

Part 3 – Responsibility for Functions

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Responsibility for Council Functions

The full Council will approve the Council's Budget and the following statutory plans:

The annual library plan;
The crime and disorder reduction strategy;
Development plan documents;
Licensing authority policy statement;
Local transport plan;
The sustainable community strategy;
The youth justice plan

The council also has responsibility for the following areas which it has delegated to the Planning and Regulatory Committee, Standards Sub-Committee and Employment Committee and is referred to in Schedule 1 of the Local Government (Functions and Responsibilities) (England) Regulations 2000 as amended which can be found at the end of the part of the Constitution.

1. Planning and Regulatory Committee

a) Planning and conservation

Functions relating to town and country planning and development control as specified in Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) regulations 2000 as amended (the Function Regulations)

b) Commons Registration

The registration of Common land or town or village greens and to register the variation of rights of common as set out in Schedule 1 to the Function Regulations.

c) Highway' use and regulations

The exercise of powers relating to the regulation of the use of highways as set out in Schedule 1 to the Function Regulations.

d) Health and Safety

Functions relating to health and safety under any relevant statutory provisions within the meaning of Part 1 of the Health and Safety at Work Act 1974, to the extent that those functions are discharged otherwise than in the Council's capacity as employer.

e) Elections and Community Governance

Functions relating to elections and community governance as set out in Schedule 1 to the Functions Regulations

Membership

The Membership of the Planning and Regulatory Committee shall consist of thirteen Members of the Council

1.1 Planning and Regulatory Public Rights of Way Sub-Committee

The Planning and Regulatory Committee will appoint a Public Rights of Way Sub-Committee comprising of 5 Members (quorum 3) included nominated substitute members of the parent committee. The Public Rights of Way Sub-committee will have delegated to it the determination of Definitive Map Modification Orders and Public Path Orders.

1.2 Standards Sub Committee

- a) The promotion and maintenance of high standards of conduct within the Council and within the parish councils of North Somerset – To advise the Council on the adoption or revision of its Code of Conduct. Granting dispensations to Councillors, co-opted Members, church and parent governor representatives from requirements relating to interests set out in the Members' Code of Conduct.**
- b) Advising, training or arranging to train Councillors, co-opted Members, church and parent governor representatives on matters relating to the Members' Code of Conduct. Dealing with any complaint about the conduct of councillor or of a town or parish councillor where that complaint alleges a breach of the Council's Code of Conduct in accordance with the Council's adopted Code of Conduct complaints procedure.**

Membership

There are three Members of the Standards Sub-Committee. Apart from the District Councillors there is an independent co-opted Member and if the complaint concerns a parish or town council the sub-committee will also include up to two co-opted parish or town Councillors to advise the committee. The co-opted Members will not have any voting rights at meetings of the sub-committee.

2. Health and Wellbeing Board

The approval of the joint strategic needs assessment and the joint health and wellbeing strategy in accordance with sections 116 and 116a of The Local Government and Public Involvement in health Act 2007 and to encourage integrated working.

Membership

As set out in the Health and Social Care Act 2012 with any additional members that the Council determines.

3. Employment Committee

a) Appointment of Senior Officers

to interview candidates to make appointments to the following senior officer posts:

- i) The Head of paid Services Subject to approval by the Council and
- ii) Directors and s151 finance officer and monitoring officer.

b) Discipline and grievance

In the event of the Employment Sub-Committees not exercising any of their delegated decisions making as detail below to consider and determine appeals against dismissal, bullying and harassment and grievance and to deal with the discipline or potential termination of the employment of the Head of Paid Services, Chief Finance Officer and Monitoring Officer (together the Protection statutory Officers), including actin as the “Investigations and Disciplinary Committee” referred to in the JNC Chief Executives Terms and Conditions of Service handbook.

c) Redundancy

To consider proposals for Redundancies and Early Retirements (posts graded Level 14 and above or equivalent).

d) Pay Scales and Honoraria

To consider and approve pay scales, honoraria and acting up payments in accordance with Council Policy and approved employment delegation criteria.

Membership

The Membership of the Employment Committee shall consist of at least five Members of the Council, one of which shall be a Member of the Cabinet.

For appointments relating to the above senior officer posts the Cabinet Member(s) with the portfolio(s) for the Directorate concerned may substitute one of the ordinary Members of this committee for that appointment process only but the total number of Cabinet Members appointed for a Committee shall not constitute the majority of the Members of the committee.

Employment Sub-Committees

The Employment Sub-Committees shall consider all matters delegated to them by the Employment Committee to determine, as follows:

Appeals Sub-Committee

To deal with consider and determine appeals against discipline, dismissal, bullying and harassment and grievance.

Grievance Sub-Committee

To deal with consider and determine grievances concerning Head of Paid Services and any Director or Assistant Director and those officers that fall within the definition of “Deputy Chief Officer” in the Local Government and Housing Act 1989.

Staffing Sub-Committee

To deal with consider and determine the discipline or dismissal of Head of Paid Services and any Director or Assistant Director and those officers that fall within the definition of “Deputy Chief Officer” in the Local Government and Housing Act 1989.

[Note The Officer Employment Procedure Rules contained in Part 4 of the Constitution must be followed at all times including the specific requirements regarding approval by Council of the appointment of Head of Paid Services and dismissal of Head of Paid Services, Monitoring Officer and Chief Finance/S151 Officer]

Membership

The Membership of the Employment Committee shall each comprise three Members of the Council who will also be Member of the Employment Committee.

Independent Persons Panel

The Independent Persons Panel is an advisory committee appointed by the Council under Section 102(4) of the Local Government Act 1972 for the purpose of advising on matters relating to the dismissal of the Protected Statutory Officers in accordance with the Local Authorities (Standing Orders) (England) Regulations 2001, as amended, to:

- a) Hear, consider, ask questions and comment in respect of Protected Statutory Officer discipline or grievance that could lead to dismissal; and
- b) Make a report and recommendation to full Council in accordance with the Council's policies and Employment Procedure Rules.

Note: The Independent Persons Panel may meet concurrently with the Staffing Sub-Committee where a hearing or meeting could result in a recommendation to the full Council for the dismissal of a Protected Statutory Officer; or the Panel may meet separately and question relevant persons. The Panel shall have access to external legal and professional advice as necessary, via the Monitoring Officer (or Deputy as appropriate).

All of the Council's Independent Persons appointed pursuant to Section 28(7) of the Localism Act 2011 shall be invited to attend and, if at the relevant time there are fewer than two such Persons who are able to attend, then the Independent Persons appointed by neighboring Council(s) shall be invited to attend, to ensure a minimum attendance of two persons.

4. Licensing Committee

The Licensing Committee will consider matters relating to the Licensing Act 2003 and the Gambling Act 2005 as set out in Schedule 1 to the Functions regulations and other matters relating to that function.

Taxi, gaming, food and miscellaneous licensing – Functions relating to licensing and registration as set out in Schedule 1 to the Functions Regulations

Membership

The Membership of the Licensing Committee shall be no more than fifteen Members of the Council and no less than 12 Members.

