PART 3

RESPONSIBILITY FOR FUNCTIONS

1. GENERAL

1.1 The Authority's functions may lawfully be exercised by:

- The Council
- The Leader
- Deputy Leader when acting as Leader
- The Executive
- Individual members of the Executive
- Individual Ward Members in relation to Local Community Budgets
- Committees and Sub-Committees of the Council or the Executive
- Joint Committees
- Officers
- Other persons so authorised where the law permits

1.2 An outline of the decision making structure and the management structure of the Council and the Service Areas within which various functions are generally dealt with is included in Part 2 and Part 7 of this Constitution.

1.3 This Part of the Constitution and the Tables attached describe whether the various functions of the Authority are 'Council functions' or 'Executive functions'.

1.4 The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) give effect to section 13 of the Local Government Act 2000 by specifying which functions are not to be the responsibility of the Leader/Executive; which functions may (but need not) be the responsibility of the Leader/Executive ('Local Choice Functions'); and which functions are to some extent the responsibility of the Leader/Executive. All other functions not so specified are to be the responsibility of the Leader who may then delegate as appropriate. The Regulations have been subsequently amended and those amendments are reflected in this Constitution. In addition, certain 'Council' functions must be carried out by the Council itself,

that is, the Council may not delegate these to a Committee or officer. These are shown in Table 1.

1.5 Table 2 sets out the functions listed in Schedule 1 to the Regulations (as amended), which cannot be the responsibility of the Leader/Executive. It should be noted that not all the functions listed in this table may apply to Stevenage Borough Council.

1.6 Table 3 sets out the Local Choice Functions which may or may not be the responsibility of the Leader/Executive and specifies whether, in Stevenage, they will be exercised by the Leader/Executive or the Council.

1.7 Table 4 sets out the functions which are not to be the sole responsibility of the Leader/Executive. The Table describes the plans, policies and strategies, which form the Authority's Policy Framework and specifies what role the Leader/Executive will play in relation to those plans, policies and strategies. Essentially, the Leader/Executive will develop and consult on the plans, policies and strategies listed and will then refer them to the Council for consideration and approval. If approved, the Leader/Executive will then be responsible for implementing them.

1.8 The membership of the Executive and Council Committees and Sub-Committees may be found on the Council's website, clicking on the individual Committees etc. (http://www.stevenage.gov.uk/have-your-say/council-meetings/) or on request, from the Constitutional Services Manager. The terms of reference for each of the Committees etc. are detailed in Section 2 following. .

1.9 Council and Executive functions are delegated to officers in accordance with section 4 below, 'Scheme of Delegations to Officers'.

1.10 All functions shall be exercised in accordance with this Constitution including, for the avoidance of doubt, the Rules of Procedure and Protocols shown at Part 4 and Part 5, respectively.

1.11 In exercising any function or making any decision the decision making body or person shall take into account all relevant considerations and ignore all irrelevant considerations and shall comply with the Access to Information Rules.

2. TERMS OF REFERENCE

2.1 The Executive

To undertake all Executive functions (as defined in this Constitution) so delegated by the Leader by virtue of he/she authorising the submission of a report for decision.

These Executive functions may also be delegated to Committees of the Executive or Joint Executive Committees established with other authorities (see section 2.10 - 2.11 below)

2.2 Scrutiny Committees

2.2.1 Overview and Scrutiny Committee – Quorum 4

a. To consider the activities of the Executive and to have responsibility to reconsider any executive decision that has been subject to call-in, in accordance with the provisions of the Scrutiny provisions as set out in the Council's Constitution.

b. Responsibility for the scrutiny of all initial proposals for the development of the Council's Budget and Policy Framework in accordance with the Budget and Policy Framework provisions in the Council's Constitution.

c. To determine a Scrutiny work programme to examine the spending, policies and administration of the Council's services within the direct purview for services of a Corporate and/or Council wide nature and relationships with partners and external agencies involved with these areas, together with a timetable and method of study for each topic.

d. To determine formal recommendations in relation to scrutiny studies undertaken for reporting to the Council, Executive, other Committees, Officers and / or partner agencies as appropriate.

e. To review the Forward Plan of Key Decisions in relation to services within the direct purview for services of a Corporate and/or Council wide nature, considering if it wishes to make any input to policy issues contained in the Plan and if so, how. In undertaking this work the Committee may call upon the relevant Executive Member and/or the Director to provide a briefing or take part in discussion.

f. That in respect of policy development of matters that fall within the remit of this Committee, to meet with the relevant Portfolio Holder to comment on individual draft policies that are scheduled to be considered to the Executive.

g. To work with other Select Committees, as appropriate when considering cross-cutting scrutiny studies and policy development when both Committees have so agreed.

h. To consider matters referred to the Committee under the procedure for the Councillor Call for Action in relation to matters within the direct purview for services of a Corporate and/or Council wide nature.

i. In accordance with the Petitions Scheme, consider Petitions, Petition Reviews and interview Senior Council Officers (as requested by a Petition) in relation to matters within the direct purview for services of a Corporate and/or Council wide nature.

j. In conjunction with the Select Committees, responsibility for the on-going development of the Scrutiny function of the Council.

k. To report to the Executive, other committees or Council, as appropriate.

2.2.2 Community Select Committee – Quorum 4

a. To determine a Scrutiny work programme to examine the spending, policies and administration of the Council's services within the purview of the Director (Housing and Investment) and the Director (Communities and Neighbourhood) and the Director (Stevenage Direct Services (repairs and caretaking)) and relationships with partners and external agencies involved with these services, together with a timetable and method of study for each topic.

b. To determine formal recommendations in relation to scrutiny studies undertaken for reporting to the Council, Executive, other Committees, Officers and / or partner agencies as appropriate.

c. To review the Forward Plan of Key Decisions in relation to services within the Committee's remit, considering if it wishes to make any input to policy issues contained in the Plan and if so, how. In undertaking this work the Committee may call upon the relevant Executive Member and/or the Director to provide a briefing or take part in discussion.

d. To act as the Council's Crime and Disorder Committee, meeting in that capacity a minimum of once each year (by including Crime and Disorder on the agenda at least once each year).

e. That in respect of policy development of matters that fall within the remit of this Committee, to meet with the relevant Portfolio

Holder to comment on individual draft policies that are scheduled to be considered to the Executive.

f. To work with the other Select Committee or the Overview & Scrutiny Committee, as appropriate when considering cross-cutting scrutiny studies and policy development when both Committees have so agreed.

g. To consider matters referred to the Committee under the procedure for the Councillor Call for Action in relation to matters within the purview of the Director (Housing and Investment) and the Director (Communities and Neighbourhood).

h. In accordance with the Petitions Scheme, consider Petitions, Petition Reviews and interview Senior Council Officers (as requested by a Petition) in relation to matters within the purview of the Director (Housing and Investment) and the Director (Communities and Neighbourhood).

i. In conjunction with the other Select Committee and Scrutiny Overview Committee, responsibility for the on-going development of the Policy Development and Scrutiny function of the Council.

j. To report to the Executive, other committees or Council, as appropriate.

2.2.3 Environment & Economy Select Committee – Quorum 4

a. To determine a Scrutiny work programme to examine the spending, policies and administration of the Council's services within the purview of the Director (Regeneration), Director (Stevenage Direct Services (except caretaking and repairs)), Director (Housing Development) and Director (Planning & Regulation) and relationships with partners and external agencies involved with these services, together with a timetable and method of study for each topic.

b. To determine formal recommendations in relation to scrutiny studies undertaken for reporting to the Council, Executive, other Committees, Officers and / or partner agencies as appropriate.

c. To review the Forward Plan of Key Decisions in relation to services within the Committee's remit, considering if it wishes to make any input to policy issues contained in the Plan and if so, how. In undertaking this work the Committee may call upon the relevant Executive Member and/or the Strategic Director to provide a briefing or take part in discussion.

d. To consider any policy issues within the remit of the Select Committee referred by the Executive and raising any other issues it considers appropriate.

e. To work with the Community Select Committee or the Overview & Scrutiny Committee, as appropriate when considering cross-cutting scrutiny studies and policy development when both Committees have so agreed.

f. To consider matters referred to the Committee under the procedure for the Councillor Call for Action in relation to matters within the purview of the Director (Stevenage Direct Services) and Director (Planning and Regulation).

g. In accordance with the Petitions Scheme, consider Petitions, Petition Reviews and interview Senior Council Officers (as requested by a Petition) in relation to matters within the purview of the Director (Stevenage Direct Services) and Director (Planning and Regulation).

h. In conjunction with the Community Select Committee and the Overview and Scrutiny Committee, responsibility for the on-going development of the Policy Development and Scrutiny function of the Council.

i. To report to the Executive, other committees or Council, as appropriate.

2.3 The Standards Committee – Quorum 3 – (Membership - 8 Members to include one Member of the Executive and at least one Member from more than one political group)

a. The promotion and maintenance of high standards of conduct by members and co-opted members of the Council.

b. To consider and dispose of allegations that a member is in breach of the Council's Code of Conduct in accordance with the Arrangements adopted by the Council under Section 28 Localism Act 2011.

c. To depart from the Arrangements in b. above in the circumstances described in paragraph 12 of those Arrangements.

d. To consider and, if necessary, recommend changes to the Code of Conduct, the arrangements under which allegations can be investigated and decisions on allegations can be made or any other aspects of the Standards Regime to the Council.

e. To grant dispensations under Section 33 Localism Act 2011.

2.4 Audit Committee – Quorum 4

To advise or comment as appropriate on:

a. Internal Audit matters, including:

   (i) The Annual Internal Audit Plan;

   (ii) The adequacy of management responses to Internal Audit reports and recommendations;

   (iii) The Auditor Partnership Manager's Annual Report and Opinion; and

   (iv) To consider summaries of specific internal audit reports, as requested.

b. External Audit matters, including:

   (i) External Auditors' plans for auditing and inspecting the authority;

   (ii) The Annual Audit and Inspection Letter from the External Auditor;

   (iii) The report to those charged with governance;

   (iv) Proposals from the National Audit Office over the appointment of the External Auditor;

   (v) the scope and depth of External Audit work.

c. Arrangements made for the co-operation between Internal Audit, External Audit and other bodies.

d. Anti-Fraud & Corruption issues including the Council's policies on Anti-Fraud and Corruption, 'whistle-blowing'.

e. The Council's Annual Governance Statement (AGS).

f. The Council's Constitution in respect of Contract Standing Orders and Financial Regulations.

g. The Council's Risk Management arrangements.

h. The Council's arrangements for delivering value for money.

i. The Statement of Accounts and related Capital Determinations.

j. The Council's Treasury Management Strategy.

2.5 Planning & Development Committee – Quorum 4

Membership

The Planning and Development Committee, by virtue of Regulation 7 of the Town and Country Planning (Discharge of Local Planning Functions) (England) Regulations 2026 ("the Regulations"), cannot exceed 13 elected members (to be politically balanced).

Purpose

To exercise, in line with the Council's Planning and Development Committee Procedures, the functions, powers and duties of the Council in relation to the determination of planning applications and any other planning matter referred to it by the Director of Planning and Regulations.

