

PART 3 - RESPONSIBILITY FOR FUNCTIONS

1. GENERAL

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

- The Council
- The Executive
- Individual members of the Executive
- Committees and Sub-Committees of the Council or the Executive
- Joint Committees
- Officers
- Other persons so authorised where the law permits

1.2 An outline of the decision making structure and the management structure of the Council and the Service Areas within which various functions are generally dealt with is included in Part 2 and Part 8 of this Constitution.

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

1.4 The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 give effect to section 13 of the Local Government Act 2000 by specifying which functions are not to be the responsibility of the Executive; which functions may (but need not) be the responsibility of the Executive ('Local Choice Functions'); and which functions are to some extent the responsibility of the Executive. All other functions not so specified are to be the responsibility of the Executive. The Regulations have been subsequently amended and those amendments are reflected in this Constitution. In addition, certain 'Council' functions must be carried out by the Council itself, that is, the Council may not delegate these to a Committee or officer. These are shown in Table 1.

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

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

1.7 Table 4 sets out the functions which are not to be the sole responsibility of the Executive. The Table describes the plans, policies and strategies,

which form the Authority's Policy Framework and specifies what role the Executive will play in relation to those plans, policies and strategies. Essentially, the Executive will develop and consult on the plans, policies and strategies listed and will then refer them to the Council for consideration and approval. If approved, the Executive will then be responsible for implementing them.

- 1.8 The membership of the Executive and Council Committees and Sub-Committees are detailed in Appendix A to this Part of the Constitution. The terms of reference are detailed in Section 2 below.
- 1.9 Council and Executive functions are delegated to officers in accordance with paragraph 4 below, 'Scheme of Delegations to Officers'.
- 1.10 All functions shall be exercised in accordance with this Constitution including, for the avoidance of doubt, the Rules of Procedure and Protocols shown at Part 4 and Part 5, respectively.
- 1.11 In exercising any function or making any decision the decision making body or person shall take into account all relevant considerations and ignore all irrelevant considerations and shall comply with the Access to Information Rules.

2. TERMS OF REFERENCE

2.1 The Executive – Quorum 3

- a. To lead the Council's community planning processes.
- b. To lead the preparation of the Council's policies and budgets.
- c. Responsibility for decisions on resources and priorities to deliver and implement the Council's policies and budgets.
- d. To be the focus for forming partnerships with other organisations to address local needs.
- e. Responsibility for all functions of the Council that are not excluded from its remit by Regulations made under Section 13(3) of the Local Government Act 2000.
- f. Responsibility for 'local choice' functions as shown in Table 3 of Part 3 of this Constitution.
- g. To delegate functions within its remit to relevant individual Executive Members and/or officers of the Council in accordance with the Scheme of Delegation from the Executive to officers.

NOTE: Final decisions on the policy framework and budgets are reserved to Council in accordance with Article 4.

2.2 The Scrutiny Overview Committee – Quorum 3

- a. To review the Forward Plan of Key Decisions, considering if it wishes to make any input to policy issues contained in the Plan and if so, how. Considering how to deal with any policy issues referred by the Executive and raising any other issues it considers appropriate.
- b. To determine the Scrutiny and Overview work programme and allocation of work to Topic Groups, advising on direction and methods of study.
- c. To scrutinise the Council budget, grants and other similar major corporate issues and matters included in the Council's Policy Framework with assistance from Topic Groups as appropriate.
- d. To develop and review policy on major corporate issues with assistance from Topic Groups as appropriate.
- e. To exercise the right to call-in of any decision not yet implemented,

made by the Executive, individual Executive Member or Neighbourhood Action Team, but only in the exceptional circumstances referred to in Part 4 of the Rules of Procedure (Scrutiny Overview Committee) in the Council's Constitution.

- f. Responsibility for the ongoing development of the Scrutiny and Overview function of the Council.
- g. To report to the Executive, other committees or Council, as appropriate.
- h. To consider matters referred to the Committee under the procedure for the Councillor Call for Action (CCfA).
- i. To act as the Council's Crime and Disorder Committee.

2.3 The Standards Committee – Quorum 3 (to include an Independent member)

- a. To promote and maintain high standards of conduct by Councillors and Co-opted Members.
- b. To assist Councillors and Co-opted Members to observe the Members' Code of Conduct.
- c. To advise the Council on the adoption or revision of the Members' Code of Conduct.
- d. To monitor the operation of the Members' Code of Conduct.
- e. To advise, train or arrange to train Councillors and Co-opted Members on matters relating to the Members' Code of Conduct.
- f. Responsibility for granting dispensations to Councillors and Co-opted Members from requirements relating to interests set out in the Members' Code of Conduct.
- g. Responsibility for the granting and supervision of exemption from politically restricted posts as provided in Section 202 of the Local Government and Public Involvement in Health Act 2007.
- h. To receive allegations that a Member or Co-opted Member (or former Member or Co-opted Member) has failed, or may have failed, to comply with the Members' Code of Conduct.
- i. To process such an allegation described in Section h. above in the manner set out in Part 3 of the Local Government Act 000 as amended by Chapter 1 of Part 10 of the Local Government and Public Involvement in Health Act 2007.

- j. To deal with any matters referred from the Full Council or any other body.
- k. To consider reports and other communications from external and internal audit relating to good governance and the ethical standards of this Authority and, without any limitation on the statutory powers of the Standards Committee, making recommendations to the Executive or a Committee of the Council following such consideration.
- l. To review aspects of the Constitution relating to other terms of reference for this Committee including matters covered by the ethical governance audit.
- m. To receive and consider general reports and communications from the Ombudsman and, at the discretion of the Committee, reporting and making recommendations to the appropriate body.
- n. To review and make recommendations on protocols and employment contract conditions dealing with ethical standards for officers' behaviour.
- o. To consider and make recommendations as appropriate on all protocols affecting the conduct of Members and officers.
- p. To review the Register of Members' Interests at such times and in such a manner as the Committee feels appropriate.
- q. Any other functions allocated to Standards Committees under any enactment from time to time.

Assessment Sub-Committee

Terms of Reference – Quorum 3 (including an Independent Member)

To make an initial assessment of written allegations that Members have failed or may have failed to comply with the Members' Code of Conduct.

Review Sub-Committee

Terms of Reference – Quorum 3 (including an Independent Member)

On request, to review the decision on an initial assessment by the Assessment Sub-Committee. (The Review Sub-Committee must comprise different Members to that which made the initial assessment).

Hearing and Consideration Sub-Committee

Quorum 3 (including an Independent Member)

Terms of Reference:

To receive and consider an investigative report of the Monitoring Officer or an Ethical Standards Officer of the Standards Board for England.

2.4 Neighbourhood Action Teams (x6) – Quorum 3

The 6 Neighbourhood Action Teams are as follows –

Bedwell & Pin Green
Broadwater
Chells & Manor
Old Town, Symonds Green & Woodfield
Martins Wood & St. Nicholas
Shephall, Bandle Hill and Poplars

The following Terms of Reference, as appropriate, apply to each Neighbourhood Action Team (Area Committees of the Council)

- a. To consider matters raised by the relevant Neighbourhood Forum and decide on appropriate action including -
 - (i) Authorising expenditure from the Team's budget, including match funding with the discretionary budget from the Highways Joint Member Panel (any expenditure authorised to be in accordance with Council's policies and procedures)
 - (ii) Amending the Neighbourhood Action Plan
 - (iii) Consultation with Partners, Community Groups and other outside agencies to best address matters raised;
 - (iv) Service requests to Council Officers;
 - (v) making grants to local voluntary organisations and community groups, subject to the approved grant procedures;
 - (vi) making arrangements for the provision of information about local services and other information to people in the area;

- b. To monitor local service delivery and considering the outcome of such monitoring and advising the Executive and Scrutiny Overview Committee as appropriate;
- c. To monitor the progress of the Neighbourhood Action Plans against targets/outcomes set.
- d. To consider matters raised by Ward Members in relation to issues in the Area.
- e. To consider matters raised by Partners, Community Groups and other outside agencies in relation to the area.
- f. Where appropriate, refer matters raised to the Stevenage Partnership (So Stevenage).

2.5 Audit Committee – Quorum 3

To advise or comment as appropriate on:

- a. Internal Audit matters, including:
 - (i) the Annual Internal Audit Plan;
 - (ii) the adequacy of management responses to Internal Audit reports and recommendations;
 - (iii) the Chief Internal Auditor's Annual Report and Opinion; and
 - (iv) to consider summaries of specific internal audit reports, as requested.
- b. External Audit matters, including:
 - (i) external Auditors' plans for auditing and inspecting the authority;
 - (ii) the Annual Audit and Inspection Letter from the External Auditor;
 - (iii) the report to those charged with governance;
 - (iv) proposals from the Audit Commission over the appointment of the External Auditor; and
 - (v) the scope and depth of External Audit work.
- c. Arrangements made for the co-operation between Internal Audit, External Audit and other bodies.

