Part 3

Responsibility of Functions

—

Scheme of Delegated Powers

RESPONSIBILITY FOR FUNCTIONS

DELEGATED POWERS

GENERAL

The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) give effect to section 13 of the Local Government Act 2000 by specifying:-

(a) which functions are not to be the responsibility of the Executive (Cabinet), as specified in Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 and as detailed in the Appendix to this part of the Constitution;

(b) functions which may (but need not) be the responsibility of the Executive (Cabinet) (local choice functions); and

(c) which are to some extent the responsibility of the Executive.

All other functions not so specified are to be the responsibility of the Executive.

Every decision of the Cabinet, a Portfolio Holder, Committee, Sub-Committee, Working Party or Officer under delegated powers shall comply with the Council's Constitution and in particular with its Budget and Policy Framework, Council Procedure Rules, Financial Procedure Rules and Procurement Procedure Rules and any expenditure involved is subject to such compliance.

1. RESPONSIBILITY FOR LOCAL CHOICE FUNCTIONS

Local Choice functions are those, which may (but need not) be the responsibility of the Cabinet. Schedule 1 of Part 3 of the Constitution details the responsibility for those local choice functions as set out in Schedule 2 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, as determined by the Council.

2. RESPONSIBILITY FOR COUNCIL (NON-EXECUTIVE) FUNCTIONS

The roles and responsibilities of full Council are set out in Article 4 of the Constitution. The specific functions set out in Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 which are retained for determination by full Council are set out in Schedule 2.

The full Council has established those non-executive committees as set out in Schedule 2 of this Part of the Constitution to discharge those functions, which are not to be the responsibility of the Executive, as set out in the Local Authorities (Functions and Responsibilities) (England)

Regulations 2000 and the Appendix to Part 3 of the Constitution. Decisions relating to these functions shall be made in one of the following ways:

(a) By one of the non-executive Committees listed in Schedule 2 of this Part 3 of the Constitution;

(b) By Officers, in consultation with a Member, in accordance with the Scheme of Delegation to Officers;

(c) By Officers; or

(d) Where any matter involves amendment to the Budget and Policy Framework, by the Council following receipt of advice from the relevant non-executive Committee and the Cabinet.

Schedule 2 sets out the arrangements for delegation of non-executive functions to the above.

3. RESPONSIBILITY FOR EXECUTIVE (CABINET) FUNCTIONS

The Cabinet is responsible for making all decisions within the Budget and Policy Framework set by full Council, except for decisions in connection with those matters, which cannot be the responsibility of Cabinet as specified in the Local Authorities (Functions and Responsibilities) (England) Regulations 2000. Details of the overall responsibilities of the Cabinet are set out in Schedule 3 of Part 3 of the Constitution. Decisions in respect of executive functions shall be made in one of the following ways:

(a) the Cabinet collectively, at public meetings;

(b) By an individual Member of the Cabinet (Portfolio Holder), within their areas of responsibility and delegated powers;

(c) An Officer, in consultation with a Portfolio Holder;

(d) An Officer, or

(e) Where the decision is outside the Budget and Policy Framework, by full Council following receipt of advice from the Cabinet collectively.

Schedule 3 sets out the arrangements for delegation of executive functions to the above.

4. OVERVIEW AND SCRUTINY FUNCTIONS

The functions of the Council's overview and scrutiny function are set out in Article 6 of the Constitution.

Schedule 1

Responsibility for

LOCAL CHOICE FUNCTIONS

Local Choice Functions are those functions, which may (but need not) be the responsibility of the Executive (the Cabinet). The table below details the responsibility for local choice functions, as determined by the Council.

Function	Decision Making Body	Delegation of the Function
1. Any function under a local Act, other than a function specified under Regulation 2 or Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000.	Council	
2. The determination of an appeal against any decision made by or on behalf of the authority	Council	The relevant non-executive Committee, unless expressly specified within the terms of reference elsewhere.
3. The conduct of best value reviews in accordance with the provisions of any order for the time being having effect under Section 5 of the Local Government Act 1999.	The relevant Overview and Scrutiny Committee	
4. Any function relating to contaminated land	Council	Licensing and Registration Committee and further delegation to Corporate Director (Operations and Delivery)
5. The service of an abatement notice in respect of a statutory nuisance	Council	Licensing and Registration Committee and further delegation to Corporate Director (Operations and Delivery)
6. The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 shall apply in the authority's area	Council	Licensing and Registration Committee

7. Any function under a local Act, other than a function specified under Regulation 2 or Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000	Council	Licensing and Registration Committee and further delegation to Corporate Director (Operations and Delivery)
8. The investigation of any complaint as to the existence of a statutory nuisance	Council	Licensing and Registration Committee and further delegation to Corporate Director (Operations and Delivery)
9. The obtaining of information under Section 330 of the Town and Country Planning Act 1990 as to interests in land	Council	Deputy Chief Executive & Corporate Director (Place and Wellbeing)
10. The obtaining of particulars of persons interested in land under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976	Council	Chief Executive and All-Corporate Directors
11. The appointment of any individual – (a) to any office other than an office in which they are 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.	Council	Chief Executive
12. The making of agreements with other local authorities for the placing of staff at the disposal of those authorities	Council	Chief Executive

Schedule 2

Responsibility for Council (Non-Executive) Functions

GENERAL MATTERS/PRINCIPLES

Detailed below are the general matters/principles which underpin the Council's scheme of delegation in respect of non-executive functions.

1. The Council is responsible for determining the scheme of delegation for all non-executive functions.

2. Powers and duties of Non-Executive Committees are subject to the general instructions which contain the framework within which such delegations must be exercised as follows:-

   (a) Performed on behalf of and in the name of the Council;
   (b) Within their areas of responsibility and limits as set out in the Constitution subject to the action being within the Council's Budget and Policy Framework;
   (c) Subject to the directions of the Council and of the Cabinet or Non-Executive Committee as appropriate;
   (d) Subject to powers and duties reserved for confirmation by the Council;
   (e) In accordance with the Council's Financial Procedure Rules and Procurement Procedure Rules;
   (f) Delegate, as appropriate, matters to:

      (i) a Sub-Committee or panel;
      (ii) to an Officer in consultation with the Chairman or Vice-Chairman of a Committee, Sub-Committee or panel, as appropriate; or
      (iii) an Officer.

3. Non-Executive Committees have the power to discharge those functions within their areas of responsibility, with the exception of decision-making reserved to full Council.

4. The tables within this Schedule detail functions retained for discharge by full Council and which of the Council's Committees are responsible for discharging those functions, set out in the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) which are relevant to the functions of Tendring District Council, that cannot be the responsibility of the Council's Executive (the Cabinet) and the Appendix to Part 3 of the Constitution. These tables also identify those functions which have been delegated to Officers.
5. The Council may by resolution at any time vary, enlarge, restrict, or reduce any non-executive function, power or duty referred to a Committee, Sub-Committee or Officer.

6. The Chief Executive is authorised to deal with any matter on exceptional grounds of urgency, following consultation with the Leader of the Council or Deputy, the Chairman and Vice-Chairman of the appropriate Committee in respect of non-executive matters.

7. The delegation of powers to Officers is underpinned by the principle and culture of consultation and liaison with Members, as appropriate and the ability for Officers to refer matters to the relevant decision making body, where it is felt that this is appropriate due to the nature of an issue in addition, to the legal obligations to record the decision in the required format.

8. The express authorisations to Officers set out in this Schedule are in addition to the normally accepted powers and duties of Officers to deal with matters of routine occurrence falling within the scope of their departmental responsibilities as set out in Article 12 which includes all present and future legislation related to the functions of the service and nothing in this Schedule shall derogate from any statutory powers or duties conferred or imposed directly on an Officer of the Council.

9. In cases where matters are delegated to Officers, but must also be discharged in consultation with the Chairman of the relevant Committee, and in cases where the Chairman is not available, the Vice-Chairman of the Committee is to be consulted. In instances, where there is disagreement between the Officer and the Chairman the matter should be reported to a meeting of the relevant Committee for consideration and determination. Furthermore, an Officer with delegated powers to discharge a function, or the Member being consulted has the option to refer the matter to a meeting of the relevant Committee for determination where this is felt to be necessary and/or appropriate.

10. All delegations to Officers are made to the Corporate Directors, unless expressly indicated otherwise. Any Corporate Director is empowered to exercise any of the powers of another Corporate Director, where this is necessary, subject to the provisions set out in paragraph 13.

11. The Corporate Directors are Designated Officers for the purposes of legislation within their respective service areas as set out in Part 8 of the Constitution and have the power to authorise other Officers of the authority, as Designated Officers and authorised persons for purposes, relating to present and future legislation falling within their areas of responsibility.

12. Any authority granted to the Chief Executive or a Corporate Director, unless otherwise indicated, may be exercised by an officer with appropriate qualifications authorised by a Corporate Director in writing for that purpose. The relevant Corporate Director will maintain a record of such authorisations, a central record of which will be kept by the Monitoring Officer and available for inspection.

13. Any authority which under statute or best practice guidance should only be discharged by Officers with a specific level of qualification must only be conferred to and discharged by such Officers. Furthermore, where the matter relates to a statutory power or duty conferred or imposed directly on an officer of the Council, only that Officer may discharge the function.

14. The Chief Executive has authority to exercise any function delegated to Officers, except where an Officer with appropriate qualifications must only discharge such a delegation or where the

matter relates to a statutory power or duty conferred or imposed directly on an Officer of the Council.

15. The Monitoring Officer shall:-

    (i) Determine any conflict between any two or more Officers acting under any authorisation; and

    (ii) In any case of uncertainty, and having considered relevant legislation, determine whether any matter falls within the remit of the Council, the Cabinet, a Committee or an Officer of the Council.

16. In the event of a change to the corporate structure of the Council, the responsibility for issues delegated to each Corporate Director shall be amended accordingly and will take immediate effect. The relevant amendments to this scheme of delegation should be made in the Constitution as soon as possible.

17. All Corporate Directors are authorised in consultation with the Assistant Director (Governance) to take all steps in connection with any legal proceedings, in respect of any function under the jurisdiction of a Portfolio Holder including the commencement or defence of, withdrawal, settlement or compromise of any such proceedings.

18. All Corporate Directors are authorised in consultation with the Assistant Director (Governance) to appear on the Council's behalf in any legal proceedings, under the jurisdiction of a Portfolio Holder, before all courts, tribunals and inquiries.

RESPONSIBILITY FOR COUNCIL – NON EXECUTIVE FUNCTIONS		
Committee	**Functions and Terms of Reference**	**Delegated Functions**
Full Council	**Those functions retained for responsibility by Full Council as set out in Article 4 of the Constitution and the following specific functions as set out in Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) and as detailed in Appendix 1 to Part 3 of the Constitution.** **D. Discharge the following Functions relating to Elections:** • Duty to appoint an Electoral Registration Officer • Power to dissolve Parish Councils • Power to make orders for grouping parishes, dissolving groups and separating parishes from groups • Duty to appoint Returning Officer for local government elections • Power to fill vacancies in the event of insufficient nominations • Power to submit proposals to 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 • Duty to consult on change of scheme for elections and associated powers under the Local Government Public Involvement and Health Act 2007	**Chief Executive in consultation with the Council Chairman:** 1. Agreeing the scale of fees payable at elections at District and Parish Councils, referenda and Parish Polls. **Chief Executive:** 1. Returning Officer at Local Elections 2. Power to assign Officers in relation to requisitions of the Registration Officer. 3. To divide constituency, electoral divisions and wards into polling districts and designate their polling places 4. Powers in respect of holding of elections 5. Power to pay expenses properly incurred by Electoral Registration Officers 6. Duty to declare vacancy in office in certain cases

	E. The discharge of the following functions relating to the Name and Status of Areas • Power to change the name of the district or parish • Power to petition for a charter to confer borough status **EB. Discharge the Duties, Functions and Powers relating to Community Governance** **F. Power to Amend, Revoke or Re-enact Byelaws** **G. Power to Promote or Oppose Local or Personal Bills** **Discharge of the following miscellaneous functions – Part II:** • Power to make standing orders (this includes amendments to the Constitution) • Power to make standing orders as to contracts • Duty to make arrangements for the proper administration of financial affairs • Power to appoint Officers for particular purposes (appointment of "Proper Officers") • Duty to designate Officer as the head of the authority's Paid Service, and to provide staff, etc. • Duty to designate Officer as the Monitoring Officer, and to provide staff, etc. • Duty to provide staff etc. to person nominated by Monitoring Officer • Power to make payments or provide other benefits in cases of maladministration **Other matters** Those as set out in Article 4 of the Constitution together with: • Prepare and approve a Pay Policy Statement for the financial year in accordance with Chapter 8 of the Localism Act 2011.	7. Duty to give public notice of a casual vacancy 8. Power to make temporary appointments to parish councils 9. Regrading posts, restructuring and determining staff levels (except where Section 4 of the Local Government Act 1989 applies and it is appropriate for the full Council to consider any proposals of the Head of Paid Service in this regard) 10. Power to authorise compensation payments up to a maximum of £5,000 as a result of Local Governance & Social Care Ombudsman or Housing Ombudsman recommendations or by virtue of the Corporate Complaints Procedure **Chief Executive or Monitoring Officer:** 1. The Proper Officer before whom a Member's formal Declaration of Acceptance of Office may be made. 2. The appointment or removal of any individual to/from a Committee, Sub-Committee, panel or working party at the request of the relevant Group Leader. 3. The advertisement of vacancies for the position of Independent Person(s) and Independent

	• The appointment of the Chief Executive • On the recommendation of the Human Resources and Council Tax Committee: (a) the dismissal including redundancy, in accordance with the statutory provisions, of the Chief Executive, Chief Finance Officer or Monitoring Officer (following the outcome of an Independent Panel) (b) The voluntary early retirement and voluntary redundancy of the Chief Executive (c) The retirement on grounds of ill health of the Chief Executive on the recommendation of the Council's medical advisor (d) the terms and conditions of the Chief Executive	Remuneration Panel members, the review of applications received, the interview of suitable candidates and the making of recommendations to Council as to who should be appointed, are delegated to the Chief Executive and Monitoring Officer.
Committee	**Functions and Terms of Reference**	**Delegated Functions**
Audit Committee	*The discharge of the following **miscellaneous functions – Part II** as set out in Schedule 1 to the Local Authorities (Functions and Responsibilities Regulations) (England) 2000 (as amended) and as detailed in Appendix 1 to Part 3 of the Constitution.* **Duty to approve the authority's statement of accounts, income and expenditure and balance sheet or record of receipts and payments (as the case may be).** **Additional roles and functions of the Committee are as set out below:** 1. To provide independent assurance of the adequacy of the risk management framework and the associated control environment; 2. To provide independent scrutiny of the Council's financial and non-financial performance to the extent that it affects the Council's exposure to risk and weakens the control environment; 3. Considers the annual budget for the internal audit service as part of the Council's budget setting process; and 4. To oversee the financial reporting process: **Audit Activity** 1. Considering the Internal Audit Manager's annual report and opinion and a	**Section 151 Officer and** Internal Audit Manager The provision of advice and support to the Audit Committee on all aspects of its functions and duties

	summary of internal audit activity (actual and proposed), and the level of assurance it can give over the Council's corporate governance arrangements. 2. Considering reports on the operation of internal audit and summaries of specific internal audit reports where requested. 3. Considering reports from internal audit on agreed recommendations not implemented within a reasonable timescale. 4. Assessing external auditor and external regulatory reports and monitoring any quality improvement programmes where required. Comments are provided to Cabinet as appropriate. 5. Commenting on the scope and depth of external audit work and ensuring it gives value for money. 6. Liaising with the Audit Commission in regard to the appointment of the Council's external auditor. **Regulatory Framework** 7. Reviewing significant issues referred by the Chief Executive, Cabinet or any Council Committee (subject to the availability of resources within the approved audit plan). 8. Monitoring the effective development and operation of risk management and corporate governance. 9. Monitoring Council policies on "Raising Concerns at Work", the whistleblowing policy and the anti-fraud and corruption strategy. 10. Overseeing the production of the Code of Corporate Governance, including the Statement of Internal Control. 11. Considering the arrangements for corporate governance and agreeing necessary actions to ensure compliance with best practice. 12. Considering the Council's compliance with its own and other published standards and controls (other than those covered by the Standards Committee).	

	Accounts 13. Reviewing and approving the annual statement of accounts. 14. Considering whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit that need to be brought to the attention of the Council. 15. Receiving the external auditor's report to those charged with governance.	
Committee	**Functions and Terms of Reference**	**Delegated Functions**
Planning Policy and Local Plan Committee	To exercise the Council's functions relating to overseeing the preparation of the Local Plan* and ensuring it meets the "tests of soundness" from national and planning policy. The exercise of the Council's functions, powers and duties in relation to the following: 1. To oversee the preparation of the new Tendring District Local Plan* to ensure that it meets the "tests of soundness" set out in the National Planning Policy Framework. 2. To ensure that the Local Plan* is "positively prepared", based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development. 3. To ensure the Local Plan* is "justified", promoting the most appropriate strategy for growth, when considered against reasonable alternatives, based on proportionate evidence. 4. To ensure that the Local Plan* is "effective", being deliverable over the plan period and based on effective joint working on cross-boundary strategic priorities.	

	5. To ensure that the Local Plan* is “consistent with national policy” enabling the delivery of sustainable development in accordance with the policies in the National Planning Policy Framework. 6. To ensure that the Council effectively complies with the statutory duty to co-operate. 7. To consider and recommend the content of the Local Plan*, in consultation with the Cabinet, for consideration and formal approval by Full Council for either public consultation (preferred options or pre-submission versions), submissions to the Secretary of State (to be examined by a Planning Inspector), or final adoption (following receipt of the Planning Inspector’s report). 8. To recommend Supplementary Planning Documents (SPDs) and other planning documents to Cabinet for public consultation and final adoption. 9. To approve the preparation, commissioning and subsequent publication of studies, surveys and other technical documents that form part of the “evidence base” needed to justify the content of the Local Plan*, Supplementary Planning Documents (SPDs) and other planning documents. 10. To scrutinise, note and understand the recommendations and conclusions of the “evidence base” to ensure that it provides a robust platform upon which to base policies and proposals in the Local Plan*, SPDs and other planning documents. 11. To approve the publication of the Annual Monitoring Report (AMR) each year and to consider whether or not it highlights development trends that may or may not require changes to policies or proposals in the Local Plan*, SPDs or other planning documents. 12. To consider representations submitted in response to public consultation exercises on the Local Plan*, SPDs or other planning documents and consider the need for any changes	

	to these documents in response to any issues that they raise. 13. Approve the work programme required for the Committee to undertake its functions effectively and in a timely manner. 14. Refer to Cabinet any recommendations in respect of the Council's overall strategy, policies and guidance, where functions are the responsibility of the Cabinet, such as Supplementary Planning Documents. 15. Approve for recommendation of non-statutory planning policy and guidance to be considered by the Council, the Planning Committee, Cabinet (for executive functions), officers in the discharge of its statutory planning functions, including (but not limited to) avoiding detriment to local neighbourhoods (as long as they are not contrary to the National Planning Policy Framework). **The Local Plan can consist of one or more "Development Plan Documents" which could include one document for the majority of the Tendring District and a separate document, if necessary, prepared jointly with Colchester Borough Council, for any major development crossing the Tendring/Colchester border*	

Committee	Functions and Terms of Reference	Delegated Functions
Planning Committee	The discharge of the Town and Country Planning Conservation functions as specified in Schedule 1 to the Local Authorities (Functions and Responsibilities (England) Regulations 2000 (as amended) and as detailed in Appendix 1 to part 3 of the Constitution. Additional roles and functions of the Committee are as set out below: 1. Any formal comment or view on applications or proposals to be determined by Essex County Council, any Statutory Body and government departments relating to matters within the remit of the Committee.	1. All planning (including all prior approval applications), enforcement, building control and conservation matters delegated to the Director (Planning & Community) **<u>except</u>** in relation to the determination of certain planning applications as detailed below for determination by the Committee: (i) Officer recommendation for approval is materially contrary to adopted national and/or adopted local policy, with the exception of where the initial departure within two years has already been agreed by reason of a previous grant of planning permission or prior approval (extant and not extant) and the application represents a subsequent application for either the same, similar or alternative development on the same red line site which would not be considered by the Director (Planning & Community) to alter the previous material planning considerations. (ii) Officer recommendation of approval is contrary to a previous refusal by the Planning Committee in the last two years, where the policies, site and proposed development remain substantially unchanged.

		(iii) Officer recommendation of approval and the application should be referred to the Secretary of State under a Direction(s) or “call in”. (iv) The applicant is the Council or someone acting as applicant on the Council’s behalf or in respect of Council owned land unless the application is recommended for refusal. (v) The applicant is a Member of the Council or a member of permanent staff employed by TDC within Planning Services or Legal Services, or they are one of the Council’s senior managers as determined by the individual Services, and there is an Officer recommendation for approval. (vi) Within 35 days of the commencement of formal consultation, a written request is received from a Tendring District Councillor, who is not a serving member of the Planning Committee (unless the member of the Planning

		Committee is making that request solely in their capacity as a Ward Member for the application in question), in accordance with the Member Referral Scheme (*), requesting that the planning application should be brought before the Planning Committee for determination and giving material planning reasons for that request. Call in arrangements do not apply to householder applications and any application type that would result in deemed approval if not determined in time, including prior approval applications. (vi) Within 35 days of the commencement of formal consultation, a written request is received from a serving member of the Planning Committee, in accordance with the Member Referral Scheme(*), requesting that the planning application should be brought before the Planning Committee for determination and providing compelling reasons why it could be considered of significant importance to the wider District or Planning Policy. Call in arrangements do not apply to householder applications and any application type that would result in deemed approval if not determined in time, including prior approval applications. (*) Scheme to be approved by Full Council.

