



Enquiries to:

Kelly Baxter

Direct Dial: 024 7637 6619

Direct Email:

kelly.baxter@nuneatonandbedworth.gov.uk

Date: 8th May 2025

Our Ref: KB

Dear Sir/Madam,

Annual Council – 14th May 2025

I refer to item no 10a, 10b, 10c, 10e, 11 and 13 on the Agenda for the meeting of Annual Council on Wednesday, 14th May 2025 and attach the Cabinet Appointments, the Composition and Membership of Committees, the Appointment of Co-opted Members, and Changes to Portfolios, Terms of References and Member Allowances report and the Scheme of Delegation marked 'to follow' on the agenda.

Yours faithfully,

TOM SHARDLOW
Chief Executive

To: Members of the Council

AGENDA ITEM No. 10a

THE CABINET (2025/2026)

RECOMMENDED that the Cabinet appointments made by the Leader be noted.

Portfolio Holder	Member Appointed
Leader - Housing	Councillor C. Watkins
Deputy Leader - Resources and Central Services	Councillor S. Hey
Business and Regeneration	Councillor N. King
Planning and Enforcement	Councillor T. Venson
Leisure and Health	Councillor B. Hughes
Communities and Public Services	Councillor K. Price

NUNEATON AND BEDWORTH BOROUGH COUNCIL

**COMPOSITION OF COMMITTEES AND
OVERVIEW AND SCRUTINY PANELS
(2025/2026)**

RECOMMENDED that it be noted that having regard to the provisions relating to political balance, the composition of the following Committees/Scrutiny Panels be as indicated below:

Committee	Seats to Allocate	Conservative	Labour	Green	Total Membership
Business, Regeneration & Planning OSP (Excl co-optees)	9	4	5	0	9
Health and Corporate Resources OSP (Excl co-optees)	9	4	4	1	9
Environment and Leisure OSP (Excl co-optees)	9	4	5	0	9
Housing and Communities OSP (Excl co-optees)	9	4	5	0	9
Audit & Standards (Excl co-optees)	11	5	5	1	11
Planning	11	5	5	1	11
Licensing	11	5	5	1	11
Appeals	10	4	5	1	10
Shareholder Committee	6	3	3	0	6
Officer Remuneration Panel	5	2	3	0	5
Borough Plan	9	4	5	0	9
Total	99	44	50	5	99

NUNEATON AND BEDWORTH BOROUGH COUNCIL

**MEMBERSHIP OF COMMITTEES AND OVERVIEW AND
SCRUTINY PANELS (2025/2026)**

RECOMMENDED that:

(a) the membership of committees/scrutiny panels for 2025/2026 be as follows and the Chairs and Vice-chairs be appointed as indicated:

Appeals (10)

Councillors: M. Bird, C. Phillips, J. Collett, S. Croft, C. Smith, M. Etienne, B. Hancox, J. Sheppard, T Sheppard and M. Wright.

Notes:

1. 5 members will be selected from the pool as required.
2. The Chair will be appointed at each particular meeting.

Audit and Standards Committee (11)

Councillor J. Bonner (Chair),
Councillor D. Brown (Vice-chair)

Councillors: A. Bull, T. Cooper, L. Cvetkovic, B. Hancox, J. Hartshorn, T. Jenkins, W. Markham, C. Smith and M. Wright.

Licensing (11)

Councillor T. Sheppard (Chair),
Councillor J. Gutteridge (Vice-Chair)

Councillors: M. Bird, J. Bonner J. Clarke, S. Croft, M. Etienne, B. Hughes, T. Jenkins, N. King, and M. Wright.

Planning Applications (11)

Councillor B. Hancox (Chair),
Councillor L. Cvetkovic (Vice-Chair)

Councillors: E. Amaechi, S. Dhillion, P. Hickling, M. Kondakor, S. Markham, W. Markham, J. Sheppard, R. Smith and K. Wilson.

Business, Regeneration and Planning Overview and Scrutiny (9)

Councillor P. Hickling (Chair)
Councillor J. Clarke (Vice-Chair)

Councillors: E. Amaechi, M. Bird, D. Brown, A. Bull, C. Phillips, B. Saru and R. Smith.

Environment and Leisure Overview and Scrutiny (9)

Councillor J. Sheppard (Chair)
Councillor M. Walsh (Vice-Chair)

Councillors: A. Bull, J. Collett, C. Smith, J. Gutteridge, S. Markham, C. Phillips and B. Saru.

Health and Corporate Resources Overview and Scrutiny (9)

Councillor S. Dhillon (Chair)
Councillor J. Hartshorn (Vice-Chair)

Councillors: J. Bonner, C. Smith, T. Jenkins, M. Kondakor, S. Markham, W. Markham and B. Pandher.

Housing and Communities Overview and Scrutiny (9)

Councillor C. Phillips (Chair)
Councillor M. Etienne (Vice-Chair)

Councillors: E. Amaechi, M. Bird, T. Cooper, S. Dhillon, B. Pandher, B. Saru and C. Smith.

Borough Plan (9)

Councillor T. Venson (Chair)
Councillors: A. Bull, L. Cvetkovic, T. Jenkins, C. Smith, R. Smith, M. Walsh, C. Watkins and K. Wilson.

Officer Remuneration Panel (5)

Councillor S. Hey (Chair)
Councillors: D. Brown, B. Hughes, C. Smith and K. Wilson.

Shareholder Committee (6)

Councillor J. Sheppard (Chair)
Councillors: J. Clarke, J. Gutteridge, S. Hey, N. King, and M. Walsh

APPOINTMENT OF CO-OPTED MEMBERS

RECOMMENDED that the Co-opted members be appointed and recruitments progressed for vacant roles as follows:

Audit and Standards Committee

Vacancy

Health and Corporate Resources Overview and Scrutiny Panel

Mrs D. Ross

Business, Regeneration and Planning Overview and Scrutiny Panel

Vacancy

Housing and Communities Overview and Scrutiny Panel

Vacancy

Environment and Leisure Overview and Scrutiny

Vacancy

NUNEATON AND BEDWORTH BOROUGH COUNCIL

Report to: Annual Council – 14th May 2025

From: Monitoring Officer

Subject: Changes to the arrangements to Executive Arrangements; Overview & Scrutiny Panels and Committees and Special Responsibility Allowances.

1. Purpose of Report

1.1 To recommend changes to the Constitution at the start of the new municipal year.

2. Recommendation

2.1 The proposed changes to the Portfolio's set out in 3.2.1 and Appendix A of the report be approved and the Constitution amended accordingly;

2.2 The proposed changes to the Overview & Scrutiny Arrangements in Article 6 of the Constitution as shown in Appendix B be approved and the Constitution be amended accordingly;

2.3 The Special Responsibilities Allowances at Appendix C be noted and SCHEDULE I of the Members Allowances Scheme be updated in the Constitution; and

2.4 Delegated authority be given to the Strategic Director – Corporate Resources and Assistant Director – Finance to realign the Council's budget in accordance with the revised Executive arrangements in Appendix A, in consultation with the Leader of the Council and the portfolio-holder for Resources and Central Services.

3. Background

3.1 In anticipation of the start of the Municipal Year, the Leader of the Council has requested, amendments to the Constitution. It is necessary to do this now to commence from the start of the Municipal Year.

3.2 In brief, the proposals are:

3.2.1. To amend the Portfolio's to the following:

- a) Housing**
- b) Resources and Central Services**
- c) Leisure and Health**
- d) Communities and Public Services**
- e) Business and Regeneration**
- f) Planning and Enforcement**

Further information and a full breakdown can be found in Appendix A.