- d. Anti Fraud & Corruption issues including the Council's policies on Anti-Fraud and Corruption, 'whistle-blowing'.
- e. The Council's Annual Governance Statement.
- f. The Council's Constitution in respect of Contract Standing Orders and Financial Regulations.
- g. The Council's Risk Management arrangements.
- h. The Council's arrangements for delivering value for money.
- i. The Statement of Accounts and related Capital Determinations.

2.6 Planning & Development Committee – Quorum 3

- a. To advise the Executive on the following:
 - (i) identification of consumer needs for services related to planning and development and facilities functions of the Committee, and recommendations on the development of services and facilities to meet them, including:
 - Land use plans and policy, including local plans
 - Employment and economic development
 - Development control servicesand advising the Executive/Council accordingly;
 - (ii) management and maintenance of planning and development related facilities and services in item (i), including employment and training facilities and services;
 - (iii) monitoring and review of performance in relation to the provision and development of planning and development services and facilities, including employment and training facilities and services, whether provided by the Development and Regeneration Division, other Council Service Delivery Units, or outside contractors and advising the Executive/Council accordingly;
 - (iv) the promotion of the economic development of Stevenage, and of specific industrial/commercial land and premises within Stevenage, as to use and development and, where appropriate, about monitoring negotiations for development and redevelopment;
 - (v) development and encouragement of local businesses, employment and training initiatives, with co-ordination and implementation by the Executive as appropriate; and

- (vi) the allocation and monitoring of grant aid and loans to local employment and training initiatives.
- b. Responsibility for Development Control, including Listed Building Control, determination of planning applications, and enforcement matters under planning regulations.
- c. Responsibility for Building Control, including determination of applications under the Building Regulations, and enforcement matters under planning and building legislation.
- d. Responsibility for the determination of Countryside Management and Tree Preservation matters, including the making of Tree Preservation Orders and related matters, and including consultation with appropriate outside bodies.
- e. Matters imposed or permitted by legislation in relation to the functions of the Committee.
- f. Insofar as they are not already referred to in these terms of reference, those relevant powers set out in Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations as amended (see Table 2 of Part 3 of this Constitution); as clarified by regulations, subject to them being dealt with, as appropriate, by officers under delegated powers. This is to include the making of charges for any approval, licence or registration, in relation to the powers referred to.
- g. Insofar as they are not already referred to in these terms of reference, those local choice functions set out at Table 3 of Part 3 of the Council's Constitution.
- h. Any other appropriate matter referred.

2.7 Licensing Committee – Quorum 3

- a. To consider and determine applications under the Licensing Act 2003 where representations have been made, in respect of the following cases:
 - (i) Personal Licences;
 - (ii) Premises Licences/Club Premises Certificates;
 - (iii) Provisional Statements;
 - (iv) variation of Premises Licences/Club Premises Certificates;
 - (v) variation of Designated Premises Supervisors;
 - (vi) the Transfer of Premises licence;

- (vii) Interim authorities;
 - (viii) the review premises licences/club premises certificates;
 - (ix) the issue of Counter Notice following Police objection to a Temporary Event Notice.
- b. To consider and determine applications under the Gambling Act 2005, where representations have been made and not withdrawn in respect of the following cases:
- (i) Premises Licences;
 - (ii) Variation to a Licence;
 - (iii) Transfer of a Licence;
 - (iv) Provisional Statements;
 - (v) Review of a Premises Licence;
 - (vi) Club Gaming/Club Machine Permit; and
 - (vii) Cancellation of a Club Gaming/Club Machine Permit.

2.8 General Purposes Committee – Quorum 3

- a. To consider matters in accordance with the Council's policies in respect of the following:
- (i) the grant, approval, review, refusal, revocation, renewal, transfer or variation of any licence, registration, certificate, consent, permit, approval or permission, except where such function falls within the terms of reference of another committee or where the matter has been delegated to officers of the Council; and
 - (ii) consideration and determination of such applications for licences, registration, certificates and consents that the Head of Environmental Health Services feels necessary, owing to the nature of the application concerned.
- b. The designation of public places where the consumption of alcohol is to be prohibited.
- c. To consider and determine certain matters where a right of appeal exists against the decision of a Members body or an officer, including:
- (i) further reviews under the relevant Regulations by applicants for Housing Benefit and Council Tax Benefits; and

(ii) appeals in relation to housing needs assessment:

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

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

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

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

2.9 Executive Sub-Committees

The Executive has delegated some of its functions to the following Sub-Committees:

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

To meet jointly with the Staff Side Joint Consultative Committee to consult with employees, via their representatives, on developments affecting them; and on matters not resolved by the Strategic Management Board.

Appeals and Grievances Panel – Quorum 3

- a. To hear and determine appeals against dismissal or disciplinary action in the case of officers employed on Chief Officer Terms and Conditions.
- b. To hear and determine grievances under the final stage of the grievance procedure in the case of officers employed on Chief Officer Terms and Conditions, or, in the case of other officers, where no members of the Strategic Management Board are able to hear the grievance.

2.10 Joint Committees

Joint Highways Member Panel – Quorum 6 (to comprise representatives of both constituent Authorities)

As referred to in Article 9 of this Constitution, the Council has established this joint body with Hertfordshire County Council (HCC). The terms of reference are as follows:

- a. To offer advice and recommendations on the functions listed below, and offer guidance to the District Manager on how he/she should exercise her/his delegated powers:
 - Barriers, railings and street signs
 - Carriageways markings
 - Co-ordination of all highway activities
 - Comment on highway aspects of planning applications
 - Development Control and securing of obligations under the Town and Country Planning Act 1990
 - Ditch maintenance
 - Emergency standby
 - Gully cleansing
 - Highway drainage
 - Insurance claims
 - Minor traffic management projects
 - New Roads and Streetworks Act administration, co-ordination, inspection and enforcement
 - Pedestrian facilities
 - Routine inspection
 - Street lighting management and inspection
 - Structure maintenance of carriageways and footways
 - Winter maintenance
 - Road closures
- b. To foster and improve liaison between the Councils on highway matters in the Borough and in monitoring and reviewing the activity and progress of the Highways Unit.
- c. To advise the HCC Highways District Manager on the spending of the budget for the area, as allocated by HCC.

Joint CCTV Executive Committee – Quorum 1 member from each constituent Authority

As referred to in Article 9 the Executive has established this Joint Committee with North and East Hertfordshire District Councils with the

following terms of reference:

- a. To agree the strategy and policy relating to the jointly operated CCTV Control and Monitoring service.
- b. To receive the CCTV Annual Report, Independent Inspector's Report and other relevant reports.
- c. To deal with all matters defined under the code of practice as the responsibility of the Executive Board.
- d. To consider expansion and contraction proposals for the control room monitoring service.
- e. To consider and agree minor changes to the Code of Practice.
- f. To consider and recommend significant changes in the Code of Practice.
- g. To ensure that the Independent Inspection regime is set up and maintained.
- h. To consider complaints regarding breaches of the Code of Practice and recommendations for disciplinary action and actions, or changes to prevent reoccurrence.
- i. To deal with any matters as identified under the Joint Agreement as requiring the actions of the Executive Board; in particular:
 - (i) To require reports from the Authorising Officer on management and operational matters;
 - (ii) To consider matters referred to the Authorising Officer under the Joint Agreement disputes procedure; and
 - (iii) To consider proposals to incur additional control and monitoring room cost as a result of expansion within the allocated camera expansion capacity of one party.
- j. To make recommendations on any of the above to the Officer Management Board.

3. THE ROLE OF THE EXECUTIVE

3.1 The Leader of the Council

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

- Chair the meetings of the Executive.
- Have an overview of, and advise on, the policy making of the Council.
- Act as Lead Member on the Council's overall strategy.
- Monitor the overall performance of the Council in delivering the agreed policies.
- Co-ordinate the work of Executive Members in the development and delivery of Council policy.
- Represent Council policy to the community and other agencies.
- Chair, as appropriate, meetings of Members, officers and partners as necessary.
- Work closely with the Council's Chief Executive and other senior managers on strategic matters which ensure the coordination, consistency and delivery of Council services.
- Reviews the performance of the Chief Executive.
- Represent the Council on local, regional, national and international bodies.
- Consult with the Chief Executive and relevant Executive Members on strategic or policy matters where an urgent decision or action must be taken.
- Promote and develop partnership working with other agencies and ensure that the Council's corporate business strategy objectives are met.
- Where necessary, consult with the leaders of other political groups to expedite the efficient and effective delivery of Council business.
- Take decisions in the case of urgency, as set out in the Council's Constitution.