Powers

The Planning and Development Committee has the following powers:-

To hear pre application or pre-determination presentations of developments by developer and for individual members of the Committee to ask questions and highlight issues that may require further consideration by the developer.

To determine the planning applications referred to it pursuant to the Regulations and the Constitution, as set out in paragraph 4.7 below.

To consider, and where necessary determine, any other planning matter referred to it by the Director of Planning and Regulations.

Planning and Development Committee Chair

The Chair shall be the Council's Nominated Member for the purposes of the Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026.

Where the Chair is unavailable or unable to participate in relation to an application, the Chair may designate another member of the Planning and Development Committee as substitute Nominated Member for that application.

2.6 Licensing Committee – Quorum 4

a. To consider and determine applications under the Licensing Act 2003 where representations have been made, in respect of the following cases:

   (i) Personal Licences;

   (ii) Premises Licences/Club Premises Certificates;

   (iii) Provisional Statements;

   (iv) Variation of Premises Licences/Club Premises Certificates;

   (v) Minor variations of Premises Licences/Club Premises Certificates;

(vi) Variation of Designated Premises Supervisors;

(vii) Transfer of Premises licence;

(viii) Interim authorities;

(ix) Review premises licences/club premises certificates;

(x) Issue of Counter Notice following Police objection to a Temporary Event Notice.

b. To consider and determine applications under the Gambling Act 2005 (where representations have been made and not withdrawn) in respect of the following cases:

(i) Premises Licences;

(ii) Variation to a Licence;

(iii) Transfer of a Licence;

(iv) Provisional Statements;

(v) Review of a Premises Licence;

(vi) Club Gaming/Club Machine Permit;

(vii) Cancellation of a Club Gaming/Club Machine Permit.

2.7 General Purposes Committee – Quorum 4

a. To consider matters in accordance with the Council's policies in respect of the following:

(i) the grant, approval, review, refusal, revocation, renewal, transfer or variation of any licence, registration, certificate, consent, permit, approval or permission, except where such function falls within the terms of reference of another committee or where the matter has been delegated to officers of the Council; and

(ii) consideration and determination of such applications for licences, registrations, certificates and consents that the Head of Environmental Health Services feels necessary, owing to the nature of the application concerned.

b. The designation of public places where the consumption of alcohol is to be prohibited.

c. To consider and determine certain matters where a right of appeal exists against the decision of a Members body or an officer, including:

(i) further reviews under the relevant Regulations by applicants for Housing Benefit and Council Tax Benefits.

(ii) appeals in relation to housing needs assessment.

These terms of reference shall exclude the hearing and determination of:

- Appeals by officers against dismissal or disciplinary action;
- Grievances from officers under the final stage of the grievance procedure;

which shall be dealt with either in accordance with the terms of reference for the Appeals/Grievance Panel or in accordance with the delegations to officers.

d. Insofar as they are not already referred to in these terms of reference, those relevant powers set out in Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations as amended (see Table 2 of Part 3 of the Constitution) (subject to them being dealt with as appropriate by Officers under delegated powers).

e. Insofar as they are not already referred to in these terms of reference, those 'local choice' functions set out at Table 3 of Part 3 of the Constitution.

2.8 Appointments Committee – Quorum 3

The appointment and dismissal of the Chief Executive and Strategic Directors, subject to the requirements of the Local Government Act 2000, Local Authorities (Standing Orders) (England) Regulations 2001, and the Officer Employment Rules contained in the Constitution.

2.9 Statement of Accounts Committee – Quorum 3

To approve the Statement of Accounts and related Capital Determinations in accordance with the Account and Audit (England) Regulations 2011.

2.10 Joint Consultative Committee – Quorum 2 from each the Employers' Side and the Staff Side

To meet jointly with the Staff Side Joint Consultative Committee to consult with employees, via their representatives, on developments

affecting them; and on matters not resolved by the Strategic Management Board.

2.11 Executive Committees

Where the Leader so delegates, stated Executive business may be undertaken by the following Committees -

2.11.1 Appeals, Grievances & Litigation Committee – Quorum 3

Except where matters fall to be considered by any other body -

1. To hear and determine appeals against dismissal or disciplinary action in the case of Officers employed on Chief Officer Terms and Conditions.

2. To hear and determine grievances under the final stage of the grievance procedure in the case of Officers employed on Chief Officer Terms and Conditions; or, in the case of other officers, where no Strategic Management Board is able to hear the grievance.

3. To receive reports and opinions on litigious and potentially litigious matters whether or not the matter under consideration has been referred to the courts or any tribunal.

4. To authorise the Borough Solicitor to commence legal proceedings or defend or settle, if so required in any case on terms, any litigation matter or potentially litigious matter.

2.11.2 Housing Development Working Group and Regeneration Working Group Group - Quorum 3

To advise and make recommendations to the Executive on the following -

HOUSING DEVELOPMENT WORKING GROUP

1. Documents relating to Development Strategy, Design Standards and a Pipeline of schemes that will form the strategic core of the Council's Housebuilding Programmes.

2. Financial resources of the programme in light of the individual schemes being delivered and their outputs in relation to:

a. Scheme Design & Unit mix
b. Scheme Quality
c. Scheme Mile stones
d. Consultation programme &
e. Scheme Costs & financial appraisals

3. Funding for officers to bid for and complete on new sites and development opportunities that will enhance the Council's pipeline for new housing or form part of the land assembly required to deliver approved schemes.

4. Outline designs, individual scheme concepts and scheme appraisals on which to approve the submission of detailed planning applications, and/or if more appropriate outline planning applications, by the Council's appointed contractors, consultants or officers .

5. To invite Ward Members to attend meetings of the Working Group, or other consultation events noted in the consultation programme when potential development sites in their ward are under consideration, and to provide an opportunity for Ward Members to provide comments on proposed developments.

6. The commencement of the procurement of delivery partners/contractors for sites that have achieved planning permissions and are considered to be contributing towards a viable development programme.

7. Appointment of contractors to deliver approved schemes.

8. Financial appraisals and the use of the following sources of funding for the development of individual sites within the Council's Housebuilding Programme:

(a) The agreed Housing Capital Programme Budget for the Housebuilding Programme;

(b) Capital receipts made available through the Council's Agreement with the
Ministry of Housing, Communities and Local Government allowing the use of Receipts from additional Right to Buy (RTB) sales as a result of the Government's increase in the maximum RTB discount to be spent on House Building;

(c) Financial contributions received from developers or other sources for the provision of Affordable housing within the borough, in lieu of on-site affordable housing provision, in compliance with Section 106 Planning Agreements; and other eligible grant from new sources

(d) Grant funding received from Homes England (HE)

(e) Development support income generated through private sale homes, land disposals and shared ownership homes on schemes and land identified in the programme.

9. The progress with the Council's Housebuilding Programme; and expenditure on the Housing Capital Programme Budget for the Council's Housebuilding Programme, ensuring the use (within the required

Deadlines) of the capital receipts made available through the Council's Agreement with the Ministry of Housing, Communities and Local Government allowing the use of receipts from additional Right to Buy (RTB) sales as a result of the Government's increase in the maximum RTB Discount to be spent on house building.

10. Applications to HE (or any successor body) to obtain Investment Partner Status (or similar), in order to enable the Council to seek funding from HE, and to approve funding bids to HE for development within the Council House Building Programme.

11. The future use of any potential development site previously identified by either the Committee or Executive as having possible development potential for Council House Building where it either does not gain planning consent, is deemed inappropriate to develop by the Committee for whatever reason or where the development appraisal identifies that the site is economically undevelopable.

12. The names of developments undertaken through the Council House Building Programme, following consultation with Ward Members.

13. The name of the Council's wholly owned Housing Development Company [WOC].

14. The annual summary and accounts of the WOC's performance against key performance measures

15. The annual revised versions of the first Business Plan produced by the WOC, and any subsequent Business Plans for additional housing schemes, and to make recommendations to Executive in relation to them.

16. Requests from the WOC to acquire any property or otherwise trade outside the Council's administrative area and to make recommendations to Executive in relation to them.

REGENERATION WORKING GROUP

17. Projects relating to Stevenage Central Framework, and any further opportunities or schemes that will support the strategic vision for the regeneration of Stevenage Town Centre.

18. The communication and marketing strategy for the regeneration of the town and consultation and engagement arrangements for different regeneration schemes.

19. Commencement of procurement of delivery partners/ contractors for schemes that are considered to be contributing to the vision for the town centre.

20. The progress within the Council's overall regeneration programme; including project progress, future planning and commissioning of projects, funding options and future bidding rounds.

21. Schemes being progressed via Development Partnerships or joint ventures with commercial partners and individual scheme concepts or schemes to be brought forward through these commercial arrangements.

22. The annual report regarding the Queensway regeneration scheme from the Queensway LLP ("the LLP"), consider and approve the LLP's Business Plan and hold the Council's officer representatives on the LLP to account for delivery of the Business Plan. To authorise an operational expenditure cap of up to £100k per annum for LLP spend which is supplementary to the agreed Business Plan. To receive a regular progress report from the Council's officer representatives on the LLP and delegate the signing off of LLP accounts, appointment of auditors and change of representatives to the Chief Executive having consulted with the Portfolio Holder for Environment and Regeneration.

23. Bidding opportunities which will aid delivery of the Stevenage Central Framework vision for the town centre.

24. Additional strategies and concepts which will support the regeneration of Stevenage Town Centre.

2.11.3 Commercial and Investment Working Group – Quorum 3

Membership: Portfolio Holder for Resources
4 other Executive Members

To advise and make recommendations to the Executive on the following -

1. New income streams and commercial business cases (including those that are key decisions).

2. Financial resources where necessary to progress commercial projects.

3. Individual Schemes within the Programme.

4. The development of new opportunities through establishing a risk appetite that stimulates the evaluation of new emerging markets and opportunities.

5. Documents relating to the Co-operative Commercial and Insourcing Strategy and regularly review the Strategy.

6. The delivery of approved business cases and all aspects of the Co-operative Commercial and Insourcing Strategy.

7. Strategic leadership to build a robust commercial culture.

8. Key performance indicators of all income generating functions.

9. Key commercial arrangements including contracts, contract and performance management processes and major service developments and track the progress of such developments.

2.12 Joint Executive Committees

Where the Leader / Executive so delegates stated Executive business may be undertaken by the following Joint Committees -

2.12.1 Joint CCTV Executive Committee (Stevenage/North Herts./East Herts/Hertsmere) – Quorum 4 – to include at least 1 member from each constituent Authority

a. To agree the strategy and policy relating to the jointly operated CCTV Control and Monitoring service.

b. To receive the CCTV Annual Report, Independent Inspector's Report and other relevant reports**.**

c. To deal with all matters defined under the code of practice as the responsibility of the Executive Board.

d. To consider expansion and contraction proposals for the control room monitoring service.

e. To consider and agree minor changes to the Code of Practice.

f. To consider and recommend significant changes in the Code of Practice.

g. To ensure that the Independent Inspection regime is set up and maintained.

h. To consider complaints regarding breaches of the Code of Practice and recommendations for disciplinary action and actions, or changes to prevent reoccurrence.

i. To deal with any matters as identified under the Joint Agreement as requiring the actions of the Executive Board; in particular:

   (i) To require reports from the Authorising Officer on management and operational matters;
   (ii) To consider matters referred to the Authorising Officer under the Joint Agreement disputes procedure; and

(iii) To consider proposals to incur additional control and monitoring room cost as a result of expansion within the allocated camera expansion capacity of one party.

j. To make recommendations on any of the above to the Officer Management Board.

