

PART 3 - RESPONSIBILITY FOR FUNCTIONS

A. Council Functions

The Council

The Council will be responsible for carrying out the following functions, which are identified in The Local Authorities (Functions and Responsibilities) (England) Regulations 2000. Functions marked with an asterisk (*) are Local Choice Functions, which are identified in the same regulations. The table identifies in the right hand column where authority has been delegated to Officers.

	Functions	Officer Delegation Reference No.
	Functions relating to health and safety at work	
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.	NS63 (formerly HEH12; NS54)
	Functions relating to elections	
2.	Duty to appoint an electoral registration officer.	
3.	Power to assign Officers in relation to requisitions of the registration officer.	
4.	Functions in relation to parishes and parish councils.	
5.	Power to dissolve small parish councils.	
6.	Power to make orders for grouping parishes, dissolving groups and separating parishes from groups.	
7.	Duty to appoint Returning Officer for local government elections.	
8.	Duty to provide assistance at European Parliamentary elections.	
9.	Duty to divide constituency into polling districts.	
10.	Power to divide electoral divisions into polling districts at local government elections.	
11.	Powers in respect of holding of elections.	

12.	Power to pay expenses properly incurred by electoral registration Officers.	
13.	Power to fill vacancies in the event of insufficient nominations.	
14.	Duty to declare vacancy in office in certain cases.	
15.	Duty to give public notice of a casual vacancy.	
16.	Power to make temporary appointments to parish councils.	
17.	Power to determine fees and conditions for supply of copies of, or extracts from, elections documents.	CE37 (formerly CE57)
18.	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.	
	Functions relating to name and status of areas and individuals	
19.	Power to change the name of the Borough.	
20.	Power to change the name of a parish.	
21.	Power to confer title of honorary alderman.	
22.	Power to make, amend, revoke or re-enact byelaws	
23.	Power to promote or oppose local or personal Bills.	
	Functions relating to pensions etc.	
24.	Functions relating to local government pensions, etc.	
	Miscellaneous functions	
25.	Duty to approve authority's statement of accounts, income and expenditure and balance sheet or record of receipts and payments (as the case may be).	
26.	Power to make standing orders.	
27.	Power to appoint staff.	CE45, CE48 (formerly CE65, CE70)
28.	Power to make standing orders as to contracts.	

29.	Power to make payments or provide other benefits in cases of maladministration etc.	
30.*	<p>The appointment of any individual –</p> <p>(a) to any office other than an office in which he is employed by the authority;</p> <p>(b) to any body other than -</p> <p style="padding-left: 40px;">(i) the authority;</p> <p style="padding-left: 40px;">(ii) a joint committee of two or more authorities; or</p> <p>(c) to any committee or sub-committee of such a body,-</p> <p>and the revocation of any such appointment.</p>	
31.	Power to make orders under Section 13 of the Criminal Justice and Police Act 2001.	
32.	Duty to provide staff to a person nominated as Monitoring Officer.	
33.	Responsible for formulating a plan or strategy for the control of the Council's borrowing, investments or capital expenditure.	
	Planning and Compulsory Purchase Act 2004 (Local Development Framework)	
34.	Functions which, according to regulations under the Act of 2004, relating to the submission of a Development Plan document, response to a direction by the Secretary of State and the withdrawal, adoption, revocation, revision of local development documents (including, where applicable, the preparation of joint Local Development Plan documents) shall be exercised by full Council.	
	Other Functions	
35.	To consider and approve the Annual Report on Corporate Governance.	

Development Control Committee

The Development Control Committee, which is made up of all Members of the Council, will carry out the Council's development control function as local planning authority within agreed policy and development plans, except where authority has been delegated to Officers. This will include the enforcement of planning control.

Meetings of the Development Control Committee will be held in public unless exemptions referred to in Schedule 12A of the Local Government Act 1972 apply. In the interests of Human Rights and transparency of decision making, the public are able to address the Committee. The Council's Planning Code of Practice sets out the procedure for this. The Committee shall meet every four weeks in order to assist the need to determine applications within the statutory timescale.

The Development Control Committee will be responsible for carrying out the following functions, which are identified in The Local Authorities (Functions and Responsibilities) (England) Regulations 2000. Functions marked with an asterisk (*) are Local Choice Functions, which are identified in the same regulations. The table identifies in the right hand column where authority has been delegated to Officers.