- Take a leading role in the development and implementation of policy for her/his specific Portfolio area of responsibility.
- In relation to her/his Portfolio area, serve as the initial point of consultation for SMB on any issues relating thereto.
- Take Non-Key Decisions where required in relation to her/his specific Portfolio areas of responsibility.
- Where requested, attend meetings of Scrutiny bodies to make presentations and/or answer questions
- Review the performance of Portfolio Holders

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

3.2 **Executive Portfolios**

The Executive allocates broad areas of its responsibilities and functions to individual Members who serve on the Executive. These areas of responsibility are called 'Executive Portfolios' and these are:

CHILDREN AND YOUNG PEOPLE, CULTURE, SPORT AND LEISURE

To include:

- Children and Young People
- Culture, Arts and Music
- Sport and Leisure
- Liaison with Stevenage Leisure Limited
- 2012 Olympics
- Parks and Open Spaces
- Tourism
- So Stevenage District Children's Trust Partnership

COMMUNITY, HEALTH AND OLDER PEOPLE

To include:

- Older People
- Community Development
- Neighbourhood Management (including area committees and empowering communities and individuals)
- Health Promotion and Education
- Reducing Health Inequalities
- Voluntary and Community Sector
- So Stevenage Partnership Health Forum

ECONOMY, ENTERPRISE AND TRANSPORT

To include:

- Liaison with the Business Community
- Economic Development
- Transport
- Concessionary Fares
- Highways
- Vocational Training and Workforce Skills
- So Stevenage Business Forum and Learning Forum

ENVIRONMENT AND REGENERATION

To include:

- Urban Regeneration
- Planning and Development
- Local Development Scheme and Framework
- Parking
- Waste Collection and Recycling
- Street Scene
- Parks and Grounds Maintenance
- Climate Change Strategy
- Town Centre Management
- So Stevenage Environment Forum

HOUSING

To include:

- Housing Strategy
- Liaison with Stevenage Homes Limited
- Affordable Housing
- Homelessness and Housing Advice
- Standards in private rented housing

RESOURCES

To include:

- Finance
- Estates
- Customer Focus
- E government and ICT
- Human Resources (including equalities and diversity for employees)
- Performance Management and Data Quality
- Emergency Planning
- Risk Management

SAFER AND STRONGER COMMUNITIES

To include:

- Community Safety
- Enforcement (including environmental action days)
- Community Cohesion (including equalities and diversity in the community)
- Environmental Health
- Tackling Financial Inequality
- Licensing
- Health and Safety
- Local Democracy
- So Stevenage Crime and Disorder Reduction Partnership and Social Inclusion Forum

Additionally, the Leader of the Council has Portfolio responsibility for Town Twinning, Modernisation of Local Government (new political structures and the Constitution), Media and Communications, Public Consultation, Partnerships, Members' Services including the Modern Member Programme and the Civic Suite.

3.3 Executive Portfolio Holders

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

- Advise the Council or Executive on matters concerning the implementation, monitoring and performance of services, groups of services, initiatives and projects, particularly in relation to her/his Portfolio area.
- As a member of the Executive, contribute to the collective decision making and corporate governance of the Council.
- To monitor the performance of Portfolio functions and activities to ensure objectives and targets are achieved to deliver the Council's corporate business strategy.
- To advise and consult with senior managers on matters of significance for Council policy and its implementation particularly in relation to her/his Portfolio area.
- To ensure that value for money is achieved for all citizens of the Borough.
- To represent the Council's views to other agencies, community interests and local media.

- To regularly liaise with the Leader of the Council, other Executive Members and senior managers on strategic matters to ensure proper coordination, consistency and delivery of services within Council policy, particularly in relation to her/his Portfolio area.
- To lead the development of effective partnership working with other agencies and take responsibility for ensuring that the Council's objectives within specific partnerships are met.
- To communicate, consult and maintain a dialogue with the communities within the Borough to ensure that the needs and desires are understood so as to maximise the quality of life for all citizens.
- To chair as appropriate meetings of Members and officers and with Council partners.
- To assist in the setting of agendas and the presentation and reporting of issues to the Council, its committees and Members' seminars.
- To ensure that all of the Council's policies and practices acknowledge and reflect the diversity of the community and ensure that delivery of Council services recognise that diversity.
- In relation to Portfolio areas, serve as the initial point of consultation for SMB on any issues relating thereto.
- To take Non-Key Decisions where required in relation to the specific Portfolio area of responsibility.
- Where requested, to attend meetings of Scrutiny bodies to make presentations and/or answer questions.

3.4 Delegated Authority to Executive Members

The individual Portfolio Holders have delegated authority, should they wish to exercise it, to take Non-Key Decisions in relation to their area of responsibility. Any such decisions must be taken in accordance with Article 11 and the procedural rules in Part 4 of this Constitution.

4. SCHEME OF DELEGATION TO OFFICERS

4.1 General

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

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

- a. Shall comply with the principles of decision making (Article 11 of this Constitution), standing orders, contract standing orders and financial regulations and any other relevant matters set out in the Council's Constitution;
- b. Shall comply with the approved policy schemes and decisions of the Council, its committees or the Executive;
- c. Shall consult with the appropriate professional or technical officers of the Council on relevant matters, in particular, the Chief Finance Officer and Borough Solicitor;
- d. Shall consult, where appropriate, with the Executive Member(s) whose portfolio(s) is/are affected.

4.2 Proper officer provisions

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

4.3 Executive functions

Strategic Directors may exercise all of those executive functions which the Executive does not reserve to itself, to an Executive Member or to a Neighbourhood Action Team. Subject to discretion of the Executive to amend these delegations, these functions are deemed to be delegated to the relevant Strategic Director as follows:

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

- b. The Chief Executive may exercise any executive power in cases of urgency whether or not reserved to executive decision making and whether or not falling within the departmental or budget area of another Strategic Director (in accordance with the Section 4 of this Constitution the Executive are to be informed of such actions):
- c. Any Strategic Director may exercise any executive power falling within his or her departmental or budget area;
- d. Such other corporate areas of responsibility to which a Strategic Director will be nominated from time to time;
- e. The Borough Solicitor shall have authority to institute, defend or settle any legal proceedings as necessary to protect the interests of the Council.

4.4 Council functions

Strategic Directors may exercise all of those Council functions that are not specifically reserved to Council for decision-making. These functions are deemed to be delegated to the relevant Strategic Director as follows:

- a. The Chief Executive may exercise any Council function in the absence of a relevant Strategic Director or nominate another Strategic Director to do so in the Chief Executive's absence;
- b. The Chief Executive may exercise any Council power in cases of extreme urgency whether or not reserved to Full Council decision making and whether or not falling within the departmental or budget area of another Strategic Director;
- c. Any Strategic Director may exercise any Council power falling within his or her departmental or budget area, save that decisions or actions delegated by the Planning and Development Committee shall be exercised by the Head of Planning and Regeneration or his delegate;
- d. Such other corporate areas of responsibility to which a Strategic Director will be nominated from time to time;
- e. The Borough Solicitor shall have authority to institute, defend or settle any legal proceedings as necessary to protect the interests of the Council.

4.5 Exercise of officer delegations

Each Strategic Director will establish a scheme of delegations for his/her Service Delivery Units or budget area which species the functions, names the post which may carry out that delegated decision and the limits if any on the delegation. The limits on delegation will include the obligation to

consult, record and/or refer back to the Strategic Director in certain circumstances.

The Borough Solicitor will specify the format for the scheme of delegation and will, maintain the current version of the Council's scheme of officer delegations.

