

Section 1 - Council Functions

The table below details the functions listed in The Local Authorities (Functions and Responsibilities) (England) Regulations 2000/2853 “the regulations” that are the responsibility of the council and the general delegation arrangements

3.1.1 Table of functions

	Column 1 What is the council function	Column 2 Who can carry the function out
1	Adopting and changing the constitution including standing orders	Council meeting only Audit and Governance committee (finance procedure rules and contract procedure rules. Chief executive employee code of conduct (in consultation with employment panel) Monitoring officer (technical changes or those required by law only)
2a	Budget and policy framework Policy The adoption of the following plans and strategies: Annual library plan (if secretary of state requests) under s1(2) of the Public libraries and museums Act 1964 Children and young people’s plan under the children and young people’s plan (England) regulations 2005 Crime & disorder reduction strategy under s5 & 6 of the Crime and Disorder Act 1998 Development plan documents under s15 of the Planning and Compulsory Purchase Act 2004 Licensing authority policy statements under s349 of the Gambling Act 2005 Local transport plan under s108(3) of the Transport Act 2000 Youth justice plan under s40 of the Crime and Disorder Act 1998	Council meeting only, recommended from cabinet

	<p>And additionally: Corporate plan – now known as the County Plan Economic development strategy</p>	
2c	<p>Budget</p> <p>Approve a balanced Revenue Budget and specifically</p> <ul style="list-style-type: none"> • Approve the Council Tax Base • Approve the rate of Council Tax and relevant precepts • Approve the Gross Revenue Budget • Approve the net spending limit for each major service element (Directorate) <p>And in doing so adopt the following plans or strategies to support the delivery of council budget -</p> <ul style="list-style-type: none"> • Revenue Budget for the next financial year • Capital Investment Budget for the next financial year • Medium Term Financial Strategy • Reserves Strategy • Statutory council tax calculations • Treasury Management Policy, Treasury Management Practices and prudential indicators including the Minimum Revenue Provision • Capital strategy (including an asset management plan) 	Council meeting only, recommended from cabinet
3	<p>Amending the budget and policy framework can be executive if council agree see 2000/2853 reg 4 a (ii) which requires a specific delegation per adoption</p>	When approving a policy or strategy Council will specify the degree of in-year changes to the document which may be undertaken by Cabinet
3a	<p>Other policies</p>	Council meeting only

	<p>Licensing authority policy statements under s5 Licensing Act 2003</p> <p>Taxi and private hire policy</p> <p>Pay policy statement under s38 of the Localism Act 2011</p>	<p>Pay policy statement - Council meeting only, recommended from employment panel</p> <p>Delegation to Monitoring officer, following consultation with the chief executive, to make in year technical updates to the statement to reflect changes to post holder details or approved changes to local or national pay policy</p>
4	Approving or amending any application to the secretary of state in respect of any housing land transfer	Council meeting only
5	Consider the review of the effectiveness of the system of internal control required and approve the annual governance statement	Audit and Governance committee
6	Subject to the urgency procedure in the access to information rules, making a decision contrary to the policy framework or the budget, or part of it	Council meeting only
7	Electing the chairperson of council	Council meeting only
8	Appointing the vice chairperson of council, committee chairpersons and committee vice-chairpersons	Council meeting, Health and Wellbeing Board: the Leader of the Council appoints chairperson from those members of the executive appointed to the Board, the Board appoints vice chair
9	Appointing the leader of the council	Council meeting only
10	Setting the terms of reference of committees, deciding on their size, composition and allocating seats proportionately to political groups	Council meeting only
11	The appointment by the authority of at least one independent person under the Localism Act 2011	Council meeting only
12	Discharge of council functions by another authority	Council meeting only
13	Arrangements for joint exercise of council functions or a mix of council and executive functions	Council meeting
14	Agreeing the members' allowances scheme	Council meeting only
15	Functions relating to name and status of Herefordshire Council or parish councils	Council meeting only

