

## **PART 3**

### **3.1 RESPONSIBILITY FOR FUNCTIONS**

**TABLE 2 - LOCAL CHOICE FUNCTIONS**

<b>Function</b>	<b>Decision making body</b>	<b>Delegated to</b>
<b>1.</b> Any function under a local Act other than a function specified or referred to in Table 1 above	The Council	The Chief Executive or any relevant Director or Head of Service
<b>2.</b> The determination of an appeal against any decision made by or on behalf of the authority.  (a) any matter set out in table 3  (b) any other matter	The Council The Executive Board	Appeals Committee  The Chief Executive or any relevant Director or Head of Service
<b>3.</b> Functions in relation to the revision of decisions made in connection with claims for housing benefit or council tax benefit and for appeals against such decisions under section 68 of and schedule 7 to the Child Support , Pensions and Social Security Act 2000	The Council	The Chief Executive or any relevant Director or Head of Service
<b>4.</b> The making of arrangements in relation to appeals against the exclusion of pupils in maintained schools under Section 52 of the Education Act 2002	The Council	The Chief Executive or any relevant Director or Head of Service (Note:- this includes the appointment of an independent education appeals panel)
<b>5.</b> The making of arrangements pursuant to section 94(1), (1A) and (4) of, and Schedule 24 to, the School Standards and Framework Act 1998 (admission appeals).	The Council	The Chief Executive or any relevant Director or Head of Service (Note:- this includes the appointment of an independent education appeals panel)

<b>Function</b>	<b>Decision making body</b>	<b>Delegated to</b>
<b>6.</b> The making of arrangements pursuant to section 95(2) of the School Standards and Framework Act 1998 (children to whom section 87 applies: Appeals by governing bodies).	The Council	The Chief Executive or any relevant Director or Head of Service (Note:- this includes the appointment of an independent education appeals panel)
<b>7.</b> 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 Council	
<b>8.</b> 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.	The Council	
<b>9.</b> 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.	The Executive Board and the relevant Scrutiny Committee.	The Chief Executive or any relevant Director or Head of Service, after consultation with the Leader or the appropriate Executive Board Member(s)
<b>10.</b> Any function relating to contaminated land.	The Council	The Chief Executive or any relevant Director or Head of Service
<b>11.</b> The discharge of any function relating to the control of pollution or the management of air quality	The Council	The Chief Executive or any relevant Director or Head of Service
<b>12.</b> The service of an abatement notice in respect of a statutory nuisance	The Council	The Chief Executive or any relevant Director or Head of Service
<b>13.</b> The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the authority's area.	The Council	The Chief Executive or any relevant Director or Head of Service

<b>Function</b>	<b>Decision making body</b>	<b>Delegated to</b>
<b>14.</b> The inspection of the authority's area to detect any statutory nuisance.	The Council	The Chief Executive or any relevant Director or Head of Service
<b>15.</b> The investigation of any complaint as to the existence of a statutory nuisance.	The Council	The Chief Executive or any relevant Director or Head of Service
<b>16.</b> The obtaining of information under section 330 of the Town and Country Planning Act 1990 as to interests in land	The Council	The Chief Executive or any relevant Director or Head of Service
<b>17.</b> The obtaining of particulars of persons interested in land under section 16 of the Local Government (Miscellaneous Provisions) Act 1976.	The Council	The Chief Executive or any relevant Director or Head of Service
<b>18.</b> The making of agreements for the execution of highways works.	The Council	The Chief Executive or any relevant Director or Head of Service
<b>19.</b> The appointment of any individual:- (a) to any office other than an office in which he is employed by the authority; (b) to any body other than:- (i) the authority; (ii) a joint committee of two or more authorities; or (c) to any committee or sub-committee of such a body, and the revocation of any such appointment.	The Council	Member Appointments Committee  Where representation on an outside body requires the views of the Council to be represented as part of its decision making processes and its functions fall within those allocated to the Executive Board then the Executive Board will make the appointment.
<b>20.</b> Power to make payments or provide other benefits in cases of maladministration etc.	The Council	The Chief Executive or any relevant Director or Head of Service
<b>21.</b> The discharge of any function by an authority acting as a harbour authority.	The Council	The Chief Executive or any relevant Director or Head of Service

