

PART 3A ALLOCATION OF RESPONSIBILITY FOR FUNCTIONS

1. INTRODUCTION

- 1.1** Part 3 of this Constitution deals with the allocation of responsibility for undertaking the functions of the Council as a whole. The Council consists of a number of distinct parts the key ones being the Executive, (Leader and Cabinet), and the Full Council and between them these two parts bare primary responsibility for the functions and powers of the Council. However, in order to operate more effectively powers are delegated to individual Members (Deputies), committees and Officers.
- 1.2** Part 3 sets out the way these functions and powers have been distributed here at Cheltenham Borough Council in order that there is clarity as to who may exercise powers or make decisions in the name of Cheltenham Borough Council.
- 1.3** Part 3 is divided into a number of sections, listed below, each of which deals with a different element of the distribution of functions and exercise of powers.

Part 3B	Leader and Cabinet Responsibility for Functions
Part 3C	Delegation to Overview and Scrutiny Committees
Part 3D	Functions of the Standards Committee
Part 3E	Delegations to Other Committees
Part 3F	Joint Arrangements
Part 3G	Statutory Appointments of Officers
Part 3H	Employee Delegation Scheme

- 1.4** Part 3 of this Constitution should be read in conjunction with the rest of this Constitution, in particular Articles 4 (The Full Council), 6 (The Executive), 7 (Overview and Scrutiny Committees), 8 (Regulatory and other Committees), 9 (Standards Committee), 12 (Officers) and 13 (Decision Making).
- 1.5** Part 3 of this Constitution shall be interpreted in accordance with the relevant provisions of the Local Government Act 2000, in particular Section 13 (Functions which are to be the responsibility of an executive), and The Local Authorities (Functions and Responsibilities)(England) Regulations 2000 (as amended). In the event of any conflict between this Part and a provision in any piece of legislation, the latter shall prevail.

2. FUNCTIONS

- 2.1** The Authority's functions may lawfully be exercised by:-
- (a) Full Council;
 - (b) The Cabinet;
 - (c) The Leader;

- (d) Cabinet Deputies;
- (e) Committees and sub-committees of the Council or of the Cabinet;
- (f) Joint Committees;
- (g) Officers of the Council;
- (h) Other persons so authorised where the law permits.

3. CATEGORIES

The Authority's functions fall into four categories:-

- (1) those functions that are by law the responsibility of the Full Council unless delegated (**sole** Council responsibility);
- (2) those functions that are by law partly the responsibility of the Full Council and partly the responsibility of the Authority's Executive (**shared** responsibility);
- (3) those functions where there is a local choice whether they are the responsibility of the Full Council or the Authority's Executive (local **choice** responsibility);
- (4) all other functions, being by law the responsibility of the Authority's Executive (**default** Executive responsibility).

N.B. References to the "Executive" mean the Leader and Cabinet Deputies.

4. SOLE RESPONSIBILITY OF FULL COUNCIL

- 4.1 Decisions about the Council's policy framework and budget, and other constitutional matters may only be taken by Full Council. A full list of these matters is shown in Article 4 to this Constitution ('The Full Council'). Table 1A below lists all functions which may only be exercised by Full Council. The exercise of these functions may not be delegated on to a committee or officer.
- 4.2 In most cases Full Council is also responsible for regulatory functions. Full Council has established regulatory committees (such as the Planning Committee and the Licensing Committee) to discharge these Full Council only functions (see Article 8 in Part 2 and Part 3E 'Delegation to Committees' in Part 3 to this Constitution).
- 4.3 The Local Authorities (Functions and Responsibilities)(England) Regulations 2000 (as amended) gives effect to Section 13 of the Local Government Act 2000 by specifying in Schedule 1 to the Regulations which functions are not to be the responsibility of the Executive. In other words, the Executive cannot by law make the decision.

4.4 Table 1 sets out the functions which the Executive cannot discharge.

5. SHARED RESPONSIBILITY

5.1 Some functions are partly the responsibility of the Full Council and partly the responsibility of the Executive. These are:

- (a) the budget and any plan or strategy for the control of the Council's borrowing or capital expenditure (capital plan);
- (b) the policy framework, that is the plans and strategies which the Council approves or adopts.

5.2 The Executive will be responsible for preparing the draft budget, draft plans and strategies and proposing them to the Full Council.

