

### **Assistant Chief Executive (Corporate Governance)**

1. The Assistant Chief Executive (Corporate Governance) is the Monitoring Officer for the Council.
2. The Assistant Chief Executive (Corporate Governance) is deputy Electoral Registration Officer<sup>1</sup>.
3. The Assistant Chief Executive (Corporate Governance) is authorised to discharge the following Local Choice Functions which have been assigned to full Council (see Part 3 Section 1 of the Constitution)

(a)	To appoint review boards under the Social Security Act 1998 <sup>2</sup>
(b)	To make arrangements for appeals against exclusion of pupils from maintained schools
(c)	To make arrangements for appeals regarding school admissions <sup>3</sup>
(d)	To make arrangements for appeals by governing bodies <sup>4</sup>
(e)	To make arrangements to enable questions to be put at Council meetings on the discharge of the functions of a police authority <sup>5</sup>

4. Subject to the exceptions listed below, the Assistant Chief Executive (Corporate Governance)<sup>6</sup> is authorised to discharge the following Council (non-executive) functions:

#### **Licensing and Regulatory:**

(a)	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 (b) As to private hire vehicles, sections 48, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976
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<sup>1</sup> The Chief Officer (Legal Licensing and Registration) and the Electoral Services Manager are also appointed as deputy Electoral Services Managers.

<sup>2</sup> s34 (4) Social Security Act 1998

<sup>3</sup> s94 (1), (1A) and (4) School Standards and Framework Act 1998

<sup>4</sup> s95 (2) School Standards and Framework Act 1998

<sup>5</sup> s20 Police Act 1998

<sup>6</sup> The fact that a function has been delegated to the Assistant Chief Executive (Corporate Governance) does not require the Assistant Chief Executive (Corporate Governance) to give the matter his/her personal attention and the Assistant Chief Executive (Corporate Governance) may arrange for such delegation to be exercised by an officer of suitable experience and seniority. However the Assistant Chief Executive (Corporate Governance) remains responsible for any decision taken pursuant to such arrangements.

*Officer Delegation Scheme (Council (non-executive) functions)*

(b)	To license drivers of hackney carriages and private hire vehicles	Section 51, 53, 54, 59, 61 and 79 of the Local Government (Miscellaneous Provisions) Act 1976
(c)	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
(d)	*To licence sex shops and sex cinemas	The Local Government (Miscellaneous Provisions) Act 1982, Section 2, Schedule 3
(e)	*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; 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
(f)	*To license scrap yards	Section 1 of the Scrap Metal Dealers Act 1964
(g)	*To approve premises for the solemnisation of marriages	Section 46A of the Marriage Act 1949 and the Marriages (Approved Premises) Regulations 1995(SI 1995/510)
(h)	*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
(i)	To register motor salvage operators	Part I of the Vehicles (Crime) Act 2001

**Functions relating to elections<sup>7</sup>:**

(a)	<b>Functions relating to community governance</b>	
i	Duties relating to community governance reviews	Section 79 of the Local Government and Public Involvement in Health Act 2007
ii	Functions relating to community governance petitions.	Sections 80, 83 to 85 of the Local Government and Public Involvement in Health Act 2007
iii	Functions relating to terms of reference of review	Sections 81(4) to (6) of the Local Government and Public Involvement in Health Act 2007
iv	Power to undertake a community governance review.	Section 82 of the Local Government and Public Involvement in Health Act 2007
v	Duties when undertaking review.	Section 93 to 95 of the Local Government and Public Involvement in Health Act 2007
vi	Duty to publicise outcome of review.	Section 96 of the Local Government and Public Involvement in Health Act 2007
vii	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

<sup>7</sup> Functions relating to making of recommendations under section 87 – 92 of the Local Government and Public Involvement in Health Act 2007 (Item 5 Paragraph EB of Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000/2853 ) are reserved to the relevant committee that is responsible for making recommendations to full council.

*Officer Delegation Scheme (Council (non-executive) functions)*

(b)	To dissolve small parish councils	Section 10 of the Local Government Act 1972
(c)	To make orders for grouping parishes, dissolving groups and separating parishes from groups	Section 11 of the Local Government Act 1972
(d)	To make temporary appointments to parish councils	Section 91 of the Local Government Act 1972

**Functions relating to changing governance arrangements:**

(a)	To consult prior to drawing up proposals <sup>8</sup>	S33E Local Government Act 2000
(b)	To make arrangements to hold a referendum <sup>9</sup>	S33K(2) Local Government Act 2000
(c)	To publish a notice if proposals are not approved in referendum	S33K(6) Local Government Act 2000
(d)	To implement new governance arrangements	S33G and S33H Local Government Act 2000
(e)	To comply with any direction from the Secretary of State	S33I Local Government Act 2000

**Functions relating to standing orders:**

(a)	To make standing orders	Section 106 of, and paragraph 42 of Schedule 12 to the Local Government Act 1972
(b)	To make standing orders as to contracts	Section 135 of the Local Government Act 1972

**Exceptions<sup>10</sup>:**

The Assistant Chief Executive (Corporate Governance) is not authorised to discharge those functions marked \*above where objections have been received.

**Licensing Functions delegated by Licensing Committee:**

Subject to the exceptions listed below, the Assistant Chief Executive (Corporate Governance) is authorised to discharge the licensing functions <sup>11</sup> of the licensing authority.  <b><u>Exceptions:</u></b> <ul style="list-style-type: none"><li>• any licensing function<sup>12</sup> reserved to full Council<sup>13</sup>; and</li><li>• any licensing function where full Council has referred a matter to a committee other than the Licensing Committee<sup>14</sup>; and</li><li>• any licensing function within the terms of reference of the Licensing Sub-committees<sup>15</sup>; and</li></ul>	Licensing Act 2003 and the Gambling Act 2005.
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<sup>8</sup> Subject to consultation with party Leaders about the consultation plan

<sup>9</sup> Where the Council has decided to hold a referendum

<sup>10</sup> Under this delegation scheme (council functions). The Licensing and Regulatory Panel may however arrange for the discharge of any of its functions by the Assistant Chief Executive (Corporate Governance) - (Section 101(2) Local Government Act 1972.

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| <ul style="list-style-type: none"><li>• to object when the Authority is consultee and not the relevant authority considering an application under the 2003 Act</li></ul> |  |
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### **Appointments to Committees Boards and Panels**

To appoint members to vacancies during the period between the local elections and the Annual Council meeting, in consultation with appropriate whips, in order to secure that meetings necessary to be held during that period can proceed with adequate and appropriate membership levels.

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<sup>11</sup> “Licensing functions” means functions under the 2003 Act and the 2005 Act.

<sup>12</sup> “Licensing functions” means functions under the 2003 Act and the 2005 Act.

<sup>13</sup> Part 3, Section 2A of the Constitution sets out licensing functions reserved to full Council, as licensing authority under the 2003 Act.

<sup>14</sup> Under the provisions of Section 7(5)(a) of the 2003 Act

<sup>15</sup> Except where a Licensing sub-committee has arranged for the discharge of any of their functions to an Officer