

Part 3

Responsibility of Functions

—

Scheme of Delegated Powers

RESPONSIBILITY FOR FUNCTIONS

DELEGATED POWERS

GENERAL

The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) give effect to section 13 of the Local Government Act 2000 by specifying:-

- (a) which functions are not to be the responsibility of the Executive (Cabinet), as specified in Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 and as detailed in the Appendix to this part of the Constitution;
- (b) functions which may (but need not) be the responsibility of the Executive (Cabinet) (local choice functions); and
- (c) which are to some extent the responsibility of the Executive.

All other functions not so specified are to be the responsibility of the Executive.

Every decision of the Cabinet, a Portfolio Holder, Committee, Sub-Committee, Working Party or Officer under delegated powers shall comply with the Council's Constitution and in particular with its Budget and Policy Framework, Council Procedure Rules, Financial Procedure Rules and Procurement Procedure Rules and any expenditure involved is subject to such compliance.

1. RESPONSIBILITY FOR LOCAL CHOICE FUNCTIONS

Local Choice functions are those, which may (but need not) be the responsibility of the Cabinet. Schedule 1 of Part 3 of the Constitution details the responsibility for those local choice functions as set out in Schedule 2 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, as determined by the Council.

2. RESPONSIBILITY FOR COUNCIL (NON-EXECUTIVE) FUNCTIONS

The roles and responsibilities of full Council are set out in Article 4 of the Constitution. The specific functions set out in Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 which are retained for determination by full Council are set out in Schedule 2.

The full Council has established those non-executive committees as set out in Schedule 2 of this Part of the Constitution to discharge those functions, which are not to be the responsibility of the Executive, as set out in the Local Authorities (Functions and Responsibilities) (England)

Regulations 2000 and the Appendix to Part 3 of the Constitution. Decisions relating to these functions shall be made in one of the following ways:

- (a) By one of the non-executive Committees listed in Schedule 2 of this Part 3 of the Constitution;
- (b) By Officers, in consultation with a Member, in accordance with the Scheme of Delegation to Officers;
- (c) By Officers; or
- (d) Where any matter involves amendment to the Budget and Policy Framework, by the Council following receipt of advice from the relevant non-executive Committee and the Cabinet.

Schedule 2 sets out the arrangements for delegation of non-executive functions to the above.

3. RESPONSIBILITY FOR EXECUTIVE (CABINET) FUNCTIONS

The Cabinet is responsible for making all decisions within the Budget and Policy Framework set by full Council, except for decisions in connection with those matters, which cannot be the responsibility of Cabinet as specified in the Local Authorities (Functions and Responsibilities) (England) Regulations 2000. Details of the overall responsibilities of the Cabinet are set out in Schedule 3 of Part 3 of the Constitution. Decisions in respect of executive functions shall be made in one of the following ways:

- (a) the Cabinet collectively, at public meetings;
- (b) By an individual Member of the Cabinet (Portfolio Holder), within their areas of responsibility and delegated powers;
- (c) An Officer, in consultation with a Portfolio Holder;
- (d) An Officer, or
- (e) Where the decision is outside the Budget and Policy Framework, by full Council following receipt of advice from the Cabinet collectively.

Schedule 3 sets out the arrangements for delegation of executive functions to the above.

4. OVERVIEW AND SCRUTINY FUNCTIONS

The functions of the Council's overview and scrutiny function are set out in Article 6 of the Constitution.

Schedule 1

Responsibility for

LOCAL CHOICE FUNCTIONS

Local Choice Functions are those functions, which may (but need not) be the responsibility of the Executive (the Cabinet). The table below details the responsibility for local choice functions, as determined by the Council.

Function	Decision Making Body	Delegation of the Function
1. Any function under a local Act, other than a function specified under Regulation 2 or Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000.	Council	
2. The determination of an appeal against any decision made by or on behalf of the authority	Council	The relevant non-executive Committee, unless expressly specified within the terms of reference elsewhere.
3. The conduct of best value reviews in accordance with the provisions of any order for the time being having effect under Section 5 of the Local Government Act 1999.	The relevant Overview and Scrutiny Committee	
4. Any function relating to contaminated land	Council	Licensing and Registration Committee and further delegation to Corporate Director (Operations and Delivery)
5. The service of an abatement notice in respect of a statutory nuisance	Council	Licensing and Registration Committee and further delegation to Corporate Director (Operations and Delivery)
6. The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 shall apply in the authority's area	Council	Licensing and Registration Committee

(Green)

Part 3.3

(July 2020)

7. Any function under a local Act, other than a function specified under Regulation 2 or Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000	Council	Licensing and Registration Committee and further delegation to Corporate Director (Operations and Delivery)
8. The investigation of any complaint as to the existence of a statutory nuisance	Council	Licensing and Registration Committee and further delegation to Corporate Director (Operations and Delivery)
9. The obtaining of information under Section 330 of the Town and Country Planning Act 1990 as to interests in land	Council	Deputy Chief Executive & Corporate Director (Place and Economy)
10. The obtaining of particulars of persons interested in land under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976	Council	Chief Executive and All-Corporate Directors
11. The appointment of any individual – (a) to any office other than an office in which they are employed by the authority; (b) to any body other than – (i) the authority; (ii) a joint committee of two or more authorities; or (c) to any committee or sub-committee of such a body. and the revocation of any such appointment.	Council	Chief Executive
12. The making of agreements with other local authorities for the placing of staff at the disposal of those authorities	Council	Chief Executive