		(viii) The Director (Planning & Community), or other authorised Officer, following consultation with the Chairman of the Planning Committee and the Planning Solicitor, can allow a Member's referral request that is received after the 35 day cut-off if they are satisfied that the request could not have reasonably been submitted before the deadline and that in all other respects it meets the requirements for a valid referral. *(NOTE: an Officer decision will be required in exercising this discretion to allow or refuse with reasons being produced and published to the Council's website)* (ix) Any application which the Director (Planning & Community), in their professional opinion, taking into account the written representations received, plans and policies and other material considerations decides should be referred to the Planning Committee because it raises more than significant local issues.

		2. The Director (Planning and Community), in consultation with the Chairman of the Planning Committee, may extend the time for the completion of a Section 106 Agreement for two further periods of six months at which point it would need to return to the Planning Committee for a decision as to whether to further extend the time or instead to now refuse planning permission on the grounds that the Section 106 Agreement had not been completed.
	The discharge of the **Miscellaneous functions – Part 1 – relating to Public Rights of Way, within the District Council's responsibility** *as specified in Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) and as detailed in Appendix 1 to Part 3 of the Constitution.*	All public rights of way matters delegated to the Corporate Director~~)~~ (Operations and Delivery)
	The discharge of the following **Miscellaneous functions – Part II – relating to hedgerows, trees and hedges** *as specified in Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) and as detailed in Appendix 1 to Part 3 of the Constitution*	All hedgerows, trees and hedges matters delegated to the Director (Planning and Community)

Committee	Functions and Terms of Reference	Delegated Functions
Human Resources and Council Tax Committee	Human Resources *The discharge of the following **Part II – miscellaneous functions** as set out in Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended), and as detailed in Appendix 1 to Part 3 of the Constitution* **Power to appoint staff, and to determine the terms and conditions on which they hold office (including procedures for their dismissal).** **Additional roles and functions of the Committee are as set out below:**	**Chief Executive:** Regrading posts, restructuring and determining staffing levels (except where Section 4 of the Local Government and Housing Act 1989 applies and it is appropriate for the full Council to consider any specific proposals of the Head of Paid Service in this regard).
	1. Decision-making on key Human Resource and Personnel issues not reserved by the Council or delegated to officers. 2. Strategic Overview and Monitoring of General Staffing Profile and Data through assessment and consideration of periodical statistical reports. 3. Agreement of key personnel policies, including but not exclusively: • Recruitment and Selection • Pay and Reward • Performance Management • Flexible Working and Work Life Balance • Equality and Diversity	Chief Executive in consultation with the Assistant Director (People): The approval of a redundancy or mutually agreed Settlement Agreement for dismissal of staff up to and including Management Team level. Any Corporate Director in consultation with the Assistant Director (People): 1.The exercise and performance of the Council's functions, powers and duties in relation to applications for extensions of sick pay entitlement

	• Discipline and Grievance • Managing Change • Human Resources and Organisation Development Strategy 4. The recommendation to Council of the terms and conditions of service, dismissal including redundancy, voluntary redundancy and voluntary early retirement of the Chief Executive. 5. The recommendation to Council of the retirement on the grounds of ill health of the Chief Executive on the recommendation of the Council's Medical Advisor. 6. The appointment and dismissal of and, disciplinary action against the Corporate Directors, Assistant Directors and Heads of Service. 7. Undertake the function of an advisory Independent Panel in accordance with the statutory provisions for the Chief Executive, Chief Financial Officer and Monitoring Officer (together with the Independent Persons).	2. The recruitment and appointment o permanent staff up to but not including the Corporate Directors above, in consultation with the Workforce Panel and in accordance with the Council's agreed procedures. Assistant Director (People) in consultation with the Corporate Director (Operations and Delivery) 1. Minor amendments to Human Resources Policies and Procedures necessary as a result of legislation, national guidance or best practice. 2. Approval of Pension Scheme related matters. The Chief Executive and Corporate Directors shall have authority to act in relation to all matters within their areas of responsibility in connection with management of staff including terms and conditions of employment and dismissal in accordance with the Council's Human Resources Policies and Staff Handbook as maintained on the Council's Intranet**.**

	<u>Council Tax</u> To exercise the Council's functions relating to the formal acceptance of Council Tax precepts from the major precepting authorities. The exercise of the Council's functions, powers and duties in relation to the Terms of Reference.	
Human Resources Sub-Committee	1. Forms part of the recruitment, dismissal and disciplinary process for the appointment of Senior Officers (as defined in Paragraph 3 of Part II of Schedule 1 of the Local Authorities (Standing Orders) (England) Regulations 2001 (as amended). 2. Form a panel to undertake interview of applicants for Senior Officer posts who have successfully been shortlisted and undertaken necessary technical interviews and assessments. 3. The Panel will be comprised of 3 members normally consisting of: • a Portfolio Holder, as determined by the Leader of the Council. The Leader will have the right to appoint a substitute for the Portfolio Holder if they will be unable to attend or if otherwise necessary; • the Chairman or Vice-Chairman of the Human Resources & Council Tax Committee; and • a named committee member from a political group that is not represented on the Cabinet. 4. The Panel must take into account the views and professional advice given by the relevant officers before an offer of appointment can be made.	Assistant Director (People)

	5. The Panel will notify the Assistant Director (People) of the name of the person to whom the post is to be offered and any other matter relevant to the appointment. 6. The Panel will determine whether any objection received from Cabinet through the Leader is valid and the offer of appointment should be made. 7. In the case of the Chief Executive and Monitoring Officer, the Panel will recommend to Council to approve the appointment before an offer is made.	• Notify all members of Cabinet of the name of the person to whom the post is to be offered and any other matter relevant to the appointment. • Receive any objection from Cabinet through the Leader to the appointment within the 3 day period for objections.
The Chief Officers' Employment Appeals Sub-Committee	1. To consider Employment Appeals under the Council's Disciplinary Policies and Procedures relating to the Council's Statutory Officers and Non-Statutory Chief Officers (as defined within the Council's Pay Policy Statement), and in accordance with the Handbooks and Conditions of Service as applicable to those posts at the relevant time. 2. The Chief Officers' Employment Appeals Sub-Committee ("Appeals Sub-Committee") will be comprised of 3 members normally consisting of: (i) a Portfolio Holder, as determined by the Leader of the Council. The Leader will have the right to appoint a substitute for the Portfolio Holder if they will be unable to attend or if otherwise necessary; (ii) the Chairman or Vice-Chairman of the Human Resources & Council Tax Committee; (iii) and a named committee member from a political group that is not represented on the Cabinet. 3. The Appeals Sub-Committee must not compromise of any Member who formed part of the Human Resources Sub-Committee when it performed its functions in relation to the dismissal and disciplinary process for the Statutory and Non-Statutory Chief Officers (as defined in Paragraph 3 of Part II of Schedule 1 of the Local Authorities (Standing Orders) (England) Regulations 2001.	

	4. No Member can sit on the Appeals Sub-Committee unless they have undertaken the appropriate training for the role to be fulfilled. 5. The Appeals Sub-Committee will follow the Appeal Procedure as contained within the Council's Policies and Procedures ensuring that the necessary process follows employment requirements. 6. The Appeals Sub-Committee must take into account the views and professional advice given by the relevant officers before a final decision is made, with such advice being recorded within the Decision. 7. The Decision of Appeals Sub-Committee maybe produced in any subsequent proceedings such as an Employment Tribunal. 8. All meetings of the Appeals Sub-Committee will be exempt from public attendance under paragraphs 1,2 and 3 of Schedule 12A of the Local Government Act 1972 due to the nature of the business conducted.	
Committee	**Functions and Terms of Reference**	**Delegated Functions**
Licensing and Registration Committee	***Functions relating to licensing, registration (B), Health and Safety at Work (C) and Smoke-free premises (FA) as set out in Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) and as detailed in Appendix 1 to Part 3 of the Constitution.*** **Additional roles and functions of the Committee are as set out below:** • Deciding whether to make a change to the Hackney Carriage Fare Scale operative within the Tendring District having considered the representations received in response to the Public Notice duly given pursuant to Section 65 of Part II of the Local Government (Miscellaneous Provisions) Act 1976;. • Recommending the Licensing Policy Statement to full Council and the Gambling Statement of Licensing Policy to Cabinet; • Power to consider, consult and consider representations in respect of an Early	1. All licensing and registration functions are delegated to the Miscellaneous Licensing Sub Committee or the Premises/Personal Licences Sub-Committee as detailed below and otherwise to the Corporate Director – Law and Governance except for determining standard licensing conditions and determining or recommending proposed policies, which remain with the Committee. 2. All functions relating to Health and Safety at Work and Smoke Free Premises are delegated to the Corporate Director (Operations and Delivery). 3. The initial, in principle, consideration of a proposal

	Morning Restriction Order (EMRO) under Sections 172A to 172E of the Licensing Act 2003 and to recommend implementation or rejection of application for EMRO to Full Council; and • Power to consult and consider representations in respect of Late Night Levy (LNL) Provisions under Chapter 2 of Part 2 of the Police Reform and Social Responsibility Act 2011 and to recommend implementation or rejection of an application to introduce LNL to Full Council. *The discharge of the following **Part II – Miscellaneous Functions** as set out in Schedule 1 of the Local Authorities (Functions and Responsibilities) Regulations 2000 (as amended) and as detailed in Appendix 1 to Part 3 of the Constitution:*	received for a change to the Hackney Carriage Fare Scale operative within the District and decision to give public notice (pursuant to Section 65 of Part II of the Local Government (Miscellaneous Provisions) Act 1976) of the Council's intention to amend the Fare Scale is delegated to the Corporate Director – Law and Governance in consultation with the Chairman of the Committee. 4. Whilst not limiting the delegation in 1. above, the Corporate Director – Law and Governance shall be authorised to:- (a) make minor changes to relevant policies arising from legislation, changes
	• Power to make closing order with respect to take away food shops . In addition the following powers and duties: • The setting of any fees and/or charges payable to the Council for the issue of any licences where the Council has discretion over such fees and/or charges) or otherwise in relation to any of the functions falling within the remit of the Licensing and Registration Committee and its Sub-Committees. • The consultation on draft policies relating to matters within the remit of this Committee and the development of proposals to be submitted for determination of Cabinet and/or Council.	to the organisational structure of the Council, or decisions of the Council; (b) make such arrangements in respect of the exercise by the Licensing Authority of licensing and registration functions in its role as a Responsible Authority; and (c) suspend a licence for the non-payment of fees or issuing of a Closure Order for a premises under Section 19 of the Criminal Justice and Police Act 2001 (sale of alcohol otherwise than in accordance with an authorisation)

Committee	Functions and Terms of Reference	Delegated Functions
Miscellan-eous Licensing Sub-Committee	To consider and determine matters relating to all licences, consents, registrations and certificates that fall within the terms of reference of the Licensing and Registration Committee, except where: 1. The function relates to the Licensing Act 2003 and/ or the Gambling Act 2005; or 2. The function has been delegated to Officers of the Council. In addition the Sub-Committee will exercise the following powers and duties: 3. Consideration for recommendations to local Highway Panel and Cabinet on: • installation of new taxi ranks and amendments/removals to existing taxi ranks. 4. Consider appeals or objections received against the Council's Street Trading Policy or refusal of consent by Officers. 5. Consider appeals or objections received against Officers' refusal of Street or House Collection applications.	All matters are delegated to the Corporate Director – Law and Governance except in circumstances where the matter: (i) remains with the Committee or Sub-Committee or (ii) officers are recommending approval contrary to a relevant adopted licensing policy.

Committee	Functions and Terms of Reference	Delegated Functions
Premises/ Personal Licences Sub-Committee	1. To consider applications for licences where representations have been received and not withdrawn, and applications for the review of licences, covered by the Licensing Act 2003 as follows: (i) Application for Premises Licence (ii) Application for Provisional Statement (iii) Application for Variation of Premises Licence (iv) Application to vary Designated Premises Supervisor following police objection (v) Application for transfer of Premises Licence following police objection (vi) Consideration of police objections made to interim Authority Notice (vii) Determination of application for Club Premises Certificate (viii) Determination of application to vary Club Premises Certificate (ix) Decision to give counter notice following police objection or environmental health authority objection to temporary event notice (x) Application for grant of personal licence following police objection (xi) Revocation of Licence where convictions came to light after grant etc. (xii) Application for review of Premises Licence (xiii) Application for review of Club Premises Certificate (xiv) Review following Closure Order	**To the Corporate Director – Law and Governance**: 1. All Council functions, powers and duties in relation to the Licensing Act 2003 and the Gambling Act 2005 which do not remain the specific function of the Committee or Sub-Committee.
	2. To consider applications for licences, where representations have been received and not withdrawn, and applications for the review of licences, covered by the Gambling Act 2005, as follows: (i) Application for Premises Licence (ii) Application for variation of Licence (iii) Application for transfer of a Licence (iv) Application for a Provisional Statement (v) Review of a Premises Licence (vi) Application for Club Gaming/Club Machine Permit (vii) Cancellation of a Club Gaming/Club Machine Permit (viii) Decision to give a Counter Notice to a Temporary Use Notice (Section 224) (ix) Matters referred to the Sub-Committee by Officers, notwithstanding the delegations set out opposite. (x) Application for Prize Gaming Permit (xi) Application for Family Centre Gaming Machine Permit	

Committee	Functions and Terms of Reference	Delegated Functions
Standards Committee	1. To promote and maintain high standards of conduct by Members and Co-opted Members of the authority; 2. To develop a culture of openness, transparency, trust and confidence between Members and in Member and Officer relationships and to embed a culture of strong ethical and corporate governance at all levels of the Council; 3. To advise the Council on the adoption or revision of the Members' Code of Conduct; 4. To advise, train or arrange training on matters relating to and assisting Members, Co-opted Members and Town and Parish Councillors on observing the Members' Code of Conduct; 5. To approve procedures for the conduct of hearings into complaints against Members;	**Delegation to Monitoring Officer:** 1. Deal with complaints against Members and co-opted Members of the Council and/or any Town or Parish Council in the Tendring District alleging a breach of the Members' Code of Conduct of the Council/Town or Parish Council ("Code") in accordance with the Complaints Procedure.

	6. To advise the Council upon the contents of and requirements for codes/protocols/other procedures relating to standards of conduct throughout the Council; 7. To receive reports from the Monitoring Officer and assess the operation and effectiveness of the Members' Code of Conduct and the other elements of the Standards Framework; 8. To inform Council and the Chief Executive of relevant issues arising from the determination of Code of Conduct complaints; 9. To hear and determine appeals against refusal to grant dispensations by the Monitoring Officer pursuant to Section 33 of the Localism Act 2011; and 10. To maintain oversight of the Council's arrangements for dealing with complaints delegated to Standards Town and Parish Sub-Committee.	2. Assess complaints in accordance with the Assessment Criteria and may consult with a duly appointed Independent Person and determine whether the complaint: • Merits no further action • Merits early informal conciliation • Merits further investigation Should due to exceptional circumstances be referred to the Standards Committee or Sub-Committee for consideration for further investigation 3. Determine the format of the Complaints Form, Decision Notices and Procedure Flowchart and review where necessary.
	Proceedings: 1. To conduct proceedings in accordance with the Complaints Procedure, giving due consideration to the Monitoring Officer's advice and guidance, and following the principles of natural justice and innocent until proven otherwise; 2. To receive referrals from the Monitoring Officer into allegations of misconduct in accordance with the assessment criteria and Complaints Procedure;	4. Commission external resources to investigate, undertake consultation with an Independent Person and report on any complaints relating to Member conduct. 5. Grant dispensations in compliance with Section 33(a) to (e) of the Localism Act 2011.
	3. In accordance with the Hearings Procedure, to hear and determine complaints about Tendring District Council Members and Co-opted Members referred to it by the Monitoring Officer; and 4. Any determination by the Committee which is contrary to the recommendation of the Monitoring Officer will include detailed reasons. The decision of the Committee will also be reported to the next meeting of full Council.	6. Submit reports to the Standards Committee or Sub-Committee on the actions taken under these delegated powers and to provide advice and support making recommendations to the relevant Committee on any matters relating to the promotion and maintenance of high standards of conduct.

Schedule 3

Responsibility for Executive Functions

EXECUTIVE FUNCTIONS ARE THE RESPONSIBILITY OF THE CABINET.

1. ROLE AND RESPONSIBILITIES

1. The general roles and responsibilities of the Cabinet are as follows:-

   (i) To make recommendations to the District Council with regard to the formulation of its policy framework, including the setting of the budget and council tax levels.
   (ii) To advise the District Council on all matters requiring a decision outside of the Council's agreed budget and policy framework.
   (iii) To discharge in accordance with the District Council's policy framework all functions of the Council, except those functions which cannot, by virtue of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 and other legislation, be the responsibility of the Cabinet. Such functions are the responsibility of the Council and its various Committees as set out in Schedule 2 to Part 3 of the Constitution.
   (iv) To deal with those "local choice functions" which have been delegated to the Cabinet by the Council as detailed in Schedule 1 of Part 3 of the Constitution.

2. RESPONSIBILITIES OF THE LEADER OF THE COUNCIL

1. The Leader of the Council is responsible for the overall operation of the Council's portfolios through effective management of their Cabinet.
2. To ensure effective communication of Cabinet business including appropriate liaison with Overview and Scrutiny.
3. To be the leading voice of the Council on all executive functions and for overall policy.
4. To be the member representative for executive functions of the Council working with the Council's partners and stakeholders, on statutory bodies, the voluntary sector, the business community and other national and local organisations.
5. Ensure that their actions are taken in accordance with Section 3 below when making formal decisions.

3. GENERAL PRINCIPLES REGARDING DECISION MAKING BY THE CABINET

1. The Leader of the Council is responsible for approving the delegation of executive functions to either:

   (i) The Cabinet collectively (see 4.1 below);
   (ii) An individual Member of the Cabinet (Portfolio Holder) (see 4.2 below);

(iii) A Working Party of the Cabinet (known as a Portfolio Holder Working Party);
(iv) An Officer, in consultation with the relevant Portfolio Holder(s); or
(v) An Officer.

Executive functions can also be delegated to, and discharged by an area committee or another local authority or jointly with one or more local authorities.

No Member or Committee of the Cabinet to whom the Leader of the Council has delegated a function may delegate on to another Member or Committee.

2. Powers and duties of the Cabinet and Portfolio Holders under their delegated authorisation must be:-

   (i) performed on behalf of and in the name of the Council;
   (ii) subject to the directions of the Council and of the Cabinet as appropriate;
   (iii) subject to powers and duties reserved for confirmation by the Council as set out in Article 4 of the Constitution;
   (iv) within the limits of the Council's approved policy framework and budget;
   (v) statutory provisions and restrictions;
   (vi) taking into account Officer's advice; and
   (vii) in accordance with the Council's approved Policies, Procedures, Protocols and Codes of Conduct.

3. Absence of the Leader of the Council:

   The Portfolio Holder designated by the Leader as their Deputy may exercise the functions of the Leader of the Council in the absence of the Leader.

4. The Leader of the Council may exercise any of the powers delegated to the Cabinet:

   a. Following a resolution of the Cabinet (subject to the Constitution), or
   b. In cases of urgency, in consultation with the Monitoring Officer and/or Section 151 Officer.

   In cases of urgency the decision of the Leader of the Council will be recorded and published in accordance with the Constitution. The Leader of the Council will also be required to make a public statement at the next formal meeting of the Cabinet which will explain why they had taken the decision as a matter of urgency.

5. The Leader of the Council may exercise any of the powers delegated to a Portfolio Holder:

   a. In their absence
   b. At their request
   c. In cases of urgency, in consultation with the Monitoring Officer and/or Section 151 Officer, or
   d. As the Leader so determines.

6. Where decisions are taken by individual Portfolio Holders under delegated powers the following principles and decisions shall apply:

   (a) All delegations to Portfolio Holders will be exercised after consultation and written advice from all relevant Officers.

(b) In cases where there is a significant difference of opinion between Portfolio Holders, the issue will be referred to the Leader of the Council in consultation with the Chief Executive and if necessary to the Cabinet for decision.

(c) The exercise of delegations by Portfolio Holders shall be within the Scheme of Delegated Powers of the Portfolio Holders.

(d) A Portfolio Holder shall not delegate any powers to an Officer unless such delegation is approved by the Leader of the Council.

(e) A Portfolio Holder may, if they consider it appropriate, elect to refer up to the Cabinet, the exercise of any power delegated to them.

7. In cases where there is an overlap in responsibilities between Portfolio Holders, the Leader of the Council shall determine which Portfolio Holder(s) should make the decision.

8. The Monitoring Officer shall in any case of uncertainty and after having considered relevant legislation, determine whether any matter falls within the remit of the Council, the Cabinet, a Committee or an Officer of the Council.

9. A record of Portfolio Holder decisions shall be maintained and published, as set out in Article 7 of the Constitution.

10. In the event of a change to the delegations of Executive Functions by the Leader or to the corporate structure of the Council by the Chief Executive, the changes will take immediate effect. The relevant amendments to this scheme of delegation should be made in the Constitution as soon as practicable.

4.1 THE CABINET COLLECTIVELY

The following details the broad principles of issues that are the responsibility of the Cabinet and which shall be considered by the Cabinet collectively at public meetings:

TERMS OF REFERENCE

To be responsible for Community Leadership for the District of Tendring. To lead the preparation of the District Council's policies and budget. To take decisions on resources and priorities together with other stakeholders and community partners as appropriate, and to deliver and implement the budget and policies decided by full Council. To be the focus for forming partnerships with other local public, private, voluntary and community sector organisations to address local needs.

1. Developing and making recommendations to the Council in respect of the plans and strategies that form the Council's policy framework.