	within the county as listed in schedule 1 section E of the regulations	
16	Functions relating to community governance reviews as listed in schedule 1 section EB of the regulations	Council meeting only
17	Confer title of honorary alderman or to admit to be an honorary freeman	Council meeting only
18	Functions relating to town and country planning and development control as listed in schedule 1 section A of the regulations including enforcement	See appendix 1
19	Powers relating to the protection of important hedgerows and preservation of trees	Chief executive
20	Rights of way functions as listed in schedule 1 section I i of the regulations	Chief executive
21	Licensing and registration functions as listed in schedule 1 section B of the regulations	See appendix 1
22	Functions relating to smoke free premises as listed in schedule 1 section FA of the regulations	Chief executive
23	Health and safety at work enforcement functions as listed in schedule 1 section C of the regulations	Chief executive
24	Elections functions as listed in schedule 1 section D of the regulations	Chief executive Employment panel for appointment of returning officer and electoral registration officer Monitoring officer for making temporary appointments to parish councils If a polling station cannot be used the Returning Officer has delegated powers to use another polling station as a temporary solution.
25	Make, amend, revoke, re-enact or enforce byelaws	Council meeting
26	Power to promote or oppose local or personal bills	Council meeting only
27	Approval of the appointment of chief executive	Council meeting only
28	Power to appoint staff, and to determine the terms and conditions on which they hold office (including procedures for their dismissal)	Chief executive for all staff other than those within the remit of the employment panel Employment panel will also be a consultee for all terms and conditions (including policies). Employment panel for officers listed within their remit

29	Approval of pay and severance packages in excess of £100,000	Council meeting only
30	Duty to make arrangements for the proper administration of financial affairs	s.151 officer
31	Power to appoint officers for particular purposes (otherwise called the appointment of proper officers)	Chief executive
32	Duty to designate posts to fulfil the functions of: the head of paid service, the monitoring officer, the s151 officer, statutory scrutiny officer, and to provide staff etc.	Council meeting only
33	To adopt revise or replace a members code of conduct	Council meeting only
34	Power to make a limestone pavement order	Chief executive
35	Duty to approve the Council's statement of accounts, income and expenditure and balance sheet, or record of payments	Audit and governance committee
36	Power to make closing order in respect to take away food shops	Chief executive
37	Permit a co-opted member of a scrutiny committee to vote at meetings of the committee	Council meeting only
38	Recruitment of panel members to Independent remuneration panel	Solicitor to the council
39	Powers relating to complaints about high hedges	Chief executive
40	Powers to make an order identifying a place as a designated public place in relation to alcohol consumption	Chief executive
41	Power to make or revoke an order designating a locality as an alcohol disorder zone	Chief executive
42	Power to apply for an enforcement order against unlawful works on common land	Chief executive
43	Power to protect unclaimed registered common land and unclaimed town or village greens against unlawful interference including instituting proceedings	Chief executive
44	The appointment of a local auditor under Section 7 of the Council meeting only Local Audit and Accountability Act 2014	Council meeting only
45	Power to make payments or provide other benefits in cases of maladministration	Chief executive
46	Functions relating to pensions as listed in schedule 1 section H of the regulations	Chief executive

47	All other matters which by law, must be the responsibility of the Council	Council meeting only unless a specific delegation given from council as listed in the attached appendix
----	---	---

3.1.1 Appendix

The table below details all other functions which by law, must be the responsibility of the Council and the specific expressed delegation arrangements

3.1.1A Table of functions

	Column 1 What is the council function	Column 2 Who can carry the function out
47A	Adoption of neighbourhood development plans, and to approve any consequential amendments to the countywide policies map.	Cabinet Member Infrastructure from 20 May 2016
47B	Granting of dispensations under s33 (2) Localism Act 2011	Subsection (b) (d) and (e) audit and governance committee Subsection (a) and (c) monitoring officer with appeal to audit and governance committee from 28 September 2012
47C	Council tax reduction scheme under S13A, Local Government and Finance Act 1992, as amended	Council
47D	Recruitment of up to three independent persons pursuant to Section 28 (7) of the Localism Act 2011	Monitoring officer from 25 May 2012
47E	Make in year amendments to the capital programme to reflect additional external funding secured in year	Chief finance officer following consultation with the Cabinet Member Finance and Corporate Services from 13 July 2018