5.3 The Full Council will be responsible for:

- (a) adopting or approving the draft budget, plan or strategy;
- (b) asking the Executive to reconsider it; or
- (c) amending the budget, plan or strategy.

5.4 The Executive will be responsible for implementing the Council's policies and spending the budget in accordance with the Council's financial rules and regulations.

5.5 Some plans and strategies require ministerial approval after the Council has approved them. If the minister requires any amendments to those plans and/or strategies, the Executive will be responsible for making those amendments.

5.6 Table 2 sets out the shared responsibility functions.

6. LOCAL CHOICE FUNCTIONS

6.1 In some cases there is a local choice as to whether the function is to be the responsibility of the Full Council or the Executive and Table 3 sets out whether the function is to be the responsibility of the Full Council or the Executive.

7. DEFAULT EXECUTIVE FUNCTIONS

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

7.2 If a decision is the responsibility of the Executive, Full Council cannot overrule the Executive or give it instructions on how the decision should be made. However, in certain circumstances, Full Council can ask the Executive to reconsider decisions.

TABLE 1**FUNCTIONS WHICH CANNOT BE EXERCISED BY THE EXECUTIVE**

Table 1 sets out the functions, listed in Schedule 1 to The Local Authorities (Functions and Responsibilities)(England) Regulations 2000 as amended, which cannot be the responsibility of the Executive and specifies which part of the Authority will be responsible for them. (**Sole Full Council Responsibility**)

Function	Provision of Act or Statutory Instrument	Delegation to Committee/ Officer
A. Functions relating to town and country planning and development control *		
1. Omitted SI 2005/929	Omitted	
2. Omitted SI 2005/929	Omitted	
3. Omitted SI 2005/929	Omitted	
4. Omitted SI 2005/929	Omitted	
5. Power to determine application for planning permission.	Sections 70(1)(a) and (b) and 72 of the Town and Country Planning Act 1990 (c. 8).	Planning Committee
6. Power to determine applications to develop land without compliance with conditions previously attached.	Section 73 of the Town and Country Planning Act 1990.	Planning Committee
7. Power to grant planning permission for development already carried out.	Section 73A of the Town and Country Planning Act 1990.	Planning Committee
8. Power to decline to	Section 70A of the Town and Country	Planning

determine application for planning permission.	Planning Act 1990.	Committee
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 (S.I. 1995/419) and directions made thereunder.	Planning Committee
10. Power to determine application 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 (S.I. 1992/1492).	Planning Committee
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).	Planning Committee
12. Power to enter into agreement regulating development or use of land.	Section 106 of the Town and Country Planning Act 1990.	Planning Committee
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.	Planning Committee
14. Power to serve a completion notice.	Section 94(2) of the Town and Country Planning Act 1990.	Planning Committee
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).	Planning Committee

16. Power to authorise entry onto land.	Section 196A of the Town and Country Planning Act 1990.	Planning Committee
17. Power to require the discontinuance of a use of land.	Section 102 of the Town and Country Planning Act 1990.	Planning Committee
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.	Planning Committee
18A. Power to issue a temporary stop notice SI 2005/929	Section 171E of the Town and Country Planning Act 1990 SI 2005/929	Planning Committee
19. Power to issue an enforcement notice.	Section 172 of the Town and Country Planning Act 1990.	Planning Committee
20. Power to apply for an injunction restraining a breach of planning control.	Section 187B of the Town and Country Planning Act 1990.	Planning Committee
21. Power to determine applications for hazardous substances consent, and related powers.	Sections 9(1) and 10 of the Planning (Hazardous Substances) Act 1990.	Planning Committee
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.	Planning Committee

23. Power to require proper maintenance of land.	Section 215(1) of the Town and Country Planning Act 1990.	Planning Committee
24. Power to determine application for listed building consent, and related powers.	Sections 16(1) and (2), 17, 27(2) and 33(1) of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990 (c. 9).	Planning Committee
25. Power to determine applications for conservation area consent.	Section 16(1) of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990, as applied by section 74(3) of that Act.	Planning Committee
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 Buildings in Conservation Areas) Act 1990 and regulations 3 to 6 and 13 of the Town and Country Planning (Listed Buildings and Buildings in Conservation Areas) Regulations 1990 and paragraphs 8, 15 and 22 of the Department of the Environment Circular 14/97.	Planning Committee
27. Power to serve a building preservation notice, and related powers.	Sections 3(1) and 4(1) of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990.	Planning Committee
28. Power to issue enforcement notice in relation to demolition of unlisted building in conservation area.	Section 38 of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990.	Planning Committee
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 Buildings in Conservation Areas) Act 1990.	Planning Committee
30. Power to apply for an injunction in relation to a listed building.	Section 44A of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990.	Planning Committee