2. Formulations of budgets and other statutory financial requirements for submission to Council.

3. Monitoring the Council's budgetary and overall financial position.

4. Decisions as required by the Council's Financial and Procurement Procedure Rules including transactions in respect of the Final Accounts.

5. Decisions outside of the Budget or Policy Framework in accordance with the Procedure Rules.

6. The approval of strategies, policies, plans and guidance which are the responsibility of Cabinet and are not delegated elsewhere within the Constitution.

7. Consideration and approval of the acquisition and disposal of property in accordance with the Property Dealing Procedure, legislation and specific consents.

8. Consideration, approval and determination of objections, under Section 123 of the Local Government Act 1972, received in respect of proposed disposals of land used as public open space. All such consideration and determination to be at a public meeting of the Cabinet.

9. The approval of planning policy matters that are the responsibility of the Executive such as Local Development Orders and Neighbourhood Plans (including statutory public consultations thereon).

10. Issues delegated to individual Portfolio Holders that in their opinion a collective decision by the Cabinet is required.

11. Issued delegated to an Officer that in the opinion of the Management Team a collective decision by the Cabinet is required.

12. Reviewing from time to time the Council's Constitution.

4.2 INDIVIDUAL MEMBERS OF THE CABINET (PORTFOLIO HOLDERS)

4.2.1 Responsibilities

The Leader of the Council has delegated overall strategic responsibilities for service areas to members of the Cabinet, known as Portfolio Holders, which are set out in the table below:

Portfolio Holder	Overall strategic responsibilities with Lead Officer(s) named for reference	
LEADER **ALSO PORTFOLIO HOLDER RESPONSIBLE FOR:**	• **Corporate Vision** • **Community Leadership** • **Countywide Leadership role** • **Representative role at County, Regional and National Level** *Officers: Ian Davidson, Chief Executive, Lisa Hastings (Corporate Director – Law and Governance) & Monitoring Officer) and Keith Simmons (Assistant Director Corporate Policy and Support)*	• Corporate priorities and Corporate Planning • Corporate Strategic Performance Management

CORPORATE FINANCE AND GOVERNANCE	• **Finance** *Officers: Richard Barrett (Corporate Director Finance and IT & S.151 Officer)* *and John Higgins (Head of IT and Corporate Resilience)*	• Financial Strategy • General Fund and Housing Revenue Account Annual Budget • Budget Management • Accountancy • Exchequer • Insurance • Treasury management and banking • Procurement strategy and central purchasing • Internal Audit • Corporate Health and Safety
	• **Revenues and Benefits** Officer: Richard Barrett, (Corporate Director Finance and IT & s.151 Officer)	• Administration of council tax and housing benefit • Business rates (NNDR) and reliefs • Local Council Tax Support Scheme • Cash Collection/Paypoint
	• **Legal and Governance** *Officers: Lisa Hastings* *Lisa Hastings and Will Lodge, Communications Manager*	• Legal advice and support to Council (re: executive and non-executive functions) • Legal services to departments • Regulation of Investigatory Powers Act 2000 – policy (compliance and co-ordination) • Corporate Communications
	• **Democratic Services** *Officers: Lisa Hastings and Keith Simmons*	• Council, Cabinet and Committee Services • Corporate Administration including programming meetings • Member support • Member Development • Corporate complaints • Ombudsman issues • Outside bodies appointments and support

	Overall strategic responsibilities with Lead Officer(s) named for reference	
DEPUTY LEADER **&** **ECONOMIC GROWTH REGENERATION TOURISM**	• **Economic Growth** *Officers: Lee Heley (Corporate Director place and Wellbeing) and Mike Carran (Assistant Director Sport, Culture and Health*	• Tendring for Growth • Economic Growth Strategy and representative on the North Essex Economic Board • Economic Partnerships • Business Engagement • Inward Investment • Business Support (employment and development) • Employability, Skills and apprenticeships linked to Business Growth & Vocational Skills agenda and Freeports (*working in conjunction with the Portfolio Holder for Partnerships – education and skills agenda)
	• **Freeports and Freeport East** *Officers: As above*	• Director of Freeport East appointed by the Leader
	• **Regeneration** *Officers: As above*	• Strategic Regeneration Programmes • Representative on Tendring Regeneration Board • Lead Portfolio Holder for delivery and administration of the Levelling Up Funds for: - *the Clacton Civic Quarter proposal and* - *the Capital Regeneration Project proposal for Dovercourt Town Centre Improvement Corridor.* • Delivery and administration of the Interventions included in Tendring District Council's Investment Plan for Shared Prosperity Fund • Town Centre Regeneration • Sunspot Covered Market

	• **Community Regeneration Partnership**	• Strategic Oversight Responsibility for the Community Regeneration Partnership (all TDC projects, in consultation with the relevant Portfolio Holder). • Strategic Oversight Responsibility for those CRP Projects being delivered by Partners: - *Improving bus infrastructure in Clacton and Jaywick* - *Fitting out the skills hub at the new Clacton Hub* - *Expanding the Tudor Fields – Jaywick walking route which would also serve as an evacuation route and for emergency vehicle access* - *Urgent Treatment Centre and Primary Care Facility* • Individual responsibility for the following CRP projects: - *Shopfront improvements in Clacton and Jaywick* - *Connecting the Town Centre to the seafront* - *Fitting out the Sunspot Centre with solar panels* - *Providing Community Transport Buses* - *"Cultural master planning" [as per government direction] – rather: a spatial strategy for Clacton*
	• **Tourism** *Officers: As above*	• Tourism Strategy • Tourism Events • Tourism Information and promotion • Airshow

ASSETS & COMMUNITY SAFETY	• **Corporate Asset Management** *Officers: Damian Williams Corporate Director (Operations and Delivery) and Andy White (Assistant Director Building and Public Realm)*	• Overview of the Property Programme • Overview and formulation of Assets Management Plan, Property Strategy and Property Office Procedures • Property Service providing property advice and support to service areas • Initiation and authorisation of property transactions in accordance with the Property Dealing Procedure • Public Conveniences • Street Furniture • Carbon Neutral Action Plan relating to Council's Assets
	• **Community Regeneration Partnership Projects**	• Individual Portfolio Holder responsibility, in consultation with the Portfolio Holder for Economic Growth Regeneration & Tourism for the following CRP projects: - *Repurposing Martello towers* - *Acquiring and repurposing disused town centre building for cultural use*
	• **Building Services and Facilities Management** *Officers: As above*	• Buildings advisory service • Council office and buildings policy including facilities management and maintenance • Depots • Office cleaning
	• **Bereavement** *Officers: As above*	• Crematorium and cemeteries

	• **Procurement and Social Value** *Officers: Lisa Hastings Corporate Director – Law and Governance (andMonitoring Officer) and Karen Townshend, Executive Projects Officer (Governance)*	• Procurement Strategy • Social Value Policy • Shared Procurement Service development • Central Purchasing
	• **Licensing – Executive Functions** *Officers: Lisa Hastings (Corporate Director - Law and Governance) & Monitoring Officer and Keith Simmons (Assistant Director Corporate Policy and Support*	• Overseeing licensing policy matters specifically under the Gambling Act 2005, but more widely (excluding under the Licensing Act 2003) including for taxis and private hire matters.
	• **Community Safety** *Officers: Damian Williams (Corporate Director Operations and Delivery)*	• Community Safety Partnership • Representative on the Essex Police, Fire and Crime Panel • Crime and Disorder Strategy • Serious Violence Duty • Safeguarding • Provision, maintenance and development of CCTV systems
	• **Civil Contingencies** *Officers: As above* *Officers: Richard Barrett, (Corporate Director – Finance and IT & s.151 Officer) and John Higgins (Head of IT and Corporate Resilience)*	• Provision of Emergency Planning • Business Continuity
ENVIRONMENT & ICT	• **Environment** *Officers: Damian Williams, Corporate Director (Operations and Delivery) and Tim R Clarke (Assistant Director for Housing and Environment)*	• Pest Control • Food, safety and hygiene • Water safety/quality • Pollution • Animal welfare • Public protection • Environmental Health • Port Health
	• **Refuse Collection and Cleansing**	• Household waste minimisation and collection

	Officers: As above	• Recycling maximisation and collection • Street cleansing • Dog Warden Service • Abandoned Vehicles • Unlawful car sales
	• **ICT** *Officers: Richard Barrett Corporate Director - Finance and IT & S.151 Officer) and John Higgins (Head of IT and Corporate Resilience)*	• ICT Strategy • ICT contracts • Networks and system support • Data Protection • Information Management • Cyber Security • FOI/EIR requests for information • Internet • Intranet • Telephony • Digital Infrastructure Champion
	• **Superfast Essex**	• Representative on Superfast Essex Steering Group
	• **Enforcement matters relating to Portfolio Holder responsibilities** *Officers: Damian Williams, Corporate Director (Operations and Delivery)*	• Strategic Oversight of Enforcement Policies, Procedures and Performance within areas of responsibility • Attendance at Corporate Enforcement Group, where appropriate (excludes regulatory functions that are the responsibility of Planning and Licencing Committees)
	• **Coast Protection and Engineering** *Officers: Damian Williams, Corporate Director (Operations and Delivery and Andy White (Assistant Director (Building and Public Realm)*	• Coast Protection and flood defence – planning and major schemes • Coast Protection Maintenance • Minor Engineering Works • Sewerage and land drainage • Local highways and lighting functions e.g. road closures, street naming, numbering and name plates and highways rangers
	• **Transport** *Officers: As above*	• Fleet management and vehicle workshops

	• **Climate Change and Carbon Neutral** *Officers: Lee Heley Deputy Chief Executive & Corporate Director - Place and Wellbeing) and Tim R Clarke (Assistant Director for Housing and Environment)*	• Champion & Green Issues • Strategy and Policy • Action Plan Development and Monitoring
HOUSING AND PLANNING	• **Strategic Housing (Private Sector Housing)** *Officers: Damian Williams, Corporate Director (Operations and Delivery) and Tim R Clarke (Assistant Director for Housing and Environment)*	• Financial assistance for private sector housing • Houses in Multiple Occupation • Private Sector Housing – regulation and improvement • Tenants Redress Scheme • Private Sector Housing conditions enforcement and advice • Gypsy/Traveller liaison and representative on Essex Countywide Traveller Joint Committee • Home energy efficiency and fuel poverty • Jaywick Sands Team • Housing Stock Review
	• **Strategic Housing (Housing Options and Allocations)** *Officers: Damian Williams, Corporate Director (Operations and Delivery) and Tim R Clarke (Assistant Director for Housing and Environment)*	• Housing strategy and development • Homelessness policy and advice and assistance to homeless persons and in housing need • Housing allocation scheme
	• **Housing Maintenance and Investment Programme** *Officers: Damian Williams, Corporate Director (Operations and Delivery, Tim R Clarke (Assistant Director for Housing and Environment) and Andy White, Assistant Director (Building and Public Realm)*	• Maintenance of housing assets including sheltered schemes • Housing Investment Programme

	• **Housing Management** *Officers: Damian Williams, Corporate Director (Operations and Delivery) and Tim R Clarke (Assistant Director for Housing and Environment)*	• Sheltered housing • Tenancy management • Housing Revenue Account business plan • Supporting people contract with Essex County Council • Local supporting people • Partnership with registered providers • Enable new opportunities to address housing need through partnership working • Tenant Relations • Rent collection • Right to Buy and other disposals
	• **Community Regeneration Partnership Projects**	• Individual Portfolio Holder responsibility, in consultation with the Portfolio Holder for Economic Growth Regeneration & Tourism for the following CRP projects: - *Extending the housing enforcement work of Jaywick Healthy Homes Initiative*
	• **Strategic Planning** *Officer: Gary Guiver, Corporate Director - Planning and Community*	• Corporate Strategic Oversight of the various planning functions delivered by the Service • Planning Policy and Guidance such as Supplementary Planning Documents and Guidance • Neighbourhood Planning District Council responsibilities • Constructive liaison with the Chairman of the Planning Committee and Chairman of the Planning Policy and Local Plan Committee

	• **Tendring/Colchester Borders Garden Community** *Officer: Gary Guiver, Corporate Director – Planning & Community*	• .Executive Representation on Tendring/Colchester Borders Garden Community Joint Committee • Executive Steering Group Representative
	• **Buildings**	• Dangerous structures • Building Control Services
	• **Enforcement Matters related to Portfolio Holder responsibilities** *Officers: All named in this Portfolio*	• Strategic Oversight of Enforcement Policies, Procedures and Performance within areas of responsibility. • Attendance at Corporate Enforcement Group, where appropriate (excludes regulatory functions that are the responsibility of Planning and Licensing Committees)
LEISURE AND PUBLIC REALM	• **Leisure Services** *Officers: Lee Heley Deputy Chief Executive & Coroprate Director - Place and Wellbeing and Mike Carran (Assistant Director – Sport, Culture and Health*	• Sports centres and facilities (representative on Joint Consultative Committees and partnerships with schools) • Sports initiatives and sports development • Communities of interest (Children and Young People for sport and leisure)
	• **Public Realm and Open Spaces** *Officers: Damian Williams, Corporate Director (Operations and Delivery) and Andy White Assistant Director (Building and Public Realm)*	• Horticultural Services • Open Spaces • Recreation Grounds • Children's Play Areas • Public Halls • Sports Clubs

	• **Seafronts** *Officers: Lee Heley Deputy Chief Executive & Corporate Director – Place and Wellbeing and Mike Carran (Assistant Director Sport, Culture and Health* *Officers: Damian Williams, Corporate Director (Operations and Delivery) and Andy White (Assistant Director for Building and Public Realm)*	• Seafront Management • Beach Huts • Beach Cleaning • Kiosks
	• **Car Parking** *Officers: Damian Williams, Corporate Director (Operations and Delivery) and Andy White Assistant Director (Building and Public Realm)*	• Off street car parking service • Traffic Regulation Orders • Strategic parking advice and on street functions as delegated by the Highway Authority • Council's representative on North Essex Parking Partnership (NEPP) • Electric Vehicle Charging Policy
	• **Community Regeneration Partnership Projects**	• Individual Portfolio Holder responsibility, in consultation with the Portfolio Holder for Economic Growth, Regeneration and Tourism for the following CRP projects: - *Active Wellbeing Centre Phase One and All Wheels Park exclusive cycling facility* - *Enhancing public open space i Jaywick Sands*
	• **Enforcement Matters related to Portfolio Holder responsibilities** *Officers: All named in this Portfolio*	• Strategic Oversight of Enforcement Policies, Procedures and Performance within areas of responsibility. • Attendance at Corporate Enforcement Group, where appropriate (excludes regulatory functions that are the responsibility of Planning and Licensing Committees)

PARTNERSHIPS	• **Health and Well-being** *Officers: Lee Heley Deputy Chief Executive & Corporate Director (Place and Wellbeing)*	• Health Service Liaison • Health and Well-being • Community Health • Health inequalities
	• **Partnerships** *Officers: Gary Guiver Corporate Director (Planning & Community)*	• Education and Skills Agenda including Job Centre Plus Partnerships • Community engagement, development and empowerment (including consultations, advice and support) • Stakeholder relationships with public and third party organisations • Neighbourhood activities
	• **Customer Services** *Officers: Gary Guiver Corporate Director (Planning & Community)*	• Customer Services • Careline service • Out of hours service • Contact Centre • Switchboard
	• **Human Resources** *Officers: Katie Wilkins, Assistant Director People*	• Career Track • (NB other Human Resources functions are non-executive and some are delegated to the Human Resources and Council Tax Committee with others being delegated to the Head of Paid Service)
	• **Enforcement Matters related to Portfolio Holder responsibilities** *Officers: As above*	• Strategic Oversight of Enforcement Policies, Procedures and Performance within areas of responsibility. • Attendance at Corporate Enforcement Group, where appropriate (excludes regulatory functions that are the responsibility of Planning and Licensing Committees)

ARTS, CULTURE AND HERITAGE	• **Arts, Culture and Heritage** *Officers: TBC*	• Arts, entertainment, culture and heritage initiatives, projects and related events • Lead member for Arts Council liaison • Princes Theatre Management
	• **Rural Affairs** *Officers: TBC*	• Rural Champion • Rural England Prosperity Fund
	• **Equity and Inclusion** *Officers: TBC*	• Strategy and Champion
	• **Community Regeneration Partnership Projects** Lee Heley – Deputy Chief Executive & Corporate Director (Place and Wellbeing)	• Individual Portfolio Holder responsibility in consultation with the Portfolio Holder for Economic Growth Regeneration & Tourism for the following CRP projects: - *Repurposing seafront assets for seafront arts, exhibition and community micro venue*
	• **Enforcement matters relating to Portfolio Holder responsibilities** *Officers: As above*	• Strategic Oversight of Enforcement Policies, Procedures and Performance within areas of responsibility. • Attendance at Corporate Enforcement Group,, where appropriate. (excludes regulatory functions that are the responsibility of Planning and Licensing Committees)

4.2.2 Role of Leader and Individual Portfolio Holders

In addition to the general principles set out in Section 3 above, the role of individual Portfolio Holders with areas of responsibility is as follows:-

1. To have overall responsibility for the development, implementation and review of Strategies and District Council Policy in relation to their portfolios and to be the main Council spokesperson thereon.

2. To monitor service performance regarding progress towards achieving strategies and objectives and delivery of service performance targets within approved budgets.

3. To satisfy themselves as the integrity of financial information and the adequacy of financial controls and risk management arrangements.

4. To represent and speak on behalf of the Cabinet at the Overview and Scrutiny and Audit Committees when they are dealing with issues in their portfolio.

5. To be a member of the Cabinet and exercise collective responsibility in decision making and in making recommendations to the Council.

6. To consult with the Committees, other Members, partners and stakeholders including the public as appropriate in the formulation and development of Council policy within their portfolio.

7. To inform and consult relevant ward Members when making formal decisions.

8. To make decisions in accordance with the Council's Strategies, Policies, Procedures, Protocols and Codes of Conduct or as otherwise required by the Constitution.

9. To undertake all relevant training provided to aid them in carrying out their duties and responsibilities as Portfolio Holders and to keep themselves up to date on such training.

4.3 ADDITIONAL SPECIFIC DELEGATIONS TO INDIVIDUAL PORTFOLIO HOLDERS

Corporate Finance and Governance

1. The monitoring and review of the operation of the Council's Constitution and recommending amendments to the Constitution to the Cabinet/Council.

2. To oversee the preparation and recommendation of financial forecasts and annual detailed budget, including Housing Revenue Account.

3. In consultation with the Chief Financial Officer, to agree the outturn position/report each year (including carry forwards) to provide the necessary flexibility to comply with the new statutory timetable for publishing the Council's Statement of Accounts.

4. Overview and presentation of financial monitoring reports to Cabinet.

5. The exercise of functions delegated to the Portfolio Holder by the Financial and Procurement Procedure Rules.

6. The approval of the Council's Council Tax Base and the Government's Annual NNDR Forecast Return.

7. Implementation and Monitoring of the Council's Treasury Management Policy Statement and Treasury Management Practices.
8. The approval of the draft Annual Capital and Treasury Strategy, in advance of it being formally considered by Cabinet, for consultation purposes with the Resources and Services Overview & Scrutiny Committee. In due course, the Cabinet will then recommend the final version of the Strategy to Full Council for formal adoption.

Assets

1. Overseeing implementation of the Property Strategy, Property Programme and Property Office Procedures in accordance with the Property Dealing Procedure.

2. The exercise of functions delegated to the Portfolio Holder by the Property Dealing Procedure.

3. The exercise of functions delegated to the Portfolio Holder by the Procurement Procedure Rules.

Leisure and Public Realm

1. To approve the making of car parking regulation orders when requested by Essex County Council.

2. The selection and rejection of proposals for the making of traffic regulation orders being submitted to the North Essex Parking Partnership will be authorised by the Portfolio Holder, where objections have been received to initial proposals. Reasons for such selection or rejection will be published following consultation with the relevant ward councillor and the relevant adjacent ward councillor. Such delegation cannot be exercised for proposed traffic regulations orders within the Portfolio Holder for Leisure and Public Realm's ward and in such cases, would be referred to the Leader for determination.

3. The determination of Hackney Carriage stands under Section 63 of Part 2 of the Local Government (Miscellaneous Provisions) Act 1976 (in consultation with the Portfolio Holder for Housing and Planning).

Housing and Planning

1. The authorisation of delegated budgets to formally constituted stakeholder groups subject to adequate provision having been made in the revenue estimates approved by Cabinet.

2. Oversee the preparation of the Housing Revenue Account Business Plan, Housing General Fund, Housing Benefits and the Housing Investment Programme, including rent setting and review, within policy guidelines as determined by the Cabinet.

3. The development, implementation and amendment, as required, of the Housing Investment Programme in accordance with the annual budget set by Cabinet.

4. The development and review of the Council's Local Council Tax Support Scheme for presentation to Cabinet for recommendation to Council for approval.

5. Ensuring that there is effective two-way communication between the Executive and the Local Plan and Planning Committees. In particular in relation to the implementation of current Development Plan policies and to drafts of any review of the Development Plan

6. Approval, where permitted, of Master Plans, Conservation Area Management Plans and Development and Design Briefs prepared to support any Development Plan Documents.

7. To consider and agree responses to consultation exercises on national, regional and sub-regional planning policy issues and on other authorities' planning documents.

8. To act as lead portfolio holder in respect of the Council's Statement of Licensing Policy (Gambling Act 2005).
9. The approval of grants to organisations within the areas of responsibility (including enhanced rate relief and other discretionary benefits).

Economic Growth, Regeneration and Tourism

1. To act as lead portfolio holder in respect of all Transport cross-cutting issues.

2. Engagement with regional and sub-regional partnerships, planning and funding frameworks – including the Haven Gateway Partnership – to promote the interests of the Tendring District and the communities within it.