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

1.	The levying or issuing of a precept for a rate and the setting of council tax and limits for borrowing money.	Local Government Finance Acts 1988 and 1992 Section 3, Local Government Act 2003
2.	The establishment and abolition of Committees, and Joint Committees (with other local authorities) and the appointment, replacement and removal of members of them other than in cases where the Executive is entitled to make appointments to Joint Committees	Local Government Act 1972 Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2000
3.	Resolution to operate executive arrangements	Section 29 of the Local Government Act 2000
4.	Authorisation of applications to Secretary of State for approval of Housing Land Transfers.	Leasehold Reform and Urban Development Act 1993 Sections 32 and 43, Housing Act 1985
5.	Subject to the urgency procedure in the Standing Orders of this Constitution, to make decisions about any function of the Executive where the decision maker is minded to make a decision which would be contrary to the policy framework or not wholly in accordance with the budget.	The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 as amended
6.	Adopting or amending a Members' Allowances Scheme	Section 18 of the Local Government and Housing Act 1989 Local Authorities (Functions and Responsibilities) (England) Regulations 2000, as amended
7.	Electing and dismissing the Leader	Section 11 of the Local Government Act 2000.
8.	Adoption of the Members' Code of Conduct	Section 51 of the Local Government Act 2000
9.	Approval of the appointment or	The Local Authorities (Standing

	dismissal of the Chief Executive	Orders) (England) Regulations 2001
10.	Adoption of the Policy Framework and the Budget	The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 as amended
11.	Changing the name of the borough	Section 74 of the Local Government Act 1972
12.	Appointment of the Mayor	Schedule 4 to the Local Government Act 1972
13.	Power to confer the title of Honorary Alderman or to admit to be an Honorary Freeman	Section 249 of the Local Government Act 1972
14.	The making, altering or revoking of standing orders except as provided for Standing Orders (subject to the Chief Executive authorising minor or consequential changes)	Sections 29, 106 and Schedule 12 Local Government Act 1972 Sections 8 and 20 Local Government and Housing Act 1989
15.	Power to make, amend, revoke or re-enact byelaws.	Any provision of any enactment (including a Local Act), whenever passed, and section 14 Interpretation Act 1978
16.	Power to promote or oppose local or personal Bills	Section 239 Local Government Act 1972
17.	The making of an agreement to establish a Joint Planning Committee or to prepare a joint development plan document or to request the Secretary of State to revoke an order establishing such a Joint Committee	Sections 28 to 31 Planning and Compulsory Purchase Act 2004 The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 as amended
18.	Power to resolve not to issue a casino premises licence	Section 166 Gambling Act 2005
19.	Any other matters that by law is reserved for consideration, approval or resolution by Council	

TABLE 2
SCHEDULE 1

FUNCTIONS NOT TO BE THE RESPONSIBILITY OF AN AUTHORITY'S EXECUTIVE
Regulation 2(1)

	(1)	(2)
	Function	Provision of Act or Statutory Instrument
A	Functions relating to town and country planning and development control	
	1	
	2	
	3	
	4	
	5 Power to determine applications for planning permission.	Sections 70(1)(a) and (b) and 72 of the Town and Country Planning Act 1990 (c8)
	6 Power to determine applications to develop land without compliance with conditions previously attached.	Section 73 of the Town and Country Planning Act 1990.
	7 Power to grant planning permission for development already carried out.	Section 73A of the Town and Country Planning Act 1990.
	8 Power to decline to determine application for planning permission.	Section 70A of the Town and Country Planning Act 1990.
	9 Duties relating to the making of determinations of planning applications.	Sections 69, 76 and 92 of the Town and Country Planning Act 1990 and Articles 8, 10 to 13, 15 to 22 and 25 and 26 of the Town and Country Planning (General Development Procedure) Order 1995 (SI 1995/419) and directions made thereunder.
	10 Power to determine applications for planning permission made by a local authority, alone or jointly with another person.	Section 316 of the Town and Country Planning Act 1990 and the Town and Country Planning General Regulations 1992 (SI 1992/1492).
	11 Power to make determinations, give approvals and agree certain other matters relating to the exercise of permitted development rights.	Parts 6, 7, 11, 17, 19, 20, 21 to 24, 26, 30 and 31 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 (SI 1995/418).
	12 Power to enter into agreement regulating development or use of land.	Section 106 of the Town and Country Planning Act 1990.
	13 Power to issue a certificate of existing or proposed lawful use or development.	Sections 191(4) and 192(2) of the Town and Country Planning Act 1990.

	14 Power to serve a completion notice.	Section 94(2) of the Town and Country Planning Act 1990.
	15 Power to grant consent for the display of advertisements.	Section 220 of the Town and Country Planning Act 1990 and the Town and Country Planning (Control of Advertisements) Regulations 1992 (SI 1992/666).
	16 Power to authorise entry onto land.	Section 196A of the Town and Country Planning Act 1990.
	17 Power to require the discontinuance of a use of land.	Section 102 of the Town and Country Planning Act 1990.
	18 Power to serve a planning contravention notice, breach of condition notice or stop notice.	Sections 171C, 187A and 183(1) of the Town and Country Planning Act 1990.
	18A Power to issue a temporary stop notice.	Section 171E of the Town and Country Planning Act 1990.
	19 Power to issue an enforcement notice.	Section 172 of the Town and Country Planning Act 1990.
	20 Power to apply for an injunction restraining a breach of planning control.	Section 187B of the Town and Country Planning Act 1990.
	21 Power to determine applications for hazardous substances consent, and related powers.	Sections 9(1) and 10 of the Planning (Hazardous Substances) Act 1990.
	22 Duty to determine conditions to which old mining permissions, relevant planning permissions relating to dormant sites or active Phase I or 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 application for listed building consent, and related powers.	Sections 16(1) and (2), 17, and 33(1) of [the Planning (Listed Buildings and Conservation Areas) Act 1990 (c 9)].
	25 Power to determine applications for conservation area consent.	Section 16(1) of [the Planning (Listed Buildings and Conservation Areas) Act 1990 (c 9)], as applied by section 74(3) of that Act.

	26 Duties relating to applications for listed building consent and conservation area consent.	Sections 13(1) and 14(1) and (4) of [the Planning (Listed Buildings and Conservation Areas) Act 1990 (c 9)] and regulations 3 to 6 and 13 of [the Planning (Listed Buildings and Conservation Areas) Regulations 1990 (SI 1990/1519)] and [paragraphs 8, 15 and 26 of the Department of the Environment, Transport and the Regions Circular 01/01].
	27 Power to serve a building preservation notice, and related powers.	Sections 3(1) and 4(1) of [the Planning (Listed Buildings and Conservation Areas) Act 1990 (c 9)].
	28 Power to issue enforcement notice in relation to demolition of [listed] building in conservation area.	Section 38 of [the Planning (Listed Buildings and Conservation Areas) Act 1990 (c 9)].
	29 Powers to acquire a listed building in need of repair and to serve a repairs notice.	Sections 47 and 48 of [the Planning (Listed Buildings and Conservation Areas) Act 1990 (c 9)].
	30 Power to apply for an injunction in relation to a listed building.	Section 44A of [the Planning (Listed Buildings and Conservation Areas) Act 1990 (c 9)].
	31 Power to execute urgent works.	Section 54 of [the Planning (Listed Buildings and Conservation Areas) Act 1990 (c 9)].
B	Licensing and registration functions (in so far as not covered by any other paragraph of this Schedule)	
	1 Power to issue licences authorising the use of land as a caravan site ("site licences").	Section 3(3) of the Caravan Sites and Control of Development Act 1960 (c 62).
	2 Power to license the use of moveable dwellings and camping sites.	Section 269(1) of the Public Health Act 1936 (c 49).
	3 Power to license hackney carriages and private hire vehicles.	(a) as to hackney carriages, the Town Police Clauses Act 1847 (10 & 11 Vict c 89), as extended by section 171 of the Public Health Act 1875 (38 & 39 Vict c 55), and section 15 of the Transport Act 1985 (c 67); and sections 47, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976 (c 57);
		(b) as to private hire vehicles, sections 48, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976.

