



**Hastings Borough Council**

**Constitution of the Council**

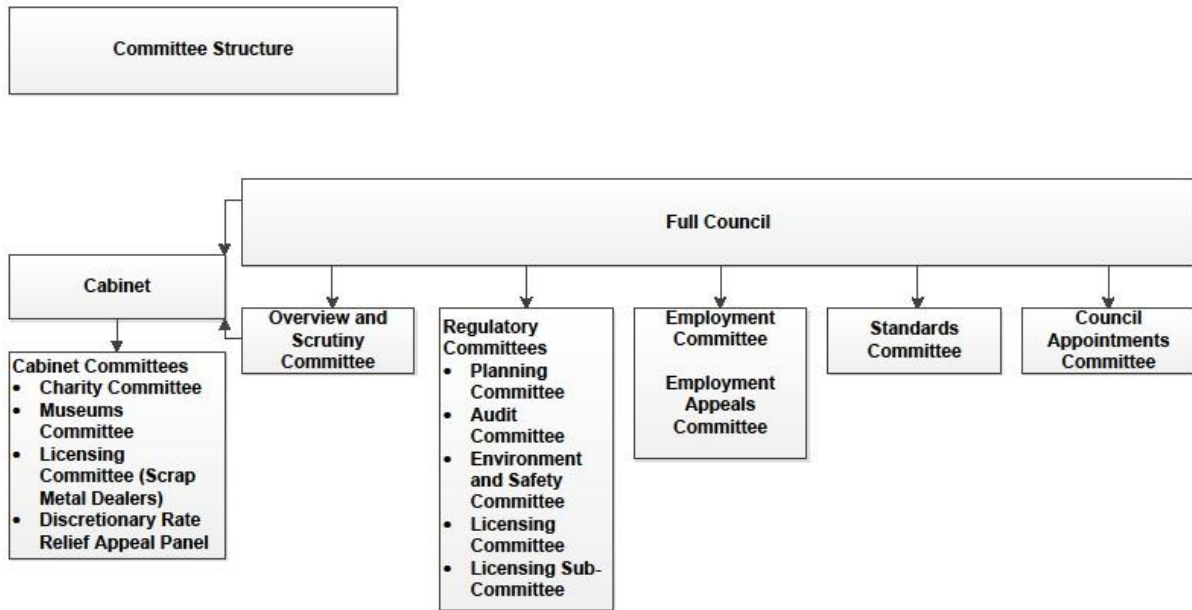
**Part 3**

**Responsibility for Functions**

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# Flowchart of Council Committee Structure



## Responsibility for Local Choice Functions

The Council will have the following Committees with terms of reference as described.

## Responsibility for Council Functions

Table of Committees and their Functions

Committee	Functions
Planning Committee (a committee of the Council)	<p>Planning and conservation</p> <p>Functions relating to town and country planning and development management as specified in Schedule 1 to the Local Authorities (Functions and Responsibilities)(England) Regulations 2000 (the Functions Regulations) as amended</p>
Licensing Committee (a committee of the Council)	<p>All matters delegated to the Council's Licensing Committee by virtue of Section 7(1) Licensing Act 2003 ("the Act") or by virtue of any amending or consolidating legislation and any regulations made under the Act or such amending or consolidating legislation</p> <p>Any other functions referred to the Licensing Committee under Section 7(3) and (5)(b) of the Act</p> <p>All matters delegated to the Licensing Committee by virtue of Section 154 Gambling Act 2005</p>
Licensing Committee (Scrap Metal Dealers)(a committee of the Cabinet)	<p>Functions relating to the licensing of Scrap Metal Dealers as set out in the Scrap Metal Dealers Act 2013 or by virtue of any amending or consolidating legislation and any regulations made under the Act or such amending or consolidating legislation</p>
Environment and Safety Committee (a committee of the Council)	<p>Functions relating to licensing and registration as set out in Schedule 1 to the Local Authorities (Functions and Responsibilities)(England) Regulations 2000 as amended, other than as are referred to the Council's Licensing Committee by Section 7(1) Licensing Act 2003 ("the Act")</p> <p>Any licensing function referred to the Committee under Section 7(5)(a) of the Act</p> <p>Functions relating to health and safety under any "relevant statutory provision" within the meaning of Part 1 of the Health and Safety at Work Act 1974, to the extent that those functions are discharged otherwise than in the Council's capacity as employer</p>
Standards Committee (a committee of the Council)	<p>Main Functions:-</p> <p>To promote and maintain high standards of conduct for Councillors</p> <p>To help Councillors to follow the Code of Conduct</p>