31. Power to execute urgent works.	Section 54 of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990.	Planning Committee
32. Any other planning related functions which are or become a function which cannot be exercised by the Executive		Planning Committee

* Original Paragraph A in Schedule 1 has been substituted as from 28 September 2004 by The Local Authorities (Functions and Responsibilities) (Amendment) (No.2) (England) Regulations 2004 SI 2004/2211 and amended further by The Local Authorities (Functions and Responsibilities)(Amendment)(No.2)(England) Regulations 2005 SI 2005/929 as from 22 April 2005

B. Licensing and registration functions (in so far as not covered by any other paragraph of this Schedule)		Delegation to Committee/ Officer
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).	Licensing Committee
2. Power to license the use of moveable dwellings and camping sites.	Section 269(1) of the Public Health Act 1936 (c.49).	Licensing Committee
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.	Licensing Committee

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.	Licensing Committee
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.	Licensing Committee
6. Power to register pool promoters.	Schedule 2 to the Betting, Gaming and Lotteries Act 1963 (c. 2).	Licensing Committee
7. Power to grant track betting licences.	Schedule 3 to the Betting, Gaming and Lotteries Act 1963.	Licensing Committee
8. Power to license inter-track betting schemes.	Schedules 5ZA to the Betting, Gaming and Lotteries Act 1963.	Licensing Committee
9. Power to grant permits in respect of premises with amusement machines.	Schedule 9 to the Gaming Act 1968 (c. 65).	Licensing Committee
10. Power to register societies wishing to promote lotteries.	Schedule 1 to the Lotteries and Amusements Act 1976 (c. 32).	Licensing Committee
11. Power to grant permits in respect of premises where amusements with prizes are provided.	Schedule 3 to the Lotteries and Amusements Act 1976.	Licensing Committee
12. Power to issue cinema and cinema club licences.	Section 1 of the Cinema Act 1985 (c. 13).	Licensing Committee
13. Power to issue theatre licences.	Sections 12 to 14 of the Theatres Act 1968 (c. 54).	Licensing Committee
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),	Licensing Committee

	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).	
<p>14A. Functions relating to licensing</p> <p>[inserted by The Local Authorities (Functions and Responsibilities) (Amendment No.3)(England) Regulations 2004 SI 2004/2748 as from 23 November 2004]</p>	Sections 5 to 8 of the Licensing Act 2003	Licensing Committee
<p>14B. Power to resolve not to issue a casino premises licence.</p> <p>[Inserted by SI 2006/886]</p>	Section 166 of the 2005 Act	Licensing Committee
<p>15. Power to license sex shops and sex cinemas.</p>	The Local Government (Miscellaneous Provisions) Act 1982, section 2 and Schedule 3.	Licensing Committee
<p>16. Power to license performances of hypnotism.</p>	The Hypnotism Act 1952 (c. 46).	Licensing Committee
<p>17. Power to license premises for acupuncture, tattooing, ear-piercing and electrolysis.</p>	Sections 13 to 17 of the Local Government (Miscellaneous Provisions) Act 1982.	Licensing Committee
<p>18. Power to license pleasure boats and pleasure vessels.</p>	Section 94 of the Public Health Acts Amendment Act 1907 (c. 53).	Licensing Committee
<p>19. Power to register door staff.</p>	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).	Licensing Committee
<p>20. Power to license market and street trading.</p>	Part III of, and Schedule 4 to, the Local Government (Miscellaneous Provisions) Act 1982, Part III of the London Local Authorities Act 1990 (c.	Licensing Committee

