

## **Part 3**

# **Responsibility for Functions**

## INTRODUCTION

This part of the Constitution sets out the Council's terms of reference and delegation arrangements in accordance with the Local Government Act 2000 and relevant statutory regulations. The decision-making framework consists of three elements:

1. **Functions reserved to the Council**, and more minor functions which will usually be carried out by officers under delegated authority on behalf of the Council;
2. **Functions carried out by Regulatory Committees** and by delegation to officers, in accordance with the Section 101 of the Local Government Act 1972; and
3. All other functions are known as '**Executive functions**' and are carried out by the Executive, a member of the Executive, a Committee of Executive Members, an officer or a joint arrangement with another authority.

Decisions taken by the Executive may not be over-ruled by the Council, provided they are within the Council's approved major Policy Framework and Budgetary provision. They may, however, be studied by the Overview and Scrutiny Committee which has a specific responsibility to scrutinise and, in occasional circumstances, call-in a decision for re-consideration by the Executive.

In the case of the Regulatory Committees, most of the issues dealt with are applications for licences, planning permissions, and registration matters, and their decisions are not subjected to a call-in procedure.

An officer's decision shall, where matters of substantial importance are involved, be reported to the Executive or to the next ordinary meeting of the appropriate committee. Should Councillors wish to question any specific delegation exercised by any officer, they should contact the Monitoring Officer. If they are unable to resolve the matter it will be referred to the Executive or a Committee, depending upon the nature of the issue, where the Councillor questioning the exercise of the delegation will state their case.

**Where any delegation under this part of the Constitution refers to specific legislation or regulations, it includes a reference to that legislation or those regulations as re-enacted, consolidated, modified or amended.**

## **Part 3**

### **Section 1**

#### **Functions reserved to the Council**

## Functions Reserved to the Council

The Council may exercise the following functions, although many of them are in practice exercised by a Committee or Officers acting under powers lawfully delegated:

1. Adopting and changing the Constitution in accordance with Article 13 of the Constitution;
2. Approving or adopting the Council's Major Policy Framework;
3. To approve the Council's statement of accounts, income and expenditure and balance sheet or record of receipts and payments, including:
  - (a) the budget strategy for both revenue and capital spending;
  - (b) capital and revenue estimates in accordance with the budget strategy;
  - (c) the Housing Revenue Account;
  - (d) the amount to be raised from Council house rents;
  - (e) the annual review of fees and charges; and
  - (f) the annual Council Tax and related matters in respect of the tax base and Collection Fund.
4. To determine statutory borrowing limits and the Council's Investment Strategy;
5. Approving any application to the Secretary of State in respect of Housing Land Transfer;
6. Making decisions about any matter in the discharge of an Executive Function which is covered by the Major Policy Framework or the Budget where the decision maker is minded to make it in a manner which would be contrary to the Major Policy Framework or contrary to or not wholly in accordance with the Budget;
7. Appointing the Leader;
8. Establishing and agreeing and/or amending the terms of reference of Committees, deciding on their composition and, where appropriate, making appointments to them;
9. Appointing the Mayor and Deputy Mayor;
10. Entering into joint arrangements and appointing members for this purpose, except where this is a matter for the Executive;
11. Delegating any of its functions to an Officer;
12. Adopting the Councillors' Allowances Scheme as set out in Part 6;

13. Changing the name of the area or conferring the title of Honorary Alderman or Freedom of the Borough;
14. Confirming the appointment of the Head of Paid Service, Monitoring Officer, Chief Operating Officer and the Chief Finance Officer (S151 Officer);
15. Approving the Licensing Statement under the Licensing Act 2003 and the Licensing Authority Policy Statement under the Gambling Act 2005;
16. Exercising the functions of the Council set out in the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (set out below) which include:-
  - (a) Functions relating to town and country planning and development control;
  - (b) Licensing and registration functions;
  - (c) Functions relating to health and safety at work (other than in the Authority's capacity as employer);

and the functions of imposing any condition, limitation or other restriction on an approval, consent, licence, permission or registration granted in the exercise of a function specified in the said Regulations, or otherwise than by an Executive of the Authority, in the exercise of any function under a local Act and determining any other terms to which any such approval, consent, licence, permission or registration is subject, are not to be responsibility of an Executive of the Authority;

- (d) Functions relating to elections;
  - (e) Making amending revoking re-enacting or enforcing byelaws and to promote or oppose local or personal Bills;
17. Undertaking or making arrangements for the undertaking of the following local choice functions:
    - (a) Any function under a local Act other than functions under Section 4 and 5 of the Ipswich Market Act 2004;
    - (b) The determination of an appeal against any decision made by or on behalf of the authority;
    - (c) The conducting of best value reviews;
    - (d) The obtaining of information under section 330 of the Town and Country Planning Act 1990 as to interests in land, insofar as it relates to the other functions of the Council;
    - (e) The obtaining of particulars of persons interested in land under section 16 of the Local Government (Miscellaneous Provisions) Act 1976, insofar as it relates to the other functions of the Council;

- (f) Except insofar as the Council agrees that they are a matter for the Executive, the appointment of any individual –
  - (i) to any office other than an office in which he is employed by the Authority;
  - (ii) to any body other than the Authority or a joint committee of two or more authorities; or
  - (iii) to any Committee or sub committee of such a body,

and the revocation of any such appointment and for the avoidance of doubt, with regard to any appointment of an officer, the appointment will be made in the name of the designated post rather than in the name of the post holder and any appointment of a Councillor shall be made on an ex officio basis and will not be a personal appointment.

- (g) Making agreements to put the staff of the Council at the disposal of other authorities;
18. Make all local choice functions as set out in Part 3 of this Constitution which the Council decides should be undertaken by itself rather than the Executive; and
  19. All other matters which, by law, must be reserved to Council or which are Council functions that have not been delegated to a Committee or an Officer or which such Committee or Officer has referred to the Council for a decision.

