

2. Responsibility for Council Functions

| Functions as set out in Schedule 1 of the Local Authorities (Functions and Responsibilities) Regulations 2000 | Decision Making Body | Delegation of Functions (see Terms of Reference/Officer Delegation Scheme) |
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| <p>Functions relating to elections</p> <p>The appointment of the electoral registration officer, the appointment of the returning officer for local elections and as to polling districts and local election pilot schemes</p> <p>Other functions relating to elections</p> <ul style="list-style-type: none"> – Power to assign officers in relation to requisitions of the registration officer – Duty to provide assistance at European Parliamentary elections – Power in respect of holding elections – Duty to declare vacancy in office in certain circumstances – Duty to give public notice of a casual vacancy – Power to determine fees and conditions for supply of copies of, or extracts from, elections documents – The division of constituency into polling districts – The division of electoral divisions into polling districts – Power to pay expenses properly incurred by the electoral registration officer – Power to submit proposals for pilot schemes for elections – Functions in relation to parishes and parish councils – Power to dissolve small parish councils – Making of orders for grouping and separating parishes from groups – Power to fill vacancies in the event of insufficient nominations – Power to make temporary appointments to parish councils <p>Power to change the name of the district or a parish</p> | <p>Governance and Business Committee</p> <p>for recommendation to and approval by the Council</p> | <p>The Chief Executive shall be the Electoral Registration Officer for the Council and the Returning Officer for local elections</p> <p>The Chief Executive regarding:</p> <ul style="list-style-type: none"> • assignment of officers to Electoral Registration Officer • assistance at European Parliamentary elections • the holding of elections • the declaration of vacancies, and • notices of casual vacancies • fees for and conditions of supply of elections documents |

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| <p>Power to confer title of honorary alderman or to admit to be an honorary freeman of the district</p> <p>Power to make, amend, revoke, enact or enforce byelaws</p> <p>Powers relating to Overview and Scrutiny Committees (Voting rights of Co-opted Members)</p> <p>Local or personal Bills - Power to promote or oppose local Bills in Parliament</p> <p>Duty to designate officer as Head of Paid Service</p> <p>Duty to designate officer as Monitoring Officer</p> <p>Duty to provide staff, etc to person nominated by Monitoring Officer</p> <p>Duty to make arrangements for proper administration of financial affairs (Section 151 Officer)</p> <p>Power to appoint officers for particular purposes (Proper Officer)</p> <p>Standing Orders - Power to make and amend Standing Orders and Contract Standing Orders</p> | | <p>Chief Officers shall have enforcement powers in accordance with the Officer Delegation Scheme</p> <p>The Chief Executive shall be the Head of Paid Service</p> <p>The Head of Legal and Democratic Services shall be the Monitoring Officer</p> <p>The Director for Resources and Transformation shall be the section 151 Officer</p> <p>For appointments made see Officer Delegation Scheme</p> |
| <p>Functions relating to local government pensions</p> <p>Employment and staffing matters and determination of terms and conditions of service (Section 112, Local Government Act 1972)</p> <p>Appointment of staff below Chief Officer level</p> | <p>Governance and Business Committee</p> | <p>Chief Officers in accordance with the Officer Delegation Scheme</p> |

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| <p>Consideration of the annual pay policy statement for recommendation to Council</p> <p>Maladministration - Power to make payments or provide benefits in cases of maladministration</p> | | <p>Employment Committee regarding departures from Pay Policy Statement to address Recruitment and Retention issues.</p> <p>Head of Legal and Democratic Services in accordance with the Officer Delegation Scheme</p> |
| <p>Appointment of staff at Chief Officer level and recommendations to the Council regarding the appointment of Head of Paid Service</p> <p>Discipline and dismissal of staff at Chief Officer level and recommendations to the Council regarding dismissal of Head of Paid Service</p> <p>Chief Officer salary grading appeals</p> | Employment Committee | |
| Members' Allowances Scheme | Standards Committee for recommendation to and approval by the Council | |
| Functions relating to the Code of Conduct for Members | Standards Committee with the exception of the approval of the Code of Conduct for Members which is for recommendation to the Council | Hearings Panel Consideration and determination of alleged breaches of the Code of Conduct for Members referred for consideration by the Monitoring Officer or at the request of either the complainant or the Member against whom the allegation is made. |
| <p>Statement of Accounts - The duty to approve the Council's statement of accounts, income, expenditure and balance sheet or record of receipts and payments (as the case may be) under the Accounts and Audit Regulations</p> | Audit Committee | |