	Functions	Officer Delegation Reference No.
	Functions relating to town and country planning and development control	
1.	Powers and duties relating to local development documents which are development plan documents, where Regulations so require/allow.	
2.	Power to determine applications for planning permission.	NS1 (formerly PT1)
3.	Power to determine applications to develop land without compliance with conditions previously attached.	NS1 (formerly PT1)
4.	Power to grant planning permission for development already carried out.	NS1 (formerly PT1)
5.	Power to decline to determine applications for planning permission.	NS41
6.	Duties relating to the making of determinations of planning applications.	NS1 (formerly PT1)
7.	Power to determine applications for planning permission made by a local authority, alone or jointly with another person.	NS1 (formerly PT1)
8.	Power to make determinations, give approvals and agree certain other matters relating to the exercise of permitted development rights.	NS1 (formerly PT1)

9.	Power to enter into agreements regulating development or use of land.	
10.	Power to issue a certificate of existing or proposed lawful use or development.	NS1 (formerly PT1)
11.	Power to serve a completion notice.	
12.	Power to grant consent for the display of advertisements.	NS1 (formerly PT1)
13.	Power to authorise entry onto land.	NS1 (formerly PT1)
14.	Power to require the discontinuance of a use of land.	
15.	Power to serve a planning contravention notice, breach of condition notice or stop notice, including a temporary stop notice.	NS4, NS8, NS10 (formerly PT4, PT8, PT11; NS11)
16.	Power to issue an enforcement notice.	NS8 (formerly PT8)
17.	Power to apply for an injunction restraining a breach of planning control.	NS42
18.	Power to determine applications for hazardous substances consent, and related powers.	NS1 (formerly PT1)
19.	Power to require proper maintenance of land.	NS43
20.	Power to determine applications for listed building consent, and related powers.	NS1 (formerly PT1)
21.	Power to determine applications for conservation area consent.	NS1 (formerly PT1)
22.	Duties relating to applications for listed building consent and conservation area consent.	NS1 (formerly PT1)
23.	Power to serve a building preservation notice, and related powers.	
24.	Power to issue an enforcement notice in relation to demolition of unlisted building in conservation area.	NS8 (formerly PT8)
25.	Powers to acquire a listed building in need of repair and to serve a repairs notice.	
26.	Power to apply for an injunction in relation to a listed building.	NS44

27.	Power to execute urgent works.	NS45
	Miscellaneous Functions	
28.	Powers relating to the preservation of trees, including revocations.	NS5 (formerly PT5)
29.	Powers relating to the protection of important hedgerows.	NS19, NS20, NS21 (formerly PT20, PT21, PT22; NS20; NS21; NS22)
30.	Power to make a limestone pavement order.	
31.	Power to issue Remedial Notices in relation to high hedges.	NS47
32.	Power to issue a Temporary Stop Notice	NS48

Licensing Committee 1

The Licensing Committee 1, which is made up of 22 members of the Council, will deal with the range of matters for which the Council grants permissions and licences, save where the Licensing Act 2003 applies.

The greater part of the licensing function and its enforcement is delegated to Officers but the Committee shall meet, as and when necessary, to consider any significant applications, objections or other irregular circumstances relating to a licensing matter and to review and amend existing policies and conditions in relation to all licensing matters.

Meetings of Licensing Committee 1 will be held in public unless exemptions referred to in Schedule 12A of the Local Government Act 1972 apply. In the interests of Human Rights and transparency of decision making, the public are able to address the Committee. The following matters will be dealt with at meetings of the Committee:-

1. To review and amend as appropriate existing policies and conditions in relation to all licensing matters.
2. To discharge the Council's functions as a licensing authority (except those functions transferred to Licensing Committee 2), within agreed policy, including enforcement.
3. To take decisions on licensing matters where objections are received to the grant of a licence or irregular circumstances arise.

Licensing Committee 1 will be responsible for carrying out the following functions, which are identified in The Local Authorities (Functions and Responsibilities) (England) Regulations 2000. Functions marked with an asterisk (*) are Local Choice Functions, which are identified in the same regulations. The table identifies in the right hand column where authority has been delegated to Officers.

