

Part 3

Responsibility for Functions

Responsibility for Functions

OPTION 1 – ALL EXECUTIVE FORMS OF CONSTITUTION

The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 give effect to section 13 of the Local Government Act 2000 by specifying which functions are not to be the responsibility of the Executive, which may (but need not) be the responsibility of the Executive (the ‘local choice functions’) and which are to some extent the responsibility of the Executive. The Constitution makes clear how these distinctions are given effect.

This requirement is included in Article 4 (The full Council) and Article 7 (The Cabinet). The functions shown below are the responsibilities indicated except where delegated to officers as shown in Schedule 1

TABLE OF RESPONSIBILITIES OF COUNCIL

Function	Decision making Body	Membership	Delegation of functions
<p>Functions relating to elections</p> <ol style="list-style-type: none"> 1. Duty to appoint an Electoral Registration Officer. 2. Power to assign officers in relation to requisitions of the Registration Officer. 3. Functions in relation to parishes and parish councils. 4. Power to dissolve small parish councils. 5. Power to make orders for grouping parishes, dissolving groups and separating parishes from groups. 6. Duty to appoint Returning Officer for local government elections. 7. Duty to provide assistance at European Parliamentary elections. 8. Duty to divide constituency into polling districts. 	Council	All 42 Members of the Council	See Schedule 1 containing delegation to officers

Function	Decision making Body	Membership	Delegation of functions
<p>9. Power to divide electoral divisions into polling districts at local government elections.</p> <p>10. Powers in respect of holding of elections.</p> <p>11. Power to pay expenses properly incurred by Electoral Registration Officers.</p> <p>12. Power to fill vacancies in the event of insufficient nominations.</p> <p>13. Duty to declare vacancy in office in certain cases.</p> <p>14. Duty to give public notice of a casual vacancy.</p> <p>15. Power to make temporary appointments to parish councils.</p> <p>16. Power to determine fees and conditions for supply of copies of, or extracts from, elections documents.</p> <p>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.</p>			
<p>Functions relating to name and status of areas and individuals</p> <p>1. Power to change the name of a county, district or London borough.</p> <p>2. Power to change the name of a parish.</p>			

<p>3. Power to confer title of honorary alderman or to admit to be an honorary freeman.</p> <p>4. Power to petition for a charter to confer borough status.</p> <p>Power to make, amend, revoke or re-enact byelaws. All matters relating thereto.</p> <p>Power to promote or oppose local or personal Bills. All matters relating thereto.</p> <p>Functions relating to pensions etc.</p> <p>1. Functions relating to local government pensions, etc.</p> <p>2. Functions under the Fireman's Pension Scheme relating to pensions, etc. as respects persons employed as members of fire brigades maintained pursuant to section 4 of the Fire Services Act 1947.</p>			
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Function	Decision making Body	Membership	Delegation of functions
<p><i>Part II: other miscellaneous functions</i></p> <ol style="list-style-type: none"> 1. Functions relating to sea fisheries. 2. Power to make Standing Orders. 3. Power to appoint staff, and to determine the terms and conditions on which they hold office (including procedures for their dismissal). 4. Power to make Standing Orders as to contracts. 5. Duty to make arrangements for proper administration of financial affairs etc. 6. Power to appoint officers for particular purposes (appointment of "proper officers"). 7. Power to make limestone pavement order. 8. Power to make closing order with respect to take-away food shops. 9. Duty to designate officer as the Head of the Paid Service, and to provide staff etc. 10. Duty to designate officer as the Monitoring Officer, and to provide staff, etc. 11. Duty to approve authorities statement of accounts, income and expenditure and balance sheet, or record of payments and receipts (as the case may be) 			

Function	Decision making Body	Membership	Delegation of functions
<p>12. Powers relating to the protection of important hedgerows.</p> <p>13. Power to make payments or provide other benefits in cases of maladministration etc.</p> <p>14. Powers and duties relating to local development documents which are development plan documents.</p> <p>15. Powers relating to Overview and Scrutiny Committees (voting rights of co-opted Members).</p> <p>Other</p> <p>1. The determination of an appeal against any decision made by or on behalf of the authority.</p> <p>2. The appointment of Review Boards under regulations under subsection (4) of section 34 (determination of claims and reviews) of the Social Security Act 1998.</p> <p>3. The making of arrangements in relation to appeals against the exclusion of pupils from maintained schools.</p> <p>4. The making of arrangements pursuant to Section 94(1), (1A) and (4) of the 1998 Act (admission appeals).</p> <p>5. The making of arrangements pursuant to Section 95(2)</p>			

