

# APPENDICES

- 1 Executive Job Descriptions**
  
- 2 Executive and Non-executive Functions**
  - (i) Functions Which Cannot Be Exercised By The Executive**
  
  - (ii) Allocation of local choice functions to the Executive and to the Council and its Committees**
  
- 3 Additional Delegations To Officers**
  
- 4 Proper Officers**
  
- 5 Further Detail Of The Exempt Information Requirements**
  
- 6 Definitions**



## APPENDIX 1

### Executive Job Descriptions

#### London Borough of Islington

#### The Role of The Leader

##### 1. Political leadership

- To undertake all the duties expected of the Leader of the Council
- To provide political leadership of the Council.
- To set out a vision for Islington and the strategic plans that will enable the Council to play its part in achieving it.
- To provide political leadership in the coordination of policies, strategies and high quality service delivery across the Council.
- To appoint and remove the members of the Executive and allocate Executive functions.
- To chair the Executive and share collective responsibility for Executive decisions.
- To be the principal political spokesperson for the Council.
- To support, develop and performance manage members of the Executive and build and develop the Executive as a team.

##### 2. Corporate leadership

- To give political direction to the Chief Executive, Corporate Directors and other officers.
- To provide as part of the Council's service and financial planning process, political leadership in the development and implementation of the Council's Corporate Plan and Budget.
- To work with officers to formulate policy proposals for the Executive.
- To work with and support the Chief Executive, Corporate Directors and other officers in the implementation of policy.
- To have an overview of the performance, efficiency, effectiveness, risk and equalities agenda across the Council.
- To liaise with the appropriate scrutiny chair and receive and respond to scrutiny reports.
- To be the spokesperson for the portfolio to the local, regional and national media.

### **3. Partnership and community leadership**

- To act as a community leader including providing leadership to partners and stakeholders in meeting the needs of Islington residents.
- To be an advocate for the local community and a spokesperson for residents.
- To lead consultations with stakeholders.
- To lead the promotion of council priorities amongst stakeholders and partners.
- To build cross-borough links that progress the council objectives and priorities.
- To represent the Council at and contribute to London-wide, national and international bodies/forums, to promote the interests of Islington residents and local governance.

### **4. Reporting and accountability**

- To report as appropriate to Full Council, Executive, appropriate scrutiny, regulatory bodies and stakeholders.
- To appear before Overview and Review Committees as required.

### **5. Governance, Ethical Standards and relationships**

- To promote and support good governance of the Council.
- To promote and support open and transparent government.
- To support and adhere to respectful, appropriate and effective relationships with officers.
- To adhere to the Code of Conduct, Member/Officer Protocol and the highest standard of behaviour in public office.

## **London Borough of Islington**

### **The role of the Deputy Leader**

1. To carry out the responsibilities of the Leader in the Leader's absence or while the post of Leader is vacant.
2. To fulfil the role of an Executive Member.

## **London Borough of Islington**

### **The Role of an Executive Member**

#### **1. Providing leadership across the Council**

- To be part of the collective political leadership of the Council.
- To support the Leader and other colleagues in developing and delivering the strategic objectives of the Council both within the portfolio area and across the whole of the Council's activities.
- To be interested and support the portfolios of others.
- To recognise and contribute to issues which cut across portfolios.
- To share collective responsibility for Executive decisions.

#### **2. Providing portfolio leadership**

- To provide leadership in the portfolio and be the principal political spokesperson for the portfolio.
- To give political direction to officers working within the portfolio.
- To provide as part of the Council's service and financial planning process, political portfolio leadership to the development and implementation of relevant areas of the Council's Corporate Plan, Budget and departmental plans.
- To work with officers to formulate policy proposals for the Executive.
- To work with and support officers in the implementation of policy.
- To have an overview of the performance, efficiency, effectiveness, risk and equalities agenda within the portfolio.
- To liaise with the appropriate scrutiny chair and receive and respond to scrutiny reports.
- To be the spokesperson for the portfolio to the local, regional and national media.

#### **3. Leading partnerships and community leadership**

- To act as a community leader including providing leadership to partners and stakeholders in meeting the needs of Islington residents.
- To be an advocate for the local community and a spokesperson for residents.
- To lead consultations with stakeholders.
- To play a leading role in promoting council priorities amongst stakeholders and partners.
- To build cross-borough links that progress the council objectives and priorities.
- To contribute to London-wide and where appropriate, national bodies/forums, to promote the interests of Islington residents and local governance

#### **4. Reporting and accountability**

- To report as appropriate to the Leader, Full Council, Executive, appropriate scrutiny, regulatory bodies and stakeholders.
- To appear before Overview and Review Committees in respect of matters within the portfolio.

#### **5. Governance, Ethical Standards and relationships**

- To promote and support good governance of the Council.
- To promote and support open and transparent government.
- To support and adhere to respectful, appropriate and effective relationships with officers.
- To adhere to the Code of Conduct, Member/Officer Protocol and the highest standard of behaviour in public office.

## APPENDIX 2

### EXECUTIVE AND NON-EXECUTIVE FUNCTIONS

#### (i) FUNCTIONS WHICH CANNOT BE EXERCISED BY THE EXECUTIVE

This table (based on the provisions of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (the “Regulations”)) sets out the functions of the Council which by law cannot be exercised by the Executive. All these functions will be exercised by officers unless they are reserved to a member body or referred to a member body by an officer. Numbers omitted or comments in square brackets relate to legislation which has been repealed or amended since the Regulations were enacted.

<i>Function</i>	<i>Provision of Act or Statutory Instrument</i>	
<b>A. Functions relating to town and country planning and development control</b>		<b>All of the functions listed under this section A will be exercised by the Corporate Director – Community Wealth Building or an officer within the Corporate Director’s department to whom the function has been delegated under Part 3 UNLESS the function falls within the terms of reference of the Planning Committee or one of its sub-committees or is required to be undertaken by the Council itself</b>
1. Power to determine application for planning permission.	Sections 70(1)(a) and (b) and 72 of the Town and Country Planning Act 1990.	
2. Power to determine applications to develop land without compliance with conditions previously attached.	Section 73 of the Town and Country Planning Act 1990.	
3. Power to grant planning permission for development already carried out.	Section 73A of the Town and Country Planning Act 1990.	
4. Power to decline to determine application for planning permission.	Section 70A of the Town and Country Planning Act 1990.	



<b>5.</b> Duties relating to the making of determinations of planning applications.	Sections 69, 76 and 92 of the Town and Country Planning Act 1990 and Articles 8, 10 to 13, 15 to 22 and 25 and 26 of the Town and Country Planning (General Development Procedure) Order 1995 (S.I. 1995/419) and directions made thereunder.	
<b>6.</b> Power to determine application for planning permission made by a local authority, alone or jointly with another person.	Section 316 of the Town and Country Planning Act 1990 and the Town and Country Planning General Regulations 1992 (S.I. 1992/1492).	
<b>7.</b> 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, 20, 21 to 24, 26, 30 and 31 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 (S.I. 1995/418).	
<b>8.</b> Power to enter into agreement regulating development or use of land.	Section 106 of the Town and Country Planning Act 1990.	
<b>9.</b> 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.	
<b>10.</b> Power to serve a completion notice.	Section 94(2) of the Town and Country Planning Act 1990.	
<b>11.</b> 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.	
<b>12.</b> Power to authorise entry onto land.	Section 196A of the Town and Country Planning Act 1990.	
<b>13.</b> Power to require the discontinuance of a use of land.	Section 102 of the Town and Country Planning Act 1990.	

<b>14.</b> 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.	
<b>15.</b> Power to issue an enforcement notice.	Section 172 of the Town and Country Planning Act 1990.	
<b>16.</b> Power to apply for an injunction restraining a breach of planning control.	Section 187B of the Town and Country Planning Act 1990.	
<b>17.</b> Power to determine applications for hazardous substances consent and related powers.	Sections 9(1) and 10 of the Planning (Hazardous Substances) Act 1990.	
<b>18.</b> 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)(a) of Schedule 2 to the Planning and Compensation Act 1991, paragraph 9(6) of Schedule 13 to the Environment Act 1995 (c. 25) and paragraph 6(5) of Schedule 14 to that Act.	
<b>18A.</b> Power to issue a temporary stop notice	Section 171 E of the Town and Country Planning Act 1990	
<b>19.</b> Power to require proper maintenance of land.	Section 215(1) of the Town and Country Planning Act 1990.	
<b>20.</b> Power to determine application for listed building consent, and related powers.	Sections 16(1) and (2), 17, 27(2) and 33(1) of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990.	
<b>21.</b> Power to determine applications for conservation area consent.	Section 16(1) of the Planning (Listed Buildings and Buildings in Conservation Areas Act 1990, as applied by section 74(3) of that Act.	