	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.	Licensing Committee
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).	Licensing Committee
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).	Licensing Committee
24. Power of register and license premises for the preparation of food.	Section 19 of the Food Safety Act 1990 (c. 16).	Licensing Committee
25. Power to license scrap yards.	Section 1 of the Scrap Metal Dealers Act 1964 (c. 69).	Licensing Committee
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).	Licensing Committee
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).	Licensing Committee
28. Power to issue fire certificates.	Section 5 of the Fire Precautions Act 1971 (c. 40).	Licensing Committee
29. Power to license premises for the breeding of	Section 1 of the Breeding of Dogs Act 1973 (c. 60) and section 1 of the	Licensing Committee

dogs.	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.	Licensing Committee
31. Power to register animal trainers and exhibitors.	Section 1 of the Performing Animals (Regulation) Act 1925 (c. 38).	Licensing Committee
32. Power to license zoos.	Section 1 of the Zoo Licensing Act 1981 (c. 37).	Licensing Committee
33. Power to license dangerous wild animals.	Section 1 of the Dangerous Wild Animals Act 1976 (c. 38).	Licensing Committee
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).	Licensing Committee
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).	Licensing Committee
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].	Licensing Committee
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	Regulation 6 of the Commons Registration (New Land) Regulations 1969 (S.I. 1969/1843).	Licensing Committee

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 (S.I. 1966/1471).	Licensing Committee
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).	Licensing Committee
40. Power to grant consent for the operation of a loudspeaker.	Schedule 2 to the Noise and Statutory Nuisance Act 1993 (c. 40).	Licensing Committee
41. Power to grant a street works licence.	Section 50 of the New Roads and Street Works Act 1991 (c. 22).	Licensing Committee
42. Power to license agencies for the supply of nurses.	Section 2 of the Nurses Agencies Act 1957 (c. 16).	Licensing Committee
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).	Licensing Committee
44. Power to license the sale of pigs.	Article 13 of the Pigs (Records, Identification and Movement) Order 1995.	Licensing Committee
45. Power to license collecting centres for the movement of pigs.	Article 14 of the Pigs (Records, Identification and Movement) Order 1995.	Licensing Committee
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).	Licensing Committee

<p>46A. Power to grant permission for provision, etc. of services, amenities, recreation and refreshment facilities on highway, and related powers</p> <p>[inserted by The Local Authorities (Functions and Responsibilities) (Amendment No.3)(England) Regulations 2004 SI 2004/2748 as from 23 November 2004]</p>	<p>Sections 115E, 115F and 115K of the Highways Act 1980</p>	<p>Licensing Committee</p>
<p>47. Power to permit deposit of builder's skip on highway.</p>	<p>Section 139 of the Highways Act 1980 (c. 66).</p>	<p>Licensing Committee</p>
<p>47A. Duty to publish notice in respect of proposal to grant permission under section 115E of the Highways Act 1980</p> <p>[inserted by The Local Authorities (Functions and Responsibilities) (Amendment No.3)(England) Regulations 2004 SI 2004/2748 as from 23 November 2004]</p>	<p>Section 115G of the Highways Act 1980</p>	<p>Licensing Committee</p>
<p>48. Power to license planting, retention and maintenance of trees etc. in part of highway.</p>	<p>Section 142 of the Highways Act 1980.</p>	<p>Licensing Committee</p>
<p>49. Power to authorise erection of stiles etc. on footpaths or bridleways.</p>	<p>Section 147 of the Highways Act 1980.</p>	<p>Licensing Committee</p>
<p>50. Power to license works in relation to buildings etc. which obstruct the highway.</p>	<p>Section 169 of the Highways Act 1980.</p>	<p>Licensing Committee</p>
<p>51. Power to consent to temporary deposits or excavations in streets.</p>	<p>Section 171 of the Highways Act 1980.</p>	<p>Licensing Committee</p>
<p>52. Power to dispense with obligation to erect hoarding or</p>	<p>Section 172 of the Highways Act 1980.</p>	<p>Licensing Committee</p>

fence.		
53. Power to restrict the placing of rails, beams etc. over highways.	Section 178 of the Highways Act 1980.	Licensing Committee
54. Power to consent to construction of cellars etc. under street.	Section 179 of the Highways Act 1980.	Licensing Committee
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.	Licensing Committee
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).	Licensing Committee
57. Power to approve meat product premises.	Regulations 4 and 5 of the Meat Products (Hygiene) Regulations 1994 (S.I. 1994/3082)	Licensing Committee
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).	Licensing Committee
59. Power to approve dairy establishments.	Regulations 6 and 7 of the Dairy Products (Hygiene) Regulations 1995 (S.I. 1995/1086).	Licensing Committee
60. Power to approve egg product establishments.	Regulation 5 of the Egg Products Regulations 1993 (S.I. 1993/1520).	Licensing Committee
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 (S.I. 1995/1763).	Licensing Committee