2.12.2 Joint Executive Revenues and Benefits Shared Service Committee (Stevenage/East Herts.) – Quorum 3 – at least one Member from each constituent authority

a. To approve the annual Service Plan for the Shared Revenues and Benefits Service.

b. To receive explanations of variances in service performance against the agreed Service Plan.

c. To approve the budget of the Shared Service and where so delegated determine requested virements within that budget.

d. To give initial consideration to future development of the Shared Service and any changes in legislation that may affect service delivery and make recommendations thereon to the Executive or Officers.

e. Where it is considered appropriate, report to the Executives of the Constituent Councils.

2.12.3 Joint Executive Information Communication Technology Shared Service Committee (Stevenage/East Herts.) – Quorum 3 – at least one Member from each constituent authority

a. To recommend the ICT Strategy to the constituent councils..

b. To approve the annual service plan for the Shared ICT Service.

c. To receive explanations of variances in service performance against the agreed service plan.

d. To approve the expenditure within the budget of the shared service and where so delegated determine requested virements within that budget.

e. To give initial consideration to future development of the shared service and any changes in legislation that may affect service delivery and make recommendations thereon to the Executive or officers.

f. Where it is considered appropriate, provide reports to the

constituent councils.

3. THE ROLE OF THE EXECUTIVE

3.1 The Leader of the Council

The Leader of the Council has the executive powers of the Council and presents the Council's policies and practices to the citizens of the Borough. In addition the Leader will:

- Determine the number of Councillors on the Executive
- Appoint Councillors on the Executive and allocate Portfolios
- Appoint a Deputy Leader
- Makes arrangements for the discharge of Executive functions to the Executive, individual Members or officers
- Chair the meetings of the Executive
- Have an overview of, and advise on, the policy making of the Council
- Act as Lead Member on the Council's overall strategy
- Monitor the overall performance of the Council in delivering the agreed policies
- Co-ordinate the work of Executive Members in the development and delivery of Council policy
- Represent Council policy to the community and other agencies
- Chair, as appropriate, meetings of Members, officers and partners as necessary
- Work closely with the Council's Chief Executive and other senior managers on strategic matters which ensure the coordination, consistency and delivery of Council services
- Reviews the performance of the Chief Executive
- Represent the Council on local, regional, national and international bodies
- Consults with the Chief Executive and relevant Executive Members on strategic or policy matters where an urgent decision or action must be taken

- Promote and develop partnership working with other agencies and ensure that the Council's corporate business strategy objectives are met

- Where necessary, consult with the leaders of other political groups to expedite the efficient and effective delivery of Council business

- Take decisions in the case of urgency, as set out in the Council's Constitution

- Take a leading role in the development and implementation of policy for her/his specific Portfolio area of responsibility

- In relation to her/his Portfolio area, serve as the initial point of consultation for the Borough Senior Leadership Team on any issues relating thereto

- Take Non-Key Decisions where required in relation to her/his specific Portfolio areas of responsibility

- Where requested, attend meetings of Scrutiny bodies to make presentations and/or answer questions

- Review the performance of Portfolio Holders

Any decisions taken by the Leader must comply with the principles of decision making and procedural rules set out in this Constitution.

3.2 Executive Portfolios

The Leader allocates broad areas of its responsibilities and functions to individual Members who serve on the Executive. The Leader may allocate a portfolio area to be shared (joint portfolio) between two Cabinet Members, in which case, it remains a single portfolio and the allowance is shared between the Cabinet members. These areas of responsibility are called 'Executive Portfolios' and are decided by the Leader:

Additionally, the Leader has a portfolio area titled REGENERATION, COMMUNICATIONS & STRATEGIC PARTNERSHIPS with specific responsibility for Local Government Reorganisation; the Constitution, Regeneration (Town Centre and Neighbourhood Centres); Town Centre Management; Media and Communications; Public Consultation; Partnerships; Town Twinning; Member Services and the Civic Suite; the Modern Member Programme; and events.

3.3 Executive Portfolio Holders

As delegated by the Leader, the role of Executive Members with Portfolios is to take the lead in the development and implementation of policy for her/his specific Portfolio area of responsibility. Additionally, Executive Members:

- Advise the Council or Executive on matters concerning the implementation, monitoring and performance of services, groups of services, initiatives and projects, particularly in relation to her/his Portfolio area.

- As a member of the Executive, contribute to the collective decision making and corporate governance of the Council.

- To monitor the performance of Portfolio functions and activities to ensure objectives and targets are achieved to deliver the Council's corporate business strategy.

- To advise and consult with senior managers on matters of significance for Council policy and its implementation particularly in relation to her/his Portfolio area.

- To ensure that value for money is achieved for all citizens of the Borough.

- To represent the Council's views to other agencies, community interests and local media.

- To regularly liaise with the Leader of the Council, other Executive Members and senior managers on strategic matters to ensure proper co-ordination, consistency and delivery of services within Council policy, particularly in relation to her/his Portfolio area.

- To lead the development of effective partnership working with other agencies and take responsibility for ensuring that the Council's objectives within specific partnerships are met.

- To communicate, consult and maintain a dialogue with the communities within the Borough to ensure that the needs and desires are understood so as to maximise the quality of life for all citizens.

- To chair as appropriate meetings of Members and officers and with Council partners.

- To assist in the setting of agendas and the presentation and reporting of issues to the Council, its committees and Members' seminars.

- To ensure that all of the Council's policies and practices acknowledge and reflect the diversity of the community and ensure that delivery of Council services recognise that diversity.

- In relation to Portfolio areas, serve as the initial point of consultation for the Borough Senior Leadership Team on any issues relating thereto.

- Ensure that the Council's strategic business plan objectives are met.

- Where necessary, consult with the leaders of other political groups to expedite the efficient and effective delivery of Council business.

- Take decisions in the case of urgency, as set out in the Council's Constitution.

- Take a leading role in the development and implementation of policy for her/his specific Portfolio area of responsibility ensuring that other Members are engaged and involved in that development.

- Take Non-Key Decisions where required in relation to her/his specific Portfolio areas of responsibility.

- Where requested, to attend meetings of Scrutiny bodies to make presentations and/or answer questions.

- Work with the Leader on setting and monitoring performance objectives for the portfolio.

- Develop and maintain a knowledge of the values and principles of Co-operative working, undertaking training as necessary.

3.4 Delegated Authority to Individual Members

The Leader may delegate functions to individual Members to take Non-Key Decisions in relation to their area of responsibility. Any such decisions must be taken in accordance with Article 11 and the procedural rules in Part 4 of this Constitution.

3.5 Local Community Budgets

Under the provisions of Section 236 of the Local Government and Public Involvement in Health Act 2007 the Leader has agreed for the discharge of executive functions by individual Members in relation to that Member's ward to extent that each Member has been delegated the spend a locality budget

of £1,500 per annum - the spending of money in this context being an executive function. This sum may be used at the discretion of each individual Member subject to the requirements of the law and this Constitution and also to such procedures as may be devised by the Chief Executive. These budgets may be used only for the promotion or improvement of the economic, social or environmental wellbeing of the Ward.

4. SCHEME OF DELEGATION TO OFFICERS

4.1 General

Delegations to officers shall be without prejudice to the rights and powers of the Council and its committees or the Leader or the Executive and its committees, as appropriate at any time to decide upon any matters which fall within their responsibility.

In exercising powers delegated to them under this Scheme of Delegation, officers:

a. Shall comply with the principles of decision making (Article 11 of this Constitution), standing orders, contract standing orders and financial regulations and any other relevant matters set out in the Council's Constitution;

b. Shall comply with the approved policy schemes and decisions of the Council, its committees or the Executive;

c. Shall consult with the appropriate professional or technical officers of the Council on relevant matters, in particular, the Chief Finance Officer and Borough Solicitor;

d. Shall consult, where appropriate, with the Executive Member(s) whose portfolio(s) is/are affected.

4.2 Proper officer provisions

Subject to the appointments specified elsewhere in the Constitution, the Chief Executive or relevant Strategic Director will make the proper officer appointments across business units. In the event of any uncertainty, the Chief Executive may make or remake any proper officer appointment (save that the Chief Executive shall always make any proper officer appointments which relate to the functions of the Planning and Development Committee).

4.3 Executive functions

The Leader has determined that Strategic Directors may exercise all of those executive functions which the Executive does not reserve to itself or to an Executive Member. Subject to discretion of the Executive to amend these delegations, these functions are deemed to be delegated to the

relevant Strategic Director as follows:

a. The Chief Executive may exercise any executive function in the absence of a relevant Strategic Director or nominate another Strategic Director to do so in the Chief Executive's absence;

b. The Chief Executive may exercise any executive power in cases of urgency whether or not reserved to executive decision making and whether or not falling within the departmental or budget area of another Strategic Director (in accordance with the Section 4 of this Constitution the Executive are to be informed of such actions):

c. Any Strategic Director may exercise any executive power falling within his or her departmental or budget area;

d. Such other corporate areas of responsibility to which a Strategic Director will be nominated from time to time;

e. The Borough Solicitor shall have authority to institute, defend or settle any legal proceedings as necessary to protect the interests of the Council.

4.4 Council functions

a. The Chief Executive may exercise all of those Council functions that are not specifically reserved to Council for decision-making, or actions delegated by the Council as the local planning authority to the Director of Planning and Regulation or their delegate as set out in paragraph 4.7

b. The Chief Executive may exercise any Council power in cases of extreme urgency whether or not reserved for Council decision making

c. The Borough Solicitor shall have authority to institute, defend or settle any legal proceedings as necessary to protect the interests of the Council.

4.5 Exercise of officer delegations

The Chief Executive will establish a scheme of sub-delegations (save where the Director of Planning and Regulation sub-delegates their functions in para 4.7 in accordance with a Planning Scheme of Management) that specifies the functions, names the post which may carry out that sub-delegated function, and the limits if any on the sub-delegation. The Chief Executive will periodically review sub-delegations and whenever necessary and may change sub-delegations as (s)he sees fit. The limits on sub-delegation may include the obligation to consult, record and/or refer back to the Chief Executive, Deputy Chief Executive and/or Strategic Directors (or another officer) in certain circumstances and

are made subject to relevant policies.

The Borough Solicitor will maintain the current version of the Council's scheme of officer delegations.

4.6 Planning Scheme of Delegation

Reference to the Regulations in this part of the Constitution is a reference to the Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026. Schedule 1 of the Regulations contains those application types which must be determined by officers, pursuant to Regulation 4.

