

3.1.2 Council Functions – Local Choice – Local Act Functions

FUNCTION	PROVISION OF ACT OR STATUTORY INSTRUMENT	DELEGATION OF FUNCTION
Any function under a local Act other than a function specified or referred to in regulation 2 or schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 as amended	Various as listed below	As listed below in respect of each function
1. Licensing of Buskers.	London Local Authorities Act 2000 – Part V	If objection – Licensing Committee If no objection - Corporate Director, Communities, Localities and Culture, Place
2. Fire safety and entertainment licensing.	London Local Authorities Act 1996	If objection – Licensing Committee If no objection – Corporate Director, Communities, Localities and Culture
3. Notice requiring removal of unauthorised advertisement hoardings, etc.	London Local Authorities Act 1995 – Section 11	Corporate Director, Communities, Localities and Culture Corporate Director Development & Renewal
4. Notice requiring removal of signs on buildings	London Local Authorities Act 1995 – Section 12	Corporate Director, Communities, Localities and Culture
5. Authority to license near beer premises.	London Local Authorities Act 1995	Corporate Director, Communities, Localities and Culture
6. Authority to register door supervisors.	London Local Authorities Act 1995	Corporate Director, Communities, Localities and Culture
7. Consent to distribution of free literature.	London Local Authorities Act 1994 – Section 4	Corporate Director, Communities, Localities and Culture
8. Licensing of night cafes.	London Local Authorities Act 1994	If objection – Licensing Committee If no objection – Corporate Director, Communities, Localities and Culture
9. Renewal of street trading	London Local Authorities Act	Corporate Director,

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licenses.	1994	Communities, Culture and Localities
102. Removal of distribution containers on the highway.	London Local Authorities Act 1991 – Section 22	Corporate Director, Communities, Localities and Culture, of Place
113. Licensing of special treatment premises.	London Local Authorities Act 1991 – Part II	If objection – Licensing Committee If no objection - Corporate Director, Communities, Localities and Culture, Place
124. Crime Prevention Policies/Measures.	London Local Authorities (No. 2) Act 1990	Chief Executive {NB: Function allocated to Head of Paid Service until 31 st October 2014.}
13. Licensing of night cafes.	London Local Authorities Act 1990	If objection – Licensing Committee If no objection – Corporate Director, Communities, Localities and Culture
14. Street trading.	London Local Authorities Act 1990	If objection – Licensing Committee. If no objection – Corporate Director, Communities, Localities and Culture
15. Consent for demolition works under street.	Greater London Council (General Powers) Act 1986 – Section 5	Corporate Director, Communities, Localities and Culture, Place
16. Consent for construction which causes obstruction to access to vaults and cellars.	Greater London Council (General Powers) Act 1986 – Section 6	Corporate Director, Communities, Localities and Culture, Place
17. Consent for infilling of vaults and cellars.	Greater London Council (General Powers) Act 1986 – Section 7	Corporate Director, Communities, Localities and Culture, Place
18. Powers relating to certain retaining walls.	Greater London Council (General Powers) Act 1986 – Section 8	Corporate Director, Communities, Localities and Culture, Place
19. Registration of sleeping accommodation.	Greater London Council (General Powers) Act 1984 – Part IV	Corporate Director, Communities, Localities and Culture of Health, Adults and Community
2010. Provision relating to the sale of goods by competitive bidding – including registration of premises or stalls.	Greater London Council (General Powers) Act 1984 – Part VI	Corporate Director, Communities, Localities and Culture, Place