Function	Decision making Body	Membership	Delegation of functions
<p>of the 1998 Act (children to whom section 87 applies: appeals by governing bodies).</p> <p>5. The making of arrangements under section 20 (questions on police matters) at Council meetings of the Police Act 1996 for enabling questions to be put on the discharge of the functions of a Police Authority.</p> <p>6. The making of appointments under paragraphs 2 to 4 (appointment of members by relevant Councils) of Schedule 2 (Police Authorities established under section 3) to the Police Act 1996.</p> <p>7. The conducting of Best Value Reviews in accordance with the provisions of any order for the time being having effect under section 5 (Best Value Reviews) of the Local Government Act 1999.</p> <p>8. Any function relating to contaminated land.</p> <p>9. The discharge of any function relating to the control of pollution or the management of air quality.</p> <p>10. The service of an abatement notice in respect of a statutory nuisance.</p>			

Function	Decision making Body	Membership	Delegation of functions
<p>11. The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the authority's area.</p> <p>12. The inspection of the authority's area to detect any statutory nuisance.</p> <p>13. The investigation of any complaint as to the existence of a statutory nuisance.</p> <p>14. The obtaining of information under section 330 of the Town and Country Planning Act 1990 as to interests in land.</p> <p>15. The obtaining of particulars of persons interested in land under section 16 of the Local Government (Miscellaneous Provisions) Act 1976.</p> <p>16. The making of agreements for the execution of highways works.</p> <p>17. The appointment of any individual-</p> <p>(a) to any office other than an office in which he is employed by the authority.</p> <p>(b) To any body other than:</p> <p>(i) The authority;</p> <p>(ii) a Joint Committee of two or more authorities; or</p> <p>(c) to any Committee or Sub-Committee of such a body, and</p>			

Function	Decision making Body	Membership	Delegation of functions
<p>the revocation of any such appointment.</p> <p>18. The making of agreements with other local authorities for the placing of staff at the disposal of those other authorities.</p> <p>19. Any function of a local authority in their capacity as a Harbour Authority (to the extent that the function does not fall within 21 below).</p> <p>20. Any function under a Local Act.</p>			

TABLE OF DELEGATED FUNCTIONS TO COMMITTEES

Committee	Membership	Functions	Delegation of Functions
Planning	11 members of the authority	<p>Functions relating to town and country planning and development control</p> <ol style="list-style-type: none"> 1. Power to determine applications for planning permission. 2. Power to determine applications to develop land without compliance with conditions previously attached. 3. Power to grant planning permission for development already carried out. 4. Power to decline to determine applications for planning permission. 5. Duties relating to the making of determinations of planning applications. 6. Power to determine applications for planning permission made by a local authority, alone or jointly with another person. 	See Schedule 1 containing delegations to officers

Committee	Membership	Functions	Delegation of Functions
		<ul style="list-style-type: none"> 7. Power to make determinations, give approvals and agree certain other matters relating to the exercise of permitted development rights. 8. Power to enter into agreements regulating development or use of land. 9. Power to issue a certificate of existing or proposed lawful use or development. 10. Power to serve a Completion Notice. 11. Power to grant consent for the display of advertisements. 12. Power to authorise entry onto land. 13. Power to require the discontinuance of a use of land. 14. Power to serve a planning contravention notice, breach of condition notice or stop notice. 15. Power to issue an enforcement notice. 	

Committee	Membership	Functions	Delegation of Functions
		<p>16. Power to apply for an injunction restraining a breach of planning control.</p> <p>17. Power to determine applications for hazardous substances consent, and related powers.</p> <p>18. Duty to determine conditions to which old mining permissions, relevant planning permissions relating to dormant sites or active Phase I or II sites, or mineral permissions relating to mining sites, as the case may be, are to be subject.</p> <p>19. Power to require proper maintenance of land.</p> <p>20. Power to determine applications for Listed Building Consent, and related powers.</p> <p>21. Power to determine applications for Conservation Area consent.</p>	

