification Orders made under the Wildlife and Countryside Act 1981, to either formally approve applications or to formally reject applications where there is insufficient evidence to support the allegation that the Definitive Map and Statement for Bridgend is incorrect" |
| 6.57 | To authorise temporary closures or variations in the opening hours of libraries |
| 6.58 | To authorise officers to have power of entry, issue prohibition notices under Section 10 and undertake responsibilities as to implementation and enforcement under paragraphs 10B and 11 of the Safety of Sports Grounds Act 1975. |