

## **Part 3.1 - Responsibilities for Functions**

### **Introduction**

The Local Authorities (Functions and Responsibilities) (England) Regulations 2000, as amended, specify which functions are:

### **Council Functions**

These cannot be the responsibility of the Leader and the Cabinet e.g. the Council's Policy Framework and Budget, and such local choice functions as are allocated to Full Council. These are set out in Article 4, Part 2 **of this Constitution.**

### **Local Choice Functions**

Those functions which the Council may delegate to the Leader and Cabinet or to the Council.

### **Executive Functions**

All other functions save the above are executive functions. Decisions on these functions will be taken by the Leader unless they are delegated in accordance with this constitution or dealt with under joint arrangements.

Article 6 provides that the Leader may delegate responsibility for executive functions to the Cabinet, Committees, individual Cabinet members, a joint Committee with another local authority, executive of another local authority or officers.

### **The Local Choice Functions**

Local authorities are required to ensure that all 'local choice functions' are allocated so that it is clear whether:

- a) They are the responsibility of the Council and/or its Committees, or
- b) They are the responsibility of the Cabinet, or
- c) They are, or are not, the responsibility of the Cabinet to a specified extent.

The table below sets out that these functions will be the responsibility of the bodies set out in column two. In turn the decision making body may delegate to the person or body specified in column three.

Function	Responsibility	Delegation of Function
1. Any function under a Local Act other than a function specified or referred to in Regulation 2 of Schedule 1 of SI 2000 No 2853 as amended.	Cabinet	Corporate Heads of Service within their areas of responsibility as defined within the Officer Scheme of Delegation
2. The determination of an appeal against any decision made by or on behalf of the authority.	Cabinet except Housing (Appeals) Committee (see Article 8)	Unless there is a specific delegation to Committee
3. Any function relating to contaminated land.	Cabinet	The Strategic Director (Services)
4. The discharge of any function relating to control of pollution or management of air quality.	Cabinet	The Strategic Director (Services)
5. The service of an abatement notice in respect of a statutory nuisance.	Cabinet	The Strategic Director (Services)
6. The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the authority's area	Cabinet	None
7. The inspection of the authority's area to detect any statutory nuisance.	Cabinet	Corporate Head of Regulatory Services
8. The investigation of any complaint as to the existence of a statutory nuisance.	Cabinet	Corporate Head of Regulatory Services
9. The obtaining of information under Section 330 of the Town and Country Planning Act 1990 (i) as to interests in land	Cabinet or Planning Committee	Corporate Head of Regulatory and Corporate Head of Services
10. The obtaining of particulars of persons interested in land under Section 16 of the Local Government Act (Miscellaneous Provisions) Act 1976	Cabinet or Planning Committee	All Strategic Directors

<p>11. The appointment of any individual:</p> <p>(a) to any office rather than an office in which they are employed by the Authority</p> <p>(b) to anybody other than the Authority or a Joint Committee of two or more authorities; or</p> <p>(c) To any Committee or Sub-Committee of such a body and the revocation of any such appointment</p>	Cabinet	Chief Executive
<p>12. The making of agreements with other local authorities for the placing of staff at the disposal of those other authorities</p>	Cabinet	Chief Executive