[FOR INFORMATION ONLY]

**LIST OF NON-EXECUTIVE FUNCTIONS**

(referred to at paragraph 16 above)

**Local Authorities (Functions and Responsibilities) (England) Regulations  
2000/2853**

**Schedule 1 FUNCTIONS NOT TO BE THE RESPONSIBILITY OF AN  
AUTHORITY'S EXECUTIVE**

(as amended from time to time)

<b>(1)</b>	<b>(2)</b>
<b>Function</b>	<b>Provision of Act or Statutory Instrument</b>
<b>A. Functions relating to town and country planning and development control</b>	
[5. Power to determine application for planning permission.	<a href="#">Sections 70(1)(a) and (b) and 72 of the Town and Country Planning Act 1990 (c. 8).</a> ] <sup>1</sup>
[6. Power to determine applications to develop land without compliance with conditions previously attached.	<a href="#">Section 73 of the Town and Country Planning Act 1990.</a> ] <sup>1</sup>
[7. Power to grant planning permission for development already carried out.	<a href="#">Section 73A of the Town and Country Planning Act 1990.</a> ] <sup>1</sup>
[8. Power to decline to determine application for planning permission.	<a href="#">Section 70A of the Town and Country Planning Act 1990.</a> ] <sup>1</sup>
[9. Duties relating to the making of determinations of planning applications.	<a href="#">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.</a> ] <sup>1</sup>
[10. Power to determine application for planning permission made by a local authority, alone or jointly with another person.	<a href="#">Section 316 of the Town and Country Planning Act 1990 and the Town and Country Planning General Regulations 1992 (S.I. 1992/1492).</a> ] <sup>1</sup>

[ <b>11.</b> Power to make determinations, give approvals and agree certain other matters relating to the exercise of permitted development rights.	<a href="#">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).</a> ] <sup>1</sup>
[ <b>12.</b> Power to enter into agreement regulating development or use of land.	<a href="#">Section 106 of the Town and Country Planning Act 1990.</a> ] <sup>1</sup>
[ <b>13.</b> Power to issue a certificate of existing or proposed lawful use or development.	<a href="#">Sections 191(4) and 192(2) of the Town and Country Planning Act 1990.</a> ] <sup>1</sup>
[ <b>14.</b> Power to serve a completion notice.	<a href="#">Section 94(2) of the Town and Country Planning Act 1990.</a> ] <sup>1</sup>
[ <b>15.</b> Power to grant consent for the display of advertisements.	<a href="#">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).</a> ] <sup>1</sup>
[ <b>16.</b> Power to authorise entry onto land.	<a href="#">Section 196A of the Town and Country Planning Act 1990.</a> ] <sup>1</sup>
[ <b>17.</b> Power to require the discontinuance of a use of land.	<a href="#">Section 102 of the Town and Country Planning Act 1990.</a> ] <sup>1</sup>
[ <b>18.</b> Power to serve a planning contravention notice, breach of condition notice or stop notice.	<a href="#">Sections 171C, 187A and 183(1) of the Town and Country Planning Act 1990.</a> ] <sup>1</sup>
[ <b>18A.</b> Power to issue a temporary stop notice.	<a href="#">[Section 171E of the Town and Country Planning Act 1990<sup>5</sup>.]</a> <sup>4</sup> ] <sup>3</sup>
[ <b>19.</b> Power to issue an enforcement notice.	<a href="#">Section 172 of the Town and Country Planning Act 1990.</a> ] <sup>1</sup>
[ <b>20.</b> Power to apply for an injunction restraining a breach of planning control.	<a href="#">Section 187B of the Town and Country Planning Act 1990.</a> ] <sup>1</sup>
[ <b>21.</b> Power to determine applications for hazardous substances consent, and related powers.	<a href="#">Sections 9(1) and 10 of the Planning (Hazardous Substances) Act 1990.</a> ] <sup>1</sup>

<p>[<b>22.</b> 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.</p>	<p><a href="#">Paragraph 2(6)(a) of Schedule 2 to the Planning and Compensation Act 1991 (c. 34)</a>, <a href="#">paragraph 9(6) of Schedule 13 to the Environment Act 1995 (c. 25)</a> and <a href="#">paragraph 6(5) of Schedule 14 to that Act.</a>]<sup>1</sup></p>
<p>[<b>23.</b> Power to require proper maintenance of land.</p>	<p><a href="#">Section 215(1) of the Town and Country Planning Act 1990.</a>]<sup>1</sup></p>
<p>[<b>24.</b> Power to determine application for listed building consent, and related powers.</p>	<p>[<a href="#">Sections 16(1) and (2), 17 and 33(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (c.9)</a>]<sup>6.</sup>]<sup>1</sup></p>
<p>[<b>26.</b> Duties relating to applications for listed building consent.</p>	<p>[<a href="#">Sections 13(1) and 14(1) and (4) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (c.9)</a>]<sup>6</sup> and [<a href="#">regulations 3 to 6 and 13 of the Planning (Listed Buildings and Conservation Areas) Regulations 1990 (S.I. 1990/1519)</a>]<sup>9</sup> and [<a href="#">paragraphs 8, 15 and 26 of Department of the Environment, Transport and the Regions Circular 01/01</a>]<sup>10</sup> . ]<sup>1</sup></p>
<p>[<b>27.</b> Power to serve a building preservation notice, and related powers.</p>	<p>[<a href="#">Sections 3(1) and 4(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (c.9)</a>]<sup>6.</sup>]<sup>1</sup></p>
<p>[<b>28.</b> Power to issue enforcement notice in relation to demolition of [listed]<sup>11</sup> building in conservation area.</p>	<p>[<a href="#">Section 38 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (c.9)</a>]<sup>6.</sup>]<sup>1</sup></p>
<p>[<b>29.</b> Powers to acquire a listed building in need of repair and to serve a repairs notice.</p>	<p>[<a href="#">Sections 47 and 48 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (c.9)</a>]<sup>6.</sup>]<sup>1</sup></p>
<p>[<b>30.</b> Power to apply for an injunction in relation to a listed building.</p>	<p>[<a href="#">Section 44A of the Planning (Listed Buildings and Conservation Areas) Act 1990 (c.9)</a>]<sup>6.</sup>]<sup>1</sup></p>
<p>[<b>30A.</b>Power to authorise stopping up or diversion of highway.</p>	<p>[<a href="#">Section 247 of the Town and Country Planning Act 1990 (c.8).</a>]<sup>13</sup>]<sup>12</sup></p>
<p>[<b>31.</b> Power to execute urgent works.</p>	<p>[<a href="#">Section 54 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (c.9)</a>]<sup>6.</sup>]<sup>1</sup></p>

