

Part 3: Responsibility for Functions

1. Section 1: Outline of responsibilities as required by Schedule 2 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000.

1.1. Local Choice Functions

1.1.1. Local Choice Functions which may be, but need not be, the responsibility of the Cabinet:

| | Functions | Decision making body | Membership | Delegation of Functions |
|---|---|---|------------------------------------|--------------------------------|
| 1 | Local Act Functions Any function under a local Act other than a function specified or referred to in Regulation 2 or Schedule 1 of the Functions and Responsibilities Regulations | Nil | Nil | Nil |
| 2 | Determination of Appeals The determination of an appeal against any decision made by or on behalf of the authority | Employment Appeals Sub Committee | 5 Councillors appointed by Council | |
| 3 | Local Area Agreements Functions under sections 106, 110, 111 and 113 of the Local Government Public Involvement in Health Act 2007 | Cabinet (to make final decisions after considering the views of the relevant Overview and Scrutiny Committee) | 10 Councillors | |
| | | Overview and Scrutiny Committee | 28 Councillors (combined) | |

| | Functions | Decision making body | Membership | Delegation of Functions |
|---|---|---|-------------------|---|
| 4 | Contaminated Land Any function relating to contaminated land | Council: policies and strategies | 60 Councillors | |
| | | Cabinet: determination of action relating to the Council's own land and advising Council on policies and strategies | 10 Councillors | Director of Housing, Health and Environment |
| | | Licensing and Enforcement Committee on enforcement matters | 15 Councillors | Director of Governance and Licensing/ Director of Housing, Health and Environment |
| 5 | Pollution The discharge of any function relating to the control of pollution or the management of air quality | Council: policies and strategies | 60 Councillors | |
| | | Cabinet: determination of action relating to the Council's own land and advising Council on policies and strategies | 10 Councillors | Director of Housing, Health and Environment |
| | | Licensing and Enforcement Committee on enforcement matters | 15 Councillors | Director of Housing, Health and Environment |
| 6 | Abatement Notices The service of an abatement notice in respect of statutory nuisance | Director of Housing, Health and Environment | | EHOs designated by the Director of Housing, Health and Environment |

| | Functions | Decision making body | Membership | Delegation of Functions |
|----|--|---|-------------------|--|
| 7 | Noise and Statutory Nuisance Act 1993 The passing of a resolution that Schedule 2 to the Act should apply in the Council's area | Council | 60 Councillors | Nil |
| 8 | Statutory Nuisance Inspections The inspection of the Council's area to detect any statutory nuisance | Director of Housing, Health and Environment | | EHOs designated by the Director of Housing, Health and Environment |
| 9 | Statutory Nuisance Complaints Investigation | Director of Housing, Health and Environment | | EHOs designated by the Director of Housing, Health and Environment |
| 10 | Land Ownership for Planning Purposes The obtaining of information under section 330 of the Town and Country Planning Act 1990 as to interests in land | Chief Executive, Director of Governance and Licensing | | Assistant Director Planning Strategy and Development Management and Development Management Officers and Legal Officers |
| 11 | Land Ownership generally The obtaining of particulars of persons interested in land under section 16 of the Local Government (Miscellaneous Provisions) Act 1976 | Chief Executive, Director of Governance and Licensing | | Assistant Director Planning Strategy and Development Management and Development Management Officers and Legal Officers |

| | Functions | Decision making body | Membership | Delegation of Functions |
|----|---|--|-------------------|--------------------------------|
| 12 | Appointments to other organisations The appointment of any individual (a) to any office other than an office in which he is employed by the Council (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 or such a body, and the revocation of any such appointment | Cabinet (in respect of those functions that are the responsibility of the Cabinet) | 10 Councillors | |
| | | Council (for all other appointments) | 60 Councillors | |
| 13 | Staff Secondments The making of agreements with other local authorities for the placing of staff at the disposal of those authorities | | | Chief Executive |

- 1.1.2. Note: Where any of the above involve the preparation of a strategic or other relevant policy for the Council to approve the Cabinet will initially prepare and then submit the draft plan or strategy after consideration of the views of the relevant Overview and Scrutiny Committees provided this does not relate to a function which cannot legally be that of the Cabinet.