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).	Licensing Committee
63. Power to approve dispatch or purification centres.	Regulation 11 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998.	Licensing Committee
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.	Licensing Committee
65. Power to approve factory vessels and fishery product establishments.	Regulation 24 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998.	Licensing Committee
66. Power to register auction and wholesale markets.	Regulation 26 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998.	Licensing Committee
67. Duty to keep register of food business premises.	Regulation 5 of the Food Premises (Registration) Regulations 1991 (S.I. 1991/2828).	Licensing Committee
68. Power to register food business premises.	Regulation 9 of the Food Premises (Registration) Regulations 1991.	Licensing Committee
69. Power to issue near beer licences [inserted by The Local Authorities (Functions and Responsibilities)(England)(Amendment) Regulations 2001 SI 2001/2212]	Sections 16 to 19 of the London Local Authorities Act 1995 and to the extent that it does not have effect by virtue of regulation 2(3) section 25 of that Act.	Licensing Committee
70. Power to register premises or stalls for the sale of goods by way of competitive bidding [inserted by The Local Authorities (Functions and Responsibilities)(England)(Amendment) Regulations 2001 SI 2001/2212]	Section 28 of the Greater London Council (General Powers) Act 1984	Licensing Committee

<p>71. Power to register motor salvage operators [Inserted by The Motor Salvage Operators Regulations 2002 SI 2002/1916 as from 21 October 2002]</p>	Part I of the Vehicle (Crime) Act 2001	Licensing Committee
<p>72. Any other licensing related functions which are or becomes a function which cannot be exercised by the Executive</p>		Licensing Committee

<p>C. Functions relating to health and safety at work</p>		<p>Delegation to Committee/ Officer</p>
<p>1. 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.</p>	Part I of the Health and Safety at Work etc. Act 1974 (c. 37).	
<p>2. Any other health & safety related functions which by statutory instrument or order are or become functions which cannot be exercised by the Executive.</p>		

<p>D. Functions relating to elections</p>		<p>Delegation to Committee/ Officer</p>
<p>1. Duty to appoint an electoral registration officer*.</p>	Section 8(2) of the Representation of the People Act 1983 (c. 2).	
<p>2. Power to assign officers in relation to requisitions of the</p>	Section 52(4) of the Representation of the People Act	

registration officer.	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.	Paragraph 4(3) and (4) of Schedule 1 to the European Parliamentary Elections Act 1978 (c. 10).	
8. Duty to divide constituency into polling districts.	Section 18 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. Power to determine fees and conditions for supply of copies of, or extracts from, elections documents.	Rule 48(3) of the Local Elections (Principal Areas) Rules 1986 (S.I. 1986/2214) and rule 48(3) of the Local Elections (Parishes and Communities) Rules 1986 (S.I. 1986/2215).	
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. Any other election related functions which by statutory instrument or order are or become functions which cannot be exercised by the Executive.		

E. Functions relating to name and status of areas and individuals		Delegation to Committee/ Officer
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.	
5. Any other similar function in this category which by statutory instrument or order are or become functions which cannot be exercised by the Executive.		

F. Power to make, amend, revoke, re-enact or enforce byelaws		Delegation to Committee/ Officer
	Any provision of any enactment (including a local Act), whenever passed, and section 14 of the Interpretation Act 1978 (c. 30).	
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 Fireman's Pension Scheme relating to pensions, etc. as respects persons employed as members of fire brigades maintained pursuant to section 4 of the Fire Services Act 1947.	Section 26 of the Fire Services Act 1947 (10 & 11 Geo.6 c. 41).	
3. Any other pension related		

functions which by statutory instrument or order are or become functions which cannot be exercised by the Executive.		
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I. Miscellaneous functions *		Delegation to Committee
Part I: Functions relating to public rights of way		
1. Power to create footpath or bridleway by agreement	Section 25 of the Highways Act 1980 (c.66)	
2. Power to create footpaths and bridleways.	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 and bridleways.	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 and bridleways.	Section 119 of the Highways Act 1980.	
9. Power to make a public path	Sections 119ZA and 119C(4) of	

diversion order	the Highways Act	
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 an applicant for a special diversion order to enter into an agreement to defray or make such contribution as is specified in the 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	Section 135 of the Highways Act 1980	

