

B1. Responsibility for Functions

1. INTRODUCTION TO THIS PART

1.1. Core Provision 4 in Chapter A2 of this Constitution outlined the how the Council approaches decision-making and how decisions or functions of the Council might be classified. The principal classification relates to how functions divide between the Council and the ExecutiveCabinet. Functions must in law be: -

1.1.1. Council Functions that are either: -

- (a) Retained by Full Council, or
- (b) Delegated to Committees;

1.1.2. Executive Functions;

1.1.3. Local Choice Functions where the law states that a function may but need not be exercised by the ExecutiveCabinet.

1.2. In addition to this apportionment between Member bodies, responsibility for functions may be delegated to Officers for the purposes of operational effectiveness.

2. CABINETEXECUTIVE FUNCTIONS

CabinetExecutive Functions are those functions that are not Council Functions and also not Local Choice Functions assigned to the Council. Where functions are not specified in law or this Constitution to be Council functions then they will be presumed to be the responsibility of the Executive.

3. FUNCTIONS THAT ARE NOT TO BE THE RESPONSIBILITY OF THE CABINETEXECUTIVE (WHOLLY COUNCIL FUNCTIONS)

These are the functions set out in Schedule 1, Functions & Responsibilities Regulations.

4. RESPONSIBILITY FOR LOCAL CHOICE FUNCTIONS

4.1. These are functions set out in Schedule 2, Functions & Responsibilities Regulations, where the Council has agreed the following apportionment:

FUNCTION	MEMBER BODY
Any function under a local Act	Council
The determination of an appeal against any decision made by or on behalf of the Council	Council
The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the Borough	Council
The appointment of any individual: <ul style="list-style-type: none"> • to any office other than an office in which they are employed by the Council; • to anybody other than the Council; • a joint committee of two or more authorities; or • to any committee or sub-committee of such a body; and the revocation of any such appointment 	Council
Any function relating to contaminated land	<u>ExecutiveCabinet</u>
The discharge of any function relating to the control of pollution or the management of air quality	<u>ExecutiveCabinet</u>
The service of an abatement notice in respect of a statutory nuisance	<u>ExecutiveCabinet</u>
The inspection of the Borough to detect any statutory nuisance	<u>ExecutiveCabinet</u>
The investigation of any complaint as to the existence of a statutory nuisance	<u>ExecutiveCabinet</u>
The obtaining of information under Section 330 of the Town and Country Planning Act 1990 as to interests in land	<u>ExecutiveCabinet</u>

The obtaining of particulars of persons interested in land under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976	<u>Executive Cabinet</u>
The making of agreements with other authorities for the placing of staff at the disposal of those other authorities.	<u>Executive Cabinet</u>