MATTER TO BE DEALT WITH	FULL COUNCIL	SUB-COMMITTEE	OFFICERS
Three-year licensing policy	X		
Policy not to permit casinos	X		
Fee Setting – when appropriate			X (Can delegate decision to Licensing Committee but no automatic delegation so for Licensing Authority to decide)
Application for premises licenses		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Application for variation to a license		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Application for a transfer of a license		Where representations have been received from the Commission	Where no representations received from the Commission
Application for a provisional statement		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Review of a premises license		X	
Application for club gaming/club machine permits		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn

Cancellation of club gaming/club machine permits		X	
Application for other permits			X
Cancellation of licensed premises gaming machine permits			X
Consideration of temporary use notice		Where representations have been received and hearing deemed necessary	Where no representations received or where representations received and hearing deemed unnecessary
Decision to give a counter notice to a temporary use notice		X	

Licensing Sub-Committee

The Licensing Sub-Committee shall consider all matters delegated to it by the Licensing Committee to determine. It will determine applications made under the Licensing Act 2003 and the Gambling Act 2005 where a Hearing is required.

Membership

A Licensing Sub-Committee shall be convened where a hearing of an application is required. The Membership of a Licensing Sub-Committee shall not exceed 3 Members of the Council who will also be Member of the Licensing Committee.

5. Audit Committee

The Council will establish an independent Audit Committee to support the Council in the effective discharge of risk management, internal control and governance responsibilities with functions as set out in Article and to report directly to the Council, the Leader and Chief Executive Officer and Director of Corporate Services on any matters it believes needs to be brought to their attention.

It is the primary source of objective guidance and assurance to the Council on the effectiveness of its risk management, internal control and governance framework. Its functions is that of advice, monitoring and review.

Membership

A Membership of the Audit Committee shall comprise five elected Members (Political Balance to apply) and two independent persons to be recruited by advertisement and interview.

6. Joint Committee

The following joint arrangements are in place:

6.1 Joint Health & Overview and Scrutiny Committee

This Council has entered into joint arrangements with Bristol City Council and South Gloucestershire Council for the purpose of scrutinizing:

- i) The Bristol, North Somerset and South Gloucestershire (BNSSG) Sustainability and Transformation Plan (STP); and
- ii) The specific projects and proposals emerging from the STP which have cross-boundary implications (within the BNSSG).

Membership

The Council's membership on the join committee shall comprise seven members, political balance to apply.

6.2 West of England Combined Authority Joint Cabinet Committee

The Joint Committee is established to deal with any relevant functions that fall outside those set out in the West of England Combined Authority Order 2017 – full terms of reference can be found at <https://www.westofengland-ca.gov.uk/wp-content/uploads/2017/11/171109-WECA-PUBLISHED-CONSTITUTION-9-NOVEMBER-2017.pdf>

Membership

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Last reviewed: July 2025

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Each constituent council must appoint one of its elected members to be a member of the Combined Authority/Joint Cabinet Committee, and also a substitute member.

7. Responsibility for Cabinet functions

The Cabinet will determine all other matters on behalf of the Council within the budget and the policies set by full Council, including those local choice functions that appear in the Local Authorities (Function and Responsibilities) (England) Regulations 2000 as amended, save for those that appear in the list at the end of Part 3 of this Constitution. The Leader in consultation with the Deputy Leader will determine the Membership of and the portfolios of the Cabinet Members. At the Annual council Meeting the Leader of the Council will provide a list of Members of the Cabinet to the Council together with a list of the areas for which each of them will be responsible.

Cabinet Member Portfolio

1. Appointment

Annually on the determination of the Leader of the Council will also be the Chairperson of the Cabinet. The Allocation of the Cabinet Member Portfolios will also be a determination of the Leader of the Council.

2. Terms of reference

As a Member of the Cabinet:-

To participate in and share collective responsibility for the development and execution of Council policy and Cabinet decisions.

As a Cabinet Member with Portfolio responsibilities: -

To participate in the Cabinet in respect of portfolio responsibilities and share collective responsibility for decisions taken by the Cabinet as a whole.

To act as spokesperson and advocate for the Council in respect of portfolio responsibilities and at all times to promote the reputation and interests of North Somerset Council locally and nationally.

- To develop and recommend new policies to the Cabinet in accordance with the Council's overall strategic approach, engaging as required with other Cabinet Members, officers, Policy and Scrutiny Committees, Area Forum and external partners/interest groups/service users.
- To provide politically accountable guidance on the management and implementation of policy in relation to activities within the portfolio.
- To exercise delegated powers on those matters within the portfolio area of responsibility on all those matters on which the Cabinet Members approval is sought in accordance with Financial Regulations or at the request of the Director.
- That where key decisions are to be made in the exercise of delegated powers, the report be published five clear working days in advance of the meeting.
- To refer matters which the Cabinet Member considers to be sensitive matters or matter that have significant Council wide implications to the Cabinet.
- To respond to reports of Policy and Scrutiny Committees
- To lead the process of continuous improvement and responsiveness of Council services with the portfolio to achieve best values.
- To ensure that activities within the portfolio take account of the Council's vision, core values and guiding principles.
- To represent the Council politically at national and local level, on outside bodies or in partnership with other agencies.
- To provide the principal point of contact to all forms of media on the appropriate portfolio areas, to provide clear, well-informed responses as required.
- To establish the role of key spokesperson on issues relating to the appropriate portfolio area, both internally and externally to ensure that responses are informed and up to date.
- To provide the link between the Cabinet and the appropriate officers for the specified portfolio area.
- To decide to award contracts with values as set out in Financial Regulations/Contract Standing Orders on behalf of the Council concerning the specific portfolio area in accordance with the Council's Contract Standing Orders.
- To give guidance on the setting of Budget priorities.
- To receive representations from Members of the Council acting in their capacity as war Members in relation to the provisions of services to local people.
- To prepare responses to consultation papers issued by the Government and other outside bodies, in consultation with the relevant officer – and where there are Council wide implications to submit a draft response to the Cabinet for approval.

3. Limitations

- 3.1 A Cabinet Member cannot be a Member of a Policy and Scrutiny Committee.
- 3.2 Cross portfolio matters shall be dealt with jointly with the other portfolio holder.
- 3.3 Matters which the Cabinet Member considers to have significant Council wide implications must be referred to the Cabinet.
- 3.4 Any matter may be referred to the Cabinet at the discretion of the Cabinet Member.

Officer Delegations and Authorisation

1. General Conditions on all delegated powers

The powers delegated to officers shall be exercised in accordance with all statutory provisions and:

The Constitution

- 1.1 The Council's approved Budget
- 1.2 Where the officer taking a decision is of the opinion that the Subject matter involves considerations within the professional expertise or responsibility of another officer, or has significant political or policy implications, he or she shall, wherever possible, consult with that other officer, or the relevant Cabinet Member of Committee authorising action.
- 1.3 An officer shall not exercise his or her delegated powers in a way which is contrary to any minuted decision of the Council.
- 1.4 An officer need not exercise his or her delegated power in any particular matter. In these circumstances, he or she shall refer the matter to the relevant Cabinet Member or Committee.
- 1.5 An officer may authorise any officer within his or her (or exceptionally in another) directorate to exercise any or all of his or her delegated powers under this scheme. That in the event of any Director post being vacant, the appropriate Assistant Director or Head of Services may exercise those powers normally delegated to the Director.