1.2. Responsibility for Council Functions

1.3. Responsibility for Council Functions are functions not permitted to be the responsibility of the Cabinet:

| | Committee | Membership | Functions | Delegation of functions |
|---|--|-------------------|--|--|
| A | Licensing and Registration functions (in so far as not covered by any other paragraph of this Schedule) Licensing and Enforcement Committee | 15 Councillors | Such functions as are set out in Schedule 1 to the Functions Regulations as are applicable to a District Council | See detailed list under delegated powers to officers (Part3) |
| B | Functions relating to Health and Safety at Work Licensing and Enforcement Committee | 15 Councillors | Functions under any of the “relevant statutory provisions” within the meaning of Part I (health, safety and welfare in connection with work, and control of dangerous substances) of the Health and Safety at Work etc. Act 1974, to the extent that those functions are discharged otherwise than in the Council’s capacity as an employer. | See detailed list under delegated powers to officers (Part 3) |
| C | Functions relating to Elections Council | 60 Councillors | Functions relating to elections as set out in Schedule 1 to the Functions Regulations (except paragraphs 2, 7, 10, 12, 13, 14, 16, 17, 18, 19, 20 – all of which are delegate | Chief Executive – in respect of paragraphs 2, 7, 10, 12, 13, 14, 16, 17, 18, 19, 20. |
| D | Functions relating to name and status of areas and individuals Council | 60 Councillors | Functions set out in Schedule 1 of the Functions Regulations | |

| | Committee | Membership | Functions | Delegation of functions |
|----|--|-------------------|---|--|
| EB | Functions relating to community governance Council | | Proposals relating to the reorganisation of parishes As set out in Schedule 1 of the functions regulations with the exception of paragraphs 1, 2, 3, 5, 6, 7, 8, 9 which are delegated to the Chief Executive | To the Chief Executive in respect of paragraphs 1,2,3, 5,6,7,8 and 9 |
| F | Power to make, amend, revoke or re-enact byelaws Council (on report from the relevant committee) | 60 Councillors | | |
| | Power to enforce byelaws: a) Planning Committee | 16 Councillors | | See detailed list under delegated powers to officers in part 3 |
| | Power to enforce byelaws: b) Licensing and Enforcement Committee | 15 Councillors | | Director of Housing, Health and Environment / Director of Governance and Licensing |
| Fa | Functions relating to smoke-free premises Licensing and Enforcement Committee | | | |
| G | Power to promote or oppose local or personal Bills Council | 60 Councillors | | |

| | Committee | Membership | Functions | Delegation of functions |
|---|---|-------------------|--|---------------------------------|
| H | Functions relating to pensions etc. Council | 60 Councillors | | |
| I | Miscellaneous Functions (not otherwise already allocated or delegated) Audit and Governance Committee | 10 Councillors | Duty to receive and approve of the Authority's statement of accounts, income and expenditure and balance sheet or record of receipts and payments (as the case may be) – item 45 | |
| | Council | 60 Councillors | Power to make Standing Orders – items 36 and 38 | Monitoring Officer |
| | Council (for Head of Paid Service and Chief Officers) | 60 Councillors | Power to appoint staff etc. as referred to in items 37, 39, 40, 43, 44, 44A | Chief Executive for other staff |
| | Council | 60 Councillors | Power to make payments or provide other benefits in cases of maladministration etc. (subject to consultation with the Chair of the Council)(item 48) | Monitoring Officer |

1.4. Responsibility for Executive Functions

| | Committee | Membership | Functions | Delegation of functions |
|--|---------------------------|-------------------|--|---|
| | Council | | Powers relating to Overview and Scrutiny Committees (voting rights of co-opted members)(Item 44B) | |
| | Planning Committee | | Powers relating to the protection of important hedgerows/complaints about high hedges (Item 46, 47/47A) | See delegated powers to officers, Part 3 |
| | Council | | Power to make an order identifying a place as a designated public place for the purses of police powers in relation to alcohol consumption | Chief Executive |
| | Cabinet | 10 Councillors | Details of the Cabinet's powers are set out in Section 2 of this Part 3 of the Constitution | Details of the delegations to the Portfolio Holders and staff are set out in Sections 2 and 3 of part 3 of the Constitution |