

## PART 3

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### RESPONSIBILITY FOR FUNCTIONS (see also PART 2 / Article 7)

#### The roles and functions of the Executive

The Executive will exercise all of the local authority's functions which are not the responsibility of any other part of the local authority, by law or under the Council's Constitution.

#### The roles and functions of the Council

The Council will exercise:

- a) all the functions not to be the responsibility of the executive as stated in Regulation 2 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000
- b) all the functions described in Regulation 3 of the said Regulations which may be the responsibility of the executive,
- c) all the functions referred to in Regulation 4 of the said Regulations which are not to be the responsibility of the executive as stated therein, and
- d) all the functions described in Regulation 5 of the said Regulations which shall not be the responsibility of the executive as stated therein.

In particular, the Council reserves the following functions to itself:

- a) making, approving and adopting all policies, strategies and plans [the policy framework], as set out under Article 4 of the Constitution.
- b) adopting the budget, namely, the allocation of financial resources to different services and projects, proposed contingency funds, the Council Tax base, setting the Council Tax and decisions relating to the control of the Council's borrowing requirement, the control of its capital expenditure and the setting of virement limits and for the avoidance of doubt, the management of the Housing Revenue Account and the setting of rents;
- c) the approval or adoption of applications (whether in draft form or not) to the Secretary of State for approval of a programme of disposal of 500 or more properties to a person under the Leasehold Reform, Housing and Urban Development Act 1993 or to dispose of land used for residential purposes where approval is required under sections 32 or 43 of the Housing Act 1985 or otherwise.

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- d) as modified by the Scheme of Delegation to Officers and Standing Orders, as relevant, decisions on the approval of acquisitions or disposals of land or interests in land and the letting of contracts
- (e) functions which are the responsibility of the Council by law or under the Constitution which will include:
  - (1) adopting and changing the Constitution;
  - (2) approving or adopting the Policy Framework, the budget and any application to the Secretary of State in respect of any Housing Land Transfer;
  - (3) agreeing and/or amending the terms of reference for Committees, deciding on their composition and making appointments to them;
  - (4) appointing representatives to outside bodies unless the appointment is an executive function or has been delegated by the Council;
  - (5) adopting an Allowances Scheme;
  - (7) changing the name of the area, conferring the title of Honorary Alderman or Freedom of the Borough;
  - (8) confirming the appointment of the Head of Paid Service;
  - (9) making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or personal Bills;
  - (10) all local choice functions which the Council decides should be undertaken by itself rather than the executive, namely:
    - (i) the determination of an appeal against any decision made by or on behalf of the authority;
    - (ii) the appointment of review boards under section 34(4) of the Social Security Act 1998 (determination of claims and reviews);
    - (iii) conduct of Best Value Reviews;
    - (iv) any function relating to contaminated land;
    - (iv) the discharge of any function relating to the control of pollution or the management of air quality;

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- (v) the service of an abatement notice in respect of a statutory nuisance;
- (vi) the passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the area;
- (vii) the inspection of the authority's area to detect any statutory nuisance;
- (ix) the investigation of any complaint as to the existence of a statutory nuisance;
- (x) the obtaining of information under section 330 of the Town and Country Planning Act 1990 as to interests in land;
- (xi) The obtaining of particulars of persons interested in land under section 16 of the Local Government (Miscellaneous Provisions) Act 1976;
- (xii) the making of agreements for the execution of highway works;
- (xiii) the appointment of any individual-
  - (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.
- (xiv) all other matters which by law must be reserved to Council or are reserved to the Council under the Constitution.