- 1.6 Any mention of this scheme to any Act shall be deemed to include any statutory instruments thereunder and shall be deemed to refer to the same as at any time amended and where such Act or instrument has been replaced, consolidated or re-enacted such mention shall be deemed to refer to the relevant provisions of the replacing, consolidating or re-enacting Act or instrument.
- 1.7 With the exceptions of 3.10 and 3.20 of the Financial Regulations none of the powers shall be deemed to authorise the sale, grant purchase or assignment of the freehold or a lease for more than seven years of any land or buildings, or the filing of a vacancy in the establishment on the permanent basis.
- 1.8 For avoidance of doubt the term "Director" in this Scheme include the Chief Executive

2. General powers of all Directors (Including the Chief Executive)

- 2.1 To Take decisions (Within the limitations in Section 9.1 above) on all matters of management or professional responsibility and to put into effect approved schemes of the Council's Strategy and Service Plan.
- 2.2 To take emergency action on behalf of the Council on any matter in cases of urgency or emergency with, wherever possible, prior consultation with the Chief Executive and the Cabinet Member and the Chairperson of the appropriate Policy and Scrutiny Committee or Committee and Subject to report as soon as possible afterwards to the appropriate body.
- 2.3 To take decisions on all matters relating to employees including filling of vacancies and dismissal of employees (subject to advice obtained from the Head of Human Resources) in accordance with the designations approved by Council (including Assistant Directors/ Head of Service where indicated).
- 2.4 Any reference to the authorization of officers in respect of carrying out functions shall include authorization of persons other than officers of the Council to discharge functions where appropriate and permitted by legislation.
- 2.5 To exercise any power and take or do any action or thing which is relevant, incidental, ancillary or conducive to their functions and management responsibilities including (without prejudice to the generally of the foregoing) any provision of the following Acts:

Local Authorities (Good and Services) Act 1970

Local Government Acts 1972 and 2003

Crime and Disorder Act 2000
Disability Discriminations Acts 1995 and 2005
Race Relations Act 1976
Human Rights Act 1998
Anti-Social Behaviour Act 2003

3. The Chief Executive

- 3.1 To be and exercise the powers of the Head of Paid Services under the Local Government and Housing Act 1989.
- 3.2 To authorise or do any act or thing necessary to affect any decision of the Council, the Cabinet or any Committee.
- 3.3 To take or authorise such actions as seems to him or her appropriate to preserve the Council's position pending the consideration by the Council or any Committee of parliamentary bills, statutory orders and instruments of any other proposal, plan or scheme of a public or private body affecting the interests of the Council.
- 3.4 To promote the public image and relations of the Council and its relations with external agencies and bodies.
- 3.5 To be responsible for the overall strategic and corporate management, personnel strategy, programme implementation and performance review of the Council.
- 3.6 To make arrangements for dealing with the well-being functions under the Local Government Act 2000 and any new functions or matters or any functions or matters not specifically allocated in this scheme to another Director.

4. Director of Corporate services

- 4.1 To have overall responsibility for all the financial affairs of the Council in accordance with section 151 of the Local Government Act 1972 and section 114 of the Local Government Finance Act 1988.
- 4.2 To be responsible for the Council's corporate financial operations including statutory accounts preparations, bank accounts, cash flows, borrowing, revenues, investments, insurance, capital finance and financial management systems.
- 4.3 To monitor the accountancy functions and financial operations of the Council.
- 4.4 Overall responsibility to ensure that the Council is provided with effective and competitive corporate support services.

4.5 To exercise all function of the Council in relation to Libraries (without prejudice to the generality of the foregoing) functions of Local Authorities under the following act:

Public Libraries and Museums Act 1964

4.6 Overall responsibility for business continuity within the Directorate.

5. Assistant Director Legal and Governance

5.1 To be and exercise the powers of the Monitoring Officer under the Local Government and Housing Act 1989 and Local Government Acts 2000 2003 and the Local Government and Public Involvement in Health Act 2007.

5.2 To act as Clerk to the Council and make arrangements for the conduct of Council, Cabinet and Committee meetings, the recording of decisions, and the maintenance of the Constitution.

5.3 To be the Council's Solicitor and to institute, defend and settle any claims, appeals, complaints and legal proceedings relating to any functions of the Council.

5.4 To Authorise persons to appear for and represent the council in court under section 223 of the Local Government Act 1972 and section 60 of the county courts act 1984.

6. Directors of Environment, Assets and Transport Services

6.1 To exercise all the functions of the Local Highway Authority (including the authorisation of officers for that purpose) and in relation to engineering, road traffic, car parking and transportation (without prejudice to the generality of the foregoing) functions of Local Authorities under the following Acts:

Public Health Act 1936

Coast Protection Act 1949

Chronically Sick and Disabled Persons Act 1970

Land Compensation Act 1973

Health and safety at Work, etc. Act 1974
Road Traffic Act 1974
Reservoirs Act 1975
Safety at Sports Grounds Act 1975
Highways Act 1980
Cycle Track Act 1984
Road Traffic Regulations Act 1984
Transport Act 1985
Fire Safety and Safety of Places of Sports Act 1987
Road Traffic Act 1988
New Road and Street Works Act 1991
Land Drainage Act 1991
Water Resources Act 1991
Traffic Calming Act 1992
Environment Act 1995
Road Traffic Reductions Acts 1997 and 1998
Traffic Management Act 2004

6.2 To exercise all the functions of the Council in relation to, waste collection and disposal, burials and cremation, street naming and numbering safety and the environment (other than those specifically exercisable by a Local Planning Authority) to include (without prejudice to the generality of the foregoing) the functions of Local Authorities under the following Acts and to include the authorisation of officers:

Public Health Acts 1876 to 1961
Open Space Act 1906
Cremation Acts 1902 and 1952
Caravan Sites and Control of Development Act 1960
Health and Safety at Work (Etc) Act 1974
Control of Pollution Act 1974
Safety of Sports Grounds Act 1975
Public Health (Control of Disease) Act 1984
Building Act 1984

Environmental Protection Act 1990
Clean Air Act 1993
Environment Act 1995
Noise Act 1996
Waste Minimisation Act 1998
Anti-Social Behaviour Act 2003
Towns Improvement Clauses Act 1847
Cleaner Neighbourhood and Environment Act 2005
Health Act 2006
Violent Crime Reduction Act 2006

6.3 To exercise all the functions of the Council in relation to deal with all matters relating to the status, route, diversion and extinguishment of rights of way including (without prejudice to the generality of the foregoing) functions of Local Authorities under the following Acts and to include the authorisation of officers:

National Parks and Access to the Countryside Act 1949
Countryside Act 1968
Wildlife and Countryside Act 1981

6.4 To exercise all the functions of the Council in relation to leisure and recreational service, the youth services, museums and tourism including (without prejudice to the generality of the foregoing) functions of Local Authorities under the following Acts:

Public Health Act 1875
Open Space Act 1906
Allotment Acts 1908-1950
National Parks and Access to the Countryside Act 1949
Local Government (Miscellaneous Provisions) Act 1976
Local Government Act 1972
Commons Act 2006
Natural Environment and Rural Communities Act 2006

6.5 Overall responsibility for business continuity within the Directorate.

7. Director of Children's Services

7.1 To exercise all the functions of the Local Education Authority and all functions of the Council in relations to Children's Social Services including (without prejudice to the generality of the foregoing) functions of Local Authorities under the Following Acts:

Education Acts 1944 – 2005
Educations and Training Act 1973
Employment of Children Act 1973
Local Government (Miscellaneous Provisions) Act 1982
Education Reform Act 1988
Further and Higher Education Act 1992
Education (Schools) Acts 1992 – 2002
Nursery Education and Grant Maintained Schools Act 1996
Anti-Social Behaviour Act 2003
Adoption Act 1976
Children Act 1989 & 2004
Family Law Act 1996
Youth Justice and Criminal Evidence Act 1999
Health and Social Care Act 2001
Carers (Recognition and Services) Act 1999
Carers (Equal Opportunities) Act 2004
National Health Services and Community Care Act 1990
Disabled Persons (Services Consultations and Rehabilitation) Act 1986
Health Social Security and Social Services Adjudication Act 1983
Local Authority Social Services Act 1996
School Standards and Framework Act 1998
Teaching and Higher Education Act 1998
Learning and Skills Act 2000
Special Educational Needs and Disability Act 2001
Childcare Act 2004 & 2006

7.2 Overall responsibility for business continuity withing the Directorate.

8. Director of Adult Social Services

8.1 To exercise all the functions of the Council in relations to Adult Social Services including (without prejudice to the generality of the foregoing) function of local authorities under the following Acts including the authorisation of officers:

National Assistance Act 1948
Local Authority Social Services Act 1970
Chronically Sick and Disabled Persons Act 1970
National Health Service Act 1997
Mental Health Act 1983
Health, Social Security and Social Services Adjudication Act 1983
Disabled Persons (Services Consultations and Representation) Act 1986
National Health Service and Community Care Act 1990
Carers (Recognition and Services) Act 1995
Health and Social Care Act 2001
Mental Capacity Act 2005

8.2 To exercise all the functions of the Council as Housing Authority including (without prejudice to the generality of the foregoing) functions under the following Acts:

Housing Acts 1985 – 2004
Rent (Agriculture) Act 1976
Protection from Evictions Act 1977
Rent Act 1977
Local Government and Housing Act 1989
Housing Grants, Construction and Regeneration Act 1996
Homelessness Act 2002
Local Government (Miscellaneous Provisions) Act 1976
Local Government (Miscellaneous Provisions) Act 1982
Public Health Act 1936

Public Health Act 1961
Caravan Sites and Control of Development Act 1960
Caravan Sites Act 1968
Criminal Justice and Public Order Act 1994
Civil Procedure Rules Part 55
Building Act 1984
Environmental Protection Act 1990
Prevention of Damage by Pests Act 1949

8.3 Overall responsibility for business continuity within the Directorate.

9. Director of Healthy and Sustainable Communities

9.1 To exercise all the functions of the Council in relation to food and drugs, shops, trading standards, weights and measures, and public protections including (Without prejudice to the generality of the foregoing) the functions of local authorities under the following Acts and to include the authorisation of officers:

Medical Act 1968
Trade Description Acts 1968 and 1972
European Communities Act 1972
Fair Trading Act 1973
Hallmarking Act 1973
Food Act 1984
Weights and Measures Act 1987
Food Safety Act 1990
Sunday Trading Act 1994
Enterprise Act 2002
Private Security Industries Act 2001

9.2 To exercise all public health functions of the Council including (without prejudice to the generality of the foregoing) functions under the following Act(s)

National Health Service Act 2006 (as amended by the Health and Social Care Act 2012)

9.3 To exercise all the functions (Including the authorisation of officers under various) of the Local Planning Authority and Mineral Planning Authority and in relation to building control including (without prejudice to the generality of the foregoing) functions of Local Authorities under the following Acts:

National Parks and Access to the Countryside Act 1949
Countryside Act 1968
Wildlife and Countryside Act 1981
Building Act 1984
Town and Country Planning Act 1990 as amended
Planning (Hazardous Substances) Act 1990
Planning (Listed Buildings and Conservation Areas) Act 1990
Planning (Consequential Provisions) Act 1990
Planning and compensation Act 1991
Countryside and Rights of Way Act 2000
Flood and Water Management Act 2010
Anti-Social Behaviour Crime and Policing Act 2014

Note: The Council has an approved procedure for certain planning applications to be referred to committee

9.4 To exercise all the functions of the Council in relations to charities, and licensing including (without prejudice to the generality of the foregoing) functions of the Local Authorities under the following Acts and to include the authorisation of officers

Town Police Clauses 1847 and 1889
Public Health Acts Amendment Act 1907
Gaming Act 1968
Theatres Act 1968
Local Government (Miscellaneous Provisions) Act 1976
Cinemas Act 1985
Charities Act 1985
Licensing Act 2003

Gambling Act 2005

9.5 To promote economic development and community safety in North Somerset including (without prejudice to the generality of the foregoing) the exercise of the functions of Local Authorities under the following Act

Local Government and Housing Act 1989

THE LOCAL AUTHORITIES (Functions & Responsibilities) (England) REGULATIONS 2000 AMENDED

1. Functions relating to Town & Country Planning and development control – *Provision of Act or Statutory Instrument*
 - 4.1. Power to determine application for planning permission or permission in principle.
 - *Section 59A(1)(b), 70(1)(a) and (b) and 72 of the Town and Country Planning Act 1990 (c 8)*
 - 4.2. Power to determine applications to develop land without compliance with conditions previously attached.
 - *Section 73 of the Town and Country Planning Act 1990*
 - 4.3. Power to grant planning permission for development already carried out.
 - *Section 73A of the Town and Country Planning Act 1990*
 - 4.4. Power to decline to determine application for planning permission or permission in principle.
 - *Section 70A of the Town and Country planning Act 1990*
 - 4.5. Duties relating to the making of determinations of planning applications.
 - *Sections 69m 76 and 92 of the Town and Country Planning Act 1990 and Articles 8,10 to 13, 15 to 22,25 and 26 of the Town and Country Planning (General Development Procedure) Order 1995 (SI 1995/419) and directions made thereunder*
 - 4.6. Power to determine application for planning permission in principle by a local authority, alone or jointly with another person.
 - *the Town and Country Planning General Regulations 1992 (SI 1992/1492)*
 - 4.7. 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 to 24, 26 30 and 31 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (SI 1995/418)*

- 4.8. Power to enter into agreement regulating development or use of land.
 - *Section 106 of the Town and Country Planning Act 1990.*
- 4.9. 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*
- 4.10. Power to serve a completion notice.
 - *Section 94(2) of the Town and Country Planning Act 1990*
- 4.11. 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 (SI 1992/666)*
- 4.12. Power to authorise entry onto land.
 - *Section 196A of the Town and Country Planning Act 1990.*
- 4.13. Power to require the discontinuance of a use of land.
 - *Section 102 of the Town and Country Planning Act 1990.*
- 4.14. Power to serve a planning contravention notice, breach of condition notice or stop notice.
 - *Sections 171C, 187A and 183(1) of the Town and Country Planning Act 1990*
- 4.15. Power to issue a temporary stop notice.
 - *Section 171E of the Town and Country Planning Act 1990*
- 4.16. Power to issue an enforcement notice.
 - *Section 172 of the Town and Country Planning Act 1990*
- 4.17. Power to apply for an injunction restraining a breach of planning control.
 - *Section 187B of the Town and Country Planning Act 1990*
- 4.18. Power to determine applications for hazardous substances consent, and related powers.
 - *Section 9(1) of the Town and Country Planning Act 1990.*
- 4.19. Duty to determine conditions to which old mining permissions, relevant planning permissions relating to dormant sites or active Phase I or II sites, or mineral permissions relating to mining sites, as the case may be, are to be subject.
 - *Paragraph 2(6) of Schedule 2 to the Planning Compensation Act 1991 (c 34), paragraph 9(6) of Schedule 13 to the Environment Act 1995 (c 25) and paragraph 6(5) of Schedule 14 to that Act.*
- 4.20. Power to require proper maintenance of land.
 - *Section 215(1) of the Town and Country Act 1990*