4.7 Delegation of Planning Functions

All planning matters and functions that the Council as Local Planning Authority are responsible for are delegated to the Director of Planning and Regulation except where the decision on a matter or function is reserved to the following bodies:

Full Council
The following must be determined by Full Council:
· To submit a Development Plan Document for examination
· To adopt a Development Plan Document
· To submit a draft Charging Schedule for examination
· To approve or withdraw a Charging Schedule

Cabinet
The following must be determined by the Executive:
· To consult on a Local Development Framework Document
· To adopt a Supplementary Planning Document, the Local Development Scheme or the Statement of Community Involvement
· To approve the Authority Monitoring Report
· To authorise a Neighbourhood Plan to be put to referendum
· To agree that a Neighbourhood Plan be Made
· To designate a Conservation Area

Planning and Development Committee

The following planning applications must be determined by the Planning and Development Committee: -
Those applications listed in Schedule 2 of the Regulations that the Nominated Member and the Nominated Officer agree that referral to and determination by Planning and Development Committee is necessary.
Any other planning matter that an officer of the authority with delegated powers considers that referral to and determination by the Planning and Development Committee is necessary.

4.8 Triage System

As recommended in the MHCLG statutory Guidance that accompanied the Regulations, where local planning authorities anticipate that there may be a significant number of cases which meet the criteria in regulation 5(3) (Gateway Test) or which may fall under regulation 6 (Own-Interest Application) and which could therefore be considered for referral to committee, they may wish to put in place a triage system to ensure that the nominated officer and nominated member of the committee are not overwhelmed and to avoid any unnecessary delays in planning decision making.

The Council's Triage System has two stages:

- Stage 1: a category or part of a category of an application of a kind specified by Schedule 2 which should be treated as such.
- Stage 2: a specific application of a kind specified by Schedule 2 where an officer with delegated powers considers it should be treated as such because the criteria in Regulation 5(3) are clearly not engaged.

Triage process for self-interest applications

The majority of all Schedule 1 applications be determined under delegated powers as set out below:

Schedule 1 Functions

Application categories	**Self-Interest applications (Regulation 6) – Suggested Triage.**
householder development (as defined in the Town and Country Planning (Development Management Procedure) (England) Order 2015)	Delegated
minor commercial development (as defined in the Town and Country Planning (Development Management Procedure) (England) Order 2015)	Delegated
minor residential development (consisting of up to 9 new dwellings (flats or houses) on a site smaller than 0.5 hectares and other minor development in relation to flats)	Delegated
where it is not related to a phase of development in an outline planning permission, reserved matters approvals (applications under Article 6 of the Town and Country Planning (Development Management Procedure) (England) Order 2015) **Note:** Reserved matters approval in respect of an outline planning permission other than a large outline phase permission (i.e. one which grants permission for development involving the provision of at least 500	Delegated

Application categories	Self-Interest applications (Regulation 6) – Suggested Triage.
dwellings or a building or buildings where the floorspace to be created by the development is 50,000 square metres or more) (applications under Article 6 of the Town and Country Planning (Development Management Procedure) (England) Order 2015)	
discharge of conditions (applications under Article 27(1) of Town and Country Planning (Development Management Procedure) (England) Order 2015)	Delegated
prior approval for permitted development rights (applications under Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015)	Delegated
permission in principle (as referred to in section 58A of the Town and Country Planning Act 1990)	Delegated
where a local planning authority considers a planning obligation is connected to a Schedule 1 application, requests to agree to modify or discharge a planning obligation (under section 106A(1)(a) of the Town and Country Planning Act 1990)	Delegated
where local planning authority considers a planning obligation is connected to a Schedule 1 application, modification or discharge of a planning obligation	Delegated

Application categories	Self-Interest applications (Regulation 6) – Suggested Triage.
(applications under section 106A(3) of the Town and Country Planning Act 1990)	
non-material changes to planning permission or permission in principle (applications under section 96A(4) of the Town and Country Planning Act 1990)	Delegated
certificates of lawfulness of existing use or development (under section 191(1) of the Town and Country Planning Act 1990)	Delegated
certificates of lawfulness of proposed used or development (under section 192(2) of the Town and Country Planning Act 1990)	Delegated
biodiversity gain plan (duty to approve under paragraph 14 of Schedule 7A to the Town and Country Planning Act 1990)	Delegated
Certificates of appropriate alternative development (applications under section 17 of the Land Compensation Act 1961)	Delegated

Triage process for self-interest applications covered under Schedule 2. The below table also sets out the types of applications and circumstances in which they may be referred to the Planning and Development Committee for its decision:

Schedule 2 Functions

Application categories	**Self-Interest applications (Regulation 6) – Suggested Triage.**
A local authority considers that the application for planning permission (Schedule 1) is connected to a Schedule 2 application for listed building consent or for the variation or discharge of a condition on a listed building consent (See paragraph 19 of the guidance)	**Householder applications:-** Delegated **All other Schedule 1 applications:-** Referral to committee where: 1) the application raises a significant planning matter having regard to the development plan and any other material considerations. 2) the application raises an economic, social or environmental issue of significance to the local area.
the application is made under section 73A of the Town and Country Planning Act 1990 (Relating to a Schedule 1 application)	**Householder applications:-** Delegated **All other Schedule 1 applications:-** Referral to committee where: 1) the application raises a significant planning matter having regard to the development plan and any other material considerations. 2) the application raises an economic, social or environmental issue of significance to the local area.
applications for planning permission which are not householder, minor commercial or minor residential applications	**Major applications** All major applications submitted by or on behalf of the Council shall be determined by the Planning and Development Committee by default. **Other applications:** Referral to committee where: 1) the application raises a significant planning matter having regard to the development plan and any other material considerations.

Application categories	Self-Interest applications (Regulation 6) – Suggested Triage.
	2) the application raises an economic, social or environmental issue of significance to the local area.
applications for planning permission which would otherwise fall into Schedule 1 but are connected to a Schedule 2 application for listed building consent or for the variation or discharge of a condition on a listed building consent	**Householder applications:-** Delegated **All other Schedule 1 applications:-** Referral to committee where: 1) the application raises a significant planning matter having regard to the development plan and any other material considerations. 2) the application raises an economic, social or environmental issue of significance to the local area.
applications to develop land without compliance with conditions previously attached in respect of which the previous planning permission was a Schedule 2 planning permission (under section 73(1) of the Town and Country Planning Act 1990)	**Major applications** All major (without compliance of conditions) applications submitted by or on behalf of the Council shall be determined by the Planning and Development Committee by default. **Other applications:** Referral to committee where: 1) the application raises a significant planning matter having regard to the development plan and any other material considerations. 2) the application raises an economic, social or environmental issue of significance to the local area.
applications for development which has already been carried out (under section 73A(1) of the Town and Country Planning Act 1990)	Referral to committee where: 1) the application raises a significant planning matter having regard to the development plan and any other material considerations. 2) the application raises an economic, social or

Application categories	Self-Interest applications (Regulation 6) – Suggested Triage.
	environmental issue of significance to the local area.
where it is related to a large outline planning permission, applications for reserved matters approvals (under Article 6 of the Town and Country Planning (Development Management Procedure) (England) Order 2015) **Definition of large outline reserved matters (defined by the Regulations):** One which grants permission for development involving the provision of at least 500 dwellings or a building or buildings where the floorspace to be created by the development is 50,000 sq.m or more.	Referral of Reserved Matters Applications to committee where: 1) the application raises a significant planning matter having regard to the development plan and any other material considerations. 2) the application raises an economic, social or environmental issue of significance to the local area.
where a local planning authority considers a planning obligation is connected to a Schedule 2 application, requests to agree to modify or discharge a planning obligation (under section 106A(1)(a) of the Town and Country Planning Act 1990)	Referral to planning committee where the obligation relates to certain obligations e.g., affordable housing, infrastructure delivery, financial obligations etc & the deed of variation raises a significant planning matter having regard to the development plan and any other material considerations; or The Deed of Variation raises an economic, social or environmental issue of significance to the local area. Otherwise, delegated to officers.
where a local planning authority considers a planning obligation is connected to a	Referral to planning committee where the application relates to certain obligations e.g.,

Application categories	**Self-Interest applications (Regulation 6) – Suggested Triage.**
Schedule 2 application, application for modification or discharge of a planning obligation (under section 106A(3) of the Town and Country Planning Act 1990)	affordable housing, infrastructure delivery, financial obligations etc & the deed of variation raises a significant planning matter having regard to the development plan and any other material considerations; or The Deed of Variation raises an economic, social or environmental issue of significance to the local area. Otherwise, delegated to officers.
applications for listed building consent (under section 10 of the Planning (Listed Buildings and Conservation Areas) Act 1990)	Delegated
applications for the variation or discharge of conditions of listed building consent (under section 19 of the Planning (Listed Buildings and Conservation Areas) Act 1990)	Delegated
applications for advertisement consent (under regulation 9 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007)	Delegated
applications for consent under tree preservation orders (under regulation 16 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012)	Delegated

In relation to standard Schedule 2 applications (Non self-interest), the triage process for such applications is outlined below. In addition, the table also sets out what applications will have to go through the Gateway

Process as to whether or not the application is referred to the Planning and Development Committee for its decision:

Schedule 2 Functions

Application categories	**None Self-interest – Triage (See para 14 of the guidance relating to triage of Schedule 2 apps)**
A local authority considers that the application for planning permission (Schedule 1) is connected to a Schedule 2 application for listed building consent or for the variation or discharge of a condition on a listed building consent (See paragraph 19 of the guidance)	TRIAGE
the application is made under section 73A of the Town and Country Planning Act 1990 (Relating to a Schedule 1 application)	TRIAGE
applications for planning permission which are not householder, minor commercial or minor residential applications.	GATEWAY TEST
applications for planning permission which would otherwise fall into Schedule 1 but are connected to a Schedule 2 application for listed building consent or for the variation or discharge of a condition on a listed building consent	TRIAGE
applications to develop land without compliance with conditions previously attached in respect of	GATEWAY TEST

Application categories	None Self-interest – Triage (See para 14 of the guidance relating to triage of Schedule 2 apps)
which the previous planning permission was a Schedule 2 planning permission (under section 73(1) of the Town and Country Planning Act 1990)	
applications for development which has already been carried out (under section 73A(1) of the Town and Country Planning Act 1990)	GATEWAY TEST
where it is related to a large outline planning permission, applications for reserved matters approvals (under Article 6 of the Town and Country Planning (Development Management Procedure) (England) Order 2015) **Definition of large outline reserved matters (defined by the Regulations):** One which grants permission for development involving the provision of at least 500 dwellings or a building or buildings where the floorspace to be created by the development is 50,000 sq.m or more.	GATEWAY TEST
where a local planning authority considers a planning obligation is connected to a	GATEWAY TEST

Application categories	**None Self-interest – Triage (See para 14 of the guidance relating to triage of Schedule 2 apps)**
Schedule 2 application, requests to agree to modify or discharge a planning obligation (under section 106A(1)(a) of the Town and Country Planning Act 1990)	
where a local planning authority considers a planning obligation is connected to a Schedule 2 application, application for modification or discharge of a planning obligation (under section 106A(3) of the Town and Country Planning Act 1990)	GATEWAY TEST
applications for listed building consent (under section 10 of the Planning (Listed Buildings and Conservation Areas) Act 1990)	TRIAGE
applications for the variation or discharge of conditions of listed building consent (under section 19 of the Planning (Listed Buildings and Conservation Areas) Act 1990)	TRIAGE
applications for advertisement consent (under regulation 9 of the Town and Country Planning (Control of Advertisements)	TRIAGE

Application categories	None Self-interest – Triage (See para 14 of the guidance relating to triage of Schedule 2 apps)
(England) Regulations 2007)	
applications for consent under tree preservation orders (under regulation 16 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012)	TRIAGE

4.9 Delegation And Sub-Delegation

The Director of Planning and Regulation should produce a document (called the Planning Scheme of Management) for the purposes of Regulation 3 that clearly sets out:

A. the member of the authority who acts as the Nominated Member;
B. one or more members of the authority who act as a substitute for the Nominated Member;
C. the officer of the authority who acts as the Nominated Officer; and
D. one or more officers of the authority who act as a substitute for the Nominated Officer.

