

Responsibility for Functions

1. Introduction

(a) This part of the Constitution sets out the responsibility for the discharge of functions by:-

- The Council and Other Committees of the Council
- The Executive
 - Cabinet
 - Cabinet Committees
- Scrutiny Committees
- Officers
- Joint Arrangements

(b) The functions will specify what are 'local' choice functions under Schedule 2 of the Local Authorities Executive Arrangements (Functions and Responsibilities) (Wales) Regulations 2007.

'Council' functions mean those functions which are not the responsibility of the Executive. Council functions may also be discharged by Committees, Sub Committees or Officers of the Authority pursuant to the Local Government Act 1972.

'Executive' functions will mean all of the local authority's functions which are not the responsibility of any other part of the local authority, whether by law or under this Constitution. Such functions may be discharged by the Cabinet; Cabinet Committees; individual Cabinet Members (where the Council so determines); or by Officers of the Authority pursuant to the Local Government Act 2000.

Both 'Council' and 'Executive' functions may be discharged jointly with another Authority or by another Authority.

(c) It is confirmed that:-

- The Council may grant delegated authority to the Cabinet, a Cabinet Committee, a Cabinet member, a Council Committee or Sub Committee, or an Officer of the Authority to discharge functions;
- The Cabinet may grant delegated authority to a Cabinet Committee or an Officer to discharge its functions;
- A Cabinet Committee may grant delegated authority to an Officer to discharge its functions;
- A Committee of the Council may grant delegated authority to a Sub Committee or an Officer to discharge its functions. A Sub Committee may grant delegated authority to an Officer to discharge its functions;
- None of the above precludes the delegating body from discharging or withdrawing the functions delegated, nor preclude referral of matters to the delegating body for a decision;
- The Terms of Reference and Delegation arrangements hereafter shall be deemed to incorporate all and any Public, General and Local Enactments and any Instruments or Regulations made thereunder relating to the functions in question, including any replacement, amendment or extension of same.

2. The Council

Article 4 of the Constitution sets out the functions reserved to the full Council.

3. Other Committees of the Council

The Council will appoint the following Committees and each may appoint Sub Committees:-

Planning Committee
(12 Members)

To discharge with delegated authority the functions specified in **Annex A**.

In addition the Planning Committee is given delegated authority (by Council) to make any future amendments it deems necessary to the following:-

- (a) The General Planning Delegations (set out in Part 3 of the Constitution - Appendix J - Paragraph 17.1 of the delegations made to the Director of Environment).
- (b) The Building Regulations Delegations (set out in Part 3 of the Constitution – Appendix J – Paragraph 17.2 of the delegations made to the Director of Environment).
- (c) The Other Delegations (set out in Part 3 of the Constitution – Appendix J – Paragraph 17.3 of the delegations made to the Director of Environment).
- (d) Protocol for Public Speaking at the Planning Committee.
- (e) Planning Site Visit Procedure.

With regard to the Planning Committee, a member who is not appointed as a voting member may as of right in respect of a particular item (or items) of interest/concern, attend a meeting of that Committee (with prior notification to the Chief Executive and Chair). Such member may then, subject to any provisions of the Members Code of Conduct or any other relevant Code, attend the Committee to speak, but not vote, nor move, second or amend a motion. The attendance here is not meant to relate to attendance and participation for all or most of the items on the agenda, and if such a request is made, the decision on attendance shall rest with the Committee (except that the Leader and Deputy Leader of the Council, and the relevant Cabinet member, if not otherwise voting members of the Committee, may attend for all items on the agenda).

Note:

1. *The Cabinet UDP/LDP Member to be invited to attend as a non-voting Member.*

2. *The member chairing the Committee will be the same member who Chairs the Registration and Licensing Committee*

Registration and Licensing Committee
(15 Members)

To discharge with delegated authority the functions specified in **Annex B**.

Note: Members of the Committee will be the same as the membership of the Licensing & Gambling Acts Committee

Appeals Panel
(5 Members together with 20 substitutes)

To discharge with delegated authority the function of determining any appeal against any decision made by or on behalf of the Authority in respect of the matters specified in **Annex C**.

Note: Pursuant to Section 17 of the Local Government & Housing Act 1989 the Authority has resolved that the political balance requirements of Sections 15 & 16 of that Act do not apply to the Appeals Panel. There are separate substitute arrangements.

Personnel Committee
(12 Members)

To discharge with delegated authority the functions specified in **Annex D**.

Note: Any Cabinet Members not on Personnel Committee are able to attend as non-voting advisors as necessary.

Special Appointments Committee
(9 Members)

and **the relevant** Cabinet Member(s) for Heads of Service appointments and a maximum of **two** of the relevant Cabinet Members for Corporate Directors appointments

To discharge with delegated authority the function of shortlisting and appointing Heads of Service.