surface of footpath or bridleway		
20. Power temporarily to divert footpath or bridleway	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 (c.67)	
24. Duty to keep a 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. Duty to reclassify roads used as public paths.	Section 54 of the Wildlife and Countryside Act 1981.	
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 [inserted by The Local Authorities (Functions and Responsibilities) (Amendment No.3)(England) Regulations 2004 SI 2004/2748 as from 23 November 2004]	Section 247 of the Town and Country Planning Act 1990	
31. Power to authorise stopping-up or diversion of footpath or bridleway	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	
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	Section 5(1) of the Local Government and Housing Act	

provide staff, etc.	1989	
<p>44A. Duty to provide staff, etc. to person nominated by monitoring officer</p> <p>[inserted by The Local Authorities (Functions and Responsibilities) (Amendment No.3)(England) Regulations 2004 SI 2004/2748 as from 23 November 2004]</p>	Section 82A(4) and (5) of the Local Government Act 2000	
<p>44B. Powers relating to overview and scrutiny committees (voting rights of co-opted members)</p> <p>[inserted by The Local Authorities (Functions and Responsibilities) (Amendment No.3)(England) Regulations 2004 SI 2004/2748 as from 23 November 2004]</p>	Paragraphs 12 and 14 of Schedule 1 to the Local Government Act 2000	
<p>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)</p>	The Accounts and Audit Regulations 2003 (SI 2003/533)	
<p>46. Powers relating to the protection of important hedgerows</p>	The Hedgerows Regulations 1997 (SI 1997/1160)	
<p>47. Powers relating to the preservation of trees.</p>	Sections 197 to 214D of the Town and Country Planning Act 1990 and the Trees Regulations 1999 (S.I. 1999/1892).	
<p>47A. Powers relating to complaints about high hedges</p> <p>[inserted by The Local Authorities (Functions and Responsibilities)(Amendment)(England) Regulations 2005 SI 2005/714 as from 1 June 2005]</p>	Part 8 of the Anti-social Behaviour Act 2003	
<p>48. Power to make payments or</p>	Section 92 of the Local	

provide other benefits in cases of maladministration etc.	Government Act 2000.	
<p>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.</p> <p>[inserted by The Local Authorities (Alcohol Consumption in Designated Public Places) Regulations 2001 SI 2001/2831 as from 1 September 2001]</p>	Section 13(2) of the Criminal Justice and Police Act 2001	

* Original paragraph I replaced by paragraph I by The Local Authorities (Functions and Responsibilities)(England) (Amendment) Regulations 2001 SI 2001/2212 as from 10 July 2001

TABLE 1A**LIST OF FUNCTIONS THAT MAY ONLY BE EXERCISED BY FULL COUNCIL**

1.	The levying or issuing of a precept for a rate, the setting of the council tax base and the setting of council tax and limits for borrowing money.	Local Government Finance Act 1988. Local Government Finance Act 1992.
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. (Otiose)
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 of the Housing Act 1985.
5.	Subject to the urgency procedure in the Standing Orders of this Constitution to make decisions about any function of the	The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 as amended.

	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.	
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 dismissal of the Chief Executive.	The Local Authorities (Standing Orders) (England) Regulations 2001.
10.	Adoption of the Policy Framework and the Budget.	The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 as amended.
11.	Changing the name of the district.	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 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.	Sections 29, 106 and Schedule 12 of the 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 of the Interpretation Act 1978.
16.	Power to promote or oppose local or personal Bills.	Section 239 of the Local Government Act 1972.
17.	Any other matter that by law is reserved for consideration,	

	approval or resolution by the Council.	
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TABLE 2**FUNCTIONS NOT TO BE THE SOLE RESPONSIBILITY OF THE EXECUTIVE**

(Schedule 3 – Shared)

1. The Executive is responsible for formulating or preparing the plans listed below and then submitting them to Full Council for consideration and adoption or approval.

