

## APPENDIX 1 RESPONSIBILITY FOR FUNCTIONS

### 1. COUNCIL FUNCTIONS

1.1 Table A below details the Functions listed in The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (the Regulations) that are the responsibility of the Council (column 1) and any arrangements for the general delegation of the function by Council (column 2).

**Table A: Council Functions and General Delegations**

	<b>Column 1</b> <b>Details of Council Function</b>	<b>Column 2</b> <b>Discharge of Function</b>
1	Adopting and changing the Constitution the Standing Orders	Audit and Governance Committee (Contract Procedure Rules and Financial Procedure Rules)  Employee Code of Conduct (Chief Executive in consultation with Employment Panel)  Monitoring Officer (technical changes or those required by law only)
2a	Budget and Policy Framework  <b>Policy</b>  The adoption of the following plans and strategies:  <ul style="list-style-type: none"> <li>• Annual library plan (if secretary of state requests) under s1(2) of the Public libraries and museums Act 1964</li> <li>• Children and young people's plan under the children and young people's plan (England) regulations 2005</li> <li>• Crime &amp; disorder reduction strategy under s5 &amp; 6 of the Crime and Disorder Act 1998</li> </ul>	Council on recommendation from Cabinet

	<ul style="list-style-type: none"> <li>• Development plan documents under s15 of the Planning and Compulsory Purchase Act 2004</li> <li>• Local transport plan under s108(3) of the Transport Act 2000</li> <li>• Youth justice plan under s40 of the Crime and Disorder Act 1998</li> </ul> <p>And additionally, any plan or strategy adopted by the Council as part of the Policy Framework, including without limitation:</p> <ul style="list-style-type: none"> <li>• The Corporate Plan</li> <li>• The Economic Development Strategy</li> <li>• The Sustainable Community Strategy</li> <li>• Southend 2050 Ambitions, Themes &amp; Outcomes and Five Year Road Map</li> <li>• Annual Report</li> <li>• The Official Fee and Food Controls Service Plan</li> <li>• Corporate Support, Finance and Information Technology Policies</li> <li>• Highways Infrastructure Asset Management Plan</li> <li>• Health and Wellbeing Strategy</li> <li>• Taxi and Private Hire Vehicle Licensing Policy</li> </ul>	
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2c	<p><b>Budget</b></p> <p>Approve a balanced Revenue Budget and specifically:</p> <ul style="list-style-type: none"> <li>• Approve the Council Tax Base</li> <li>• Approve the rate of Council Tax and relevant precepts</li> <li>• Approve the Gross Revenue Budget</li> <li>• Approve the net spending limit for each major service element (Directorate)</li> </ul> <p>And in doing so adopt the following plans or strategies to support the delivery of council budget -</p> <ul style="list-style-type: none"> <li>• Revenue Budget for the next financial year</li> <li>• Capital Investment Budget for the next financial year</li> <li>• Medium Term Financial Strategy</li> <li>• Reserves Strategy</li> <li>• Statutory council tax calculations</li> <li>• Treasury Management Policy, Treasury Management Practices and prudential indicators including the Minimum Revenue Provision</li> <li>• Capital strategy (including an asset management plan)</li> </ul>	Council on recommendation from Cabinet
3	Amending the Budget and Policy Framework can be an Executive / Cabinet Function if full Council agree see 2000/2853 reg 4 a (ii) which requires a specific delegation per adoption	When approving a policy or strategy full Council will specify the degree of in-year changes to the document which may be undertaken by the Cabinet

3a	<p><b>Other Polices</b></p> <p>Licensing Authority Policy Statement under s5 Licensing Act 2003</p> <p>Licensing Authority Policy Statement under s349 Gambling Act 2005</p> <p>Pay Policy Statement under s38 of the Localism Act 2011</p>	<p>Council</p> <p>Council on recommendation of Employment Panel</p> <p>Delegation to Monitoring Officer, following consultation with the Chief Executive, to make in year technical updates to the statement to reflect changes to post holder details or approved changes to local or national pay policy</p>
4	<p>Approving or amending any application to the Secretary of State in respect of any housing land transfer</p>	<p>Council</p>
5	<p>Consider the review of the effectiveness of the system of internal control required and approve the annual governance statement</p>	<p>Audit and Governance Committee</p>
6	<p>Subject to the urgency procedure in the Access to Information Procedure Rules, making a decision contrary to the Policy Framework or the Budget, or part of it</p>	<p>Council</p>
7	<p>Electing the Mayor of the Council</p>	<p>Council</p>
8	<p>Appointing the Deputy Mayor of the Council</p> <p>Appointing Chairs and Vice-chairs of the Council Committees</p> <p>Health and Wellbeing Board</p>	<p>Council</p> <p>Council</p> <p>The Leader of the Council appoints the Chair of the Health and Wellbeing Board from the Cabinet Members appointed to the Board, the Board appoints the Vice-chair</p>
9	<p>Appointing the Leader of the Council</p>	<p>Council</p>
10	<p>Setting the terms of reference of Council Committees, deciding on their size, composition and allocating seats proportionately to the Political Groups</p>	<p>Council</p>