<p><b>22.</b> Duties relating to applications for listed building consent and conservation area consent.</p>	<p>Sections 13(1) and 14(1) and (4) of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990 and regulations 3 to 6 and 13 of the Town and Country Planning (Listed Buildings and Buildings in Conservation Areas) Regulations 1990 and paragraphs 8, 15 and 22 of Department of the Environment Circular 14/97.</p>	
<p><b>23.</b> Power to serve a building preservation notice and related powers.</p>	<p>Sections 3(1) and 4(1) of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990.</p>	
<p><b>24.</b> Power to issue enforcement notice in relation to demolition of unlisted building in conservation area.</p>	<p>Section 38 of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990.</p>	
<p><b>25.</b> Powers to acquire a listed building in need of repair and to serve a repairs notice.</p>	<p>Sections 47 and 48 of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990.</p>	
<p><b>26.</b> Power to apply for an injunction in relation to a listed building.</p>	<p>Section 44A of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990.</p>	
<p><b>27.</b> Power to execute urgent works.</p>	<p>Section 54 of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990.</p>	
<p><b>28.</b> Any other planning related functions which are or become a function which cannot be exercised by the Executive.</p>		

<p><b>B. Licensing and registration functions (in so far as not covered by any other paragraph of this Schedule)</b></p>		<p><b>Except where specified all of the functions listed under this section B will be exercised by the Corporate Director of Environment or an officer within the Corporate Director's department to whom the function has been delegated under Part 3 UNLESS the function has been reserved to the Licensing Committee or its sub-committees or of the Licensing Regulatory Committee or is required to be undertaken by the Corporate Director of Children's Services or are required to be determined by the Council itself</b></p>
<p><b>1. Power to issue licences authorising the use of land as a caravan site ("site licences").</b></p>	<p>Section 3(3) of the Caravan Sites and Control of Development Act 1960.</p>	
<p><b>2. Power to license the use of moveable dwellings and camping sites.</b></p>	<p>Section 269(1) of the Public Health Act 1936.</p>	
<p><b>3. Power to license hackney carriages and private hire vehicles.</b></p>	<p>(a) as to hackney carriages, the Town Police Clauses Act 1847, as extended by section 171 of the Public Health Act 1875, and section 15 of the Transport Act 1985; and sections 47, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976;</p> <p>(b) as to private hire vehicles, sections 48, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976.</p> <p>[This function is performed by Transport for London (the Public Carriage Office)].</p>	

<p><b>4. Power to license drivers of hackney carriages and private hire vehicles.</b></p>	<p>Sections 51, 53, 54, 59, 61 and 79 of the Local Government (Miscellaneous Provisions) Act 1976.</p> <p>[This function is performed by Transport for London (the Public Carriage Office)].</p>	
<p><b>5. Power to license operators of hackney carriages and private hire vehicles.</b></p>	<p>Sections 55 to 58, 62 and 79 of the Local Government (Miscellaneous Provisions) Act 1976.</p> <p>[This function is performed by Transport for London (the Public Carriage Office)].</p>	
<p><b>6. Power to register pool promoters.</b></p>	<p>Schedule 2 to the Betting, Gaming and Lotteries Act 1963.</p> <p>[This area of law is now governed by the <u>Gambling Act 2005</u>]</p>	
<p><b>7. Power to grant track betting licences.</b></p>	<p>Schedule 3 to the Betting, Gaming and Lotteries Act 1963.</p> <p>[This area of law is now governed by the <u>Gambling Act 2005</u>]</p>	
<p><b>8. Power to license inter-track betting schemes.</b></p>	<p>Schedules 5ZA to the Betting, Gaming and Lotteries Act 1963.</p> <p>[This area of law is now governed by the <u>Gambling Act 2005</u>]</p>	
<p><b>9. Power to grant permits in respect of premises with amusement machines.</b></p>	<p>Schedule 9 to the Gaming Act 1968.</p> <p>[This area of law is now governed by the <u>Gambling Act 2005</u>]</p>	
<p><b>10. Power to register societies wishing to promote lotteries.</b></p>	<p>Schedule 1 to the Lotteries and Amusements Act 1976.</p> <p>[This area of law is now governed by the <u>Gambling Act 2005</u>]</p>	

<p><b>11.</b> Power to grant permits in respect of premises where amusements with prizes are provided.</p>	<p>Schedule 3 to the Lotteries and Amusements Act 1976. [This area of law is now governed by the <u>Gambling Act 2005</u>]</p>	
<p><b>12.</b> Power to issue cinema and cinema club licences.</p>	<p>Section 1 of the Cinema Act 1985. [This area of law is now governed by the <u>Licensing Act 2003</u>]</p>	
<p><b>13.</b> Power to issue theatre licences.</p>	<p>Sections 12 to 14 of the Theatres Act 1968. [This area of law is now governed by the <u>Licensing Act 2003</u>]</p>	
<p><b>14.</b> Power to issue entertainment licences.</p>	<p>Section 12 of the Children and Young Persons Act 1933 section 52 of, and Schedule 12 to, the London Government Act 1963, section 79 of the Licensing Act 1964, sections 1 to 5 and 7 of, and Parts I and II of the Schedule to, the Private Places of Entertainment (Licensing) Act 1967 and Part I of, and Schedules 1 and 2 to, the Local Government (Miscellaneous Provisions) Act 1982. [This area of law is now governed by the <u>Licensing Act 2003</u>]</p>	
<p><b>14A.</b> Any function of a licensing authority</p>	<p>Licensing Act 2003(c.17) and any regulations or orders made under the Act</p>	
<p><b>14AZA</b> Powers and functions relating to late night levy requirements</p>	<p>Chapter 2 of Part 2 of the Police Reform and Social Responsibility Act 2011 (c.13) and any regulations made under that Chapter</p>	
<p><b>14AA</b> Duty to comply with requirement to provide information to the Gambling Commission</p>	<p>Section 29 of the Gambling Act 2005</p>	

<b>14AB</b> Functions relating to exchange of information	Section 30 of the 2005 Act	
<b>14AC</b> Functions relating to occasional use notices	Section 39 of the 2005 Act	
<b>14B</b> Power to resolve not to issue a casino premises licence	Section 166 of the Gambling Act 2005	
<b>14C</b> Power to designate officer of a licensing authority as an authorised person for a purpose relating to premises	Section 304 of the 2005 Act	
<b>14CA</b> 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	
<b>14D</b> Power to institute criminal proceedings	Section 284 of the 2005 Act	
<b>14E</b> Power to exchange information	Section 350 of the 2005 Act	
<b>14F</b> Functions relating to the determination of fees for premises licenses	The Gambling (Premises Licence Fees) (England and Wales) Regulations 2007	
<b>14G</b> Functions relating to the registration and regulation of small society lotteries.	Part 5 of Schedule 11 to the 2005 Act	
<b>15.</b> Power to license sex shops and sex cinemas.	The Local Government (Miscellaneous Provisions) Act 1982, section 2 and Schedule 3.	
<b>16.</b> Power to license performances of hypnotism.	The Hypnotism Act 1952. [This Act has been amended.]	
<b>17.</b> Power to license premises for acupuncture, tattooing, ear piercing and electrolysis.	Sections 13 to 17 of the Local Government (Miscellaneous Provisions) Act 1982.	
<b>18.</b> Power to license pleasure boats and pleasure vessels.	Section 94 of the Public Health Acts Amendment Act 1907.	

<p><b>19.</b> Power to register door staff.</p>	<p>Paragraphs 1(2) and 9 of Schedule 12 to the London Government Act 1963 and Part V of the London Local Authorities Act 1995.</p> <p>[This Act has been repealed and this is no longer a function undertaken by local authorities.]</p>	
<p><b>20.</b> Power to license market and street trading.</p>	<p>Part III of, and Schedule 4 to, the Local Government (Miscellaneous Provisions) Act 1982, Part III of the London Local Authorities Act 1990 and section 6 of the London Local Authorities Act 1994).</p>	
<p><b>21.</b> Power to license night cafes and take-away food shops.</p>	<p>Section 2 of the Late Night Refreshment Houses Act 1969, Part II of the London Local Authorities Act 1990 and section 5 of the London Local Authorities Act 1994.</p> <p>[This area of law is now governed by the <u>Licensing Act 2003</u>]</p>	
<p><b>22.</b> Duty to keep list of persons entitled to sell non-medicinal poisons.</p>	<p>Sections 3(1)(b)(ii), 5, 6 and 11 of the Poisons Act 1972.</p>	
<p><b>23.</b> Power to license dealers in game and the killing and selling of game.</p>	<p>Sections 5, 6, 17, 18 and 21 to 23 of the Game Act 1831; sections 2 to 16 of the Game Licensing Act 1860, section 4 of the Customs and Inland Revenue Act 1883, sections 12(3) and 27 of the Local Government Act 1874, and section 213 of the Local Government Act 1972.</p> <p>[These provisions have been repealed and this is no longer a function undertaken by local authorities.]</p>	
<p><b>24.</b> Power to register and license premises for the preparation of food.</p>	<p>Section 19 of the Food Safety Act 1990.</p>	



