

## Responsibility for Functions

### 1. RESPONSIBILITY FOR LOCAL CHOICE FUNCTIONS

*Functions that may be, but not need be, the responsibility of the Cabinet*

Function	Decision making body	Delegation of functions
1. Any function under a local Act, other than a function specified or referred to in regulation 2 or Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000.	Cabinet	Not Applicable
2. The determination of an appeal against any decision made by or on behalf of the authority.	Appeals and Licensing Committee – Unless outside its terms of reference in which case the Cabinet will decide	Not Applicable
3. The making of arrangements pursuant to subsection (1) of section 67 of, and Schedule 18 to, the Schools Standards and Framework Act 1998 (appeals against exclusion of pupils)	Education Appeals Panel	Not Applicable
4. The making of arrangements pursuant to section 94(1) and (4) of, and Schedule 24 to, the Schools Standards and Framework Act 1998 (admission appeals).	Education Appeals Panel	Not Applicable
5. The making of arrangements pursuant to section 95(2) of, and Schedule 25 to, the Schools Standards and Framework Act 1998 Act (children to whom section 87 applies: appeals by governing bodies).	Education Appeals Panel	Not Applicable

	Function	Decision making body	Delegation of functions
6.	The making of arrangements under section 20 (questions on police matters at council meetings) of the Police Act 1996 for enabling questions to be put on the discharge of the functions of a police authority.	Council	Not Applicable
7.	Any function relating to contaminated land.		Director of Public Health
8.	The discharge of any function relating to the control of pollution or the management of air quality.		Director of Public Health
9.	The service of an abatement notice in respect of a statutory nuisance.		Director of Public Health
10.	The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the authority's area.		Director of Public Health
11.	The inspection of the authority's area to detect any statutory nuisance.		Director of Public Health
12.	The investigation of any complaint as to the existence of a statutory nuisance.		Director of Public Health
13.	The obtaining of information under section 330 of the Town and Country Planning Act 1990 as to interests in land.		<del>Head of Planning, Regulatory Services and Heritage</del> <del>Head of Planning, Regulatory Services, Heritage and Libraries</del> and the Director of Law and Democratic Services
14.	The obtaining of particulars of persons interested in land under section 16 of the Local Government (Miscellaneous		<del>Head of Planning, Regulatory Services and Heritage</del> <del>Head of Planning, Regulatory</del>

	Function	Decision making body	Delegation of functions
	Provisions) Act 1976.		<del>Services, Heritage and Libraries</del> and the Director of Law and Democratic Services
15.	The making of agreements for the execution of highways works.		Head of Highways and Transport, and the Director of Law and Democratic Services
16.	The appointment of any individual officer – (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, and the revocation of any such appointment.	Cabinet	Not Applicable
17.	The making of agreements with other local authorities for the placing of staff at the disposal of those other authorities	Cabinet	Not applicable

## 2. RESPONSIBILITY FOR COUNCIL FUNCTIONS

Committee	Functions	Delegation of functions
Planning Committee	<b>Planning and conservation</b> Functions relating to Town and Country Planning and Development Control as specified in Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (the Functions Regulations)	<i>Head of Planning, Regulatory Services and <del>Heritage and Libraries</del></i> (Paragraphs 349 to 363 of the Scheme Delegations and Designations of Proper Officers – Part 8 of this

**Comment [S31]:** Delegated Authority numbers will be adjusted following Annual Council meeting.

		Constitution)
Planning Committee	<b>Commons registration</b> The registration of common land or town and village greens and to register the variation of rights of common as set out in Schedule 1 to the Functions Regulations.	No further delegation to an officer
Cabinet	<b>Highways use and regulation</b> The exercise of powers relating to the regulation of the use of highways as set out in Schedule 1 to the Functions Regulations.	Head of Highways and Transport  (Paragraphs 247 to 331 of the Scheme of Delegations and Designations of Proper Officers – Part 8 of this Constitution)
Licensing Committee	<b>Taxi, Gambling, Casino, Gaming, Entertainment, Food, Liquor and Miscellaneous Licensing</b> Functions relating to licensing and registration as set out in Schedule 1 to the Functions Regulations	<u>Head of Planning, Regulatory Services and Heritage</u> <del>Head of Planning, Regulatory Services, Heritage and Libraries</del> (Paragraphs 336 to 348 and 376 to 378 of the Scheme of Delegations and Designations of Proper Officers – Part 8 of this Constitution)  Director of Public Health (Paragraphs 206 and 210 of the Scheme of Delegations and Designations of Proper Officers – Part 8 of this Constitution)  Head of Highways and Transport (Paragraph 253 of