11	The appointment by the Council of at least one independent person under the Localism Act 2011	Council
12	Discharge of Council functions by another local authority	Council
13	Arrangements for the joint exercise of Council Functions or a mix of Council and Executive / Cabinet functions	Council
14	Agreeing the Councillors' Scheme of Allowances	Council
15	Functions relating to name and status of Southend-on-Sea City Council or parish / town councils within its area in schedule 1 section E of the Regulations	Council
16	Functions relating to community governance reviews as listed in schedule 1 section EB of the Regulations	Council
17	Confer title of honorary alderman or to admit a person as an honorary freeman	Council
18	Functions relating to town and country planning and development control as listed in schedule 1 section A of the Regulations including enforcement	See table D in Appendix 1 below
19	Powers relating to the protection of important hedgerows and preservation of trees	Chief Executive
20	Rights of way functions as listed in schedule 1 section I i of the Regulations	Chief Executive
21	Licensing and registration functions as listed in schedule 1 section B of the Regulations	See table D in Appendix 1 below

22	Functions relating to smoke free premises as listed in schedule 1 section FA of the Regulations	Chief Executive
23	Health and safety at work enforcement functions as listed in schedule 1 section C of the Regulations	Chief Executive
24	Elections functions as listed in schedule 1 section D of the Regulations	Chief Executive  Employment Panel for appointment of Returning Officer and Electoral Registration Officer  Monitoring Officer for making temporary appointments to parish / town councils. If a polling station cannot be used the Returning Officer has delegated powers to use another polling station as a temporary solution.
25	Make, amend, revoke, re-enact or enforce byelaws	Council
26	Power to promote or oppose local or personal bills	Council
27	Approval of the appointment of Chief Executive	Council
28	Power to appoint staff, and to determine the terms and conditions on which they hold office (including procedures for their dismissal)	Chief Executive for all staff other than those within the remit of the Employment Panel  Employment Panel will also be a consultee for all terms and conditions (including policies).  Employment Panel for officers listed within the Panel's remit
29	Approval of pay and severance packages in excess of £100,000	Council

30	Duty to make arrangements for the proper administration of financial affairs	Chief Finance Officer
31	Power to appoint officers for particular purposes (otherwise called the appointment of proper officers)	Chief Executive
32	Duty to designate posts to fulfil the functions of: <ul style="list-style-type: none"> <li>• Head of Paid Service</li> <li>• Monitoring Officer</li> <li>• Chief Finance Officer</li> <li>• Statutory Scrutiny Officer</li> <li>• and to provide staff etc.</li> </ul>	Council
33	To adopt revise or replace the Code of Conduct for Councillors	Council
34	Power to make a limestone pavement order	Chief Executive
35	Duty to approve the Council's statement of accounts, income and expenditure and balance sheet, or record of payments	Audit and Governance Committee
36	Power to make closing order in respect to take away food shops	Chief Executive
37	Permit a co-opted member of an Overview and Scrutiny committee to vote at meetings of that Committee	Council
38	Recruitment of panel members to the Independent Remuneration Panel	Monitoring Officer
39	Powers relating to complaints about high hedges	Chief Executive

40	Powers to make an order identifying a place as a designated public place in relation to alcohol consumption	Chief Executive
41	Power to make or revoke an order designating a locality as an alcohol disorder zone	Chief Executive
42	Power to apply for an enforcement order against unlawful works on common land	Chief Executive
43	Power to protect unclaimed registered common land and unclaimed town or village greens against unlawful interference including instituting proceedings	Chief Executive
44	The appointment of a local auditor under Section 7 of the Council meeting only Local Audit and Accountability Act 2014	Council
45	Power to make payments or provide other benefits in cases of maladministration	Chief Executive
46	Functions relating to pensions as listed in schedule 1 section H of the Regulations	Chief Executive
47	All other matters which by law, must be the responsibility of the Council as set Table B below.	Council only unless Council has given a specific delegation as detailed in Table B below.