21. Power to make charge in respect of approval of plans etc relating to drains.	Greater London Council (General Powers) Act 1984 – Section 36	Corporate Director, Communities, Localities and Culture
22 11. Removal of occupants of buildings in vicinity of dangerous structures etc. – apply to court.	Greater London Council (General Powers) Act 1984 – Section 38	Corporate Director, Communities, Localities and Culture, <u>Place</u>
23 12. Control of overcrowding in certain hostels including the ability to serve notices.	Greater London Council (General Powers) Act 1981 – Part <u>VIIV</u>	Corporate Director, Communities, Localities and Culture, <u>Health, Adults and Community</u>
24. Power to establish foreign loans reserve fund.	Greater London Council (General Powers) Act 1976	Corporate Director, Resources
25 13. Closure of unsanitary food premises/stalls – Council to seek an order from the court.	Greater London Council (General Powers) Act 1973 – Section 30	Corporate Director, Communities, Localities and Culture, <u>Place</u>
26 14. Licenses to erect scaffolding.	Greater London Council (General Powers) Act 1970 – Section 15	Corporate Director, Communities, Localities and Culture, <u>Place</u>
27 15. Walkways.	Greater London Council (General Powers) Act 1969 – Section 11	Corporate Director, Communities, Localities and Culture, <u>Place</u>
28 16. Byelaws as to artificial lighting of common staircases	London County Council (General Powers) Act 1955 1956 – Section 63	Council
29 17 Gratuities to non-pensionable employees	London County Council (General Powers) Act 1930 – Section 61	Chief Executive [NB: Function allocated to Head of Paid Service until 31 st October 2014.]
30 18. 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 (c.xxvii)	If objection - Licensing Committee If no objection - Corporate Director, Communities, Localities and Culture, <u>Place</u>
31. Service of penalty charge notice on basis of information provided by camera etc.	London Local Authorities Act 2000 – Section 4	Corporate Director, Communities, Localities and Culture
32. Service of penalty charge notice where parking attendant prevented from issuing a notice.	London Local Authorities Act 2000 – Section 5	Corporate Director, Communities, Localities and Culture
33 19. Cleansing relevant land of refuse and litter.	London Local Authorities Act 2000 – Section 19	Corporate Director, Communities, Localities and Culture, <u>Place</u>
34. Penalty charge notices in respect of Bus lane	London Local Authorities Act 1996 – Section 4	Corporate Director, Communities, Localities and

infringements.		Culture
3520. Making special temporary prohibitions within a special parking area.	London Local Authorities Act 1995 – Section 9	Corporate Director, Communities, Localities and Culture, Place
36. Near Beer – Approval of policies.	London Local Authorities Act 1995	Licensing Committee
37. Night Café Licensing – approval of policies.	London Local Authorities Act 1994	Licensing Committee
38. Regulation of street trading and associated issues.	London Local Authorities Act 1994	The Council
3921. Making of regulations relating to dangerous structure fees.	London Local Authorities Act 1994 – Section 8	The Council
4022. Approval of policies in respect of special treatment licenses.	London Local Authorities Act 1991 – Part II	The Council
41. Crime prevention measures.	London Local Authorities Act (No. 2) 1990 – Section 5	Chief Executive {NB: Function allocated to Head of Paid Service until 31 st October 2014.}
42. Restoration of gas, water and electricity.	London Local Authorities Act (No. 2) 1990 – Section 4	Corporate Director, Communities, Localities and Culture
43. Removal of luggage or shopping trolleys found in open air.	London Local Authorities Act 1990 – Section 43	Corporate Director, Communities, Localities and Culture
44. Street trading – Regulation of street trading and market trading together with the provision, maintenance and management of storage accommodation; and, the approval of policies in respect of street trading.	London Local Authorities Act 1990	Corporate Director, Communities, Localities and Culture
4524. Determination of charges for London Building Acts consents etc.	Greater London Council (General Powers) Act 1982 – Section 3	Corporate Director, Development and Renewal, Place
4625. Control of Brown Tail Moth.	Greater London Council (General Powers) Act 1979 – Section 8	Corporate Director, Communities, Localities and Culture, Place
4726. Power to extinguish rights of interment <u>in cemeteries</u> .	Greater London Council (General Powers) Act 1976 – Section 9	Corporate Director, Communities, Localities and Culture, Place
4827. Prohibition of person entering upon grass verge.	Greater London Council (General Powers) Act 1974 –	Corporate Director, Communities, Localities and