Function	Decision making body	Delegated to
<p><b>22.</b> Functions in respect of the calculation of council tax base in accordance with any of the following:</p> <ul style="list-style-type: none"> <li>(a) The determination of an item under section 33 (1) and 44(1) of the Local Government Finance Act 1992</li> <li>(b) The determination of an amount for an item under sections 34 (3), 45 (3), 48 (3) and 48 (4) of the Local Government Finance Act 1992</li> <li>(c) The determination of an amount required for determining an amount for the item mentioned paragraph (a) or (b) above</li> </ul>	Executive Board	
<p><b>23.</b> Licensing functions in accordance with Part 2 of the Licensing Act 2003 except section 6</p>	The Council	<p>1. Any application;</p> <ul style="list-style-type: none"> <li>(a) for personal licence</li> <li>(b) to vary designated premises supervisor</li> <li>(c) for transfer of premises licence</li> <li>(d) for interim authorities</li> <li>(e) by community premises to remove the mandatory condition requiring a designated premises supervisor:-</li> </ul> <p>If police objection then Licensing Sub-committee. Otherwise the Chief Executive or any relevant Director or Head of service.</p>

Function	Decision making body	Delegated to
<p><b>23.continued</b> Licensing functions in accordance with Part 2 of the Licensing Act 2003 except section 6</p>	<p>The Council</p>	<p>2. In cases involving;  (a) application for personal licence with unspent convictions  (b) application to review premises licence/club premises certificate  (b) decision to object when the Council is a consultee and not the relevant authority considering the application</p> <p>(c) determination of a Police objection to a temporary event notice:-  Licensing sub-Committee.</p> <p>3 Any application;  (a) for premises licence/club premises certificate  (b) for provisional statement  (c) to vary premises licence/club premises certificate;-</p> <p>If relevant representation is made then Licensing Sub-committee. Otherwise the Chief Executive or any relevant Director or Head of Service.</p> <p>4 In cases involving a:  (a) request to be removed as Designated Premises Supervisor  (b) decision on whether a complaint is irrelevant frivolous vexatious etc:-</p>

Function	Decision making body	Delegated to
<p><b>23.continued</b> Licensing functions in accordance with Part 2 of the Licensing Act 2003 except section 6</p>	The Council	<p>The Chief Executive or any relevant Director or Head of Service.</p> <p>5 Application for a minor variation:-</p> <p>The Chief Executive or any relevant Director or Head of Service</p> <p><b>6. Suspension or Revocation of a personal licence:-</b></p> <p><b>Licensing sub-committee in all cases</b></p> <p><b>7. Film Classification Request:-</b></p> <p><b>Where Film not previously classified – Licensing Sub Committee</b></p> <p><b>Where previously classified film to be shown at different premises – the Chief Executive or any relevant Director or Head of Service</b></p>
<p><b>24.</b> Functions in respect of gambling in accordance with any of the following:</p> <ul style="list-style-type: none"> <li>(a) a resolution not to issue casino licences in accordance with section 166 of the Gambling Act 2005</li> <li>(b) Prescribing of fees in accordance with Section 212 of the Gambling Act 2005.</li> <li>(c) Making an order disapplying Section 279 or Section 282 (1) of the Gambling Act 2005 in</li> </ul>	The Council	<p>Licensing Committee.</p> <p>The Chief Executive or any relevant Director or Head of Service</p>

Function	Decision making body	Delegated to
<p>accordance with Section 284 of the Gambling Act 2005.</p> <p>(d) Authorised persons in accordance with Section 304 of the Gambling Act 2005.</p> <p>(e) Prosecutions by a licensing authority in accordance with Section 346 of the Gambling Act 2005.</p> <p>(f) 3-year licensing policy in accordance with Section 349 of the Gambling Act 2005.</p>		



