

PART 3
SECTION B: Responsibility for Functions

1. Functions Reserved to Full Council

1.1 The functions identified in Table 1 below are reserved to full Council.

1)	approving adopting or amending this Constitution;
2)	approving, adopting or amending the Policy Framework and the Budget;
3)	subject to the urgency procedure contained in the Access to Information Procedure Rules set out in Section D of Part 4 of this Constitution, the making of any decisions about any matter in the discharge of a Cabinet Function which is covered by the Policy Framework or the Budget, where the decision maker is minded to make it in a manner which would not be in accordance with, or contrary to, the Policy Framework and/or the Budget;
4)	making, amending, revoking or adopting, bye-laws or promoting or opposing local acts;
5)	establishing and agreeing and/or amending the terms of reference of any Committee of the Council (other than a Committee of the Cabinet) including its composition and the making of appointments to it;
6)	appointing the Cabinet Leader and to receive the Leader's choice of appointments to the Cabinet;
7)	appointing representatives to outside bodies unless the appointment is a Cabinet Function or has been delegated by the Council to the Cabinet, a committee or an officer;
8)	following consultation with the independent panel established by the Council for the purposes of making recommendation to the Council in connection therewith, the adoption or amendment of a scheme of allowances for the Council;
9)	changing the name of the District or conferring the title of Honorary Alderman;
10)	specifying contracts above a specified value or of a specified description which must be in writing;
11)	confirming the appointment or dismissal of the Head of Paid Service; and
12)	all other matters which by law must be reserved to full Council.

Together with - all those matters for the time being specified as functions not to be the responsibility of an authority's executive (cabinet) in the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 and any other regulations amending, modifying and/or expanding same – which shall include:

- the functions of imposing any conditions, limitation or other restriction on an approval, consent, licence, permission or registration granted in the exercise of any of those functions and determining any other terms to which any such approval, consent, licence, permission or registration is subject;
- the function of determining whether and in what matter to enforce any failure to comply with an approval, consent, licence, permission or registration granted; any failure to comply with a condition, limitation or term to which any such approval, consent, licence, permission or registration is subject or any other contravention in relation to a matter with regard to which the function of determining an application, for approval, consent, licence permission or registration;
- the function of amending, modifying or varying any such approval, consent, licence, permission or registration or any condition, limitation or term to which it is subject or revoking any such approval, consent, licence, permission or registration.

2. Council Functions That May Be Referred or Delegated

- 2.1 The functions identified in the left hand column of Table 2 below by reference to the enactment specified in the right hand column are the responsibility of full Council, but may be referred or delegated to a Committee or Sub-Committee of the Council in accordance with Section G of this Part of the Constitution. Any delegation of a Council function to an Officer is described in the Scheme of Delegations to Officers set out in Section B of Part 7 of this Constitution.

TABLE 2: COUNCIL FUNCTIONS THAT MAY BE REFERRED OR DELEGATED	
Note:	
<ul style="list-style-type: none"> Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended from time to time) (with delegated authority given to the Head of Legal and Democratic Services/Monitoring Officer to update the function/responsibilities recited herein as a consequence of changes to the 2000 Regulations from time to time/as necessary 	
Function	Enactment
A - Functions relating to Town and Country Planning and Development Control	
1) Power to determine applications for Planning permission.	Sections 70(1) (a) and (b) and 72 of the Town and Country Planning Act 1990.
2) Power to determine applications to develop land without compliance with conditions previously attached.	Section 73 of the Town and Country Planning Act 1990.
3) Power to grant planning permission for development already carried out.	Section 73A of the Town and Country Planning Act 1990.
4) Power to decline to determine applications for planning permission.	Section 70A of the Town and Country Planning Act 1990.
5) 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.
6) Power to determine applications for planning permission made by a local authority, alone or jointly with another person.	Section 316 of the Town and Country Planning Act 1990 and the Town and Country Planning General Regulations 1992 (S.I. 1992/1492).