4	Power to license drivers of hackney carriages and private hire vehicles.	Sections 51, 53, 54, 59, 61 and 79 of the Local Government (Miscellaneous Provisions) Act 1976.
5	Power to license operators of hackney carriages and private hire vehicles.	Sections 55 to 58, 62 and 79 of the Local Government (Miscellaneous Provisions) Act 1976.
6	Power to register pool promoters.	Schedule 2 to the Betting, Gaming and Lotteries Act 1963 (c 2) [as saved for certain purposes by article 3(3)(c) of the Gambling Act Order].
7	Power to grant track betting licences.	Schedule 3 to the Betting, Gaming and Lotteries Act 1963 [as saved for certain purposes by article 3(3)(d) and (4) of the Gambling Act Order].
8	Power to license inter-track betting schemes.	Schedules 5ZA to the Betting, Gaming and Lotteries Act 1963 [as saved for certain purposes by article 3(3)(e) of the Gambling Act Order].
9	Power to grant permits in respect of premises with amusement machines.	Schedule 9 to the Gaming Act 1968 (c 65) [as saved for certain purposes by article 4(2)(l) and (m) of the Gambling Act Order].
10	Power to register societies wishing to promote lotteries.	Schedule 1 to the Lotteries and Amusements Act 1976 (c 32) [as saved for certain purposes by article 5(2)(a) and (3) of the Gambling Act Order].
11	Power to grant permits in respect of premises where amusements with prizes are provided.	Schedule 3 to the Lotteries and Amusements Act 1976 [as saved for certain purposes by article 5(2)(d) and (5) of the Gambling Act Order].
12	Power to issue cinema and cinema club licences.	Section 1 of the Cinema Act 1985 (c 13).
13	Power to issue theatre licences.	Sections 12 to 14 of the Theatres Act 1968 (c 54).
14	Power to issue entertainments licences.	Section 12 of the Children and Young Persons Act 1933 (c 12), section 52 of, and Schedule 12 to, the London Government Act 1963 (c 33), section 79 of the Licensing Act 1964 (c 26), sections 1 to 5 and 7 of, and Parts I and II of the Schedule to, the Private Places of Entertainment (Licensing) Act 1967 (c 19) and Part I of, and Schedules 1 and 2 to, the Local Government (Miscellaneous Provisions) Act 1982 (c 30).

	14A Functions relating to licensing.	Sections 5 to 8 of the Licensing Act 2003 (c 17).]
	14AA Duty to comply with requirement to provide information to Gambling Commission.	Section 29 of the [2005 Act].]
	14AB Functions relating to exchange of information.	Section 30 of the 2005 Act.]
	14AC Functions relating to occasional use notices.	Section 39 of the 2005 Act.]
	14B Power to resolve not to issue a casino premises licence.	Section 166 of the 2005 Act.]
	14C Power to designate officer of a licensing authority as an authorised person for a purpose relating to premises.	Section 304 of the 2005 Act.]
	14CA Power to make order disapplying section 279 or 282(1) of the 2005 Act in relation to specified premises.	Section 284 of the 2005 Act.]
	14D Power to institute criminal	Section 346 of the 2005 Act.]
	14E Power to exchange information.	Section 350 of the 2005 Act.]
	14F Functions relating to the determination of fees for premises licences.	The Gambling (Premises Licence Fees) (England and Wales) Regulations 2007 (SI 2007/479).]
	14G Functions relating to the registration and regulation of small society lotteries.	Part 5 of Schedule 11 to the 2005 Act.]
	15 Power to license sex shops and sex cinemas.	The Local Government (Miscellaneous Provisions) Act 1982, section 2 and Schedule 3.
	16 Power to license performances of hypnotism.	The Hypnotism Act 1952 (c 46).
	17 Power to license premises for acupuncture, tattooing, ear-piercing and electrolysis.	Sections 13 to 17 of the Local Government (Miscellaneous Provisions) Act 1982.
	18 Power to license pleasure boats and pleasure vessels.	Section 94 of the Public Health Acts Amendment Act 1907 (c 53).

	19 Power to register door staff.	Paragraphs 1(2) and 9 of Schedule 12 to the London Government Act 1963 (c 33) and Part V of the London Local Authorities Act 1995 (c x).
	20 Power to license market and street trading.	Part III of, and Schedule 4 to, the Local Government (Miscellaneous Provisions) Act 1982, Part III of the London Local Authorities Act 1990 (c vii) and section 6 of the London Local Authorities Act 1994 (c xii)
	21 Power to license night cafes and take-away food shops.	Section 2 of the Late Night Refreshment Houses Act 1969 (c 53), Part II of the London Local Authorities Act 1990 and section 5 of the London Local Authorities Act 1994.
	22 Duty to keep list of persons entitled to sell non-medicinal poisons.	Sections 3(1)(b)(ii), 5, 6 and 11 of the Poisons Act 1972 (c 66).
	23 Power to license dealers in game and the killing and selling of game.	Sections 5, 6, 17, 18 and 21 to 23 of the Game Act 1831 (c 32); sections 2 to 16 of the Game Licensing Act 1860 (c 90), section 4 of the Customs and Inland Revenue Act 1883 (c 10), sections 12(3) and 27 of the Local Government Act 1874 (c 73), and section 213 of the Local Government Act 1972 (c 70).
	24 Power of register and license premises for the preparation of food.	Section 19 of the Food Safety Act 1990 (c 16).
	25 Power to license scrap yards.	Section 1 of the Scrap Metal Dealers Act 1964 (c 69).
	26 Power to issue, amend or replace safety certificates (whether general or special) for sports grounds.	The Safety of Sports Grounds Act 1975 (c 52).
	27 Power to issue, cancel, amend or replace safety certificates for regulated stands at sports grounds.	Part III of the Fire Safety and Safety of Places of Sport Act 1987 (c 27).
	28 Power to issue fire certificates.	Section 5 of the Fire Precautions Act 1971 (c 40).
	29 Power to license premises for the breeding of dogs.	Section 1 of the Breeding of Dogs Act 1973 (c 60) and section 1 of the Breeding and Sale of Dogs (Welfare) Act 1999 (c 11).

	30 Power to license pet shops and other establishments where animals are bred or kept for the purposes of carrying on a business.	Section 1 of the Pet Animals Act 1951 (c 35); section 1 of the Animal Boarding Establishments Act 1963 (c 43); the Riding Establishments Acts 1964 and 1970 (1964 c 70 and 1970 c 70); section 1 of the Breeding of Dogs Act 1973 (c 60), and sections 1 and 8 of the Breeding and Sale of Dogs (Welfare) Act 1999.
	31 Power to register animal trainers and exhibitors.	Section 1 of the Performing Animals (Regulation) Act 1925 (c 38).
	32 Power to license zoos.	Section 1 of the Zoo Licensing Act 1981 (c 37).
	33 Power to license dangerous wild animals.	Section 1 of the Dangerous Wild Animals Act 1976 (c 38).
	34 Power to license knackers' yards.	Section 4 of the Slaughterhouses Act 1974. <i>See also</i> the Animal By-Products Order 1999 (SI 1999/646).
	35 Power to license the employment of children.	Part II of the Children and Young Persons Act 1933 (c 33), byelaws made under that Part, and Part II of the Children and Young Persons Act 1963 (c 37).
	36 Power to approve premises for the solemnisation of marriages.	Section 46A of the Marriage Act 1949 (c 76) and the Marriages (Approved Premises) Regulations 1995 (SI 1995/510).
	37 Power to register common land or town or village greens, except where the power is exercisable solely for the purpose of giving effect to--	Regulation 6 of the Commons Registration (New Land) Regulations 1969 (SI 1969/1843).
	(a) an exchange of lands effected by an order under section 19(3) of, or paragraph 6(4) of Schedule 3 to, the Acquisition of Land Act 1981 (c 67) or	
	(b) an order under section 147 of the Inclosure Act 1845 (c 8 & 9 Vict c 118).	
	38 Power to register variation of rights of common.	Regulation 29 of the Commons Registration (General) Regulations 1966 (SI 1966/1471).
	39 Power to license persons to collect for charitable and other causes.	Section 5 of the Police, Factories etc (Miscellaneous Provisions) Act 1916 (c 31) and section 2 of the House to House Collections Act 1939 (c 44).

	40 Power to grant consent for the operation of a loudspeaker.	Schedule 2 to the Noise and Statutory Nuisance Act 1993 (c 40).
	41 Power to grant a street works licence.	Section 50 of the New Roads and Street Works Act 1991 (c 22).
	42 Power to license agencies for the supply of nurses.	Section 2 of the Nurses Agencies Act 1957 (c 16).
	43 Power to issue licences for the movement of pigs.	Article 12 of the Pigs (Records, Identification and Movement) Order 1995 (SI 1995/11).
	44 Power to license the sale of pigs.	Article 13 of the Pigs (Records, Identification and Movement) Order 1995.
	45 Power to license collecting centres for the movement of pigs.	Article 14 of the Pigs (Records, Identification and Movement) Order 1995.
	46 Power to issue a licence to move cattle from a market.	Article 5(2) of the Cattle Identification Regulations 1998 (SI 1998/871).
	46A Power to grant permission for provision, etc of services, amenities, recreation and refreshment facilities on highway, and related powers.	Sections 115E, 115F and 115K of the Highways Act 1980.
	47A Duty to publish notice in respect of proposal to grant permission under section 115E of the Highways Act 1980.	Section 115G of the Highways Act 1980.]
	47 Power to permit deposit of builder's skip on highway.	Section 139 of the Highways Act 1980 (c 66).
	48 Power to license planting, retention and maintenance of trees etc in part of highway.	Section 142 of the Highways Act 1980.
	49 Power to authorise erection of stiles etc on footpaths or bridleways.	Section 147 of the Highways Act 1980.
	50 Power to license works in relation to buildings etc which obstruct the highway.	Section 169 of the Highways Act 1980.
	51 Power to consent to temporary deposits or excavations in streets.	Section 171 of the Highways Act 1980.
	52 Power to dispense with obligation to erect hoarding or fence.	Section 172 of the Highways Act 1980.
	53 Power to restrict the placing of rails, beams etc over highways.	Section 178 of the Highways Act 1980.