With respect to A and B different members can be nominated for different purposes. With respect to C and D different officers can be nominated for different purposes. These should also be set out in the document.

The document should also set out:

- the officer(s) of the authority who have delegated powers to determine a Schedule 1 planning application (Regulation 4);
- the officer(s) of the authority who have delegated powers to determine a Schedule 2 planning application (Regulation 5);
- the officer(s) of the authority who have delegated powers to determine an Own-Interest Application (Regulation 6); and
- the officer(s) of the authority who have delegated powers under the Constitution to determine any other planning matter.

11. The document should be published on the Council's website.

4.10 Lobbying

12. The Nominated Member or the Nominated Officer or any other officer of the authority, when exercising their powers under Regulations 4, 5 or 6 and this Scheme of Delegation, shall not be lobbied or otherwise contacted by any person or organisation, including by members or officers of the relevant authority, to use their power in a particular way.
13. Any such lobbying that is received should be reported to the Monitoring Officer, who will deal with it as appropriate.

14. A Vexatious Customer Procedure to deal with planning related complaints that are unreasonable persistent, malicious and/or vexatious or flagrantly in breach of rules or procedures can be found in Part 5 – Codes and Protocols.

TABLE 1
LIST OF FUNCTIONS THAT MAY ONLY BE EXERCISED BY THE COUNCIL

1.	The levying or issuing of a precept for a rate and the setting of council tax and limits for borrowing money.	Local Government Finance Acts 1988 and 1992 Section 3, Local Government Act 2003
2.	The establishment and abolition of Committees, and Joint Committees (with other local authorities) and the appointment, replacement and removal of members of them other than in cases where the Executive is entitled to make appointments to Joint Committees	Local Government Act 1972 Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2000
3.	Resolution to operate executive arrangements	Section 29 of the Local Government Act 2000
4.	Authorisation of applications to Secretary of State for approval of Housing Land Transfers.	Leasehold Reform and Urban Development Act 1993 Sections 32 and 43, Housing Act 1985
5.	Subject to the urgency procedure in the Standing Orders of this Constitution, to make decisions about any function of the Executive where the decision maker is minded to make a decision which would be contrary to the policy framework or not wholly in accordance with the budget.	The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 as amended
6.	Adopting or amending a Members' Allowances Scheme	Section 18 of the Local Government and Housing Act 1989

		Local Authorities (Functions and Responsibilities) (England) Regulations 2000, as amended
7.	Electing and removing the Leader	Section 11 of the Local Government Act 2000 as amended by the Local Government & Public Involvement in Health Act 2007
8.	Adoption of the Members' Code of Conduct	Section 51 of the Local Government Act 2000
9.	Approval of the appointment or dismissal of the Chief Executive	The Local Authorities (Standing Orders) (England) Regulations 2001
10.	Adoption of the Policy Framework and the Budget	The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 as amended
11.	Changing the name of the borough	Section 74 of the Local Government Act 1972
12.	Appointment of the Mayor	Schedule 4 to the Local Government Act 1972
13.	Power to confer the title of Honorary Alderman or to admit to be an Honorary Freeman	Section 249 of the Local Government Act 1972
14.	The making, altering or revoking of standing orders except as provided for Standing Orders (subject to the Chief Executive authorising minor or consequential changes)	Sections 29, 106 and Schedule 12 Local Government Act 1972 Sections 8 and 20 Local Government and Housing Act 1989
15.	Power to make, amend, revoke or re-enact byelaws.	Any provision of any enactment (including a Local Act),

		whenever passed, and section 14 Interpretation Act 1978
16.	Power to promote or oppose local or personal Bills	Section 239 Local Government Act 1972
17.	The making of an agreement to establish a Joint Planning Committee or to prepare a joint development plan document or to request the Secretary of State to revoke an order establishing such a Joint Committee	Sections 28 to 31 Planning and Compulsory Purchase Act 2004 The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 as amended
18.	Power to resolve not to issue a casino premises licence	Section 166 Gambling Act 2005
19.	Any other matters that by law is reserved for consideration, approval or resolution by Council	

TABLE 2

SCHEDULE 1

FUNCTIONS NOT TO BE THE RESPONSIBILITY OF AN AUTHORITY'S LEADER/EXECUTIVE

Regulation 2(1)

-	**(1)** **Function**	**(2)** **Provision of Act or Statutory Instrument**
A	**Functions relating to town and country planning and development control**	
	1	
	2	
	3	
	4	
	5 Power to determine applications for planning permission.	Sections 70(1)(a) and (b) and 72 of the Town and Country Planning Act 1990 (c8)
	6 Power to determine applications to develop land without compliance with conditions previously attached.	Section 73 of the Town and Country Planning Act 1990.
	7 Power to grant planning permission for development already carried out.	Section 73A of the Town and Country Planning Act 1990.
	8 Power to decline to determine application for planning permission.	Section 70A of the Town and Country Planning Act 1990.
	9 Duties relating to the making of determinations of planning applications.	Sections 69, 76 and 92 of the Town and Country Planning Act 1990 and Articles 8, 10 to 13, 15 to 22 and 25 and 26 of the Town and Country Planning (General Development Procedure) Order 1995 (SI 1995/419) and directions made thereunder.
	10 Power to determine applications for planning permission made by a local authority, alone or jointly with another person.	Section 316 of the Town and Country Planning Act 1990 and the Town and Country Planning General Regulations 1992 (SI 1992/1492).
	11 Power to make determinations, give approvals and agree certain other matters relating to the exercise of permitted development rights.	Parts 6, 7, 11, 17, 19, 20, 21 to 24, 26, 30 and 31 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 (SI 1995/418).

-	(1) **Function**	(2) **Provision of Act or Statutory Instrument**
	12 Power to enter into agreement regulating development or use of land.	Section 106 of the Town and Country Planning Act 1990.
	13 Power to issue a certificate of existing or proposed lawful use or development.	Sections 191(4) and 192(2) of the Town and Country Planning Act 1990.
	14 Power to serve a completion notice.	Section 94(2) of the Town and Country Planning Act 1990.
	15 Power to grant consent for the display of advertisements.	Section 220 of the Town and Country Planning Act 1990 and the Town and Country Planning (Control of Advertisements) Regulations 1992 (SI 1992/666).
	16 Power to authorise entry onto land.	Section 196A of the Town and Country Planning Act 1990.
	17 Power to require the discontinuance of a use of land.	Section 102 of the Town and Country Planning Act 1990.
	18 Power to serve a planning contravention notice, breach of condition notice or stop notice.	Sections 171C, 187A and 183(1) of the Town and Country Planning Act 1990.
	18A Power to issue a temporary stop notice.	Section 171E of the Town and Country Planning Act 1990.
	19 Power to issue an enforcement notice.	Section 172 of the Town and Country Planning Act 1990.
	20 Power to apply for an injunction restraining a breach of planning control.	Section 187B of the Town and Country Planning Act 1990.
	21 Power to determine applications for hazardous substances consent, and related powers.	Sections 9(1) and 10 of the Planning (Hazardous Substances) Act 1990.
	22 Duty to determine conditions to which old mining permissions, relevant planning permissions relating to dormant sites or active Phase I or	Paragraph 2(6)(a) of Schedule 2 to the Planning and Compensation Act 1991 (c 34), paragraph 9(6) of Schedule 13 to the Environment Act 1995 (c 25) and

-	(1) **Function**	(2) **Provision of Act or Statutory Instrument**
	II sites, or mineral permissions relating to mining sites, as the case may be, are to be subject.	paragraph 6(5) of Schedule 14 to that Act.
	23 Power to require proper maintenance of land.	Section 215(1) of the Town and Country Planning Act 1990.
	24 Power to determine application for listed building consent, and related powers.	Sections 16(1) and (2), 17, and 33(1) of [the Planning (Listed Buildings and Conservation Areas) Act 1990 (c 9)].
	25 Power to determine applications for conservation area consent.	Section 16(1) of [the Planning (Listed Buildings and Conservation Areas) Act 1990 (c 9)], as applied by section 74(3) of that Act.
	26 Duties relating to applications for listed building consent and conservation area consent.	Sections 13(1) and 14(1) and (4) of [the Planning (Listed Buildings and Conservation Areas) Act 1990 (c 9)] and regulations 3 to 6 and 13 of [the Planning (Listed Buildings and Conservation Areas) Regulations 1990 (SI 1990/1519)] and [paragraphs 8, 15 and 26 of the Department of the Environment, Transport and the Regions Circular 01/01].
	27 Power to serve a building preservation notice, and related powers.	Sections 3(1) and 4(1) of [the Planning (Listed Buildings and Conservation Areas) Act 1990 (c 9)].
	28 Power to issue enforcement notice in relation to demolition of [listed] building in conservation area.	Section 38 of [the Planning (Listed Buildings and Conservation Areas) Act 1990 (c 9)].
	29 Powers to acquire a listed building in need of repair and to serve a repairs notice.	Sections 47 and 48 of [the Planning (Listed Buildings and Conservation Areas) Act 1990 (c 9)].
	30 Power to apply for an injunction in relation to a listed building.	Section 44A of [the Planning (Listed Buildings and Conservation Areas) Act 1990 (c 9)].
	31 Power to execute urgent works.	Section 54 of [the Planning (Listed Buildings and Conservation Areas) Act 1990 (c 9)].]
B	**Licensing and registration functions (in so far as not covered**	

-	**(1)** **Function**	**(2)** **Provision of Act or Statutory Instrument**
	by any other paragraph of this Schedule)	
	1 Power to issue licences authorising the use of land as a caravan site ("site licences").	Section 3(3) of the Caravan Sites and Control of Development Act 1960 (c 62).
	2 Power to license the use of moveable dwellings and camping sites.	Section 269(1) of the Public Health Act 1936 (c 49).
	3 Power to license hackney carriages and private hire vehicles.	(a) as to hackney carriages, the Town Police Clauses Act 1847 (10 & 11 Vict c 89), as extended by section 171 of the Public Health Act 1875 (38 & 39 Vict c 55), and section 15 of the Transport Act 1985 (c 67); and sections 47, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976 (c 57);
		(b) as to private hire vehicles, sections 48, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976.
	4 Power to license drivers of hackney carriages and private hire vehicles.	Sections 51, 53, 54, 59, 61 and 79 of the Local Government (Miscellaneous Provisions) Act 1976.
	5 Power to license operators of hackney carriages and private hire vehicles.	Sections 55 to 58, 62 and 79 of the Local Government (Miscellaneous Provisions) Act 1976.
	6 Power to register pool promoters.	Schedule 2 to the Betting, Gaming and Lotteries Act 1963 (c 2) [as saved for certain purposes by article 3(3)(c) of the Gambling Act Order].
	7 Power to grant track betting licences.	Schedule 3 to the Betting, Gaming and Lotteries Act 1963 [as saved for certain purposes by article 3(3)(d) and (4) of the Gambling Act Order].
	8 Power to license inter-track betting schemes.	Schedules 5ZA to the Betting, Gaming and Lotteries Act 1963 [as saved for certain purposes by article 3(3)(e) of the Gambling Act Order].