3. The approval of grants to organisations within areas of responsibility (including enhanced rate relief and other discretionary benefits).

4.4 DELEGATION OF EXECUTIVE FUNCTIONS TO OFFICERS

1. With the exception of the matters which the Leader of the Council has determined are to be discharged by the Cabinet or individual Portfolio Holders, as detailed in the Cabinet Scheme of Delegation, the Corporate Directors and, where appropriate, the Assistant Directors have delegated authority to discharge all executive functions within their respective service areas as set out in Article 12, having authority to act on all such matters. The Chief Executive shall determine from time to time what the service responsibilities of Corporate Director and each Assistant Director shall be.

2. The delegation of powers to officers is underpinned by the principle and culture of consultation and liaison with Members, as appropriate and the ability for officers to refer matters to the relevant decision maker i.e. individual Portfolio Holder or a meeting of the full Cabinet, where it is felt that this is appropriate due to the nature of an issue.

3. In all cases of delegations to officers where consultation with the relevant Portfolio Holder is necessary, and in cases where the relevant Portfolio Holder is not available, the Leader of the Council is to be consulted.

   In instances, where there is disagreement between the officer and the relevant Portfolio Holder the matter should be referred to Cabinet for consideration and determination.

4. The discharge of all such functions by Officers shall be subject to:-

   (i) actions being taken in accordance with the Council's Budget and Policy Framework and other Council Policies, Procedures, Protocols and Codes of Conduct;

   (ii) consultation, as appropriate with relevant Portfolio Holder;

   (iii) the referral of any required decision or action which is controversial in nature to the appropriate Member decision making individual or body; and

   (iv) recording the decision in the required format.

5. The Leader of the Council has delegated authority for executive functions to Chief Executive and the Corporate Directors, however any authority granted to the Chief Executive, a Corporate Director or an Assistant Director, unless otherwise indicated, may be exercised by an Officer authorised by the Corporate Director or Assistant Director in writing for that purpose. The Monitoring Officer will maintain a record of such authorisations which shall be available for inspection.

6. The Corporate Directors and, where appropriate, the Assistant Directors are Designated Officers for the purposes of legislation within their respective service areas as set out in Article 12 of the Constitution and have the power to designate Officers of the authority as an authorised person for purposes relating to legislation falling within their areas of responsibility as set out in Article 12.

7. Any authority which can statutorily only be discharged by Officers with a specific level of qualification must only be conferred to and discharged by such Officers. Furthermore, where the matter relates to a statutory power or duty conferred or imposed directly on an Officer of the Council, only that Officer may discharge the function.

8. The Chief Executive has authority to exercise any executive function delegated to Officers, except where an Officer with appropriate qualifications must only discharge such a delegation or where the matter relates to a statutory power or duty conferred or imposed directly on an Officer of the Council as referred to in paragraph 6.

9. The delegations to Officers include the normally accepted powers and duties of Officers to deal with matters of routine occurrence falling within the scope of their departmental and service responsibilities. This includes all present and future legislation relating to the functions of the service and nothing in this schedule shall derogate from any statutory power or duties conferred or imposed directly on an Officer of the Council.

10. In accordance with the legislative requirements, any Officer making a decision in connection with the discharge of an executive function under their delegated powers shall be responsible for maintaining a record of such decisions and arranging for this to be published on the Council's website.

11. Where functions, which are the responsibility of the Cabinet, are delegated to Officers, the Cabinet remain accountable to the Council, through overview and scrutiny committees for the discharge of those functions. That is to say, the Cabinet will be held to account for both its decision to delegate a function and the way that the function is being carried out. Officers may be requested to attend an Overview and Scrutiny Committee, if an Officer's decision is called in.

12. The Monitoring Officer shall determine in any case of uncertainty whether any matter falls within the remit of the Council, the Cabinet, a Committee or an Officer of the Council. Such a determination will be having taken account of relevant legislation.

4.4.1 General Responsibilities delegated to Officers:

1. All Corporate Directors have the authority to incur expenditure (with the exception of external legal resources) in accordance with the Budget and Policy Framework, Financial Procedure Rules and Procurement Procedure Rules. Instructing external legal resources remains the responsibility of the Corporate Director – Law and Governance.

2. All Corporate Directors are authorised to apply for planning permission in respect of land and/or buildings owned by or within the control of the Council and held in respect of the functions of a Portfolio Holder. In such instances, consultation with the relevant Portfolio Holder is mandatory

3. In consultation with the Corporate Director – Law and Governance, all Corporate Directors are authorised to deal with the assignment of leases and granting, variation and renewal of licences up to a maximum duration of 12 months including annual rights of way within their respective service areas of responsibility.

4. The management and maintenance of all the land holdings occupied or within the control of the service area remit, including health and safety inspections.

5. All Corporate Directors are authorised to issue and serve notices under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976 in respect of functions under the control of a Portfolio Holder.

6. All Corporate Directors are authorised in consultation with the Corporate Director – Law and Governance, to take all steps in connection with any legal proceedings, in respect of any function under the jurisdiction of a Portfolio Holder including the commencement or defence of, withdrawal, settlement or compromise of any such proceedings.

7. All Corporate Directors are authorised in consultation with the Corporate Director – Law and Governance, to appear on the Council's behalf in any legal proceedings, under the jurisdiction of a Portfolio Holder, before all courts, tribunals and inquiries.

8. All Assistant Directors, in consultation with the relevant Portfolio Holder, Management Team Member and the Assistant Director (Finance & IT), are authorised to decide the level of the annual discretionary fees and charges for their service (including any in-year changes that may be required) for inclusion within the Council's corporate schedule of fees and charges.

9. The Chief Executive is delegated the power to authorise compensation payments up to a maximum of £5,000 as a result of Local Government & Social Care Ombudsman or Housing Ombudsman recommendations or by virtue of the Corporate Complaints Procedure.

Schedule 4

Schedule of Proper Officers

And Related Provisions

The Officers appointed to the statutory positions of Head of Paid Service, Section 151 Officer and Monitoring Officer are set out in Article 12 of the Council's Constitution.

Proper Officer and Statutory Officer appointments must be distinguished from powers "delegated" to Officers.

1. Delegated powers –

   (1) are confirmed at the Council's discretion

   (2) may be withdrawn or amended; and

   (3) may be subject to the observance of conditions and/or compliance with Council policy.

2. Under certain statutes and guidance, the Council is required to appoint a Proper Officer or Statutory Officers to undertake a specific function. In such cases, the effect of the statutory provision is as follows:-

   (i) the function can only be dealt with through that Officer;

   (ii) the function can only be discharged by that Officer in the way prescribed by the statutory provision concerned;

   (iii) the Council cannot direct the way in which the function is discharged.

3. In the absence of the Proper Officers their powers are exercisable by their Deputy or Deputies in absence or by such Officer(s) as the Proper Officer in writing shall appoint

.

SCHEDULE 4 – PROPER OFFICERS

The Council has appointed the following Proper Officers

STATUTORY REFERENCE	FUNCTION	PROPER OFFICER	Officer to act in event of Proper Officer being unable to
Local Government Act 1972			
Section 41	Returning Officer at Local Elections	Chief Executive	Assistant Director Corporate Policy and Support
Section 83	Witness and receipt of Declarations of Acceptance of Office	Chief Executive	Monitoring Officer
Section 84	Receipt of Notice of Resignation	Chief Executive	Monitoring Officer
Section 88	Convening of Meeting of Council to fill casual vacancy in office of Council Chairman	Chief Executive	Monitoring Officer
Section 89	Receipt of Notice of casual vacancy in the case of Councillors	Chief Executive	Monitoring Officer
Section 100B(2)	Exclusion of Reports from inspection by public	Monitoring Officer	Deputy Monitoring Officer
Section 100B(7)	Provision of copies of documents other than Agenda and Minutes to the Press	Monitoring Officer	Deputy Monitoring Officer
Section 100C(2)	Provision of summary of proceedings of a closed meeting	Monitoring Officer	Deputy Monitoring Officer
Section 100D(5)	Provision of background papers	Assistant Director Corporate Policy and Support	Democratic Services Manager
Section 100F(2)	Disclosure of documents to Members	Monitoring Officer	Deputy Monitoring Officer
Section 115	Receipt of true account and monies due from Officers	Section 151 Officer	Deputy Section 151 Officer
Section 146	Statutory Declarations and Certificates with regard to securities	Section 151 Officer	Deputy Section 151 Officer
Section 151	Responsibility for provision of adequate and effective Internal Audit function	Section 151 Officer	Deputy Section 151 Officer
Section 191	Functions with respect to Ordnance Survey Act 1841	Director for Planning	Corporate Director Planning and Community
Section 210	Powers in respect to local charity	Section 151 Officer	Deputy Section 151 Officer

STATUTORY REFERENCE	FUNCTION	PROPER OFFICER	Officer to act in event of Proper Officer being unable to
Local Government Act 1972 cont.			
Section 212	Local Land Charges Register	Corporate Director (Planning & Community	Head of Planning Business and Policy
Section 225(1)	Deposit of Documents	Monitoring Officer	Democratic Services Manager
Section 229(5)	Certification of copies of documents intended to be used in legal proceedings	Monitoring Officer	Deputy Monitoring Officer
Section 234(1)	Authentication of Documents	Monitoring Officer	Deputy Monitoring Officer
Sections 236 & 238	Certification of Byelaws	Corporate Director - Law and Governance	An in-house Solicitor
Schedule 12 – Para 4 (a) (b)	Signature of Council Summons Receipt of Notice of address for Council Summons	Chief Executive Assistant Director Corporate Policy and Support	Monitoring Officer Democratic Services Manager
Schedule 14 – Para 25	Certification of Resolutions	Monitoring Officer	Deputy Monitoring Officer
Schedule 16 – Para 28	Receipt of deposit of Lists of protected buildings	Corporate Director Planning and Community	Head of Planning Business and Policy
Schedule 22 – Para 17	Authentication of Notices etc. under the Housing Acts	Corporate Director (Operations and Delivery)	Assistant Director (Housing & Environment)
Local Government (Miscellaneous Provisions) Act 1976			
Section 41	Evidence of Resolutions and Minutes of proceedings	Monitoring Officer	Deputy Monitoring Officer
Representation of the People Regulations 1986			
Regulation 96	Retention of documents relating to Postal voting	Chief Executive	Assistant Director Corporate Policy and Support
Representation of the People Act 1983			
Section 8(2) and Section 52(3)	Appointment of Electoral Registration Officer (automatically acting Returning Officer in Parliamentary elections)	Chief Executive	Assistant Director Corporate Policy and Support

STATUTORY REFERENCE	FUNCTION	PROPER OFFICER	Officer to act in event of Proper Officer being unable to
Representation of the People Act 1983 cont			
Sections 18B and 31	Designation of Polling Districts and Places (Parliamentary and Local Government Elections)	Chief Executive	Assistant Director Corporate Policy and Support
Section 52(2)	Deputising for Registration Officer	Assistant Director Corporate Policy & Support	Elections Manager
Sections 67 to 70	Appointment etc. of Election Agent	Returning Officer	Returning Officer to appoint Deputies at each election (as required)
Sections 75, 81, 82 & 89	Return of election expenses	Chief Executive	Assistant Director Corporate Policy and Support
Section 128	Publication of election Petition	Chief Executive	Assistant Director Corporate Policy and Support
Section 131	Provision of accommodation for election court	Chief Executive	Assistant Director Corporate Policy and Support
Local Elections (Principal Areas) Rules 1986			
Rule 44	Receive notice of Declaration of Result	Chief Executive	Assistant Director Corporate Policy and Support
Rules 46 to 48	Retention of election documents	Chief Executive	Assistant Director Corporate Policy and Support
Police and Crime Commissioner Elections Order 2012			
Article 10	Designation of Polling Districts & Places	Chief Executive	Assistant Director Corporate Policy and Support
Local Government Finance Act 1988			
Section 114	Report to Full Council in respect of unlawful expenditure or an unbalanced budget	Section 151 Officer	Deputy Section 151 Officer
Section 116	To inform the Authority's external auditor of the date, time, place and outcome of meetings held under Section 115 of the Act	Section 151 Officer	Deputy Section 151 Officer
Local Government (Committees and Political Groups) Regulations 1990			
Regulations 8-10, 13, 14 & 17	Political balance and appointments to committees	Chief Executive	Monitoring Officer
Local Authorities (Referendums) (Petitions and Directions) (England) Regulations 2000			
Regulations 5-8	Functions relating to petitions and referenda for elected mayor	Chief Executive	Monitoring Officer

STATUTORY REFERENCE	FUNCTION	PROPER OFFICER	Officer to act in event of Proper Officer being unable to
Local Authorities (Standing Orders) (England) Regulations 2001			
Schedule 1 Part II	Administration relating to the appointment and dismissal of a member of staff	Assistant Director (Partnerships)	Human Resources & Business Manager
Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 and final determination of 'Need to Know'			
Regulations 2, 7, 10, 12, 13, 14, 15, 16 & 20 and Common Law position	Access to Information Procedure and Recording of Decisions	Monitoring Officer	Deputy Monitoring Officer

Schedule 5

Joint Arrangements

NORTH ESSEX PARKING PARTNERSHIP

Tendring Council is a member of the North Essex Parking Partnership, which includes the Boroughs and Districts of **Braintree, Colchester, Epping Forest, Harlow, Tendring** and **Uttlesford.**

The Partnership adopted responsibility for the ongoing maintenance and enforcement of on-street parking restrictions throughout the north of Essex.

The Partnership's responsibilities will include the implementation of new parking restrictions and schemes, including ensuring that all existing signs and street lining relating to on-street parking restrictions is in place and is up to standard.

TERMS OF REFERENCE FOR TENDRING COLCHESTER BORDERS GARDEN COMMUNITY JOINT COMMITTEE

1. Parties:

(1) Tendring District Council ("TDC")
(2) Colchester City Council ("CCC")
(3) Essex County Council ("ECC")

2. Status:

This Committee is a joint committee for Tendring Colchester Borders Garden Community (TCBGC) formed by resolutions of the Cabinets and Full Councils of TDC, CCC and ECC pursuant to sections 101(5), 102(1)(b) and 102(2) of the Local Government Act 1972. The Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2012, Regs 11 (7) and 12 (4) *(These regulations determine arrangements involving joint committees and membership)*.

TDC and CCC have agreed pursuant to Section 28 of the Planning and Compulsory Purchase Act 2004 to prepare a joint local development document, for the purposes of these Terms of Reference to be known as a joint TCBGC DPD, although the name of the Garden Community may change throughout the process.

3. Membership:

- 2 Members appointed by TDC (one of which must be the Chairman of the Planning Policy and Local Plan Committee and the other must be a Member from a political group that is not represented on the Cabinet) plus 1 Cabinet member appointed by the Leader.
- 2 Members appointed by CCC (one of which must be the Chairman of the Local Plan Committee) plus 1 Cabinet member appointed by the Leader
- 2 Members appointed by ECC, one of whom should be a Cabinet Member or Deputy Cabinet Member.
- TDC and CCC will also each appoint a Member to serve as their respective Council's Substitute Member. ECC will appoint two Substitute members.

3.1 All members of the Committee shall have undertaken suitable training which shall have been approved by the parties.

4. Terms of reference:

4.1 The Committee's remit is to jointly discharge the functions ('the Functions') set out in Appendix 1 in relation the Tendring Colchester Borders Garden Community, the

4.2 exercise of which have been delegated to the Committee by TDC, CCC and ECC, subject to the limitation in paragraphs 4.3 and 4.4.

4.3 The functions delegated by TDC, CCC and ECC include:-

(a) To exercise the Council's functions relating to overseeing the preparation of the joint TCBGC DPD and ensuring it:

a. is in accordance with the Local Development Schemes;
b. includes policies designed to secure that the development and the use of land in the garden community area contribute to the mitigation of, and adaption, to climate change;
c. meets the "tests of soundness" as set out in legislation, national and planning policy and advice contained within guidance issued by the Secretary of State;
d. has regard to the adopted Section 1 of CCC & TDC's Local Plan;
e. has regard to the resources likely to be available for implementing the proposals in the document;
f. other such matters the Secretary of State prescribes; and
g. complies with the Council's Statement of Community Involvement

(b) the power to formulate and prepare a draft Joint Development Plan Document for consultation under Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012;

(c) carry out an appraisal of the sustainability of the proposals within the joint TCBGC DPD and approve the findings of the appraisal;

(d) make recommendations to TDC and CBC in relation to the approval of the TCBGC DPD for the purpose of its submission to the Secretary of State for independent examination under Section 20 of the 2004 Act, and consultation under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012;

(e) consideration of amendments or modifications of the joint TCBGC DPD recommended by the person carrying out the independent examination under section 20 of the 2004 Act;

(f) recommend to CCC and TDC adoption of Joint Development Plan Documents in accordance with Section 28 of the Planning and Compulsory Purchase Act 2004 and the Town and Country Planning (Local Planning) (England) Regulations 2012; and

(g) the power of the TDC and CCC as local planning authority to determine planning applications by virtue of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

(h) To exercise TDC, CCC and ECC's local planning authorities' powers and duties in relation to development control including for the avoidance of doubt the power to approve authorise and direct the respective Local Planning Authorities to enter into agreements regulating the development or use of land pursuant to S106 of the Town and Country Planning Act 1990 and related powers.

4.3 Note that the following are the sole responsibility of TDC and CCC's full Council's:

a) Responsibility for giving of instructions to the Cabinet and Joint Committee to reconsider the draft plan submitted by the Joint Committee for the Council's consideration.
b) The amendment of the draft joint development plan document submitted by the Joint Committee for the full Council's consideration.
c) The approval of the joint development plan document for the purposes of consultation submission to the Secretary of State for independent examination.
d) The adoption of the joint development plan document.

4.4 Committee shall discharge the functions relating to town and country planning and development control as specified in *Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended),* falling wholly or substantially within the Tendring Colchester Borders Garden Community area shown coloured purple on the plan contained at Appendix 2.

4.5 The Committee may exercise the subsidiary powers authorised pursuant to section 111, Local Government Act 1972 in connection with the discharge of the functions.

4.6 The Committee may exercise the powers of delegation contained in section 101(2), Local Government Act 1972 and agree a Scheme of delegation to officers.

4.7 TDC, CCC or ECC may request an application to be considered by the Committee in accordance with an agreed scheme.

4.8 All members of the Committee shall be entitled to vote on any matter to be determined by the Committee.

5. Standing Orders

5.1 The Committee shall be governed by the Standing Orders set out in Appendix 3.

5.2 The Committee shall have the power to amend the Standing Orders from time to time within the scope of these Terms of Reference following consultation with the Council's Monitoring Officers.

6. Administration

6.1 The Council which is the local planning authority shall receive applications relating to the functions in the usual way and shall be responsible for all administrative stages leading to and flowing from the exercise of the functions.

6.2 The administration of the Committee will be undertaken by TDC who shall be responsible for all matters connected with the administration of the Committee, including the preparation and dispatch of agendas and securing premises at which the Committee may meet.

Appendix 1

Functions delegated by Tendring District Council and Colchester City Council to the Joint Committee in relation to Tendring Colchester Borders Garden Community.

1. The functions delegated by TDC and CCC: -

(a) To exercise the Council's functions relating to overseeing the preparation of the joint TCBGC DPD and ensuring it:

a. is in accordance with the Local Development Schemes;
b. includes policies designed to secure that the development and the use of land in the garden community area contribute to the mitigation of, and adaption, to climate change;
c. meets the "tests of soundness" as set out in legislation, national and planning policy and advice contained within guidance issued by the Secretary of State;
d. has regard to the adopted Section 1 of CCC & TDC's Local Plan;
e. has regard to the resources likely to be available for implementing the proposals in the document;
f. other such matters the Secretary of State prescribes; and
g. complies with the Council's Statement of Community Involvement

(b) the power to formulate and prepare a draft Joint Development Plan Document for consultation under Regulation 18 of the Town and Country Planning (Local Planning)(England) Regulations 2012;

(c) carry out an appraisal of the sustainability of the proposals within the joint TCBGC DPD and approve the findings of the appraisal;

(d) make recommendations to TDC and CCC in relation to the approval of the TCBGC DPD for the purpose of its submission to the Secretary of State for independent examination under Section 20 of the 2004 Act, and consultation under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012;

(e) consideration of amendments or modifications of the joint TCBGC DPD recommended by the person carrying out the independent examination under section 20 of the 2004 Act;

(f) recommend to CCC and TDC adoption of Joint Development Plan Documents in accordance with Section 28 of the Planning and Compulsory Purchase Act 2004 and the Town and Country Planning (Local Planning) (England) Regulations 2012; and

(g) the power of the TDC and CCC as local planning authority to determine planning applications by virtue of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

2. The functions delegated by TDC, CCC & ECC: -

(a) To exercise TDC, CCC and ECC's local planning authorities' powers and duties in relation to development control including for the avoidance of doubt the power to approve authorise and direct the respective Local Planning Authorities to enter into agreements regulating the development or use of land pursuant to S106 of the Town and Country Planning Act 1990 and related powers within the Tendring Colchester Borders Garden Community area showed coloured purple on the plan in Appendix 2.