7)	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).
8)	Power to enter into agreements regulating development or use of land.	Section 106 of the Town and Country Planning Act 1990.
9)	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.
10)	Power to serve a completion notice.	Section 94(2) of the Town and Country Planning Act 1990.
11)	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.
12)	Power to authorise entry onto land.	Section 196A of the Town and Country Planning Act 1990.
13)	Power to require the discontinuance of a use of land.	Section 102 of the Town and Country Planning Act 1990.
14)	Power to serve a planning contravention notice, breach of condition notice, stop notice or temporary stop notice.	Sections 171C, 187A, 183(1) and 171E of the Town and Country Planning Act 1990.
15)	Power to issue an enforcement notice.	Section 172 of the Town and Country Planning Act 1990.
16)	Power to apply for an injunction restraining a breach of planning control.	Section 187B of the Town and Country Planning Act 1990.
17)	Power to determine applications for hazardous substances consent, and related powers.	Sections 9(1) and 10 of the Planning (Hazardous Substances) Act 1990.
18)	Power to require proper maintenance of land.	Section 215(1) of the Town and Country Planning Act 1990.
19)	Power to determine applications for listed building consent, and related powers.	Sections 16(1) and (2), 17 and 33(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
20)	Power to determine applications for conservation area consent.	Section 16(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, as applied by section 74(3) of that Act.
21)	Duties relating to applications for listed building consent and conservation area consent.	Sections 13(1) and 14(1) and (4) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and regulations 3 to 6 and 13 of the Planning (Listed Buildings and Conservation Areas) Regulations 1990 and paragraphs 8, 15 and 26 of Department of the Environment Transport and the Regions Circular 01/01.

22)	Power to serve a building preservation notice and related powers.	Sections 3(1) and 4(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
23)	Power to issue enforcement notices in relation to demolition of listed building in conservation area.	Section 38 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
24)	Powers to acquire a listed building in need of repair and to serve a repairs notice.	Sections 47 and 48 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
25)	Power to apply for an injunction in relation to a listed building.	Section 44A of the Planning (Listed Buildings and Conservation Areas) Act 1990.
26)	Power to execute urgent works.	Section 54 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
27)	Powers relating to the preservation of trees.	Sections 197 to 214D of the Town and Country Planning Act 1990 and the Trees Regulations 1999 (S.I. 1999/1892).
28)	Powers relating to the protection of important hedgerows.	The Hedgerows Regulations 1997 (S.I. 1997/1160).
29)	Powers to issue a remedial notice in relation to a hedge adversely affecting the reasonable enjoyment of domestic property.	Section 69 of the Anti Social Behaviour Act 2003
29a)	SI 2005 No. 714 Powers relating to complaints about high hedges.	Part 8 of Anti-Social Behaviour Act 2003.
30)	Power to enter neighbouring land.	Section 74 of the Anti Social Behaviour Act 2003
31)	Power to carry out works in default of compliance with a remedial notice.	Section 77 of the Anti Social Behaviour Act 2003
32)	Power to enter land.	Section 324 of the Town and Country Planning Act 1990.
33)	Power to obtain information as to interests in land.	Section 330 of the Town and Country Planning Act 1990.
B - Licensing and registration functions (in so far as not covered by any other paragraph of this Table)		
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.
2)	Power to license the use of moveable dwellings and camping sites.	Section 269(1) of the Public Health Act 1936.

3) Power to license hackney carriages and private hire vehicles.	(a) as to hackney carriages, the Town Police Clauses Act 1847, as extended by section 171 of the Public Health Act 1875, and section 15 of the Transport Act 1985; and sections 47, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976; (b) as to private hire vehicles, sections 48, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976.
4) Power to license drivers of hackney carriages and private hire vehicles.	Sections 51, 53, 54, 59, 61 and 79 of the Local Government (Miscellaneous Provisions) Act 1976.
5) Power to license operators of hackney carriages and private hire vehicles.	Sections 55 to 58, 62 and 79 of the Local Government (Miscellaneous Provisions) Act 1976.
5a) Power to register pool promoters.	Schedule 2 to the Betting, Gaming and Lotteries Act 1963 (c.2) as saved for certain purposes by the Gambling Act Order. Note: The Gambling Act Order means the Gambling Act 2005 (Commencement No. 6 and Transitional Provisions) Order 2006.
5b) Power to grant track betting licences.	Schedule 3 to the Betting, Gaming and Lotteries Act 1963 as saved for certain purposes by the Gambling Act Order.
5c) Power to license inter-track betting schemes.	Schedules 5ZA to the Betting, Gaming and Lotteries Act 1963 as saved for certain purposes by the Gambling Act Order.
5d) Power to grant permits in respect of premises with amusement machines.	Schedule 9 to the Gaming Act 1968 (c.65), as saved for certain purposes by the Gambling Act Order.
5e) Power to register societies wishing to promote lotteries.	Schedule 1 to the Lotteries and Amusements Act 1976 (c.32), as saved for certain purposes by the Gambling Act Order.
5f) Power to grant permits in respect of premises where amusements with prizes are provided.	Schedule 3 to the Lotteries and Amusements Act 1976, as saved for certain purposes by the Gambling Act Order.
5g) Power to issue cinema and cinema club licences.	Section 1 of the Cinema Act 1985 (c.13).
5h) Power to issue theatre licences.	Sections 12 to 14 of the Theatres Act 1968 (c.54).