<b>25.</b> Power to license scrap yards.	Section 1 of the Scrap Metal Dealers Act 1964.	
<b>26.</b> Power to issue, amend or replace safety certificates (whether general or special) for sports grounds.	The Safety of Sports Grounds Act 1975.	
<b>27.</b> 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.	
<b>28.</b> Power to issue fire certificates.	Section 5 of the Fire Precautions Act 1971.  [This Act has been repealed and this is no longer a function undertaken by local authorities.]	
<b>29.</b> Power to license premises for the breeding of dogs.	Section 1 of the Breeding of Dogs Act 1973 and section 1 of the Breeding and Sale of Dogs (Welfare) Act 1999.	
<b>30.</b> Power to license pet shops and other establishments where animals are bred or kept for the purposes of carrying on a business.	Section 1 of the Pet Animals Act 1951; section 1 of the Animal Boarding Establishments Act 1963; the Riding Establishments Acts 1964 and 1970; section 1 of the Breeding of Dogs Act 1973, and sections 1 and 8 of the Breeding and Sale of Dogs (Welfare) Act 1999.	
<b>31.</b> Power to register animal trainers and exhibitors.	Section 1 of the Performing Animals (Regulation) Act 1925.	
<b>32.</b> Power to license zoos.	Section 1 of the Zoo Licensing Act 1981.	
<b>33.</b> Power to license dangerous wild animals.	Section 1 of the Dangerous Wild Animals Act 1976.	
<b>34.</b> Power to license knackers' yards.	Section 4 of the Slaughterhouses Act 1974. See also the Animal By-Products Order 1999 (S.I. 1999/646).	

<p><b>35.</b> Power to license the employment of children.</p>	<p>Part II of the Children and Young Persons Act 1933, bylaws made under that Part, and Part II of the Children and Young Persons Act 1963.</p>	<p>Corporate Director of Children's Services</p>
<p><b>36.</b> Power to approve premises for the solemnisation of marriages.</p>	<p>Section 46A of the Marriage Act 1949 and the Marriages (Approved Premises) Regulations 1995 (S. I. 1995/510).  [This Statutory Instrument has been repealed.]</p>	<p>Director of Law and Governance</p>
<p><b>37.</b> 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 (c. 67) or</p> <p>(b) an order under section 147 of the Inclosure Act 1845 (c. 8 &amp; 9 Vict. c. 118).</p>	<p>Regulation 6 of the Commons Registration (New Land) Regulations 1969 (S.I. 1969/1843).  [This Statutory Instrument has been repealed.]</p>	
<p><b>38.</b> Power to register variation of rights of common.</p>	<p>Regulation 29 of the Commons Registration (General) Regulations 1966 (S.I. 1966/1471).</p>	
<p><b>39.</b> Power to license persons to collect for charitable and other causes.</p>	<p>Section 5 of the Police, Factories etc. (Miscellaneous Provisions) Act 1916 and section 2 of the House to House Collections Act 1939.</p>	
<p><b>40.</b> Power to grant consent for the operation of a loudspeaker.</p>	<p>Schedule 2 to the Noise and Statutory Nuisance Act 1993.</p>	
<p><b>41.</b> Power to grant a street works licence.</p>	<p>Section 50 of the New Roads and Street Works Act 1991.</p>	

<b>42.</b> Power to license agencies for the supply of nurses.	Section 2 of the Nurses Agencies Act 1957.  [This Statutory Instrument has been repealed and this is no longer a function undertaken by local authorities.]	
<b>43.</b> Power to issue licences for the movement of pigs.	Article 12 of the Pigs (Records, Identification and Movement) Order 1995 (S.I. 1995/11).  [This Statutory Instrument has been repealed and this is no longer a function undertaken by local authorities.]	
<b>44.</b> Power to license the sale of pigs.	Article 13 of the Pigs (Records, Identification and Movement) Order 1995.  [This Statutory Instrument has been repealed.]	
<b>45.</b> Power to license collecting centres for the movement of pigs.	Article 14 of the Pigs (Records, Identification and Movement) Order 1995.  [This Statutory Instrument has been repealed.]	
<b>46.</b> Power to issue a licence to move cattle from a market.	Article 5(2) of the Cattle Identification Regulations 1998 (S.I. 1998/871).  [This Statutory Instrument has been repealed.]	
<b>46A.</b> Power to grant permission for provision, etc of services, amenities, recreation and refreshment facilities on highway, and related powers.	Section 115E, 115F and 115K of the Highways Act 1980	
<b>47.</b> Power to permit deposit of builder's skip on highway.	Section 139 of the Highways Act 1980.	
<b>47A.</b> 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(a)	

<b>48.</b> Power to license planting, retention and maintenance of trees etc. in part of highway.	Section 142 of the Highways Act 1980.	
<b>49.</b> Power to authorise erection of stiles etc. on footpaths or bridleways.	Section 147 of the Highways Act 1980.	
<b>50.</b> Power to license works in relation to buildings etc., which obstruct the highway.	Section 169 of the Highways Act 1980.	
<b>51.</b> Power to consent to temporary deposits or excavations in streets.	Section 171 of the Highways Act 1980.	
<b>52.</b> Power to dispense with obligation to erect hoarding or fence.	Section 172 of the Highways Act 1980.	
<b>53.</b> Power to restrict the placing of rails, beams etc. over highways.	Section 178 of the Highways Act 1980.	
<b>54.</b> Power to consent to construction of cellars etc. under street.	Section 179 of the Highways Act 1980.	
<b>55.</b> Power to consent to the making of openings into cellars etc. under streets, and pavement lights and ventilators.	Section 180 of the Highways Act 1980.	
<b>56.</b> Power to sanction use of parts of buildings for storage of celluloid.	Section 1 of the Celluloid and Cinematography Film Act 1922.  [This Act has been repealed and this is no longer a function undertaken by local authorities.]	
<b>57.</b> Power to approve meat product premises.	Regulations 4 and 5 of the Meat Products (Hygiene) Regulations 1994 (S.I. 1994/3082).  [This Statutory Instrument has been repealed.]	

<p><b>58.</b> Power to approve premises for the production of minced meat or meat preparations.</p>	<p>Regulation 4 of the Minced Meat and Meat Preparations (Hygiene) Regulations 1995 (S.I. 1995/3205).</p> <p>[This Statutory Instrument has been repealed.]</p>	
<p><b>59.</b> Power to approve dairy establishments.</p>	<p>Regulations 6 and 7 of the Dairy Products (Hygiene) Regulations 1995 (S.I. 1995/1086).</p> <p>[This Statutory Instrument has been repealed.]</p>	
<p><b>60.</b> Power to approve egg product establishments.</p>	<p>Regulation 5 of the Egg Products Regulations 1993 (S.I. 1993/1520).</p> <p>[This Statutory Instrument has been repealed.]</p>	
<p><b>61.</b> 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>Schedule 1A to the Food Safety (General Food Hygiene) Regulations 1995 (S.I. 1995/1763).</p> <p>[This Statutory Instrument has been repealed]</p>	
<p><b>62.</b> Power to approve fish products premises.</p>	<p>Regulation 24 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998 (S.I. 1998/994).</p> <p>[This Statutory Instrument has been repealed.]</p>	
<p><b>63.</b> Power to approve dispatch or purification centres.</p>	<p>Regulation 11 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998.</p> <p>[This Statutory Instrument has been repealed.]</p>	
<p><b>64.</b> Power to register fishing vessels on board which shrimps or molluscs are cooked.</p>	<p>Regulation 21 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998.</p> <p>[This Statutory Instrument has been repealed.]</p>	

<b>65.</b> Power to approve factory vessels and fishery product establishments.	Regulation 24 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998.  [This Statutory Instrument has been repealed.]	
<b>66.</b> Power to register auction and wholesale markets.	Regulation 26 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998.  [This Statutory Instrument has been repealed.]	
<b>67.</b> Duty to keep register of food business premises.	Regulation 5 of the Food Premises (Registration) Regulations 1991 (S.I. 1991/2828).  [This Statutory Instrument has been repealed.]	
<b>68.</b> Power to register food business premises.	Regulation 9 of the Food Premises (Registration) Regulations 1991.  [This Statutory Instrument has been repealed .]	
<b>69.</b> Power to issue near beer licences.	Section 16 to 19 of the London Local Authorities Act 1995 and to the extent that it does not have effect by virtue of regulation 2(3), section 25 of that Act.	
<b>70.</b> Power to register premises or stalls for the sale of goods by way of competitive bidding.	Section 28 of the Greater London Council (General Powers) Act 1984.	
<b>71.</b> Power to register motor salvage operators.	Part 1 of the Vehicles (Crime) Act 2001	
<b>72.</b> Functions relating to the registration of common land and town or village greens.	Part 1 of the Commons Act 2006 (c.26) and the Commons Registration (England) Regulations 2008.	
<b>73.</b> Power to determine applications for pavement licences	Part 1 of the Business and Planning Act 2020	