-	**(1)** **Function**	**(2)** **Provision of Act or Statutory Instrument**
	9 Power to grant permits in respect of premises with amusement machines.	Schedule 9 to the Gaming Act 1968 (c 65) [as saved for certain purposes by article 4(2)(l) and (m) of the Gambling Act Order].
	10 Power to register societies wishing to promote lotteries.	Schedule 1 to the Lotteries and Amusements Act 1976 (c 32) [as saved for certain purposes by article 5(2)(a) and (3) of the Gambling Act Order].
	11 Power to grant permits in respect of premises where amusements with prizes are provided.	Schedule 3 to the Lotteries and Amusements Act 1976 [as saved for certain purposes by article 5(2)(d) and (5) of the Gambling Act Order].
	12 Power to issue cinema and cinema club licences.	Section 1 of the Cinema Act 1985 (c 13).
	13 Power to issue theatre licences.	Sections 12 to 14 of the Theatres Act 1968 (c 54).
	14 Power to issue entertainments licences.	Section 12 of the Children and Young Persons Act 1933 (c 12), section 52 of, and Schedule 12 to, the London Government Act 1963 (c 33), section 79 of the Licensing Act 1964 (c 26), sections 1 to 5 and 7 of, and Parts I and II of the Schedule to, the Private Places of Entertainment (Licensing) Act 1967 (c 19) and Part I of, and Schedules 1 and 2 to, the Local Government (Miscellaneous Provisions) Act 1982 (c 30).
	14A Functions relating to licensing.	Sections 5 to 8 of the Licensing Act 2003 (c 17).]
	14AA Duty to comply with requirement to provide information to Gambling Commission.	Section 29 of the [2005 Act].]
	14AB Functions relating to exchange of information.	Section 30 of the 2005 Act.]
		Section 39 of the 2005 Act.]

-	(1) **Function**	(2) **Provision of Act or Statutory Instrument**
	14AC Functions relating to occasional use notices.	
	14B Power to resolve not to issue a casino premises licence.	Section 166 of the 2005 Act.]
	14C Power to designate officer of a licensing authority as an authorised person for a purpose relating to premises.	Section 304 of the 2005 Act.]
	14CA Power to make order disapplying section 279 or 282(1) of the 2005 Act in relation to specified premises.	Section 284 of the 2005 Act.]
	14D Power to institute criminal proceedings	Section 346 of the 2005 Act.]
	14E Power to exchange information.	Section 350 of the 2005 Act.]
	14F Functions relating to the determination of fees for premises licences.	The Gambling (Premises Licence Fees) (England and Wales) Regulations 2007 (SI 2007/479).]
	14G Functions relating to the registration and regulation of small society lotteries.	Part 5 of Schedule 11 to the 2005 Act.]
	15 Power to license sex shops and sex cinemas.	The Local Government (Miscellaneous Provisions) Act 1982, section 2 and Schedule 3.
	16 Power to license performances of hypnotism.	The Hypnotism Act 1952 (c 46).
	17 Power to license premises for acupuncture, tattooing, ear-piercing and electrolysis.	Sections 13 to 17 of the Local Government (Miscellaneous Provisions) Act 1982.
	18 Power to license pleasure boats and pleasure vessels.	Section 94 of the Public Health Acts Amendment Act 1907 (c 53).
	19 Power to register door staff.	Paragraphs 1(2) and 9 of Schedule 12 to the London Government Act 1963 (c 33) and Part V of the London Local Authorities Act 1995 (c x).

-	(1) **Function**	(2) **Provision of Act or Statutory Instrument**
	20 Power to license market and street trading.	Part III of, and Schedule 4 to, the Local Government (Miscellaneous Provisions) Act 1982, Part III of the London Local Authorities Act 1990 (c vii) and section 6 of the London Local Authorities Act 1994 (c xii)
	21 Power to license night cafes and take-away food shops.	Section 2 of the Late Night Refreshment Houses Act 1969 (c 53), Part II of the London Local Authorities Act 1990 and section 5 of the London Local Authorities Act 1994.
	22 Duty to keep list of persons entitled to sell non-medicinal poisons.	Sections 3(1)(b)(ii), 5, 6 and 11 of the Poisons Act 1972 (c 66).
	23 Power to license dealers in game and the killing and selling of game.	Sections 5, 6, 17, 18 and 21 to 23 of the Game Act 1831 (c 32); sections 2 to 16 of the Game Licensing Act 1860 (c 90), section 4 of the Customs and Inland Revenue Act 1883 (c 10), sections 12(3) and 27 of the Local Government Act 1874 (c 73), and section 213 of the Local Government Act 1972 (c 70).
	24 Power of register and license premises for the preparation of food.	Section 19 of the Food Safety Act 1990 (c 16).
	25 Power to license scrap yards.	Section 1 of the Scrap Metal Dealers Act 1964 (c 69).
	26 Power to issue, amend or replace safety certificates (whether general or special) for sports grounds.	The Safety of Sports Grounds Act 1975 (c 52).
	27 Power to issue, cancel, amend or replace safety certificates for regulated stands at sports grounds.	Part III of the Fire Safety and Safety of Places of Sport Act 1987 (c 27).
	28 Power to issue fire certificates.	Section 5 of the Fire Precautions Act 1971 (c 40).
	29 Power to license premises for the breeding of dogs.	Section 1 of the Breeding of Dogs Act 1973 (c 60) and section 1 of the

-	(1) **Function**	(2) **Provision of Act or Statutory Instrument**
		Breeding and Sale of Dogs (Welfare) Act 1999 (c 11).
	30 Power to license pet shops and other establishments where animals are bred or kept for the purposes of carrying on a business.	Section 1 of the Pet Animals Act 1951 (c 35); section 1 of the Animal Boarding Establishments Act 1963 (c 43); the Riding Establishments Acts 1964 and 1970 (1964 c 70 and 1970 c 70); section 1 of the Breeding of Dogs Act 1973 (c 60), and sections 1 and 8 of the Breeding and Sale of Dogs (Welfare) Act 1999.
	31 Power to register animal trainers and exhibitors.	Section 1 of the Performing Animals (Regulation) Act 1925 (c 38).
	32 Power to license zoos.	Section 1 of the Zoo Licensing Act 1981 (c 37).
	33 Power to license dangerous wild animals.	Section 1 of the Dangerous Wild Animals Act 1976 (c 38).
	34 Power to license knackers' yards.	Section 4 of the Slaughterhouses Act 1974. *See also* the Animal By-Products Order 1999 (SI 1999/646).
	35 Power to license the employment of children.	Part II of the Children and Young Persons Act 1933 (c 33), byelaws made under that Part, and Part II of the Children and Young Persons Act 1963 (c 37).
	36 Power to approve premises for the solemnisation of marriages.	Section 46A of the Marriage Act 1949 (c 76) and the Marriages (Approved Premises) Regulations 1995 (S I 1995/510).
	37 Power to register common land or town or village greens, except where the power is exercisable solely for the purpose of giving effect to--	Regulation 6 of the Commons Registration (New Land) Regulations 1969 (SI 1969/1843).
	(a) an exchange of lands effected by an order under section 19(3) of, or	

-	(1) **Function**	(2) **Provision of Act or Statutory Instrument**
	paragraph 6(4) of Schedule 3 to, the Acquisition of Land Act 1981 (c 67) or	
	(b) an order under section 147 of the Inclosure Act 1845 (c 8 & 9 Vict c 118).	
	38 Power to register variation of rights of common.	Regulation 29 of the Commons Registration (General) Regulations 1966 (SI 1966/1471).
	39 Power to license persons to collect for charitable and other causes.	Section 5 of the Police, Factories etc (Miscellaneous Provisions) Act 1916 (c 31) and section 2 of the House to House Collections Act 1939 (c 44).
	40 Power to grant consent for the operation of a loudspeaker.	Schedule 2 to the Noise and Statutory Nuisance Act 1993 (c 40).
	41 Power to grant a street works licence.	Section 50 of the New Roads and Street Works Act 1991 (c 22).
	42 Power to license agencies for the supply of nurses.	Section 2 of the Nurses Agencies Act 1957 (c 16).
	43 Power to issue licences for the movement of pigs.	Article 12 of the Pigs (Records, Identification and Movement) Order 1995 (SI 1995/11).
	44 Power to license the sale of pigs.	Article 13 of the Pigs (Records, Identification and Movement) Order 1995.
	45 Power to license collecting centres for the movement of pigs.	Article 14 of the Pigs (Records, Identification and Movement) Order 1995.
	46 Power to issue a licence to move cattle from a market.	Article 5(2) of the Cattle Identification Regulations 1998 (SI 1998/871).
	46A Power to grant permission for provision, etc of services, amenities, recreation and refreshment facilities on highway, and related powers.	Sections 115E, 115F and 115K of the Highways Act 1980.
	47A Duty to publish notice in respect of proposal to grant permission under	Section 115G of the Highways Act 1980.]

-	(1) **Function**	(2) **Provision of Act or Statutory Instrument**
	section 115E of the Highways Act 1980.	
	47 Power to permit deposit of builder's skip on highway.	Section 139 of the Highways Act 1980 (c 66).
	48 Power to license planting, retention and maintenance of trees etc in part of highway.	Section 142 of the Highways Act 1980.
	49 Power to authorise erection of stiles etc on footpaths or bridleways.	Section 147 of the Highways Act 1980.
	50 Power to license works in relation to buildings etc which obstruct the highway.	Section 169 of the Highways Act 1980.
	51 Power to consent to temporary deposits or excavations in streets.	Section 171 of the Highways Act 1980.
	52 Power to dispense with obligation to erect hoarding or fence.	Section 172 of the Highways Act 1980.
	53 Power to restrict the placing of rails, beams etc over highways.	Section 178 of the Highways Act 1980.
	54 Power to consent to construction of cellars etc under street.	Section 179 of the Highways Act 1980.
	55 Power to consent to the making of openings into cellars etc under streets, and pavement lights and ventilators.	Section 180 of the Highways Act 1980.
	56 Power to sanction use of parts of buildings for storage of celluloid.	Section 1 of the Celluloid and Cinematograph Film Act 1922 (c 35).
	57 Power to approve meat product premises.	Regulations 4 and 5 of the Meat Products (Hygiene) Regulations 1994 (SI 1994/3082).
	58 Power to approve premises for the production of minced meat or meat preparations.	Regulation 4 of the Minced Meat and Meat Preparations (Hygiene) Regulations 1995 (SI 1995/3205).