5i)	Power to issue entertainments licences.	Section 12 of the Children and Young Persons Act 1933 (c.12), section 52 of and Schedule 12 to, the London Government Act: 1963 (c.33). Section 79 of the Licensing Act 1964 (c.26). Sections 1 to 5 and 7 of and Parts 1 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).
6)	Power to license sex shops and sex cinemas.	The Local Government (Miscellaneous Provisions) Act 1982, section 2 and Schedule 3 (as amended by Paragraph 85 of Schedule 6 Licensing Act 2003).
7)	Power to license performances of hypnotism.	The Hypnotism Act 1952.
8)	Power to license premises for acupuncture, tattooing, ear-piercing and electrolysis.	Sections 13 to 17 of the Local Government (Miscellaneous Provisions) Act 1982.
9)	Power to license pleasure boats and pleasure vessels.	Section 94 of the Public Health Acts Amendment Act 1907.
10)	Power to license market and street trading.	Part III of, and Schedule 4 to, the Local Government (Miscellaneous Provisions) Act 1982.
11)	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.
12)	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; sections 2 to 16 of the Game Licensing Act 1860 , section 4 of the Customs and Inland Revenue Act 1883, sections 12(3) and 27 of the Local Government Act 1874 , and section 213 of The Local Government Act 1972.
13)	Power to register and license premises for the preparation of food.	Section 19 of the Food Safety Act 1990.
14)	Power to license scrap yards.	Section 1 of the Scrap Metal Dealers Act 1964.
15)	Power to regulate Motor Salvage Operators.	Vehicle (Crime) Act 2001 and Motor Salvage Operators Regulations 2002
16)	Power to issue, amend or replace safety certificates (whether general or special) for sports grounds.	The Safety of Sports Grounds Act 1975.
16a)	Power to issue safety certificates.	The Regulatory Reform (Fire Safety) Order 2005

17)	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.
18)	Power to license premises for the breeding of dogs.	Section 1 of the Breeding of Dogs Act 1973 and section 1 of the Breeding and Sale of Dogs (Welfare) Act 1999.
19)	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; section 1 of the Animal Boarding Establishments Act 1963; the Riding Establishments Acts 1964 and 1970; Section 1 of the Breeding of Dogs Act 1973, and sections 1 and 8 of the Breeding and Sale of Dogs (Welfare) Act 1999.
20)	Power to register animal trainers and exhibitors.	Section 1 of the Performing Animals (Regulation) Act 1925.
21)	Power to license zoos.	Section 1 of the Zoo Licensing Act 1981.
22)	Power to license dangerous wild animals.	Section 1 of the Dangerous Wild Animals Act 1976.
23)	Power to license knackers' yards.	Section 4 of the Slaughterhouses Act 1974. See also the Animal By-Products Order 1999 (S.I. 1999/646).
23a)	Power to approve Premises for the solemnization of marriages.	Section 46A of the Marriages Act 1949 and the Marriages (Approved Premises) Regulations 1995.
24)	Power to license persons to collect for charitable and other causes.	Section 5 of the Police, Factories etc. (Miscellaneous Provisions) Act 1916 and Section 2 of the House to House Collections Act 1939.
25)	Power to grant consent for the operation of a loudspeaker.	Schedule 2 to the Noise and Statutory Nuisance Act 1993.
26)	Power to license agencies for the supply of nurses.	Section 2 of the Nurses Agencies Act 1957.
27)	Power to approve meat product premises.	Regulations 4 and 5 of the Meat Products (Hygiene) Regulations 1994 (S.I. 1994/3082).
28)	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).
28a)	Power to issue licences for movement of pigs.	Article 12 of the Pigs (Records, Identification and Movement) Order 1995.
28b)	Power to license the sale of pigs.	Article 13 of the above 1995 Order.
28c)	Power to license collecting centres for the movement of pigs.	Article 14 of the above 1995 Order.
28d)	Power to issue a licence to move cattle from a market.	Article 5(2) of the Cattle Identification Regulations 1998.