Committee	Membership	Functions	Delegation of Functions
		<p>22. Duties relating to applications for Listed Building Consent and Conservation Area consent.</p> <p>23. Power to serve a Building Preservation Notice, and related powers.</p> <p>24. Power to issue enforcement notice in relation to demolition of unlisted building in Conservation Area.</p> <p>25. Powers to acquire a Listed Building in need of repair and to serve a repairs notice.</p> <p>26. Power to apply for an injunction in relation to a listed building.</p> <p>27. Power to execute urgent works.</p> <p>28. Powers relating to the preservation of trees.</p> <p>29. Power to agree to establish a joint Committee to be, for the purposes of Part 2 of the Planning and Compulsory Purchase Act 2004, of a Local Planning Authority.</p> <p>30. Power to agree to confer additional functions on a joint Committee.</p> <p>31. Power to request</p>	

		the dissolution of a joint Committee.	
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Committee	Membership	Functions	Delegation of Functions
Licensing Committee	15 members of the authority	<p>Functions relating to licensing and registration</p> <ol style="list-style-type: none"> 1. Power to issue licences authorising the use of land as a caravan site (“site licences”). 2. Power to license the use of moveable dwellings and camping sites. 3. Power to license hackney carriages and private hire vehicles. 4. Power to license drivers of hackney carriages and private hire vehicles. 5. Power to license operators of hackney carriages and private hire vehicles. 6. Power to register pool promoters. 7. Power to grant track betting licences. 8. Power to license inter-track betting schemes. 9. Power to grant permits in respect of premises with amusement machines. 10. Power to register societies wishing to promote lotteries. 	See Schedule 1 containing delegations to officers

Committee	Membership	Functions	Delegation of Functions
		<ul style="list-style-type: none"> 11. Power to grant permits in respect of premises where amusements with prizes are provided. 12. Power to issue cinema and cinema club licences. 13. Power to issue theatre licences. 14. Power to issue entertainments licences. 15. Power to licence sex shops and sex cinemas. 16. Power to license performances of hypnotism. 17. Power to license premises for acupuncture, tattooing, ear-piercing and electrolysis. 18. Power to license pleasure boats and pleasure vessels. 19. Power to register door staff. 20. Power to license market and street trading. 21. Power to license night cafes and take-away food shops. 22. Duty to keep list of persons entitled to sell non-medical poisons. 	

Committee	Membership	Functions	Delegation of Functions
		<p>23. Power to license dealers in game and the killing and selling of game.</p> <p>24. Power to register and license premises for the preparation of food.</p> <p>25. Power to license scrap yards.</p> <p>26. Power to issue, amend or replace safety certificates (whether general or special) for sports grounds.</p> <p>27. Power to issue, cancel, amend or replace safety certificates for regulated stands at sports grounds.</p> <p>28. Power to issue fire certificates.</p> <p>29. Power to license premises for the breeding of dogs.</p> <p>30. Power to license pet shops and other establishments where animals are bred or kept for the purposes of carrying on a business.</p> <p>31. Power to register animal trainers and exhibitors.</p> <p>32. Power to license zoos.</p> <p>33. Power to license dangerous wild animals.</p>	

Committee	Membership	Functions	Delegation of Functions
		<p>34. Power to license knackers' yards.</p> <p>35. Power to license the employment of children.</p> <p>36. Power to approve premises for the solemnisation of marriages.</p> <p>37. Power to register common land or town or village greens, except where the power is exercisable solely for the purpose of giving effect to:-</p> <p>(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; and</p> <p>(b) an order under section 147 of the Inclosure Act 1845.</p> <p>38. Power to register variation of rights of common.</p> <p>39. Power to license persons to collect for charitable and other causes.</p> <p>40. Power to grant consent for the operation of a loudspeaker.</p> <p>41. Power to grant a street works licence.</p>	

Committee	Membership	Functions	Delegation of Functions
		<p>42. Power to license agencies for the supply of nurses.</p> <p>43. Power to issue licences for the movement of pigs.</p> <p>44. Power to license the sale of pigs.</p> <p>45. Power to license collecting centres for the movement of pigs.</p> <p>46. Power to issue a licence to move cattle from a market.</p> <p>47. Power to permit deposit of builder's skip on highway.</p> <p>48. Power to license planting, retention and maintenance of trees etc., in part of highway.</p> <p>49. Power to authorise erection of stiles etc., on footpaths or bridleways.</p> <p>50. Power to license works in relation to buildings etc., which obstruct the highway.</p> <p>51. Power to consent to temporary deposits or excavations in streets.</p> <p>52. Power to dispense with obligation to erect hoarding or fence.</p> <p>53. Power to restrict the placing of rails, beams etc., over highways.</p>	