	<p>Specific Functions:-</p> <ul style="list-style-type: none"> <li>a) To give the Council advice on adopting the Local Code. To monitor the effectiveness of the Code</li> <li>b) To train Councillors on the Code, or arrange for such training. To assess and review complaints about Councillors</li> <li>c) To conduct determinations' hearings</li> <li>d) To grant dispensations to Councillors with prejudicial/pecuniary interests</li> <li>e) To grant exemptions for politically restricted posts.</li> </ul>
<p>Employment Appeals Committee (a Committee of the Council)</p>	<p>To consider appeals from the Chief Officers against decisions made by the Employment Committee concerning their terms and conditions of employment</p> <p>To consider appeals against dismissal brought by the Chief Officers.</p>
<p>Employment Committee (a Committee of the Council)</p>	<p>To appoint the Head of Paid Service (subject to the confirmation of full Council) and Chief Officers and to determine all matters concerning the terms and conditions of employment of these officers, including dismissal, subject to the Officer Employment Rules</p> <p>To determine such matters concerning the terms and conditions of employment of all other staff as are referred to the Committee by the Head of Paid Service, on the advice of the Monitoring Officer.</p> <p>To ensure that any disciplinary action against Statutory Officers cannot be taken until comments, views or recommendations are received from at least two independent persons who would be invited to join the committee.</p>
<p>Council Appointments Committee (a Committee of the Council)</p>	<p>To nominate Councillors, other than Cabinet members, for appointments to outside bodies where there is no representative role on behalf of or accountability to the Cabinet (these latter appointments to be dealt with by the Cabinet)</p>
<p>Audit Committee (a committee of the Council)</p>	<p>The Audit Committee shall:</p> <p>General:</p> <ul style="list-style-type: none"> <li>a) Have the power to conduct or authorise investigations into any matters within the Committee's scope of responsibilities. The Committee shall have unrestricted access to the Managing Director and relevant information. The Committee may retain independent counsel, accountants or others to assist it in the conduct of any investigation.</li> <li>b) Arrange to meet four times per year, or more frequently if circumstances require it.</li> <li>c) Report Committee actions to the Cabinet with recommendations, as the Committee may deem appropriate.</li> </ul>

- d) Review annually and make recommendations to Council to update the Audit Committee's terms of reference.
- e) In compliance with the recommendations of external bodies, the Chair of the Audit Committee will meet privately with the Chief Auditor, at least annually, to confirm that significant internal control issues, risk exposures, and Corporate Governance issues have been considered by the Audit Committee.
- f) Provide for inclusion in the Statement of Assurance on Corporate Governance and Internal Control whether the Audit Committee has:-
  - i. Review and discussed the financial statements
  - ii. Discussed with the external auditors any matters under SAS610
  - iii. Received disclosures from the external auditors regarding the auditors' independence and discussed with the auditors their independence.

Internal Controls and Risk Assessment:

- g) Review, evaluate and approve:-
  - i. The effectiveness of the Council's process for assessing significant risk exposures and the measures management has taken to mitigate such risks to an acceptable level, including the risks of fraud and corruption, with regular progress reports to the Audit Committee and an annual report to Council.
  - ii. The adequacy and appropriateness of internal audit provision.
  - iii. The effectiveness of, or weaknesses in, the Council's internal controls including the adequacy of information systems, efficiency in the use of resources, and security of assets.
  - iv. Any related significant findings and recommendations of the external auditors and the internal auditors together with management's responses including the timetable for implementation of recommendations to correct weaknesses in the internal controls.
- h) Instruct the external auditors to communicate directly to the Audit Committee any serious difficulties or disputes with management.

Internal Audit:

- i) Evaluate the internal audit process for establishing internal audit plans and the focus on risk.
- j) Evaluate the audit scope and role of internal audit.
- k) Consider and review:-
  - i. Significant findings and management's response including the timetable for implementation to correct significant

weaknesses.

- ii. Any difficulties encountered in the course of their audit such as restrictions on the scope of their work or access to information.
- iii. Any changes required in the planned scope of their audit plan.
- iv. Any difficulties encountered in the course of their audit such as restrictions on the scope of their work or access to information. Any changes required in the planned scope of their audit plan.
- v. The internal audit budget.