- 3.2. To alter the Executive Arrangements reallocating responsibilities between portfolios. This is reserved to the Leader by the Local Government Act 2000 (as amended by the Localism Act 2011) but Council will need to amend the Constitution to reflect the changes;
- 3.3. To amend the arrangements for Overview and Scrutiny, as shown in Appendix B;
- 3.4. To note and approve the recommendations related to the Special Responsibilities Allowances at Appendix C, including the Constitution to be amended, noting the Full Council Decision in December 2024 following the recommendations contained in the report from the Independent Remuneration Panel.

Changes to Executive Arrangements: Appendix A

Portfolio	Responsibilities and Services
Business and Regeneration	<ul style="list-style-type: none"> • Transforming Nuneaton • Transforming Bedworth • Town Centre Regeneration • Town Centres and Marketing (including markets) • Tourism and Twinning • Economic Development • Sub Regional and Regional Partnerships • Car parks, bus shelters, bus station and CCTV • Public conveniences • Estates including land and property • Facilities Maintenance
Planning and Enforcement	<ul style="list-style-type: none"> • Development Control and Planning Policy • Borough Plan • Building Control • Street names • Highway Agency arrangements • Land drainage • Health and Safety (Internal to NBBC Operations) • Public Spaces Protection Orders • Environmental Health to include food safety, pest control, dog fouling and strays and health and safety enforcement (external to NBBC operations) • Fly Tipping (Enforcement) • Licensing Policy • Abandoned vehicles • Climate Change/ Environmental Sustainability
Resources and Central Services	<ul style="list-style-type: none"> • Council Budget • Finance • Procurement • Revenues and Benefits • Audit and Performance • Legal • Elections • Equalities • Insurance • Democratic Services including Mayoralty • Emergency Planning • Communications • Customer Services

Portfolio	Responsibilities and Services
	<ul style="list-style-type: none"> • IT • Business Support HR
Housing	<ul style="list-style-type: none"> • Housing Revenue Account operation • Strategic Housing and Homelessness • Private Sector Housing, drainage, accumulations of rubbish • HEART
Leisure, Communities and Health	<ul style="list-style-type: none"> • Grounds maintenance and parks • Allotments • Cemeteries and crematoria (cemetery officer under Corporate Resources) • Museum and art galleries • Leisure and strategies • Culture • Amenity lighting in parks and open spaces • Health
Communities and Public Services	<ul style="list-style-type: none"> • Refuse Collection • Street Cleansing • Recycling • Litter control (collection) • Drainage, Sanitation and accumulations of rubbish • Sub-Regional MRF • Community Centres and strategies • Grants to Voluntary Sector • NABSCOP

PART 3 - RESPONSIBILITY FOR FUNCTIONS

3 TERMS OF REFERENCE FOR INDIVIDUAL PORTFOLIOS

Housing (Leader of the Council)

In the Council's Corporate Plan Key Themes of particular importance to this Portfolio holder are:

We want to make our borough a place where our residents enjoy living and in which others choose to make their home.

Enable appropriate housing development

Improve the physical environment

Terms of Reference

- As Leader of the Council, fulfil all roles required of him/her.
- Chair the Cabinet.
- Housing Revenue Account operation
- Strategic Housing and Homelessness
- Private Sector Housing, drainage, accumulations of rubbish
- HEART

Job Description

- Oversee and have responsibility for all aspects of his/her Terms of Reference that affect the Borough, its residents, or its stakeholders.
- Assess and keep under review the housing needs of the area, and secure so far as possible a provision of housing stock that meets that need.
- Oversee the Council's housing stock.
- Fulfil the Council's statutory obligations in regard to homelessness.
- Undertake the provision of grants for renovation and for the adaptation of property for disabled people.
- Ensure the efficiency, effectiveness and economy in relation to the services within his/her Terms of Reference.

Within the matters of his/her Terms of Reference, monitor budgets, Service Development Plans, best value and establishment change.

Anything not falling within any other Portfolio holder's Terms of Reference.

Resources and Central Services [Deputy Leader of the Council]

In the Council's Corporate Plan, the Themes of particular importance to this Portfolio holder are:

We want to make our borough a place where our residents enjoy living and in which others choose to make their home

Embrace new and emerging technology

Support local businesses

Champion education and skills

Terms of Reference

- Council Budget
- Finance
- Procurement
- Revenues and Benefits
- Audit and Performance
- Legal
- Elections
- Equalities
- Insurance
- Democratic Services including Mayoralty
- Emergency Planning
- Communications
- Customer Services
- IT
- Business Support HR

Job Description

- Oversee and have responsibility for all aspects of his/her Terms of Reference that affect the Borough, its residents or its stakeholders.
- Promote equality of opportunity and work towards the elimination of unfair discrimination.
- Promote the effective deployment of Information and Communication Technology.
- Monitor the Council's financial position.
- Ensure the efficiency, effectiveness and economy in relation to the services within his/her Terms of Reference.

Within the matters of his/her Terms of Reference, monitor budgets, Service Plans, best value and establishment change.

Communities and Public Services

In the Council's Corporate Plan the Key Themes and Priorities of particular importance to this Portfolio holder are:

We want to make our borough a place where our residents enjoy living and in which others choose to make their home

Promote residents' health and wellbeing

Improve the physical environment

Sponsor a sustainable green approach

Embrace new and emerging technology

Support local businesses

Terms of Reference

- Refuse Collection
- Street Cleansing
- Recycling
- Litter control (collection)
- Drainage, sanitation and accumulations of rubbish
- Sub-Regional MRF
- Community Centres and strategies
- Grants to Voluntary Sector
- NABSCOP

Job Description

- Oversee and have responsibility for all aspects of his/her Terms of Reference that affect the Borough, its residents or its stakeholders.
- Promote events and activities within his/her Terms of Reference
- Enhance opportunities for sports, leisure and recreational activities at an affordable price.
- Develop an integrated programme of work to improve the health and wellbeing of local people.
- Ensure the efficiency and effectiveness and economy in relation to the services within his/her Terms of Reference.

Within the matters of his/her Terms of Reference, monitor budgets, Service Development Plans, best value and establishment change.

Planning and Enforcement

In the Council's Corporate Plan, the Themes of particular importance to this Portfolio holder are:

We want to make our borough a place where our residents enjoy living and in which others choose to make their home.

Enable appropriate housing development

Improve the physical environment

Create vibrant and diverse town centres

Stimulate regeneration

Celebrate and promote our heritage

Enable appropriate housing development

Improve the physical environment

Terms of Reference

- Development Control and Planning Policy
- Borough Plan
- Building Control
- Street names
- Highway Agency arrangements
- Land drainage
- Health and Safety (Internal to NBBC Operations)
- Public Spaces Protection Orders
- Environmental Health to include food safety, pest control, dog fouling and strays and health and safety enforcement (external to NBBC operations)
- Fly Tipping (Enforcement)
- Licensing Policy
- Abandoned vehicles
- Climate Change/ Environmental Sustainability

Job Description

- Oversee and have responsibility for all aspects of his/her Terms of Reference that affect the Borough, its residents or its stakeholders.
- Develop and review priority neighbourhood strategies for creating and sustaining employment opportunities.
- Ensure the efficiency, effectiveness and economy in relation to the services within his/her Terms of Reference.

Within the matters under his/her Terms of Reference, monitor budgets, Service Development Plans, best value and establishment change.

Business and Regeneration

In the Council's Corporate Plan the Key Themes of particular importance to this Portfolio holder are:

Create vibrant and diverse town centres

Stimulate regeneration

Grow a strong and inclusive economy

Support local businesses

We want to make our borough a place where our residents enjoy living and in which others choose to make their home.