	Section 14(2)	Culture, Place
4928. Authorisation of parking on verges.	Greater London Council (General Powers) Act 1974 – Section 15(4)	Corporate Director, Communities, Localities and Culture, Place
5029. Removal of vehicles for street cleaning.	Greater London Council (General Powers) Act 1974 – Section 21	Corporate Director, Communities, Localities and Culture, Place
5130. Contributions in respect of railings.	Greater London Council (General Powers) Act 1972 – Section 18	Corporate Director, Communities, Localities and Culture, Place
5231. Restoration of gas, water and electricity services.	Greater London Council (General Powers) Act 1972 – Section 19	Corporate Director, Communities, Localities and Culture, Place
5332. Boundary walls.	London County Council (General Powers) Act 1963 – Section 6	Corporate Director, Communities, Localities and Culture, Place
5433. Acquisition of easements etc.	London County Council (General Powers) Act 1963 – Section 8	Corporate Director, Development and Renewal, Place
5534. Underpinning of houses near a street improvement.	London County Council (General Powers) Act 1963 – Section 9	Corporate Director, Communities, Localities and Culture, Place
5635. Approval of trade refuse disposal facilities.	London County Council (General Powers) Act 1963 – Section 11	Corporate Director, Communities, Localities and Culture, Place
5736. Provision of shops etc. in subway.	London County Council (General Powers) Act 1963 – Section 14	Corporate Director, Communities, Localities and Culture, Place
5837. Power to provide illumination, floodlighting etc.	London County Council (General Powers) Act 1963 – Section 17	Corporate Director, Communities, Localities and Culture, Place
59. Service of notices for prevention of flooding etc.	London County Council (General Powers) Act 1962 – Section 17	Corporate Director, Communities, Localities and Culture
6038. Restriction of vehicular access to and from street improvements.	London County Council (General Powers) Act 1960 – Section 13	Corporate Director, Communities, Localities and Culture, Place
6139. Acquisition of land for the purpose of providing facilities for storage etc. of horticultural produce.	London County Council (General Powers) Act 1959 – Section 12	Corporate Director, Communities, Localities and Culture, Place
6240. Provision of accommodation and charges.	London County Council (General Powers) Act 1959 – Section 13	Corporate Director, Communities, Localities and Culture, Place

6341. Power to lease and enter into agreements.	London County Council (General Powers) Act 1959 – Section 14	Corporate Director, Communities, Culture and Localities, Place
6442. Provision of advances for erection etc. of buildings.	London County Council (General Powers) Act 1957 – Section 78	Corporate Director, Communities, Localities and Culture, Place
6543. Removal of bottles from streets.	London County Council (General Powers) Act 1957 – Section 81	Corporate Director, Communities, Localities and Culture, Place
6644. Powers of borough councils to maintain burial grounds.	London County Council (General Powers) Act 1955 – Section 36	Corporate Director, Communities, Localities and Culture of Place
6745. Return of library books	London County Council (General Powers) Act 1955 – Section 37	Corporate Director, Communities, Localities and Culture, Children's
6846. Recovery of expenses of fencing certain lands.	London County Council (General Powers) Act 1955 – Section 39	Corporate Director, Communities, Localities and Culture, Place
6947. Defacement of streets with slogans etc.	London County Council (General Powers) Act 1954 – Section 20	Corporate Director, Communities, Localities and Culture of Place
7048. Powers of sanitary authority to cleanse aged and feeble persons in their homes	London County Council (General Powers) Act 1953 – Section 43	Corporate Director, Communities, Localities and Culture, Health, Adults and Community
7149. Expenses of councils in connection with ceremonies etc.	London County Council (General Powers) Act 1951 – Section 32	Chief Executive
7250. Improvement of roadside amenities etc.	London County Council (General Powers) Act 1951 – Section 33	Corporate Director, Communities, Localities and Culture, Place
73. Power to supply storage etc for accommodation to costermongers etc.	London County Council (General Powers) Act 1951 – Section 34	Corporate Director, Communities, Localities and Culture
7451. Supply of heat.	London County Council (General Powers) Act 1949 – Part II	Corporate Director, Place, Communities, Localities and Culture
7552. Maintenance of forecourts to which public have access and power to serve improvement notices	London County Council (General Powers) Act 1948 – Section 43	Corporate Director, Place, Communities, Localities and Culture
7653. Fencing of dangerous land in or near streets.	London County Council (General Powers) Act 1948 – Section 44	Corporate Director, Place, Communities, Localities and Culture
7754. Recovery of expenses and	London County Council	Corporate Director, Place,

costs.	(General Powers) Act 1948 – Section 444 <u>5</u>	Communities, Localities and Culture
78 <u>55</u> . Power to provide concert halls etc.	London County Council (General Powers) Act 1947 – Section 4	Corporate Director, Communities, Localities and Culture, Children's
79 <u>56</u> . Power to provide entertainment.	London County Council (General Powers) Act 1947 – Section 5	Corporate Director, Communities, Localities and Culture, Children's
80 <u>57</u> . Contributions to cultural bodies.	London County Council (General Powers) Act 1947 – Section 59	Corporate Director, Communities, Localities and Culture, Childrens
81 <u>58</u> . Acquisition of buildings or places of historic interest.	London County Council (General Powers) Act 1947 – Section 696 <u>1</u>	The Council/ Corporate Director, Communities, Localities and Culture, Place
82 <u>59</u> . Enclosure of unenclosed land adjoining streets.	London County Council (General Powers) Act 1925 – Section 33	Corporate Director, Communities, Localities and Culture, Place
83 <u>60</u> . Compensation to persons in the Council's service on abolition of office.	London County Council (General Powers) Act 1921 – Section 31	Chief Executive {NB: Function allocated to Head of Paid Service until 31st October 2014.}