Compliance with Laws and Regulations:

- l) Ascertain whether the Council has an effective process for determining risks and exposure from asserted and unasserted litigation and claims from non-compliance with laws and regulations.
- m) Review with the Chief Legal Officer and others any legal, tax, or regulatory matters that may have a material impact on Council operations and the financial statements.
- n) Discuss with management, the internal auditors and the Council's external auditor the status and adequacy of management information systems including the significant risks and major controls over such risks.

Financial Reporting:

- o) Review with management and the external auditors and approve the Council's financial statements prior to publication.
- p) Advise management based upon its review and discussion whether anything has come to the Audit Committee's attention that causes it to believe that the audited financial statements included in the Council's financial statements contain an untrue statement of material fact or omit to state a necessary material fact.
- q) Review with management and the external auditors and approve at the completion of the annual examination:-
  - i. The Council's annual financial statements and related footnotes.
  - ii. The external auditors' audit of the financial statements and their report.
  - iii. Any significant changes required in the external auditor's audit plan.
  - iv. Any difficulties or disputes with management encountered during the audit.
  - v. The Council's accounting principles.
  - vi. Other matters related to conduct, which should be communicated to the Committee under generally accepted

	<p>auditing standards.</p> <p>External Auditor:</p> <p>r) Recommend to the Cabinet any change of the external audit provider, approve the fees of the external auditors and review and approve the discharge of the external auditors.</p> <p>s) Review the scope and approach of the annual audit with the external auditors.</p> <p>t) Seek assurance of the external auditors' compliance with the Codes of Conduct of the auditing body.</p> <p>u) Review and monitor, as appropriate, with the external auditors the results of Standards Committee recommendations for the purpose of ensuring the adequacy of Corporate Governance and internal control systems.</p> <p>v) Receive all reports of the external auditor and monitor progress in the implementation of recommendations against the agreed timetable.</p>
Museums Committee (a committee of the Cabinet)	To advise the Cabinet on matters relating to the collections of the Hastings and St. Leonards Museums.
Charity Committee	<p>All member decisions relating to charities administered by the Council, in particular the Hastings and St Leonards Foreshore Charitable Trust (the Foreshore Trust).</p> <p>It is intended that Cabinet delegates its functions to the Charity Committee to make trustee decisions and to avoid any breach of trust or perception or apprehension of breach of trust by reason of a conflict of interest between the Charity and the Council and its executive.</p> <p>The Committee has special responsibility in particular under the Charity Commission Scheme Number 981/1011 to have regard to the recommendations of the Protector, the Coastal Advisory Group and the Grant Advisory Group in relation to specified matters concerning the Foreshore Trust.</p>
Working Arrangements Group (a working group with no decision making powers)	<p>This working group is responsible for considering all matters relating to the internal arrangements of the Council, e.g. Constitution.</p> <p>It reports to Cabinet or Council, as appropriate.</p>
Independent Remuneration Panel	There will be an independent remuneration panel established from time to time under the Local Government Act 2000 to advise Council in relation to the Scheme of Councillors' Allowances.



## Schedule 1

### Functions not to be the Responsibility of the Cabinet

#### A. Functions relating to town and country planning and development control

Function	Provision of Act or Statutory Instrument
1. Powers and duties relating to local development documents which are development plan documents.	Sections 20 to 23 and 25, 26 and 28 of the Planning and Compulsory Purchase Act 2004 (c. 5).
2. Power to agree to establish a joint committee to be, for the purposes of Part 2 of the Planning and Compulsory Purchase Act 2004, a local planning authority.	Section 29 of the Planning and Compulsory Purchase Act 2004.
3. Power to agree to confer additional functions on a joint committee.	Section 30 of the Planning and Compulsory Purchase Act 2004.
4. Power to request the dissolution of a joint committee.	Section 31 of the Planning and Compulsory Purchase Act 2004.
5. Power to determine application for planning permission.	Sections 70(1)(a) and (b) and 72 of the Town and Country Planning Act 1990 (c. 8).
6. Power to determine applications to develop land without compliance with conditions previously attached.	Section 73 of the Town and Country Planning Act 1990.
7. Power to grant planning permission for development already carried out.	Section 73A of the Town and Country Planning Act 1990.
8. Power to decline to determine application for planning permission.	Section 70A of the Town and Country Planning Act 1990.
9. 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.
10. 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).
11. 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).
12. Power to enter into agreement regulating development or use of land.	Section 106 of the Town and Country Planning Act 1990.
13. 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.
14. Power to serve a completion notice.	Section 94(2) of the Town and Country Planning Act 1990.
15. Power to grant consent for the display of advertisements	Planning Act 1990 and the Town and Country Planning (Control of Advertisements) Regulations 1992 (S.I. 1992/666).