Terms of Reference

- Transforming Nuneaton
- Transforming Bedworth
- Town Centre Regeneration
- Town Centres and Marketing (including markets)
- Tourism and Twinning
- Economic Development
- Sub Regional and Regional Partnerships
- Car parks, bus shelters, bus station and CCTV
- Public conveniences
- Estates including land and property
- Facilities maintenance

Within the matters of his/her Terms of Reference, monitor budgets, Service Development Plans, best value and establishment change.

Leisure and Health

In the Council's Corporate Plan the Key Themes and Priorities of particular importance to this Portfolio holder are:

We want to make our borough a place where our residents enjoy living and in which others choose to make their home

Promote residents' health and wellbeing

Improve the physical environment

Celebrate and promote our heritage

Prioritise community safety and empowerment

Terms of Reference

- Grounds maintenance and parks
- Allotments
- Cemeteries and crematoria (cemetery officer under Corporate Resources)
- Museum and art galleries
- Leisure and strategies
- Culture
- Amenity lighting in Parks and Open Spaces
- Health

Job Description

- Oversee and have responsibility for all aspects of his/her Terms of Reference that affect the Borough, its residents or its stakeholders.
- Maintain leisure, sports recreational, arts and cultural facilities within the Borough.
- Maintain and develop the Passport to Leisure Scheme
- Enhance opportunities for sports, leisure and recreational activities at an affordable price.
- Ensure the efficiency, effectiveness and economy in relation to the services within his/her Terms of Reference.

Within the matters of his/her Terms of Reference, monitor budgets, Service Development Plans, best value and establishment change.

Changes to Overview & Scrutiny Arrangements: Appendix B

<i>Business, Regeneration & Planning Overview and Scrutiny Panel</i>	<i>Portfolio</i>
<ul style="list-style-type: none"> • <i>Transforming Nuneaton</i> • <i>Transforming Bedworth</i> • <i>Town Centre Regeneration</i> • <i>Town Centres and Marketing (including markets)</i> • <i>Tourism and Twinning</i> • <i>Economic Development</i> • <i>Sub Regional and Regional Partnerships</i> • <i>Car parks, bus shelters, bus station and CCTV</i> • <i>Public conveniences</i> • <i>Estates including land and property</i> • <i>Facilities Maintenance</i> 	<i>Business & Regeneration</i>
<ul style="list-style-type: none"> • <i>Development Control and Planning Policy</i> • <i>Borough Plan</i> • <i>Building Control</i> • <i>Street names</i> • <i>Highway Agency arrangements (A5 Partnership)</i> • <i>Land drainage</i> • <i>Health and Safety (Internal to NBBC Operations)</i> • <i>Public Spaces Protection Orders</i> • <i>Environmental Health to include food safety, pest control, dog fouling and strays and health and safety enforcement (external to NBBC operations)</i> • <i>Fly Tipping (Enforcement)</i> • <i>Licensing Policy</i> • <i>Abandoned vehicles</i> 	<i>Planning and Enforcement</i>

<i>Housing and Communities Overview and Scrutiny Panel</i>	<i>Portfolio</i>
<ul style="list-style-type: none"> • <i>Housing Revenue Account operation</i> • <i>Strategic Housing and Homelessness</i> • <i>Private Sector Housing, drainage, accumulations of rubbish</i> • <i>HEART</i> 	<i>Housing</i>
<ul style="list-style-type: none"> • <i>Communities</i> • <i>Grants to Voluntary Sector</i> • <i>Communities and Community Centres</i> • <i>NABSCOP</i> 	<i>Communities and Public Services</i>

Continued...

Environment and Leisure Overview and Scrutiny Panel	Portfolio
<ul style="list-style-type: none"> • Grounds maintenance and parks • Allotments • Cemeteries and crematoria • Museum and art galleries • Leisure and strategies • Amenity lighting in Parks and Open Spaces • Culture 	<i>Leisure and Health</i>
<ul style="list-style-type: none"> • Refuse Collection • Street Cleansing • Recycling • Litter control (collection) • Sub-Regional MRF • Amenity lighting • Drainage, sanitation and accumulations of rubbish 	<i>Communities and Public Services</i>
<ul style="list-style-type: none"> • Climate Change and Environmental Sustainability 	<i>Planning and Enforcement</i>

Health and Corporate Resources Overview and Scrutiny Panel	Portfolio
<ul style="list-style-type: none"> • Health 	<i>Leisure and Health</i>
<ul style="list-style-type: none"> • Council Budget • Finance • Procurement • Revenues and Benefits • Audit and Performance • Legal • Elections • Equalities • Insurance • Democratic Services including Mayoralty • Emergency Planning • Communications • Customer Services • IT • Business Support & HR 	<i>Resources and Central Services</i>

Special Responsibilities Allowances: Appendix C

Responsibility	Rate
Basic Allowance	£5,870
Leader of the Council (1)	£14,675
Deputy Leader of the Council (1)	£8,805
Cabinet Members	£7,338
Chairs – Scrutiny Panels	£3,669
Chair – Planning Committee	£5,136
Chair – Licensing Committee	£1,468
Chair – Audit and Standards Committee	£4,403
Leader of the Political Group, which is not the controlling Group, or if there are more than two Political Groups, the Leader of the larger or largest of the Groups other than the controlling Group. In the event of there being two Political Groups other than the controlling Group, of equal size, the allowance shall be split equally between the Leaders of those two Groups.	£3,669
All Members – Allowance for Use of Telephone	£240
Co-Opted Member	£350
Independent Persons – per half day session (no longer than four hours)	£30.83

- i. As recommended by the Independent Remuneration Panel to Full Council and approved by Full Council 11th December 2024.
- ii. One-SRA only rule is maintained and stipulated to avoid confusion.
- iii. Basic Allowance, SRAs, Co-optees' Allowances and the Telephone Allowance: Indexed to the annual percentage salary increase for local government staff set at SCP 43 to be applied for the same year that applies to staff.
- iv. Subsistence Allowances: Indexed to the same rates that apply to staff.
- v. Travel Allowance – Mileage Rates: Indexed to HMRC approved mileage rates for motor, hybrid and electric vehicles, motor cycles and bicycles.
- vi. Dependants' Carers' Allowance – Maximum Rates:
 - a. Childcare element: indexed to the 'national living wage' hourly rate.

- b. Elderly or Other Dependant Relatives element: indexed to median hourly rate charged by Warwickshire County Council Social Services Department Adult Social Care for home help.
- vii. For the avoidance of doubt, the allowance for the Mayor (£5,000) and Deputy Mayor (£1,000) is not a Special Responsibility Allowance and therefore falls outside of the scheme (the allowances determined as part of the 2018/2019 budget setting report). Therefore, these allowances are fixed (not subject to indexation) and also fall outside scope of the one SRA rule. Please note, as per the Local Government Act 1972, the Mayor cannot be a member of Cabinet.