<b>B. Licensing and registration functions (in so far as not covered by any other paragraph of this Schedule)</b>	
1. Power to issue licences authorising the use of land as a caravan site ("site licences").	<a href="#">Section 3(3)</a> of the <a href="#">Caravan Sites and Control of Development Act 1960 (c. 62)</a> .
2. Power to license the use of moveable dwellings and camping sites.	<a href="#">Section 269(1)</a> of the <a href="#">Public Health Act 1936 (c.49)</a> .
3. Power to license hackney carriages and private hire vehicles.	(a) as to hackney carriages, the <a href="#">Town Police Clauses Act 1847 (10 &amp; 11 Vict. c. 89)</a> , as extended by <a href="#">section 171</a> of the <a href="#">Public Health Act 1875 (38 &amp; 39 Vict. c. 55)</a> , and <a href="#">section 15</a> of the <a href="#">Transport Act 1985 (c. 67)</a> ; and <a href="#">sections 47, 57, 58, 60</a> and <a href="#">79</a> of the <a href="#">Local Government (Miscellaneous Provisions) Act 1976 (c. 57)</a> ;
	(b) as to private hire vehicles, <a href="#">sections 48, 57, 58, 60</a> and <a href="#">79</a> of the <a href="#">Local Government (Miscellaneous Provisions) Act 1976</a> .
4. Power to license drivers of hackney carriages and private hire vehicles.	<a href="#">Sections 51, 53, 54, 59, 61</a> and <a href="#">79</a> of the <a href="#">Local Government (Miscellaneous Provisions) Act 1976</a> .
5. Power to license operators of hackney carriages and private hire vehicles.	<a href="#">Sections 55 to 58, 62</a> and <a href="#">79</a> of the <a href="#">Local Government (Miscellaneous Provisions) Act 1976</a> .
6. Power to register pool promoters.	<a href="#">Schedule 2</a> to the <a href="#">Betting, Gaming and Lotteries Act 1963 (c. 2)</a> <sup>14</sup> [ as saved for certain purposes by <a href="#">article 3(3)(c)</a> of the <a href="#">Gambling Act Order</a> ] <sup>15</sup> .
7. Power to grant track betting licences.	<a href="#">Schedule 3</a> to the <a href="#">Betting, Gaming and Lotteries Act 1963</a> <sup>14</sup> [ as saved for certain purposes by <a href="#">article 3(3)(d)</a> and <a href="#">(4)</a> of the <a href="#">Gambling Act Order</a> ] <sup>16</sup> .
8. Power to license inter-track betting schemes.	<a href="#">Schedules 5ZA</a> to the <a href="#">Betting, Gaming and Lotteries Act 1963</a> <sup>17</sup> [ as saved for certain purposes by <a href="#">article 3(3)(e)</a> of the <a href="#">Gambling Act Order</a> . ] <sup>18</sup>

9. Power to grant permits in respect of premises with amusement machines.	<a href="#">Schedule 9</a> to the <a href="#">Gaming Act 1968 (c. 65)</a> <sup>14</sup> [ as saved for certain purposes by <a href="#">article 4(2)(l) and (m)</a> of the Gambling Act Order] <sup>19</sup> .
10. Power to register societies wishing to promote lotteries.	<a href="#">Schedule 1</a> to the <a href="#">Lotteries and Amusements Act 1976 (c. 32)</a> <sup>14</sup> [ as saved for certain purposes by <a href="#">article 5(2)(a)</a> and <a href="#">(3)</a> of the Gambling Act Order] <sup>20</sup> .
11. Power to grant permits in respect of premises where amusements with prizes are provided.	<a href="#">Schedule 3</a> to the <a href="#">Lotteries and Amusements Act 1976</a> <sup>14</sup> [ as saved for certain purposes by <a href="#">article 5(2)(d)</a> and <a href="#">(5)</a> of the Gambling Act Order] <sup>21</sup> .
12. Power to issue cinema and cinema club licences.	<a href="#">Section 1</a> of the <a href="#">Cinema Act 1985 (c. 13)</a> .
13. Power to issue theatre licences.	<a href="#">Sections 12 to 14</a> of the <a href="#">Theatres Act 1968 (c. 54)</a> <sup>22</sup> .
14. Power to issue entertainments licences.	<a href="#">Section 12</a> of the <a href="#">Children and Young Persons Act 1933 (c. 12)</a> , <a href="#">section 52</a> of, and <a href="#">Schedule 12</a> to, the <a href="#">London Government Act 1963 (c. 33)</a> , <a href="#">section 79</a> of the <a href="#">Licensing Act 1964 (c. 26)</a> , <a href="#">sections 1 to 5</a> and <a href="#">7</a> of, and <a href="#">Parts I and II</a> of the <a href="#">Schedule</a> to, the <a href="#">Private Places of Entertainment (Licensing) Act 1967 (c. 19)</a> and <a href="#">Part I</a> of, and <a href="#">Schedules 1 and 2</a> to, the <a href="#">Local Government (Miscellaneous Provisions) Act 1982 (c. 30)</a> .
[ [14A Any function of a licensing authority] <sup>24</sup> .	[ [ <a href="#">Licensing Act 2003 (c. 17)</a> and any regulations or orders made under that Act] <sup>26</sup> .] <sup>25</sup> <sup>23</sup>
[14AZA Powers and functions relating to late night levy requirements.	<a href="#">Chapter 2</a> of <a href="#">Part 2</a> of the <a href="#">Police Reform and Social Responsibility Act 2011 (c. 13)</a> and any regulations made under that Chapter.] <sup>27</sup>
[14AA Duty to comply with requirement to provide information to Gambling Commission.	[ <a href="#">Section 29</a> of the [2005 Act] <sup>30</sup> . ] <sup>29</sup> <sup>28</sup>
[14AB Functions relating to exchange of information.	[ <a href="#">Section 30</a> of the 2005 Act.] <sup>32</sup> <sup>31</sup>

[14AC Functions relating to occasional use notices.	[ <a href="#">Section 39</a> of the 2005 Act.] <sup>34</sup> ] <sup>33</sup>
[14B Power to resolve not to issue a casino premises licence	<a href="#">Section 166</a> of the 2005 Act.] <sup>35</sup>
[14C. Power to designate officer of a licensing authority as an authorised person for a purpose relating to premises.	[ <a href="#">Section 304</a> of the 2005 Act.] <sup>37</sup> ] <sup>36</sup>
[14CA Power to make order disapplying <a href="#">section 279</a> or <a href="#">282(1)</a> of the 2005 Act in relation to specified premises.	[ <a href="#">Section 284</a> of the 2005 Act.] <sup>39</sup> ] <sup>38</sup>
[14D. Power to institute criminal proceedings <sup>41</sup>	[ <a href="#">Section 346</a> of the 2005 Act.] <sup>42</sup> ] <sup>40</sup>
[14E. Power to exchange information	[ <a href="#">Section 350</a> of the 2005 Act.] <sup>44</sup> ] <sup>43</sup>
[14F. Functions relating to the determination of fees for premises licences.	[The <a href="#">Gambling (Premises Licence Fees) (England and Wales) Regulations 2007</a> (S.I. 2007/479).] <sup>46</sup> ] <sup>45</sup>
[14G Functions relating to the registration and regulation of small society lotteries.	[ <a href="#">Part 5 of Schedule 11</a> to the 2005 Act.] <sup>49</sup> ] <sup>48</sup>
15. Power to license sex shops and sex cinemas.	The <a href="#">Local Government (Miscellaneous Provisions) Act 1982</a> , <a href="#">section 2</a> and <a href="#">Schedule 3</a> .
16. Power to license performances of hypnotism.	The <a href="#">Hypnotism Act 1952 (c. 46)</a> .
17. Power to license premises for acupuncture, tattooing, ear-piercing and electrolysis.	<a href="#">Sections 13 to 17</a> of the <a href="#">Local Government (Miscellaneous Provisions) Act 1982</a> .
18. Power to license pleasure boats and pleasure vessels.	<a href="#">Section 94</a> of the <a href="#">Public Health Acts Amendment Act 1907 (c. 53)</a> <sup>50</sup> .
19. Power to register door staff.	<a href="#">Paragraphs 1(2) and 9</a> of <a href="#">Schedule 12</a> to the <a href="#">London Government Act 1963 (c. 33)</a> and <a href="#">Part V</a> of the <a href="#">London Local Authorities Act 1995 (c. x)</a> .