PLANS AND STRATEGIES	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).
Children and Young People's Plan ** [amended by SI 2006/886]	Children and Young People's Plan (England) Regulations 2005.
Community Care Plan ** [removed by SI 2006/886]	Section 46 of the National Health Service & Community Care Act 1990 (c.19).
Community Strategy	Section 4 of the Local Government Act 2000 (c.22).
Crime and Disorder Reduction Strategy	Sections 5 and 6 of the Crime and Disorder Act 1998 (c.37).
Development plan documents [inserted by The Local Authorities (Functions and Responsibilities)(Amendment)(No.2)(England) Regulations 2005 SI 2005/929 as from 22 April 2005]	Section 15 of the Planning and Compulsory Purchase Act 2004
Licensing Authority Policy Statement ** [Amended by SI 2006/886]	Section 349 of the 2005 Act.
Education Development Plan ** [removed by SI 2006/886]	Section 6 of the School Standards and Framework Act 1998.
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); (b) for districts outside Greater London and the metropolitan counties, section 54 of that Act.
Youth Justice Plan**	Section 40 of the Crime and Disorder Act 1998 (c.37)
A plan or strategy for the control of the authority's borrowing, investments or capital expenditure [amended by The Local Authorities (Functions and Responsibilities)(Amendment)(England) Regulations 2004 SI 2004/1158 as from 19 May 2004]	
The strategy and plan which comprise the housing investment programme	
Local Agenda 21 Strategy	
Adult Learning Plan	
Corporate Strategy	
Statement of Licensing Policy	Section 5 of the Licensing Act 2005
Local Transport Plan [Inserted by SI 2001/2212]	Section 108 Transport Act 2000
Any other plan or strategy (whether statutory or non-statutory) which the authority determines should be approved or adopted by the authority and not the Executive	

****NOT DISTRICT COUNCIL FUNCTIONS UNLESS AGENCY ARRANGEMENTS EXIST WITH COUNTY COUNCIL FOR THE DISCHARGE OF THOSE COUNTY FUNCTIONS**

2. The Executive or a Member of the Executive cannot (in relation to those plans or strategies listed above) do the following (known as "paragraph (3) actions"):-
- (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 purposes of public consultation draft proposals associated with the preparation of alterations to or the replacement of the UDP;

- (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;
- (e) approve, for the purpose of its submission to the Secretary of State for independent examination under section 20 (independent examination) of the Planning and Compulsory Purchase Act 2004, of a development plan document; and
- (f) adopt (with or without modification) the plan or strategy.

[*see Reg. 4 (3) of The Local Authorities (Functions and Responsibilities)(England) Regulations 2000 SI 2000/2853 as amended by The Local Authorities (Functions and Responsibilities) (Amendment) (No.2) (England) Regulations 2005 SI 2005/929 as from 22 April 2005]

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;
- (b) recommended by the person carrying out under section 20 of the Planning and Compulsory Purchase Act 2004, an independent examination of a development plan document; or
- (c) if the Full Council when approving or adopting the plan or strategy agreed that the Executive was authorised to amend, modify, vary or revoke that plan or strategy.

[see Reg. 4 (4) of The Local Authorities (Functions and Responsibilities)(England) Regulations 2000 SI 2000/2853 as amended by The Local Authorities (Functions and Responsibilities) (Amendment) (No.2) (England) Regulations 2005 SI 2005/929 as from 22 April 2005]

4. The Executive or a Member of the Executive cannot (in connection with the discharge of functions under any of sections 28 to 31 of the Planning and Compulsory Purchase Act 2004 (joint local development documents and joint committees) do the following (known as “paragraph (4C) actions”):-

- (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 purpose of Part 2 (local development) of the Planning and Compulsory Purchase Act 2004, 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 Planning and Compulsory Purchase Act 2004, the local

planning authority for any area or matter which is not the subject of an order under section 29 of the Planning and Compulsory Purchase Act 2004 or an earlier agreement under section 30 of the Planning and Compulsory Purchase Act 2004; 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.

[*see Reg. 4 (4A) and (4C) of The Local Authorities (Functions and Responsibilities)(England) Regulations 2000 SI 2000/2853 as inserted by The Local Authorities (Functions and Responsibilities) (Amendment) (No.2) (England) Regulations 2005 SI 2005/929 as from 22 April 2005]

5. 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;
- (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 Full Council has authorised the making of such an application.

6. The following shall, subject to paragraph 7 below, be the responsibility of the Full 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.

7. 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.

8. 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.

9. 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 nor may it revoke any such authorisation.