3A RESPONSIBILITY FOR LOCAL CHOICE FUNCTIONS

Table 4 – Responsibility for Local Choice Function

<i>Item</i>	<i>Decision Making Body</i>
Any function under a local Act other than a function specified or referred to in Regulation 2 or Schedule 1 of The Local Authorities (Functions and Responsibilities) (England) Regulations 2000	Full Council
The determination of an appeal against any decision made by or on behalf of the Authority	Appeals Committee
The appointment of Review Boards under Regulations under Subsection (4) of Section 34 (Determination of Claims and Reviews) of The Social Security Act 1998	Full Council
The making of arrangements pursuant to subsection (1) of Section 67 of, and Schedule 18 to, the 1998 Act (appeals against exclusion of pupils)	County function
The making of arrangements pursuant to Section 94(1) (1A) and (4) of, and Schedule 24 to the 1998 Act (admission appeals)	County function
The making of arrangements pursuant to Section 95(2), the 1998 Act (children to whom section 87 applies; appeals by governing bodies)	County function
The making of arrangements under Section 20 (questions on Police matters at Council meetings) of The Police Act 1996 for enabling questions to be put on the discharge of the functions of a Police Authority	County function
The making of appointments under paragraphs 2 to 4 (appointment of Members by relevant Councils) of Schedule 2 (Police authorities established under Section 3) to The Police Act 1996	County function
The conducting of best value reviews in accordance with the provisions of any Order for the time being having effect under Section 5 (Best Value Reviews) of The Local Government Act 1999	Overview & Scrutiny Panels conducting Reviews and making recommendations to Full Council for decision.
Any function relating to contaminated land	Cabinet and Assistant Director - Environment & Enforcement

<i>Item</i>	<i>Decision Making Body</i>
The discharge of any function relating to the control of pollution or the management of air quality	Cabinet and Assistant Director - Environment & Enforcement
The service of an Abatement Notice in respect of a statutory nuisance	Assistant Director - Environment & Enforcement and Assistant Director - Strategic Housing
The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the Authority's area	Cabinet
The inspection of the Authority's area to detect any statutory nuisance	Assistant Director - Environment & Enforcement and Assistant Director - Strategic Housing
The investigation of any complaint as to the existence of a statutory nuisance	Assistant Director - Environment & Enforcement and Assistant Director - Strategic Housing
The obtaining of information under Section 330 of the Town and Country Planning Act 1990 as to interests in land	Assistant Director - Planning
The obtaining of particulars of persons interested in land under Section 16 of The Local Government (Miscellaneous Provisions) Act 1976	All Assistant Directors
The making of agreements for the execution of highways works	Assistant Director - Social Housing & Community Safety
The appointment of any individual: a) to any office other than an office in which he is employed by the Authority to any body other than:- i. the Authority ii. a joint Committee of two or more authorities; or b) to any Committee or Sub-Committee of such a body, and the revocation of any such appointment	Full Council or, if A4.3(f) applies, the Cabinet

3B RESPONSIBILITY FOR COUNCIL FUNCTIONS

List of functions which cannot be discharged by the Executive

N.B. Where appropriate, functions in this table include the imposition of conditions, limitations, restrictions or other terms on any approval, consent, licence, permission or registration; amending, deleting and revoking the same; and dealing with enforcement of such functions.

NB

"TCPA90"	=	Town and Country Planning Act 1990
"LBA90"	=	Planning (Listed Buildings and Conservation Areas) Act 1990
"TCP"	=	Town and Country Planning
"LGA"	=	Local Government Act
"LAFRER"	=	Local Authorities (Functions and Responsibilities) (England) Regulations 2000
"LGMPA"	=	Local Government (Miscellaneous Provisions) Act
"Pigs Order"	=	Pigs (Records, Identification and Movement) Order 1995 (si 1995/11)
"RPA"	=	Representation of the People Act.
"LGPIH"	=	Local Government and Public Involvement in Health Act 2007

Table 5 – Responsibility for Council Functions

Statutory Provision	Function	Who Discharges
S.18 Local Government and Housing Act 1989	Making, amending, revoking or replacing a scheme for Members allowances and fixing the rate of allowances thereunder.	Full Council
Ss.3(5), 5(4), 173, 175 LGA '72	Determining miscellaneous Member allowances.	Full Council

Statutory Provision	Function	Who Discharges
Reg 2(5) LAFRER	Whether and what amount of charge should be made for any approval, consent, licence, permit or registration which is not an Executive function	The relevant body or person according to the function involved
S.102 LGA 1972	Appointments to Committees	Full Council
Reg 2(11) LAFRER	Any function of a Local Authority expressed in previous legislation as being only by an authority	Full Council
The Gambling Act 2005	Final approval of three year Licensing Policy	Full Council
	Policy not to permit casinos	Full Council
A. Functions Relating to Town and Country Planning and Development Control		
S 70(1)(a) and (b) and S 72, TCPA90(c8)	1. Power to determine application for planning permission	Planning Applications Committee
S 73, TCPA90.	2. Power to determine applications to develop land without compliance with conditions previously attached	Planning Applications Committee
S 73A, TCPA90.	3. Power to grant planning permission for development already carried out	Planning Applications Committee
S 70A, TCPA90.	4. Power to decline to determine application for planning permission	Planning Applications Committee

Statutory Provision	Function	Who Discharges
Ss 69, 76 and 92, TCPA90 and Articles 8, 10 to 13, 15 to 22 and 25 and 26, TCP (General Development Procedure) Order 1995 and directions thereunder.	5. Duties relating to the making of determinations of planning applications	Planning Applications Committee
S 316, TCPA90 and TCP General Regulations 1992.	6. Power to determine application for planning permission made by a Local Authority, alone or jointly with another person	Planning Applications Committee
Parts 6, 7, 11, 17, 19 to 24, 26, 30 and 31 of Sched 2 to the TCP (General Permitted Development) Order 1995.	7. Power to make determinations, give approvals and agree certain other matters relating to the exercise of permitted development rights	Planning Applications Committee
S 106, TCPA90.	8. Power to enter into agreement regulating development or use of land	Planning Applications Committee
Ss 191(4) and 192(2), TCPA90	9. Power to issue a certificate of existing or proposed lawful use or development	Planning Applications Committee
S 94(2), TCPA90.	10. Power to serve a Completion Notice	Planning Applications Committee
S 220, TCPA90 and TCP (Control of Advertisements) Reg 1992.	11. Power to grant consent for the display of advertisements	Planning Applications Committee
S 196A, TCPA90.	12. Power to authorise entry onto land	Planning Applications Committee

Statutory Provision	Function	Who Discharges
S 102, TCPA90.	13. Power to require the discontinuance of a use of land	Planning Applications Committee
Ss 171C, 187A and 183(1) TCPA90.	14. Power to serve a Planning Contravention Notice, Breach of Condition Notice or Stop Notice	Planning Applications Committee
Section 171E, TCPA90	15a Power to issue a temporary Stop Notice	Planning Applications Committee
S 172, TCPA90.	16. Power to issue an Enforcement Notice	Planning Applications Committee
S 187B, TCPA90	17. Power to apply for an injunction restraining a breach of planning control	Planning Applications Committee
Ss 9(1) and 10, Planning (Hazardous Substances) Act 1990.	18. Power to determine applications for hazardous substances consent, and related powers	Planning Applications Committee
Para. 2(6)(a) of, and Sched 2 to the Planning and Compensation Act 1991, para. 9(6) of Sched 13, Environment Act 1995 and para 6(5) of Sched 14 to that Act.	19. Duty to determine conditions to which old mining permissions, relevant planning permissions relating to dormant sites or active Phase I or II sites, or mineral permissions relating to mining sites, as the case may be, are to be subject	Planning Applications Committee
S 215(1), TCPA90.	20. Power to require proper maintenance of land	Planning Applications Committee

Statutory Provision	Function	Who Discharges
Ss 16(1) and (2), 17, and 33(1), LBA90	21. Power to determine application for Listed Building Consent, and related powers	Planning Applications Committee
S 16(1), LBA90, as applied by S74(3) of that Act	22. Power to determine applications for Conservation Area Consent	Planning Applications Committee
S13(1) and 14(1) and (4) of the LBA90 and Reg 3 to 6 and 13, of the Planning (Listed Buildings and Conservation Areas) Reg 1990 (SI 1990/1519) and para 8, 15 and 26 Department of the Environment, Transport and the Regions Circular 01/01.	23. Duties relating to applications for Listed Building Consent and Conservation Area Consent	Planning Applications Committee
Ss 3(1) and 4(1), LBA90.	24. Power to serve a Building Preservation Notice, and related powers	Planning Applications Committee
S 38, LBA90	25. Power to issue an Enforcement Notice in relation to demolition of a [listed] building in conservation area	Planning Applications Committee
Ss 47 and 48, LBA90	26. Powers to acquire a listed building in need of repair and to serve a Repairs Notice	Planning Applications Committee
S 44A, LBA90	27. Power to apply for an injunction in relation to a listed building	Planning Applications Committee