-	(1) **Function**	(2) **Provision of Act or Statutory Instrument**
	59 Power to approve dairy establishments.	Regulations 6 and 7 of the Dairy Products (Hygiene) Regulations 1995 (SI 1995/1086).
	60 Power to approve egg product establishments.	Regulation 5 of the Egg Products Regulations 1993 (SI 1993/1520).
	61 Power to issue licences to retail butchers' shops carrying out commercial operations in relation to unwrapped raw meat and selling or supplying both raw meat and ready-to-eat foods.	Schedule 1A to the Food Safety (General Food Hygiene) Regulations 1995 (SI 1995/1763).
	62 Power to approve fish products premises.	Regulation 24 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998 (SI 1998/994).
	63 Power to approve dispatch or purification centres.	Regulation 11 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998.
	64 Power to register fishing vessels on board which shrimps or molluscs are cooked.	Regulation 21 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998.
	65 Power to approve factory vessels and fishery product establishments.	Regulation 24 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998.
	66 Power to register auction and wholesale markets.	Regulation 26 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998.
	67 Duty to keep register of food business premises.	Regulation 5 of the Food Premises (Registration) Regulations 1991 (SI 1991/2828).
	68 Power to register food business premises.	Regulation 9 of the Food Premises (Registration) Regulations 1991.
	69 Power to issue near beer licence.	Sections 16 to 19 and 21 of the London Local Authorities Act 1995 (c x) and, to the extent that it does not have effect by virtue of regulation 2(3), section 25 of that Act.

-	(1) **Function**	(2) **Provision of Act or Statutory Instrument**
	70 Power to register premises or stalls for the sale of goods by way of competitive bidding	Section 28 of the Greater London Council (General Powers) Act 1984 (c xxvii).]
	71 Power to register motor salvage operators.	Part I of the Vehicles (Crime) Act 2001 (c 3).]
	72 Functions relating to the registration of common land and town or village greens.	Part I of the Commons Act 2006 (c 26) and the Commons Registration (England) Regulations 2008 (SI 2008/1961).]
C	**Functions relating to health and safety at work**	
	Functions under any of the "relevant statutory provisions" within the meaning of Part I (health, safety and welfare in connection with work, and control of dangerous substances) of the Health and Safety at Work etc Act 1974, to the extent that those functions are discharged otherwise than in the authority's capacity as an employer.	Part I of the Health and Safety at Work etc Act 1974 (c 37).
D	**Functions relating to elections**	
	1 Duty to appoint an electoral registration officer.	Section 8(2) of the Representation of the People Act 1983 (c 2).
	2 Power to assign officers in relation to requisitions of the registration officer.	Section 52(4) of the Representation of the People Act 1983.
	3 Functions in relation to parishes and parish councils.	Part II of the Local Government and Rating Act 1997 (c 29) and subordinate legislation under that Part.
	4 Power to dissolve small parish councils.	Section 10 of the Local Government Act 1972.
	5 Power to make orders for grouping parishes, dissolving groups and separating parishes from groups.	Section 11 of the Local Government Act 1972.
	6 Duty to appoint returning officer for local government elections.	Section 35 of the Representation of the People Act 1983.

-	(1) **Function**	(2) **Provision of Act or Statutory Instrument**
	7 Duty to provide assistance at European Parliamentary elections.	[Section 6(7) and (8) of the European Parliamentary Elections Act 2002 (c 24).]
	8 Duty to divide constituency into polling districts.	[Sections 18A to 18E of, and Schedule A1 to,] of the Representation of the People Act 1983.
	9 Power to divide electoral divisions into polling districts at local government elections.	Section 31 of the Representation of the People Act 1983.
	10 Powers in respect of holding of elections.	Section 39(4) of the Representation of the People Act 1983.
	11 Power to pay expenses properly incurred by electoral registration officers.	Section 54 of the Representation of the People Act 1983.
	12 Power to fill vacancies in the event of insufficient nominations.	Section 21 of the Representation of the People Act 1985.
	13 Duty to declare vacancy in office in certain cases.	Section 86 of the Local Government Act 1972.
	14 Duty to give public notice of a casual vacancy.	Section 87 of the Local Government Act 1972.
	15 Power to make temporary appointments to parish councils.	Section 91 of the Local Government Act 1972.
	16 . . .	. . .
	17 Power to submit proposals to the Secretary of State for an order under section 10 (pilot schemes for local elections in England and Wales) of the Representation of the People Act 2000.	Section 10 of the Representation of the People Act 2000 (c 2).
	18 Duty to consult on change of scheme for elections.	Sections 33(2), 38 (2) and 40(2) of the 2007 Act.
	19 Duties relating to publicity.	Sections 35, 41 and 52 of the 2007 Act.

-	(1) **Function**	(2) **Provision of Act or Statutory Instrument**
	20 Duties relating to notice to Electoral Commission.	Sections 36 and 42 of the 2007 Act.
	21 Power to alter years of ordinary elections of parish councillors.	Section 53 of the 2007 Act.
	22 Functions relating to change of name of electoral area.	Section 59 of the 2007 Act.]
E	**Functions relating to name and status of areas and individuals**	
	1 Power to change the name of a county, district or London borough.	Section 74 of the Local Government Act 1972.
	2 Power to change the name of a parish.	Section 75 of the Local Government Act 1972.
	3 Power to confer title of honorary alderman or to admit to be an honorary freeman.	Section 249 of the Local Government Act 1972.
	4 Power to petition for a charter to confer borough status.	Section 245b of the Local Government Act 1972.
	EB Functions relating to community governance	
	(1)	**(2)**
	Function	**Provision of Act or Statutory Instrument**
	1 Duties relating to community governance reviews.	Section 79 of the 2007 Act.
	2 Functions relating to community governance petitions.	Sections 80, 83 to 85 of the 2007 Act.
	3 Functions relating to terms of reference of review.	Sections 81(4) to (6).
	4 Power to undertake a community governance review.	Section 82 of the 2007 Act.
	5 Functions relating to making of recommendations.	Sections 87 to 92 of the 2007 Act.
	6 Duties when undertaking review.	Section 93 to 95 of the 2007 Act.

-	(1) **Function**	(2) **Provision of Act or Statutory Instrument**
	7 Duty to publicise outcome of review.	Section 96 of the 2007 Act.
	8 Duty to send two copies of order to Secretary of State and Electoral Commission.	Section 98(1) of the 2007 Act.
	9 Power to make agreements about incidental matters.	Section 99 of the 2007 Act.]
F	**Power to make, amend, revoke, re-enact or enforce byelaws]**	Any provision of any enactment (including a local Act), whenever passed, and section 14 of the Interpretation Act 1978 (c 30).
	FA Functions relating to smoke-free premises, etc	
	(1)	**(2)**
	Function	**Provision of Act or Statutory Instrument**
	1 Duty to enforce Chapter 1 and regulations made under it.	Section 10(3) of the 2006 Act.
	2 Power to authorise officers.	Section 10(5) of, and paragraph 1 of Schedule 2 to, the 2006 Act.
	3 Functions relating to fixed penalty notices.	Paragraphs 13, 15 and 16 of Schedule 1 to the 2006 Act.
		Smoke-free (Vehicle Operators and Penalty Notices) Regulations 2007 (SI 2006/760).
	4 Power to transfer enforcement functions to another enforcement authority.	Smoke-free (Premises and Enforcement) Regulations 2006 (SI 2006/3368).]
G	**Power to promote or oppose local or personal Bills**	Section 239 of the Local Government Act 1972.
H	**Functions relating to pensions etc**	
	1 Functions relating to local government pensions, etc	Regulations under section 7, 12 or 24 of the Superannuation Act 1972 (c 11).
	2 Functions under the Fire-fighters' Pension Scheme relating to	Sections 34 and 36 of the Fire and Rescue Services Act 2004 (c21).

-	**(1)** **Function**	**(2)** **Provision of Act or Statutory Instrument**
	pensions, etc as respects persons employed by fire and rescue authorities pursuant to section 1 of the Fire and Rescue Services Act 2004	
I	**Miscellaneous functions**	
	(1) **Function**	**(2)** **Provision of Act or Statutory Instrument**
	Part I: functions relating to public rights of way	
	1 Power to create footpath[, bridleway or restricted byway] by agreement.	Section25 of the Highways Act 1980 (c66)
	2 Power to create footpaths[, bridleways and restricted byways].	Section 26 of the Highways Act 1980.
	3 Duty to keep register of information with respect to maps, statements and declarations.	Section 31A of the Highways Act 1980.
	4 Power to stop up footpaths[, bridleways and restricted byways].	Section 118 of the Highways Act 1980.
	5 Power to determine application for public path extinguishment order.	Sections 118ZA and 118C(2) of the Highways Act 1980.
	6 Power to make a rail crossing extinguishment order.	Section118A of the Highways Act 1980.
	7 Power to make a special extinguishment order.	Section 118B of the Highways Act 1980.
	8 Power to divert footpaths[, bridleways and restricted byways].	Section 119 of the Highways Act 1980.
	9 Power to make a public path diversion order.	Section 119ZA and 119C($) of the Highways Act 1980.
	10 Power to make a rail crossing diversion order.	Section 119A of the Highways Act 1980.

-	(1) **Function**	(2) **Provision of Act or Statutory Instrument**
	11 Power to make a special diversion order.	Section 119B of the Highways Act 1980.
	12 Power to require applicant for order to enter into agreement.	Section 119C(3) of the Highways Act 1980.
	13 Power to make an SSSI diversion order.	Section 119D of the Highways Act 1980.
	14 Duty to keep register with respect to applications under sections 118ZA, 118C, 119ZA and 119C of the Highways Act 1980.	Section 121B of the Highways Act 1980.
	15 Power to decline to determine certain applications.	Section 121C of the Highways Act 1980.
	16 Duty to assert and protect the rights of the public to use and enjoyment of highways.	Section 130 of the Highways Act 1980.
	17 Duty to serve notice of proposed action in relation to obstruction.	Section 130A of the Highways Act 1980.
	18 Power to apply for variation of order under section 130B of the Highways Act 1980.	Section 130B(7) of the Highways Act 1980.
	19 Power to authorise temporary disturbance of surface of footpath[, bridleway or restricted byway].	Section 135 of the Highways Act 1980.
	20 Power temporarily to divert footpath[, bridleway or restricted byway].	Section 135A of the Highways Act 1980.
	21 Functions relating to the making good of damage and the removal of obstructions.	Section 135B of the Highways Act 1980.
	22 Powers relating to the removal of things so deposited on highways as to be a nuisance.	Section 149 of the Highways Act 1980.
	23 Power to extinguish certain public rights of way.	Section 32 of the Acquisition of Land Act 1981 (c67).