29)	Power to approve dairy establishments.	Regulations 6 and 7 of the Dairy Products (Hygiene) Regulations 1995 (S.I. 1995/1086).
30)	Power to approve egg product establishments.	Regulation 5 of the Egg Products Regulations 1993 (S.I. 1993/1520).
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.	Schedule 1A to the Food Safety (General Food Hygiene) Regulations 1995 (S.I. 1995/1763).
32)	Power to approve fish products premises.	Regulation 24 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998 (S.I. 1998/994).
33)	Power to approve dispatch or purification centres.	Regulation 11 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998.
34)	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.
35)	Power to approve factory vessels and fishery product establishments.	Regulation 24 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998.
36)	Power to register auction and wholesale markets.	Regulation 26 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998.
37)	Duty to keep register of food business premises.	Regulation 5 of the Food Premises (Registration) Regulations 1991 (S.I. 1991/2828).
38)	Power to register food business premises.	Regulation 9 of the Food Premises (Registration) Regulations 1991.
39)	Power to make closing orders with respect to take-away food premises.	Section 4 of the Local Government (Miscellaneous Provisions) Act 1982
40)	Power to permit deposit of builder's skip on highway.	Section 139 of the Highways Act 1980.
41)	Power to make orders restricting the consumption of alcohol in a public place.	Section 13 Criminal Justice & Police Act 2001
42)	S.I. 2004 No. 2748 Functions relating to licensing including but not limited to:	Sections 5 to 8 of the Licensing Act 2003.

42a)	Power to grant, vary, transfer or review a premises licence or club premises licence for the supply of alcohol regulated entertainment and late night refreshment.	Sections 18, 35, 39,44, 52, 72,85, 88 and Schedule 1 and 2 Licensing Act 2003
43)	Power to issue a provisional statement.	Section 31 of the Licensing Act 2003
44)	Power to cancel an interim authority notice.	Section 49 of the Licensing Act 2003
45)	Powers to inspect premises before grant of licence.	Sections 59 and 96 of the Licensing Act 2003
46)	Power to grant or renew a personal licence.	Section 117 of the Licensing Act 2003
47)	Right of entry where temporary event notice is given.	Section 108 of the Licensing Act 2003
48)	Rights of entry to investigate licensable activities.	Section 179 of the Licensing Act 2003
49)	Power to close noisy premises.	Section 40 Anti Social Behaviour Act 2003
50)	Issue of fixed penalty notice for graffiti or fly-posting.	Section 43 Anti Social Behaviour Act 2003
51)	Service of graffiti removal notice.	Section 48 Anti Social Behaviour Act 2003
52)	Power to grant, vary, transfer or review a premises licence for the operation of a casino or for the provision of facilities to play bingo or for use as an adult gaming centre or family entertainment centre or for the provision of facilities for betting.	Sections 163,164, 187,188 199 and 202, 203 and 205 of the Gambling Act 2005
53)	Power to issue a provisional statement.	Section 204 of the Gambling Act 2005
54)	Hearing of an objection to a temporary use notice.	Section 222 of the Gambling Act 2005
55)	Power to issue a counter notice to a temporary use notice.	Section 224 of the Gambling Act 2005
56)	Power to issue, vary, renew or cancel a club gaming permit.	Section 271, 274 and Schedule 12 of the Gambling Act 2005
57)	Power to issue, vary, renew or cancel a club machine permit.	Section 273, 274 and Schedule 12 of the Gambling Act 2005
58)	Power to issue, transfer, vary or cancel a licensed premises gaming machine permit.	Section 283 and Schedule 13 of the Gambling Act 2005