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| <p>Planning, development control and conservation</p> <ul style="list-style-type: none"> - Functions relating to town and country planning, development control and conservation | <p>Planning Committee</p> | <p>The Director of Regeneration and Strategy with the exception of the following:-</p> <ol style="list-style-type: none"> 1. <u>Town and Country Planning and Development Control functions.</u> <ol style="list-style-type: none"> 1.1. The determination of applications following a written request to the Corporate Lead, Planning by a Councillor concerning an application within their ward, that an application be referred to the Planning Committee. The request must be made to the Corporate Lead, Planning and must include reason(s) for the requested referral based on material planning considerations. Applications may be determined after the conclusion of the 21 day statutory public notification period. 1.2. The determination of applications for development that would constitute a significant departure from the Development Plan, including a significant departure from any Local Development Framework currently in force. 1.3. The determination of applications for development that would be materially different from any supplementary planning guidance or planning brief approved by or on behalf of the Council 1.4. The determination of applications for major development which would have significant impacts on local communities. |

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| | | <p>1.5 The approval of applications, where approval would reverse a previous decision taken by the Planning Committee.</p> <p>1.6. The approval of applications, where approval would conflict with an objection raised by a statutory technical consultee or internal professional advice.</p> <p>1.7.The approval of plans for applications previously determined by the Planning Committee.</p> <p>1.8 Where the Corporate Lead, Planning considers that the application should be referred to the Planning Committee for determination because of the significance, impact or sensitivity of the proposal.</p> <p>1.9 The determination of applications submitted in a personal capacity by or on behalf of Councillors, the Council's Chief Officers as described in Article 12 of the Constitution, or any officer who carries out development control functions, or any legal entity in which any of the above have a controlling interest.</p> |
| <p>Tree Preservation and Hedgerows</p> <ul style="list-style-type: none"> - Functions relating to the preservation of trees and the protection of important hedgerows <p>High Hedges Functions under Part 8 of the Anti-Social Behaviour Act 2003</p> | | <p>2. <u>Hedgerows and Trees functions.</u></p> <p>2.1. The determination of applications to fell where there are more than ten individual unresolved objections.</p> <p>Director of Public Services</p> |

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| <p>Functions relating to licensing and registration</p> | <p>Licensing and Regulatory Committee</p> | <p><u>Assistant Director, Neighbourhoods</u> In relation to: moveable dwellings, premises for food preparation, knackers' yards, loudspeakers, nurses agencies, movement and sale of pigs, movement of cattle, use of premises for meat, dairy and egg production, retail butchers shops, fish product premises, dispatch/purification centres, registration of auction and wholesale markets and food business premises and closing orders for take -away food shops.</p> <p><u>Assistant Director, Customer Services</u> In relation to: Hackney carriage and private hire vehicles, drivers and operators, betting, gaming, lotteries and amusements, cinemas and theatres, entertainments, hypnotism, acupuncture, tattooing, ear-piercing and electrolysis, cosmetic piercing and skin colouring, night cafes, dealers in game, scrap yards, approved premises for marriages and charitable collection, motor salvage operations, caravan sites, breeding of dogs, pet shops, animal establishments, animal trainers and exhibitors, zoos and dangerous wild animals.</p> <p><u>Director, Children and Young People's Services</u> In relation to: employment of children</p> |
| <p>Functions under the Licensing Act 2003</p> | <p>Licensing & Regulatory Committee with the exception of the approval of policy which is for recommendation to the Council</p> | <p><u>The Licensing Sub Committee</u> with the exception of:</p> <ol style="list-style-type: none"> 1. The determination of applications to vary the designated personal licence holder where there are police representations. 2. The determination of applications for the transfer of premises licences where there are police representations. |

