

Section 3A - Responsibility for Functions

1 Introduction

- 1.1 The Council consists of a number of distinct elements which are each allocated certain functions. The most important elements are the Executive and Full Council. These are the primary decision making bodies within the authority and they exercise different powers and functions. To assist the efficient working of the Council these two bodies delegate some of their functions to other parts of the Council including Sub-Committees, individual Executive Members and Officers.
- 1.2 Part 3 of the constitution describes the way in which the Council's powers and functions are distributed amongst the various parts of the authority and who may lawfully exercise those powers within any limits or in accordance with any conditions. In some cases legislation stipulates which part of the Council must exercise certain functions whereas others may be allocated at the choice of the Council.
- 1.3 The law provides a framework under which some functions¹:
a) must be the responsibility of the Executive (Executive Functions);
b) must not be the responsibility of the Executive (Council Functions);
c) may, or may not be the responsibility of the Executive (Local Choice Functions).
- 1.4 Council functions which are the responsibility of Full Council may be delegated to a Committee, a sub-committee, an Officer or another Local Authority.
- 1.5 Executive functions which are the responsibility of the Executive (called "Executive Functions") may be delegated to a Committee of the Executive, an individual Member of the Executive, an Officer or the Executive of another Local Authority.
- 1.6 ~~The law provides a framework under which some functions⁴:~~

¹ Local Authority (Functions & Responsibilities) (England) Regulations 2000 as amended.

⁴ ~~Local Authority (Functions & Responsibilities) (England) Regulations 2000 as amended.~~

- a) ~~must be the responsibility of the Executive~~
- b) ~~must not be the responsibility of the Executive~~
- c) ~~may or may not be the responsibility of the Executive~~

1.7 ~~The latter are known as “Local Choice Functions” and~~ it is a requirement that this Constitution sets out in detail, who is responsible for ~~them~~Local Choice Functions.

1.8 Any reference in this part of the Constitution to any function, and any delegation of power includes all action associated with that function or power and all related enforcement actions.

1.9 This part of the Constitution defines the respective functions and responsibilities of Full Council and the Executive, and explains the arrangements for delegation of these responsibilities.

1.10 The Council delegates to the bodies and the Officers described in Parts 3C and 3D of the Constitution the non-Executive functions as set out in those schedules.

1.11 The Executive delegates to the Executive Members and Officers, those Executive functions set out in this part of the Constitution.

1.12 “Key Decisions”, as defined by this Constitution, will only be taken by the Executive, unless such a decision has been specifically delegated to an Executive Member or an Officer or unless the Leader or Chief Executive is exercising their urgency powers (set out in Part 3, of this Constitution).

2 Local Choice Functions

2.1 The responsibility for local choice functions is as detailed in the table below:

| No. | Function | Decision Making Body | Extent of Responsibility |
|-----|---|---|--|
| 1 | Any function under a local act other than a function of the Executive | Gambling , Licensing and Regulatory Committee | Functions which involve either determining an application for a licence, approval, |

| No. | Function | Decision Making Body | Extent of Responsibility |
|-----|--|---|---|
| | | The Executive | consent, permission or registration; direct regulation of a person or any related enforcement actions. All other functions. |
| 2 | The determination of an appeal against decisions made by or on behalf of the Council as provided for in Schedule 2 of this Constitution | Appeals Committees The Executive | To all the extent set out in the terms of reference of the Appeals Committees. Any appeal, which by law, must be considered by the Executive |
| 3 | The making of arrangements for reviews against the exclusion of pupils from schools. | Independent Review Panels | NB. The reviews themselves are heard by lay and non-lay independent panel members appointed by the Council. |
| 4 | The making of arrangements in relation to school admission appeals | School Admission Appeals Panels | NB. The appeals themselves are heard by lay and non-lay independent panel members appointed by the Council |

| No. | Function | Decision Making Body | Extent of Responsibility |
|-----|---|--|---|
| 11 | The obtaining of particulars of persons interested in land under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976 | The Executive Planning Committee and Area Planning Sub- Committee Gambling, Licensing & Regulatory Committee | Division of responsibility as for 10 above Power to determine applications for the registration of common land and village greens. |
| 12 | The making of agreements under Section 278 of the Highways Act 1980 for the execution of highway works | The Executive | |
| 13 | The appointment (and revocation of any such appointment) of any individual: (a) to any office other than employment by the authority (b) to any body (or Committee or sub – Committee of such a body) other than the authority itself or a Joint Committee of two or more authorities | Full Council | |
| 14 | Making agreements with other local authorities for the placing for staff at the | The Executive | In connection with functions which are the responsibility of the Executive |

| No. | Function | Decision Making Body | Extent of Responsibility |
|-----|-------------------------------------|----------------------|--------------------------|
| | disposal of those other authorities | Full Council | In all other cases. |

3 Functions of the Full Council

3.1 The functions reserved to Full Council are to:

- a) approve, adopt, amend, monitor and/or review the following plans, strategies and policies which together make up the Council's Policy Framework:
 - i. Sustainable Community Strategy;
 - ii. Crime and Disorder Reduction Strategy;
 - iii. Local Plan documents;
 - iv. Local Transport Plan;
 - v. Licensing Authority Policy Statement in relation to Gambling;
 - vi. Licensing Act 2003 Policy Statement;
 - vii. The Council's Corporate Plan or its equivalent;

having regard to the recommendations of the Executive and in accordance with the Standing Orders of the Council set out in [Part Section 4 of this Constitution](#).