<p><b>74.</b> Any other licensing related functions which are or becomes a function which cannot be exercised by the Executive.</p>		
<p><b>C. Functions relating to health and safety at work</b></p>		<p>All of the functions listed under this section C will be exercised by the Corporate Director of Resources or an officer within the Corporate Director's department to whom the function has been delegated under Part 3 UNLESS the function relates to the enforcement of Health and Safety which will be exercised by the Corporate Director of Environment or the function has been reserved to the Audit Committee</p>
<p>1. 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.</p> <p>2. Any other health and safety related functions which by statutory instrument or order are or become functions which cannot be exercised by the Executive.</p>	<p>Part I of the Health and Safety at Work etc. Act 1974.</p>	
<p><b>D. Functions relating to elections</b></p>		
<p><b>1.</b> Duty to appoint an electoral registration officer.</p>	<p>Section 8(2) of the Representation of the People Act 1983.</p>	<p>COUNCIL</p>
<p><b>2.</b> Power to assign officers in relation to requisitions of the registration officer.</p>	<p>Section 52(4) of the Representation of the People Act 1983.</p>	<p>CHIEF EXECUTIVE</p>

<b>3.</b> Functions in relation to parishes and parish councils.	Part II of the Local Government and Rating Act 1997 and subordinate legislation under that Part.	N/A
<b>4.</b> Power to dissolve small parish councils.	Section 10 of the Local Government Act 1972.	N/A
<b>5.</b> Power to make orders for grouping parishes, dissolving groups and separating parishes from groups.	Section 11 of the Local Government Act 1972.	N/A
<b>6.</b> Duty to appoint returning officer for local government elections.	Section 35 of the Representation of the People Act 1983.	COUNCIL
<b>7.</b> Duty to divide constituency into polling districts.	Section 18 of the Representation of the People Act 1983.	AUDIT COMMITTEE
<b>8.</b> Power to divide electoral divisions into polling districts at local government elections.	Section 31 of the Representation of the People Act 1983.	AUDIT COMMITTEE
<b>9.</b> Powers in respect of holding of elections.	Section 39(4) of the Representation of the People Act 1983.	N/A
<b>10.</b> Power to pay expenses properly incurred by electoral registration officers.	Section 54 of the Representation of the People Act 1983.	CHIEF EXECUTIVE
<b>11.</b> Power to fill vacancies in the event of insufficient nominations.	Section 21 of the Representation of the People Act 1985.	N/A
<b>12.</b> Duty to declare vacancy in office in certain cases.	Section 86 of the Local Government Act 1972.	CHIEF EXECUTIVE
<b>13.</b> Duty to give public notice of a casual vacancy.	Section 87 of the Local Government Act 1972.	CHIEF EXECUTIVE
<b>14.</b> Power to make temporary appointments to parish councils.	Section 91 of the Local Government Act 1972.	N/A



<p><b>15.</b> Power to determine fees and conditions for supply of copies of, or extracts from, elections documents.</p>	<p>Rule 48(3) of the Local Elections (Principal Areas) Rules 1986 (S.I. 1986/2214) and rule 48(3) of the Local Elections (Parishes and Communities) Rules 1986 (S.I. 1986/2215).</p> <p>[These Statutory Instruments have been repealed.]</p>	
<p><b>16.</b> 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>Section 10 of the Representation of the People Act 2000.</p>	<p>COUNCIL</p>
<p><b>17.</b> Duty to consult on change of scheme for elections.</p>	<p>Sections 33(2), 38 (2) and 40(2) of the Local Government and Public Involvement in Health Act 2007</p>	<p>CHIEF EXECUTIVE</p>
<p><b>18.</b> Duties relating to publicity.</p>	<p>Sections 35, 41 and 52 of the Local Government and Public Involvement in Health Act 2007.</p>	<p>CHIEF EXECUTIVE</p>
<p><b>19.</b> Duties relating to notice to Electoral Commission.</p>	<p>Sections 36 and 42 of the Local Government and Public Involvement in Health Act 2007.</p>	<p>CHIEF EXECUTIVE</p>
<p><b>20.</b> Power to alter years of ordinary elections of parish councillors.</p>	<p>Section 53 of the Local Government and Public Involvement in Health Act 2007.</p>	<p>N/A</p>
<p><b>21.</b> Any other election related functions which by statutory instrument or order are or become functions which cannot be exercised by the Executive.</p>		<p>CHIEF EXECUTIVE</p> <p>Unless reserved to the Council by law or the Constitution</p>

<b>E. Functions relating to name and status of areas and individuals</b>		<b>All of the functions listed in this section E will be exercised by the Council</b>
1. Power to change the name of a county, district or London borough.	Section 74 of the Local Government Act 1972.	COUNCIL
2. Power to change the name of a parish.	Section 75 of the Local Government Act 1972.	N/A
3. Power to confer title of honorary alderman or to admit to be an honorary freeman.	Section 249 of the Local Government Act 1972.	COUNCIL
4. Power to petition for a charter to confer borough status.	Section 245(b) of the Local Government Act 1972.	N/A
5. Any other similar function in this category which by statutory instrument or order are or become functions which cannot be exercised by the Executive.		COUNCIL
<b>EB. Functions relating to community governance</b>		
1. Duties relating to community governance reviews.	Section 79 of the Local Government and Public Involvement in Health Act 2007.	CHIEF EXECUTIVE
2. Functions relating to community governance petitions.	Sections 80, 83 to 85 of the Local Government and Public Involvement in Health Act 2007.	CHIEF EXECUTIVE
3. Functions relating to terms of reference of review.	Sections 81(4) to (6) Local Government and Public Involvement in Health Act 2007.	COUNCIL
4. Power to undertake a community governance review.	Section 82 of the Local Government and Public Involvement in Health Act 2007.	COUNCIL
5. Functions relating to making of recommendations.	Sections 87 to 92 of the Local Government and Public Involvement in Health Act 2007.	COUNCIL

6. Duties when undertaking review.	Section 93 to 95 of the Local Government and Public Involvement in Health Act 2000.	CHIEF EXECUTIVE for section 93 COUNCIL For sections 94 and 95
7. Duty to publicise outcome of review.	Section 96 of the Local Government and Public Involvement in Health Act 2007.	CHIEF EXECUTIVE
8. Function of making an order giving effect to the recommendations made in a governance review.	Section 86 of the Local Government and Public Involvement in Health Act 2007	COUNCIL
9. Duty to send two copies of order to Secretary of State and Electoral Commission.	Section 98(1) of the Local Government and Public Involvement in Health Act 2007.	CHIEF EXECUTIVE
10. Power to make agreements about incidental matters.	Section 99 of the Local Government and Public Involvement in Health Act 2007.	CHIEF EXECUTIVE
11. Any other similar function which by statutory instrument or order are or become functions which cannot be exercise by the Executive.		COUNCIL
<b>F. Power to make, amend, revoke, re-enact or enforce bylaws</b>	<b>Any provision of any enactment (including a local Act), whenever passed, and section 14 of the Interpretation Act 1978</b>	<b>All of the functions listed in this section F will be exercise by Council (other than enforcement which will be exercised by the Corporate Director of Environment or an officer within the Corporate Director's department to whom the function has been delegated under Part 3</b>
<b>FA. Functions relating to smoke-free premises, etc</b>		
1. Duty to enforce Chapter 1 and regulations made under it.	Section 10(3) of the Health Act 2006.	

2. Power to authorise officers.	Section 10(5) of, and paragraph 1 of Schedule 2, the Health Act 2006.	
3. Functions relating to fixed penalty notices	Paragraphs 13, 15 and 16 of Schedule 1 to the Health Act 2006. Smoke-free (Vehicle Operators and Penalty Notices) Regulations 2007 (SI 2006/760).	
4. Power to transfer enforcement functions to another enforcement authority.	Smoke-free (Premises and Enforcement) Regulations 2006 (SI 2006/3368)	
<b>G. Power to promote or oppose local or personal Bills</b>	<b>Section 239 of the Local Government Act 1972</b>	<b>Council</b>
<b>H. Functions relating to pensions etc.</b>		
1. Functions relating to local government pensions, etc.	Regulations under section 7, 12 or 24 of the Superannuation Act 1972.	All of the functions listed in this section (other than item 2 with is N/A) will be exercised by the Corporate Director of Resources or an officer within the Corporate Director's department to whom the function has been delegated under Part 3 EXCEPT those functions which fall within the terms of reference of the Audit Committee or the Pensions Sub-Committee
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.	Section 26 of the Fire Services Act 1947.	
3. Any other pension related functions which by statutory instrument or order are or become functions which cannot be exercised by the Executive.		