16. Power to authorise entry onto land.	Section 196A of the Town and Country Planning Act 1990.
17. Power to require the discontinuance of a use of land.	Section 102 of the Town and Country Planning Act 1990.
18. 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.
19. Power to issued a temporary Stop Notice.	Section 171E of the Town and Country Planning Act 1990.
20. Power to issue an enforcement notice.	Section 172 of the Town and Country Planning Act 1990.
21. Power to apply for an injunction restraining a breach of planning control.	Section 187B of the Town and Country Planning Act 1990.
22. Power to determine applications for hazardous substances consent, and related powers.	Sections 9(1) and 10 of the Planning (Hazardous Substances) Act 1990.
23. 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 (c. 34), paragraph 9(6) of Schedule 13 to the Environment Act 1995 (c. 25) and paragraph 6(5) of Schedule 14 to that Act.
24. Power to require proper maintenance of land.	Section 215(1) of the Town and Country Planning Act 1990.
25. 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 (c. 9).
26. 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.
27. Duties relating to applications for listed building consent and conservation area consent.	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 the Department of the Environment Circular 14/97.
28. Power to serve a building preservation notice, and related powers.	Sections 3(1) and 4(1) of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990.
29. Power to issue enforcement notice in relation to demolition of unlisted building in conservation area.	Section 38 of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990.
30. Powers to acquire a listed building in need of repair and to serve a repairs notice.	Sections 47 and 48 of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990.
31. Power to apply for an injunction in relation to a listed building	Section 44A of the Planning (Listed Buildings and Buildings in Conservation Areas) Act1990.
32. Power to execute urgent works.	Section 54 of the Planning (Listed Buildings and Buildings in Conservation Areas) Act1990.

**B. Licensing and registration functions (in so far as not covered by any other paragraph of this Schedule)**

Function.	Provision of Act or Statutory Instrument.
1. Power to issue licences authorising the use of land as a caravan site ("site licences").	Section 3(3) of the Caravan Sites and Control of Development Act 1960.
2. Power to license the use of moveable dwellings and camping sites.	Section 269(1) of the Public Health Act 1936.
3. Power to license hackney carriages and private hire vehicles.	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 as to private hire vehicles, sections 48, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976.
4. Power to license drivers of hackney carriages and private hire vehicles.	Sections 51, 53, 54, 59, 61 and 79 of the Local Government (Miscellaneous Provisions) Act 1976.
5. Power to license operators of hackney carriages and private hire vehicles.	Sections 55 to 58, 62 and 79 of the Local Government (Miscellaneous Provisions) Act 1976.
6. Power to register pool promoters.	Schedule 2 to the Betting, Gaming and Lotteries Act 1963.
7. Power to grant track betting licences.	Schedule 3 to the Betting, Gaming and Lotteries Act 1963.
8. Power to license inter-track betting schemes.	Schedules 5ZA to the Betting, Gaming and Lotteries Act 1963.
9. Power to grant permits in respect of premises with amusement machines.	Schedule 9 to the Gaming Act 1968.
10. Power to register societies wishing to promote lotteries.	Schedule 1 to the Lotteries and Amusements Act 1976.
11. Power to grant permits in respect of premises where amusements with prizes are provided.	Schedule 3 to the Lotteries and Amusements Act 1976.
12. Power to issue cinema and cinema club licences.	Licensing Act 2003
13. Power to issue theatre licences.	Licensing Act 2003
14. Power to license sex shops and sex cinemas.	The Local Government (Miscellaneous Provisions) Act 1982, section 2 and Schedule 3.
15. Functions relating to licensing.	Licensing Act 2003 and any regulations or orders made under that Act.
16. Power to designate officer of a licensing authority as an authorised person for a purpose relating to premises.	Section 304 of the Gambling Act 2005
17. Power to institute criminal proceedings for offences under section 342 of the Gambling Act 2005.	Section 342 of the Gambling Act 2005
18. Power to exchange information.	Section 350 of the Gambling Act 2005
19. Functions relating to the determination of	The Gambling (Premises License Fees) (England