4.21. Power to determine application for listed building consent, and related powers.

– *Sections 16(1) and (2), 17 and 33(1) of [the Planning (Listed Buildings and Conservation Areas) Act 1990 (c 9)]*

4.22. Duties relating to applications for listed building consent.

- *Sections 13(1) and 14(1) and (4) of [the Planning (Listed Buildings and Conservation Areas) Act 1990 (c 9) and regulations 3 to 6 and 13 of [the Planning (Listed Buildings Conservation Areas) Regulations 1990 (SI 1990/1519) and paragraphs 8, 15 and 26 of the Department of the Environment, Transport and the Regions Circular 01/01*

4.23. Power to Serve a building preservation notice, and related powers.

– *Section 3(1) and 4(1) of [the Planning (Listed Buildings and Conservation Areas) Act 1990 (c9)]*

4.24. Powers to issue enforcement notice in relations to demolition of listed building in conservation area.

- *Section 38 of [the Planning (Listed Buildings and Conservation Areas) Act 1990 (c9)]*

4.25. Powers to acquire a listed building in need of repair and to serve a repairs notice.

- *Section 47 and 48 of [the Planning (Listed Buildings and Conservation Areas) Act 1990 (c9)]*

4.26. Power to apply for an injunction in relations to a listed building.

- *Section 44A of [the Planning (Listed Buildings and Conservation Areas) Act 1990 (c9)]*

4.27. Power to execute urgent works.

- *Section 54 of [the Planning (Listed Buildings and Conservation Areas) Act 1990 (c9)]*

4.28. Duty to enter land in Part 2 of the brownfield land register.

– *Regulation 3 of the Town and Country Planning (Brownfield Land Register) Regulations 2017*

2. Licensing and registration functions (in so far as note covered by any other paragraph of this Schedule) – Provision of Act or Statutory Instrument

2.1 Power to issue licences authorising the use of land as a caravan site (“site licences”).

- *Section 3(3) of the Caravan Sites and Control of Development Act 1960 (c 62)*
- 2.2 Power to license the use of moveable dwellings and camping sites.
 - *Section 269(1) of the Public Health Act 1936 (c 49)*
- 2.3 Power to license hackney carriages and private hire vehicles.
 - (a) *as to hackney carriages, the Town Police Clauses Act 1847 (10 & 11 Vic c 89), as extended by section 171 of the Public Health Act 1875 (38 & 39 Vict c 55), and section 15 of the Transport Act 1985 (c 67): and sections 47m 57, 58, 60 and 79 of the Local government (Miscellaneous Provisions) Act 1976 (c 57)*
 - (b) *as to private hire vehicles, sections 48, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976*
- 2.4 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*
- 2.5 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*
- 2.6 Power to register pool promoters.
 - *Schedule 2 to the Betting, Gaming and Lotteries Act 1963 (c 2) as saved for certain purposes by article 3(3)(c) of the Gambling Act Order*
- 2.7 Power to grant track betting licences.
 - *Schedule 3 to the Betting, Gaming and Lotteries Act 1963 as saved for certain purposes by article 3(3)(d) and (4) of the Gambling Act Order*
- 2.8 Power to license inter-track betting schemes.
 - *Schedule 5ZA to the Betting, Gaming and Lotteries Act 1963 as saved for certain purposes by article 3(3)(e) of the Gambling Act Order*
- 2.9 Power to grant permits in respect of premises with amusement machines.
 - *Schedule 9 to the Betting, Gaming and Lotteries Act 1963 (c 65) as saved for certain purposes by article 4(2)(l) of the Gambling Act Order*
- 2.10 Power to register societies wishing to promote lotteries.
 - *Schedule 1 to the Lotteries and Amusements Act 1976 (c 32) as saved for certain purposes by article 5(2)(d) and (5) of the Gambling Act Order*
- 2.11 Power to grant permits in respect of premises where amusements with prizes are provided.

- *Schedule 3 to the Lotteries and Amusements Act 1976 (c 32) as saved for certain purposes by article 5(2)(d) and (5) of the Gambling Act Order*

2.12 Power to issue cinema and cinema club licences.

– *Section 1 of the Cinema Act 1985 (c 13)*

2.13 Power to issue theatre licences.

– *Section 12 to 14 of the Theatres Act 1968 (c 54)*

2.14 Power to issue entertainments licences.

– *Section 12 of the Children and Young Persons Act 1993 (c 12), section 52 of, Schedule 12 to, the London Government Act 1963 (c 33), Section 79 of the Licensing Act 1964 (c 26), sections 1 to 5 and 7 of, and Parts I and II of the Schedule to, the Private Places of Entertainment (Licensing) Act 1967 (c 19) and Part I of, and Schedules 1 and 2 to, the Local Government (Miscellaneous Provisions) Act 1982 (c 30)*

2.15 Any function of a licensing authority.

– *Licensing Act 2003 (c 17) and any regulations or orders made under that Act*

2.16 Powers and functions relating to late night levy requirements.

– *Chapter 2 of Part 2 of the Police Reform and Social Responsibility Act 2011 (c 13) and any regulations made under that Chapter*

2.17 Duty to comply with requirement to provide information to Gambling Commission.

– *Section 29 of the 2005 Act*

2.18 Functions relating to exchange of information.

– *Section 30 of the 2005 Act*

2.19 Functions relating to occasional use notices.

– *Section 39 of the 2005 Act*

2.20 Power to resolve not to issue a casino premises licence.

– *Section 166 of the 2005 Act*

2.21 Power to designate officer of a licensing authority as an authorised person for a purpose relating to premises.

– *Section 304 of the 2005 Act*

2.22 Power to make order disapplying section 279 or 282(1) of the 2005 Act in relation to specified premises.

– *Section 284 of the 2005 Act*

2.23 Power to institute criminal proceedings.

– *Section 346 of the 2005 Act*

2.24 Power to exchange information.
– *Section 350 of the 2005 Act*

2.25 Functions relating to the determination of fees for premises licences.
– *The Gambling (Premises Licence Fees) (England and Wales) Regulations 2007 (CI 2007/479)*

2.26 Functions relating to the registration and regulation of small society lotteries.
– *Part 5 of Schedule 11 to the 2005 Act*

2.27 Power to license sex shops and sex cinemas.
– *The Local Government (Miscellaneous Provisions) Act 1982, section 2 and Schedule 3*

2.28 Power to license performances of hypnotism.
– *The Hypnotism Act 1952 (c 46)*

2.29 Power to license premises for acupuncture, tattooing, ear-piercing and electrolysis.
– *Section 13 to 17 of the Local Government (Miscellaneous Provisions) Act 1982*

2.30 Power to license pleasure boats and pleasure vessels.
– *Section 94 of the Public Health Acts Amendment Act 1907 (c 53)*

2.31 Power to register door staff.
– *Paragraphs 1(2) and 9 of Schedule 12 to the London Government Act 1963 (c 33) and Part V of the London Local Authority Act 1995 (c x)*

2.32 Power to license market and street trading.
– *Part III of, and Schedule 4 to, the Local Government (Miscellaneous Provisions) Act 1982, Part III of the London Authorities Act 1990 (c vii) and section 6 of the London Local Authority Act 1994 (c xii)*

2.33 Power to license night cafes and take-away food shops.
– *Section 2 of the Late Night Refreshment Houses Act 1969 (c 53), Part II of the London Local Authorities Act 1990 and section 5 of the London Local Authorities Act 1994*