59)	Power to make an order disapplying Sections 279 and 282(1) of the Gambling Act 2005 to certain premises. (Section 279 exempts premises licensed for the sale of alcohol from requiring a Gambling Act Operating or Premises licence for prescribed low stake/prize value equal chance gaming and Section 282(1) provides premises licensed for the supply of alcohol with an automatic entitlement to one or two Category C or D gaming machines).	Section 284 of the Gambling Act 2005
60)	Power to issue or renew a prize gaming permit.	Section 289 and Schedule 14 of the Gambling Act 2005
61)	Power to issue or renew a family entertainment centre gaming machine permit.	Section 247 and Paragraphs 8 and 18 of Schedule 10 of the Gambling Act 2005
62)	Power to enter premises (various).	Sections 304(2) and (3), 307, 309, 310, 311, 312(4), 313, 314, 315 of the Gambling Act 2005
63)	Registration of small society lotteries.	Section 258 and Part 4 Paragraphs 38 and Part 5 of Schedule 11 of the Gambling Act 2005
64)	Refusal to register a small society lottery.	Section 258 and Part 5 Paragraph 47 of Schedule 11 of the Gambling Act 2005
65)	Revocation of registration of a small society lottery.	Section 258 and Part 5 Paragraph 50 of Schedule 11 of the Gambling Act 2005
66)	S.I. 2006 No. 886 Power to resolve not to issue a casino premises licence.	Section 166 of the Gambling Act 2005.
67)	Duty to comply with requirement to provide information to the Gambling Commission.	Section 29 of the Gambling Act 2005.
68)	Functions relating to exchange of information.	Section 30 of the Gambling Act 2005.
69)	Functions relating to occasional use notices.	Section 39 of the Gambling Act 2005.
70)	S.I. 2007 No. 1284 Power to designate officer of a Licensing authority as an authorised person for a purpose relating to premises.	Section 304 of the Gambling Act 2005.
71)	Power to institute criminal proceedings.	Section 346 of the Gambling Act 2005.
72)	Power to exchange information.	Section 350 of the Gambling Act 2005.

73)	Functions relating to the determination of fees for premises licences.	The Gambling (Premises Licences Fees) (England and Wales) Regulations 2007.
74)	S.I. 2008 No. 2787 Function relating to the registration of Common Land and town and village greens.	Part of the Commons Act 2006 and the Commons and Registration (England) Regulations 2008. S.I. 2008/1961.
C - Functions relating to health and safety at work		
Functions under any of the "relevant statutory provisions" within the meaning of Part I (health, safety and welfare in connection with work, and control of dangerous substances) of the Health and Safety at Work etc. Act 1974, to the extent that those functions are discharged otherwise than in the Council's capacity as an employer.		Part I of the Health and Safety at Work etc. Act 1974.
D - Functions relating to elections		
1)	Duty to appoint an electoral registration officer.	Section 8(2) of the Representation of the People Act 1983.
2)	Power to assign officers in relation to requisitions of the registration officer.	Section 52(4) of the Representation of the People Act 1983.
3)	Functions in relation to parishes and parish councils.	Part II of the Local Government and Rating Act 1997 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.	Sections 6 (7) and (8) of the European Parliamentary Elections 2002.
8)	Duty to divide constituency into polling districts.	Sections 18A to 18E of and Schedule 1A to 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, election 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.
18)	Duty to consult on change of scheme for elections.	Sections 33(2), 38(2) and 40(2) of the 2007 Act.
19)	Duties relating to publicity.	Sections 35, 41 and 52 of the 2007 Act.
20)	Duties relating to notice to Electoral Commission.	Sections 36 and 42 of the 2007 Act.
21)	Power to alter years of ordinary elections of parish councillors.	Sections 53 of the 2007 Act.
22)	Functions relating to change of name of electoral area.	Section 59 of the 2007 Act. Note – No. 19 -22 – the 2007 Act means the Local Government and Public Involvement in Health Act 2007
E - Functions relating to name and status of areas and individuals		
1)	Power to change the name of the District.	Section 74 of the Local Government Act 1972.
2)	Power to change the name of a parish.	Section 75 of the Local Government Act 1972.
3)	Power to confer title of honorary alderman or to admit to be an honorary freeman.	Section 249 of the Local Government Act 1972.
4)	Power to petition for a charter to confer borough status.	Section 245b of the Local Government Act 1972.
EB - Functions relating to Community Governance		Note – the 2007 Act means the Local Government Public Involvement in Health Act 2007

