

RESPONSIBILITY FOR FUNCTIONS

TERMS OF REFERENCE AND SCHEME OF DELEGATION

1. SCOPE

- 1.1 The Council is required by the Local Government Act 2000 and Regulations made under it to indicate how it has arranged for its functions to be carried out. This scheme sets out details of who is responsible for which functions in the Council and the extent to which any functions have been delegated.
- 1.2 The functions which the Council are responsible for are either executive or non-executive. Non-executive functions are those specifically required by statute or designated by the Council to be non-executive functions. These will be exercised by either the full Council, committees appointed by the Council or officers. Executive functions are all those functions which are not non-executive functions and will be exercised by either the Executive as a whole, individual Executive members or officers.

2. GENERAL

- 2.1 The Council delegates functions and where required by law cedes the same to the Executive, committees and officers.
- 2.2 Under this scheme of delegation the Council, in pursuance of its powers under section 101 of the Local Government Act 1972, and the Executive, in pursuance of its powers under section 15 of the Local Government Act 2000, delegates to the extent of their respective powers the functions referred to in this scheme to the bodies or persons indicated in the Scheme.
- 2.3 The Scheme delegates powers and duties within broad descriptions and includes powers and duties under all legislation present and future within those descriptions and all powers and duties including those relating to the employment of staff incidental to that legislation.
- 2.4 The Scheme includes the power for the Executive to delegate functions to officers or other local authorities.
- 2.5 The Scheme operates under sections 101, 151 and 270 of the Local Government Act 1972, section 15 of the Local Government Act 2000 and all other powers enabling the Council and for the avoidance of doubt any reference to the Council shall be treated as a reference to the Executive where the function falls to be discharged by the Executive.

3. DEFINITIONS

- 3.1 For the purposes of this Scheme a function of the Council means any activity which the Council may lawfully perform under statute or common law.
- 3.2 Functions of the Council are divided between:
 - (a) Executive functions – which are all those functions of the Council which are not non-executive functions (i.e. functions to be carried out by the Executive).

- (b) Non-executive functions – which are those functions listed in the Scheme together with any other functions which are required by statute to be non-executive functions or which the Council decides shall be non-executive functions in exercise of a statutory discretion (i.e. functions which cannot be carried out by the Executive).

4. OVERALL LIMITATIONS

- 4.1 Any exercise of responsibility for functions or delegated powers shall comply with:
 - (a) any statutory restrictions;
 - (b) the Council's Constitution;
 - (c) the Council's budget and policy framework and any other plans and strategies approved by the Executive;
 - (d) the Code of Conduct for Staff and the Council's Local Code of Conduct for Members;
 - (e) the Code of Practice on Local Authority Publicity;
 - (f) the agreed arrangements for recording decisions.
- 4.2 The responsibilities for functions and delegations set out in this Scheme are subject to:
 - (a) the rights of an overview and scrutiny committee to consider any proposal within the policy framework;
 - (b) the optional powers of overview and scrutiny committees to call in or review Executive decisions;

Matters not delegated

- 4.3 The Scheme does not delegate any matter:
 - (a) reserved by law or by this Constitution to the full Council;
 - (b) which may not by law be delegated to an officer.
- 4.4 The matters listed in Article 4 of this Constitution are reserved to full Council.
- 4.5 Any questions of doubt as to whether a matter should be reserved to the Council will be decided by the Mayor after consultation with the Monitoring Officer.

5. RESPONSIBILITY FOR LOCAL CHOICE FUNCTIONS

- 5.1 These are the functions which may (but need not be) the responsibility of the Executive set out in Schedule 2 of the Local Authorities (Functions and responsibilities)(England) Regulations 2000. The Council has decided that the Executive should be responsible for all the functions in Schedule 2 except the appointment to Outside Bodies which do not carry out or relate to executive functions.

6. RESPONSIBILITY FOR COUNCIL FUNCTIONS

- 6.1 These are functions which cannot be the responsibility of the Executive in accordance with Schedule 1 of the Local Authorities (Functions and Responsibilities)(England) Regulations 2000, or as a result of other statutory provisions. Some of these functions are delegated to committees and their responsibilities appear later. Functions have also been delegated to officers and details of these appear under Delegations to Officers.

7. RESPONSIBILITY FOR EXECUTIVE FUNCTIONS

- 7.1 The Executive is responsible for all the range of executive functions within the Council. Details of the specific responsibilities of the Executive are set out in its terms of reference. Some executive functions have been delegated to officers and details of these appear under Delegations to Officers.