<b>I. Miscellaneous functions</b>		
<b>Part I: Functions relating to public rights of way</b>		<b>All of the functions listed under Part 1 of this section will be exercised by the Corporate Director of Environment or an officer within the Corporate Director's department to whom the function has been delegated under Part 3 UNLESS they have been reserved to the Audit Committee</b>
<b>1. Power to create footpath or bridleway by agreement.</b>	Section 25 of the Highways Act 1980.	
<b>2. Power to create footpaths and bridleways.</b>	Section 26 of the Highways Act 1980.	
<b>3. Duty to keep register of information with respect to maps, statements and declarations.</b>	Section 31A of the Highways Act 1980.	
<b>4. Power to stop up footpaths and bridleways.</b>	Section 118 of the Highways Act 1980.	
<b>5. Power to determine application for public path extinguishment order.</b>	Sections 118ZA and 118C(2) of the Highways Act 1980.	
<b>6. Power to make a rail crossing extinguishment order.</b>	Section 118A of the Highways Act 1980.	
<b>7. Power to make a special extinguishment order.</b>	Section 118B of the Highways Act 1980.	
<b>8. Power to divert footpaths and bridleways.</b>	Section 119 of the Highways Act 1980.	
<b>9. Power to make a public path diversion order.</b>	Sections 119ZA and 119C(4) of the Highways Act 1980.	
<b>10. Power to make a rail crossing diversion order.</b>	Section 119A of the Highways Act 1980.	
<b>11. Power to make a special diversion order.</b>	Section 119B of the Highways Act 1980.	

<b>12.</b> Power to require an applicant for a special diversion order to enter into an agreement to defray or make such contribution as is specified in the agreement.	Section 119C(3) of the Highways Act 1980.	
<b>13.</b> Power to make an SSSI diversion order.	Section 119D of the Highways Act 1980.	
<b>14.</b> 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.	
<b>15.</b> Power to decline to determine certain applications.	Section 121C of the Highways Act 1980.	
<b>16.</b> Duty to assert and protect the rights of the public to use and enjoy highways.	Section 130 of the Highways Act 1980.	
<b>17.</b> Duty to serve notice of proposed action in relation to obstruction.	Section 130A of the Highways Act 1980.	
<b>18.</b> Power to apply for variation of order under section 130B of the Highways Act 1980.	Section 130B(7) of the Highways Act 1980.	
<b>19.</b> Power to authorise temporary disturbance of surface of footpath or bridleway.	Section 135 of the Highways Act 1980.	
<b>20.</b> Power temporarily to divert footpath or bridleway.	Section 135A of the Highways Act 1980.	
<b>21.</b> Functions relating to the making good of damage and the removal of obstructions.	Section 135B of the Highways Act 1980.	
<b>22.</b> Powers relating to the removal of things so deposited on highways as to be a nuisance.	Section 149 of the Highways Act 1980.	
<b>23.</b> Power to extinguish certain public rights of way.	Section 32 of the Acquisition of Land Act 1981.	

<b>24.</b> Duty to keep definitive map and statement under review.	Section 53 of the Wildlife and Countryside Act 1981 (c. 69).	
<b>25.</b> Power to include modifications in other orders.	Section 53A of the Wildlife and Countryside Act 1981.	
<b>26.</b> 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.	
<b>27.</b> Duty to reclassify roads used as public paths.	Section 54 of the Wildlife and Countryside Act 1981.	
<b>28.</b> Power to prepare map and statement by way of consolidation of definitive map and statement.	Section 57A of the Wildlife and Countryside Act 1981.	
<b>29.</b> Power to designate footpath as cycle track.	Section 3 of the Cycle Tracks Act 1984.	
<b>30.</b> Power to extinguish public right of way over land acquired for clearance.	Section 294 of the Housing Act 1981.	
<b>30A.</b> Power to authorise stopping up or diversion of highway	Section 247 of the Town and Country Planning Act 1990(c. 8)	
<b>31.</b> Power to authorise stopping-up or diversion of footpath or bridleway.	Section 257 of the Town and Country Planning Act 1990.	
<b>32.</b> Power to extinguish public rights of way over land held for planning purposes.	Section 258 of the Town and Country Planning Act 1990.	
<b>33.</b> Power to enter into agreements with respect to means of access.	Section 35 of the Countryside and Rights of Way Act 2000.	
<b>34.</b> Power to provide access in absence of agreement.	Section 37 of the Countryside and Rights of Way Act 2000.	
<b>Part II: Other miscellaneous functions</b>		
<b>35.</b> Functions relating to sea fisheries.	Sections 1, 2, 10 and 19 of the Sea Fisheries Regulation Act 1966.	N/A

<b>36.</b> Power to make standing orders.	Section 106 of, and paragraph 42 of Schedule 12 to, the Local Government Act 1972.	COUNCIL
<b>37.</b> 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.	The relevant Corporate Director or an officer within the Corporate Director's department to whom the function has been delegated under Part 3 may appoint staff on such terms and conditions as they may determine but which are in line with any overall terms and conditions agreed by the Audit Committee or its Personnel sub-committee.  In the case of posts identified by the Officer Employment Rules in Part 6, the appointment will be made by the Personnel Sub-Committee (subject, in the case of the Chief Executive, to confirmation by the Council)
<b>38.</b> Power to make standing orders as to contracts.	Section 135 of the Local Government Act 1972.	COUNCIL
<b>39.</b> Duty to make arrangements for proper administration of financial affairs etc.	Section 151 of the Local Government Act 1972.	Chief Finance Officer
<b>40.</b> Power to appoint an officer for a particular purpose (appointment of "proper officer").	Section 270(3) of the Local Government Act 1972.	CHIEF EXECUTIVE OR RELEVANT CORPORATE DIRECTOR
<b>41.</b> Power to make limestone pavement order.	Section 34(2) of the Wildlife and Countryside Act 1981.	N/A
<b>42.</b> Power to make closing order with respect to take-away food shops.	Section 4 of the Local Government (Miscellaneous Provisions) Act 1982.	The Corporate Director of Environment or an officer within the Corporate Director's department to whom the function has been delegated under Part 3



<b>43.</b> 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 and Housing Act 1989.	COUNCIL
<b>44.</b> Duty to designate officer as the monitoring officer and to provide staff etc.	Section 5(1) of the Local Government and Housing Act 1989.	COUNCIL
<b>44A.</b> Duty to provide staff, etc to person nominated by the Monitoring Officer.	Section 82A(4) and (5) of the Local Government Act 2000	COUNCIL
<b>44B.</b> Powers relating to overview and scrutiny committees (voting rights of co-opted members).	Paragraphs 12 and 14 of Schedule 1 to the Local Government Act 2000	COUNCIL
<b>45.</b> 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 2003 (S.I. 2003/533). [This Statutory Instrument has been superceded.]	
<b>46.</b> Powers relating to the protection of important hedgerows.	The Hedgerows Regulations 1997 (S.I. 1997/1160).	The Corporate Director – Community Wealth Building or an officer within the Corporate Director's department to whom the function has been delegated under Part 3
<b>47.</b> Powers relating to the preservation of trees.	Sections 197 to 214D of the Town and Country Planning Act 1990, and the Trees Regulations 1999 (S.I. 1999/1892).	The Corporate Director – Community Wealth Building or an officer within the Corporate Director's department to whom the function has been delegated under Part 3
<b>47A.</b> Powers relating to complaints about high hedges.	Part 8 of the Anti-Social Behaviour Act 2003.	The Corporate Director of Environment or an officer within the Corporate Director's department to whom the function has been delegated under Part 3
<b>48.</b> Power to make payments or provide other benefits in cases of maladministration etc.	Section 92 of the Local Government Act 2000.	The relevant Corporate Director or an officer within the Corporate Director's department to whom the function has been delegated under Part 3

