

**Section 3 Functions which cannot be the responsibility of the District Executive - (memberships of the bodies listed as decision takers is shown in Section 6 of this part)**

	<b>Function</b>	<b>Decision Taker</b>	<b>Delegation</b>
3.1.	Power to determine applications for planning permission or 'permission in principle' within the District Council's administrative area, including the imposition of any conditions or limitations on the grant of a planning permission	Area committees*	Director (Service Delivery)
3.2.	Power to determine applications to develop land without compliance with conditions previously attached.	Area committees*	Director (Service Delivery)
3.3.	Power to grant planning permission for development already carried out.	Area committees*	Director (Service Delivery)
3.4.	Power to decline to determine application for planning permission.	Area committees*	Director (Service Delivery)
3.5.	Duties relating to the making of determinations of planning applications.	Area committees*	Director (Service Delivery)
3.6.	Power to revoke planning permission	Area committees*	Director (Service Delivery)
3.7.	Power to determine application for planning permission made by a local authority, alone or jointly with another person.	Area committees*	Director (Service Delivery)
3.8.	Power to make determinations, give approvals and agree certain other matters relating to the exercise of permitted development rights.	Area committees*	Director (Service Delivery)
3.9.	Power to enter into agreement regulating development or use of land under s106 of the Town and Country Planning Act 1990.	Area committees*	Director (Service Delivery)
3.10.	Power to issue a certificate of existing or proposed lawful use or development.	Area committees*	Director (Service Delivery)
3.11.	Power to serve a completion notice.	Area committees*	Director (Service Delivery)
3.12.	Power to grant consent for the display of advertisements.	Area committees*	Director (Service Delivery)
3.13.	Power to authorise entry onto land.	Area committees*	Director (Service Delivery)
3.14.	Power to require the discontinuance of a use of land.	Area committees*	Director (Service Delivery)

	<b>Function</b>	<b>Decision Taker</b>	<b>Delegation</b>
3.15.	Power to serve a planning contravention notice, breach of condition notice or stop notice.	Area committees*	Director (Service Delivery)
3.16.	Power to issue an enforcement notice and/or a Temporary Stop Notice.	Area committees*	Director (Service Delivery)
3.17.	Power to apply for an injunction restraining a breach of planning control.	Area committees*	Director (Service Delivery)
3.18.	Power to determine applications for hazardous substances consent, and related powers.	Area committees*	Director (Service Delivery)
3.19.	Power to require proper maintenance of land.	Area committees*	Director (Service Delivery)
3.20.	Power to determine application for listed building consent, and related powers.	Area committees*	Director (Service Delivery)
3.21.	Duties relating to applications for listed building consent,	Area committees*	Director (Service Delivery)
3.22.	Power to serve a building preservation notice, and related powers.	Area committees*	Director (Service Delivery)
3.23.	Power to issue enforcement notice in relation to demolition of listed building in conservation area.	Area committees*	Director (Service Delivery)
3.24.	Powers to acquire a listed building in need of repair and to serve a repairs notice.	Area committees*	Director (Service Delivery)
3.25.	Power to apply for an injunction in relation to a listed building.	Area committees*	Director (Service Delivery)
3.26.	Power to execute urgent works.	Area committees*	Director (Service Delivery)
3.27.	Powers relating to the preservation of trees.	Area committees*	Director (Service Delivery)
3.28.	Powers relating to the protection of important hedgerows.	Area committees*	Director (Service Delivery)
3.29.	Powers relating to Building Regulations.	Area committees*	Director (Service Delivery)