Statutory Provision	Function	Who Discharges
S 54, LBA90	28. Power to execute urgent works	Planning Applications Committee
B. Licensing and Registration Functions		
S 3(3) Caravan Sites and Control of Development Act 1960	1. Power to issue licences authorising the use of land as a caravan site ("site licences")	Planning Applications Committee
S 269(1) Public Health Act 1936	2. Power to license the use of moveable dwellings and camping sites	Planning Applications Committee
14. as to Hackney Carriages, the Town Police Clauses Act 1847 as extended by S.171 Public Health Act 1875, and S.15 Transport Act 1985 and Ss. 47, 57, 58, 60 and 79 LGMPA 1976; (b) as to Private Hire Vehicles, Ss. 48, 57, 58, 60 and 79, LGMPA1976.	3. Power to license Hackney Carriages and Private Hire Vehicles	Licensing Committee
Ss 51, 53, 54, 59, 61 and 79, LGMPA 1976.	4. Power to license drivers of Hackney Carriages and Private Hire Vehicles	Licensing Committee
Ss 55 to 58, 62 and 79, LGMPA 1976.	5. Power to license operators of Hackney Carriages and Private Hire Vehicles	Licensing Committee
Sched 2, Betting, Gaming and Lotteries Act 1963	6. Power to register pool promoters	Licensing Committee
Sched 3, Betting, Gaming and Lotteries Act 1963	7. Power to grant track betting licences	Licensing Committee

Statutory Provision	Function	Who Discharges
Sched 5ZA, Betting, Gaming and Lotteries Act 1963	8. Power to license inter-track betting schemes	Licensing Committee
Sched 9, Gaming Act 1968	9. Power to grant permits in respect of premises with amusement machines	Licensing Committee
Sched 1, Lotteries and Amusements Act 1976	10. Power to register societies wishing to promote lotteries	Licensing Committee
Sched 3, Lotteries and Amusements Act 1976	11. Power to grant permits in respect of premises where amusements with prizes are provided	Licensing Committee
S 1 Cinema Act 1985	12. Power to issue Cinema and Cinema Club Licences	Licensing Committee
Ss 12 to 14 Theatres Act 1968	13. Power to issue Theatre Licences	Licensing Committee
S 12 of the Children and Young Persons Act 1933 (c 12), S 52 of, and Sched 12 to, the London Government Act 1963 (c 33), S 79 of the Licensing Act 1964 (c 26), S 1 to 5 and 7 of, and Parts I and II of the Sched to, the Private Places of Entertainment (Licensing) Act 1967 (c 19) and Part I of, and Sched 1 and 2 to, the Local Government (Miscellaneous Provisions) Act 1982 (c 30)	14. Power to issue Entertainments Licences.	Licensing Committee

Statutory Provision	Function	Who Discharges
S.5 to 8 of the Licensing Act 2003 S.29 of the Gambling 2005 Act S.30 of the 2005 Act S.39 of the 2005 Act	14a Functions relating to licensing 14aa Duty to comply with requirements to provide information to Gambling Commission 14ab Functions relating to exchange of information 14ac Functions relating to Occasional Use Notices	Licensing Committee Licensing Committee Licensing Committee Licensing Committee
S.166 of the 2005 Act	14b Power to resolve not to issue a Casino Premises Licence	Licensing Committee
S.304 of the 2005 Act S.284 of the 2005 Act	14c Power to designate officer of a Licensing Authority as an authorised person for a purpose relating to premises 14ca Power to make Order disapplying S.279 or 282(1) of the 2005 Act in relation to specified premises	Licensing Committee
S.346 of the 2005 Act	14d Power to institute criminal proceedings	Licensing Committee
S.350 of the 2005 Act	14e Power to exchange information	Licensing Committee
The Gambling Act (Premises Licence Fees) (England and Wales) Reg 2007	14f Functions relating to the determination of fees for Premises Licences	Licensing Committee
Part 5 of Sched 11 to the 2005 Act	14g Functions relating to the registration and regulation of small society lotteries	Licensing Committee

Statutory Provision	Function	Who Discharges
The Gambling Act 2005	14h Determination of application for a variation to a Licence where representations have been received and not withdrawn	Licensing Committee
The Gambling Act 2005	14i Determination of application for a transfer of a Licence where representations have been received from the Commission	Licensing Committee
The Gambling Act 2005	14j Determination of application for a provisional Statement where representations have been received and not withdrawn	Licensing Committee
The Gambling Act 2005	14k Review of a Premises Licence	Licensing Committee
The Gambling Act 2005	14l Application for Club Gaming/Club Machine Permits where objections have been made and not withdrawn	Licensing Committee
The Gambling Act 2005	14m Cancellation of Club Gaming/Club Machine Permits	Licensing Committee
The Gambling Act 2005	14n Decision to give a counter notice to a Temporary Use Notice	Licensing Committee
The LGMPA 1982, S.2 and Sched 3.	15. Power to license sex shops and sex cinemas	Licensing Committee
The Hypnotism Act 1952	16. Power to license performances of hypnotism	Licensing Committee
Ss.13 to 17, LGMPA 1982	17. Power to license premises for acupuncture, tattooing, ear-piercing and electrolysis	Assistant Director - Environment & Enforcement
S.94 Public Health Acts Amendment Act 1907	18. Power to license pleasure boats and pleasure vessels	Assistant Director - Environment & Enforcement

Statutory Provision	Function	Who Discharges
Paras 1(2) and 9 of Sched 12 to the London Govt Act 1963 and Part V of London Local Authorities Act 1995	19. Power to register door staff	N/a
Part III of, and Sched 4 to, the Local Government (Miscellaneous Provisions) Act 1982, Part III of the London Local Authorities Act 1990 (c vii) and S.6 of the London Local Authorities Act 1994 (c xii)	20. Power to license market and street trading	Full Council
S.2 of the Late Night Refreshment Houses Act 1969 (c 53), Part II of the London Local Authorities Act 1990 and S.5 of the London Local Authorities Act 1994	21. Power to license night cafes and take-away food shops	Assistant Director - Environment & Enforcement
Ss. 3(1)(b)(ii), 5, 6 and 11, Poisons Act 1972	22. Duty to keep list of persons entitled to sell non-medicinal poisons	County
Ss.5, 6, 17, 18 and 21 to 23 Game Act 1831, Ss.2 to 16, Game Licensing Act 1860, S 4 Customs and Inland Revenue Act 1883, Ss.12(3) and 27 LGA 1874 and S.213 LGA 1972	23. Power to license dealers in game and the killing and selling of game	Assistant Director - Environment & Enforcement
S 19 Food Safety Act 1990	24. Power to register and license premises for the preparation of food	Assistant Director - Environment & Enforcement