Committee	Membership	Functions	Delegation of Functions
		<p>54. Power to consent to construction of cellars etc., under streets.</p> <p>55. Power to consent to the making of openings into cellars etc., under streets, and pavement lights and ventilators.</p> <p>56. Power to sanction use of parts of buildings for storage of celluloid.</p> <p>57. Power to approve meat product premises.</p> <p>58. Power to approve premises for the production of minced meat or meat preparations.</p> <p>59. Power to approve dairy establishments.</p> <p>60. Power to approve egg product establishments.</p> <p>61. Power to issue licences to retail butchers' shops carrying out commercial operations in relation to unwrapped raw meat and selling or supplying both raw meat and ready-to-eat foods.</p> <p>62. Power to approve fish products premises.</p>	

Committee	Membership	Functions	Delegation of Functions
		<p>63. Power to approve fishery dispatch or purification centres.</p> <p>64. Power to register fishing vessels on board which shrimps or molluscs are cooked.</p> <p>65. Power to approve factory vessels and fishery product establishments.</p> <p>66. Power to register auction and wholesale markets</p> <p>67. Duty to keep register of food business premises.</p> <p>68. Power to register food business premises.</p> <p>69. Power to issue beer licence.</p> <p>70. Power to register premises or stalls for the sale of goods by way of competitive bidding.</p> <p>71. Power to grant permission for provision, etc., of services, amenities, recreation and refreshments facilities on highways, and related powers.</p> <p>72. Duty to publish notice in respect of proposal to grant permission under</p>	

		<p>Section 115E of the Highways Act 1980.</p> <p>Functions relating to health and safety at work</p> <p>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</p>	
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Committee	Membership	Functions	Delegation of Functions
		Work etc., Act 1974, to the extent that those functions are discharged otherwise than in the authority's capacity as an employer.	
Standards	2 members of the authority and 4 Independent Members selected from the community, one of whom shall be its Chairman	<p>The promotion and maintenance of high standards of conduct within the Council</p> <ol style="list-style-type: none"> 1. To advise the Council on the adoption or revision of its Code of Conduct 2. To monitor and advise the Council about the operation of its Code of Conduct in the light of best practice, changes in the law, guidance from the Standards Board and recommendations of Case Tribunals under section 80 of the Local Government Act 2000 <p>Assistance to members and co-opted members of the authority To ensure that all members of the Council, Co-opted Members and Independent Members have access to training</p>	

Committee	Membership	Functions	Delegation of Functions
		<p>in all aspects of the member Code of Conduct, that this training is actively promoted, and that members are aware of the standards expected under the Code.</p> <p>Other functions</p> <ol style="list-style-type: none"> 1. Functions relating to standards of conduct of members under any relevant provision of, or regulations made under, the Local Government Act 2000. 2. Recommend protocols for Councillors and officers to the Council 	
Employment and Employee Appeals	A number of members of the authority determined by the Council	To consider appeals against dismissal, grading and grievances by employees of the Council	All powers of the Council

Committee	Membership	Functions	Delegation of Functions
Area Committees	Membership – All Councillors of Wards comprising each Area Committee	<p>Miscellaneous functions <i>Functions relating to public rights of way</i></p> <ol style="list-style-type: none"> 1. Power to create footpath or bridleway by agreement. 2. Power to create footpaths and bridleways. 3. Duty to keep register of information with respect to maps, statements and declarations. 4. Power to stop up footpaths and bridleways. 5. Power to determine applications for public path extinguishment order. 6. Power to make a rail crossing extinguishment order. 7. Power to make a special extinguishment order. 8. Power to divert footpaths and bridleways. 9. Power to make a public path diversion order. 10. Power to make a rail crossing diversion order. 11. Power to make a special diversion order. 	See Schedule I containing delegations to officers

Committee	Membership	Functions	Delegation of Functions
		<p>12. Power to require applicant for order to enter into agreement.</p> <p>13. Power to make an SSSI diversion order.</p> <p>14. Duty to keep register with respect to applications under sections 118ZA, 118C, 119ZA and 119C of the Highways Act 1980.</p> <p>15. Power to decline to determine certain applications.</p> <p>16. Duty to assert and protect the rights of the public to use and enjoyment of highways.</p> <p>17. Duty to serve notice of proposed action in relation to obstruction.</p> <p>18. Power to apply for variation of order under section 130B of the Highways Act 1980.</p> <p>19. Power to authorise temporary disturbance of surface of footpath or bridleway.</p> <p>20. Power temporarily to divert footpath or bridleway.</p> <p>21. Functions relating to the making good of damage and the removal of obstructions.</p>	