<b>49.</b> Power to make an order identifying a place as a designated public place for the purposes of police powers in relation to alcohol consumption.	Section 13(2) of the Criminal Justice and Police Act 2001 (S.I. 2007/806)	The Corporate Director of Environment or an officer within the department to whom the function has been delegated under Part 3
<b>50.</b> Power to make or revoke an order designating a locality as an alcohol disorder zone.	Section 16 of the Violent Crime Reduction Act 2006 (c. 38). (S.I. 2008/1430)	The Corporate Director of Environment or an officer within the department to whom the function has been delegated under Part 3
<b>51.</b> Power to apply for an enforcement order against unlawful works on common land.	Section 41 of the Commons Act 2006 (S.I. 2008/2787)	Director of Law and Governance or an officer within her department to whom the function has been delegated under Part 3
<b>52.</b> 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 (S.I. 2008/2787)	The Corporate Director of Environment or an officer within the Corporate Director's department to whom the function has been delegated under Part 3
<b>53.</b> Power to institute proceedings for offences in respect of unclaimed registered common land and unclaimed town or village greens.	Section 45(2)(b) of the Commons Act 2006 (S.I. 2008/2787)	Director of Law and Governance or an officer within her department to whom the function has been delegated under Part 3
<b>J. Other functions which are not to be the responsibility of the Executive</b>		
<b>1.</b> Members allowances.		COUNCIL
<b>2.</b> Establishing committees under section 101 of the Local Government Act 1972.		COUNCIL
<b>3.</b> Except where specified any function which by virtue of any enactment passed or made before 19 October 2000 may be discharged only by an Authority.		COUNCIL

## APPENDIX 2

### EXECUTIVE AND NON-EXECUTIVE FUNCTIONS

**(ii) Allocation of local choice functions to as executive or non-executive functions and delegation of functions to bodies and individuals**

(1) Function	(2) Executive or Council	(3) Delegated to
<b>1.</b> Any function under a local Act other than a function specified or referred to in regulation 2 or Schedule 1. <sup>1</sup>	If the function is a function, which is of a similar type, class or nature to the other functions of the Executive, the function will be exercised by the Executive. Otherwise the function will be exercised by the Council.	The officer or committee or sub-committee responsible for the types of function concerned, as set out in Part 3 of the Constitution.
<b>2.</b> The determination of an appeal against any decision made by or on behalf of the authority.	If the function to which the decision relates is a function of the Executive, the determination of an appeal will be an executive function, otherwise the function will be a function of the Council.	The Corporate Director within whose Department the subject matter of the appeal falls or, if the matter may not be determined by officers, the Executive for executive functions or, the relevant council committee or sub-committee for other functions.
<b>3.</b> The making of arrangements in relation to appeals against the exclusion of pupils from maintained schools.	Executive	Corporate Director of Children's Services
<b>4.</b> The making of arrangements pursuant to section 94(1), (1A) and (4) of the 1998 Act (admissions appeals).	Executive	Corporate Director of Children's Services
<b>5.</b> The making of arrangements pursuant to section 95(2) of the 1998 Act (children to whom section 87 applies: appeals by governing bodies).	Executive	Corporate Director of Children's Services

<sup>1</sup> This is a reference to the provisions of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000.

<b>6.</b> Any function relating to contaminated land.	Executive	Corporate Director of Environment
<b>7.</b> The discharge of any function relating to the control of pollution or the management of air quality.	Executive	Corporate Director of Environment
<b>8.</b> The service of abatement notice in respect of a statutory nuisance.	Executive	Corporate Director of Environment
<b>9.</b> The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the authority's area.	Council	Corporate Director of Environment
<b>10.</b> The inspection of the authority's area to detect any statutory nuisance.	Executive	Corporate Director of Environment
<b>11.</b> The investigation of any complaint as to the existence of a statutory nuisance.	Executive	Corporate Director of Environment
<b>12.</b> The obtaining of information under section 330 of the Town and Country Planning Act 1990 as to interests in land.	The Council, if the information is required for the purposes of a Council function and the Executive, if for the purposes of an Executive function.	The relevant corporate director who has responsibility for the function in question.
<b>13.</b> The obtaining of particulars of persons interested in land under section 16 of the Local Government (Miscellaneous Provisions) Act 1976.	The Council if the particulars are required for the purposes of a Council function and the Executive if for the purposes of an Executive function.	The relevant corporate director who has responsibility for the function in question.
<b>14.</b> The making of agreements for the execution of highways works.	Executive, unless the need for the highways agreement has arisen from a planning decision in which case the responsibility shall be with the Council.	Corporate Director of Environment, or, if the matter does not fall within officers' delegated powers, a Planning Sub-Committee or the Audit Committee in accordance with the terms of reference of those committees.
<b>15.</b> The appointment of any individual – (a) to any office other than an office in which he or she is employed by the authority;	Council, except in the case of those appointments (which includes removal of an appointee) reserved to the Executive in Article 11.01(b) and (c) or in the case of companies	In the case of a member of staff, the relevant Corporate Director in whose department the member of staff is employed. In the case of the Councillor appointments, other than those

<p>(b) to any body other than -</p> <ul style="list-style-type: none"> <li>(i) the authority;</li> <li>(ii) a joint committee of two or more authorities; or</li> </ul> <p>(c) to any committee or sub-committee of such a body and the revocation of any such appointment.</p>	<p>established to carry out Executive functions.</p>	<p>appointments allocated as Executive functions or made to companies established to carry out Executive functions, they shall be made by the Council at the Annual Meeting of the Council and then again by the Council or the Audit Committee if a vacancy arises during that municipal year,</p>
<p><b>16.</b> The making of arrangements with other local authorities for the placing of staff at the disposal of those other authorities.</p>	<p>If the arrangement is in connection with a function of the Executive then the Executive shall make the arrangement. If the arrangement is in connection with a function which is the responsibility of the Council then the Council shall make the arrangement.</p>	<p>In either case the Corporate Director within whose area of responsibility the function lies.</p>

\*The Proper Officer shall determine any questions as to the interpretation and application of this table.

## APPENDIX 3

### Additional Delegations to Officers

1. Directors, Heads of Service and Service Managers have delegated to them the powers specified in this Table (subject to the same restrictions as would apply to a Corporate Director to the extent that the Chief Executive or relevant Corporate Director has authorised them to exercise those powers, either specifically or generally.

<b>1 Directors and Heads of Services</b> (if authorised by their Corporate Director)
<p>All the powers of their Corporate Director in so far as they relate to the service for which they are responsible, save in so far as that is inconsistent with any other part of the Constitution or is specifically excluded below and subject to the following additional restrictions in respect of the specified powers:</p> <p>(i) To exercise discretion in writing off or remitting in whole or in part debts due to the Council not exceeding £10,000 in value and in the case of Service Directors in the Resources Department, not exceeding £50,000 in value.</p> <p>(ii) To establish or re-organise the staffing structure of their department or service and to appoint, discipline and dismiss staff save that all new posts and any reorganisations affecting more than 5 posts must be approved by the relevant Corporate Director.</p> <p>and in particular to exercise the power of the Council to appoint appropriate members of their staff as proper officer for any purpose in relation to any statutory function for which their service is responsible or to revoke such appointment.</p>
<b>2 Service Managers</b> (if authorised by their Corporate Director)
<p>All the powers of their Director or Head of Services in so far as they relate to the service for which they are responsible, save in so far as that is inconsistent with any other part of the Constitution or is specifically excluded below and subject to following additional restrictions in respect of the specified powers:</p> <p>(i) To dispose of assets which are not land or buildings - up to the value of £1,000 and subject to obtaining the written approval of their Service Director or Head of Service if the disposal is to a member of staff.</p> <p>(ii) To sign contracts on behalf of the Council – provided the value does not exceed £299,999.</p> <p>(iii) The following powers may not be exercised by Service Managers:</p> <ul style="list-style-type: none"><li>• To exercise discretion in writing off or remitting in whole or in part debts due to the Council (save that Service Managers in the Finance departments may exercise discretion in writing off or remitting in whole or in part debts due to the Council not exceeding £10,000 in value);</li><li>• To agree acting up or honorarium payments;</li><li>• To implement the council's job share scheme;</li></ul>

- To approve special leave, relocation expenses, free zone 1 and 2 travel cards, welfare loans or training and qualification loans, extensions of the sickness payment, compensation for redundancy or efficiency.

### **3 Heads of Service** (if authorised by the Chief Executive)

All the powers of the Chief Executive in so far as they relate to the service for which they are responsible, save in so far as that is inconsistent with any other part of the Constitution or is specifically excluded below and subject to the following additional restrictions in respect of the specified powers:

- (i) To exercise discretion in writing off or remitting in whole or in part debts due to the Council not exceeding £10,000 in value and in the case of Service Directors in the Resources Department, not exceeding £50,000 in value.
- (ii) To establish or re-organise the staffing structure of their department or service and to appoint, discipline and dismiss staff save that all new posts and any reorganisations affecting more than 5 posts must be approved by the Chief Executive.

and in particular to exercise the power of the Council to appoint appropriate members of their staff as proper officer for any purpose in relation to any statutory function for which their service is responsible or to revoke such appointment.