20. Power to license market and street trading.	<a href="#">Part III</a> of, and <a href="#">Schedule 4</a> to, the <a href="#">Local Government (Miscellaneous Provisions) Act 1982</a> , <a href="#">Part III</a> of the <a href="#">London Local Authorities Act 1990</a> (c. vii) and <a href="#">section 6</a> of the <a href="#">London Local Authorities Act 1994</a> (c. xii).
21. Power to license night cafes and take-away food shops.	<a href="#">Section 2</a> of the <a href="#">Late Night Refreshment Houses Act 1969</a> (c. 53) <sup>51</sup> , <a href="#">Part II</a> of the <a href="#">London Local Authorities Act 1990</a> and <a href="#">section 5</a> of the <a href="#">London Local Authorities Act 1994</a> .
22. Duty to keep list of persons entitled to sell non-medicinal poisons.	<a href="#">Sections 3(1)(b)(ii)</a> , <a href="#">5</a> , <a href="#">6</a> and <a href="#">11</a> of the <a href="#">Poisons Act 1972</a> (c. 66) <sup>52</sup> .
23. Power to license dealers in game and the killing and selling of game.	<a href="#">Sections 5</a> , <a href="#">6</a> , <a href="#">17</a> , <a href="#">18</a> and <a href="#">21 to 23</a> of the <a href="#">Game Act 1831</a> (c. 32); <a href="#">sections 2 to 16</a> of the <a href="#">Game Licensing Act 1860</a> (c. 90), <a href="#">section 4</a> of the <a href="#">Customs and Inland Revenue Act 1883</a> (c. 10), <a href="#">sections 12(3)</a> and <a href="#">27</a> of the <a href="#">Local Government Act 1874</a> (c. 73), and <a href="#">section 213</a> of the <a href="#">Local Government Act 1972</a> (c. 70).
24. Power of register and license premises for the preparation of food.	<a href="#">Section 19</a> of the <a href="#">Food Safety Act 1990</a> (c. 16).
25. Power to license scrap yards.	<a href="#">Section 1</a> of the <a href="#">Scrap Metal Dealers Act 1964</a> (c. 69).
26. Power to issue, amend or replace safety certificates (whether general or special) for sports grounds.	The <a href="#">Safety of Sports Grounds Act 1975</a> (c. 52) <sup>53</sup> .
27. Power to issue, cancel, amend or replace safety certificates for regulated stands at sports grounds.	<a href="#">Part III</a> of the <a href="#">Fire Safety and Safety of Places of Sport Act 1987</a> (c.27).
28. Power to issue fire certificates.	<a href="#">Section 5</a> of the <a href="#">Fire Precautions Act 1971</a> (c.40).
29. Power to license premises for the breeding of dogs.	<a href="#">Section 1</a> of the <a href="#">Breeding of Dogs Act 1973</a> (c. 60) and <a href="#">section 1</a> of the <a href="#">Breeding and Sale of Dogs (Welfare) Act 1999</a> (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.	<a href="#">Section 1</a> of the <a href="#">Pet Animals Act 1951 (c. 35)</a> <sup>54</sup> ; <a href="#">section 1</a> of the <a href="#">Animal Boarding Establishments Act 1963(c. 43)</a> <sup>55</sup> ; the <a href="#">Riding Establishments Acts 1964 and 1970 (1964 c. 70 and 1970 c. 70)</a> <sup>56</sup> ; <a href="#">section 1</a> of the <a href="#">Breeding of Dogs Act 1973 (c. 60)</a> <sup>57</sup> , and <a href="#">sections 1</a> and <a href="#">8</a> of the <a href="#">Breeding and Sale of Dogs (Welfare) Act 1999</a> .
31. Power to register animal trainers and exhibitors.	<a href="#">Section 1</a> of the <a href="#">Performing Animals (Regulation) Act 1925 (c. 38)</a> <sup>58</sup> .
32. Power to license zoos.	<a href="#">Section 1</a> of the <a href="#">Zoo Licensing Act 1981 (c. 37)</a> <sup>59</sup> .
33. Power to license dangerous wild animals.	<a href="#">Section 1</a> of the <a href="#">Dangerous Wild Animals Act 1976 (c. 38)</a> .
34. Power to license knackers' yards.	<a href="#">Section 4</a> of the <a href="#">Slaughterhouses Act 1974</a> . See also the <a href="#">Animal By-Products Order 1999 (S.I. 1999/646)</a> .
35. Power to license the employment of children.	<a href="#">Part II</a> of the <a href="#">Children and Young Persons Act 1933 (c. 33)</a> , byelaws made under that Part, and <a href="#">Part II</a> of the <a href="#">Children and Young Persons Act 1963 (c. 37)</a> .
36. Power to approve premises for the solemnisation of marriages.	<a href="#">Section 46A</a> of the <a href="#">Marriage Act 1949 (c. 76)</a> and the <a href="#">Marriages (Approved Premises) Regulations 1995 (S.I. 1995/510)</a> <sup>60</sup>
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 href="#">Regulation 6</a> of the <a href="#">Commons Registration (New Land) Regulations 1969 (S.I. 1969/1843)</a> .
(a) an exchange of lands effected by an order under <a href="#">section 19(3)</a> of, or <a href="#">paragraph 6(4) of Schedule 3</a> to, the <a href="#">Acquisition of Land Act 1981 (c. 67)</a> or	
(b) an order under <a href="#">section 147</a> of the <a href="#">Inclosure Act 1845 (c. 8 &amp; 9 Vict. c. 118)</a> .	
38. Power to register variation of rights of common.	<a href="#">Regulation 29</a> of the <a href="#">Commons Registration (General) Regulations 1966 (S.I. 1966/1471)</a> <sup>61</sup>