1)	Duties relating to community governance reviews.	Section 79 of the 2007 Act.
2)	Functions relating to community governance petitions.	Sections 80, 83 to 85 of the 2007 Act.
3)	Functions relating to terms of reference of review.	Sections 81(4) to (6).
4)	Power to undertake a community governance review.	Sections 82 of the 2007 Act.
5)	Functions relating to making of recommendations.	Sections 87 to 92 of the 2007 Act.
6)	Duties when undertaking review.	Section 93 to 95 of the 2007 Act.
7)	Duty to publicise outcome of review.	Section 96 of the 2007 Act.
8)	Duty to send two copies of order to Secretary of State and Electoral Commission.	Section 98(1) of the 2007 Act.
9)	Power to make agreements about incidental matters.	Section 99 of the 2007 Act.
F - Power to make, amend, revoke or re-enact or enforce byelaws		Any provision of any enactment (including a local Act) whenever passed and Section 14 of the Interpretation Act 1978.
FA - Functions relating to smoke-free premises etc		
1)	Duty to enforce Chapter 1 and regulations made under it.	Section 10(3) of the Health Act 2006.
2)	Power to authorise officers.	Section 10(5) of, and paragraph 1 of Schedule 2 to, the Health Act 2006.
3)	Functions relating to fixed penalty notices.	Paragraphs 13, 15 and 16 of Schedule 1 to the Health Act 2006. Smoke-free (Vehicle Operators and Penalty Notices) Regulations 2007 (S.I. 2006/760).
4)	Power to transfer enforcement functions to another enforcement authority.	Smoke-free (Premises and Enforcement) Regulations 2006 – SI 2006/3368.
G - Power to promote or oppose local or personal Bills		Section 239 of the Local Government Act 1972.
H - Functions relating to local government pensions etc		Regulations under section 7, 12 or 24 of the Superannuation Act 1972.
I - Miscellaneous functions		
As amended S.I. 2001: No. 2212 and S.I. 2004 No. 2748		

1)	Power to stop up footpaths and bridleways or highway.	Section 118 of the Highways Act 1980 and Section 257 of the Town and Country Planning Act 1990.
2)	Power to make a rail crossing extinguishment Order.	Section 118A of the Highways Act 1980
3)	Power to divert footpaths and bridleways.	Section 119 of the Highways Act 1980
4)	Power to make a rail crossing diversion Order.	Section 119A of the Highways Act 1980
5)	Power to require applicant for Order to enter into an agreement.	Section 119C(3) Highways Act 1980
6)	Power to extinguish public right of way over land acquired for clearance.	Section 294 Housing Act 1985
7)	Power to authorise stopping up or diversion of footpath or bridleway.	Section 257 of the Town & Country Planning Act 1990
8)	Power to extinguish public rights of way over land held for planning purposes.	Section 258 of the Town & Country Planning Act 1990
8a)	Power to extinguish certain public rights of way.	Section 32 of the Acquisition of Land Act 1981.
9)	Duty to make arrangements for the proper administration of financial affairs etc.	Section 151 of the Local Government Act 1972
10)	Duty to approve the Council's statement of accounts, income and expenditure and balance sheet or record of receipts and payments (as the case may be).	The Accounts and Audit Regulations 1996 (S.I. 1996/590).
11)	Power to make standing orders.	Section 106 of, and paragraph 42 of Schedule 12 to, the Local Government Act 1972.
12)	Duty to designate officer as the head of the authorities paid service, and to provide staff etc.	Section 4(1) of the Local Government & Housing Act 1989
13)	Duty to designate officer as the monitoring officer, and to provide staff etc.	Section 5(1) of the Local Government and Housing Act 1989 and S.82A (4) and (5) of the Local Government Act 2000.
14)	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
14a)	Power to appoint officers for particular purposes (appointment of "proper officers").	Section 270(3) of the Local Government Act 1972.