1.2 Table B below details those other functions not specified in the Regulations which by law must be the responsibility of the Council, and the delegation arrangements for the discharge of those functions.



**Table B: Council Functions and Express Delegations**

	<b>Column 1</b> <b>Details of the Function</b>	<b>Column 2</b> <b>Discharge of the Function</b>
47A	Adoption of neighbourhood development plans, and to approve any consequential amendments to the countywide policies map.	Cabinet Member for Planning, Housing and the Local Plan
47B	Granting of dispensations under s33 (2) Localism Act 2011	Subsection (b) (d) and (e): Audit and Governance Committee  Subsection (a) and (c) Monitoring Officer with appeal to Audit and Governance Committee
47C	Council tax reduction scheme under S13A, Local Government and Finance Act 1992, as amended	Council
47D	Recruitment of up to three independent persons pursuant to Section 28 (7) of the Localism Act 2011	Monitoring Officer
47E	Make in year amendments to the capital programme to reflect additional external funding secured in year	Chief Finance Officer following consultation with the Cabinet Member for Finance, Assets and Investments

**2. LOCAL CHOICE FUNCTIONS**

2.1 Table C below details the local choice functions which shall be discharged by the Council and the delegation arrangements for the discharge of the local choice functions.

**Table C: Local Choice Functions and General Delegations**

	<b>Column 1 Local Choice Function</b>	<b>Column 2 Responsibility for the Local Choice Function</b>	<b>Column 3 Delegation of Local Choice Function</b>
1	Any function under a local act other than a function specified or referred to in regulation 2 or schedule 1 of the Local authority (functions and responsibilities) (England) Regulations 2000.	Council	In accordance with the Cabinet delegation arrangements
2	The determination of an appeal against any decision made by or on behalf of the Council where the determination of the appeal is not a matter for any other Committee or Officer under the Scheme of Delegation to Officers.	Council	Appeals Committee
3.	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.	Council	Executive and relevant Overview and Scrutiny Committee
4.	The making of arrangements in relation to appeals against the exclusion of pupils from maintained schools pursuant to section 52 of the Education Act 2002 and the subordinate legislation made under that section.	Council	Chief Executive
5.	The making of arrangements pursuant to sections 94(1) (1A) and (4) of the 1998 School Standards and Framework Act (admissions appeals).	Council	Chief Executive

	<b>Column 1 Local Choice Function</b>	<b>Column 2 Responsibility for the Local Choice Function</b>	<b>Column 3 Delegation of Local Choice Function</b>
6.	The making of arrangements pursuant to section 95(2) of, and schedule 25 to, the 1998 Act (children to whom section 87 applies: appeals by governing bodies).	Council	Chief Executive
7.	Any function relating to contaminated land.	Council	Chief Executive
8.	The discharge of any function relating to the control of pollution or the management of air quality	Council	Chief Executive
9.	The service of an abatement notice in respect of a statutory nuisance.	Council	Chief Executive
10.	The passing of a resolution that schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the authority's area.	Council	Chief Executive
11.	The inspection of the authority's area to detect any statutory nuisance.	Council	Chief Executive
12.	The investigation of any complaint as to the existence of a statutory nuisance.	Council	Chief Executive
13.	The obtaining of information under section 330 of the Town and Country Planning Act 1990	Council	Chief Executive
14.	The obtaining of particulars of persons interested in land under section 16 of the Local Government (Miscellaneous Provisions) Act 1976.	Council	Chief Executive

	<b>Column 1 Local Choice Function</b>	<b>Column 2 Responsibility for the Local Choice Function</b>	<b>Column 3 Delegation of Local Choice Function</b>
15.	The making of agreements for the execution of highways works.	Council	Chief Executive
16.	The appointment of any individual: (a) to any office other than an office in which he is 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, (d) and the revocation of any such appointment.	(a) Council (b & c) Council where allocation of seats is politically proportionate (b & c) Cabinet where allocation of seats is not politically proportionate.	(a) Chief Executive (b & c) Chief Executive
17.	The making of agreements with other local authorities for placing staff at the disposal of those other authorities	Council	Chief Executive

**Table D (Planning and Regulatory/Licensing Legislation)**