39. Power to license persons to collect for charitable and other causes.	<a href="#">Section 5 of the Police, Factories etc. (Miscellaneous Provisions) Act 1916 (c. 31)</a> and <a href="#">section 2 of the House to House Collections Act 1939 (c. 44)</a> <sup>62</sup>
40. Power to grant consent for the operation of a loudspeaker.	<a href="#">Schedule 2 to the Noise and Statutory Nuisance Act 1993 (c. 40)</a> .
41. Power to grant a street works licence.	<a href="#">Section 50 of the New Roads and Street Works Act 1991 (c. 22)</a> .
42. Power to license agencies for the supply of nurses.	<a href="#">Section 2 of the Nurses Agencies Act 1957 (c. 16)</a> .
43. Power to issue licences for the movement of pigs.	<a href="#">Article 12 of the Pigs (Records, Identification and Movement) Order 1995 (S.I. 1995/11)</a> .
44. Power to license the sale of pigs.	<a href="#">Article 13 of the Pigs (Records, Identification and Movement) Order 1995</a> .
45. Power to license collecting centres for the movement of pigs.	<a href="#">Article 14 of the Pigs (Records, Identification and Movement) Order 1995</a> .
46. Power to issue a licence to move cattle from a market.	<a href="#">Article 5(2) of the Cattle Identification Regulations 1998 (S.I. 1998/871)</a> .
[46A. Power to grant permission for provision, etc of services, amenities, recreation and refreshment facilities on highway, and related powers.	[ <a href="#">Sections 115E, 115F and 115K of the Highways Act 1980.</a> ] <sup>64</sup> <sup>63</sup>
47. Power to permit deposit of builder's skip on highway.	<a href="#">Section 139 of the Highways Act 1980 (c. 66)</a> .
[47A. Duty to publish notice in respect of proposal to grant permission under <a href="#">section 115E</a> of the <a href="#">Highways Act 1980</a> .	[ <a href="#">Section 115G of the Highways Act 1980</a> <sup>66</sup> ] <sup>65</sup> <sup>63</sup>
48. Power to license planting, retention and maintenance of trees etc. in part of highway.	<a href="#">Section 142 of the Highways Act 1980</a> .
49. Power to authorise erection of stiles etc. on footpaths or bridleways.	<a href="#">Section 147 of the Highways Act 1980</a> .

50. Power to license works in relation to buildings etc. which obstruct the highway.	<a href="#">Section 169</a> of the <a href="#">Highways Act 1980</a> .
51. Power to consent to temporary deposits or excavations in streets.	<a href="#">Section 171</a> of the <a href="#">Highways Act 1980</a> .
52. Power to dispense with obligation to erect hoarding or fence.	<a href="#">Section 172</a> of the <a href="#">Highways Act 1980</a> .
53. Power to restrict the placing of rails, beams etc. over highways.	<a href="#">Section 178</a> of the <a href="#">Highways Act 1980</a> .
54. Power to consent to construction of cellars etc. under street.	<a href="#">Section 179</a> of the <a href="#">Highways Act 1980</a> <sup>67</sup> .
55. Power to consent to the making of openings into cellars etc. under streets, and pavement lights and ventilators.	<a href="#">Section 180</a> of the <a href="#">Highways Act 1980</a> .
56. Power to sanction use of parts of buildings for storage of celluloid.	<a href="#">Section 1</a> of the <a href="#">Celluloid and Cinematograph Film Act 1922 (c. 35)</a> .
57. Power to approve meat product premises.	<a href="#">Regulations 4 and 5</a> of the <a href="#">Meat Products (Hygiene) Regulations 1994</a> (S.I. 1994/3082) <sup>68</sup>
58. Power to approve premises for the production of minced meat or meat preparations.	<a href="#">Regulation 4</a> of the <a href="#">Minced Meat and Meat Preparations (Hygiene) Regulations 1995</a> (S.I. 1995/3205).
59. Power to approve dairy establishments.	<a href="#">Regulations 6 and 7</a> of the <a href="#">Dairy Products (Hygiene) Regulations 1995</a> (S.I. 1995/1086) <sup>69</sup> .
60. Power to approve egg product establishments.	<a href="#">Regulation 5</a> of the <a href="#">Egg Products Regulations 1993</a> (S.I. 1993/1520).
61. Power to issue licences to retail butchers' shops carrying out commercial operations in relation to unwrapped raw meat and selling or supplying both raw meat and ready-to-eat foods.	<a href="#">Schedule 1A</a> to the <a href="#">Food Safety (General Food Hygiene) Regulations 1995</a> (S.I. 1995/1763) <sup>70</sup> .
62. Power to approve fish products premises.	<a href="#">Regulation 24</a> of the <a href="#">Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998</a> (S.I. 1998/994).

63. Power to approve dispatch or purification centres.	<a href="#">Regulation 11</a> of the <a href="#">Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998</a> .
64. Power to register fishing vessels on board which shrimps or molluses are cooked.	<a href="#">Regulation 21</a> of the <a href="#">Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998</a> .
65. Power to approve factory vessels and fishery product establishments.	<a href="#">Regulation 24</a> of the <a href="#">Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998</a> .
66. Power to register auction and wholesale markets.	<a href="#">Regulation 26</a> of the <a href="#">Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998</a> .
67. Duty to keep register of food business premises.	<a href="#">Regulation 5</a> of the <a href="#">Food Premises (Registration) Regulations 1991</a> (S.I. 1991/2828).
68. Power to register food business premises.	<a href="#">Regulation 9</a> of the <a href="#">Food Premises (Registration) Regulations 1991</a> .
[69. Power to issue near beer licence.	<a href="#">Sections 16 to 19</a> and <a href="#">21</a> of the <a href="#">London Local Authorities Act 1995 (c.x.)</a> and, to the extent that it does not have effect by virtue of <a href="#">regulation 2(3)</a> , <a href="#">section 25</a> of that Act.] <sup>71</sup>
[70. Power to register premises or stalls for the sale of goods by way of competitive bidding.	<a href="#">Section 28</a> of the <a href="#">Greater London Council (General Powers) Act 1984 (c.xxvii)</a> .] <sup>71</sup>
[71. Power to register motor salvage operators.	<a href="#">Part I</a> of the <a href="#">Vehicles (Crime) Act 2001 (c.3)</a> .] <sup>72</sup>
[72. Functions relating to the registration of common land and town or village greens.	<a href="#">Part 1</a> of the <a href="#">Commons Act 2006 (c.26)</a> and the <a href="#">Commons Registration (England) Regulations 2008</a> (S.I. 2008/1961) <sup>74</sup> .] <sup>73</sup>

