

PART 3

RESPONSIBILITY FOR FUNCTIONS

Responsibility for Functions

ALLOCATION OF FUNCTIONS

A. NON-EXECUTIVE FUNCTIONS

	FUNCTION	DELEGATION ETC.
	A Functions relating to town and country planning and development control	All functions specified in A1 – 4 shall be the responsibility of the Council. All functions specified in A5 –31 shall be delegated to the Planning and Development Committee subject to the Scheme of Delegation approved by the Council
30A.	Power to authorise stopping up or diversion of highway (s.247 TCPA 1990)	Assistant Director Environment, Property and Commercial Services
	B Licensing and registration functions (in so far as not covered by any paragraph of this Schedule)	All functions specified in B1 to 69 shall be exercised by the Licensing Committee subject to the Scheme of Delegation approved by the Council
3.	Power to license hackney carriages and private hire vehicles.	Assistant Director Improving Public Health (where no there are no grounds for refusal)
4.	Power to license drivers of hackney carriages and private hire vehicles.	Assistant Director Improving Public Health (where no there are no grounds for refusal)
5.	Power to license operators of hackney carriages and private hire vehicles.	Assistant Director Improving Public Health (where no there are no grounds for refusal)
41.	Power to grant a street works licence.	Assistant Director Environment, Property and Commercial Services
46A.	Power to grant permission for provisions, etc of services, amenities, recreation and refreshment facilities on highway, and related powers (S.115 E, 115 F and 115 K Highways Act 1980)	Assistant Director Environment, Property and Commercial Services
47.	Power to permit deposit of builder's skip on highway.	Assistant Director Environment, Property and Commercial Services
47A.	Duty to publish notice in respect of proposal to grant permission under Section 115 E of Highways Act 1980	Assistant Director Environment, Property and Commercial Services
48.	Power to license planting, retention and maintenance of trees etc. in part of highway.	Assistant Director Environment, Property and Commercial Services
49.	Power to authorise erection of stiles etc. on footpaths and bridleways	Assistant Director Environment, Property and Commercial Services
50.	Power to license works in relation to buildings etc. which obstruct the highway.	Assistant Director Environment, Property and Commercial Services

51.	Power to consent to temporary deposits or excavations in streets.	Assistant Director Environment, Property and Commercial Services
52.	Power to dispense with obligation to erect hoarding or fence.	Assistant Director Environment, Property and Commercial Services
53.	Power to restrict the placing of rails, beams etc. over highways.	Assistant Director Environment, Property and Commercial Services
54.	Power to consent to construction of cellars etc under street.	Assistant Director Environment, Property and Commercial Services
55.	Power to consent to the making of openings into cellars etc. under streets and pavement lights and ventilators.	Assistant Director Environment, Property and Commercial Services
56.	Power to sanction use of parts of buildings for storage of celluloid.	Assistant Director Environment, Property and Commercial Services
57.	Power to approve meat product premises.	Assistant Director Environment, Property and Commercial Services
58.	Power to approve premises for the production of minced meat or meat preparations.	Assistant Director Environment, Property and Commercial Services
59.	Power to approve dairy establishments.	Assistant Director Environment, Property and Commercial Services
60.	Power to approve egg product establishments.	Assistant Director Environment, Property and Commercial Services
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.	Assistant Director Environment, Property and Commercial Services
62.	Power to approve fish products premises.	Assistant Director Environment, Property and Commercial Services
63.	Power to license Scrap Metal Dealers	Assistant Director Improving Public Health (where no there are no grounds for refusal)

1. Miscellaneous functions

Part I: functions relating to public rights of way

1.	Power to create footpath or bridleways by agreement.	Assistant Director Environment, Property and Commercial Services
2.	Power to create footpaths and bridleways.	Assistant Director Environment, Property and Commercial Services
3.	Duty to keep register of information with respect to maps, statements and declarations.	“
4.	Power to stop up footpaths and bridleways. (S.118 Highways Act 1980)	“