3. In exercising the functions in paragraph 2(a) the kind of matters that would fall to the Joint Committee to consider, in the determination of planning applications would include:

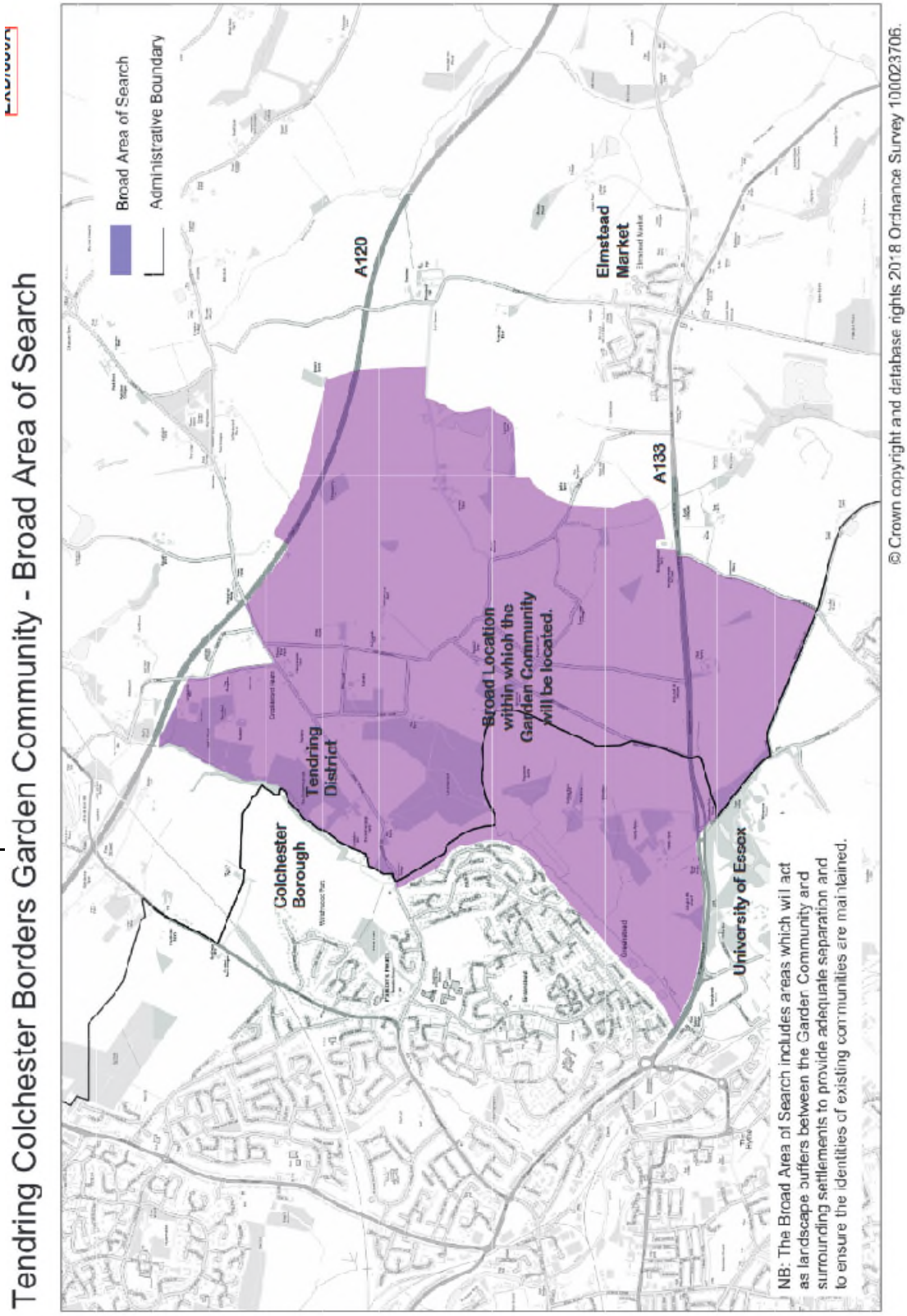
- Housing – all tenures (market, affordable, and specialist housing for elderly persons etc.)
- New schools (primary, secondary, special education needs early years and post 16)
- Community centre, community hub and library
- leisure uses, sports provision, and allotments
- Country parks, recreation and public open space
- Any waste development proposals.
- Sustainable Urban Drainage
- Town/neighbourhood centre(s) and associated shops (all shapes and sizes)
- Public realm, footpaths and dedicated cycle routes/network
- All new roads and road crossing within the Garden Community
- Any segregated/dedicated bus routes
- Commercial and employment sites, including energy for waste proposals.
- Minerals planning applications.

4. In addition the Joint Planning Committee would also have a role in considering:

- The heads of terms for S106 obligations relating to the mitigation measures, necessary infrastructure and affordable housing required to deliver a policy compliant development.
- Development viability, where relevant, in relation to S106 obligations.
- Stewardship model aligned to the S106 and associated permissions.
- Ongoing monitoring of the compliance of development with agreed permissions, related obligations/conditions and its implementation to an agreed standard.

Appendix 2

Plan showing Tendring Colchester Borders Garden Community



Appendix 3

Standing Orders for Tendring Colchester Borders Garden Community Joint Committee

1. Appointment of Chair and Deputy Chair

1.1 The Committee shall, at its first meeting in each municipal year, and from time to time as it considers necessary, elect a Chair and Deputy Chair. The Chair and Deputy Chair shall rotate between the Councils.

1.2 In the absence from any meeting of the Chair and Deputy Chair, a Chair for that meeting shall be appointed by the meeting but shall relinquish the chair if the Chair or Deputy Chair subsequently arrives at the meeting.

2. Appointment of Spokespersons

2.1 Each of the Councils shall nominate one of the committee members which it appoints as its spokesperson.

3. Notice of and Summons to Meetings

3.1 The administration of the Committee shall be undertaken by Tendring District Council who will give notice to the public of the time and place of any meeting in accordance with the access to information rules applicable to local authorities. At least five clear days before a meeting, the Committee Service will send an agenda by post and/or electronically to every member of the Committee. The agenda will give the date, time and location of each meeting and specify the business to be transacted and will be accompanied by such details as are available.

3.2 The Committee Service will take reasonable steps to ensure that a copy of the agenda and accompanying papers are placed on deposit at the offices of each of the councils for public inspection at least five clear days before the meeting and are published on the Council's web sites. The Committee Service will ensure that arrangements are put in place for the inspection of background papers in accordance with section 100D, Local Government Act, 1972 and to ensure compliance with all other provisions of Part VA, of that Act.

3.3 Dates, times and venues for meetings shall be determined by the Committee. In the absence of agreement or in cases of urgency, meetings may be called by the Committee Service following consultation with the Chair and Deputy Chair.

3.4 If at any time Tendring District Council was unable to fulfil its role in providing the administration to the Committee, Colchester City Council or Essex County Council will perform the functions.

4. Membership

4.1 Committee members shall be appointed by the Councils from time to time in accordance with the Committee's terms of reference. A Council may at any time replace one or more of its nominated members by notice given to the Committee Service.

5. Substitute Members

5.1 Each Council will appoint substitute members in accordance with the Committee's terms of reference. Each Council will notify the Committee Service of substitute members appointed.

5.2 Substitute members will have all the powers and duties of an ordinary member of the Committee. For the purposes of briefing meetings and circulation of papers, substitute members shall be treated in the same manner as ordinary members.

5.3 Substitute members may attend meetings in the capacity of an ordinary member of the Committee. The substitute member should withdraw from participation as a member of the Committee in the business at that meeting during any period at which the ordinary member is in attendance.

6. Quorum

6.1 The quorum of a meeting of the Committee shall be as follows: -

2 Members from Tendring District Council
2 Members from Colchester City Council
2 Member from Essex County Council

7. Public speaking rights

7.1 Members of the public have the public speaking rights set out in Annex A.

7.2 The Committee shall have the power to amend the public speaking rights.

8. Voting

8.1 All members of the Committee shall be entitled to vote upon any decision due to be made by the Committee.

8.2 Every question shall be decided by a show of hands, subject to Rule 8.3.

8.3 If any member demands a named vote and is supported by two other members, the question shall be determined by a named vote and the Committee Service shall record and enter in the minutes the names of each member present and whether they voted for or against or abstained.

8.4 Any member may, immediately after any vote is taken, require a record to be made in the minutes of whether they voted for or against or abstained.

8.5 If there are equal numbers of votes for and against, the Chair will have a second and casting vote.

9.0 Tenure of office

9.1 A member shall cease to be a member of the Committee if the person—
(a) resigns in accordance with paragraph 9.3;
(b) is removed or replaced by the Council which made the appointment; or
(c) ceases to be a member of a constituent Council (and does not on the same day again become a member of that or any other Council).

9.2 A person who ceases to be a member of the Committee shall be eligible for reappointment.

9.3 A member may resign from the Committee by sending written notice delivered to the proper officer of the Council which appointed the member;

9.4 Any casual vacancy shall be filled as soon as practicable by the body which appointed the member of the Committee whose membership has ceased.

10. Minutes

10.1 The Chair will sign the minutes of the Committee at the next suitable meeting. The Chair will move that the minutes of the previous meeting be signed as a correct record.

11. Exclusion of Public

11.1 Members of the public and press may only be excluded either in accordance with the Access to Information provisions of the Local Government Act 1972 (consideration of ‘exempt information’) or Rule 13 (Disturbance by Public).

12. Disorderly Conduct: Misconduct of a Member

12.1 If at any meeting of the Committee any member, in the opinion of the Chair, misconducts themselves by persistently disregarding the ruling of the Chair, or by behaving irregularly, improperly or offensively, or by wilfully obstructing the business of the Committee, the Chair or any other member may move "That the member named be not further heard", and the motion if seconded shall be put and determined without discussion.

12.2 If the member named continues their misconduct after a motion under the foregoing Rule has been carried, the Chair shall either move "that the member named do leave the meeting" (in which case the motion shall be put and determined without seconding or discussion); or adjourn the meeting of the Committee for such period as in their discretion shall consider expedient.

12.3 In the event of a general disturbance which in the opinion of the Chair renders the due and orderly despatch of business impossible, the Chair, in addition to any other power vested in him/her, may adjourn the meeting of the Committee for such period as in their discretion shall consider expedient.

13. Disorderly Conduct: Disturbance by members of the public

13.1 If a member of the public interrupts the proceedings at any meeting the Chair shall warn them. If a member of the public continues the interruption the Chair shall order their removal from the meeting.

13.2 In case of a general disturbance in any part of the room open to the public the Chair shall order that part to be cleared.

14. Suspension of Standing Orders

14.1 Any of these Standing Orders may, so far as is lawful, be suspended by motion passed unanimously by those entitled to vote on the application in question. Any motion to suspend any part of these rules shall specify the purpose of their suspension. Any suspension shall only be to the extent and for the length of time necessary to achieve the stated purpose.

15. Attendance at the Committee by other members of the Councils

15.1. A member of any of the Councils who is not a member of the Committee may speak at a meeting of the Committee at the request or with the permission of the Committee or of its Chair made or obtained before the meeting. Such request or permission shall specify the matters in respect of which the member shall be permitted to speak.

16. Attendance at the Committee by Council Officers

16.1 The relevant Officers from the Councils will attend the Committee meetings to present the reports and advise the Committee in relation to its decision making.

17. Statements of Community Involvement

17.1 Public consultation in relation to pre application matters shall be dealt with in accordance with the Statement of Community Involvement or other appropriate procedures of the Council responsible for issuing the consent.

Annex A: Public Speaking Rights

Tendring Colchester Borders Garden Community Joint Committee

PART A
Public Speaking Arrangements- General

1. Members of the public, who want to speak about an item which is to be considered at a meeting of the Committee can do so if they have notified the Committee Service by 12.00 noon on the working day before the meeting. Email: democraticservices@tendringdc.gov.uk or Telephone (01255) 686584 or 686585.

At the Committee Meeting

2. Agenda items for which there are public speakers are taken first, normally in the order of the agenda.

3. The Chair will invite public speakers to speak following the Officer's introduction to the report on the item. The Chair will ask public speakers to come to the table at the beginning of the discussion of the report of the relevant item.

4. Each public speaker will be allowed three minutes in which to make their representation. The Chair will tell the speaker when the three minutes has elapsed and the speaker must stop when requested by the Chair. The Chair has discretion to extend this time limit.

5. Following the public speakers, the Chair will invite any Ward and Division Councillors present to each speak for up to five minutes. The Chair will tell the Councillor when the five minutes has elapsed and the Councillor must stop when requested by the Chair. The Chair has discretion to extend this time limit.

6. A representative of the TCB Community Liaison Group and a representative from Parish and Town Councils within the Tendring Colchester Garden Community area will each be allowed five minutes in which to make their representation. The Chair will tell the representative when the five minutes has elapsed and the representative must stop when requested by the Chair. The Chair has discretion to extend this time limit.

7. All speakers should address the Chair of the Committee, which is the normal convention for Committees.

8. Public speakers should remember to:

- Keep to 3 minutes or whatever other period has been agreed.

- Highlight the main points they wish to raise and be as brief and concise as possible.
- Be courteous.

At the conclusion of the public speaking, the Committee will discuss and determine the item.

Tendring Colchester Borders Garden Community Joint Committee

PART B
Public Speaking Arrangements- Planning Applications

1. Members of the public, or applicants or their agents, who want to speak about an application which is to be considered at a meeting of the Committee can do so if they have:

   (a) in the case of members of the public, already submitted a written representation on an application; and

   (b) notified the Committee Service by 12.00 noon on the day before the meeting.

2. A member of the public who has made a written representation on a planning application which is to be determined by the Committee, will be notified in writing about the committee date and their public speaking rights in the week before the Committee meeting.

At the Committee Meeting

3. A list of public speakers is available at the meeting. Agenda items for which there are public speakers are taken first, normally in the order of the agenda.

4. Each speaker will be allowed three minutes in which to make their representation. The Chair will tell the speaker when the three minutes has elapsed and the speaker must stop when requested by the Chair. The Chair has discretion to extend this time limit.

5. If more than one person wants to make a representation about the same application, then they should choose someone to act as a spokesperson. When several people wish to speak on the same application but wish to raise different issues, the Chair may agree to those speakers making representations. In these circumstances, less time may need to be given to each speaker.

6. The Chair will ask the speaker to come to the table at the beginning of the discussion of the report on the relevant application. The Chair will then invite them to speak following the Officer's introduction to the report on the application.

7. The speaker should address the Chair of the Committee, which is the normal convention for Committees.

8. Speakers should remember to:

- Keep to 3 minutes or whatever other period has been agreed.
- Keep to the planning issues raised by the application.
- Highlight the main points they wish to raise and be as brief and concise as possible.
- Be courteous.

At the conclusion of the public speaking, the Committee will discuss and determine the planning application.

Appendix 1 to Part 3 of the Constitution

2000 No. 2853

LOCAL GOVERNMENT, ENGLAND

The Local Authorities (Functions and Responsibilities) (England) Regulations 2000

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Made	*19th October 2000*
Laid before Parliament	*26th October 2000*
Coming into force	*16th November 2000*

The Secretary of State for the Environment, Transport and the Regions, in exercise of the powers conferred on him by sections 13 and 105 of the Local Government Act 2000 hereby makes the following Regulations:

Extent

Preamble: England

1. Citation, commencement, application and interpretation

(1) These Regulations may be cited as the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 and shall come into force on 16th November 2000.

(2) These Regulations apply in relation to local authorities in England.

(3) In these Regulations:

"the 1972 Act" means the Local Government Act 1972;
"the 1998 Act" means the School Standards and Framework Act 1998 [;[…][2]][1]
["the 2000 Act" means the Local Government Act 2000;][3]
["the 2004 Act" means the Planning and Compulsory Purchase Act 2004 [;][4]][1]
["the 2005 Act" means the Gambling Act 2005 (c.19) [;[…][6]][5]][4]]
["the Gambling Act Order" means the Gambling Act 2005 (Commencement No.6 and Transitional Provisions) Order 2006 (S.I. 2006/3272)[7]; […][8]][6]
["the 2006 Act" means the Health Act 2006 [;and][9]][5]
["the 2007 Act" means the Local Government and Public Involvement in Health Act 2007.][9]

Notes

1 Definition inserted by Local Authorities (Functions and Responsibilities) (Amendment) (No. 2) (England) Regulations 2005/929 reg.2(2) (April 22, 2005)

2 Word revoked by Local Authorities (Functions and Responsibilities) (England) (Amendment) (No.2) Regulations 2007/1557 reg.2(2)(a) (July 1, 2007)

3 Definition inserted by Local Authorities (Functions and Responsibilities) (England) (Amendment) Regulations 2008/516 reg.3(1)(a) (March 31, 2008)

4 Definition added by Local Authorities (Functions and Responsibilities) (Amendment) (England) Regulations 2006/886 reg.2(2) (April 21, 2006)

5 Definition inserted by Local Authorities (Functions and Responsibilities) (England) (Amendment) (No.2) Regulations 2007/1557 reg.2(2)(b) (July 1, 2007)

6 Definition inserted by Local Authorities (Functions and Responsibilities) (England) (Amendment No. 3) Regulations 2007/1950 reg.2(2) (September 1, 2007)

7 S.I. 2006/3272, to which there are amendments not relevant to these Regulations.

8 Word revoked by Local Authorities (Functions and Responsibilities) (England) (Amendment) Regulations 2008/516 reg.3(1)(b) (March 31, 2008)

9 Definition inserted by Local Authorities (Functions and Responsibilities) (England) (Amendment) Regulations 2008/516 reg.3(1)(c) (March 31, 2008)

Commencement

reg. 1(1)-(3) definition of "the 1998 Act": November 16, 2000

Extent

reg. 1(1)-(3) definition of "the 2007 Act": England

2. Functions not to be the responsibility of an authority's executive

(1) The functions of a local authority specified in column (1) of Schedule 1 to these Regulations by reference to the enactments, directions and circulars specified in relation to those functions in column (2) are not to be the responsibility of an executive of the authority.

(2) The functions of:
(a) imposing any condition, limitation or other restriction on an approval, consent, licence, permission or registration granted

(i) in the exercise of a function specified in column (1) of Schedule 1; or
(ii) otherwise than by an executive of the authority, in the exercise of any function under a local Act; and

(b) determining any other terms to which any such approval, consent, licence, permission or registration is subject,

are not to be the responsibility of an executive of the authority.

(3) The function of determining whether, and in what manner, to enforce:

(a) any failure to comply with an approval, consent, licence, permission or registration granted as mentioned in paragraph (2)(a);
(b) any failure to comply with a condition, limitation or term to which any such approval, consent, licence, permission or registration is subject; or
(c) any other contravention in relation to a matter with regard to which the function of determining an application for approval, consent, licence, permission or registration would not be the responsibility of an executive of the authority,

is not to be the responsibility of an executive of the authority.

(4) The function of:

(a) amending, modifying or varying any such approval, consent, licence, permission or registration as is mentioned in paragraph (2), or any condition, limitation or term to which it is subject; or
(b) revoking any such approval, consent, licence, permission or registration,

is not to be the responsibility of an executive of the authority.

(5) The function of making any scheme authorised or required by regulations under section 18 (schemes for basic, attendance and special responsibility allowances for local authority members) of the Local Government and Housing Act 1989[1], or of amending, revoking or replacing any such scheme, is not to be the responsibility of an executive of an authority.

(6) The function of determining:
(a) the amount of any allowance payable under
(i) subsection (5) of section 3 (chairman's expenses) of [, or paragraph 2(4) (chairman and mayor) of Schedule 2 to,][2] the 1972 Act;
(ii) subsection (4) of section 5 (vice-chairman's expenses) of [, or paragraph 5(4) (power of mayor of London borough to appoint deputy) of Schedule 2 to,][3] that Act;
(iii) subsection (4) of section 173 (financial loss allowance) of that Act[4];
(iv) section 175 (allowances for attending conferences and meetings) of that Act;
(b) the rates at which payments are to be made under section 174 (travelling and subsistence allowances) of that Act;
(c) the amount of any allowance payable pursuant to a scheme under section 18 of the Local Government and Housing Act 1989, or the rate at which payments by way of any such allowance are to be made;
(d) whether a charge should be made for any approval, consent, licence, permit or registration the issue of which is not the responsibility of an executive of the authority; and
(e) where a charge is made for any such approval, consent, licence, permit or registration, the amount of the charge,

Is not to be the responsibility of an executive of the authority.

[(6A) The function of making a request under section 14A(1) (requests for single-member electoral areas) of the Local Government Act 1992[6] for single-member electoral areas is not to be the responsibility of an executive of the authority.

(6B) The function of passing a resolution to change a scheme for elections under section 32(1), 37(1) or 39(1) (resolutions for schemes for elections) of the 2007 Act is not to be the responsibility of an executive of the authority.

(6C)-(6D) […][7]

(6E) The function of making an order giving effect to recommendations made in a community governance review under section 86 (reorganisation of community governance) of the 2007 Act is not to be the responsibility of an authority's executive.

(6F) The duty to make a change in governance arrangements under paragraph 3 or 8 of Schedule 4 to the 2007 Act is not to be the responsibility of an authority's executive.][5]

[(7) Section 101 (arrangements for discharge of functions by local authorities) of the 1972 Act shall not apply with respect to the discharge of any function mentioned in paragraph (5), (6)(a) to (c) or (6A), (6B), (6E) or (6F).][8]

(8) Subject to any provision of regulations under section 20 (joint exercise of functions) of the Local Government Act 2000, the function of:

(a) making arrangements for the discharge of functions by a committee or officer under section 101(5) of the 1972 Act; and

(b) making appointments under section 102 (appointment of committees) of the 1972 Act,

is not to be the responsibility of an executive of the authority.

(9) The functions of York City Council in relation to the management of the Yorkshire Museum and Gardens pursuant to an agreement dated 30th December 1960 between that Council and the Yorkshire Philosophical Society[9] are not to be the responsibility of an executive of that Council.

(10) The functions of South Lakeland District Council in relation to the management of land at Lake Windermere pursuant to an agreement dated 1st April 1975 between that Council, Windermere Parish Council and Lakes Parish Council[10] are not to be the responsibility of an executive of the District Council.