<b>C. Functions relating to health and safety at work</b>	
Functions under any of the “relevant statutory provisions” within the meaning of <a href="#">Part I</a> (health, safety and welfare in connection with work, and control of dangerous substances) of the <a href="#">Health and Safety at Work etc. Act 1974</a> , to the extent that those functions are discharged otherwise than in the authority's capacity as an employer.	<a href="#">Part I</a> of the <a href="#">Health and Safety at Work etc. Act 1974 (c. 37)</a> <sup>75</sup>
<b>D. Functions relating to elections</b>	
1. Duty to appoint an electoral registration officer.	<a href="#">Section 8(2)</a> of the <a href="#">Representation of the People Act 1983 (c. 2)</a> <sup>76</sup> .
2. Power to assign officers in relation to requisitions of the registration officer.	<a href="#">Section 52(4)</a> of the <a href="#">Representation of the People Act 1983</a> .
3. Functions in relation to parishes and parish councils.	<a href="#">Part II</a> of the <a href="#">Local Government and Rating Act 1997 (c. 29)</a> and subordinate legislation under that Part.
4. Power to dissolve small parish councils.	<a href="#">Section 10</a> of the <a href="#">Local Government Act 1972</a> .
5. Power to make orders for grouping parishes, dissolving groups and separating parishes from groups.	<a href="#">Section 11</a> of the <a href="#">Local Government Act 1972</a> .
6. Duty to appoint returning officer for local government elections.	<a href="#">Section 35</a> of the <a href="#">Representation of the People Act 1983</a> .
7. Duty to provide assistance at European Parliamentary elections.	[ <a href="#">Section 6(7) and (8)</a> of the <a href="#">European Parliamentary Elections Act 2002 (c.24)</a> ] <sup>77</sup>
8. Duty to divide constituency into polling districts.	[ <a href="#">sections 18A to 18E</a> of, and <a href="#">Schedule A1</a> to, the <a href="#">Representation of the People Act 1983</a> ] <sup>78</sup> .
9. Power to divide electoral divisions into polling districts at local government elections.	<a href="#">Section 31</a> of the <a href="#">Representation of the People Act 1983</a> .
10. Powers in respect of holding of elections.	<a href="#">Section 39(4)</a> of the <a href="#">Representation of the People Act 1983</a> .

11. Power to pay expenses properly incurred by electoral registration officers.	<a href="#">Section 54</a> of the <a href="#">Representation of the People Act 1983</a> .
12. Power to fill vacancies in the event of insufficient nominations.	<a href="#">Section 21</a> of the <a href="#">Representation of the People Act 1985</a> .
13. Duty to declare vacancy in office in certain cases.	<a href="#">Section 86</a> of the <a href="#">Local Government Act 1972</a> .
14. Duty to give public notice of a casual vacancy.	<a href="#">Section 87</a> of the <a href="#">Local Government Act 1972</a> .
15. Power to make temporary appointments to parish councils.	<a href="#">Section 91</a> of the <a href="#">Local Government Act 1972</a> .
17. Power to submit proposals to the Secretary of State for an order under <a href="#">section 10</a> (pilot schemes for local elections in England and Wales) of the <a href="#">Representation of the People Act 2000</a> .	<a href="#">Section 10</a> of the <a href="#">Representation of the People Act 2000 (c. 2)</a> .
[18. Duty to consult on change of scheme for elections.	<a href="#">Sections 33(2), 38 (2) and 40(2)</a> of the 2007 Act.] <sup>80</sup>
[19. Duties relating to publicity.	<a href="#">Sections 35, 41 and 52</a> of the 2007 Act.] <sup>80</sup>
[20. Duties relating to notice to Electoral Commission.	<a href="#">Sections 36 and 42</a> of the 2007 Act.] <sup>80</sup>
[21. Power to alter years of ordinary elections of parish councillors.	<a href="#">Section 53</a> of the 2007 Act.] <sup>80</sup>
[22. Functions relating to change of name of electoral area.	<a href="#">Section 59</a> of the 2007 Act.] <sup>80</sup>
<b>E. Functions relating to name and status of areas and individuals</b>	
1. Power to change the name of a county, district or London borough.	<a href="#">Section 74</a> of the <a href="#">Local Government Act 1972</a> .
2. Power to change the name of a parish.	<a href="#">Section 75</a> of the <a href="#">Local Government Act 1972</a> .

3. Power to confer title of honorary alderman or to admit to be an honorary freeman.	<a href="#">Section 249</a> of the <a href="#">Local Government Act 1972</a> .
4. Power to petition for a charter to confer borough status.	<a href="#">Section 245b</a> of the <a href="#">Local Government Act 1972</a> .
<b>[EB. Functions relating to community governance</b>	] <sup>81</sup>
[1. Duties relating to community governance reviews.	<a href="#">Section 79</a> of the 2007 Act.] <sup>81</sup>
[2. Functions relating to community governance petitions.	<a href="#">Sections 80, 83 to 85</a> of the 2007 Act.] <sup>81</sup>
[3. Functions relating to terms of reference of review.	<a href="#">Sections 81(4) to (6)</a> .] <sup>81</sup>
[4. Power to undertake a community governance review.	<a href="#">Section 82</a> of the 2007 Act.] <sup>81</sup>
[5. Functions relating to making of recommendations.	<a href="#">Sections 87 to 92</a> of the 2007 Act.] <sup>81</sup>
[6. Duties when undertaking review.	<a href="#">Section 93 to 95</a> of the 2007 Act.] <sup>81</sup>
[7. Duty to publicise outcome of review.	<a href="#">Section 96</a> of the 2007 Act.] <sup>81</sup>
[8. Duty to send two copies of order to Secretary of State and Electoral Commission.	<a href="#">Section 98(1)</a> of the 2007 Act.] <sup>81</sup>
[9. Power to make agreements about incidental matters.	<a href="#">Section 99</a> of the 2007 Act.] <sup>81</sup>
<b>[F. Power to make, amend, revoke, re-enact or enforce byelaws.]<sup>83</sup></b>	Any provision of any enactment (including a local Act), whenever passed, and <a href="#">section 14</a> of the <a href="#">Interpretation Act 1978 (c. 30)</a> <sup>84</sup> .

[ <b>FA. Functions relating to smoke-free premises, etc</b>	] <sup>85</sup>
<b>(1)</b>	<b>(2)</b>
[ <b>Function</b>	<b>Provision of Act or Statutory Instrument]</b> <sup>85</sup>
[1. Duty to enforce Chapter 1 and regulations made under it.	<a href="#">Section 10(3)</a> of the 2006 Act.] <sup>85</sup>
[2. Power to authorise officers.	<a href="#">Section 10(5)</a> of, and <a href="#">paragraph 1 of Schedule 2</a> to, the 2006 Act.] <sup>85</sup>
[3. Functions relating to fixed penalty notices.	<a href="#">Paragraphs 13, 15 and 16 of Schedule 1</a> to the 2006 Act.] <sup>85</sup>
[	<a href="#">Smoke-free (Vehicle Operators and Penalty Notices) Regulations 2007</a> (S.I. 2006/760).] <sup>85</sup>
[4. Power to transfer enforcement functions to another enforcement authority.	<a href="#">Smoke-free (Premises and Enforcement) Regulations 2006</a> (S.I. 2006/3368).] <sup>85</sup>
<b>G. Power to promote or oppose local or personal Bills.</b>	<a href="#">Section 239</a> of the <a href="#">Local Government Act 1972</a> .
<b>H. Functions relating to pensions etc.</b>	
1. Functions relating to local government pensions, etc.	Regulations under <a href="#">section 7, 12 or 24</a> of the <a href="#">Superannuation Act 1972 (c. 11)</a> <sup>86</sup> .
[2 Functions under the Fire-fighters' Pension Scheme relating to pensions, etc as respects persons employed by fire and rescue authorities pursuant to <a href="#">section 1</a> of the <a href="#">Fire and Rescue Services Act 2004</a> ] <sup>87</sup>	[ <a href="#">Sections 34 and 36</a> of the <a href="#">Fire and Rescue Services Act 2004 (c. 21)</a> ] <sup>88</sup>
[ <b>I. Miscellaneous functions</b>	] <sup>89</sup>
[Part I: <i>functions relating to public rights of way</i>	] <sup>89</sup>
[1. Power to create footpath [, bridleway or restricted byway] <sup>90</sup> by agreement.	<a href="#">Section 25</a> of the <a href="#">Highways Act 1980 (c. 60)</a> .] <sup>89</sup>