Committee	Membership	Functions	Delegation of Functions
		<p>22. Powers relating to the removal of things so deposited on highways as to be a nuisance.</p> <p>23. Power to extinguish certain public rights of way.</p> <p>24. Duty to keep definitive map and statement under review.</p> <p>25. Power to include modifications in other orders.</p> <p>26. Duty to keep register of prescribed information with respect to applications under section 53(5) of the Wildlife and Countryside Act 1981.</p> <p>27. Duty to reclassify roads used as public paths.</p> <p>28. Power to prepare map and statement by way of consolidation of definitive map and statement.</p> <p>29. Power to designate footpath as cycle track.</p> <p>30. Power to extinguish public right of way over land acquired for clearance.</p>	

Committee	Membership	Functions	Delegation of Functions
		<p>31. Power to authorise stopping-up or diversion of footpath or bridleway.</p> <p>32. Power to extinguish public rights of way over land held for planning purposes.</p> <p>33. Power to enter into agreements with respect to means of access.</p> <p>34. Power to provide access in absence of agreement.</p> <p>Non-Strategic minor transportation matters</p> <ol style="list-style-type: none"> 1. Approval or refusal of non-strategic minor highway, transportation and aids to traffic movement schemes and projects; 2. All aspects of Traffic Orders including confirmation and hearing objections / representations. 3. Approval or refusal of schemes under Safer Routes to Schools project. 4. Approval or refusal of minor road safety improvements. 	<p>All Executive powers subject to the following limits:</p> <ol style="list-style-type: none"> 1. Each Area Committee's powers are limited to the boundaries of that Area Committee. 2. Spending limited to budgets approved by Cabinet each year (previous year's underspends carried forward automatically) 3. No Area Committee decision to be acted upon until decisions have been circulated to all Councillors by the Head of Legal and Democratic Services and a Notice of the Call-in period has expired, in accordance with Scrutiny Rule 16.

Committee	Membership	Functions	Delegation of Functions
			<ul style="list-style-type: none"> 4. The Head of Transportation Services to be included in the list of persons to be notified of the decision. 5. Proposals must not be contrary to any Council policy or strategy. 6. Proposals must not have a detrimental effect of any area of the Borough beyond the boundary of the Area Committee.

Committee	Membership	Functions	Delegation of Functions
Community Support and Education Scrutiny	11 members of the authority, 2 Church co-opted members and 2 parent representative co-opted members	All education matters including schools, skills for life and work and adult education. Youth services, libraries, Arts, Museums and Archives. Care and Social Services provision for children, older people and vulnerable people including homelessness and asylum seekers. Affordable housing including Council housing. Community safety and health issues.	Scrutiny function of the Council
Service Provision and Audit Scrutiny	11 members of the authority	All aspects of Poole's sustainability and environment including the development of the town, leisure and recreation provision and waste strategies. Greening the Council. The economic well being of the town including economic development, town centre partnership, tourism and working with partner organisations, Transportation and parking. The efficient operation of Council work including Financial, IT, Personnel, Property and Democratic strategies. To monitor the operation of the Constitution. To be responsible for the audit functions of the Council.	Scrutiny function of the Council. The Audit function of the Council.

Committee	Membership	Functions	Delegation of Functions
Health Scrutiny	11 members of the authority	All matters affecting the health of residents of the Borough including the provision of National Health Services	Scrutiny function of the Council

RESPONSIBILITIES OF CABINET

Who is responsible	Membership	Functions	Onward limits on Delegations
Cabinet	8 Members of the authority	All the functions of the Council not allocated in previous tables of responsibilities and delegations are the responsibility of the Cabinet	See Schedule 1 containing delegations to officers Portfolio Holders appointed by the Cabinet are permitted to take decisions in regard to their respective areas or as allocated by the Cabinet. All such decisions must be taken in the presence of a member of staff from Democratic Services who shall be responsible for recording the decision, any interests declared, the options/ alternatives considered and the advice received. Such decisions unless urgent shall not be acted upon until they have been notified to all members of the Council by the Head of Legal and Democratic Services and the same "call in" arrangements as apply to full Cabinet decisions shall apply.

Considerable variety in the forms and levels of delegation are possible.

It should be noted that functions can be delegated on through several stages. The Council and the Cabinet should ensure that this is recorded as far as possible in the table.