5.	Power to determine application for public path extinguishment order.	“
6.	Power to make a rail crossing extinguishment order.	“
7.	Power to make a special extinguishment order. (S.118B Highways Act 1980)	“
8.	Power to divert footpaths and bridleways. (S. 119 Highways Act 1980)	“
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. (S.119B Highways Act 1980)	“
12.	Power to require applicant for order to enter into agreement. (S. 119C Highways Act 1980)	“
13.	Power to make an SSSI diversion order.	“
14.	Duty to keep register with respect to applications under section 118ZA, 118C, 119ZA and 119C of the Highways Act 1980.	Assistant Director Environment, Property and Commercial Services
15.	Power to decline to determine certain applications. (S.121C Highways Act 1980)	“
16.	Duty to assert and protect the rights of the public to use and enjoyment of highways.	“
17.	Duty to serve notice of proposed action in relation to obstruction.	“
18.	Power to apply for variation of order under section 130B of the Highways Act 1980.	“
19.	Power to authorise temporary disturbance of surface or footpath or bridleway.	“
20.	Power temporarily to divert footpath or bridleway.	“
21.	Functions relating to the making good of damage and the removal of obstructions (S.32 Acquisition of Land Act 1981)	“
22.	Powers relating to the removal of things so deposited on highways as to be a nuisance.	“
23.	Power to extinguish certain public rights of way.(S.32 Acquisition of Land Act 1981)	“
24.	Duty to keep definitive map and statement	“

under review.

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| 25. | Power to include modifications in other orders.
(S53A Wildlife and Countryside Act 1981) | “ |
| 26. | Duty to keep register of prescribed information with respect to applications under section 53(5) of the Wildlife and Countryside Act 1981. | Assistant Director Environment, Property and Commercial Services |
| 27. | Duty to reclassify roads used as public paths. | “ |
| 28. | Power to prepare map and statement by way of consolidation of definitive map and statement. | “ |
| 29. | Power to designate footpath as cycle track. | “ |
| 30. | Power to extinguish public right of way over land acquired for clearance.
(S.294 Housing Act 1981) | “ |
| 31. | Power to authorise stopping-up or diversion of footpath or bridleway.
(S.258 Town and Country Planning Act 1990) | “ |
| 32. | Power to extinguish public rights of way over land held for planning purposes.
(S.258 Town and Country Planning Act 1990) | “ |
| 33. | Power to enter into agreements with respect to means of access. | “ |
| 34. | Power to provide access in absence of agreement.
(S.37 Countryside and Rights of Way Act 2000) | “ |

Part II: Other miscellaneous functions

41.	Power to make limestone pavement order.	Assistant Director Environment, Property and Commercial Services
42.	Power to make closing order with respect to take-away food shops.	Assistant Director Improving Public Health
46.	Powers relating to the protection of important hedgerows.	Assistant Director Environment, Property and Commercial Services
47.	Powers relating to the preservation of trees.	Assistant Director Economic Development
47A	Powers relating to complaints about high hedges	Assistant Director Environment, Property and Commercial Services
48.	Power to make payments or provide other benefits in cases of maladministration etc.	The Chief Executive
49.	Powers to make an Order identifying a place for purposes of police powers in relation to alcohol consumption	Assistant Director Environment, Property and Commercial Services

B. LOCAL CHOICE FUNCTIONS

	FUNCTION	SUGGESTED BODY
1.	Any function under a local Act other than a function specified or referred to in regulation 2 or Schedule 1.	The Chief Executive shall decide which is the most appropriate body as and when the need arises
2.	The determination of an appeal against any decision made by or on behalf of the authority.	Corporate Complaints Manager (in respect of statutory appeals)
3.	The making of arrangements in relation to appeals against the exclusion of pupils from maintained schools	The Head of Democratic Services
4.	The making of arrangements pursuant to section 94 (1), (1A) and (4) of the 1998 Act (admission appeals)	The Head of Democratic Services
6.	The making of arrangements pursuant to section 95(2) of the 1998 Act (children to whom section 87 applies: appeals by governing bodies).	The Head of Democratic Services
7.	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.	The Head of Democratic Services
12.	The service of an abatement notice in respect of a statutory nuisance.	Assistant Director Improving Public Health
13.	The passing of a resolution that Schedule 2 to the Noise and Statutory	Corporate Affairs and Audit Committee

	Nuisance Act 1993 should apply in the authority's area.	
14.	The inspection of the authority's area to detect any statutory nuisance. (S.79 Environmental Protection Act 1990)	Assistant Director Improving Public Health
15.	The investigation of any complaint as to the existence of a statutory nuisance.	Assistant Director Improving Public Health
16.	The obtaining of information under section 330 of the Town and Country Planning act 1990(a) as to interests in land.	Assistant Director Economic Development
17.	The obtaining of particulars of persons interested in land under section 16 of the Local Government (Miscellaneous Provisions) Act 1976	Assistant Director Improving Public Health /Monitoring Officer
18.	The making of agreements for the execution of highways works. (S.278 Highways Act 1980)	Assistant Director Environment, Property and Commercial Services
20.	The making of agreements with other local authorities for the placing of staff at the disposal of those other authorities.	The Chief Executive/Corporate Affairs and Audit Committee
21.	Any function of a local authority in their capacity as a harbour authority (to the extent that the function does not fall within paragraph 1 of this Schedule.	The Chief Executive/Corporate Affairs and Audit Committee