	Functions	Officer Delegation Reference No.
	Licensing and registration functions (insofar as not covered by any other paragraph of this Schedule, or by the remit of Licensing Committee 2)	
1.	Power to issue licences authorising the use of land as a caravan site ("site licences").	NS54, NS56 (formerly HEH5, HEH6; NS47; NS48)
2.	Power to licence the use of moveable dwellings and camping sites.	NS54, NS56 (formerly HEH5, HEH6; NS47; NS48)
3.	Power to licence hackney carriages and private hire vehicles.	NS69, NS72 (formerly CE23, CE26; NS60; NS63)

4.	Power to licence drivers of hackney carriages and private hire vehicles.	NS69, NS72 (formerly CE23, CE26; NS60; NS63)
5.	Power to licence operators of hackney carriages and private hire vehicles.	NS69, NS72 (formerly CE23, CE26; NS60; NS63)
6.	Power to register pool promoters.	
7.	Power to grant track betting licences.	
8.	Power to licence inter-track betting schemes.	
9.	Power to grant permits in respect of premises with amusement machines.	NS79 (formerly CE41; NS78)
10.	Power to register societies wishing to promote lotteries.	NS76 (formerly CE35; NS72)
11.	Power to grant permits in respect of premises where amusements with prizes are provided.	NS79 (formerly CE41; NS78)
12.	Power to licence sex shops and sex cinemas.	
13.	Power to licence performances of hypnotism.	NS75 (formerly CE33; NS70)
14.	Power to licence premises for acupuncture, tattooing, ear-piercing and electrolysis.	NS54, NS56 (formerly HEH5, HEH6; NS47; NS48)
15.	Power to licence pleasure boats and pleasure vessels.	
16.	Power to licence market and street trading. (Adoptive powers)	
17.	Power to licence night cafes and take-away food shops.	
18.	Power to licence dealers in game and the killing and selling of game.	NS78 (formerly CE38; NS75)

19.	Power to register and licence premises for the preparation of food.	NS60, NS61 (formerly HEH9, HEH10; NS52; NS53)
20.	Power to register scrap yards.	NS54, NS56 (formerly HEH5, HEH6; NS47; NS48)
21.	Power to licence premises for the breeding of dogs.	NS49, NS51 (formerly HEH1, HEH2; NS42; NS44)
22.	Power to licence pet shops and other establishments where animals are bred or kept for the purposes of carrying on a business.	NS49, NS51 (formerly HEH1, HEH2; NS42; NS44)
23.	Power to licence zoos.	
24.	Power to licence dangerous wild animals.	NS49, NS51 (formerly HEH1, HEH2; NS42, NS44)
25.	Power to licence persons to collect for charitable and other causes.	NS77 (formerly CE36; NS73) NS109 (formerly NS111)
26.	Power to grant consent for the operation of a loudspeaker.	
27.	Power to approve meat product premises.	NS52, NS53 (formerly HEH3, HEH4; NS45; NS46)
28.	Power to approve premises for the production of minced meat or meat preparations.	NS60, NS61 (formerly HEH9, HEH10; NS52; NS53)
29.	Power to approve dairy establishments.	NS60, NS61 (formerly HEH9, HEH10; NS52; NS53)
30.	Power to approve egg product establishments.	NS60, NS61 (formerly HEH9, HEH10; NS52; NS53)
31.	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.	NS60, NS61 (formerly HEH9, HEH10; NS52; NS53)

32.	Power to approve fish products premises.	NS60, NS61 (formerly HEH9, HEH10; NS52; NS53)
33.	Power to approve dispatch or purification centres.	NS60, NS61 (formerly HEH9, HEH10; NS52; NS53)
34.	Duty to keep register of food business premises.	NS60, NS61 (formerly HEH9, HEH10; NS52; NS53)
35.	Power to register food business premises.	NS60, NS61 (formerly HEH9, HEH10; NS52; NS53)

Licensing Committee 2

The Licensing Committee 2, which is made up of 15 members of the Council will deal with all functions of the Licensing Authority, save for the determination of Policy to be contained in the Licensing Statement in accordance with Section 5 of the Licensing Act 2003.