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3.30.	Power to issue licences authorising the use of land as a caravan site ("site licences").	Council	Lead Specialist - Environmental Health
3.31.	Power to license the use of moveable dwellings and camping sites.	Council	Lead Specialist - Environmental Health
3.32.	Power to license hackney carriages and private hire vehicles.	Licensing Committee	Specialist Team Manager – Service Delivery
3.33.	Power to license drivers of hackney carriages and private hire vehicles.	Licensing Committee	Lead Specialist – Environmental Health
3.34.	Power to license operators of hackney carriages and private hire vehicles.	Licensing Committee	Lead Specialist – Environmental Health
3.35.	Power to register societies wishing to promote lotteries.	Licensing Committee	Lead Specialist – Environmental Health
3.36.	Power to license sex shops and sex cinemas and sex encounter venues	Licensing Committee	Lead Specialist – Environmental Health
3.37.	Power to license performances of hypnotism.	Licensing Committee	Lead Specialist – Environmental Health
3.38.	Power to license premises for acupuncture, tattooing, ear-piercing and electrolysis.	Licensing Committee	Lead Specialist – Environmental Health
3.39.	Power to license market and street trading.	Licensing Committee	Lead Specialist – Environmental Health
3.40.	Power to license scrap metal dealers.	Licensing Committee	Lead Specialist – Environmental Health

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3.41.	Power to license premises for the breeding of dogs.	Licensing Committee	Lead Specialist – Environmental Health
3.42.	Power to license pet shops and other establishments where animals are bred or kept for the purposes of carrying on a business.	Licensing Committee	Lead Specialist – Environmental Health
3.43.	Power to license zoos.	Licensing Committee	Lead Specialist – Environmental Health
3.44.	Power to license persons to collect for charitable and other causes.	Licensing Committee	Lead Specialist – Environmental Health
3.45.	Power to grant consent for the operation of a loudspeaker.	Council	Lead Specialist - Environmental Health
3.46.	Power to approve premises for the production of food of animal origin	Council	Lead Specialist - Environmental Health
3.47.	Power to authorise butcher's shops for the removal of specified risk material from bovine animals between the ages of 24-30 months.	Council	Lead Specialist - Environmental Health
3.48.	Duty to keep register of food business premises.	Council	Lead Specialist - Environmental Health
3.49.	Functions of a licensing authority under the Licensing Act 2003.	Licensing Committee	Lead Specialist – Environmental Health
3.50.	Power to create footpaths and bridleways	Area Committees	Director (Service Delivery)
3.51.	Power to stop up footpaths and bridleways.	Area Committees	Director (Service Delivery)
3.52.	Power to divert footpaths and bridleways	Area Committees	Director (Service Delivery)

	<b>Function</b>	<b>Decision Taker</b>	<b>Delegation</b>
3.53.	Duty to assert and protect the rights of the public to use and enjoyment of highways	Area Committees	Director (Service Delivery)
3.54.	Powers relating to the removal of things so deposited on highways as to be a nuisance.	Area Committees	Director (Service Delivery)
3.55.	Duty to appoint an electoral registration officer.	Council	Not delegated
3.56.	Power to assign officers in relation to requisitions of the electoral registration officer.	Council	CEO as Council's Electoral Registration Officer
3.57.	Functions in relation to parishes and parish councils.	Council	CEO as Council's Returning Officer
3.58.	Power to make requests to the Local Government Boundary Commission for single member electoral areas	Council	CEO as Council's Electoral Registration Officer
3.59.	Power to dissolve small parish councils.	Council	Not delegated
3.60.	Power to make orders for grouping parishes, dissolving groups and separating parishes from groups.	Council	Not delegated
3.61.	Power to change the name of a parish.	Council	Not delegated
3.62.	Duty to appoint returning officer/s for local government elections.	Council	CEO as Council's Returning Officer
3.63.	Duty to provide assistance at European Parliamentary elections.	Council	CEO as Council's Returning Officer
3.64.	Duty to divide constituency into polling districts.	Council	CEO as Council's Returning Officer
3.65.	Power to divide electoral divisions into polling districts at local government elections.	Council	CEO as Council's Returning Officer
3.66.	Powers in respect of holding of elections.	Council	CEO as Council's Returning Officer
3.67.	Power to pay expenses properly incurred by electoral registration officers.	Council	CEO as Council's Returning Officer
3.68.	Power to fill parish council vacancies in the event of insufficient nominations.	Council	Not delegated
3.69.	Duty to declare vacancy in office in certain cases.	Council	CEO as Council's Returning Officer