2.34 Power to license dealers in game and the killing and selling of game.
– *Sections 5, 6, 17, 18 and 21 to 23 of the Game Act 1831 (c 32), sections 2 to 16 of the Game Licensing Act 1860 (c 90), section 4 of the Customs and Inland Revenue Act 1883 (c 10), sections 12(3) and 27 of the Local Government Act 1874 (c 73), and section 213 of the Local Government Act 1972 (c 70)*

2.35 Power of register and license premises for the preparation of food.

- *Section 19 of the Food Safety Act 1990 (c 16)*

2.36 Power to license scrap yards.

- *Section 1 of the Scrap Metal Dealers Act 1964 (c 69)*

2.37 Power to issue, amend or replace safety certificates (whether general or special) for sports grounds.

- *The Safety of Sports Grounds Act 1975 (c 52)*

2.38 Power to issue, cancel, amend or replace safety certificates for regulated stands at sports grounds.

- *Part III of the Fire Safety and Safety of Places of Sport Act 1987 (c 27)*

2.39 Power to issue fire certificates.

- *Section 5 of the Fire Precautions Act 1971 (c 40)*

2.40 Power to grant or renew a licence for a licensable activity under the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 (selling animals as pets, providing or arranging for the provision of boarding for cats or dogs, hiring out horses, breeding dogs or keeping or training animals for exhibitions).

- *Regulation 4 of those Regulations*

2.41 Power to license zoos.

- *Section 1 of the Zoo Licensing Act 1981 (c 37)*

2.42 Power to license dangerous wild animals.

- *Section 1 of the Dangerous Wild Animals Act 1976 (c 38)*

2.43 Power to license knackers' yards.

- *Section 4 of the Slaughterhouse Act 1974. See also the Animal By-Products Order 1999 (SI 1999/646)*

2.44 Power to license the employment of children.

- *Part II of the Children and Young Persons Act 1933 (c 33), byelaws made under that Part, and Part II of the Children and Young Persons Act 1963 (C 37)*

2.45 Power to approve premises for the solemnisation of marriages.

- *Section 46A of the Marriage Act 1946 (c 76) and the Marriages (Approved Premises) regulations 1995 (SI 1995/510)*

2.46 Power to register common land or town or village greens, except where the power is exercisable solely for the purpose of giving effect to:

- (a) An exchange of lands effected by an order under section 19(3) of, or paragraph 6(4) of Schedule 3 to, the Acquisition of Land Act 1981 (c 67) or

(b) An order under section 147 of the Inclosure Act 1845 (c 8 & 9 Vict c 118)

- *Regulation 6 of the Commons Registrations (New Land) Regulations 1969 (SI 1969/1843)*

2.47 Power to register variation of rights of common.

- Regulation 29 of the Commons Registration (General) Regulations 1996 (SI 1966/1471)

2.48 Power to license persons to collect for charitable and other causes.

- *Section 5 of the Police, Factories etc (Miscellaneous Provisions) Act 1916 (c 31) and section 2 of the House to House Collections Act 1939 (c 44)*

2.49 Power to grant consent for the operation of a loudspeaker.

- *Schedule 2 to the Noise and Statutory Nuisance Act 1993 (c 40)*

2.50 Power to grant a street work licence.

- *Section 50 of the New Roads and Street Works Act 1991 (c 22)*

2.51 Power to license agencies for the supply of nurses.

- *Section 2 of the Nurses Agencies Act 1957 (c 16)*

2.52 Power to issue licences for the movement of pigs.

- *Article 12 of the Pigs (Records, Identification and Movement) Order 1995 (SI 1995/11)*

2.53 Power to license the sale of pigs.

- *Article 13 of the Pigs (Records, Identification and Movement) Order 1995*

2.54 Power to license collecting Centre's for the movement of pigs.

- *Article 14 of the Pigs (Records, Identification and Movement) Order 1995*

2.55 Power to issue a licence to move cattle from a market.

- *Article 5(2) of the Cattle Identification Regulations 1998 (SI 1998/871)*

2.56 Power to grant permission for the provision, etc of services, amenities, recreation and refreshments facilities on highway, and related powers.

- *Sections 115E, 115F and 115K of the Highways Act 1980*

2.57 Duty to publish notice in respect of proposal to grant permission under section 115E of the Highways Act 1980.

- *Section 115G of the Highways Act 1980*

2.58 Power to permit deposit of builder' skip on highway.

- *Section 139 of the Highways Act 1980 (c 66)*

2.59 Power to license planting, retention and maintenance of trees etc in part of highway.

- *Section 142 of the Highways Act 1980*
- 2.60 Power to authorise erection of stiles etc on footpaths or bridleways.
 - *Section 147 of the Highways Act 1980*
- 2.61 Power to license works in relation to building etc which obstruct the highway.
 - *Section 169 of the Highways Act 1980*
- 2.62 Power to consent to temporary deposits or excavations in streets.
 - *Section 171 of the Highways Act 1980*
- 2.63 Power to dispense with obligation to erect hoarding or fence.
 - *Section 172 of the Highways Act 1980*
- 2.64 Power to restrict the placing of rails, beams etc. over highways.
 - *Section 178 of the Highways Act 1980*
- 2.65 Power to consent to construction of cellars etc under street.
 - *Section 179 of the Highways Act 1980*
- 2.66 Power to consent to the making of opening into cellars etc. under street, and pavement lights and ventilators.
 - *Section 180 of the Highways Act 1980*
- 2.67 Power to sanction use of parts of building for storage of celluloid.
 - *Section 1 of the Celluloid and Cinematograph Film Act 1922 (c 35)*
- 2.68 Power to approve meat product premises.
 - *Regulations 4 and 5 of the Meat Products (Hygiene) Regulations 1994 (SI 1994/3082)*
- 2.69 Power to approve premises for the production of minced meat or meat preparations.
 - *Regulation 4 of the Minced Meat and Meat Preparations (Hygiene) Regulations 1995 (SI 1995/3205)*
- 2.70 Power to approve dairy establishments.
 - *Regulations 6 and 7 of the Dairy Products (Hygiene) Regulations 1995 (SI 1995/1086)*
- 2.71 Power to approve egg production establishments.
 - *Regulation 5 of the Egg Products Regulations 1993 (SI 1993/1520)*
- 2.72 Power to issue licences to retail butchers' shops carrying out commercial operations in relation to unwrapped raw meat and selling or supplying both raw meat and ready-to-eat foods.
 - *Schedule 1A to the Food safety (General Food Hygiene) Regulations 1995 (SI 1995/1763)*

2.73 Power to approve fish products premises.

- *Regulation 24 of the Food safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998 (SI 1998/994)*

2.74 Power to approve dispatch or purifications centres.

- *Regulation 11 of the Food safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998*

2.75 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*

2.76 Power to approve factory vessels and fishery product establishments.

- *Regulation 24 of the Food safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998*

2.77 Power to register auction and wholesale markets.

- *Regulation 26 of the Food safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998*

2.78 Duty to keep register of food business premises.

- *Regulation 5 of the Food Premises (Registration) Regulations 1991 (SI 1991/2828)*

2.79 Power to register food business premises.

- *Regulation 9 of the Food Premises (Registration) Regulations 1991*

2.80 Power to issue near beer licence.

- *Section 16 to 19 and 21 of the Londs Local Authorities Act 1995 (c x) and, to the extent that it does not have effect by virtue of regulation 2(3), section 25 of that Act*

2.81 Power to register premises or stalls for the sale of goods by way of competitive bidding.

- *Section 28 of the Greater Lond Council (general Powers) Act 2984 (c xxvii)*

2.82 Power to register motor salvage operators. – *Part I of the Vehicles (Crime) Act 2001 (c 3)*

2.83 Functions relating to the registration of common land and town or village greens.

- *Part I of the Commons Act 2006 (c 26) and the Commons registration (England) Regulations 2008 (SI 2008/1961)*

2.84 Functions relating to pavement licences.

- Section 1 to 7 of the Business and Planning Act 2020

3. Functions relating to health and safety at work

Functions under any of the “relevant statutory provisions” within the meaning of Part I (health, safety and welfare in connection with work, and control of dangerous substances) of the Health and Safety at Work etc Act 1974, to the extent that those functions are discharged otherwise than in the authority’s capacity as an employer.

