

# Part 3 – Responsibility for Functions

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## Part 3 – Responsibility for Functions

The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 and subsequent Regulations give effect to section 13 of the Local Government Act 2000 by specifying which functions are not to be the responsibility of the Executive, which may (but need not) be the responsibility of the Executive (the “local choice functions”) and which are to some extent the responsibility of the Executive. All other functions not so specified are to be the responsibility of the Executive. These Executive arrangements make clear how these distinctions are given effect by setting out the local choice functions identifying:

- (a) the responsibilities of the Council and / or its committees; and
- (b) the responsibilities of the Executive; and
- (c) those functions which are not the responsibility of the Executive to a specified extent.

Those functions which are delegated on to an officer are included in the Scheme of Delegation to Officers in this **Part 3 Schedule 3**.

### 1. Responsibility for local choice functions

	Function	Decision Making Body
1.	Any function under a local Act other than a function specified or referred to in Regulation 2 or Schedule 1 of the Functions Regulations	Council
2.	The determination of an appeal against any decision made by, or on behalf, of the Authority	Appeals Committee A and B
3.	Making arrangements for appeals against exclusion of pupils.	Council
4.	Making arrangements for admission appeals	Council
5.	Making arrangements for appeals by governing bodies	Council
6.	Questions on Police matters (Section 20 Police Act 1996)	Council
7.	The conducting of Best Value Reviews in accordance with the provisions of any Order for the time being having effect under Section 5 (Best Value Reviews) of the Local Government Act 1999	Executive and relevant Scrutiny Committee (see detailed protocol in Part 5)
8.	Any function relating to contaminated land	Council
9.	The discharge of any function relating to the control of pollution or the management of air quality	Council
10.	The service of an Abatement Notice in respect of a statutory nuisance	Council
11.	The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the Authority’s area	Council
12.	The inspection of the Authority’s area to detect any statutory nuisance.	Council

	<b>Function</b>	<b>Decision Making Body</b>
<b>14.</b>	The investigation of any complaint as to the existence of a statutory nuisance.	Council
<b>15.</b>	The obtaining of information under Section 330 of the Town and Country Planning Act 1990 as to interests in land.	Council
<b>16.</b>	The obtaining of particulars of persons interested in land under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976.	Council
<b>17.</b>	Making agreements for execution of highway works.	Council
<b>18.</b>	<p>The appointment of any individual:</p> <p>To any office other than an office in which they are employed by the Authority.</p> <p>To anybody other than:</p> <p style="padding-left: 40px;">(i) the Authority</p> <p style="padding-left: 40px;">(ii) a Joint Committee of two or more Authorities</p> <p>To any committee or joint committee of such a body and the revocation of any such appointment.</p>	Council

## 2. Responsibility for Council Functions

<b>Committee</b>	<b>Functions</b>	<b>Delegation of Functions</b>
<b>Development Control Committee</b>	Planning and conservation Functions relating to town and country planning and development control as specified in Part A of Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) ("the Functions Regulations"). These functions are specified in detail in <b>Part 3 Schedule 2</b> .	Functions which are delegated on, to an officer, and the limits on that delegation are set out in this <b>Part 3 Schedule 3</b> .
<b>Licensing Committee</b> (and Sub-Committees A, B & C).	All the functions of the Council set out in Part B of Schedule 1 of the Functions Regulations. These functions are specified in detail in <b>Part 3 Schedule 2</b> .	Functions which are delegated on, to an officer, and the limits on that delegation are set out in this <b>Part 3 Schedule 3</b> .
<b>General Purposes Committee</b>	All the functions in the Functions Regulations relating to Health and Safety, Public Rights of Way, non-executive functions re trees, hedgerows and pavements, elections and Bye-laws <b>and</b> all other non-Executive Functions not assigned to any other Committee or reserved to Council. These functions are specified in detail in <b>Part 3 Schedule 2</b> .	

<b>Committee</b>	<b>Functions</b>	<b>Delegation of Functions</b>
<b>Appointments and Disciplinary Committee</b>	See <b>Part 3 Schedule 2</b>	
<b>Appeals Committees (A and B)</b>	See <b>Part 3 Schedule 2</b>	
<b>Audit Committee</b>	See <b>Part 3 Schedule 2</b>	
<b>Standards Committee</b>	<p>The promotion and maintenance of high standards of conduct within the Council.</p> <p>To advise the Council on the adoption or revision of its Members' Code of Conduct. These functions are specified in detail in <b>Part 3 Schedule 2</b>.</p>	
<b>Independent Remuneration Panel</b>	<p>To make recommendations to the Council on Councillors' remuneration and allowances and any proposals for amendments to the Councillors' Allowances Scheme including:</p> <ul style="list-style-type: none"> <li>▪ The amount of basic allowances</li> <li>▪ The duties of Councillors that should be the subject to a special responsibility allowance</li> <li>▪ Whether child care and dependent care allowances should be available for Councillors</li> <li>▪ Travel &amp; Subsistence Allowance</li> </ul> <p>These functions are specified in detail in <b>Part 3 Schedule 2</b>.</p>	

### **3. Responsibility for Executive Functions**

- 3.1** All the functions of the Council not allocated above are the responsibility of the Executive provided those functions are not determined contrary to or not wholly in accordance with the Council's Budget or Policy Framework.
- 3.2** The scope of individual portfolios of the Cabinet Members are set out in this **Part 3 Schedule 1(a)**.
- 3.3** **Part 3 Schedule 2** (the Constitution and Terms of Reference of Cabinet, Committees, etc) sets out the extent to which the functions of the Cabinet may be discharged by a Committee of the Cabinet, appointed by the Cabinet
- 3.4** The Scheme of Delegation to officers in **Part 3 Schedule 3** sets out the extent to which the functions of the Council, Executive and Committees may be discharged by officers.
- 3.5** In exercising the following functions, the Executive will make decisions only within the Policy Framework and Budget set by the Council in accordance with these arrangements. The Executive also has a key role in proposing the Budget and Policy Framework to the Council. The Executive and its members will lead the community planning process and the drive for Best Value, lead the preparation for the Council's policies and budget, take in year decisions on resources and priorities, and be the focus for forming partnerships with other local public, private and voluntary and community sector organisations to address local needs. The Executive will also respond to any recommendations and reports from Scrutiny Committees, Regulatory and other Committees (including the Audit Committee) Advisory Forums and Panels, Working Parties and the Standards Committee.
- 3.6** The portfolios set out in **Part 3 Schedule 1(a)** may be amended by the Leader as necessary from time to time.