<p>14b) S.I. 2004: No. 2748 Powers relating to Overview and Scrutiny Committee (Voting Rights of Co-opted Members).</p>	<p>Paragraphs 12 and 14 of Schedule 1 to the LGA 2000.</p>
<p>15) Power to make standing orders as to contracts (other than the power to specify contracts above a specified value or of a specified description which must be in writing).</p>	<p>Section 135 of the Local Government Act 1972.</p>
<p>16) Power to make payments or provide other benefits in cases of maladministration etc.</p>	<p>Section 92 of the Local Government Act 2000.</p>
<p>17) S.I. 2008 No. 2787 Power to apply for an enforcement order against unlawful works on common land.</p>	<p>Section 41 of the Commons Act 2006</p>
<p>18) Power to protect unclaimed registered common land and unclaimed village green against unlawful interference.</p>	<p>Section 45(2)(a) of the Commons Act 2006</p>
<p>19) Power to institute proceedings for offences in respect of unclaimed registered common land and unclaimed town or village green.</p>	<p>Section 45(2)(b) of the Commons Act 2006</p>

3. Cabinet Functions

- 3.1 The functions identified in the left hand column of Table 3 below are the responsibility of the Cabinet, either wholly or to the extent set out in the central column. Decisions in connection with discharge of such functions can be taken by the person or body identified in the right hand column of the Table.

TABLE 3: CABINET FUNCTIONS		
Function	Extent	Who Decides
A - General All the functions of the Council other than those specified in Tables 1 and 2 above.	The full extent – subject to the limitations set out in Paragraph C of this Table and Clause 3.2 below.	The Cabinet
B - 'Local Choice' Functions which full Council has determined will be the responsibility of the Cabinet		
1) Any function under a local Act (other than a function specified in Table 1 or 2 above)	The full extent – subject to the limitations set out in Clause 3.2 below.	The Cabinet
2) Any function relating to contaminated land under Part IIA of the Environment Act 1990.	The full extent – subject to the limitations set out in Clause 3.2 below.	The Cabinet
3) The discharge of any function relating to the control of pollution or the management of air quality.	The full extent – subject to the limitations set out in Clause 3.2 below.	The Cabinet
4) The power to inspect the District to detect any statutory nuisance under section 79 of the Environmental Protection Act 1990.	The full extent – subject to the limitations set out in Clause 3.2 below.	The Cabinet
5) The duty to investigate any complaint as to the existence of a statutory nuisance under section 79 of the Environmental Health Act 1990.	The full extent – subject to the limitations set out in Clause 3.2 below.	The Cabinet
6) The duty to serve an abatement notice in respect of a statutory nuisance under section 80(1) of the Environmental Protection Act 1990	The full extent – subject to the limitations set out in Clause 3.2 below.	The Cabinet
7) Determining that Schedule 2 to the	The full extent –	The Cabinet

	Noise and Statutory Nuisance Act 1993 should apply in the District.	subject to the limitations set out in Clause 3.2 below.	
8)	The obtaining of particulars of persons interested in land under section 16 of the Local Government (Miscellaneous Provisions) Act 1976.	The full extent – subject to the limitations set out in Clause 3.2 below.	The Cabinet
9)	The appointment of any individual:		
9a)	to any office other than an office in which he is employed by the Council;	The full extent – subject to the limitations set out in Clause 3.2 below.	The Cabinet
9b)	to any body other than – the Council; a joint committee of two or more Councils; or	The full extent – subject to the limitations set out in Clause 3.2 below.	The Cabinet
9c)	to any committee or sub- committee of such a body, and the revocation of any such appointment.	The full extent – subject to the limitations set out in Clause 3.2 below.	The Cabinet
C - Functions which are not the sole responsibility of the Cabinet			
1)	The formulation or preparation of the following plans or strategies:		
1a)	Chiltern and South Bucks Joint Business Plan;	Subject to amendment by and approval of Council.	The Cabinet
1b)	Chiltern and South Bucks Joint Sustainable Community Strategy;	Subject to amendment by and approval of Council.	The Cabinet
1c)	Plans and strategies which together comprise the Development Plan; the Local Development Framework and Local Development Scheme	Subject to amendment by and approval of Council.	The Cabinet
1d)	Joint Waste Strategy for Buckinghamshire;	Subject to amendment by and approval of Council.	The Cabinet
1e)	Chiltern Community and Well Being Plan	Subject to amendment by and approval of Council.	The Cabinet
1f)	Housing strategies and policies comprising the Housing Framework including the Private Sector Housing	Subject to amendment by and approval of Council.	The Cabinet