	54 Power to consent to construction of cellars etc under street.	Section 179 of the Highways Act 1980.
	55 Power to consent to the making of openings into cellars etc under streets, and pavement lights and ventilators.	Section 180 of the Highways Act 1980.
	56 Power to sanction use of parts of buildings for storage of celluloid.	Section 1 of the Celluloid and Cinematograph Film Act 1922 (c 35).
	57 Power to approve meat product premises.	Regulations 4 and 5 of the Meat Products (Hygiene) Regulations 1994 (SI 1994/3082).
	58 Power to approve premises for the production of minced meat or meat preparations.	Regulation 4 of the Minced Meat and Meat Preparations (Hygiene) Regulations 1995 (SI 1995/3205).
	59 Power to approve dairy establishments.	Regulations 6 and 7 of the Dairy Products (Hygiene) Regulations 1995 (SI 1995/1086).
	60 Power to approve egg product establishments.	Regulation 5 of the Egg Products Regulations 1993 (SI 1993/1520).
	61 Power to issue licences to retail butchers' shops carrying out commercial operations in relation to unwrapped raw meat and selling or supplying both raw meat and ready-to-eat foods.	Schedule 1A to the Food Safety (General Food Hygiene) Regulations 1995 (SI 1995/1763).
	62 Power to approve fish products premises.	Regulation 24 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998 (SI 1998/994).
	63 Power to approve dispatch or purification centres.	Regulation 11 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998.
	64 Power to register fishing vessels on board which shrimps or molluscs are cooked.	Regulation 21 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998.
	65 Power to approve factory vessels and fishery product establishments.	Regulation 24 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998.
	66 Power to register auction and wholesale markets.	Regulation 26 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998.
	67 Duty to keep register of food business premises.	Regulation 5 of the Food Premises (Registration) Regulations 1991 (SI 1991/2828).

	68 Power to register food business premises.	Regulation 9 of the Food Premises (Registration) Regulations 1991.
	69 Power to issue near beer licence.	Sections 16 to 19 and 21 of the London Local Authorities Act 1995 (c x) and, to the extent that it does not have effect by virtue of regulation 2(3), section 25 of that Act.
	70 Power to register premises or stalls for the sale of goods by way of competitive bidding	Section 28 of the Greater London Council (General Powers) Act 1984 (c xxvii).]
	71 Power to register motor salvage operators.	Part I of the Vehicles (Crime) Act 2001 (c 3).]
	72 Functions relating to the registration of common land and town or village greens.	Part I of the Commons Act 2006 (c 26) and the Commons Registration (England) Regulations 2008 (SI 2008/1961).]
C	Functions relating to health and safety at work	
	Functions under any of the "relevant statutory provisions" within the meaning of Part I (health, safety and welfare in connection with work, and control of dangerous substances) of the Health and Safety at Work etc Act 1974, to the extent that those functions are discharged otherwise than in the authority's capacity as an employer.	Part I of the Health and Safety at Work etc Act 1974 (c 37).
D	Functions relating to elections	
	1 Duty to appoint an electoral registration officer.	Section 8(2) of the Representation of the People Act 1983 (c 2).
	2 Power to assign officers in relation to requisitions of the registration officer.	Section 52(4) of the Representation of the People Act 1983.
	3 Functions in relation to parishes and parish councils.	Part II of the Local Government and Rating Act 1997 (c 29) and subordinate legislation under that Part.
	4 Power to dissolve small parish councils.	Section 10 of the Local Government Act 1972.
	5 Power to make orders for grouping parishes, dissolving groups and separating parishes from groups.	Section 11 of the Local Government Act 1972.
	6 Duty to appoint returning officer for local government elections.	Section 35 of the Representation of the People Act 1983.

	7 Duty to provide assistance at European Parliamentary elections.	[Section 6(7) and (8) of the European Parliamentary Elections Act 2002 (c 24).]
	8 Duty to divide constituency into polling districts.	[Sections 18A to 18E of, and Schedule A1 to,] of the Representation of the People Act 1983.
	9 Power to divide electoral divisions into polling districts at local government elections.	Section 31 of the Representation of the People Act 1983.
	10 Powers in respect of holding of elections.	Section 39(4) of the Representation of the People Act 1983.
	11 Power to pay expenses properly incurred by electoral registration officers.	Section 54 of the Representation of the People Act 1983.
	12 Power to fill vacancies in the event of insufficient nominations.	Section 21 of the Representation of the People Act 1985.
	13 Duty to declare vacancy in office in certain cases.	Section 86 of the Local Government Act 1972.
	14 Duty to give public notice of a casual vacancy.	Section 87 of the Local Government Act 1972.
	15 Power to make temporary appointments to parish councils.	Section 91 of the Local Government Act 1972.
	16
	17 Power to submit proposals to the Secretary of State for an order under section 10 (pilot schemes for local elections in England and Wales) of the Representation of the People Act 2000.	Section 10 of the Representation of the People Act 2000 (c 2).
	18 Duty to consult on change of scheme for elections.	Sections 33(2), 38 (2) and 40(2) of the 2007 Act.
	19 Duties relating to publicity.	Sections 35, 41 and 52 of the 2007 Act.
	20 Duties relating to notice to Electoral Commission.	Sections 36 and 42 of the 2007 Act.
	21 Power to alter years of ordinary elections of parish councillors.	Section 53 of the 2007 Act.
	22 Functions relating to change of name of electoral area.	Section 59 of the 2007 Act.]
E	Functions relating to name and status of areas and individuals	

	1 Power to change the name of a county, district or London borough.	Section 74 of the Local Government Act 1972.
	2 Power to change the name of a parish.	Section 75 of the Local Government Act 1972.
	3 Power to confer title of honorary alderman or to admit to be an honorary freeman.	Section 249 of the Local Government Act 1972.
	4 Power to petition for a charter to confer borough status.	Section 245b of the Local Government Act 1972.
EB	Functions relating to community governance	
	(1)	(2)
	Function	Provision of Act or Statutory Instrument
	1 Duties relating to community governance reviews.	Section 79 of the 2007 Act.
	2 Functions relating to community governance petitions.	Sections 80, 83 to 85 of the 2007 Act.
	3 Functions relating to terms of reference of review.	Sections 81(4) to (6).
	4 Power to undertake a community governance review.	Section 82 of the 2007 Act.
	5 Functions relating to making of recommendations.	Sections 87 to 92 of the 2007 Act.
	6 Duties when undertaking review.	Section 93 to 95 of the 2007 Act.
	7 Duty to publicise outcome of review.	Section 96 of the 2007 Act.
	8 Duty to send two copies of order to Secretary of State and Electoral Commission.	Section 98(1) of the 2007 Act.
	9 Power to make agreements about incidental matters.	Section 99 of the 2007 Act.]
F	Power to make, amend, revoke, re-enact or enforce byelaws]	Any provision of any enactment (including a local Act), whenever passed, and section 14 of the Interpretation Act 1978 (c 30).

	FA Functions relating to smoke-free premises, etc	
	(1)	(2)
	Function	Provision of Act or Statutory Instrument
	1 Duty to enforce Chapter 1 and regulations made under it.	Section 10(3) of the 2006 Act.
	2 Power to authorise officers.	Section 10(5) of, and paragraph 1 of Schedule 2 to, the 2006 Act.
	3 Functions relating to fixed penalty notices.	Paragraphs 13, 15 and 16 of Schedule 1 to the 2006 Act.
		Smoke-free (Vehicle Operators and Penalty Notices) Regulations 2007 (SI 2006/760).
	4 Power to transfer enforcement functions to another enforcement authority.	Smoke-free (Premises and Enforcement) Regulations 2006 (SI 2006/3368).]
G	Power to promote or oppose local or personal Bills	Section 239 of the Local Government Act 1972.
H	Functions relating to pensions etc	
	1 Functions relating to local government pensions, etc	Regulations under section 7, 12 or 24 of the Superannuation Act 1972 (c 11).
	2 Functions under the Fire-fighters' Pension Scheme relating to pensions, etc as respects persons employed by fire and rescue authorities pursuant to section 1 of the Fire and Rescue Services Act 2004	Sections 34 and 36 of the Fire and Rescue Services Act 2004 (c21).
I	Miscellaneous functions	
	(1)	(2)
	Function	Provision of Act or Statutory Instrument
	<i>Part I: functions relating to public rights of way</i>	
	1 Power to create footpath[, bridleway or restricted byway] by agreement.	Section 25 of the Highways Act 1980 (c66)
	2 Power to create footpaths[, bridleways and restricted byways].	Section 26 of the Highways Act 1980.
	3 Duty to keep register of information with respect to maps, statements and declarations.	Section 31A of the Highways Act 1980.
	4 Power to stop up footpaths[, bridleways and restricted byways].	Section 118 of the Highways Act 1980.