3.1.3 Council Functions – Other Local Choice Functions

FUNCTION	PROVISION OF ACT OR STATUTORY INSTRUMENT	DELEGATION OF FUNCTION
1. The determination of an appeal against any decision made by or on behalf of the Authority.	<u>As per paragraph 2 of Schedule 2 to the Local Authorities (Functions & Responsibilities) Regulations 2000 (SI 2853) as amended</u>	<u>Corporate Director, Governance or Licensing Committee in relation to Licensing matters.</u> <u>Corporate Director, Governance or Appeals Committee in relation to other matters</u>
2. The making of arrangements in respect of appeals against the exclusion of pupils from maintained schools.	<u>Subsection (1) of Section 67 51A of, and Schedule 18 to the School Standards and Framework Act 1998 Education 2002 and Regulations made thereunder</u>	<u>Corporate Director, of Law, Probity and Governance</u>
3. The making of arrangements in respect of school admission appeals.	Sections 94(1), 1A and (4) of the School Standards and Framework Act 1998.	<u>Corporate Director, of Law, Probity and Governance</u>
4. The making of arrangements in respect of appeals by a school governing body of a requirement that they take a pupil excluded from another school.	Section 95(2) of the School Standards and Framework Act 1998	<u>Corporate Director, of Law, Probity and Governance</u>
5. Any function relating to contaminated land.	Environmental Protection Act 1990 – Part IIA	<u>Corporate Director, Place, Communities, Localities and Culture</u>
6. The discharge of any function relating to the control of pollution or the management of air quality.	Pollution Prevention and Control Act 1990 1999; Environment Act 1995 (Part IV); Environmental Protection Act 1990 (Part I); Clean Air Act 1993	<u>Corporate Director, Place, Communities, Localities and Culture</u>
7. The service of an abatement notice in respect of a statutory nuisance.	Environmental Protection Act 1990 – Section 80(1)	<u>Corporate Director, Place, Communities, Localities and Culture</u>

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<p>8. In relation to or in support of Council functions only, or in relation to any appointment of a Councillor to a paid position except that of Cabinet Member, the appointment of any individual</p> <p>(a) to any office other than an office in which he is employed by the authority;</p> <p>(b) to any body other than -</p> <ul style="list-style-type: none"> • the authority; • a joint committee of two or more authorities; or <p>(c) to any committee or sub-committee of such a body, and the revocation of any such appointment</p>	<p><u>As per paragraph 19 of Schedule 2 to the Local Authorities (Functions & Responsibilities) Regulations 2000 (SI 2853) as amended.</u></p>	<p>General Purposes Committee</p> <p>NB: This function in relation to or in support of an Executive function is allocated to the Executive, except that the Mayor may not appoint a Councillor to any paid position (including external bodies) other than that of Cabinet Member (see Part 3.2.2).</p>
<p>9. The making of agreements with other local authorities for the placing of staff at the disposal of those other authorities.</p>	<p><u>As per paragraph 20 of Schedule 2 to the Local Authorities (Functions & Responsibilities) Regulations 2000 (SI 2853) as amended by the Local Authorities (Functions & Responsibilities) (Amendment) Regulations 2001 (SI 2212)</u></p>	<p>All Chief Officers</p>
<p>10. The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the authority's area.</p>	<p>Noise and Statutory Nuisance Act 1993 – Section 8</p>	<p>The Council</p>
<p>11. The inspection of the authority's area to detect any statutory nuisance.</p>	<p>Environmental Protection Act 1990 – Section 79</p>	<p>Corporate Director, <u>Place, Communities, Localities and Culture</u></p>
<p>12. The investigation of any complaint as to the existence of a statutory nuisance.</p>	<p><u>Environmental Protection Act 1990 – Section 80</u></p>	<p>Corporate Director, <u>Place, Communities, Localities and Culture</u></p>
<p>13. The obtaining of information as to interests in land.</p>	<p>Town and Country Planning Act 1990 – Section 330</p>	<p>Corporate Director, <u>Place, Communities, Localities and Culture</u></p>
<p>14. The obtaining of particulars of persons interested in land.</p>	<p>Local Government (Miscellaneous Provisions) Act 1976 – Section 16</p>	<p><u>All</u> Corporate Directors, <u>Communities, Localities and Culture</u></p>