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3.70.	Duty to give public notice of a casual vacancy.	Council	CEO as Council's Returning Officer
3.71.	Power to make temporary appointments to parish councils.	Council	Not delegated
3.72.	Power to determine fees and conditions (if any) for supply of copies of, or extracts from, elections documents.	Council	CEO as Council's Returning Officer
3.73.	Power to submit proposals to the Secretary of State for pilot schemes for local elections.	Council	Not delegated
3.74.	Power to resolve to change an electoral scheme	Council	Not delegated
3.75.	Powers in relation to Community Governance Reviews	Council	Not delegated
3.76.	Duty to approve authority's statement of accounts, income and Expenditure and balance sheet or record of receipts and payments (as the case may be), Statement of Internal Control and Code of Corporate Governance.	Audit Committee	Not delegated.
3.77.	Trustee Management of Dorcas House Trust	Area Committee (South)	Not delegated.
3.78.	Power to appoint staff, and to determine the terms and conditions on which they hold office - S112 of the Local Government Act 1972.	Council	Chief Executive and all Directors
3.79.	Functions relating to the name and status of local government areas and individuals including powers under section 74, 75, 249 and 245b of the Local Government Act 1972.	Council	Not delegated
3.80.	Power to make, amend, enforce, revoke or re-enact bye-laws or promote or oppose local or personal bills.	Council	Not delegated
3.81.	Functions relating to local government pensions etc. Regulations under section 7, 12 or 24 of the Superannuation Act 1972.	Council	Not delegated
3.82.	Power to make payments or provide other benefits in cases of maladministration.	Council	Chief Executive and all Directors
3.83.	Power to appoint statutory and "proper officers" for particular purposes.	Council	Not delegated
3.84.	Power to make and amend Standing Orders including those for contracts	Council	Not delegated
3.85.	Functions relating to Health and Safety under "any relevant statutory provision" within the meaning of part 1 of the Health and Safety at Work Acts 1974, to the extent that those functions are discharged otherwise than in the council's capacity as employer	Council or Area Committees	Lead Specialist – Environmental Health

	<b>Function</b>	<b>Decision Taker</b>	<b>Delegation</b>
3.86.	Recruitment of officers as required under the Officer Employment Procedure Rules set out in part 4 of the constitution.	Appointments Committee	No delegation of appointments required to be made by the Committee. All other appointments made by officers.
3.87.	Duty to appoint Chief Executive and designate officer as the Head of the Paid Service.	Council	Not delegated.
3.88.	Duty to designate officer as the S151 Officer.	Council	Not delegated.
3.89.	Duty to designate officer as the Monitoring Officer.	Council	Not delegated.
3.90.	Powers relating to the grant of voting rights to co-opted members of the Scrutiny Committee	Council	Not delegated
3.91.	Power to make closing orders with respect to take-away food shops	Licensing Committee	Director (Support Services)
3.92.	Powers relating to complaints about high hedges and Part 8 of the Anti-Social Behaviour Act 2003	Council	Director (Service Delivery)
3.93.	To advise the Council on the adoption or revision of its Code of Conduct. To monitor and advise the Council about the operation of its Code of Conduct in the light of best practice, changes in the law,	Standards Committee	Monitoring Officer
3.94.	To ensure that all Members of the Council have access to training in all aspects of the Members Code of Conduct, that this training is actually promoted, and that Members are aware of the standard expected from other Councils under the code.	Standards Committee	Monitoring Officer
3.95.	To support and encourage Parish and Town Councils and their Members in their adherence to the Code of Conduct.	Standards Committee	Monitoring Officer
3.96.	To monitor and review the operation of the constitution of the Council.	Standards Committee	Monitoring Officer
3.97.	Functions relating to standards of conduct of Members under any relevant provision of, or regulations made under, the Localism Act 2011	Standards Committee	Monitoring Officer