	5 Power to determine application for public path extinguishment order.	Sections 118ZA and 118C(2) of the Highways Act 1980.
	6 Power to make a rail crossing extinguishment order.	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].	Section 119 of the Highways Act 1980.
	9 Power to make a public path diversion order.	Section 119ZA and 119C(\$ of the Highways Act 1980.
	10 Power to make a rail crossing diversion order.	Section 119A of the Highways Act 1980.
	11 Power to make a special diversion order.	Section 119B of the Highways Act 1980.
	12 Power to require applicant for order to enter into agreement.	Section 119C(3) of the Highways Act 1980.
	13 Power to make an SSSI diversion order.	Section 119D of the Highways Act 1980.
	14 Duty to keep register with respect to applications under sections 118ZA, 118C, 119ZA and 119C of the Highways Act 1980.	Section 121B of the Highways Act 1980.
	15 Power to decline to determine certain applications.	Section 121C of the Highways Act 1980.
	16 Duty to assert and protect the rights of the public to use and enjoyment of highways.	Section 130 of the Highways Act 1980.
	17 Duty to serve notice of proposed action in relation to obstruction.	Section 130A of the Highways Act 1980.
	18 Power to apply for variation of order under section 130B of the Highways Act 1980.	Section 130B(7) of the Highways Act 1980.
	19 Power to authorise temporary disturbance of surface of footpath[, bridleway or restricted byway].	Section 135 of the Highways Act 1980.
	20 Power temporarily to divert footpath[, bridleway or restricted byway].	Section 135A of the Highways Act 1980.

	21 Functions relating to the making good of damage and the removal of obstructions.	Section 135B of the Highways Act 1980.
	22 Powers relating to the removal of things so deposited on highways as to be a nuisance.	Section 149 of the Highways Act 1980.
	23 Power to extinguish certain public rights of way.	Section 32 of the Acquisition of Land Act 1981 (c67).
	24 Duty to keep definitive map and statement under review.	Section 53 of the Wildlife and Countryside Act 1981 (c 69).
	25 Power to include modifications in other orders.	Section 53A of the Wildlife and Countryside Act 1981.
	26 Duty to keep register of prescribed information with respect to applications under section 53(5) of the Wildlife and Countryside Act 1981.	Section 53B of the Wildlife and Countryside Act 1981.
	27	
	28 Power to prepare map and statement by way of consolidation of definitive map and statement.	Section 57A of the Wildlife and Countryside Act 1981.
	29 Power to designate footpath as cycle track.	Section 3 of the Cycle Tracks Act 1984 (c 38).
	30 Power to extinguish public right of way over land acquired for clearance.	Section 294 of the Housing Act 1981 (c 68).
	30A Power to authorise stopping up or diversion of highway.	Section 247 of the Town and Country Planning Act 1990 (c 8).
	31 Power to authorise stopping-up or diversion of footpath[, bridleway or restricted byway].	Section 257 of the Town and Country Planning Act 1990.
	32 Power to extinguish public rights of way over land held for planning purposes.	Section 258 of the Town and Country Planning Act 1990.
	33 Power to enter into agreements with respect to means of access.	Section 35 of the Countryside and Rights of Way Act 2000 (c 37).
	34 Power to provide access in absence of agreement.	Section 37 of the Countryside and Rights of Way Act 2000.
	<i>Part II: other miscellaneous functions</i>	

	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.
	38 Power to make standing orders as to contracts.	Section 135 of the Local Government Act 1972.
	39 Duty to make arrangements for proper administration of financial affairs etc.	Section 151 of the Local Government Act 1972.
	40 Power to appoint officers for particular purposes (appointment of "proper officers").	Section 270(3) of the Local Government Act 1972.
	41 Power to make limestone pavement order.	Section 34(2) of the Wildlife and Countryside Act 1982 (c 69).
	42 Power to make closing order with respect to take-away food shops.	Section 4 of the Local Government (Miscellaneous Provisions) Act 1982 (c 30)
	43 Duty to designate officer as the head of the authority's paid service, and to provide staff, etc.	Section 4(1) of the Local Government and Housing Act 1989 (c 42).
	44 Duty to designate officer as the monitoring officer, and to provide staff, etc.	Section 5(1) of the Local Government and Housing Act 1989.
	44A Duty to provide staff, etc to person nominated by monitoring officer.	Sections 82A(4) and (5) of the Local Government Act 2000.
	44B Powers relating to overview and scrutiny committees (voting rights of co-opted members).	Paragraphs 12 and 14 of Schedule 1 to the Local Government Act 2000.
	45 Duty to approve authority's statement of accounts, income and expenditure and balance sheet, or record of payments and receipts (as the case may be).	The Accounts and Audit Regulations 1996 (S1 1996/590).
	46 Powers relating to the protection of important hedgerows.	The Hedgerows Regulations 1997 (S1 1997/1160).

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

TABLE 3**Responsibility for Local Choice Functions**

	Function	Decision making body
1.	Any function under a local Act other than a function specified or referred to in regulation 2 or Schedule 1	Executive
2.	The determination of an appeal against any decision made by or on behalf of the Authority	General Purposes Committee Appeals & Grievances Panel Strategic Directors <i>In accordance with terms of reference/delegated authority</i>
3.	The appointment of review boards under regulations under subsection (4) of section 34 (determination of claims and reviews) of the Social Security Act 1998	Council
4.	Any function relating to contaminated land	Planning & Development Committee
5.	The discharge of any function relating to the control of pollution or the management of air quality	Executive
6.	The service of an abatement notice in respect of a statutory nuisance	Executive
7.	The passing of a resolution that Schedule 2 to the Nuisance and Statutory Nuisance Act 1993 should apply in the authority's area	Executive
8.	The inspection of the authority's area to detect any statutory nuisance	Executive
9.	The investigation of any complaint as to the existence of a statutory nuisance	Executive
10.	The obtaining of information under section 330 of the Town and Country Planning Act 1990 as to interests in land	Planning & Development Committee
11.	The obtaining of particulars of persons interested in land under section 16 of the Local Government (Miscellaneous Provisions) Act 1976	Executive

<p>12.</p>	<p>The appointment of any individual officer –</p> <p>(a) to any office other than an office in which he/she is employed by the authority</p> <p>(b) to any body other than: (i) the authority; (ii) a joint committee of two or more authorities; or</p> <p>(c) to any committee or sub-committee of such a body, and the revocation of any such appointment.</p>	<p>Council (if Council business) Executive (if an Executive function)</p>
<p>13.</p>	<p>The making of agreements with other local authorities for the placing of staff at the disposal of those other authorities</p>	<p>Executive</p>
<p>14.</p>	<p>Functions under S.106, 110 & 113 of the Local Government and Public Involvement in Health Act 2007 relating to Local Area Agreements</p>	<p>Executive</p>

TABLE 4**FUNCTIONS NOT TO BE THE SOLE RESPONSIBILITY OF THE EXECUTIVE**

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

1. The Executive is responsible for formulating or preparing the plans in the above table and then submitting them to the Council for adoption or approval.
2. The Executive or a member of the Executive may not in relation to those plans or strategies listed above do the following:
 - a. Give an instruction requiring the Executive to reconsider any draft plan or strategy submitted by the Executive for consideration by the Council;
 - b. Amend any draft plan or strategy submitted by the Executive for consideration by the Council;
 - c. Approve, for the purpose of its submission to the Secretary of State for independent examination, a development plan document;
 - d. Approve, for the purposes of its submission to the Secretary of State or any Minister of the Crown for his or her approval, any such plan or strategy required to be so submitted for approval; nor
 - e. Adopt with or without modification the plan or strategy.
3. The Executive may amend, modify, revise, vary, withdraw or revoke any such plan or strategy only where such amendment, modification, revision, variation, withdrawal or revocation is:
 - a. Required for giving effect to any requirements of the Secretary of State or a Minister of the Crown in relation to any such plan or part thereof submitted to him or her for approval; or
 - b. In the case of Development Plan Documents recommended by the person carrying out an independent examination of any such document.