Statutory Provision	Function	Who Discharges
S 1 Scrap Metal Dealers Act 1964	25. Power to license scrap yards	Assistant Director - Environment & Enforcement
The Safety of Sports Grounds Act 1975	26. Power to issue, amend or replace safety certificates (whether general or special) for sports grounds	County
Part III, Fire Safety and Safety of Places of Sport Act 1987	27. Power to issue, cancel, amend or replace safety certificates for regulated stands at sports grounds	County
S 5 Fire Precautions Act 1971	28. Power to issue fire certificates	County
S 1 Breeding of Dogs Act 1973 and S 1 Breeding and Sale of Dogs (Welfare) Act 1999	29. Power to license premises for the breeding of dogs	Assistant Director - Environment & Enforcement
S 1 Pet Animals Act 1951; S 1 Animal Boarding Establishments Act 1963; the Riding Establishments Acts 1964 and 1970; S 1 Breeding of Dogs Act 1973, and Ss 1 and 8 Breeding and Sale of Dogs (Welfare) Act 1999	30. Power to license pet shops and other establishments where animals are bred or kept for the purposes of carrying on a business	Assistant Director - Environment & Enforcement
S 1 Performing Animals (Reg) Act 1925	31. Power to register animal trainers and exhibitors	County
S 1 Zoo Licensing Act 1981	32. Power to license zoos	Licensing Committee

Statutory Provision	Function	Who Discharges
S 1 Dangerous Wild Animals Act 1976	33. Power to license dangerous wild animals	Assistant Director - Environment & Enforcement
S 4 Slaughterhouses Act 1974 and Animal By-Products Order 1999.	34. Power to license knackers' yards	Assistant Director - Environment & Enforcement
Part II Children and Young Persons Act 1933, byelaws thereunder, and Part II Children and Young Persons Act 1963	35. Power to license the employment of children	County
S 46A Marriage Act 1949 and Marriages (Approved Premises) Reg 1995	36. Power to approve premises for the solemnisation of marriages	County
Reg 6 Commons Registration (New Land) Reg 1969	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 a) an exchange of lands effected by an Order under S.19(3) of, or paragraph 6(4) of Sched 3 to the Acquisition of Land Act 1981, or b) an Order under S.147 Enclosure Act 1845	County
Reg 29 Commons Registration (General) Reg 1966	38. Power to register variation of rights of common	County

Statutory Provision	Function	Who Discharges
S 5 Police, Factories, Etc. Miscellaneous Provisions Act 1916 and S 2 House to House Collections Act 1939	39. Power to license persons to collect for charitable and other causes	Licensing Committee
Sched 2, Noise and Statutory Nuisance Act 1993	40. Power to grant consent for the operation of a loudspeaker	Assistant Director - Environment & Enforcement
S 50 New Roads and Street Works Act 1991	41. Power to grant a Street Works Licence	County
S 2 Nurses Agencies Act 1957	42. Power to license agencies for the supply of nurses	County
Article 12 Pigs Order 1995	43. Power to issue licences for the movement of pigs	County
Article 13 Pigs Order 1995	44. Power to license the sale of pigs	County
Article 14 Pigs Order 1995	45. Power to license collecting centres for the movement of pigs	County
Article 5(2) Cattle Identification Regs 1998	46. Power to issue a licence to move cattle from a market	County
Ss 115E, 115F and 115K of the Highways Act 1980	46a Power to grant permission for provision, etc. of services, amenities, recreation and refreshment facilities on highway, and related powers	Assistant Director - Economy
S 139 Highways Act 1980	47. Power to permit builder's skip on highway	County
Section 115G of the Highways Act 1980	47a Duty to publish notice in respect of proposal to grant permission under Section 115E of the Highways Act 1980	Assistant Director - Economy

Statutory Provision	Function	Who Discharges
S 142 Highways Act 1980.	48. Power to license planting, retention and maintenance of trees, etc. in part of highway	County
S 147 Highways Act 1980.	49. Power to authorise erection of stiles, etc. on footpaths or bridleways	County
S 169 Highways Act 1980.	50. Power to license works in relation to buildings, etc. which obstruct the highway	County
S 171 Highways Act 1980.	51. Power to consent to temporary deposits or excavations in streets	County
S 172 Highways Act 1980.	52. Power to dispense with obligation to erect hoarding or fence	County
S 178 Highways Act 1980.	53. Power to restrict the placing of rails, beams, etc. over highways	County
S 179 Highways Act 1980	54. Power to consent to construction of cellars, etc. under streets	County
S 180 Highways Act 1980.	55. Power to consent to the making of openings into cellars, etc. under streets, and pavement lights and ventilators	County
S 1 Celluloid and Cinematograph Film Act 1922	56. Power to sanction use of parts of buildings for storage of celluloid	County
Regs. 4 and 5 Meat Products (Hygiene) Regs. 1994	57. Power to approve meat product premises	Assistant Director - Environment & Enforcement
Reg 4 Minced Meat and Meat Preparations (Hygiene) Regs 1995	58. Power to approve premises for the production of minced meat or meat preparations	Assistant Director - Environment & Enforcement

Statutory Provision	Function	Who Discharges
Regs. 6 and 7 Dairy Products (Hygiene) Regs 1995	59. Power to approve dairy establishments	Assistant Director - Environment & Enforcement
Reg 5 Egg Products Reg 1993	60. Power to approve egg product establishments	Assistant Director - Environment & Enforcement
Schedule 1A to the Food Safety (General Food Hygiene) Regs 1995	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	Assistant Director - Environment & Enforcement
Reg 24 Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regs 1998	62. Power to approve fish products premises	Assistant Director - Environment & Enforcement
Reg 11 Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regs 1998.	63. Power to approve dispatch or purification centres	Assistant Director - Environment & Enforcement
Reg 21 Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regs 1998.	64. Power to register fishing vessels on board which shrimps or molluscs are cooked	Assistant Director - Environment & Enforcement
Reg 24 Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regs 1998.	65. Power to approve factory vessels and fishery product establishments	Assistant Director - Environment & Enforcement
Reg 26 Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regs 1998.	66. Power to register auction and wholesale markets	Assistant Director - Environment & Enforcement

Statutory Provision	Function	Who Discharges
Reg 5 Food Premises (Registration) Regs 1991	67. Duty to keep register of food business premises	Assistant Director - Environment & Enforcement
Reg 9 Food Premises (Registration) Regs 1991	68. Power to register food business premises	Assistant Director - Environment & Enforcement
Ss. 16 to 19 and 21 London Local Authorities Act 1995	69. Power to issue Near Beer Licence	n/a
S.28 Greater London Council (General Powers) Act 1984	70. Power to register premises or stalls for the sale of goods by way of competitive bidding	n/a
Part 1 of the Vehicles (Crime) Act 2001	71. Power to register motor salvage operators	Assistant Director - Environment & Enforcement
Part I of the Commons Act 2006 (c 26) and the Commons Registration (England) Regs 2008	72. Functions relating to the registration of common land and town or village greens	n/a
C. Functions Relating to Health and Safety at Work		

Statutory Provision	Function	Who Discharges
Part I Health and Safety at Work Etc. Act 1974	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	Assistant Director - Environment & Enforcement
D. Functions Relating to Elections		
S 8(2) RPA 1983	1. Duty to appoint an Electoral Registration Officer	Full Council
S 52(4) RPA 1983	2. Power to assign officers in relation to requisitions of the Registration Officer	Full Council
Part II Local Government and Rating Act 1997 and subordinate legislation under that Part	3. Functions in relation to parishes and parish councils	Full Council
S 10 LGA 1972	4. Power to dissolve small parish councils	Full Council
S 11 LGA 1972	5. Power to make orders for grouping parishes, dissolving groups and separating parishes from groups	Full Council
S 35 RPA 1983	6. Duty to appoint Returning Officer for Local Government Elections	Full Council
S 18A to 18E of, and Sched A1 to RPA 1983	8. Duty to divide constituency into polling districts	Full Council
S 31 RPA 1983	9. Power to divide electoral divisions into polling districts at Local Government Elections	Full Council