[2. Power to create footpaths [, bridleways and restricted byways] <sup>90</sup> .	<a href="#">Section 26</a> of the <a href="#">Highways Act 1980.</a> <sup>89</sup>
[3. Duty to keep register of information with respect to maps, statements and declarations.	<a href="#">Section 31A</a> of the <a href="#">Highways Act 1980.</a> <sup>89</sup>
[4. Power to stop up footpaths [, bridleways and restricted byways] <sup>90</sup> .	<a href="#">Section 118</a> of the <a href="#">Highways Act 1980.</a> <sup>89</sup>
[5. Power to determine application for public path extinguishment order.	Sections <a href="#">118ZA</a> and <a href="#">118C(2)</a> of the <a href="#">Highways Act 1980.</a> <sup>89</sup>
[6. Power to make a rail crossing extinguishment order.	<a href="#">Section 118A</a> of the <a href="#">Highways Act 1980.</a> <sup>89</sup>
[7. Power to make a special extinguishment order.	<a href="#">Section 118B</a> of the <a href="#">Highways Act 1980.</a> <sup>89</sup>
[8. Power to divert footpaths [, bridleways and restricted byways] <sup>90</sup> .	<a href="#">Section 119</a> of the <a href="#">Highways Act 1980.</a> <sup>89</sup>
[9. Power to make a public path diversion order.	Sections <a href="#">119ZA</a> and <a href="#">119C(4)</a> of the <a href="#">Highways Act 1980.</a> <sup>89</sup>
[10. Power to make a rail crossing diversion order.	<a href="#">Section 119A</a> of the <a href="#">Highways Act 1980.</a> <sup>89</sup>
[11. Power to make a special diversion order.	<a href="#">Section 119B</a> of the <a href="#">Highways Act 1980.</a> <sup>89</sup>
[12. Power to require applicant for order to enter into agreement.	Section <a href="#">119C(3)</a> of the <a href="#">Highways Act 1980.</a> <sup>89</sup>
[13. Power to make an SSSI diversion order.	<a href="#">Section 119D</a> of the <a href="#">Highways Act 1980.</a> <sup>89</sup>
[14. Duty to keep register with respect to applications under sections <a href="#">118ZA</a> , <a href="#">118C</a> , <a href="#">119ZA</a> and <a href="#">119C</a> of the <a href="#">Highways Act 1980.</a>	<a href="#">Section 121B</a> of the <a href="#">Highways Act 1980.</a> <sup>89</sup>
[15. Power to decline to determine certain applications.	Section <a href="#">121C</a> of the <a href="#">Highways Act 1980.</a> <sup>89</sup>

[16. Duty to assert and protect the rights of the public to use and enjoyment of highways.]	<a href="#">Section 130</a> of the <a href="#">Highways Act 1980</a> .] <sup>89</sup>
[17. Duty to serve notice of proposed action in relation to obstruction.]	<a href="#">Section 130A</a> of the <a href="#">Highways Act 1980</a> .] <sup>89</sup>
[18. Power to apply for variation of order under <a href="#">section 130B</a> of the <a href="#">Highways Act 1980</a> .]	<a href="#">Section 130B(7)</a> of the <a href="#">Highways Act 1980</a> .] <sup>89</sup>
[19. Power to authorise temporary disturbance of surface of footpath [, bridleway or restricted byway] <sup>90</sup> .]	<a href="#">Section 135</a> of the <a href="#">Highways Act 1980</a> .] <sup>89</sup>
[20. Power temporarily to divert footpath [, bridleway or restricted byway] <sup>90</sup> .]	Section 135A of the <a href="#">Highways Act 1980</a> .] <sup>89</sup>
[21. Functions relating to the making good of damage and the removal of obstructions.]	Section 135B of the <a href="#">Highways Act 1980</a> .] <sup>89</sup>
[22. Powers relating to the removal of things so deposited on highways as to be a nuisance.]	<a href="#">Section 149</a> of the <a href="#">Highways Act 1980</a> .] <sup>89</sup>
[23. Power to extinguish certain public rights of way.]	<a href="#">Section 32</a> of the <a href="#">Acquisition of Land Act 1981 (c. 67)</a> .] <sup>89</sup>
[24. Duty to keep definitive map and statement under review.]	<a href="#">Section 53</a> of the <a href="#">Wildlife and Countryside Act 1981 (c. 69)</a> .] <sup>89</sup>
[25. Power to include modifications in other orders.]	<a href="#">Section 53A</a> of the <a href="#">Wildlife and Countryside Act 1981</a> .] <sup>89</sup>
[26. Duty to keep register of prescribed information with respect to applications under <a href="#">section 53(5)</a> of the <a href="#">Wildlife and Countryside Act 1981</a> .]	<a href="#">Section 53B</a> of the <a href="#">Wildlife and Countryside Act 1981</a> .] <sup>89</sup>
[28. Power to prepare map and statement by way of consolidation of definitive map and statement.]	<a href="#">Section 57A</a> of the <a href="#">Wildlife and Countryside Act 1981</a> .] <sup>89</sup>
[29. Power to designate footpath as cycle track.]	<a href="#">Section 3</a> of the <a href="#">Cycle Tracks Act 1984 (c. 38)</a> .] <sup>89</sup>