Licensing Committee 2 may also deal with such other functions of the Authority which relate to a matter referred to Licensing Committee 2 as a licensing function under the Licensing Act 2003 either as are described in the Schedule below or as arranged by the Authority to be discharged by Licensing Committee 2.

The greater part of the licensing functions and its enforcement shall be delegated to its Sub-Committees or Officers but the Committee shall meet as and when necessary to consider any of the licensing functions or other irregular circumstances relating to a licensing matter and to review and make recommendations to Council upon policies in relation to licensing matters and the Licensing Statement.

Meetings of the Licensing Committee will be held in public unless exemptions referred to in Schedule 12A of the Local Government Act 1972 apply. In the interests of Human Rights and transparency of decision making, the public are able to address the Committee. The following matters will be dealt with at meetings of the Committee:-

1. To review and make recommendations to Council upon policies in relation to licensing matters and the Licensing Statement.
2. To discharge the Council's functions as a licensing authority under the Licensing Act 2003, within agreed policy, including enforcement.
3. To establish one or more sub-committees and to arrange for them to discharge any of the functions exercisable by the committee.
4. To arrange for the discharge of any of the licensing functions exercisable by the committee by an officer of the licensing authority subject to the limitations set out in section 10(4) of the Licensing Act 2003.

In addition to the Functions of the Licensing Authority contained in the Licensing Act 2003, the Licensing Committee 2 (and its sub-committees) may be responsible for carrying out the following functions if they relate to a matter before the Committee (or sub-committee) when undertaking its functions under the Licensing Act 2003, which are identified in The Local Authorities (Functions and Responsibilities) (England) Regulations 2000. The table identifies in the right hand column where authority has been delegated to Officers.

	Functions	Officer Delegation Reference No.
	Licensing and registration functions (insofar as not covered by any other paragraph of this Schedule)	
1.	Power to grant permits in respect of premises with amusement machines.	NS79 (formerly NS76)
2.	Power to licence sex shops and sex cinemas.	
3.	Power to licence performances of hypnotism.	NS75 (formerly CE33; NS70)
4.	Power to licence pleasure boats and pleasure vessels.	
5.	Power to licence market and street trading. (Adoptive powers)	
6.	Power of register and licence premises for the preparation of food.	NS60, NS61 (formerly HEH9; HEH10; NS52; NS53)
7.	Power to grant consent for the operation of a loudspeaker.	

The Licensing Authority functions contained within the Licensing Act 2003:

	Functions	Section of Act	Officer Delegation Reference No.
	Premises		
8.	Grant of Premises Licence	18	
9.	Issue of copy Premises Licence	25	
10.	Determination of application for Provisional Statement	31	
11.	Determination of application to vary Premises Licence	35	

12.	Determination of application to vary Designated Premises Supervisor	39	
13.	Determination of transfer of Premises Licence	44	
14.	Cancellation of interim authority notice	48	
15.	Determination of application for review of Premises Licence	52	
16.	Determination of review of Premises Licence (after closure order)	167	
	Club Premises Certificates		
17.	Determination of application for Club Premises Certificate	72	
18.	Issue of copy of Club Premises Certificate	79	
19.	Determination of application to vary Club Premises Certificate	85	
20.	Determination of application to review Club Premises Certificate	88	
	Temporary Event Activities		
21.	Determination of objection and issue of counter notice	105	
22.	Issue of counter notice when permitted limits exceeded	107	
23.	Issue of copy of Temporary Event Notice	110	
	Personal Licences		
24.	Determination of application for grant of Personal Licence	120	
25.	Determination of application for renewal of Personal Licence	121	
26.	Determination of objection and revocation of Personal Licence	124	
27.	Issue of copy of Personal Licence	126	
	Compliance and Enforcement		
28.	Decision to prosecute any offence under the Licensing Act 2003		
	Transitional Provisions	Schedule 8 paragraph:	
29.	Determination of application for conversion of existing Licence to Premises Licence	4	
30.	Determination of application to vary upon conversion to Premises Licence	7	

31.	Determination of application to convert a Club Registration Certificate to a Club Premises Certificate	16	
32.	Determination of application to vary upon application for conversion to a Club Premises Certificate	19	
33.	Determination of application for Personal Licence	26	