(11) Unless otherwise provided by any other provision of these Regulations, a function of a local authority which, by virtue of any enactment passed or made before the making of these Regulations, may be discharged only by an authority, is not to be the responsibility of an executive of the authority.

(12) In paragraphs (1) and (11), "enactment" includes an enactment contained in a local Act or comprised in subordinate legislation (within the meaning of the Interpretation Act 1978).

Notes

1 Section 18 is amended by section 99(3) to (9) of the Local Government Act 2000.

2 Words inserted by Local Authorities (Functions and Responsibilities) (England) (Amendment) Regulations 2008/516 reg.4(a)(i) (March 31, 2008)

3 Words inserted by Local Authorities (Functions and Responsibilities) (England) (Amendment) Regulations 2008/516 reg.4(a)(ii) (March 31, 2008)

4 Section 173(4) was amended by the Local Government and Housing Act 1989 (c.42), Schedule 11, paragraph 26. A relevant saving was made by article 3(2) of the Local Government and Housing Act 1989 (Commencement No. 11 and Savings) Order 1991 (S.I. 1991/344).

5 Added by Local Authorities (Functions and Responsibilities) (England) (Amendment) Regulations 2008/516 reg.4(b) (March 31, 2008)

6 1992 c.19. Section 14A of the Local Government Act 1992 was inserted by section 55 of the Local Government and Public Involvement in Health Act 2007.

7 Revoked by Local Authorities (Functions and Responsibilities) (England) (Amendment No. 3) Regulations 2008/2787 reg.3(a) (November 28, 2008)

8 Substituted by Local Authorities (Functions and Responsibilities) (England) (Amendment No. 3) Regulations 2008/2787 reg.3(b) (November 28, 2008)

9 The agreement is referred to in regulation 5(2)(e)(ii) of the Local Government (Committees and Political Groups) Regulations 1990 (S.I. 1990/1553).

10 The agreement is referred to in regulation 5(2)(e)(iii) of the Local Government (Committees and Political Groups) Regulations 1990.

Commencement

reg. 2(1)-(12): November 16, 2000

Extent

reg. 2(1)-(12): England

3. Functions which may be the responsibility of an authority's executive

(1) The functions specified in Schedule 2 to these Regulations may be (but need not be) the responsibility of an executive of the authority.

(2) The functions of Hastings Borough Council in relation to the management of the Hastings and Saint Leonards Museum[1] may be (but need not be) the responsibility of an executive of the Council.

(3) Where the functions mentioned in paragraph (2) are the responsibility of the Council's executive, the Hastings and Saint Leonards Museum Association may appoint persons who are for the time being members of the Association to attend any meeting of an overview and scrutiny committee of that Council, or of a sub-committee or any such committee ("the relevant committee or sub-committee") at which the management of the Museum is the subject of consideration; and the persons so appointed shall, subject to paragraph (4), be entitled to speak and vote at the meeting on

any question relating to the management of the Museum which falls to be decided at that meeting.

(4) The number of persons appointed as mentioned in paragraph (3) shall as nearly as may be, bear to the number for the time being of members of the relevant committee or sub-committee, the same proportion as 2 bears to 5, but the number of persons representing the Association at any such meeting as is referred to in that paragraph as are entitled to vote shall not exceed the number of members of the relevant committee or sub-committee present at that meeting.

Notes

1 See also regulation 5(2)(e)(i) of the Local Government (Committees and Political Groups) Regulation 1990 (S.I. 1990/1553).

Commencement

reg. 3(1)-(4): November 16, 2000

Extent

reg. 3(1)-(4): England

4. Functions not to be the sole responsibility of an authority's executive

(1) In connection with the discharge of the function:

(a) of formulating or preparing a plan or strategy of a description specified in column (1) of Schedule 3 to these Regulations;

[(b) of formulating a plan or strategy for the control of the authority's borrowing, investments or capital expenditure or for determining the authority's minimum revenue provision; or][1]

(c) of formulating or preparing any other plan or strategy whose adoption or approval is, by virtue of regulation 5(1), a matter for determination by the authority,

the actions designated by paragraph (3) ("the paragraph (3) actions") shall not be the responsibility of an executive of the authority.

(2) Except to the extent of the paragraph (3) actions, any such function as is mentioned in paragraph (1) shall be the responsibility of such an executive.

(3) The actions designated by this paragraph are:

(a) the giving of instructions requiring the executive to reconsider any draft plan or strategy submitted by the executive for the authority's consideration;

(b) the amendment of any draft plan or strategy submitted by the executive for the authority's consideration;

[(bb) the approval, for the purposes of public consultation in accordance with regulation 10 or 22 of the Town and Country Planning (Development Plans) (England) Regulations 1999, of draft proposals associated with the preparation of alterations to, or the replacement of, a development plan,[3]][2]

(c) the approval, for the purpose of its submission to the Secretary of State or any Minister of the Crown for his approval, of any plan or strategy (whether or not in the form of a draft) of which any part is required to be so submitted;[…][4]

[(ca) the approval, for the purpose of its submission to the Secretary of State for independent examination under section 20 (independent examination) of the 2004 Act, of a development plan document; and][4]

(d) the adoption (with or without modification) of the plan or strategy.

(4) The function of amending, modifying [, revising][5] , [varying, withdrawing or revoking][6] any plan or strategy of a description referred to in paragraph (1), (whether approved or adopted before or after coming into force of these Regulations)

(a) shall be the responsibility of an executive of the authority to the extent that the making of the amendment, modification [, revision][7], [variation, withdrawal or revocation][8]

(i) is required for giving effect to requirements of the Secretary of State or a Minister of the Crown in relation to a plan or strategy submitted for his approval, or to any part so submitted; […][9]

[(ia) is recommended by the person carrying out, under section 20 of the 2004 Act, an independent examination of a development plan document; or][9]

(ii) is authorised by a determination made by the authority when approving or adopting the plan or strategy, as the case may be; and

(b) shall not be the responsibility of such an executive to any other extent.

[(4A) In connection with the discharge of functions under any of sections 28 to 31 (joint local development documents and joint committees) of the 2004 Act, the actions designated by paragraph 4(C) ("the paragraph (4C) actions") shall not be the responsibility of an executive of the authority.

(4B) Except to the extent of the paragraph (4C) actions, any such function as is mentioned in paragraph (4A) shall be the responsibility of such an executive.

(4C) The actions designated by this paragraph are:

(a) the making of an agreement to prepare one or more joint development plan documents;

(b) the making of 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, the making of 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; and

(d) the making of 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.

][10]

(5) Except to the extent mentioned in paragraph (6), the function of making an application:

(a) under subsection (5) of section 135 (programme for disposals) of the Leasehold Reform, Housing and Urban Development Act 1993[11] . [for the inclusion of a disposal in a disposals programme][12] or

(b) [for consent to that disposal][13] 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[14],

shall be the responsibility of an executive of the authority.

(6) The extent mentioned in this paragraph is the authorisation of the making of the application.

(7) The function of making such an application is referred to in paragraph (5), to the extent mentioned in paragraph (6), shall not be the responsibility of an executive of the authority.

(8) Section 101 of the 1972 Act shall not apply with respect to the discharge:

(a) of a function specified in paragraph (1) to the extent that, by virtue of that paragraph, it is not the responsibility of an executive of the authority;

[(b) of the functions specified in paragraphs (4), (4A) and (5) to the extent that they are not the responsibility of an executive of the authority.][15]

(9) In connection with the discharge of a function of:

(a) making a calculation in accordance with any of sections 32 to 37, 43 to 49, 52I, 52J, 52T and 52U of the Local Government Finance Act 1992[16], whether originally or by way of substitute; or

(b) issuing a precept under Chapter IV of Part I of that Act,

the actions designated by paragraph (11) ("the paragraph (11) actions") shall be the responsibility of an executive of the authority.

(10) Except to the extent of the paragraph 11 actions, any such function as is mentioned in paragraph (9) shall not be the responsibility of such an executive.

(11) The actions designated by this paragraph are:

(a) the preparation, for submission to the authority for their consideration of:

(i) 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; or

(ii) the amounts required to be stated in the precept;

(b) the reconsideration of those estimates and amounts in accordance with the authority's requirements;

(c) the submission for the authority's consideration of revised estimates and amounts.

[(12) The function, pursuant to an order under section 70 (functions of local authorities) of the Deregulation and Contracting Out Act 1994, of authorising a person to exercise a function to which that section applies ("section 70 function"):

(a) shall be the responsibility of an executive of the authority to the extent that the section 70 function is the responsibility of that executive; and

(b) shall not be the responsibility of such an executive to any other extent.

(13) The function of revoking such an authorisation as is referred to in paragraph (12):

(a) shall be the responsibility of an executive of the authority to the extent that the section 70 function is the responsibility of the executive; and

(b) shall not be the responsibility of such an executive to any other extent[18];

][17]

Notes

1 Substituted by Local Authorities (Functions and Responsibilities) (England) (Amendment) Regulations 2008/516 reg.6(1) (March 31, 2008)

2 Inserted subject to the operation of arrangements specified in SI 2001/2212 reg.1 by Local Authorities (Functions and Responsibilities) (England) (Amendment) Regulations 2001/2212 reg.2(a)(i) (July 10, 2001 except in relation to local authorities as specified in SI 2001/2212 reg.1)

3 S.I. 1999/3280.

4 Added by Local Authorities (Functions and Responsibilities) (Amendment) (No. 2) (England) Regulations 2005/929 reg.2(3)(a) (April 22, 2005)

5 Word inserted by Local Authorities (Functions and Responsibilities) (Amendment) (No. 2) (England) Regulations 2005/929 reg.2(3)(b)(i) (April 22, 2005)

6 Words substituted by Local Authorities (Functions and Responsibilities) (Amendment) (No. 2) (England) Regulations 2005/929 reg.2(3)(b)(ii) (April 22, 2005)

7 Word inserted by Local Authorities (Functions and Responsibilities) (Amendment) (No. 2) (England) Regulations 2005/929 reg.2(3)(b)(iii)(aa) (April 22, 2005)

8 Words substituted by Local Authorities (Functions and Responsibilities) (Amendment) (No. 2) (England) Regulations 2005/929 reg.2(3)(b)(iii)(bb) (April 22, 2005)

9 Added by Local Authorities (Functions and Responsibilities) (Amendment) (No. 2) (England) Regulations 2005/929 reg.2(3)(b)(iii)(cc) (April 22, 2005)

10 Added by Local Authorities (Functions and Responsibilities) (Amendment) (No. 2) (England) Regulations 2005/929 reg.2(3)(c) (April 22, 2005)

11 To which there are amendments not relevant to these Regulations.

12 Words inserted subject to the operation of arrangements as specified in SI 2001/2212 reg.1 by Local Authorities (Functions and Responsibilities) (England) (Amendment) Regulations 2001/2212 reg.2(a)(ii) (July 10, 2001 except in relation to local authorities as specified in SI 2001/2212 reg.1)

13 Words inserted subject to the operation of arrangements as specified in SI 2001/2212 reg.1 by Local Authorities (Functions and Responsibilities) (England) (Amendment) Regulations 2001/2212 reg.2(a)(iii) (July 10, 2001 except in relation to local authorities as specified in SI 2001/2212 reg.1)

14 Relevant amendments, in subsection (3) of section 32 and subsection (1)(a) of section 43, were made by paragraph 3(a), (d) and (e) of the Schedule to S.I. 1997/74.

15 Substituted by Local Authorities (Functions and Responsibilities) (Amendment) (No. 2) (England) Regulations 2005/929 reg.2(3)(d) (April 22, 2005)

16 Sections 52I, 52J, 52T and 52U were inserted by the Local Government Act 1999 (c. 27)Schedule 1, paragraph 1.

17 Inserted subject to the operation of arrangements as specific in SI 2001/2212 reg.1 by Local Authorities (Functions and Responsibilities) (England) (Amendment) Regulations 2001/2212 reg.2(a)(iv) (July 10, 2001 except in relation to local authorities as specified in SI 2001/2212 reg.1)

[18] 1994 c. 40. See also article 21 of the Local Authorities (Executive and Alternative Arrangements) (Modification of Enactments and Further Provisions) (England) Order 2001 (S.I. 2001/2211).

Commencement

reg. 4(1)-(11)(c): November 16, 2000

Extent

reg. 4(1)-(13)(b): England

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5. Discharge of executive functions by authorities

(1) Subject to paragraph (2), a function of any of the descriptions specified in column (1) of Schedule 4 to these Regulations (which, but for this paragraph, might be the responsibility of an executive of the authority), shall not be the responsibility of such an executive in the circumstances specified in column (2) in relation to that function.

(2) Paragraph (1) shall not apply in relation to the discharge of a function of the description specified in paragraph 3 of column (1) of Schedule 4 where—

(a) the circumstances which render necessary the making of the determination may reasonably be regarded as urgent; and

(b) the individual or body by whom the determination is to be made has obtained from the chairman of a relevant overview and scrutiny committee or, if there is no such person, or if the chairman of every relevant overview and scrutiny committee is unable to act, from the chairman of the authority or, in his absence, from the vice-chairman, a statement in writing that the determination needs to be made as a matter of urgency.

(3) In paragraph (2) "relevant overview and scrutiny committee" means an overview and scrutiny committee of the authority concerned whose terms of reference include the power to review or scrutinise decisions or other actions taken in the discharge of the function to which the determination relates.

(4) The individual or body by whom a determination is made pursuant to paragraph (2) shall, as soon as reasonably practicable after the making of the determination, submit to the authority a report which shall include particulars of—

(a) the determination;
(b) the emergency or other circumstances in which it was made; and
(c) the reasons for the determination.

(5) Section 101 of the 1972 Act shall not apply with respect to the discharge of a function referred to in paragraph (1) which, by virtue of that paragraph, is not the responsibility of an executive of the authority.

Commencement

reg. 5(1)-(5): November 16, 2000

Extent

reg. 5(1)-(5): England

Signed by authority of the Secretary of State for the Environment, Transport and the Regions

Hilary Armstrong
Minister of State,
Department of the Environment, Transport and the Regions

19th October 2000

SCHEDULE 1

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

Regulation 2(1)

(1) Function	(2) Provision of Act or Statutory Instrument
A. Functions relating to town and country planning and development control	
[[…	**…**
…	**…**
…	**…**
…	**…**[2]
5. Power to determine application for planning permission [or permission in principle][3].	[Sections 59A(1)(b), 70(1)(a) and (b) and 72 of the Town and Country Planning Act 1990 (c.8)][4].
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 [or permission in principle][5].	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 Act (General Development Procedure) Order 1995 (S.I. 1995/419) and directions made thereunder.
10. Power to determine application for planning permission [or permission in principle][5] 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 (S.I. 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 (S.I. 1995/418).
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.

(1) **Function**	(2) **Provision of Act or Statutory Instrument**
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 (S.I. 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[8].] [7][6]
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 II sites, or mineral permissions relating to mining sites, as the case may be, are to be subject.	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 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 applications 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)][9].
[…]	…][10]

(1) **Function**	(2) **Provision of Act or Statutory Instrument**
26. Duties relating to applications for listed building consent […][11]	[Sections 13(1) and 14(1) and (4) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (c.9)][9] and [regulations 3 to 6 and 13 of the Planning (Listed Buildings and Conservation Areas) Regulations 1990 (S.I. 1990/1519][12] and [paragraphs 8, 15 and 26 of Development of the Environment, Transport and the Regions Circular 01/01][13]
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][9].
28. Power to issue enforcement notice in relation to demolition of [listed][14] building in conservation area.	[Section 38 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (c.9)][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)][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)][9].
[30A. Power to authorise stopping up or diversion of highway.	[Section 247 of the Town and Country Planning Act 1990 (c.8).][16][15]
31. Power to execute urgent works.	[Section 54 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (c.9)][9].][1]
[32. Duty to enter land in Part 2 of the brownfield land register.	Regulation 3 of the Town and Country Planning (Brownfield Land Register) Regulations 2017.][17]
B. Licensing and registration functions (in so far as not covered 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 Vic. 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.

(1) **Function**	(2) **Provision of Act or Statutory Instrument**
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 pools promoters.	Schedule 2 to the Betting, Gaming and Lotteries Act 1963 (c.2)[18] [as saved for certain purposes by article 3(3)(c) of the Gambling Act Order][19].
7. Power to grant track betting licences.	Schedule 3 to the Betting, Gaming and Lotteries Act 1963[18] [as saved for certain purposes by article 3(3)(d) and (4) of the Gambling Act Order][20].
8. Power to license inter-track betting schemes.	Schedules 5ZA to the Betting, Gaming and Lotteries Act 1963[21] [as saved for certain purposes by article 3(3)(e) of the Gambling Act Order.][22]
9. Power to grant permits in respect of premises with amusement machines.	Schedule 9 to the Gaming Act 1968 (c.65)[18] [as saved for certain purposes by article 4(2)(l) and (m) of the Gambling Act Order][23].
10. Power to register societies wishing to promote lotteries.	Schedule 1 to the Lotteries and Amusements Act 1976 (c. 32)[18] [as saved for certain purposes by article 5(2)(a) and (3) of the Gambling Act Order][24]
11. Power to grant permits in respect of premises where amusements with prizes are provided.	Schedule 3 to the Lotteries and Amusements Act 1976[18] [as saved for certain purposes by article 5(2)(d) and (5) of the Gambling Act Order][25].
12. Power to issue cinema and cinema club licences.	Section 1 of the Cinema Act 1985 (c.13).
13. Power to issue theatre licences.	Section 12 to 14 of the Theatres Act 1968 (c.54)[26].
14. Power to issue entertainment 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 Any function of a licensing authority][28]	[[Licensing Act 2003 (c.17) and any regulations or orders made under that Act][30].][29]][27]
[14AZA Powers and functions relating to late night levy requirements.	Chapter 2 of Part 2 of the Police Reform and Social Responsibility Act 2011 (c.13) and any regulations made under that Chapter.][31]

(1) **Function**	(2) **Provision of Act or Statutory Instrument**
[14AA Duty to comply with requirement to provide information to Gambling Commission.	[Section 29 of the [2005 Act][34].][33][32]
[14AB Functions relating to the exchange of information.	[Section 30 of the 2005 Act.][36][35]
[14AC Functions relating to occasional use notices.	[Section 39 of the 2005 Act.][38][37]
[14B Power to resolve not to issue a casino premises licence	Section 166 of the 2005 Act.][39]
[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.][41][40]
[14CA Power to make order disapplying section section 279 or 282(1) of the 2005 Act in relation to specified premises.	[Section 284 of the 2005 Act.][43][42]
[14D Power to institute criminal proceedings […][45]	[Section 346 of the 2005 Act.][46][44]
[14E Power to exchange information	[Section 350 of the 2005 Act.][48][47]
[14F Functions relating to the determination of fees for premises licences.	[The Gambling (Premises Licence Fees) (England and Wales) Regulations 2007 (S.I. 2007/479).][50][49]
[… … … … …	… … … … …][51]
[14G Functions relating to the registration and regulation of small society lotteries.	[Part 5 of Schedule 11 to the 2005 Act.][53][52]
15. Power to licence 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)

(1) **Function**	(2) **Provision of Act or Statutory Instrument**
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).[54].
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).
20. Power to licence 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)[55], Part II of the London Local Authorities Act 1990 and section 5 of the London Local Authorities Act 1994.
[…]	…][56]
23. Power to license dealers in game and the killing and selling of game.	Sections 5, 6, 17 and 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.	Section1 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)[57].
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).

(1) **Function**	(2) **Provision of Act or Statutory Instrument**
29. Power to license premises for the breeding of dogs.	[Regulation 4 of those Regulations][58].
30. Power to license pet shops and other establishments where animals are bred or kept for the purposes of carrying on a business.	
31. Power to register animal trainers and exhibitors.	
32. Power to license zoos.	Section 1 of the Zoo Licensing Act 1981 (c.37)[60]
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 (S.I. 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)[61]
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 section 19(3) of, or 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).	Regulation 6 of the Commons Registration (New Land) Regulations 1969 (S.I. 1969/1843).
38. Power to register variation of rights of common.	Regulation 29 of the Commons Registration (General) Regulations 1966 (S.I. 1966/1471)[62]
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 3 of the House to House Collections Act 1939 (c.44)[63]
40. Power to grant consent for the operation of a loudspeaker.	Schedule 2 to the Noise and Statutory Nuisance Act 1993 (c.40).

(1) **Function**	(2) **Provision of Act or Statutory Instrument**
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 (S.I. 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 (S.I. 1998/871).
[46A Power to grant permission for provision , etc of services, amenities, recreation and refreshment facilities on highways, and related powers.	[Sections 115E, 115F and 115K of the Highways Act 1980.][65]][64]
47. Power to permit deposit of builder's skips on highway.	Section 139 of the Highways Act 1980 (c.66).
[47A Duty to publish notice in respect of proposal to grant permission under section 115E of the Highways Act 1980.	[Section 115G of the Highways Act 1980[67]][66]] [64]
48. Power to license planting, retention and maintenance of trees etc. in part of highways.	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.[68]

(1) **Function**	(2) **Provision of Act or Statutory Instrument**
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 (S.I. 1994/3082)[69]
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 (S.I. 1995/3205).
59. Power to approve dairy establishments.	Regulations 6 and 7 of the Dairy Products (Hygiene) Regulations 1995 (S.I. 1995/1086)[70]
60. Power to approve egg product establishments.	Regulation 5 of the Egg Products Regulations 1993 (S.I. 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 or supplying both raw meat and ready-to-eat foods.	Schedule 1A to the Food Safety (General Food Hygiene) Regulations 1995 (S.I. 1995/1763)[71]
62. Power to approve fish products premises.	Regulation 24 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998 (S.I. 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 (S.I. 1991/2828).
68. Power to register food business premises.	Regulation 9 of the Food Premises (Registration) Regulations 1991.