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| | | <p>3. The determination of applications for Interim Authorities where there are police representations.</p> <p>4. The determination of applications to review premises licence/club premises certificate</p> <p><u>Assistant Director, Customer Services</u> with the exception of:</p> <ol style="list-style-type: none"> 1. The determination of applications for personal licences where representations have been made. 2. The determination of applications for personal licences where there are unspent convictions. 3. The determination of applications for premises licence/club premises certificate where representations have been made 4. The determination of applications for provisional statement where representations have been made. 5. The determination of applications to vary a premises licence/club premises certificate where representations have been made. 6. The determination of applications to vary designated personal licence holder where there are police representations. 7. The determination of applications for the transfer of premises licence where there are police representations 8. The determination of applications for Interim Authorities where there are police representations. 9. The determination of applications to review premises licence/club premises certificate. 10. The determination of a police representation to a temporary event notice. |

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| | | 11. The determination of applications made by the Chief Officer of Police under Section 53(A) of the Licensing Act 2003 – Summary reviews in serious cases of crime and disorder. |
| Functions under the Gambling Act 2005 | Licensing and Regulatory Committee with the exception of the approval of policy which is for recommendation to the Council | <p>The Licensing Sub Committee with the exception of:</p> <ol style="list-style-type: none"> 1. The determination of applications for a transfer of a licence with relevant representations have been received from the Gambling Commission. 2. The determination of applications for a review of a premises licence. <p><u>Assistant Director, Customer Services</u> with the exception of:-</p> <ol style="list-style-type: none"> 1. The determination of applications for premises licences where relevant representations have been received and not withdrawn. 2. The determination of applications for a variation to a premises licence where relevant representations have been received and not withdrawn. 3. The determination of applications for a transfer of a premises licence where relevant representations have been received from the Gambling Commission. 4. The determination of applications for a provisional statement where relevant representations have been received and not withdrawn 5. The review of premises licence. 6. The determination of applications for club gaming/club machine permits where objections have been received and not withdrawn. 7. The cancellation of club gaming/club machine permits. |

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| <p>Functions relating to sexual entertainment venue licences</p> <p>Functions under the Scrap Metal Dealers Act 2013</p> <p>Smoking Cessation</p> <ul style="list-style-type: none"> - Functions under Part 1, Chapter 1 of the Health Act 2006 - Smoke Free Regulations 2006 and 2007 <p>Functions relating to safety of sports grounds</p> | | <ol style="list-style-type: none"> 8. The decision to give a counter notice to a temporary use notice. 9. The decision to attach/exclude a condition under Section 169(i)(a) or (b) of the Act where the consent of the applicant or interested party who has made relevant representations has not been given. 10. The determination of applications for small lottery registrations where objections have been made and not withdrawn. 11. The determination of applications for other permits where objections have been made and not withdrawn. <p>Assistant Director, Customer Services in relation to the renewal of licences where no objections have been received</p> <p>Assistant Director, Customer Services in relation to the determination of applications for the grant and varying of licences where no representations have been received</p> <p>Director of Public Health Assistant Director, Customer Services in relation to private hire and hackney carriage vehicles</p> <p>Assistant Director, Customer Services within premises licensed under the Licensing Act 2003</p> <p>Corporate Lead, Planning</p> |