fees for premises.	and Wales) Regulations 2007
20. Power to resolve not to issue a casino premises licence.	Section 166 of the Gambling Act 2005.
21. Power to license performances of hypnotism.	The Hypnotism Act 1952.
22. Power to issue entertainments licences.	Section 12 of the Children and Young Persons Act 1933, 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.
23. Power to license premises for acupuncture, tattooing, ear-piercing and electrolysis.	Sections 13 to 17 of the Local Government (Miscellaneous Provisions) Act 1982.
24. Power to license pleasure boats and pleasure vessels.	Section 94 of the Public Health Acts Amendment Act 1907.
25. Power to register door staff.	Local Government (Miscellaneous Provisions) Act 1982.
26. Power to license market and street trading.	Part III of, and Schedule 4 to, the Local Government (Miscellaneous Provisions) Act 1982.
27. Power to license night cafes and take-away food shops.	Section 2 of the Late Night Refreshment Houses Act 1969.
28. Duty to keep list of persons entitled to sell non-medicinal poisons.	Sections 3(1)(b)(ii), 5, 6 and 11 of the Poisons Act 1972.
29. Power to license dealers in game and the killing and selling of game.	Sections 5, 6, 17, 18 and 21 to 23 of the Game Act 1831 (c. 32); 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.
30. Power of register and license premises for the preparation of food.	Section 19 of the Food Safety Act 1990.
31. Power to license scrap yards.	Section 1 of the Scrap Metal Dealers Act 2013.
32. Power to issue, amend or replace safety certificates (whether general or special) for sports grounds.	The Safety of Sports Grounds Act 1975.
33. 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 (c.27).
34. Power to issue fire certificates.	Section 5 of the Fire Precautions Act 1971.
35. Power to license premises for the breeding of dogs	and section 1 of the Breeding and Sale of Dogs (Welfare) Act 1999.
36. Power to license pet shops and other establishments where animals are bred or kept for the purposes of carrying on a business.	The Animal Welfare (Licensing of Activities involving Animals) (England) Regulations 2018; the Riding Establishments Act 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.
33. Power to register animal trainers and exhibitors.	Section 1 of the Performing Animals (Regulation) Act 1925.

34. Power to license zoos.	Section 1 of the Zoo Licensing Act 1981.
35. Power to license dangerous wild animals.	Section 1 of the Dangerous Wild Animals Act 1976.
36. Power to license knackers' yards.	Section 4 of the Slaughterhouses Act 1974. See also the Animal By-Products Order 1999 (S.I. 1999/646).
37. Power to license the employment of children.	Part II of the Children and Young Persons Act 1933, byelaws made under that Part, and Part II of the Children and Young Persons Act 1963.
38. Power to license persons to collect for charitable and other causes.	Section 5 of the Police, Factories etc. (Miscellaneous Provisions) Act 1916 and section 2 of the House to House Collections Act 1939.
39. Power to grant consent for the operation of a loudspeaker.	Schedule 2 to the Noise and Statutory Nuisance Act 1993.
40. Power to approve meat product premises.	Regulations 4 and 5 of the Meat Products (Hygiene) Regulations 1994 (S.I. 1994/3082).
41. Power to approve premises for the production of minced meat or meat preparations.	Regulation 4 of the Minced Meat and Meat Preparations (Hygiene) Regulations 1995 (S.I. 1995/3205).
42. Power to approve dairy establishments.	Regulations 6 and 7 of the Dairy Products (Hygiene) Regs. 1995 (S.I. 1995/1086).
43. Power to approve egg product establishments.	Regulation 5 of the Egg Products Regulations 1993 (S.I. 1993/1520).
44. 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.	Schedule 1A to the Food Safety (General Food Hygiene) Regulations 1995 (S.I. 1995/1763).
45. Power to approve fish products premises.	Regulation 24 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998 (S.I. 1998/994).
46. Power to approve dispatch or purification centres.	Regulation 11 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998.
47. Power to register fishing vessels on board which shrimps or molluscs are cooked.	Regulation 21 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998.
48. Power to approve factory vessels and fishery product establishments.	Regulation 24 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998.
49. Power to register auction and wholesale markets.	Regulation 26 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998.
50. Duty to keep register of food business premises.	Regulation 5 of the Food Premises (Registration) Regulations 1991 (S.I. 1991/2828).
51. Power to register food business premises.	Regulation 9 of the Food Premises (Registration) Regulations 1991.
52. Power to register motor salvage operators.	Part I Vehicles (Crime) Act 2001.