15. The making of agreements for the execution of highways works	Highways Act 1980 – Section 278 (substituted by the New Roads and Street Works Act 1991 – Section 23	Corporate Director, <u>Place, Communities, Localities and Culture</u>
16. Functions relating to Local Area Agreements	Sections 106, 110, 111 and 113 of the Local Government and Public Involvement in Health Act 2007	The Council

3.2 EXECUTIVE FUNCTIONS

General

The Executive is responsible for all functions of the authority that are not reserved to the Council by the law or by this Constitution or have been allocated to DCLG Commissioners by the Directions of 17 December 2014, [29 April 2015](#) and [16 January 2017](#).

3.2.1 Executive Functions – Local Choice – Local Act Functions

None – the Council has determined that all local choice functions under a local Act other than a function specified or referred to in regulation 2 or schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) shall be allocated to the Council.

3.2.2 Executive Functions – Other Local Choice Functions

FUNCTION	PROVISION OF ACT OR STATUTORY INSTRUMENT	DELEGATION OF FUNCTION
<p>1. In relation to or in support of an Executive function only, the appointment of any individual</p> <p>(a) to any office other than an office in which he is employed by the authority;</p> <p>(b) to any body other than -</p> <ul style="list-style-type: none"> • the authority; • a joint committee of two or more authorities; or <p>(c) to any committee or sub-committee of such a body, and the revocation of any such appointment</p>	<p>As per paragraph 19 of Schedule 2 to the Local Authorities (Functions & Responsibilities) Regulations 2000 (SI 2000/ 2853) as amended.</p>	<p>The Mayor, except that the Mayor may not appoint a Councillor to any paid position (including external bodies) other than that of Cabinet Member.</p> <p>NB: This function in relation to or in support of a Council function, or in relation to any appointment of a Councillor to a paid position other than that of Cabinet Member, is allocated to the Council (see part 3.1.3)</p>

3.2.3 Other Executive Functions

FUNCTION	PROVISION OF ACT OR STATUTORY INSTRUMENT	DELEGATION OF FUNCTION
1. Representing the Borough in Civil Protection and Emergency Planning matters under the Act.	Civil Contingencies Act 2004	Chief Executive or such persons as s/he delegates in her/his absence

3.2.4 Responsibility for Executive Functions

All executive functions of the Council except those reserved to DCLG Commissioners by the Directions of 17 December 2014, [29 April 2015](#) and [16 January 2017](#) are vested in the Mayor. The Mayor may exercise those functions him/herself, or may delegate specified executive functions to be exercised by the Cabinet meeting, a Cabinet committee, an individual Cabinet Member or an officer; or under the provisions of Section 236 of the Local Government and Public Involvement in Health Act 2007 only, by a ward councillor. The Mayor may revoke any such delegations at any time. The Mayor may exercise those functions him/herself, or may delegate specified executive functions to be exercised by the Cabinet meeting, a Cabinet committee, an individual Cabinet Member or an officer; or under the provisions of Section 236 of the Local Government and Public Involvement in Health Act 2007 only, by a ward councillor. The Mayor may revoke any such delegations at any time.

The Mayor will provide the Monitoring Officer with a list (“the Executive Scheme of Delegation”) setting out who of the following (not specified in the delegations contained in sections 3.2.2 and 3.2.3 above) are responsible for particular Executive functions.

- The Mayor and Cabinet collectively; or
- an individual Cabinet Member; or
- a committee of the Cabinet; or
- an officer; or
- a ward councillor in accordance with Section 236 of the Local Government and Public Involvement in Health Act 2007; or
- through joint arrangements.

If the Mayor amends the Executive Scheme of Delegation the Mayor must provide the Monitoring Officer with an updated scheme within five (5) working days.

In the event that the Mayor wishes to delegate executive decision-making powers to an individual Cabinet Member or Members; or to a ward councillor in accordance with Section 236 of the Local Government and Public Involvement in Health Act 2007, s/he will first take advice from the Monitoring Officer as to the appropriate rules that will need to be in place to govern the exercise of such powers before they are so exercised.