Statutory Provision	Function	Who Discharges
S 39(4) RPA 1983	10. Powers in respect of holding of elections	Full Council
S 54 RPA 1983	11. Power to pay expenses properly incurred by Electoral Registration Officers	Full Council
S 21 RPA 1985	12. Power to fill vacancies in the event of insufficient nominations	Full Council
S 86 LGA 1972	13. Duty to declare vacancy in office in certain cases	Head of Paid Service Monitoring Officer
S 87 LGA 1972	14. Duty to give public notice of a casual vacancy	Head of Paid Service Monitoring Officer
S 91 LGA1972	15. Power to make temporary appointments to parish Councils	Full Council
S 10 RPA 2000	16...	Full Council
S 10 of the Representation of the People Act 2000	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	Full Council
LGPIH Ss 33(2), 38(2) and 40(2) of the 2007 Act	18. Duty to consult on change of scheme for elections	Full Council
Ss 35, 41 and 52 of the 2007 Act	19. Duties relating to publicity	Head of Paid Service Monitoring Officer
Ss 36 and 42 of the 2007 Act	20. Duties relating to notice to Electoral Commission	Head of Paid Service Monitoring Officer
S 53 of the 2007 Act	21. Power to alter years of ordinary elections of parish councillors	

Statutory Provision	Function	Who Discharges
S 59 of the 2007 Act	22. Functions relating to change of name of electoral area	Full Council
E. Functions Relating to Name and Status of Areas and Individuals		
S 74 LGA 1972	1. Power to change the name of a county, district or London Borough	Full Council
S 75 LGA 1972	2. Power to change the name of a parish	Full Council
S 249 LGA 1972	3. Power to confer title of Honorary Alderman or to admit to be an Honorary Freeman	Full Council
S 245b LGA 1972	4. Power to petition for a charter to confer Borough status	Full Council
EA. Functions Relating to Changing Governance Arrangements		
EB. Functions Relating to Community Governance		
S 79 of the 2007 Act	1. Duties relating to community governance reviews	Full Council
Ss 80, 83 to 85 of the 2007 Act	2. Functions relating to community governance petitions	Full Council
Ss 81(4) to (6)	3. Functions relating to terms of reference of review	Full Council
S 82 of the 2007 Act	4. Power to undertake a community governance review	Full Council
Ss 87 to 92 of the 2007 Act	5. Functions relating to making of recommendations	Full Council
S 93 to 95 of the 2007 Act	6. Duties when undertaking review	Full Council

Statutory Provision	Function	Who Discharges
S 96 of the 2007 Act	7. Duty to publicise outcome of review	Head of Paid Service Monitoring Officer
S 98(1) of the 2007 Act	8. Duty to send two copies of Order to Secretary of State and Electoral Commission	Full Council
S 99 of the 2007 Act	9. Power to make agreements about incidental matters	Full Council
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	Power to make, amend, revoke or re-enact byelaws	Full Council
FA. Functions Relating to Smoke-Free Premises etc.		
S 10(3) of the 2006 Act	1. Duty to enforce Chapter 1 and regulations made under it	Assistant Director - Environment & Enforcement
S 10(5) of, and para 1 of Sched 2 to, the 2006 Act	2. Power to authorise officers	Assistant Director - Environment & Enforcement
Paras 13, 15 and 16 of Sched 1 to the 2006 Act Smoke-free (Vehicle Operators and Penalty Notices) Regs 2007 (SI 2006/760)	3. Functions relating to Fixed Penalty Notices	Assistant Director - Environment & Enforcement
Smoke-free (Premises and Enforcement) Regs 2006 (SI 2006/3368)	4. Power to transfer enforcement functions to another enforcement authority	Assistant Director - Environment & Enforcement

Statutory Provision	Function	Who Discharges
G. Power to promote or oppose local or personal Bills		
S 239 LGA 1972	Power to promote or oppose local or personal Bills	Full Council
H. Functions Relating to Pensions etc		
Regs under S 7, 12 or 24 Superannuation Act 1972	1. Functions relating to Local Government pensions, etc.	County
Ss 34 and 36 of the Fire and Rescue Services Act 2004	2. Functions under the Fireman's Pension Scheme relating to pensions, etc as respects persons employed by fire and rescue authorities pursuant to S 1 of the Fire and Rescue Services Act 2004	County
I. Miscellaneous Functions	Part I: Functions Relating to Public Rights of Way	
S. 25 Highways Act 1980	1. Power to create footpath [bridleway or restricted byway] by agreement	Planning Applications Committee
S. 26 Highways Act 1980.	2. Power to create footpaths [bridleways and restricted byways]	Planning Applications Committee
S.31A Highways Act 1980.	3. Duty to keep register of information with respect to maps, statements and declarations	County
S.118 Highways Act 1980.	4. Power to stop up footpaths [bridleways and restricted byways]	Planning Applications Committee
Ss. 118ZA and 118C(2) Highways Act 1980.	5. Power to determine application for Public Path Extinguishment Order	Planning Applications Committee
S. 118A Highways Act 1980.	6. Power to make a Rail Crossing Extinguishment Order	Planning Applications Committee
S. 118B Highways Act 1980.	7. Power to make a Special Extinguishment Order	Planning Applications Committee

Statutory Provision	Function	Who Discharges
S. 119 Highways Act 1980.	8. Power to divert footpaths [bridleways and restricted byways]	Planning Applications Committee
Ss. 119ZA and 119C(4) Highways Act 1980.	9. Power to make a Public Path Diversion Order	Planning Applications Committee
S. 119A Highways Act 1980.	10. Power to make a Rail Crossing Diversion Order	Planning Applications Committee
S. 119B Highways Act 1980.	11. Power to make a Special Diversion Order	Planning Applications Committee
S. 119C(3) Highways Act 1980.	12. Power to require applicant for Order to enter into Agreement	Planning Applications Committee
S. 119D Highways Act 1980.	13. Power to make an SSSI Diversion Order	Planning Applications Committee
S. 121B Highways Act 1980.	14. Duty to keep Register with respect to applications under ss. 118ZA, 118C, 119ZA and 119C Highways Act 1980	Assistant Director - Planning
S. 121C Highways Act 1980.	15. Power to decline to determine certain applications	Planning Applications Committee
S. 130 Highways Act 1980.	16. Duty to assert and protect the rights of the public to use and enjoyment of highways	County
S.130A Highways Act 1980.	17. Duty to serve Notice of Proposed Action in relation to obstruction	County
S.130B(7) Highways Act 1980.	18. Power to apply for variation of Order under S.130B Highways Act 1980	County
S.135 Highways Act 1980.	19. Power to authorise temporary disturbance of surface of footpath [bridleway or restricted byway]	County

Statutory Provision	Function	Who Discharges
S.135A Highways Act 1980.	20. Power temporarily to divert footpath [bridleway or restricted byway]	County
S.135B Highways Act 1980.	21. Functions relating to the making good of damage and the removal of obstructions	County
S.149 Highways Act 1980.	22. Powers relating to the removal of things so deposited on highways as to be a nuisance	County
S.32 Acquisition of Land Act 1981	23. Power to extinguish certain public rights of way	Full Council
S.53 Wildlife and Countryside Act 1981	24. Duty to keep definitive map and statement under review	County
S.53A Wildlife and Countryside Act 1981.	25. Power to include modifications in other Orders	County
S.53B Wildlife and Countryside Act 1981.	26. Duty to keep Register of prescribed information with respect to applications under S. 53(5) of the Wildlife and Countryside Act 1981	County
S.54 Wildlife and Countryside Act 1981	27. Duty to reclassify roads used as public paths	County
S.57A Wildlife and Countryside Act 1981.	28. Power to prepare map and statement by way of consolidation of definitive map and statement	County
S.3 Cycle Tracks Act 1984	29. Power to designate footpath as cycle track	County
S.294 Housing Act 1981	30. Power to extinguish public right of way over land acquired for clearance	Planning Applications Committee
S.247 of the Town and Country Planning Act 1990	30a. Power to authorise stopping up or diversion of highway	Planning Applications Committee
S.257 TCPA90.	31. Power to authorise stopping-up or diversion of footpath [or bridleway or restricted byway]	Planning Applications Committee