### C. Functions relating to health and safety at work

Function	Provision of Act or Statutory Instrument
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.	Part I of the Health and Safety at Work etc. Act 1974.

### D. Functions relating to elections

Function	Provision of Act or Statutory Instrument
1. Duty to appoint an electoral registration officer.	Section 8(2) of the Representation of the People Act 1983.
2. Power to assign officers in relation to requisitions of the registration officer.	Section 52(4) of the Representation of the People Act 1983.
3. Duty to appoint returning officer for local government elections.	Section 35 of the Representation of the People Act 1983.
4. Duty to provide assistance at European Parliamentary elections.	Paragraph 4(3) and (4) of Schedule 1 to the European Parliamentary Elections Act 1978.
5. Duty to divide constituency into polling districts.	Section 18 of the Representation of the People Act 1983.
6. Power to divide electoral divisions into polling districts at local government elections.	Section 31 of the Representation of the People Act 1983.
7. Powers in respect of holding of elections.	Section 39(4) of the Representation of the People Act 1983.
8. Power to pay expenses properly incurred by electoral registration officers.	Section 54 of the Representation of the People Act 1983.
9. Power to fill vacancies in the event of insufficient nominations.	Section 21 of the Representation of the People Act 1985.
10. Duty to declare vacancy in office in certain cases.	Section 86 of the Local Government Act 1972.
11. Duty to give public notice of a casual vacancy.	Section 87 of the Local Government Act 1972.
12. Power to determine fees and conditions for supply of copies of, or extracts from, elections documents.	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).
13. 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.	Section 10 of the Representation of the People Act 2000.

## **E. Functions relating to name and status of areas and individuals**

Function	Provision of Act or Statutory Instrument
1. Power to change the name of the Borough.	Section 74 of the Local Government Act 1972.
2. Power to confer title of honorary alderman or to admit to be an honorary freeman.	Section 249 of the Local Government Act 1972.

## **F. Functions relating to power to make, amend, revoke, re-enact or enforce byelaws**

Function	Provision of Act or Statutory Instrument
Power to make, amend, revoke or re-enact byelaws	Any provision of any enactment (including a local Act), whenever passed, and section 14 of the Interpretation Act 1978.

## **G. Functions relating to power to promote or oppose local or personal Bills**

Function	Provision of Act or Statutory Instrument
Power to promote or oppose local or personal Bills	Section 239 of the Local Government Act 1972.

## **H. Miscellaneous functions**

### **Part I: Functions relating to public rights of way**

#### **Table of Part I: Functions relating to public rights of way**

Function	Provision of Act or Statutory Instrument
1. Power to create footpath or bridleway by agreement.	Section 25 of the Highways Act 1980 (c. 66).
2. Power to create footpaths and bridleways.	Section 26 of the Highways Act 1980.
3. Power to stop up footpaths and bridleways.	Section 118 of the Highways Act 1980.
4. Power to determine application for public path extinguishment order.	Sections 118ZA and 118C(2) of the Highways Act 1980.
5. Power to make a rail crossing extinguishment order.	Section 118A of the Highways Act 1980.
6. Power to divert footpaths and bridleways.	Section 119 of the Highways Act 1980.

7. Power to make a public path diversion order.	Sections 119ZA and 119C(4) of the Highways Act 1980.
8. Power to make a rail crossing diversion order.	Section 119A of the Highways Act 1980.
9. 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.
10. Power to decline to determine certain applications.	Section 121C of the Highways Act 1980.
11. Duty to assert and protect the rights of the public to use and enjoyment of highways.	Section 130 of the Highways Act 1980.
12. Power to extinguish certain public rights of way.	Section 32 of the Acquisition of Land Act 1981 (c. 67).
13. Power to extinguish public right of way over land acquired for clearance.	Section 294 of the Housing Act 1985 (c. 68).
14. Power to authorise stopping-up or diversion of footpath or bridleway.	Section 257 of the Town and Country Planning Act 1990.
15. Power to extinguish public rights of way over land held for planning purposes.	Section 258 of the Town and Country Planning Act 1990.