2. This table sets out the other powers delegated to specific post-holders in addition to the relevant Corporate Director

#### **GENERAL**

	<b>Power</b>	<b>Postholder</b>
1	To exercise discretion in writing off or remitting in whole or part debts due to the Council not exceeding £20,000 in value	Service Director (Finance Operations)

#### **ENFORCEMENT AND LICENSING FUNCTIONS**

The post holders specified in column B below may exercise the Council's enforcement and licensing functions and powers (other than those specifically reserved to another person or body in the Constitution) falling within the area of responsibility of the team specified in column A if authorised by the Director of Public Protection and Regulatory Services in relation to specified legislation to do so.

A list of all such authorisations in respect of the following teams to be maintained by the Director of Public Protection and Regulatory Services and notified to the Proper Officer.

<b>A – Specified team</b>	<b>B – Specified post-holders</b>
Trading Standards	<ul style="list-style-type: none"> <li>• Assistant Trading Standards Officer</li> <li>• Trading Standards Officer</li> <li>• Senior Trading Standards Officer</li> <li>• Principal Trading Standards Officer</li> <li>• Trading Standards Manager</li> <li>• Service Manager, Street Trading and Trading Standards</li> </ul>
Environmental Health	<ul style="list-style-type: none"> <li>• Environmental Health Officer</li> <li>• Senior Environmental Health Officer</li> <li>• Principal Environmental Health Officer</li> <li>• Grants Team Manager</li> <li>• Grants Officer</li> <li>• Technical Officer</li> <li>• Senior Technical Officer</li> <li>• Principal Technical Officer</li> <li>• Noise Patrol Officer</li> <li>• Acoustics Officer</li> <li>• Pollution Officer</li> <li>• Pest and Animal Welfare Officer</li> <li>• Pest and Animal Welfare Manager</li> </ul>
Street Trading	<ul style="list-style-type: none"> <li>• Street Trading Officer</li> <li>• Street Trading Manager</li> </ul>
Licensing	<ul style="list-style-type: none"> <li>• Licensing Officer</li> <li>• Licensing Manager</li> </ul>

The post holders specified in column B below may exercise the Council's enforcement and licensing functions and powers (other than those specifically reserved to another person or body in the Constitution) falling within the area of responsibility of the team specified in column A if authorised by the Director - Planning and Development in relation to specified legislation to do so.

A list of all such authorisations in respect of the following teams to be maintained by the Director - Planning and Development and notified to the Proper Officer.

<b>A – Specified team</b>	<b>B – Specified post-holders</b>
Building Control	<ul style="list-style-type: none"> <li>• Building Control Surveyor</li> <li>• Assistant Building Control Surveyor</li> <li>• Senior Building Control Surveyor</li> <li>• Principal Building Control Surveyor</li> <li>• Group Leader</li> </ul>
Planning	<ul style="list-style-type: none"> <li>• Enforcement Manager</li> <li>• Enforcement Officer</li> <li>• Tree Preservation Officer</li> <li>• Principal Tree Preservation Officer</li> </ul>



The post holders specified in column B below may exercise the Council's development management (including enforcement) functions and powers (other than those specifically reserved to another person or body in the Constitution) falling within the area of responsibility of the team specified in column A if authorised by the Corporate Director – Community Wealth Building in relation to specified legislation to do so.

A list of all such authorisations in respect of the following teams to be maintained by the Service Director - Planning and Development and notified to the Proper Officer.

<b>A – Specified team</b>	<b>B – Specified post-holders</b>
Development Management	<ul style="list-style-type: none"> <li>• Deputy Head of Service ( 2 posts)</li> </ul>

The post holders specified in column B below may exercise the Council's enforcement and licensing functions and powers (other than those specifically reserved to another person or body in the Constitution) falling within the area of responsibility of the team specified in column A if authorised by the Director – Environment and Commercial Operations in relation to specified legislation to do so.

A list of all such authorisations in respect of the following teams to be maintained by the Director – Environment and Commercial Operations and notified to the Proper Officer.

<b>A – Specified team</b>	<b>B – Specified post-holders</b>
Lighting and Street Works Team	<ul style="list-style-type: none"> <li>• Technical Assistant</li> <li>• Technical Officer</li> <li>• Senior Technical Officer</li> <li>• Senior Engineer</li> <li>• Team Leader</li> <li>• Street-works Coordinator</li> <li>• Principal Technical Officer</li> <li>• Lighting &amp; Street-works Manager</li> </ul>
Street Environment Services	<ul style="list-style-type: none"> <li>• Street Environment Wardens</li> <li>• Senior Street Environment Wardens</li> <li>• Street Environment Officers</li> <li>• Senior Street Environment Officer</li> <li>• Area Street Environment Managers</li> <li>• Enviro-crime Manager</li> </ul>

## SCHOOL ATTENDANCE FUNCTIONS

The Corporate Director of Children's Services will designate officers to carry out functions and powers relating to school attendance and education welfare matters. A list of all such authorisations will be maintained by the Corporate Director and notified to the Proper Officer.

## ADULT SOCIAL SERVICES FUNCTIONS

In respect of the following teams:

- Access Service
- North Locality Service
- South Locality Service
- Islington Learning Disability Partnership
- Hospital Social Work Team
- Services for Ageing and Mental Health Team
- Community Mental Health Team

the post holders specified in column A may approve Personal Budgets on behalf of the council if authorised to do so by the Director of Adult Social Care, with limitations as specified in column B.

A – Specified post-holders	B - Limitations
Assistant Director/ Director	£750 and above per week, per user
Heads of Service	Up to £ 750 per week, per user
Team Managers	Up to £500 per week per user
Senior Practitioners (Social Workers and OT'S)	Up to £300 per week per user

## Finance and Property Deputyships

The post holder specified in column B may exercise the Council's functions and powers as Finance and Property Deputies within the area of responsibility of the team specified in column A if authorised by the relevant Service Director.

A – Specified Team	B – Specified postholders
Client Financial Affairs	Principal Finance Officer

A list of all such authorisations will be maintained by the relevant Director of Adult Social Care and notified to the Proper Officer.

### 3 Legal Proceedings

The institution, defence, participation in, conduct or settlement any legal proceedings may be undertaken by any Corporate Director, Director, Head of Services, Service Manager or officer reporting to a Service Manager, where authorised by the Director of Law and Governance, subject to any conditions which she may impose.

## APPENDIX 4

### Proper Officers

The following officers shall be the proper officer for the purposes of the specified legislation.

#### PROPER OFFICER PROVISIONS

The following definitions are used in this Table:-

LGA 1972	=	Local Government Act 1972
LG(MP)A 1976	=	Local Government (Miscellaneous Provisions) Act 1976
RPA 1983	=	Representation of the People Act 1983
LGFA 1988	=	Local Government Finance Act 1988
LGHA 1989	=	Local Government and Housing Act 1989
LGA 2000	=	Local Government Act 2000
FOIA 2000	=	Freedom of Information Act 2000

<b><i>(1) statutory provision</i></b>	<b><i>(2) Function</i></b>	<b><i>(3) Proper Officer</i></b>
Section 83 LGA 1972	Witness and receipt of declarations of acceptance of office of Mayor, Deputy Mayor and Councillors.	Director of Law and Governance
Section 84 LGA 1972	Receipt of notice of resignation of office of Mayor, Deputy Mayor and Councillors.	Director of Law and Governance
Section 88 LGA 1972	Convening of meeting for the election of Mayor in the event of a casual vacancy.	Director of Law and Governance
Section 89 LGA 1972	Receipt of notice of casual vacancies in the council membership.	Director of Law and Governance
Section 100 LGA 1972	All references to proper officer in connection with the access to information provisions of the Local Government Act.	Director of Law and Governance

Section 115 LGA 1972	Receipt of monies from accountable officers.	Chief Finance Officer
Section 146 LGA 1972	Certificates as to securities on alteration to local authority area or name.	Director of Law and Governance
Section 225 LGA 1972	Deposit of any documents pursuant to any enactment, instrument or parliamentary standing orders.	Director of Law and Governance
Section 229 LGA 1972	Certification of any photographic copy of a document in the custody of the council or of any document destroyed while in which custody, or any part of any such document.	Director of Law and Governance
Section 233 LGA 1972	Receive documents required to be served on the Council.	The Chief Executive or the Director of Law and Governance
Section 234(1) LGA 1972	Signature or authentication of any notice or other document which the local authority is authorised or required to give or make or issue.	The Chief Executive, Corporate Directors, Monitoring Officer or Chief Finance Officer.
Section 238 LGA 1972	Certification of printed copies of by-laws.	Director of Law and Governance
Section 41 LG(MP)A 1976	Certification of Minutes, Resolutions, Orders and Reports of the Council.	Director of Law and Governance
Section 35 RPA 1983	The Returning Officer at an election of Councillors of the borough.	Chief Executive
Section 8 RPA 1983	The Electoral Registration Officer of any constituency in the borough.	Chief Executive
Section 72 Weights and Measures Act 1985	Functions of Chief Inspector of Weights and Measures.	Trading Standards Manager