(1) **Function**	(2) **Provision of Act or Statutory Instrument**
[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.
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).][72]
[71. Power to register motor salvage operators.	Part I of the Vehicles (Crime) Act 2001 (c.3).][73]
[72. Functions relating to the registration of common land and town or village greens.	Part 1 of the Commons Act 2006 (c.26) and the Commons Registration (England) Regulations 2008 (S.I. 2008/1961)[75].][74]
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)[76]
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).[77]
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.
7. Duty to provide assistance at European Parliamentary elections.	[Section 6(7) and (8) of the European Parliamentary Elections Act 2002 (c.24)][78]

(1) **Function**	(2) **Provision of Act or Statutory Instrument**
8. Duty to divide constituency into polling districts.	[sections 18A to 18E of, and Schedule A1 to, the Representation of the People Act 1983][79].
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.
[…]	…][80]
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.
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.][81]
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.

(1) **Function**	(2) **Provision of Act or Statutory Instrument**
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.
[[…	…
…	…
…	…
…	…
…	…
…	…
…	…
…	…][83]
EB. Functions relating to community governance	
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.	Sections 93 to 95 of the 2007 Act.
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.][82]

(1) Function	(2) Provision of Act or Statutory Instrument
[F. Power to make, amend, revoke, re-enact or enforce byelaws.][84]	Any provision of any enactment (including a local Act), whenever passed, and section 14 of the Interpretation Act 1978 (c.30)[85].
[*FA. Functions relating to smoke-free premises, etc*	
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 (Vehicles Operators and Penalty Notices) Regulations 2007 (S.I. 2006/760).
4. Power to transfer enforcement functions to another enforcement authority.	Smoke-free (Premises and Enforcement) Regulations 2006 (S.I. 2006/3368.][86]
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)[87].
[2. Functions under the Fire-fighter's Pension Scheme relating to pensions, etc as respects persons employed by fire and rescue authorities pursuant to section 1 of the Fire and Rescue Services Act 2004][88]	[Sections 34 and 36 of the Fire and Rescue Services Act 2004 (c.21)][89]
[I. Miscellaneous functions	
Part I: *functions relating to public rights of way*	
1. Power to create footpath [, bridleway or restricted byway][91] by agreement.	Section 25 of the Highways Act 1980 (c.60).
2. Power to create footpaths [, bridleways and restricted byways][91].	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.

(1) **Function**	(2) **Provision of Act or Statutory Instrument**
4. Power to stop up footpaths [, bridleways and restricted byways][91]	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.	Section 118A 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] [91]	Section 119 of the Highways Act 1980.
9. Power to make a public path diversion order.	Sections 119ZA and 119C(4) of the Highways Act 1980.
10. Power to make a rail crossing diversion order.	Section 119A of the Highways Act 1980.
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][91].	Section 135 of the Highways Act 1980.
20. Power temporarily to divert footpath [, bridleway or restricted byway][91].	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.

(1) **Function**	(2) **Provision of Act or Statutory Instrument**
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 (c.67).
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.
[… 28. Power to prepare map and statement by way of consolidation of definitive map and statement.	…][91] 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).
31. Power to authorise stopping-up or diversion of footpath [, bridleway or restricted byway][91].	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).
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.

(1) **Function**	(2) **Provision of Act or Statutory Instrument**
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 1981 (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 persons nominated by monitoring officer.	[Sections 82A(4) and (5) of the Local Government Act 2000[94]][93].
44B. Powers relating to overview and scrutiny committee's (voting rights of co-opted members)	[paragraphs 12 and 14 of Schedule 1 to the Local Government Act 2000.][95]][92]
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).	The Accounts and Audit Regulations 1996 (S.I. 1996/590).
46. Powers relating to the protection of important hedgerows.	The Hedgerows Regulations 1997 (S.I. 1997/1160).
47. Powers relating to the preservation of trees.	Section 197 to 214D of the Town and Country Planning Act 1990, and the Trees Regulations 1999 (S.I. 1999/1892)
[47A. Powers relating to complaints about high hedges.	Part 8 of the Anti-Social Behaviour Act 2003.][96]
48. Power to make payments or provide other benefits in cases of maladministration etc.	Section 92 of the Local Government Act 2000.][90]
[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.][97]
[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).][98]
[51. Power to apply for an enforcement order against unlawful works on common land.	[Section 41 of the Commons Act 2006.][100]][99]

(1) **Function**	(2) **Provision of Act or Statutory Instrument**
[52. Power to protect unclaimed registered common land and unclaimed town or village greens against unlawful interference. [53. Power to institute proceedings for offences in respect of unclaimed registered common land and unclaimed town or village greens.	[Section 45(2)(a) of the Commons Act 2006.][102]] [101] [Section 45(2)(b) of the Commons Act 2006.] [104]] [103]

Notes

1 Substituted by Local Authorities (Functions and Responsibilities) (Amendment) (No. 2) (England) Regulations 2004/2211 Sch.1 para.1 (September 28, 2004)

2 Items revoked by Local Authorities (Functions and Responsibilities) (Amendment) (No. 2) (England) Regulations 2005/929 reg.2(4)(a) (April 22, 2005)

3 Words inserted by Town and Country Planning (Permission in Principle) (Amendment) Order 2017/1309 Sch.2 para.5(2)(a)(i) (June 1, 2018)

4 Word inserted by Town and Country Planning (Permission in Principle) (Amendment) Order 2017/1309 Sch.2 para.5(2)(a)(ii) (June 1, 2018)

5 Words inserted by Town and Country Planning (Permission in Principle) (Amendment) Order 2017/1309 Sch.2 para.5(2)(b) (June 1, 2018)

6 Words inserted by Local Authorities (Functions and Responsibilities) (Amendment) (No. 2) (England) Regulations 2005/929 reg.2(4)(b) (April 22, 2005)

7 Possible drafting error, words are purportedly inserted in item 18 but are more appropriate in item 18A and therefore the amendment is applied to item 18A by Local Authorities (Functions and Responsibilities) (Amendment) (No. 2) (England) Regulations 2005/929 reg.2(4)(c) (April 22, 2005)

8 1990 c.8. Section 171E was inserted by section 52 of the Planning and Compulsory Purchase Act 2004.

9 Words substituted by Local Authorities (Functions and Responsibilities) (England) (Amendment No. 4) Regulations 2007/2593 reg.2(2)(d) (October 2, 2007)

10 Item revoked by Enterprise and Regulatory Reform Act 2013 (Abolition of Conservation Area Consent) (Consequential and Saving Provisions) (England) Order 2013/2146 Sch.1 para.6(a) (October 1, 2013: revocation has effect subject to savings specified in SI 2013/2146 art.4 and SI 2013/148 art.5(4))

11 Words revoked by Enterprise and Regulatory Reform Act 2013 (Abolition of Conservation Area Consent) (Consequential and Saving Provisions) (England) Order 2013/2146 Sch.1 para.6(b) (October 1, 2013: revocation has effect subject to savings specified in SI 2013/2146 art.4 and SI 2013/148 art.5(4))

12 Words substituted by Local Authorities (Functions and Responsibilities) (England) (Amendment No. 4) Regulations 2007/2593 reg.2(2)(b)(i) (October 2, 2007)

13 Words substituted by Local Authorities (Functions and Responsibilities) (England) (Amendment No. 4)

Regulations 2007/2593 reg.2(2)(b)(ii) (October 2, 2007)

14 Word substituted by Local Authorities (Functions and Responsibilities) (England) (Amendment No. 4) Regulations 2007/2593 reg.2(2)(c) (October 2, 2007)

15 Words inserted by Local Authorities (Functions and Responsibilities) (Amendment No. 3) (England) Regulations 2004/2748 Sch.1(1) para.2(1)(a) (November 23, 2004)

16 Words inserted by Local Authorities (Functions and Responsibilities) (Amendment No. 3) (England) Regulations 2004/2748 Sch.1(1) para.2(1)(b) (November 23, 2004)

17 Entry inserted by Town and Country Planning (Brownfield Land Register) Regulations 2017/403 reg.19(2) (April 16, 2017)

18 To which there are amendments not relevant to these Regulations.

19 Words inserted by Local Authorities (Functions and Responsibilities) (England) (Amendment No. 3) Regulations 2007/1950 reg.2(3)(a) (September 1, 2007)

20 Words inserted by Local Authorities (Functions and Responsibilities) (England) (Amendment No. 3) Regulations 2007/1950 reg.2(3)(b) (September 1, 2007)

21 Schedules 5ZA was inserted by S.I. 1995/3231, article 5(6).

22 Words inserted by Local Authorities (Functions and Responsibilities) (England) (Amendment No. 3) Regulations 2007/1950 reg.2(3)(c) (September 1, 2007)

23 Words inserted by Local Authorities (Functions and Responsibilities) (England) (Amendment No. 3) Regulations 2007/1950 reg.2(3)(d) (September 1, 2007)

24 Words inserted by Local Authorities (Functions and Responsibilities) (England) (Amendment No. 3) Regulations 2007/1950 reg.2(3)(e) (September 1, 2007)

25 Words inserted by Local Authorities (Functions and Responsibilities) (England) (Amendment No. 3) Regulations 2007/1950 reg.2(3)(f) (September 1, 2007)

26 Amended by the Local Government Act 1972 , section 204(6) and the Local Government, Planning and Land Act 1980, section 1(6), Schedule 6 paragraph 11 and Schedule 34, Pt VI.

27 Words inserted by Local Authorities (Functions and Responsibilities) (Amendment No. 3) (England) Regulations 2004/2748 Sch.1(1) para.1(1)(a) (November 23, 2004)

28 Item substituted by Local Authorities (Functions and Responsibilities) (England) (Amendment) Regulations 2013/2190 reg.3(a) (October 1, 2013)

29 Words inserted by Local Authorities (Functions and Responsibilities) (Amendment No. 3) (England) Regulations 2004/2748 Sch.1(1) para.1(1)(b) (November 23, 2004)

30 Words substituted by Local Authorities (Functions and Responsibilities) (England) (Amendment) Regulations 2013/2190 reg.3(b) (October 1, 2013)

31 Entry inserted by Local Authorities (Functions and Responsibilities) (England) (Amendment) Regulations 2013/2190 reg.3(c) (October 1, 2013)

32 Words inserted by Local Authorities (Functions and Responsibilities) (England) (Amendment No. 3) Regulations 2007/1950 reg.2(3)(g) (September 1, 2007)

33 Words inserted by Local Authorities (Functions and Responsibilities) (England) (Amendment No. 3) Regulations 2007/1950 reg.2(3)(h) (September 1, 2007)

34 Words substituted by Local Authorities (Functions and Responsibilities) (England) (Amendment No. 4) Regulations 2007/2593 reg.2(3)(a) (October 2, 2007)

35 Words inserted by Local Authorities (Functions and Responsibilities) (England) (Amendment No. 3) Regulations 2007/1950 reg.2(3)(i) (September 1, 2007)

36 Words inserted by Local Authorities (Functions and Responsibilities) (England) (Amendment No. 3) Regulations 2007/1950 reg.2(3)(j) (September 1, 2007)

37 Words inserted by Local Authorities (Functions and Responsibilities) (England) (Amendment No. 3) Regulations 2007/1950 reg.2(3)(k) (September 1, 2007)

38 Words inserted by Local Authorities (Functions and Responsibilities) (England) (Amendment No. 3) Regulations 2007/1950 reg.2(3)(l) (September 1, 2007)

39 Entry inserted by Local Authorities (Functions and Responsibilities) (Amendment) (England) Regulations 2006/886 Sch.1(1) para.1 (April 21, 2006)

40 Words inserted by Local Authorities (Functions and Responsibilities) (England) (Amendment) Regulations 2007/1284 reg.2(2)(a) (May 21, 2007)

41 Words inserted by Local Authorities (Functions and Responsibilities) (England) (Amendment) Regulations 2007/1284 reg.2(2)(b) (May 21, 2007)

42 Words inserted by Local Authorities (Functions and Responsibilities) (England) (Amendment No. 3) Regulations 2007/1950 reg.2(3)(m) (August 1, 2007)

43 Words inserted by Local Authorities (Functions and Responsibilities) (England) (Amendment No. 3) Regulations 2007/1950 reg.2(3)(n) (August 1, 2007)

44 Words inserted by Local Authorities (Functions and Responsibilities) (England) (Amendment) Regulations 2007/1284 reg.2(2)(c) (May 21, 2007)

45 Possible drafting error, entry 14D not 14E contains words revoked by Local Authorities (Functions and Responsibilities) (England) (Amendment No. 3) Regulations 2007/1950 reg.2(3)(o) (September 1, 2007)

46 Words inserted by Local Authorities (Functions and Responsibilities) (England) (Amendment) Regulations 2007/1284 reg.2(2)(d) (May 21, 2007)

47 Words inserted by Local Authorities (Functions and Responsibilities) (England) (Amendment) Regulations 2007/1284 reg.2(2)(e) (May 21, 2007)

48 Words inserted by Local Authorities (Functions and Responsibilities) (England) (Amendment) Regulations 2007/1284 reg.2(2)(f) (May 21, 2007)

49 Words inserted by Local Authorities (Functions and Responsibilities) (England) (Amendment) Regulations 2007/1284 reg.2(2)(g) (May 21, 2007)

50 Words inserted by Local Authorities (Functions and Responsibilities) (England) (Amendment) Regulations 2007/1284 reg.2(2)(h) (May 21, 2007)

51 Item revoked by Local Authorities (Functions and Responsibilities) (England) (Amendment No. 4) Regulations 2007/2593 reg.2(3)(c) (October 2, 2007)

52 Words inserted by Local Authorities (Functions and Responsibilities) (England) (Amendment No. 3) Regulations 2007/1950 reg.2(3)(p) (September 1, 2007)

53 Words inserted by Local Authorities (Functions and Responsibilities) (England) (Amendment No. 3) Regulations 2007/1950 reg.2(3)(q) (September 1, 2007)

54 Amended by the Local Government Act 1974 (c.7), Schedule 6, paragraph 1, section 18 of the Local Government (Miscellaneous Provisions) Act 1976 (c.57) and section 186 of the Local Government, Planning and Land Act 1980 (c.65). Section 94(8) was substituted by the Deregulation (Public Health Acts Amendment Act) Order 1997 (S.I. 1997/1187).

55 Amended by the Local Government Act 1972, section 204(9) and the London Local Authorities Act 1990 (c. vii), section 20.

56 Entry revoked by Deregulation Act 2015 (Poisons and Explosives Precursors) (Consequential Amendments, Revocations and Transitional Provisions) Order 2015/968 Sch.1 para.4 (May 26, 2015)

57 Amended by the Fire Safety and Safety of Places of Sport Act 1987 (c.27). See, in particular, Part II of, and Schedule 2 to, that Act.

58 Entry substituted by Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018/486 Sch.9 para.12 (October 1, 2018)

60 Amended by the Local Government, Planning and Land Act 1980, Schedule 6, paragraph 6, and by section 3 of the Protection of Animals (Amendment) Act 1988.

61 Section 46A was inserted by section 1 of the Marriage Act 1994 (c.34).

62 Amended by S.I. 1968/658.

63 The 1939 Act was amended by the Local Government Act 1972, Schedule 29 paragraph 23. The 1916 Act and the 1939 Act are repealed (prospectively) by the Charities Act 1992 (c.41).

64 Words inserted by Local Authorities (Functions and Responsibilities) (Amendment No. 3) (England) Regulations 2004/2748 Sch.1(1) para.1(2)(a) (November 23, 2004)

65 Words inserted by Local Authorities (Functions and Responsibilities) (Amendment No. 3) (England) Regulations 2004/2748 Sch.1(1) para.1(2)(b)(i) (November 23, 2004)

66 Words inserted by Local Authorities (Functions and Responsibilities) (Amendment No. 3) (England) Regulations 2004/2748 Sch.1(1) para.1(2)(b)(ii) (November 23, 2004)

67 Sections 115E, 115F, 115G and 115K were inserted into the Highways Act 1980 (c. 66) by the Local Government (Miscellaneous Provisions) Act 1982 (c. 30), section 20, Schedule 5, Part I, paragraph 1.

68 Amended by section 22 of the Local Government (Miscellaneous Provisions) Act 1982 (c.30).

69 Amended by regulation 2 of the Meat Products (Hygiene) (Amendment) Regulations 1999 (S.I. 1999/683).

70 Amended by S.I. 1996/1699.

71 Schedule 1A was inserted by S.I. 2000/930.

72 Entries inserted subject to the operation of arrangements as specified in SI 2001/2212 reg.1 by Local Authorities (Functions and Responsibilities) (England) (Amendment) Regulations 2001/2212 Sch.1(I) para.1 (July 10, 2001 except in relation to local authorities as specified in SI 2001/2212 reg.1)

73 Entry added by Motor Salvage Operators Regulations 2002/1916 reg.6 (October 21, 2002)

74 Entry inserted by Local Authorities (Functions and Responsibilities) (England) (Amendment No. 3) Regulations 2008/2787 reg.4 (November 28, 2008)

75 As to the commencement of Part 1 of the Commons Act 2006see in relation to England generally, the Commons Act 2006 (Commencement No. 3, Transitional Provisions and Savings) (England) Order 2007 (S.I. 2007/2584), and in relation to the pilot areas, the Commons Act 2006 (Commencement No. 4 and Savings) (England) Order 2008 (S.I. 2008/1960).

76 For the definition of “the relevant statutory provisions” see section 53(1) of the Health and Safety at Work etc. Act 1974. See also the definitions of “the existing statutory provisions” and “health and safety regulations” in section 53(1) and, as to “health and safety regulations”, section 15(1) of that Act which was substituted by the Employment Protection Act 1975 (c.71), Schedule 15, paragraph 5.

77 Subsection (4) of section 52 was substituted by the Representation of the People Act 1985 (c.50),

Schedule 4.

78 Words substituted by Local Authorities (Functions and Responsibilities) (England) (Amendment No. 4) Regulations 2007/2593 reg.2(4)(a) (October 2, 2007)

79 Words substituted by Local Authorities (Functions and Responsibilities) (England) (Amendment No. 4) Regulations 2007/2593 reg.2(4)(b) (October 2, 2007)

80 Item revoked by Local Authorities (Functions and Responsibilities) (England) (Amendment No. 4) Regulations 2007/2593 reg.2(4)(c) (October 2, 2007)

81 Entries inserted by Local Authorities (Functions and Responsibilities) (England) (Amendment) Regulations 2008/516 reg.5(a) (March 31, 2008)

82 Entries inserted by Local Authorities (Functions and Responsibilities) (England) (Amendment) Regulations 2008/516 reg.5(b) (March 31, 2008)

83 Entry revoked by Local Authorities (Functions and Responsibilities) (England) (Amendment No. 3) Regulations 2008/2787 reg.5 (November 28, 2008)

84 Words substituted by Local Authorities (Functions and Responsibilities) (Amendment) (England) Regulations 2006/886 Sch.1(1) para.2 (April 21, 2006)

85 Section 14 of the Interpretation Act 1978 is applied to byelaws made under section 235 of the Local Government Act 1972 by section 22(1) of, and paragraph 3 of Part I of Schedule 2 to, the Interpretation Act 1978.

86 Item inserted by Local Authorities (Functions and Responsibilities) (England) (Amendment No. 4) Regulations 2007/2593 reg.2(5) (October 2, 2007)

87 As to section 7see also section 99 of the Local Government Act 2000 (c.22). Section 12 of the Superannuation Act 1972 is amended by section 10 of the Pensions (Miscellaneous Provisions) Act 1990 (c.7).

88 Words substituted by Fire and Rescue Services Act 2004 (Consequential Amendments) (England) Order 2004/3168 art.53(a) (December 30, 2004)

89 Words substituted by Fire and Rescue Services Act 2004 (Consequential Amendments) (England) Order 2004/3168 art.53(b) (December 30, 2004)

90 Substituted subject to the operation of arrangements as specified in SI 2001/2212 reg.1 by Local Authorities (Functions and Responsibilities) (England) (Amendment) Regulations 2001/2212 Sch.1(I) para.2 (July 10, 2001 except in relation to local authorities as specified in SI 2001/2212 reg.1)

91 Words substituted by Restricted Byways (Application and Consequential Amendment of Provisions) Regulations 2006/1177 Sch.1(II) para.1 (July 2, 2006 in relation to England; July 11, 2006 otherwise)

92 Words inserted by Local Authorities (Functions and Responsibilities) (Amendment No. 3) (England) Regulations 2004/2748 Sch.1(1) para.2(2)(a) (November 23, 2004)

93 Words inserted by Local Authorities (Functions and Responsibilities) (Amendment No. 3) (England) Regulations 2004/2748 Sch.1(1) para.2(2)(b)(i) (November 23, 2004)

94 Sections 82A(4) and (5) of the Local Government Act 2000 (c. 22) were inserted by section 113 of the Local Government Act 2003 (c. 26).