## Part II: Other miscellaneous functions

### Table of Part II: Other miscellaneous functions

Function	Provision of Act or Statutory Instrument
16. Functions relating to sea fisheries.	Sections 1, 2, 10 and 19 of the Sea Fisheries Regulation Act 1966 (c. 38).
17. Power to make standing orders.	Section 106 of, and paragraph 42 of Schedule 12 to, the Local Government Act 1972 (c. 70).
18. 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.
19. Power to make standing orders as to contracts.	Section 135 of the Local Government Act 1972.
20. Duty to make arrangements for proper administration of financial affairs etc.	Section 151 of the Local Government Act 1972.
21. Power to appoint officers for particular purposes (appointment of "proper officers").	Section 270(3) of the Local Government Act 1972.
22. Power to make limestone pavement order.	Section 34(2) of the Wildlife and Countryside Act 1981 (c. 69).
23. Power to make closing order with respect to take-away food shops.	Section 4 of the Local Government (Miscellaneous Provisions) Act 1982 (c. 30).
24. 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 (c. 42).
25. Duty to designate officer as the monitoring officer, and to provide staff, etc.	Section 5(1) of the Local Government and Housing Act 1989.



26. Duty to provide staff etc. to person nominated by monitoring officer.	Section 82A(4) Local Government Act 2000.
27. 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.
28. 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
29. Powers relating to the protection of important hedgerows.	The Hedgerows Regulations 1997 (S.I. 1997/1160).
30. 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).
31. Powers relating to complaints about high hedges.	Part 8 Anti-Social Behaviour Act 2003.
32. Power to make payments or provide other benefits in cases of maladministration etc.	Section 92 of the Local Government Act 2000.
33. Power to make an order identifying a place as a designated public place for the	Section 13(2) Criminal Justice and Police Act 2001.
Function	Provision of Act or Statutory Instrument
purposes of police powers in relation to alcohol.	

## Schedule 1a

### Additional Functions not to be the Responsibility of the Cabinet

- 1 The function of:
  - a. imposing any condition, limitation or other restriction on an approval, consent, licence, permission or registration granted –
    - i. in the exercise of a function specified in column 1 of Schedule 1; or
    - ii. otherwise than by the Cabinet, in the exercise of any function under a local Act; and
  - b. determining any other terms to which any such approval, consent, licence, permission or registration is subject
2. The function of determining whether, and in what manner, to enforce:
  - a. any failure to comply with an approval, consent, licence, permission or registration granted as mentioned in paragraph 1a. above;
  - b. any failure to comply with a condition, limitation or term to which any such approval, consent, licence, permission or registration is subject; or
  - c. any other contravention in relation to a matter with regard to which the function of determining an application for approval, consent, licence, permission or registration would not be the responsibility of the Cabinet
3. The function of:
  - a. amending, modifying or varying any such approval, consent, licence, permission or registration as is mentioned in paragraph (1) above, or any condition, limitation or term to which it is subject; or
  - b. revoking any such approval, consent, licence, permission or registration
4. The function of making any scheme authorised or required by regulations under section 18 (schemes for basic, attendance and special responsibility allowances for local authority Councillors) of the Local Government and Housing Act 1989, or of amending, revoking or replacing any such scheme. This function must be exercised by the Council.
5. The function of determining:
  - a. the amount of any allowance payable under –
    - i. subsection (5) of section 3 (Chair's expenses) of the Local Government Act 1972;
    - ii. subsection (4) of section 5 (vice-Chair's expenses) of that Act;
    - iii. subsection (4) of section 173 (financial loss allowance) of that Act;
    - iv. section 175 (allowances for attending conferences and meetings) of that Act;
  - b. the rates at which payments are to be made under section 174 (travelling and subsistence allowances) of that Act;
  - c. the amount of any allowance payable pursuant to a scheme under section 18 of the Local Government and Housing Act 1989, or the rates at which payments by way of any such
  - d. whether a charge should be made for any approval, consent, licence, permit or registration the issue of which is not the responsibility of the Cabinet; and

- e. where a charge is made for any such approval, consent, licence, permit or registration, the amount of the charge

Functions a, b and c must be exercised by the Council.

- 6. Subject to any provision of regulations under section 20 (joint exercise of functions) of the Local Government Act 2000, the function of:
  - a. making arrangements for the discharge of functions by a committee or Officer under section 101(5) of the 1972 Act; and
  - b. making appointments under section 102 (appointment of committees) of the 1972 Act.
- 7. Any function of a local authority that may be discharged only by an authority, by virtue of any enactment passed or made before the making of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended), unless otherwise provided by those regulations.