-	(1) **Function**	(2) **Provision of Act or Statutory Instrument**
	24 Duty to keep definitive map and statement under review.	Section 53 of the Wildlife and Countryside Act 1981 (c 69).
	25 Power to include modifications in other orders.	Section 53A of the Wildlife and Countryside Act 1981.
	26 Duty to keep register of prescribed information with respect to applications under section 53(5) of the Wildlife and Countryside Act 1981.	Section 53B of the Wildlife and Countryside Act 1981.
	27	
	28 Power to prepare map and statement by way of consolidation of definitive map and statement.	Section 57A of the Wildlife and Countryside Act 1981.
	29 Power to designate footpath as cycle track.	Section 3 of the Cycle Tracks Act 1984 (c 38).
	30 Power to extinguish public right of way over land acquired for clearance.	Section 294 of the Housing Act 1981 (c 68).
	30A Power to authorise stopping up or diversion of highway.	Section 247 of the Town and Country Planning Act 1990 (c 8).
	31 Power to authorise stopping-up or diversion of footpath[, bridleway or restricted byway].	Section 257 of the Town and Country Planning Act 1990.
	32 Power to extinguish public rights of way over land held for planning purposes.	Section 258 of the Town and Country Planning Act 1990.
	33 Power to enter into agreements with respect to means of access.	Section 35 of the Countryside and Rights of Way Act 2000 (c 37).
	34 Power to provide access in absence of agreement.	Section 37 of the Countryside and Rights of Way Act 2000.
	Part II: other miscellaneous functions	
	35 Functions relating to sea fisheries.	Sections 1, 2, 10 and 19 of the Sea Fisheries Regulation Act 1966 (c 38).

-	(1) **Function**	(2) **Provision of Act or Statutory Instrument**
	36 Power to make standing orders.	Section 106 of, and paragraph 42 of Schedule 12 to the Local Government Act 1972 (c 70).
	37 Power to appoint staff, and to determine the terms and conditions on which they hold office (including procedures for their dismissal).	Section 112 of the Local Government Act 1972.
	38 Power to make standing orders as to contracts.	Section 135 of the Local Government Act 1972.
	39 Duty to make arrangements for proper administration of financial affairs etc.	Section 151 of the Local Government Act 1972.
	40 Power to appoint officers for particular purposes (appointment of "proper officers").	Section 270(3) of the Local Government Act 1972.
	41 Power to make limestone pavement order.	Section 34(2) of the Wildlife and Countryside Act 1982 (c 69).
	42 Power to make closing order with respect to take-away food shops.	Section 4 of the Local Government (Miscellaneous Provisions) Act 1982 (c 30)
	43 Duty to designate officer as the head of the authority's paid service, and to provide staff, etc.	Section 4(1) of the Local Government and Housing Act 1989 (c 42).
	44 Duty to designate officer as the monitoring officer, and to provide staff, etc.	Section 5(1) of the Local Government and Housing Act 1989.
	44A Duty to provide staff, etc to person nominated by monitoring officer.	Sections 82A(4) and (5) of the Local Government Act 2000.
	44B Powers relating to overview and scrutiny committees (voting rights of co-opted members).	Paragraphs 12 and 14 of Schedule 1 to the Local Government Act 2000.
	45 Duty to approve authority's statement of accounts, income and expenditure and balance sheet, or	The Accounts and Audit Regulations 1996 (S1 1996/590).

-	(1) **Function**	(2) **Provision of Act or Statutory Instrument**
	record of payments and receipts (as the case may be).	
	46 Powers relating to the protection of important hedgerows.	The Hedgerows Regulations 1997 (S1 1997/1160).
	47 Powers relating to the preservation of trees.	Sections 197 to 214D of the Town and Country Planning Act 1990, and the Trees Regulations 1999 (S1 1999/1892).
	47A Powers relating to complaints about high hedges.	Part 8 of the Anti-Social Behaviour Act 2003.
	48 Power to make payments or provide other benefits in cases of maladministration etc.	Section 92 of the Local Government Act 2000.
	49 Power to make an order identifying a place as a designated public place for the purposes of police powers in relation to alcohol consumption.	Section 13(2) of the Criminal Justice and Police Act 2001 (c 16).
	50 Power to make or revoke an order designating a locality as an alcohol disorder zone.	Section 16 of the Violent Crime Reduction Act 2006 (c 38).
	51 Power to apply for an enforcement order against unlawful works on common land.	Section 41 of the Commons Act 2006.
	52 Power to protect unclaimed registered common land and unclaimed town or village greens against unlawful interference.	Section 45(2)(a) of the Commons Act 2006.
	53 Power to institute proceedings for offences in respect of unclaimed registered common land and unclaimed town or village greens.	Section 45(2)(b) of the Commons Act 2006.

TABLE 3

Responsibility for Local Choice Functions

-	Function	Decision making body
1.	Any function under a local Act other than a function specified or referred to in regulation 2 or Schedule 1	Leader / Executive
2.	The determination of an appeal against any decision made by or on behalf of the Authority	General Purposes Committee Appeals & Grievances Panel Strategic Directors *In accordance with terms of reference/delegated authority*
3.	The appointment of review boards under regulations under subsection (4) of section 34 (determination of claims and reviews) of the Social Security Act 1998	Council
4.	The discharge of any function relating to the control of pollution or the management of air quality	Leader / Executive
5.	The service of an abatement notice in respect of a statutory nuisance	Leader / Executive
6.	The passing of a resolution that Schedule 2 to the Nuisance and Statutory Nuisance Act 1993 should apply in the authority's area	Leader / Executive
7.	The inspection of the authority's area to detect any statutory nuisance	Leader / Executive
8.	The investigation of any complaint as to the existence of a statutory nuisance	Leader / Executive
9.	The obtaining of particulars of persons interested in land under section 16 of the Local Government (Miscellaneous Provisions) Act 1976	Leader / Executive
10	The appointment of any individual officer –	Council (if Council business) Executive (if an Executive function)

-	Function	Decision making body
	(a) to any office other than an office in which he/she is employed by the authority (b) to any body other than: (i) the authority; (ii) a joint committee of two or more authorities; or (c) to any committee or sub-committee of such a body, and the revocation of any such appointment.	
11	The making of agreements with other local authorities for the placing of staff at the disposal of those other authorities	Leader / Executive
12	Functions under S.106, 110 & 113 of the Local Government and Public Involvement in Health Act 2007 relating to Local Area Agreements	Leader / Executive

TABLE 4

FUNCTIONS NOT TO BE THE SOLE RESPONSIBILITY OF THE LEADER / EXECUTIVE

1.	Best Value Performance Plan	Section 6(1) Local Government Act 1999 (c27)
2.	Crime and Disorder Reduction Strategy	Sections 5 and 6 Crime and Disorder Act 1998 (c37)
3.	Development Plan Documents	Section 15 Planning and Compulsory Purchase Act 2004
4.	Licensing Authority Policy Statement	Section 349 Gambling Act 2005
5.	Plans and alterations which together comprise the Development Plan	Section 45 Town and Country Planning Act 1990 (c8)
6.	Sustainable Community Strategy	Section 4 Local Government Act 2000

1. The Leader / Executive is responsible for formulating or preparing the plans in the above table and then submitting them to the Council for adoption or approval.

2. The Leader / Executive or a member of the Executive may not in relation to those plans or strategies listed above do the following:

    a. Give an instruction requiring the Leader / Executive to reconsider any draft plan or strategy submitted by the Leader/ Executive for consideration by the Council;
    b. Amend any draft plan or strategy submitted by the Leader / Executive for consideration by the Council;
    c. Approve, for the purpose of its submission to the Secretary of State for independent examination, a development plan document;
    d. Approve, for the purposes of its submission to the Secretary of State or any Minister of the Crown for his or her approval, any such plan or strategy required to be so submitted for approval; nor
    e. Adopt with or without modification the plan or strategy.

3. The Leader / Executive may amend, modify, revise, vary, withdraw or revoke any such plan or strategy only where such amendment, modification, revision, variation, withdrawal or revocation is:

a. Required for giving effect to any requirements of the Secretary of State or a Minister of the Crown in relation to any such plan or part thereof submitted to him or her for approval; or
b. In the case of Development Plan Documents recommended by the person carrying out an independent examination of any such document.

4. The Leader / Executive may make an application:

   a. Under subsection (5) of section 135 (programmes for disposals) of the Leasehold Reform, Housing and Urban Development Act 1993 for the inclusion of a disposal in a disposal programme; and
   b. For consent to that disposal under section 32 (power to dispose of land held for the purposes of Part II) or section 43 (consent required for certain disposals not within section 32) of the Housing Act 1985.

   PROVIDED that the Council has authorised the making of such an application.

5. The following shall, subject to paragraph 6 below, be the responsibility of the Council, to make any calculation required to be made in accordance with sections 32 to 37, 43 to 49, 521, 52J, 52T and 52U of the Local Government Finance Act 1992 whether originally or by way of substitute.
6. In relation to those functions listed in the paragraph above the Leader / Executive may:

   a. Prepare estimates of the amounts to be aggregated in making the calculation or of other amounts to be used for the purposes of the calculation and estimates of the calculation for submission to the appropriate part of the Council for consideration;
   b. Prepare the amounts required to be stated in the precept for submission to the appropriate part of the Council for consideration;
   c. Reconsider those estimates and amounts in accordance with the Council's requirements; and
   d. Submit for the consideration by the appropriate part of the Council the revised estimates and amounts.

7. The discharge of functions under Sections 28 to 31 of the Planning and Compulsory Purchase Act 2004 (joint local development documents and joint committees) shall, subject to paragraph 8 below, be the responsibility of the Leader / Executive.

8. In relation to the functions listed in paragraph 7 above the Leader / Executive may not:

a. Make an agreement to prepare one or more joint development plan documents;
b. Make an agreement to establish a joint committee to be, for the purposes of Part 2 (local development) of the 2004 Act, the local planning authority;
c. Where the authority is a constituent authority to a joint committee, make an agreement that the joint committee is to be, for the purposes of Part 2 of the 2004 Act, the local planning authority for any area or matter which is not the subject of an order under section 29 of the 2004 Act or an earlier agreement under section 30 of the 2004 Act; or
d. Make a request to the Secretary of State for the revocation of an order constituting a joint committee as the local planning authority for any area or in respect of any matter.

9. Where a function which is subject to an Order made under section 70 of the Deregulation and Contracting Out Act 1994 is the responsibility of the Leader / Executive, then the Executive may authorise another person to exercise that function and may revoke any such authorisation.

10. Where a function which is subject to an Order made under section 70 of the Deregulation and Contracting Out Act 1994 is not the responsibility of the Leader / Executive then the Executive may not authorise another person to exercise that function and may not revoke any such authorisation.