- Part 1 of the Health and Safety at Work etc Act 1974 (c 37)

4. Functions relating to elections

- 4.1. Duty to appoint an electoral registration officer.
 - Section 8(2) of the Representation of the People Act 1983 (c 2)
- 4.2. Power to assign officers in relation to requisitions of the registration officer.
 - Section 52(4) of the Representation of the People Act 1983
- 4.3. Functions in relation to parishes and parish councils.
 - Part II of the Local Government and Rating Act 1997 (c 29) and subordinate legislation under that part
- 4.4. Power to dissolve small parish councils.
 - Section 10 of the Local Government Act 1972
- 4.5. Power to make orders for grouping parishes, dissolving groups and separating parishes from groups.
 - Section 11 of the Local Government Act 1972
- 4.6. Duty to appoint returning officer for local government elections.
 - Section 35 of the Representation of People Act 1983
- 4.7. Duty to provide assistance at European Parliamentary elections.
 - Section 6(7) and (8) of the European Parliamentary Elections Act 2002 (c 24)
- 4.8. Duty to divide constituency into polling districts.
 - Section 18A to 18E of, and Schedule A1 to, of the Representation of the People Act 1983
- 4.9. Power to divide electoral divisions into polling districts at local government elections.
 - Section 31 of the Representation of the People Act 1983
- 4.10. Powers to respect of holding of elections.

- *Section 39(4) of the Representation of the People Act 1983*
- 4.11. Power to pay expenses properly incurred by electoral registration officer.
 - *Section 54 of the Representation of the People Act 1983*
- 4.12. Power to fill vacancies in the event of insufficient nominations.
 - *Section 21 of the Representation of the People Act 1985*
- 4.13. Duty to declare vacancy in office in certain cases.
 - *Section 86 of the Local Government Act 1972*
- 4.14. Duty to give public notice of a casual vacancy.
 - *Section 87 of the Local Government Act 1972*
- 4.15. Power to make temporary appointments to parish councils.
 - *Section 91 of the Local Government Act 1972*
- 4.16. 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 People Act 2000.
 - *Section 10 of the Representation of the People Act 2000 (c 2)*
- 4.17. Duty to consult on change of scheme for elections.
 - *Sections 33(2), 38(2) and 40(2) of the 2007 Act*
- 4.18. Duties relating to publicity.
 - *Sections 35, 41 and 52 of the 2007 Act*
- 4.19. Duties relating to notice to Electoral Commission.
 - *Sections 36 and 42 of the 2007 Act*
- 4.20. Power to alter years of ordinary elections of parish Councillors.
 - *Section 53 of the 2007 Act*
- 4.21. Functions relating to change of name of electoral area.
 - *Section 59 of the 2007 Act*

5. Functions relating to name and status of areas and individuals

- 5.1 Power to change the name of a county, district or London borough.
 - *Section 74 of the Local Government Act 1972*
- 5.2 Power to change the name of a parish.
 - *Section 75 of the Local Government Act 1972*

- 5.3 Power to confer title of honorary alderman or to admit to be an honorary freeman.
 - *Section 249 of the Local Government Act 1972*
- 5.4 Power to petition for a charter to confer borough status.
 - *Section 245b of the Local Government Act 1972*

6. EB – Functions relating to community governance

- 6.1 Duties relating to community governance reviews.
 - *Section 79 of the 2007 Act*
- 6.2 Functions relating to community governance petitions.
 - *Sections 80, 83 to 85 of the 2007 Act*
- 6.3 Functions relating to terms of reference of review.
 - *Sections 81(4) to (6)*
- 6.4 Power to undertake a community governance review.
 - *Section 82 of the 2007 Act*
- 6.5 Functions relating to making of recommendations.
 - *Sections 87 to 92 of the 2007 Act*
- 6.6 Duties when undertaking review.
 - *Sections 93 to 95 of the 2007 Act*
- 6.7 Duty to publicise outcome of review.
 - *Section 96 of the 2007 Act*
- 6.8 Duty to send two copies of order to Secretary of State and Electoral commission.
 - *Section 98(1) of the 2007 Act*
- 6.9 Power to make agreements about incidental matters.
 - *Section 99 of the 2007 Act*
- 6.10 Power to make, amend, revoke, re-enact or enforce bylaws.
 - *Any Provisions of any enactment (including a local Act), whenever passed, and Section 14(Add Link) of the Interpretation Act 1978 (c 3)*

7. Functions relating to smoke-free premises, etc

- 7.3 Duty to enforce Chapter 1 and regulations made under it.
 - *Section 10(3) of the 2006 Act*

- 7.4 Power to authorise officers.
 - *Section 10(5) of, and paragraph 1 of Schedule 2 to, the 2006 Act*
- 7.5 Functions relating to fixed penalty notices.
 - *Paragraphs 13, 15 and 16 of Schedule 1 to the 2006 Act. Smoke-free (Vehicle Operators and Penalty Notices) Regulations 2007 (SI 2006/760)*
- 7.6 Power to transfer enforcement functions to another enforcement authority.
 - *Smoke-free (Premises and Enforcement) Regulations 2006 (SI 2006/3368)*

8. Power to promote or oppose local or personal Bills – Section 239 of the Local Government Act 192

Section 239 of the Local Government Act 192.

9. Functions relating to pensions etc.

- 9.6 Functions relating to local government pensions, etc.
 - *Regulations under sections 7, 12 or 24 of the Superannuation Act 1972 (c 11)*
- 9.7 Functions under the Fire-fighters' Pensions Scheme relating to pensions, etc. as respects pensions employed by fire and rescue authorities pursuant to section 1 of the Fire and rescue Services Act 2004.
 - *Sections 34 and 36 of the Fire and Rescue Service Act 2004 (c 21)*

10. Miscellaneous Functions

Part I: functions relating to public rights of way

- 10.1 Power to create footpath, bridleway or restricted byway by agreement.
 - *Section 25 of the Highways Act 1980 (c 66)*
- 10.2 Power to create footpaths, bridleways and restricted byways.
 - *Section 26 of the Highways Act 1980*
- 10.3 Duty to keep register of information with respect to maps, statements and declarations.
 - *Section 31A of the Highways Act 1980*
- 10.4 Power to stop up footpaths, bridleways and restricted byways.
 - *Section 118 of the Highways Act 1980*