Note: the relevant Regulatory Chairs or relevant Scrutiny Chair to be invited to attend as non-voting advisers as appropriate to the appointment

Governance and Audit Committee
(12 Members including 4 lay members)

To discharge with delegated authority the functions specified in **Annex E**

- (a) The Committee to comprise at least elected Members with one Executive (Cabinet) Member (who is not the Leader), plus 4 voting lay members;
- (b) That the Committee comprises 12 Members which shall include 4 voting lay members subject to arrangements as in (a) above;
- (c) The Chair must be a lay person
- (d) The member appointed as the Vice Chair must not be a member of the executive or an assistant to the its executive
- (d) The Committee may also recommend to Council the appointment of a number of people as voting co-optees.

Democratic Services Committee
(12 Members)

- (a) The Committee to comprise elected Members only, with one Executive (Cabinet) Member (who is not the Leader);
- (b) That the Committee comprises 12 Members, reflecting the political balance of the Council and subject to the arrangements as in (a) above;
- (c) That Chair, who is appointed by Council, must be an Opposition Member

Standards Committee

(4 Independent members, 2 Neath Port Talbot Council members (and 1 substitute) and 1 Community member (plus 1 community councillor substitutes)

To discharge with delegated authority the functions specified in **Annex F**

Licensing and Gambling Act Committee

(15 Members)

Note: Members of the Committee will be the same as the membership of the Registration & Licensing Committee.

Licensing and Gambling Act Sub Committee

(3 Members with substitutes)

To discharge with delegated authority the functions specified in **Annex F1**

- Note: (1) *Sub-committee will consist of the Chair and Vice-Chair of the Licensing and Gambling Act Committee plus one other Member drawn on a rota/availability basis from the remainder of the Members of that Committee.*
- (2) *If the Chair or Vice-Chair is unavailable, then other Members of the Licensing and Gambling Act Committee may be utilised for the purpose of maintaining a quorum of three Members for each sub-committee meeting.*

Family Absence Appeal Panel

(The Mayor to convene a Panel of 3 Members as and when required)

- (a) To exercise appeal functions under Regulation 36 (4) of the Family Absence for Members of Local Authorities (Wales) Regulations 2013 to either confirm a decision of Council to cancel a Member's period of family absence before it begins (or bring it to an end) or to substitute its own decision.
- (b) To exercise appeal functions under Regulation 38(7) of the Family Absence for Members of Local Authorities (Wales) Regulations 2013 to either confirm a decision of the Mayor to

refuse an application by a Member on maternity absence or parental absence to attend particular meetings to descriptions of meetings (or to perform particular duties or duties of a particular description) or to substitute its own decision.

4. The Executive

The Executive consists of the Executive Leader (a Councillor appointed annually by the Council) and 8 other Councillors (also appointed annually by the Council). This is known as the Leader and Cabinet Executive and those 9 Councillors comprise the Cabinet. The Executive arrangements in this Constitution include arrangements by the Authority for the operation of a Leader and Cabinet Executive, and under which certain functions of the Authority are the responsibility of the Executive (which will include Cabinet Committees) – and where Executive decisions may be taken by the Cabinet; Cabinet Committees; and Officers of the Authority; or by, or jointly with, another Authority or Authorities.

The Cabinet

The Cabinet may discharge all the local authority's functions, including those in **Annex G**, except functions which, by statute, regulations or local choice, are not executive functions.

The Cabinet Committees

The Cabinet Committees (known as Cabinet Boards) set out in **Annex G** may discharge executive functions, with delegated authority, in relation to the matters specified therein.

Cabinet Portfolios

The Council may determine at any time that individual Cabinet Members can discharge executive functions. But in the absence of any such formal delegations, the Council will in any event determine "Cabinet Portfolios" for individual Cabinet members – a "Portfolio" being a range of issues apportioned to a Cabinet member (as set out in **Annex H**) but without authority to formally discharge executive functions individually, unless so authorised by Council in this Constitution.

5. Scrutiny Committees

The roles and functions of the Council's Scrutiny Committees are set out in **Annex I**:-

- (a) **Cabinet Scrutiny Committee**
(16 Members including the 4 chairs of the Scrutiny Committees below)
- (b) **Social Care, Health and Well-being Scrutiny Committee**
(13 Members)
- (c) **Education and Culture Scrutiny Committee**
(15 Members) (plus 4 voting co-optees and 4 non-voting co-optees)

The Council has appointed a Leisure and Culture Scrutiny Sub-Committee consisting of 9 members

- (d) **Regeneration and Sustainable Development Scrutiny Committee**
(12 Members)

The Council has appointed a Community Safety and Public Protection Scrutiny Sub-Committee consisting of 9 members

- (e) **Streetscene and Engineering Scrutiny Committee**
(12 Members)

Attendance at meetings of the Scrutiny Committees is covered in Part 4 of this Constitution – Scrutiny Procedure Rules.

6. Officers

The **Annex J** sets out delegated powers to the Officers specified therein to discharge the functions specified therein. The functions are either executive or non-executive functions and will be construed as to whether they are executive or non-executive functions by reference to the Council/Committee or Executive functions defined in Part 3 of this Constitution – Sections 2,3,4 and Annexes A to G.

Annex J also sets out Proper Officer provisions.

7. **Joint Arrangements**

The **Annex K** sets out the joint arrangements entered into by the Council or the Executive.