95 Words inserted by Local Authorities (Functions and Responsibilities) (Amendment No. 3) (England) Regulations 2004/2748 Sch.1(1) para.2(2)(b)(ii) (November 23, 2004)

96 Entry inserted by Local Authorities (Functions and Responsibilities) (Amendment) (England) Regulations 2005/714 reg.2(2) (June 1, 2005)

97 Entry substituted by Local Authorities (Alcohol Consumption in Designated Public Places) Regulations

2007/806 reg.10(2)(b) (April 6, 2007)

98 Entry inserted by Local Authorities (Alcohol Disorder Zones) Regulations 2008/1430 Pt 6 reg.25 (June 5, 2008)

99 Entry inserted by Local Authorities (Functions and Responsibilities) (England) (Amendment No. 3) Regulations 2008/2787 reg.6(a) (November 28, 2008)

100 Entry inserted by Local Authorities (Functions and Responsibilities) (England) (Amendment No. 3) Regulations 2008/2787 reg.6(b) (November 28, 2008)

101 Entry inserted by Local Authorities (Functions and Responsibilities) (England) (Amendment No. 3) Regulations 2008/2787 reg.6(c) (November 28, 2008)

102 Entry inserted by Local Authorities (Functions and Responsibilities) (England) (Amendment No. 3) Regulations 2008/2787 reg.6(d) (November 28, 2008)

103 Entry inserted by Local Authorities (Functions and Responsibilities) (England) (Amendment No. 3) Regulations 2008/2787 reg.6(e) (November 28, 2008)

104 Entry inserted by Local Authorities (Functions and Responsibilities) (England) (Amendment No. 3) Regulations 2008/2787 reg.6(f) (November 28, 2008)

Commencement

Sch. 1 para. 1: November 16, 2000

Extent

Sch. 1 para. 1: England

SCHEDULE 2

FUNCTIONS WHICH MAY BE (BUT NEED NOT BE) THE RESPONSIBILITY OF AN AUTHORITY'S EXECUTIVE

Regulation 3(1)

1.
Any function under a local Act other than a function specified or referred to in regulation 2 or Schedule 1.

Commencement

Sch. 2 para. 1: November 16, 2000

Extent

Sch. 2 para. 1: England

2.
The determination of an appeal against any decision made by or on behalf of the authority.

Commencement

Sch. 2 para. 2: November 16, 2000

Extent

Sch. 2 para. 2: England

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[1] .

Notes

1 Section 34(4) replaces section 63(3) of the Social Security Administration Act 1992. The Council Tax Benefit Regulations 1992 (S.I. 1992/1814) and the Housing Benefit (General) Regulations 1987 (S.I. 1987/1971), to which there are amendments not relevant to these Regulations, continue to have effect, by virtue of section 17(2)(b) of the Interpretation Act 1978 (c.30), notwithstanding the repeal of section 63(3) of the Social Security Administration Act 1992.

Commencement

Sch. 2 para. 3: November 16, 2000

Extent

Sch. 2 para. 3: England

[4.

The making of arrangements in relation to appeals against the exclusion of pupils from maintained schools[2].

][1]

Notes

1 Substituted by Local Authorities (Functions and Responsibilities) (Amendment No. 3) (England) Regulations 2004/2748 Sch.1(2) para.1 (November 23, 2004)

2 See, in particular, section 52 of the Education Act 2002 (c. 32) and the subordinate legislation made under that section which replace section 67 of, and Schedule 18 to, the School Standards and Framework Act 1998 (c. 31) which have been repealed.

Commencement

Sch. 2 para. 4: November 16, 2000

Extent

Sch. 2 para. 4: England

[5.

The making of arrangements pursuant to sections 94(1), (1A) and (4) of the 1998 Act (admissions appeals)[2].

][1]

Notes

1 Substituted by Local Authorities (Functions and Responsibilities) (Amendment No. 3) (England) Regulations 2004/2748 Sch.1(2) para.1 (November 23, 2004)

2 Section 94(1A) of the School Standards and Framework Act 1998 ("the SSFA 1998") was inserted by the Education Act 2002. See also subordinate legislation made under section 94(5) of the SSFA 1998, as substituted by the Education Act 2002, which replaces Schedule 24 to the SSFA 1998.

Commencement

Sch. 2 para. 5: November 16, 2000

Extent

Sch. 2 para. 5: England

[6.

The making of arrangements pursuant to section 95(2) of the 1998 Act (children to whom section 87 applies; appeals by governing bodies)[2].

] [1]

Notes

1 Substituted by Local Authorities (Functions and Responsibilities) (Amendment No. 3) (England) Regulations 2004/2748 Sch.1(2) para.1 (November 23, 2004)

2 Section 94(1A) of the School Standards and Framework Act 1998 ("the SSFA 1998") was inserted by the Education Act 2002. See also subordinate legislation made under section 94(5) of the SSFA 1998, as substituted by the Education Act 2002, which replaces Schedule 24 to the SSFA 1998.

Commencement

Sch. 2 para. 5: November 16, 2000

Extent

Sch. 2 para. 5: England

7.

The making of arrangements under section 20 (questions on police matters at council meetings) of the Police Act 1996 for enabling questions to be put on the discharge of the functions of a police authority.

Commencement

Sch. 2 para. 7: November 16, 2000

Extent

Sch. 2 para. 7: England

8.

The making of appointments under paragraphs 2 to 4 (appointment of members by relevant councils) of schedule 2 (police authorities established under section 3) to the Police Act 1996.

Commencement

Sch. 2 para. 8: November 16, 2000

Extent

Sch. 2 para. 8: England

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9. […][1]

Notes

1 Revoked by Local Authorities (Functions and Responsibilities) (England) (Amendment) Regulations 2008/516 reg.7(a) (April 1, 2008)

10.

Any function relating to contaminated land[1].

Notes

1 Part IIA of the Environmental Protection Act 1990 (c.43) and subordinate legislation under that Part.

Commencement

Sch. 2 para. 10: November 16, 2000

Extent

Sch. 2 para. 10: England

11.

The discharge of any function relating to the control of pollution or the management of air quality[1].

Notes

1 See the Pollution Prevention and Control Act 1999 (c.24), Part IV of the Environment Act 1995 (c.25), Part I of the Environmental Protection Act 1990 (c.43) and the Clean Air Act 1993 (c.11).

Commencement

Sch. 2 para. 11: November 16, 2000

Extent

Sch. 2 para. 11: England

12.

The service of an abatement notice in respect of a statutory nuisance[1]

Notes

1 Section 80(1) of the Environmental Protection Act 1990.

Commencement

Sch. 2 para. 12: November 16, 2000

Extent

Sch. 2 para. 12: England

13.

The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the authority's area[1].

Notes

1 Section 8 of the Noise and Statutory Nuisance Act 1993 (c.40).

Commencement

Sch. 2 para. 13: November 16, 2000

Extent

Sch. 2 para. 13: England

14.

The inspection of the authority's area to detect any statutory nuisance[1].

Notes

1 Section 79 of the Environmental Protection Act 1990.

Commencement

Sch. 2 para. 14: November 16, 2000

Extent

Sch. 2 para. 14: England

15.

The investigation of any complaint as to the existence of a statutory nuisance[1].

Notes

1 Section 79 of the Environmental Protection Act 1990.

Commencement

Sch. 2 para. 15: November 16, 2000

Extent

Sch. 2 para. 15: England

16.

The obtaining of information under section 330 of the Town and Country Planning Act 1990 as to interests in land.

Commencement

Sch. 2 para. 16: November 16, 2000

Extent

Sch. 2 para. 16: England

17.

The obtaining of particulars of persons interested in land under section 16 of the Local Government (Miscellaneous Provisions) Act 1976.

Commencement

Sch. 2 para. 17: November 16, 2000

Extent

Sch. 2 para. 17: England

18.

The making of agreements for the execution of highways works[1].

Notes

1 Section 278 of the Highways Act 1980 (c.66), substituted by the New Roads and Street Works Act 1991 (c.22), section 23.

Commencement

Sch. 2 para. 18: November 16, 2000

Extent

Sch. 2 para. 18: England

19.

The appointment of any individual
(a) to any office other than an office in which he 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

Commencement

Sch. 2 para. 19(a)-(c): November 16, 2000

Extent

Sch. 2 para. 19(a)-(c): England

[20.

The making of agreements with other local authorities for the placing of staff at the disposal of those other authorities.

][1]

Notes

1 Inserted subject to the operation of arrangements as specific in SI 2001/2212 reg.1 by Local Authorities (Functions and Responsibilities) (England) (Amendment) Regulations 2001/2212 Sch.1(II) para.1 (July 10, 2001 except in relation to local authorities as specified in SI 2001/2212 reg.1)

Extent

Sch. 2 para. 20: England

[21.

Any function of a local authority in their capacity as a harbour authority (to the extent that the function does not fall within paragraph 1 of this Schedule.

][1]

Notes

1 Inserted subject to the operation of arrangements as specific in SI 2001/2212 reg.1 by Local Authorities (Functions and Responsibilities) (England) (Amendment) Regulations 2001/2212 Sch.1(II) para.1 (July 10, 2001 except in relation to local authorities as specified in SI 2001/2212 reg.1)

Extent

Sch. 2 para. 21: England

[22.

Functions under section 106, 110, 111 and 113 of the 2007 Act relating to local area agreements.

][1]

Notes

1 Added by Local Authorities (Functions and Responsibilities) (England) (Amendment) Regulations 2008/516 reg.7(b) (March 31, 2008)

Extent

Sch. 2 para. 22: England

SCHEDULE 3

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

Regulation 4(1)

(1) *Plans and strategies*	(2) *Reference*
Annual Library Plan	Section 1(2) of the Public Libraries and Museums Act 1964 (c.75)
Best Value Performance Plan	Section 6(1) of the Local Government Act 1999 (c.27)[1]
[Children and Young People's Plan][2]	[Children and Young People's Plan (England) Regulations 2005.][3]
[…]	…][4]
[…]	…][5]
Crime and Disorder Reduction Strategy	Sections 5 and 6 of the Crime and Disorder Act 1998 (c.37).
[Development plan documents[7]	[Section 15 of the 2004 Act.][8]][6]
[Licensing Authority Policy Statement][9]	[section 349 of the 2005 Act.][10]
[…]	…][11]
[…]	…][12]
[Local Transport Plan	Section 108(3) of the Transport Act 2000 (c.38).][13]
Plans and alterations which together comprise the Development Plan	(a) for Greater London and the metropolitan counties, section 27 of the Town and Country Planning Act 1990 (c.8)[14] (b) for districts outside Greater London and the metropolitan counties, section 54 of that Act.
[Sustainable Community Strategy	[Section 4 of the 2000 Act.][16]][15]
Youth Justice Plan	Section 40 of the Crime and Disorder Act 1998 (c.37)

Notes

1 See the Local Government (Best Value) Performance Plans and Reviews Order 1999 (S.I. 1999/3251). Relevant guidance issued under section 6(4) of the Local Government Act 1999 may be found in Department of the Environment, Transport and the Regions Circular 10/99.

2 Words substituted by Local Authorities (Functions and Responsibilities) (Amendment) (England) Regulations 2006/886 Sch.1(2) para.3(a) (April 21, 2006)

3 Words substituted by Local Authorities (Functions and Responsibilities) (Amendment) (England) Regulations 2006/886 Sch.1(2) para.3(b) (April 21, 2006)

4 Words revoked by Local Authorities (Functions and Responsibilities) (Amendment) (England) Regulations 2006/886 Sch.1(2) para.3(d) (April 21, 2006)

5 Entry revoked by Local Authorities (Functions and Responsibilities) (England) (Amendment) Regulations 2008/516 reg.6(2)(b) (March 31, 2008)

6 Words inserted by Local Authorities (Functions and Responsibilities) (Amendment) (No. 2) (England) Regulations 2005/929 reg.2(5)(a) (April 22, 2005)

7 Functions relating to local development documents which are not development plan documents are the responsibility of the executive of an authority.

8 Words inserted by Local Authorities (Functions and Responsibilities) (Amendment) (No. 2) (England) Regulations 2005/929 reg.2(5)(b) (April 22, 2005)

9 Words substituted by Local Authorities (Functions and Responsibilities) (Amendment) (England) Regulations 2006/886 Sch.1(2) para.3(e) (April 21, 2006)

10 Possible drafting error - words are purportedly substituted in the entry for "Community Care Plan", but that entry has been repealed and the substitution is instead made in the new entry for "Licensing Authority Policy Statement" by Local Authorities (Functions and Responsibilities) (Amendment) (England) Regulations 2006/886 Sch.1(2) para.3(f) (April 21, 2006)

11 Words revoked by Local Authorities (Functions and Responsibilities) (England) (Amendment No. 2) Regulations 2008/744 reg.2(2)(b) (April 1, 2008)

12 Possible drafting error - words in column 2 of the revoked entry for "Education Development Plan" are revoked, and not the words in column 2 of the entry for "Licensing Authority Policy Statement" which are purportedly revoked by Local Authorities (Functions and Responsibilities) (Amendment) (England) Regulations 2006/886 Sch.1(2) para.3(h) (April21, 2006)

13 Inserted subject to the operation of arrangements as specific in SI 2001/2212 reg.1 by Local Authorities (Functions and Responsibilities) (England) (Amendment) Regulations 2001/2212 Sch.1(III) para.1 (July 10, 2001 except in relation to local authorities as specified in SI 2001/2212 reg.1)

14 Relevant amendments are made by the Planning and Compensation Act 1991 (c.34), Schedule 4, paragraph 29.

15 Words inserted by Local Authorities (Functions and Responsibilities) (England) (Amendment) Regulations 2008/516 reg.6(2)(e) (March 31, 2008)

16 Words inserted by Local Authorities (Functions and Responsibilities) (England) (Amendment) Regulations 2008/516 reg.6(2)(f) (March 31, 2008)

Commencement

Sch. 3 para. 1: November 16, 2000

Extent

Sch. 3 para. 1: England

SCHEDULE 4

CIRCUMSTANCES IN WHICH FUNCTIONS ARE NOT TO BE THE RESPONSIBILITY OF AN AUTHORITY'S EXECUTIVE

Regulation 5(1)

(1) *Function*	(2) *Circumstances*
1. The adoption or approval of a plan or strategy (whether statutory or non-statutory), other than a plan or strategy of a description referred to in regulation 4(1)(b) or Schedule 3.	The authority determines that the decision whether the plan or strategy should be adopted or approved should be taken by them.
2. The determination of any matter in the discharge of a function which:	The individual or body by whom, by virtue of any of sections 14 to 17 of the Local Government Act 2000 or provision made under section 18 or 20 of that Act, the determination is to be made
(a) is the responsibility of the executive; and (b) is concerned with the authority's budget, or their borrowing or capital expenditure.	(a) is minded to determine the matter contrary to, or not wholly in accordance with: (i) the authority's budget; or (ii) the plan or strategy for the time being approved or adopted by the authority in relation to their borrowing or capital expenditure; and (b) is not authorised by the authority's executive arrangements, financial regulations, standing orders or other rules or procedures to make a determination in those terms.
3. The determination of any matter in the discharge of a function:	The individual or body by whom, by virtue of any of sections 14 to 17 of the Local Government Act 2000 or provision made under section 18 or 20 of that Act, the determination is to be made, is minded to determine the matter in terms contrary to the plan or, as the case may be, the strategy adopted or approved by the authority.
(a) which is the responsibility of the executive; and (b) in relation to which a plan or strategy (whether statutory or non-statutory) has been adopted or approved by the authority.	

Commencement

Sch. 4 para. 1: November 16, 2000

Extent

Sch. 4 para. 1: England

EXPLANATORY NOTE

(This note is not part of the Regulations)

Part II of the Local Government Act 2000 provides for the discharge of a local authority's functions by an executive of the authority (which must take one of the forms specified in section 11(2) to (5) of the Act), unless those functions are specified as functions that are not to be the responsibility of the authority's executive.

These Regulations specify functions that are not to be the responsibility of an authority's executive or are to be the responsibility of such an executive only to a limited extent or only in specified circumstances.

Regulation 2(1) of these Regulations provides that the functions listed in Schedule 1 ("Schedule 1 functions") are not to be the responsibility of an authority's executive.

Regulation 2(2) provides that the function of imposing conditions, limitations, restrictions or other terms on any approval, consent, licence, permission or registration granted in the exercise of Schedule 1 functions, or functions under a local Act (unless in that case the approval, consent, licence, permission or registration was granted by an authority's executive), is not to be the responsibility of an authority's executive

Regulation 2(3) provides that the function of determining whether, and in what manner, to enforce contraventions of approvals, consents, licences, permissions or registrations granted in the exercise of Schedule 1 functions, or functions under a local Act (unless in that case the approval, consent, licence, permission or registration was granted by an authority's executive), is not to be the responsibility of an authority's executive. It also provides that the function of determining whether, and in what manner, to enforce other contraventions, in relation to matters for which an approval, consent, licence, permission or registration should have been sought, is not to be the responsibility of an authority's executive where the approval, consent, licence, permission or registration could have been granted in the exercise of Schedule 1 functions.

Regulation 2(4) provides that the function of amending, modifying, varying or revoking any approval, consent, licence, permission or registration to which regulation 2(2) applies is not to be the responsibility of an authority's executive.

Regulation 2(5) provides that the function of making any scheme authorised or required by regulations under section 18 of the Local Government and Housing Act 1989 (schemes for basic, attendance and special responsibility allowances for local authority members) or of amending, revoking or replacing any such scheme, is not to be the responsibility of an authority's executive.

Regulation 2(6) provides that the functions of determining the amount of various allowances payable to members of local authorities under the Local Government Act 1972 ("the 1972 Act"), the rates at which certain payments under that Act by way of allowances are to be made, the amounts payable under schemes under section 18 of the Local Government and Housing Act 1989 and the rates of payments under such schemes, are not to be the responsibility of an authority's executive. It also provides that the function of determining whether a charge should be made for any approval,

consent, licence, permit or registration granted or issued in the exercise of Schedule 1 functions, and the amount of any such charge, are not to be the responsibility of an authority's executive.

The effect of regulation 2(7) is to prevent an authority from arranging for the discharge of the functions specified in regulation 2(5) or (6)(a) to (c) by a committee, sub-committee or officer. (Other functions referred to in regulation 2 which are not the responsibility of an authority's executive may be discharged by a committee, sub-committee or officer of the authority under arrangements under section 101 of the 1972 Act.)

Regulation 2(8) provides, within one exception, that the making of arrangements for the discharge of functions under section 101(5) of the 1972 Act and the appointment of committees under section 102 of the 1972 Act is not to be the responsibility of an authority's executive. The exception relates to provision made in regulations under section 20 of the Local Government Act 2000, which may allow the executive of an authority to make appointments under section 102 of the 1972 Act.

Regulation 2(9) and (10) makes special provision in relation to York City Council's functions relating to the management of the Yorkshire Museum and Gardens and to South Lakeland District Council's functions relating to the management of land at Lake Windermere. None of the functions referred to in those paragraphs is to be the responsibility of the relevant Council's executive.

Regulation 2(11) and (12) precludes an authority's executive from discharging functions which, in accordance with any public or local Act, or any subordinate legislation, must be discharged by the authority themselves, unless the discharge of the function by the executive is authorised by any other provision of these Regulations.

Regulation 3(1) provides that the functions mentioned in Schedule 2 may be (but need not be) the responsibility of an authority's executive.

Regulation 3(2) provides that Hastings Borough Council's functions relating to the management of the Hastings and Saint Leonard's Museum may be (but need not be) the responsibility of an authority's executive, and paragraphs (3) and (4) of that regulation make consequential and supplementary provision where those functions are the responsibility of the Council's executive.

Paragraphs (1) to (3) of regulation 4 allocate responsibility for various aspects of functions relating to the formulation and preparation of plans and strategies of the descriptions specified in Schedule 3 between an authority and their executive. They also apply to other plans and strategies whose adoption or approval is a matter for determination by the authority themselves in accordance with regulation 5(1). Paragraph (4) of regulation (4) allocates responsibility for the amendment, modification, variation or revocation of the plans and strategies specified in Schedule 3. Paragraphs (5) to (7) of regulation 4 make similar provision in relation to functions concerned with the disposal of an authority's housing land.

Where an aspect of a function referred to in paragraph (1), (4) or (5) of regulation 4 is not to be the responsibility of an authority's executive, paragraph (8) of that regulation has the effect that the authority may not arrange for it to be discharged by any of their committees, sub-committees or officers.

Paragraphs (9) to (11) of regulation 4 allocate responsibility for various aspects of functions relating to council tax, precepts and other calculations under the Local Government Finance Act 1992. To the extent that the function relates to the preparation and revision of estimates and other amounts for consideration by an authority it is to be the responsibility of an authority's executive. Other

aspects of the function, such as the setting of an amount of council tax for a financial year, are to be the responsibility of the authority.

Regulation 5(1) and Schedule 4 specify the circumstances in which certain functions, that would otherwise be the responsibility of an authority's executive, are not to be the responsibility of such an executive. The circumstances are listed in column (2) of Schedule 4, and the functions to which they relate are listed in column (1). An exception is provided in regulation 5(2) for certain determinations that need to be made as a matter of urgency. In those cases, the determination can be made by the authority's executive only with the prior written agreement of a chairman of a relevant overview and scrutiny committee (defined in regulation 5(3)) or, in specific circumstances, of the chairman or vice-chairman of the authority. Regulation 5(4) requires the individual or body by whom the determination is made to submit a report to the authority of the action taken.

The effect of regulation 5(5) is to prevent an authority from arranging for the discharge by a committee, sub-committee or officer of functions which, in accordance with regulation 5(1), are the responsibility of the authority.

Modifications

Provision	Modification	Notes	Further Information
reg. 2(1)	Local Government (Structural and Boundary Changes) (Staffing) Regulations 2008/1419, reg. 4(4)		
reg. 2(6E)	Local Government (Structural Changes) (Transitional Arrangements) Regulations 2008/2113, Sch. 1 para. 1(c)		Pt 2 reg. 6
Sch. 1 para. 1	Local Government (Structural Changes) (Transitional Arrangements) Regulations 2008/2113, Sch. 1 para. 1(d)		Pt 2 reg. 6
	Local Government (Structural Changes) (Transitional Arrangements) Regulations 2008/2113, Sch. 1 para. 1(e)		Pt 2 reg. 6
Sch. 2 para. 22	Local Government (Structural Changes) (Transitional Arrangements) Regulations 2008/2113, Sch. 1 para. 1(f)		Pt 2 reg. 6