[30. Power to extinguish public right of way over land acquired for clearance.	<a href="#">Section 294</a> of the <a href="#">Housing Act 1981 (c. 68).</a> ] <sup>89</sup>
[31. Power to authorise stopping-up or diversion of footpath [, bridleway or restricted byway] <sup>90</sup> .	<a href="#">Section 257</a> of the <a href="#">Town and Country Planning Act 1990.</a> ] <sup>89</sup>
[32. Power to extinguish public rights of way over land held for planning purposes.	Section 258 of the Town and Country Planning Act 1990.] <sup>89</sup>
[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).] <sup>89</sup>
[34. Power to provide access in absence of agreement.	Section 37 of the Countryside and Rights of Way Act 2000.] <sup>89</sup>
[Part II: <i>other miscellaneous functions</i>	] <sup>89</sup>
[35. Functions relating to sea fisheries.	<a href="#">Sections 1, 2, 10</a> and <a href="#">19</a> of the <a href="#">Sea Fisheries Regulation Act 1966 (c. 38).</a> ] <sup>89</sup>
[36. Power to make standing orders.	<a href="#">Section 106</a> of, and <a href="#">paragraph 42</a> of <a href="#">Schedule 12</a> to, the <a href="#">Local Government Act 1972 (c. 70).</a> ] <sup>89</sup>
[37. Power to appoint staff, and to determine the terms and conditions on which they hold office (including procedures for their dismissal).	<a href="#">Section 112</a> of the <a href="#">Local Government Act 1972.</a> ] <sup>89</sup>
[38. Power to make standing orders as to contracts.	<a href="#">Section 135</a> of the <a href="#">Local Government Act 1972.</a> ] <sup>89</sup>
[39. Duty to make arrangements for proper administration of financial affairs etc.	<a href="#">Section 151</a> of the <a href="#">Local Government Act 1972.</a> ] <sup>89</sup>
[40. Power to appoint officers for particular purposes (appointment of "proper officers").	<a href="#">Section 270(3)</a> of the <a href="#">Local Government Act 1972.</a> ] <sup>89</sup>
[41. Power to make limestone pavement order.	<a href="#">Section 34(2)</a> of the <a href="#">Wildlife and Countryside Act 1981 (c. 69).</a> ] <sup>89</sup>
[42. Power to make closing order with respect to take-away food shops.	<a href="#">Section 4</a> of the <a href="#">Local Government (Miscellaneous Provisions) Act 1982 (c. 30).</a> ] <sup>89</sup>

[43. Duty to designate officer as the head of the authority's paid service, and to provide staff, etc.	<a href="#">Section 4(1)</a> of the <a href="#">Local Government and Housing Act 1989 (c. 42).</a> ] <sup>89</sup>
[44. Duty to designate officer as the monitoring officer, and to provide staff, etc.	<a href="#">Section 5(1)</a> of the <a href="#">Local Government and Housing Act 1989.</a> ] <sup>89</sup>
[44A. Duty to provide staff, etc to person nominated by monitoring officer.	[ <a href="#">Sections 82A(4) and (5)</a> of the <a href="#">Local Government Act 2000</a> <sup>93</sup> ] <sup>92</sup> ] <sup>91</sup>
[44B. Powers relating to overview and scrutiny committees (voting rights of co-opted members).	[ <a href="#">Paragraphs 12 and 14 of Schedule 1</a> to the <a href="#">Local Government Act 2000.</a> ] <sup>94</sup> ] <sup>91</sup>
[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 <a href="#">Accounts and Audit Regulations 1996</a> (S.I. 1996/590).] <sup>89</sup>
[46. Powers relating to the protection of important hedgerows.	The <a href="#">Hedgerows Regulations 1997</a> (S.I. 1997/1160).] <sup>89</sup>
[47. Powers relating to the preservation of trees.	<a href="#">Sections 197 to 214D</a> of the <a href="#">Town and Country Planning Act 1990</a> , and the <a href="#">Trees Regulations 1999</a> (S.I. 1999/1892).] <sup>89</sup>
[47A. Powers relating to complaints about high hedges.	<a href="#">Part 8</a> of the <a href="#">Anti-Social Behaviour Act 2003.</a> ] <sup>95</sup>
[48. Power to make payments or provide other benefits in cases of maladministration etc.	<a href="#">Section 92</a> of the <a href="#">Local Government Act 2000.</a> ] <sup>89</sup>
[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.	<a href="#">Section 13(2)</a> of the <a href="#">Criminal Justice and Police Act 2001 (c. 16).</a> ] <sup>96</sup>
[50. Power to make or revoke an order designating a locality as an alcohol disorder zone.	<a href="#">Section 16</a> of the <a href="#">Violent Crime Reduction Act 2006 (c. 38).</a> ] <sup>97</sup>
[51. Power to apply for an enforcement order against unlawful works on common land.	[ <a href="#">Section 41</a> of the <a href="#">Commons Act 2006.</a> ] <sup>99</sup> ] <sup>98</sup>

[52. Power to protect unclaimed registered common land and unclaimed town or village greens against unlawful interference.	[ <a href="#">Section 45(2)(a)</a> of the <a href="#">Commons Act 2006</a> .] <sup>101</sup> ] <sup>100</sup>
[53. Power to institute proceedings for offences in respect of unclaimed registered common land and unclaimed town or village greens.	[ <a href="#">Section 45(2)(b)</a> of the <a href="#">Commons Act 2006</a> .] <sup>103</sup> ] <sup>102</sup>

Note: These functions listed above can be delegated to council committees or to officers but they can't be delegated to the Executive.

## **A number of functions are ‘local choice’ or ‘hybrid’**

The following lists sets out the functions are the ones that the Council has opted through local choice to retain as full council functions as referred to in regulation 3 and set out in schedule 2 of the regulations as follows:

Making agreements to put the staff of the Council at the disposal of other authorities
Any function under a local Act (except sections 4 & 5 of the Ipswich Market Act 2004 which are Executive functions)
The conducting of best value reviews
The obtaining of particulars of persons interested in land under section 16 of the Local Government (Miscellaneous Provisions) Act 1976.
The appointment of any individual – (a) to any office other than an office in which he is employed by the authority; (b) to any body other than – (i) the authority; a. 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.
Councillors’ allowances
Applying for consent for consent to dispose of housing land in a disposal programme under S32 HA 1985 + S135 Leasehold Reform Housing and Urban Development Act

## **Hybrid/Joint functions**

The following list sets out hybrid functions that are not the sole responsibility of the Executive and therefore need to also be considered by full Council under regulation 4.

Best Value Performance Plan
Crime and Disorder Reduction Strategy
Local Authority Policy Statement under the Gambling Act 2005
Community Strategy
Local Plan
Development Plan Documents
Capital Programme
Treasury Management Policy

Any other plan or strategy that full Council wants to approve
Setting the budget and the Council Tax

Where a function is a Council function then the following allied functions are also council functions:

- imposing conditions on licences, permissions etc
- fixing the terms to which any such approval etc is subject
- enforcing Council functions
- amending or revoking any licence or permission etc
- anything conducive or incidental to a Council function

Deciding appeals against any decision (whether executive or council functions) is a council function.