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

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

5. The following shall, subject to paragraph 6 below, be the responsibility of the Council, to make any calculation required to be made in accordance with sections 32 to 37, 43 to 49, 52I, 52J, 52T and 52U of the Local Government Finance Act 1992 whether originally or by way of substitute.
6. In relation to those functions listed in the paragraph above the Executive may:
 - a. Prepare estimates of the amounts to be aggregated in making the calculation or of other amounts to be used for the purposes of the calculation and estimates of the calculation for submission to the appropriate part of the Council for consideration;
 - b. Prepare the amounts required to be stated in the precept for submission to the appropriate part of the Council for consideration;
 - c. Reconsider those estimates and amounts in accordance with the Council's requirements; and
 - d. Submit for the consideration by the appropriate part of the Council the revised estimates and amounts.
7. The discharge of functions under Sections 28 to 31 of the Planning and Compulsory Purchase Act 2004 (joint local development documents and joint committees) shall, subject to paragraph 8 below, be the responsibility of the Executive.
8. In relation to the functions listed in paragraph 7 above the Executive may not:
 - a. Make an agreement to prepare one or more joint development plan documents;
 - b. Make an agreement to establish a joint committee to be, for the purposes of Part 2 (local development) of the 2004 Act, the local planning authority;

- c. Where the authority is a constituent authority to a joint committee, make an agreement that the joint committee is to be, for the purposes of Part 2 of the 2004 Act, the local planning authority for any area or matter which is not the subject of an order under section 29 of the 2004 Act or an earlier agreement under section 30 of the 2004 Act; or
 - d. Make a request to the Secretary of State for the revocation of an order constituting a joint committee as the local planning authority for any area or in respect of any matter.
9. Where a function which is subject to an Order made under section 70 of the Deregulation and Contracting Out Act 1994 is the responsibility of the Executive, then the Executive may authorise another person to exercise that function and may revoke any such authorisation.
10. Where a function which is subject to an Order made under section 70 of the Deregulation and Contracting Out Act 1994 is not the responsibility of the Executive then the Executive may not authorise another person to exercise that function and may not revoke any such authorisation.

APPENDIX A

EXECUTIVE, COMMITTEES AND SUB-COMMITTEES – MEMBERSHIP

<u>BODY</u>	<u>MEMBERS</u>
EXECUTIVE (9 Members)	Leader of the Council – Councillor Sharon Taylor, CC Councillors – Howard Burrell (Children, Young People, Culture and Leisure) Graham Clark Michael Downing (Community, Health and Older People) John Gardner (Deputy Leader and Environment and Regeneration) Richard Henry (Safer and Stronger Communities) Mrs Joan Lloyd (Resources) Simon Speller (Economy, Enterprise and Transport) Ann Webb (Housing)
Joint Consultative Committee (Employer Side) (4 Members)	Councillors Mrs Joan Lloyd (Chairman), Graham Clark, Michael Downing and Richard Henry
Appeals and Grievance Panel (4 Members)	Councillors Mrs Joan Lloyd (Chairman), Howard Burrell, Graham Clark and John Gardner
Stevenage, North Herts and East Herts Joint CCTV Committee (3 Members)	Councillors Richard Henry (Chair), Mrs Joan Lloyd and Ann Webb
Scrutiny Overview Committee (12 Members)	Councillors – David Cullen (Chair), Pam Gallagher (Vice-Chair)*, Monika Cherney-Craw*, Laurie Chester, Bob Clark*, Liz Harrington*, Matthew Hurst CC, David Kissane, Lin Martin-Haugh, Robin Parker CC, Jeanette Thomas and Vickie Warwick * Scrutiny Topic Group Chairs
Planning and Development (13 Members)	Councillors – Jeannette Thomas (Chair), Laurie Chester (Vice-Chair), Sherma Batson, MBE DL, Monika Cherney-Craw, Dilys Clark, Liz Harrington, Jackie Hollywell, John Lloyd CC, Mick Patston, Ralph Raynor, Graham Snell, Lilian Strange and Brian Underwood

<p>Licensing Committee (13 Members)</p>	<p>Councillors – David Kissane (Chair), Carol Latif (Vice-Chair), Monika Cherney-Craw, Pam Gallagher, Lis Knight, John Lloyd CC, Lin Martin-Haugh, Margaret Notley, Mick Patston, Jack Pickersgill, Lilian Strange, Pam Stuart and Brian Underwood</p>
<p>General Purposes Committee (13 Members)</p>	<p>Councillors – David Kissane (Chair), Carol Latif (Vice-Chair), Monika Cherney-Craw, Pam Gallagher, Lis Knight, John Lloyd CC, Lin Martin-Haugh, Margaret Notley, Mick Patston, Jack Pickersgill, Lilian Strange, Pam Stuart and Brian Underwood</p>
<p>Appointments Committee (6 Members)</p>	<p>5 Majority Group 1 Opposition <i>Membership to be determined as and when required</i></p>
<p>Standards Committee (9 Members)</p>	<p>Councillors – David Kissane, Mrs Joan Lloyd, Margaret Notley, Graham Snell, Lilian Strange and Brian Underwood</p> <p>Independent Members – Stewart Gillies (Chair), Ananda Hale and Allen Holland</p>
<p>Assessment Sub- Committee (9 Members)</p>	<p>Councillors – David Kissane, Mrs Joan Lloyd, Margaret Notley, Graham Snell, Lilian Strange and Brian Underwood</p> <p>Independent Members – Stewart Gillies (Chair), Ananda Hale and Allen Holland</p>
<p>Review Sub-Committee (9 Members)</p>	<p>Councillors – David Kissane, Mrs Joan Lloyd, Margaret Notley, Graham Snell, Lilian Strange and Brian Underwood</p> <p>Independent Members – Stewart Gillies (Chair), Ananda Hale and Allen Holland</p>
<p>Consideration and Hearings Sub-Committee (9 Members)</p>	<p>Councillors – David Kissane, Mrs Joan Lloyd, Margaret Notley, Graham Snell, Lilian Strange and Brian Underwood</p> <p>Independent Members – Stewart Gillies (Chair), Ananda Hale and Allen Holland</p>

Audit Committee (6 Members)	Councillors – Ralph Raynor (Chair), John Gardner (Vice-Chair), Bob Clark, Jackie Hollywell and Margaret Notley Independent Member – Brian Mitchell
Bedwell and Pin Green Action Team (6 Members)	Councillors – Brian Underwood (Chair), Liz Harrington (Vice-Chair), David Cullen, Bruce Jackson, Lin Martin-Haugh and Simon Speller
Broadwater Action Team (6 Members)	Councillors – Sherma Batson, MBE DL (Chair), Monika Cherney-Craw (Vice-Chair), John Gardner, Matthew Hurst, CC, John Lloyd CC and Sue Myson
Chells and Manor Action Team (6 Members)	Councillors – Pam Stuart (Chair), Vickie Warwick (Vice-Chair), Howard Burrell, Lis Knight, Robin Parker CC and Graham Snell
Old Town, Symonds Green and Woodfield Action Team (9 Members)	Councillors – David Kissane (Chair), Michael Downing (Vice-Chair), Laurie Chester, Graham Clark, James Fraser CC, Pam Gallagher, Marion Mason, Margaret Notley and Sharon Taylor CC
St Nicholas and Martins Wood Action Team (6 Members)	Councillors – Carol Latif (Chair), Ralph Raynor (Vice-Chair), Dilys Clark, Richard Henry, Michael Patston and Jeannette Thomas
Shephall, Bandle Hill and Poplars Action Team (6 Members)	Councillors – Jackie Hollywell (Chair), Jack Pickersgill (Vice-Chair), Bob Clark, Mrs Joan Lloyd, Lilian Strange and Ann Webb
Joint Stevenage/HCC Highways Joint member Panel (6 SBC Members And 6 HCC Members)	SBC Councillors – Monika Cherney-Craw (SBC Lead Member), Carol Latif, Lilian Strange, Brian Underwood and Vickie Warwick HCC Councillors – Philp Bibby CC, James Fraser CC, Matthew Hurst CC, John Lloyd CC, Robin Parker CC and Sharon Taylor CC