EXEMPT INFORMATION CATEGORIES

Exempt information means information falling within the following 7 categories

	Category	Condition
1.	Information relating to any individual.	<p>Information is not exempt information if it relates to proposed development for which the local planning authority may grant itself planning permission</p> <p>Information is exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.</p>
2.	Information which is likely to reveal the identity of an individual.	<p>Information is not exempt information if it relates to proposed development for which the local planning authority may grant itself planning permission</p> <p>Information is exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.</p>
3.	Information relating to the financial or business affairs of any particular person (including the authority holding that information).	<p>“Financial or business affairs” includes contemplated, as well as past or current, activities.</p> <p>“person” includes any public authority, company, or other legally constituted organisation and the partners in a partnership or firm.</p> <p>Includes information relating to the Council.</p> <p>Information falling within paragraph 3 is not exempt by virtue of that paragraph if it is required to be registered under:</p> <ul style="list-style-type: none"> a) the Companies Act 1985 b) the Friendly Societies Act 1974 c) the Friendly Societies Act 1992 d) the Industrial and Provident Societies Acts 1965 to 1978 e) the Building Societies Act 1986 f) the Charities Act 1993 <p>“Registered” in relation to information required to be registered under the Building Societies Act 1986, means</p>

		<p>recorded in the public file of any building society (within the meaning of that Act).</p> <p>Information is not exempt information if it relates to proposed development for which the local planning authority may grant itself planning permission pursuant to regulation 3 of the Town and Country Planning General Regulations 1992.</p> <p>Information is exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.</p> <p>Also see note 1 below</p>
4.	<p>Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.</p>	<p>“Employee” means a person employed under a contract of service.</p> <p>“Labour relations matter” means:-</p> <p>a) any of the matters specified in paragraphs (a) to (g) of section 218(1) of the Trade Union and Labour Relations (Consolidation) Act 1992 (matters which may be the subject of a trade dispute, within the meaning of that Act); or</p> <p>b) any dispute about a matter of falling within paragraph (a) above;</p> <p>and for the purposes of this definition the enactments mentioned in paragraph (a) above, with the necessary modifications, shall apply in relation to office-holders under the authority as they apply in relation to employees of the authority.</p> <p>“office holder”, in relation to the authority means the holder of any paid office appointments to which are or may be made or confirmed by the authority or by any joint board on which the authority is represented or by any person who holds any such office or is an employee of the authority.</p> <p>Information is exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.</p>
5.	<p>Information in respect of which a claim to legal professional privilege could be maintained in legal</p>	<p>Information is not exempt information if it relates to proposed development for which the local planning authority may grant itself planning permission.</p>

	proceedings.	Information is exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.
6.	Information which reveals that the authority proposes:- a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or b) to make an order or direction under any enactment.	<p>“Person” includes any public authority, company, or other legally constituted organisation and the partners in a partnership or firm.</p> <p>Information is not exempt information if it relates to proposed development for which the local planning authority may grant itself planning permission</p> <p>Information is exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.</p> <p>Also see Note 1 below</p>
7.	Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.	Information is exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.
<p>The 7 categories apply to all meetings of the Council, Scrutiny, Regulatory Committees, the Standards Committee and public meetings of the Executive (including single member decision meetings) and any sub-committees. In addition, when the Standards Committee and any sub-committees are convened to consider an investigation or a matter for local determination, the following 3 additional categories of exempt information apply</p>		
7A.	Information which is subject to any obligation of confidentiality.	
7B.	Information which relates in any way to matters concerning national security.	
7C.	The deliberations of a standards committee or of a sub-committee of a standards committee	
<p>Note 1. All Members (but not members of the public or press) are entitled to access to documents which:</p> <p>(a) are “exempt” under category 3 (unless the information relates to terms proposed or to be proposed in relation to a Council contract) and</p> <p>(b) to any documents which are “exempt” under category 6, if they so request.</p>		