- (b) determine and amend the Council's Revenue and Capital budgets, including the initial allocations of financial resources to different services and projects, proposed contingency funds, proposed precepts, setting the Council Tax and decisions relating to the Council's borrowing requirement and the control of its capital expenditure.
- (c) approve the Treasury Management Strategy.
- (d) approve expenditure that falls outside the Council's total annual budget.

- (e) take any decision, which is contrary to the approved Policy Framework and/or the approved Budget.
- (f) appoint and remove the Leader.
- (g) decide the composition of Committees and sub-committees of Full Council and make appointments including co-opted members to them and other non-Executive bodies except in the case of ad hoc scrutiny sub-committees which will be determined by the Customer & Corporate Services Scrutiny Management Committee respectively.
- (h) appoint representatives to outside bodies unless the appointment is one that must by law be made by the Executive in relation to its functions or has been delegated by the Council.
- (i) make and, subject to the provisions of Article 16 of this Constitution, amend Standing Orders, Financial Regulations and rules in relation to contracts.
- (j) change the name of the City or of a Parish.
- (k) elect a Lord Mayor, Deputy Lord Mayor and Sheriff and exercise related functions.
- (l) confer the title of the Honorary Alderman, Honorary Recorder and Honorary Freeman and grant the Freedom of the City.
- (m) promote or oppose local or personal bills.
- (n) where it is the function of the Council, divide Parliamentary Constituencies and local government electoral divisions into polling districts.
- (o) make, amend, revoke or re-enact Byelaws.
- (p) make orders for grouping parishes, dissolving groups and separating parishes from groups.
- (q) dissolve small parishes.

- (r) carry out functions in relation to parishes and Parish Councils under Part 11 of the Local Government and Rating Act 1997 and subordinate legislation under that Part.
- (s) fill Council or Parish Council vacancies in the event of insufficient nominations.
- (t) submit proposals to the Secretary of State for an Order under Section 10 of the Representation of the People Act 2000 (pilot schemes for local elections).
- (u) appoint the Chief Executive (Head of Paid Service) and designate Officers as the Monitoring Officer, the Chief Financial Officer and Proper Officers under the relevant legislation, except to the extent that the power to designate Proper Officers has been otherwise delegated in this Constitution.
- (v) make a scheme for the payment of allowances to Members and determine the amount of all allowances payable to Members of the Council, its Committees, sub Committees and other bodies.
- (w) take decisions and/or give advice on matters brought to the Council by the Executive and other bodies or persons.
- (x) Carry out any other functions reserved by law or by this Constitution to Full Council, including those “local choice” functions reserved to Full Council under this part of the Constitution.

4 Functions of the Executive

- 4.1 The Executive is responsible for the exercise of all functions which by law must be the functions of the Executive and for the exercise of those functions which are delegated to it as a “local choice” functions as set out in paragraph 2.1 above.
- 4.2 The Leader may exercise any Executive function and may determine whether such functions may be exercised by the Executive, a Committee of the Executive, an Executive Member, an Officer or a Joint Committee.

- 4.3 All plans, strategies and policies falling within the Policy Framework as defined in paragraph 3.1 above shall be considered by the Executive who shall make recommendations thereon to Full Council. It should be noted that in respect of plans, strategies and policies falling within the Policy Framework it is for Full Council to:
- a) instruct the Executive to reconsider any draft plan, strategy or policy;
 - b) amend any draft plan, strategy or policy submitted by the Executive;
 - c) approve for formal public consultation proposals for alterations to, or the replacement of, the Local Plan following submission to government.
 - d) approve any plan, strategy or policy for submission to government (where required);
 - e) adopt any plan, strategy or policy with or without modifications.
- 4.4 The function of amending, modifying, varying or revoking any plan, strategy or policy falling within the Policy Framework shall be performed by the Executive only if it is:
- a) required for giving effect to governmental requirement; or
 - b) was authorised by Full Council when approving or adopting the plan, strategy or policy.
- 4.5 The Executive is responsible for proposing the Revenue and Capital Budgets to Council including the initial allocation of financial resources to different services and projects, proposed contingency funds, proposed precepts, the amount of Council Tax and decisions relating the Council’s borrowing requirement and the control of capital expenditure.