## Schedule 2

### Functions which may be (but need not be) the Responsibility of the Cabinet (Local Choice Functions)

#### Table of Functions which may be (but need not be) the Responsibility of the Cabinet (Local Choice Functions)

Function	Recommended Responsible body
1. Any function under a local Act other than a function specified or referred to in Schedule 1 or Schedule 1A above.	Cabinet
2. The determination of an appeal against any decision made by or on behalf of the authority	Cabinet or Council as appropriate
3. The appointment of review boards under regulations under subsection (4) of section 34 (determination of claims and reviews) of the Social Security Act 1998.	Council
4. The conducting of best value reviews and making decisions arising therefrom 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.	Council on the advice of Cabinet and Overview and Scrutiny Committees
5. Any function relating to contaminated land under Part 11A of the Environmental Protection Act 1990 and subordinate legislation under that Part.	Cabinet
6. The discharge of any function relating to the control of pollution or the management of air quality under the Pollution Prevention and Control Act 1999, Part IV of the Environment Act 1995, Part I of the Environmental Protection Act 1990 and the Clean Air Act 1993.	Cabinet
7. The service of an abatement notice in respect of a statutory nuisance under section 80 of the Environmental Protection Act 1990.	Cabinet
8. The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the authority's area under section 8 of that Act.	Cabinet
9. The inspection of the authority's area to detect any statutory nuisance under section 79 of the Environmental Protection Act 1990.	Cabinet
10. The investigation of any complaint as to the existence of a statutory nuisance under section 79 of the Environmental Protection Act 1990.	Cabinet
11. The obtaining of information under section 330 of the Town and Country Planning Act 1990 as to interests in land.	Cabinet
12. The obtaining of particulars of persons interested in land under section 16 of the Local Government (Miscellaneous Provisions) Act 1976.	Cabinet
13. The making of agreements for the execution of highways works under section 278 of the Highways Act 1980.	Cabinet
14. The appointment of any individual:	Cabinet

Function	Recommended Responsible body
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.	
15. The functions in relation to the management of the Hastings and St. Leonards Museums	Cabinet
16. The making of agreements with other local authorities for the placing of staff at the disposal of those other authorities.	Cabinet
17. The determination of appeals against any decisions made by the Head of Finance in consultation with the Leader of the Council in respect of applications for discretionary non-domestic rate relief – Cabinet	Cabinet

## Schedule 3

### Functions which by Regulation are not to be the Sole Responsibility of the Cabinet

#### Table of Functions which by Regulation are not to be the Sole Responsibility of the Cabinet

Plans and strategies	Reference
Local Performance Plan	Section 6(1) of the Local Government Act 1999.
Community Strategy	Section 4 of the Local Government Act 2000.
Crime and Disorder Reduction Strategy	Sections 5 and 6 of the Crime and Disorder Act 1998.
Plans and alterations which together comprise the Development Plan, including the approval, for the purposes of consultation in accordance with regulation 10 or 22 Town and Country Planning (Development Plans)(England) Regulations 1999, of draft proposals relating to alterations or replacement of the Development Plan.	Section 54 of the Town and Country Planning Act 1990.
Development Plan documents The approval, for the purpose of its submission to the Secretary of State for independent examination of a development plan document, and	Section 15 Planning and Compulsory Purchase Act 2004. Section 20 Planning and Compulsory Purchase Act 2004

## **Schedule 4**

### **Circumstances In which Functions are not to be the Responsibility of the Cabinet (Subject to Urgency Exceptions)\***

1. The Cabinet cannot determine any matter relating to the budget or concerned with capital expenditure which is:-
  - a. Contrary to the authority's approved budget
  - b. Contrary to any agreed plan or strategy for borrowing, investments or capital expenditure
  - c. Not authorised by financial regulations, standing orders or any other approved rules or procedures
2. The Cabinet cannot take any decision relating to an approved plan or strategy in a way contrary to the approved plan or strategy.

Paragraph 2 above applies equally to any individual or body to whom any of the powers of the Cabinet have been delegated.

Paragraphs 1 and 2 above shall not apply in circumstances that can reasonably be considered urgent.

\* Urgency requires a statement signed by the Chair of Overview and Scrutiny Committee or in his/her absence the Mayor or, in his/her absence, the Deputy Mayor.