- 10.5 Power to determine application for public path extinguishment order.
 - *Sections 118Z and 118C(2) of the Highways Act 1980*
- 10.6 Power to make a rail crossing extinguishment order.
 - *Section 118A of the Highways Act 1980*
- 10.7 Power to make a special extinguishment order.
 - *Section 118B of the Highways Act 1980*
- 10.8 Power to divert footpaths, bridleways and restricted byways.
 - *Section 119 of the Highways Act 1980*
- 10.9 Power to make a public path diversion order.
 - *Sections 119ZA and 119C(4) of the Highways Act 1980*
- 10.10 Power to make a rail crossing diversion order.
 - *Section 119A of the Highways Act 1980*
- 10.11 Power to make a special diversion order.
 - *Section 119B of the Highways Act 1980*
- 10.12 Power to require applicant for order to enter into agreement.
 - *Section 119C(3) of the Highways Act 1980*
- 10.13 Power to make an SSSI diversion order.
 - *Section 119D of the Highways Act 1980*
- 10.14 Duty to keep register with respect to applications under Sections 118ZA, 118C, 119ZA and 119C of the Highways Act 1980.
 - *Section 121B of the Highways Act 1980*
- 10.15 Power to decline to determine certain applications.
 - *Section 121C(3) of the Highways Act 1980*
- 10.16 Duty to assert and protect the rights of the public to use and enjoyment of highways.
 - *Section 130 of the Highways Act 1980*
- 10.17 Duty to serve notice of proposed action in relation to obstructions.
 - *Section 130A of the Highways Act 1980*
- 10.18 Power to apply for variation of order under section 103B of the Highways Act 1980.
 - *Section 130(7) of the Highways Act 1980*
- 10.19 Power to authorise temporary disturbance of surface of footpath, bridleway or restricted byway.
 - *Section 135 of the Highways Act 1980*

- 10.20 Power temporarily to divert footpath, bridleway or restricted byway.
 - *Section 135A of the Highways Act 1980*
- 10.21 Functions relating to the making good of damage and the removal of obstructions.
 - *Section 135B of the Highways Act 1980*
- 10.22 Powers relating to the removal of things so deposited on highways as to be a nuisance.
 - *Section 149 of the Highways Act 1980*
- 10.23 Powers to extinguish certain public rights of way
 - *Section 32 of the Acquisition of Land Act 1981 (c 67)*
- 10.24 Duty to keep definitive map and statement under review.
 - *Section 53 of the Wildlife and Countryside Act 1981*
- 10.25 Power to include modifications in other orders.
 - *Section 53A of the Wildlife and Countryside Act 1981*
- 10.26 Duty to keep register of prescribed information with respect to applications under section 53(5) of the Wildlife and Countryside Act 1981.
 - *Section 53B of the Wildlife and Countryside Act 1981*
- 10.27 Powers to prepare map and statement by way of consolidation of definitive map and statement.
 - *Section 57A of the Wildlife and Countryside Act 1981*
- 10.28 Power to designate footpath as cycle track.
 - *Section 3 of the Cycle Tracks Act 1984 (c 38)*
- 10.29 Power to extinguish public right of way over land acquired for clearance.
 - *Section 294 of the Housing Act 1984 (c 68)*
- 10.30 Power to authorise stopping up of diversion of highway.
 - *Section 247 of the Town and Country Planning Act 1990 (c 8)*
- 10.31 Power to authorise stopping-up or diversion of footpath, bridleway or restricted byway.
 - *Section 257 of the Town and Country Planning Act 1990*
- 10.32 Power to extinguish public rights of way over land held for palling purposes.
 - *Section 258 of the Town and Country Planning Act 1990*
- 10.33 Power to enter into agreements with respect to means of access.
 - *Section 35 of the Countryside and Rights of Way Act 2000 (c 37)*

10.34 Power to provide access in absence of agreement.

– *Section 37 of the Countryside and Rights of Way Act 2000*

Part II: Other miscellaneous functions

10.35 Functions relating to sea fisheries.

– *Sections 1,2,10 and 19 of the Sea Fisheries Regulations Act 1996 (c 38)*

10.36 Power to make standing orders.

– *Section 106 of, and paragraph 42 of Schedule 12 to, the Local Government Act 1972 (c 70)*

10.37 Power to appoint staff, and to determine the terms and conditions on which they hold office (Including procedures for their dismissal).

– *Section 112 of the Local Government Act 1972*

10.38 Power to make standing orders as to contracts.

– *Section 135 of the Local Government Act 1972*

10.39 Duty to make arrangements for proper administration of financial affairs etc.

– *Section 151 of the Local Government Act 1972*

10.40 Power to appoint officers for particular purposes (appointment of “proper officers”).

– *Section 270(3) of the Local Government Act 1972*

10.41 Power to make limestone pavement order. – *Section 34(2) of the Wildlife and Countryside Act 1981 (c 69)*

10.42 Power to make closing order with respect to take-away food shops

– *Section 4 of the Local Government (miscellaneous Provisions) Act 1982 (c 30)*

10.43 Duty to designate officer as the head of the authority’s paid service, and to provide staff, etc.

– *Section 4(1) of the Local Government Housing Act 1982 (c 42)*

10.44 Duty to designate officer as the monitoring officer, and to provide staff, etc.

– *Section 5(1) of the Local Government and Housing Act 1989*

10.45 Duty to provide staff, etc to person nominated by monitoring officer.

– *Sections 82A(4) and (5) of the Local Government Act 2000*

10.46 Powers relating to overview and scrutiny committees (voting rights of co-opted members)

– *Paragraphs 12 and 14 to Schedule 1 to the Local Government Act 2000*

- 10.47 Duty to approve authority's statement of accounts, income and expenditure and balance sheet, or record of payments and receipts (as the case may be).
 - *The Accounts and Audit Regulations 1996 (SI 1996/590)*
- 10.48 Powers relating to the protection of important hedgerows.
 - *The Hedgerows Regulations 1997 (SI 1997/1160)*
- 10.49 Powers relating to the preservation of trees.
 - *Sections 197 to 214D of the Town and Country Planning Act 1990, and the Trees Regulations 1999 (SI 1999/1892)*
- 10.50 Powers relating to complaints about high hedges.
 - *Part 8 of the Anti-Social Behaviour Act 2003*
- 10.51 Power to make payments or provide other benefits in cases of maladministration etc.
 - *Section 13(2) of the Criminal Justice and Police Act 2001 (c 16)*
- 10.52 Power to make an order identifying a place as a designated public place for the purpose of police powers in relation to alcohol consumption.
 - *Section 13(2) of the Criminal Justice and Police Act 2001 (c 16)*
- 10.53 Power to make or revoke an order designating a locality as an alcohol disorder zone.
 - *Section 45(2)(b) of the Commons Act 2006*
- 10.54 Power to apply for an enforcement order against unlawful works on common land. – *Section 41 of the Commons Act 2006*
- 10.55 Power to protect unclaimed registered common land and unclaimed town or village greens against unlawful interference.
 - *Section 45(2)(a) of the Commons Act 2006*
- 10.56 Power to institute proceedings for offense in respect of unclaimed registered common land and unclaimed town or village greens.
 - *Section 45(2)(b) of the Commons Act 2006*

Local choice functions responsibility of the Council Miscellaneous Functions

1. The making of arrangements under section 200 (questions on police matters at Council meetings) or the Police Act 1996 for enabling questions to be put on the discharge of the functions of the police authority.

2. The making of appointments under paragraph 2 to 4 (appointments of members by relevant councils) of Schedule 2 (police authorities established under section 3) to the Police Act 1996.
3. The determination of an appeal against any decision made by or on behalf of the authority (where a right of appeal exists).