	Strategy, Homelessness Strategy and Temporary Accommodation Strategy;		
1g)	Medium Term Financial Strategy;	Subject to amendment by and approval of Council.	The Cabinet
1h)	Treasury Management Strategy;	Subject to amendment by and approval of Council.	The Cabinet
1i)	Statement of Principles under the Gambling Act 2005;	Subject to amendment by and approval of Council.	The Cabinet
1j)	Licensing Policy under the Licensing Act 2003	Subject to amendment by and approval of Council	The Cabinet
1k)	Taxi and Private Hire Licensing Policy	Subject to amendment by and approval of Council	The Cabinet
1l)	Contaminated Land Strategy	Subject to amendment by and approval of Council	The Cabinet
1m)	Asset Management Plan;	Subject to amendment by and approval of Council.	The Cabinet
1n)	Corporate Enforcement Strategy	Subject to amendment by and approval of Council.	The Cabinet
1o)	Chiltern and South Bucks Economic Development Strategy	Subject to amendment by and approval of Council	The Cabinet
1p)	Any other Plan or Strategy which full Council determines shall be adopted or approved by it.	Subject to amendment by and approval of Council.	The Cabinet
2)	Following approval and/or adoption by the Council of any of the plans or strategies referred to in (a) to (q) above, the amendment, modification, variation or revocation of the same.	Only if the amendment, modification, variation or revocation is necessary to give effect to a requirement of the Secretary of State or a Minister of the Crown, or if the Council, at the time it approved the plan or strategy under	The Cabinet

		consideration, gave the Cabinet the power to amend, modify, vary or revoke it.	
3)	Power to make payments or provide other benefits in cases of maladministration etc.	The full extent.	The Cabinet

3.2 Notwithstanding that a function may be the responsibility of the Cabinet by virtue of Table 3 above, (hereinafter called a Cabinet Function”) except in the circumstances referred to in Clause 3.3 below, the Cabinet will not be permitted to determine any matter in the discharge of such a Function if that determination is concerned with or relates to :-

- 1) the Council’s overall revenue or capital budget or the control of its borrowing requirement or capital expenditure; or
- 2) any other plan or strategy adopted or approved by the Council;

and the proposed determination will be contrary to, or not wholly in accordance with, the budget or any such plan or strategy for the time being approved or adopted by the Council in relation to its borrowing or capital expenditure, or is not otherwise authorised by the Budget and Policy Framework Procedure Rules, Financial Rules, Contract Procedure Rules or Cabinet Procedure Rules set out in Part 4 of this Constitution, or the determination will be contrary to any plan or strategy adopted or approved by the Council.

3.3 The circumstances referred to in clause 3.2 above are that it can reasonably be considered that there is an urgent need for the determination, and the consent of the Chairman of the relevant Overview Committee, or if he is unable to act, of the Chairman of the Council, or in his absence the Vice-Chairman, has been obtained.

3.4 Although the Cabinet exercises collective responsibility for decision making, individual Cabinet Members have lead responsibility for the functions/services set out in the table in Section C of this Part of the Constitution (Cabinet Portfolios). The Cabinet may delegate Cabinet Functions in the manner described in Article 10 of this Constitution. Any delegation through joint arrangements is described in of Section F of this Part (Joint Arrangements made by the Cabinet). Any delegation of a Cabinet Function to an Officer is described in the Scheme of Delegations to Officers set out in Section B of Part 7 of this Constitution.