TABLE 3

LOCAL CHOICE FUNCTIONS: FUNCTIONS WHERE THE AUTHORITY HAS A CHOICE OF EXERCISING THEM THROUGH EITHER THE EXECUTIVE OR THE FULL COUNCIL, AND CHOICE MADE

(Schedule 2, as amended - Local Choice)

FUNCTION	EXECUTIVE OR FULL COUNCIL
<p>1. Any function under a local Act other than a function specified or referred to in Regulation 2 or Schedule 1 to The Local Authorities (Functions and Responsibilities) (England) Regulations as amended</p>	Executive.
<p>2. The determination of an appeal against any decision made by or on behalf of the authority</p>	Executive.
<p>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</p>	(No longer relevant)
<p>4. The making of arrangements pursuant to subsection (1) of section 67 of, and Schedule 18 to, the Schools Standards and Framework Act 1998 (appeals against exclusion of pupils)** [inserted by The Local Authorities (Functions and Responsibilities) (Amendment No.3)(England) Regulations 2004 SI 2004/2748 as from 23 November 2004]</p>	(County Function)
<p>5. The making of arrangements pursuant to section 94(1) and (4) of, and Schedule 24 to, the School Standards and Framework Act 1998 (admission appeals)** [inserted by The Local Authorities (Functions and</p>	(County Function)

Responsibilities) (Amendment No.3) (England) Regulations 2004 SI 2004/2748 as from 23 November 2004]	
6. The making of arrangements pursuant to section 95(2) of, and Schedule 25 to, the Schools Standards and Framework Act 1998 (children to whom section 87 applies: appeals by governing bodies) ** [inserted by The Local Authorities (Functions and Responsibilities) (Amendment No.3) (England) Regulations 2004 SI 2004/2748 as from 23 November 2004]	(County Function)
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	(Not Applicable)
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	(Not Applicable)
9. The conducting of best value reviews in accordance with the provisions of any order for the time being having effect under section 5 (best value reviews) of the Local Government Act 1999.	Executive
10. Any function relating to contaminated land.	Executive
11. The discharge of any function relating to the control of pollution or the management of air	Executive
12. The service of abatement notice in respect of a statutory nuisance	Executive
13. The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the authority's area.	Executive
14. The inspection of the authority's area to detect any statutory nuisance	Executive
15. The investigation of any complaint as	Executive

to the existence of a statutory nuisance	
16. The obtaining of information under Section 330 of the Town and Country Planning Act 1990 as to interests in land	Executive jointly with Full Council
17. The obtaining of particulars of persons interested in land under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976	Executive jointly with Full Council.
18. The making of agreements for the execution of highways works	Executive jointly with Full Council.
19. The appointment of any individual – (a) to any office other than an office in which he or she is employed by the authority; (b) to any body other than - (i) the authority; (ii) a joint committee of two or more authorities; or (c) to any committee or sub-committee of such a body and the revocation of any such appointment.	Where agreed under Article 10, The Executive.
20. The making of arrangements with other local authorities for the placing of staff at the disposal of those other authorities	Full Council
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)	NOT APPLICABLE

****NOT DISTRICT COUNCIL FUNCTIONS UNLESS AGENCY ARRANGEMENTS EXIST WITH COUNTY COUNCIL FOR THE DISCHARGE OF THOSE COUNTY FUNCTIONS**

LIST OF STATUTORY INSTRUMENTS AMENDING THE LOCAL AUTHORITIES (FUNCTIONS AND RESPONSIBILITIES)(ENGLAND) REGULATIONS 2000 SI 2000/2853

1. The Local Authorities (Functions and Responsibilities)(England) (Amendment) Regulations 2001 SI 2001/2212;
2. The Local Authorities (Alcohol Consumption in Designated Public Places) Regulations 2001 SI 2001/2831;



3. The Motor Salvage Operators Regulations 2002 SI 2002/1916;
4. The Local Authorities (Functions and Responsibilities) (Amendment) (England) Regulations 2004 SI 2004/1158
5. The Local Authorities (Functions and Responsibilities) (Amendment) (No.2) (England) Regulations 2004 SI 2004/2211
6. The Local Authorities (Functions and Responsibilities) (Amendment No. 3) (England) Regulations 2004
7. The Local Authorities (Functions and Responsibilities) (Amendment) (England) Regulations 2005 SI 2005/714
8. The Local Authorities (Functions and Responsibilities) (Amendment) (No.2) (England) Regulations 2005 SI 2005/929
9. The Local Authorities (Functions and Responsibilities) (Amendment) (England) Regulations 2006 SI 2006/886