Section 2 LGHA 1989	Deposit of list of “politically restricted posts” under LGHA 1989.	Corporate Director of Resources
Regulation 23 Non-Domestic (Collection and Enforcement) (Local Lists) Regulations 1989	Certification of the Local Non-Domestic List.	Chief Finance Officer
Accounts and Audit Regulations 2015	The responsible financial officer.	Chief Finance Officer
Births deaths and marriages	Any reference to the proper officer in any enactment relating to registration of births, death or marriages.	Director of Public Protection and Regulatory Services
LGA 1972, Schedule 12, Part 1, Paragraph 4(2)(b)	Signature of summonses to Council meetings and receipt of notices of addresses to which summonses to meetings to be sent.	Chief Executive
Local Government (Committees and Political groups) Regulations 1990	Receipt of notification from members.	Director of Law and Governance
Local Authorities (Standing Orders) Regulations 2000	Notices under regulations 5 and 6 regarding proposed appointments of staff.	Director of Law and Governance
Local Authorities (Referendums) (Petitions and Directions) Regulations	Functions relating to verification and publicity of petitions.	Director of Law and Governance
Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000	All references to the proper officer.	Director of Law and Governance
Local Authorities (Conduct of Referendums) (England) Regulations 2001	All references to the proper officer.	Chief Executive

Public Health (Control of Diseases) Act 1984 and the Public Health (Infectious Diseases) Regulations 1988	All references to the proper officer	Director of Public Health
Section 36 FOIA 2000	Qualified person for decision on exempt information not to be disclosed	Director of Law and Governance
Local Democracy, Economic Development and Construction Act 2009	Designated Proper officer for scrutiny role	Head of Democratic Services and Governance

## APPENDIX 5

### Further Detail of the Exempt Information Requirements

Category	Condition	Availability to Members*
1. Information relating to any individual.	This 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.	Restricted
2. Information which is likely to reveal the identity of an individual.	This 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.	Restricted
3. Information relating to the financial or business affairs of any particular person (including the authority holding that information).	<p>Information falling within paragraph 3 is not exempt information by virtue of that paragraph if it is required to be registered under—</p> <p>(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; or                      (f) the Charities Act 1993.</p> <p>Information falling within paragraph 3 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>Restricted to the extent that if the information relates to the award of a contract, the negotiations are still ongoing.</p> <p>Information which does not meet the above description is available to members.</p>
4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter	This 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	Restricted



arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.	public interest in disclosing the information.	
5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.	This 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.	Restricted
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	This 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.	Available to members.
7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.	This 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.	Restricted

\* This column indicates whether councillors have an automatic right of access to an exempt report.

Additional access to information rights for members of the council's scrutiny committees is set out at Procedure Rule 98.

## APPENDIX 6

### Definitions

The words and phrases defined in this definition section shall have the meaning set out below unless it is clear from another part or section of this Constitution that a different or alternative meaning is intended for the purposes of that part or section.

- The **Articles** in the Constitution set out the overall framework of what is to be done and by whom. Procedure Rules, Codes of Conduct and the other documents forming part of the Constitution set out how the Articles will be put into effect.
- The **Authority** means the London Borough of Islington.
- **Best Consideration** may comprise both a sum of money received by the Council and or other non-monetary elements which have a quantifiable commercial or monetary value to the Council. This is essentially a valuation matter and requires the Council to take proper valuation advice and to have regard to the relevant statutory guidance
- The Council's Budget Setting Meeting is a meeting of full Council at which it makes (or included an item on its agenda to make) a calculation (whether originally or by way of substitute) in accordance with any of sections 31A, 31B, 34 to 36A, 42A, 42B, 45 to 49, 52ZF, 52ZJ of the Local Government Finance Act 1992. The **Chief Finance Officer** is the officer appointed in accordance with section 151 of the Local Government Act 1972 who has responsibility for the administration of the financial affairs of the authority. In the London Borough of Islington, the Chief Finance Officer is the officer appointed to the position of Corporate Director of Resources.
- A **Co-opted Member** means a person, not being an Independent Member as defined below, who is a member of any committee or sub-committee of the Council but is not a councillor. Co-opted members generally do not have voting rights on committees, although statute permits certain co-opted members to vote, notably parent governor representatives and church representatives. The voting education co-opted members may only vote on education matters.
- **Corporate Directors** means a officer reporting to the Chief Executive who is also a member of the Corporate Management Board
- **Corporate Plan** means the document adopted by the Council setting out the Council's vision, values and key commitments for the next four years.
- **Council Functions** are those functions of the Authority which cannot be exercised by the Executive. These functions may be carried out by the Council itself, a Council Committee, Council Sub-Committee, Joint

Committee of the Council, officers or any other person authorised by the full Council to carry out Council functions. Council Functions cannot be carried out by the Executive.

- **Day** means a clear working day unless it is clear from another part or section of this Constitution that a different or alternative meaning is intended for the purposes of that part or section.
- The **Deputy Leader** is the individual appointed as deputy leader by the Leader as set out in Article 7.04.
- **Director** means an officer responsible for a service reporting to a Corporate Director who is designated a Director.
- **Executive Functions** are any functions of the Authority which are not the responsibility of any other part of the Authority, whether by law or, where the law provides a choice, under the Constitution. The division of functions between the Executive and the Council are set out in Part 3 of this Constitution.
- **Exempt Information** means information falling within the seven categories set out in Schedule 12A of the Local Government Act 1972 and subject to the relevant qualifications set out in that schedule and, in the case of the Standards Committee, the further categories of information set out in the Relevant Authorities (Standards Committee) Regulations 2001. These rules are explained further in the Access to Information Rules, which form part of this Constitution.
- An **Extraordinary Meeting** is a meeting of full Council called by the Mayor. However, if the Mayor refuses to call an Extraordinary Meeting or does not do so within seven days after a request by five Councillors, any five councillors may call an Extraordinary Meeting of Full Council.
- The **Forward Plan** is a document prepared by the Democratic Services Manager which gives at least 28 days clear notice of all the matters likely to be the subject of Key Decisions to be taken by either the Executive or a committee of the Executive or officers. It may also include other important decisions in relation to Executive Functions likely to be taken in the near future by the Executive, its committees or officers. It will indicate in respect of each decision whether it is anticipated that the public will be excluded from the meeting while it is considered, and if so, the reasons for this.
- **Head of Service** means an officer responsible for a service reporting to the Chief Executive or a Corporate or Service Director who is designated a Head of Service.
- An **Independent Member** is a member of the Audit Committee who is not a councillor.

- The **Independent Person** is the person appointed under the Localism Act 2011 to be consulted by the authority before it makes a finding as to whether a member has failed to comply with the Code of Conduct or decides on action to be taken in respect of that member
- The **Islington Members Code of Conduct** means the document which has been adopted by the London Borough of Islington setting out what is expected of members and co-opted members of the Authority in terms of their conduct and behaviour, as set out in Part 6 of this Constitution.
- A **Joint Committee** is a committee comprising members of two or more local authorities created under section 102(1) of the Local Government Act 1972.
- The term **Key Decision** is defined in the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000 and in Part 2 paragraph 13.03 (b) of this Constitution.
- **The Leader** is the councillor elected by the council to lead it, to appoint the other members of the executive and to decide which bodies or persons shall have power to carry out the functions of the Executive.
- The term **Officers** is defined in Article 12.
- A **Partnership Arrangement** is an arrangement between the Council and one or more other bodies or persons to achieve objectives of the Council and at least one of the other parties which involves one or more of the following:
  - sharing of risk in relation to the subject matter of the arrangement;
  - joint planning and decision-making such as joint commissioning
  - joint delivery of services;
  - sharing of resources.

but which is not a contract for the provision by one party to another of a supply, service or works in exchange for a fee or other consideration.

- The **Policy Framework** means the plans, policies and strategies set out in Article 4.01 of this Constitution.
- **Portfolio** refers to the responsibilities or roles allocated to an Executive Member by the Leader.
- A **Protocol** is a document forming part of the Constitution which sets out a guide to the way certain individuals and groups interact with each other. Protocols are not rules but they do give guidance on how things should operate.

- The term **Recordable Executive Decision** is defined in Part 2 paragraph 13.03 (c) of this Constitution. Recordable Decisions by Officers are those described in paragraphs (c) (i) and (ii). Recordable Decisions by individual Executive member are those described in paragraph c (i).
- **Senior Manager** means a manager reporting to a Corporate Director, , Service Director or Head of Service.
- **Voluntary and Community Organisations** (VCS) are organisations set up for charitable, social, community or environmental benefit, rather than for profit and which are independent of statutory bodies