		<i>the Scheme of Delegations and Designations of Proper Officers – Part 8 of this Constitution)</i>
Not Applicable	<b>Health and Safety</b> 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, to the extent that those functions are discharged otherwise than in the Council's capacity as employer.	Director of Public Health ( <i>Paragraphs 147 and 203 to 205 of the Scheme of Delegations and Designations of Proper Officers – Part 8 of this Constitution)</i>
Appeals Committee	<b>Chief Officer Appeals</b> To consider appeals against dismissal, grading and grievances by Chief Officers and Deputy Chief Officers of the Council.	Head of Paid Service except for appeals by Chief Officers and Deputy Chief Officers

***For details of current membership of Council bodies – please contact the Monitoring Officer***

### **3. RESPONSIBILITY FOR EXECUTIVE FUNCTIONS**

1. Article 7 of this Constitution sets out the terms of reference of the Cabinet.
2. The Leader of the Council has allocated portfolio responsibility to individual Cabinet Members and full details of their responsibilities are available from the Monitoring Officer and are on the Council's Website (Council and Democracy Pages).
3. Subject to all 'key' and 'strategic' decisions (as defined in Article 13 of this Constitution) being reserved to Cabinet for decision, each Cabinet Member shall be authorised to take any executive decision relating to a matter within the remit of their portfolio subject to the following: -
  - a) the Cabinet Member shall comply with the requirements of Article 13 of this Constitution relating to Decision-Making and Rule 22 of the Access to Information Procedure Rules (*Cabinet Member Decision Note*) and any other relevant Procedural Rules contained in this Constitution.
  - b) a Cabinet Member may refer any matter within their portfolio to Cabinet for decision.

- c) the Leader may refer any executive matter to Cabinet for decision.
- d) any matter which requires the approval of Council shall be referred to the Cabinet for the formulation of proposals to Council.
- e) a Cabinet Member shall not exercise a function expressly delegated to an Officer.

#### 4. LOCALITY DECISION MAKING

~~(a)~~ Locality Panels (as defined in Article 10 of the Council's Constitution) will exercise executive decision making powers in respect of any matters delegated to them.

~~(i) Locality Fund Grants To decide the priority and allocation of Locality Fund grants to local organisations in the locality, from such funds as are made available to the Locality Panel for this purpose;~~

~~(ii) Highways To decide the priority and allocation of funds made available to the Locality Panel for road maintenance / minor road improvements and similar Highways matters, from such funds as are made available to the Locality Panel for this purpose and that are not identified for implementation by the Cabinet;~~

~~(b) Locality Panels will be consulted on the priority and allocation of those StreetSmart operational hours that are allocated to the Locality Panel, to carry out work not otherwise programmed to be done.~~

~~(be)~~ Any Locality Panel delegations will be subject to guidance issued by the Cabinet and / or Director of Law and Democratic Services.

**Comment [S32]:** Now determined via CMBN process

**Comment [S33]:** Localities advise they no longer have an involvement in allocation of highways funding

**Comment [S34]:** Localities advise no longer relevant

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#### 5. SCHEME OF DELEGATION

- (a) The Scheme of Delegation and Designation of Proper Officers is set out in Part 8 of the Constitution.
- (b) An officer may refer an executive matter for decision to a Cabinet Member or the Cabinet.
- (c) If an officer exercises any delegated powers either under the Scheme of Delegation or otherwise, this must be in compliance with the requirements of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, and the Openness of Local Government Bodies Regulations 2014, and there must be appropriate prior consultation with relevant ward members and the relevant Cabinet Member. Should an officer wish to

formally consult with a Cabinet Member when exercising any delegated power, the officer shall use the Cabinet Member Briefing Note process as set out in Part 8 of the Constitution and the Council's Protocol for Report Writing.