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| <p>Common Land</p> <ul style="list-style-type: none"> - Functions relating to the registration of common land or town and village greens and to register the variation of rights of common <p>Highways use and regulations</p> <ul style="list-style-type: none"> - Functions relating to the regulation and use of highways (including footpaths and bridleways) <p>Street Trading</p> <p>Health and Safety</p> <ul style="list-style-type: none"> - 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 otherwise than in capacity of Council as an employer | | <p>Assistant Director, Customer Services Except for the determination of applications for registration where there are unresolved objections</p> <p>Assistant Director, Strategic Infrastructure.</p> <p>Assistant Director, Customer Services</p> <p>Assistant Director, Economy, Housing and Investment</p> |
| <p>Determination of Appeals against any decision of the Authority insofar as appeal not delegated to any other Committee</p> | <p>Appeals Panel</p> | <p>Head of Human Resources and Organisational Development – Equal Pay Grievance Appeals</p> |
| <p>Functions under the Health and Social Care Act 2012 relating to the Health and Wellbeing Board</p> | <p>Health and Wellbeing Board (In accordance with Section 194 of the Health and Social Care Act 2012)</p> | |

2A. DELEGATIONS OF COUNCIL FUNCTIONS TO AND FROM OTHER AUTHORITIES

1. Taxi and Private Hire monitoring and enforcement

Calderdale Metropolitan Borough Council has delegated to the authorities named below functions relating to Taxi and Private Hire monitoring and enforcement including:

Local Government (Miscellaneous Provisions) Act 1976

- Section 53(3) (a) Driver to produce his licence for inspection
- Section 58 Return of identification plate or disc on revocation etc.
- Section 60 to suspend and revoke vehicle licenses
- Section 61 to suspend and revoke driver licences
- Section 68 Fitness of private hire vehicles
- Section 73 Obstruction of Authorised Officer

Town and Police Clauses Act 1847

- Section 45 Prosecution for plying for hire

Road Traffic Act 1988

- Section 143 (no insurance)
- All criminal matters.

Calderdale Metropolitan Borough Council has retained the ability to exercise concurrently these functions.

The Authorities named below have delegated the same functions to Calderdale Metropolitan Borough Council. Those Authorities have also retained the ability to exercise these functions concurrently.

Where functions have been delegated to Calderdale Metropolitan Borough Council they have been delegated by Council to the Assistant Director, Customer Services.

THE AUTHORITIES

City of Bradford Metropolitan District Council
Leeds City Council
Wakefield Metropolitan District Council
Kirklees Metropolitan Borough Council
City of York Council

2. Special Educational Needs and Disability Information Advice and Support Service

Kirklees Metropolitan Borough Council has delegated that Council's Executive Functions relating to Special Educational Needs and Disability Information Advice and Support Service (SENDIASS) to the Executive of Calderdale Metropolitan Borough Council.

These functions relate to Part 3 of the Children and Families Act 2014 (SI 2014/16) and associated regulations, including (but not limited to) the following:

- The Special Educational Needs and Disability (SEND) Regulations 2014 (SI2014/1652)
- The Special Educational Needs (Personal Budgets) Regulations 2014 (SI2015/16)
- The Special Educational Needs and Disability (Detained Persons) Regulations 2015 (SI2015/62)
- The Children and Families Act 2014 (Transitional and Saving Provisions) (No2) Order 2015 (SI2014/2270)
- The Children and Families Act 2014 (Transitional and Saving Provisions) (Amendment) (No2) Order 2015 (SI2015/1619).

This delegation has been undertaken in accordance with Section 9EA of the Local Government Act 2000 (SI2000/22), together with Regulation 5 of the Local Authorities (Arrangements for the Discharge of Functions) Regulations 2012 (SI2012/1019).

This Delegation of Functions is for an agreed period of five years, commencing on 1st September 2023, with an annual review and a notice period of six months, and regulates the duties and responsibilities of the two local authorities.

For the duration of the Delegation of the Functions, Calderdale Council assumes and retains the legal responsibilities for the delivery of SENDIASS on behalf of Kirklees Council, including liability for legal claims in respect of the Delegated Functions.