Statutory Provision	Function	Who Discharges
S.258 TCPA90.	32. Power to extinguish public rights of way over land held for planning purposes	Planning Applications Committee
S.35 Countryside and Rights of Way Act 2000	33. Power to enter into agreements with respect to means of access	County
S.37 Countryside and Rights of Way Act 2000.	34. Power to provide access in absence of agreement	County
	Part II: Other Miscellaneous Functions	
Ss.1, 2, 10 and 19 Sea Fisheries Reg Act 1966	35. Functions relating to sea fisheries	County
S.106 of, and Para. 42 of Sched. 12 to, the LGA 1972	36. Power to make Standing Orders	Full Council
S.112 LGA 1972.	37. Power to appoint staff, and to determine the terms and conditions on which they hold office (including procedures for their dismissal)	Full Council, Head of Paid Service
S.135 LGA 1972.	38. Power to make standing orders as to contracts	Full Council
S.151 LGA1972.	39. Duty to make arrangements for proper administration of financial affairs etc.	Full Council
S.270(3) LGA 1972.	40. Power to appoint officers for particular purposes (appointment of “proper officers”)	Full Council
S.34(2) Wildlife and Countryside Act 1981.	41. Power to make Limestone Pavement Order	County
S.4 LGMPA 1982	42. Power to make Closing Order with respect to take-away food shops	Assistant Director - Environment & Enforcement

Statutory Provision	Function	Who Discharges
S.4(1) Local Government and Housing Act 1989	43. Duty to designate officer as the Head of the Authority's Paid Service, and to provide staff, etc.	Full Council
S.5(1) Local Government and Housing Act 1989.	44. Duty to designate officer as the Monitoring Officer, and to provide staff, etc.	Full Council
S82A(4) and (5) of the Local Government Act 2000	44a Duty to provide staff, etc, to person nominated by Monitoring Officer	Full Council
Para 12 and 14 of Sched 3 to the Local Government Act 2000	44b Powers relating to Overview & Scrutiny Committees (voting rights of co-opted members)	Full Council
The Accounts and Audit Regs 1996	45. Duty to approve Authority's Statement of Accounts, Income and Expenditure and Balance Sheet, or record of payments and receipts (as the case may be)	Full Council
The Hedgerows Regs 1997	46. Powers relating to the protection of important hedgerows	Assistant Director - Planning
Ss.197 to 214D TCPA90, and the Trees Regs 1999	47. Powers relating to the preservation of trees	Planning Applications Committee
Part 8 of the Anti-Social Behaviour Act 2003	47a. Powers relating to complaints about high hedges	Assistant Director - Planning
S.92 LGA 2000	48. Power to make payments or provide other benefits in cases of maladministration, etc.	Full Council
S13(2) of the Criminal Justice and Police Act 2001	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	Full Council

Statutory Provision	Function	Who Discharges
S.16 of the Violent Crime Reduction Act 2006 (c 38)	50. Power to make or revoke an Order designating a locality as an alcohol disorder zone	Full Council
S.41 of the Commons Act 2006	51. Power to apply for an Enforcement Order against unlawful works on common land	Full Council
S.45(2) of the Commons Act 2006	52. Power to protect unclaimed registered common land and unclaimed town or village greens against unlawful interference	Full Council
S.45(2)(b) 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	Full Council

3C RESPONSIBILITY FOR EXECUTIVE FUNCTIONS

a) **List of Functions Not to be the Sole Responsibility of the Executive**

Statutory Provision	Item	Part for Cabinet	Part for Full Council
S.1(2) of the Public Libraries and Museums Act 1964	Annual Library Plan	N/A	N/A
S.6(1) of the Local Government Act 1999	Best Value Performance Plan	Formulate and produce the Plan (see Reg 4 of S.I.2000/2853 as amended)	Approve the final version (see Reg 4 of S.I.2000/2853 as amended)
Children and Young People's Plan (England) Regs 2005	Children and Young People's Plan	N/A	N/A
S 5 and 6 Crime and Disorder Act 1998	Crime and Disorder Reduction Strategy	Formulate and produce the Plan (see Reg 4 of S.I.2000/2853 as amended)	Approve the final version (see Reg 4 of S.I.2000/2853 as amended)

Statutory Provision	Item	Part for Cabinet	Part for Full Council
S.15 of the Planning & Compulsory Purchase Act 2004	Development Plan documents	Formulate and produce the documents	The giving of instructions to Cabinet to reconsider any draft document, the approval of draft documents for consultation or examination and the adoption of the documents
S. 349 of the Gambling Act 2005	Licensing Authority Policy Statement	Formulate and produce the Policy	Adoption of the Policy Statement
S.108(3) of the Transport Act 2000	Local Transport Plan	N/A	N/A
S.54 Town and Country Planning Act 1990	Plans and alterations which together comprise the Development Plan	Formulate and produce the Plan (see Reg 4 of S.I.2000/2853 as amended)	Approve final version (see Reg 4 of S.I.2000/2853 as amended)
S.40 of the Crime and Disorder Act 1998	Youth Justice Plan	N/A	N/A

Statutory Provision	Item	Part for Cabinet	Part for Full Council
S.135 Leasehold Reform Act 1993 and ss.32 and 43 Housing Act 1985	Disposal of housing land and buildings	All except that reserved to Full Council	Authorising making the application (see Reg 4 of S.I.2000/2853 as amended)
Ss. 32-37, 43- 49, 52I, 52J, 52T, 52U and Chapter IV of Part I of the Local Government Finance Act 1992	Making a calculation or issuing a precept leading to setting of Council Tax	Prepare submission of estimates or revised estimates	All other steps (see Reg 4 of S.I.2000/2853 as amended)
S.70 Deregulation and Contracting Out Act 1994	Authorising a person to exercise a function, or revoking that authorisation	To the extent that the function is an Executive function	In all other cases (see Reg 4 of S.I.2000/2853 as amended)
	Council's Corporate Plan	Produce version for adoption	Adoption of the Plan
	Local Agenda 21 Strategy	Produce version for adoption	Adoption of the Plan

a) Cabinet Member Delegation

A Cabinet Member may authorise the Head of Paid Service or Director, to take any action concerning matters within his/her portfolio, in accordance with policies and strategies set by the Cabinet and Full Council, unless any legal rule requires otherwise.

b) Cabinet Delegation

The Cabinet collectively may authorise any Cabinet Member, the Head of Paid Service, Strategic Director, Assistant Director or other Officer to whom delegation has been made in the Council's Scheme of Delegation, unless any legal rule requires otherwise (see Cabinet Procedure Rule 4D.1.3(b))

c) Delegation of Decisions to Single Members

- i. A Single Member may take any decision which:
 1. is required to implement a Policy that is part of the framework, provided the decision is:
 - within budget, and does not amend either the Policy framework or the budget
 - wholly within the remit of the services for which the Member is responsible; and
 - not a key decision.
 - i. is to adopt a new Policy or procedure to deliver services for which the Member is responsible, provided that the decision:
 - does not amend or alter any Policy that is part of the Policy framework (without the prior approval of Council); and
 - does not amend or alter the budget, nor requires the budget to be amended; and
 - falls entirely within his/her portfolio.
 - ii. Where a decision is to adopt a new Policy or procedure to deliver the services for which the Member is responsible AND it does not fall entirely within his/her portfolio then the decision must be taken jointly with the other portfolio holder(s) affected.
 - iii. The procedure for Individual Cabinet Member Decisions is set out in Part 5H of this Constitution.