

## **PART 3**

### Responsibilities for Functions

#### **Part 3A - Introduction**

##### **INTRODUCTION**

- 3A.1 The Authority consists of a number of distinct elements which are each allocated certain functions. The most important elements are Council (all councillors), Committees (undertaking specific functions delegated by Council/specified in statute) and the Executive (Leader and Cabinet). These are the primary decision making bodies within the Authority and they exercise different powers and functions. To assist the efficient working of the Authority these bodies have delegated some of their functions to other parts of the Authority including Sub-Committees and Officers<sup>1</sup>.
- 3A.2 This Part 3 of the Constitution describes the way in which the Authority'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.
- 3A.3 The law<sup>2</sup> provides a framework under which functions:
- (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
  - (d) must be exercised by Full Council
- 3A.4 Functions which are the responsibility of the Executive (called "Executive Functions") may be delegated by the Leader of the Council to a Committee of the Executive, an individual Member of the Executive (Cabinet Member) or an Officer (exercising Executive Functions). Executive Functions may also be delegated to another local authority or exercised jointly through a joint committee or officer of another authority. The delegation of Executive Functions is set out in Part 3E 'Executive Functions' below.
- 3A.5 Functions which are not the responsibility of the Executive (called 'non-Executive Functions') are the responsibility of Council, Committees (and Sub-Committees) or Officers (exercising non-Executive Functions)<sup>3</sup>. Delegation of non-Executive Functions is set out in Part 3B 'Council Functions', Part 3C 'Committee Functions' and Part 3D 'Officer Non-Executive Functions' below.

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<sup>1</sup> Officers are, in this Part 3 of the Constitution, the Chief Executive, Executive Directors and Directors.

<sup>2</sup> Local Authority (Functions & Responsibilities) (England) Regulations 2000 as amended (see Appendix #)

<sup>3</sup> Non-Executive Functions may also be delegated to another local authority or exercised jointly through a joint committee or officer of another local authority. There are currently no such delegations in place.

- 3A.6 Any reference in this Part 3 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.
- 3A.7 A Key Decision<sup>4</sup> shall only be taken by Cabinet, unless such a decision has been specifically delegated by the Leader to a Cabinet Member or an Officer or unless the Leader, Chief Executive (or, in his absence or where he is unable to act, an Executive Director) is making an urgent decision<sup>5</sup> (as set out in Part 3E below).
- 3A.8 A Significant Decision<sup>6</sup> shall only be taken by Council or a Committee unless such a decision has been specifically delegated to a Sub-Committee or Officer or unless the Chief Executive (or, in his absence or where he is unable to act, an Executive Director) is making an urgent decision<sup>7</sup> (as set out in Part 3D below).

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<sup>4</sup> Relates only to Executive Functions and is defined in Article 13

<sup>5</sup> As defined in Article 13

<sup>6</sup> Relates to non-Executive Functions and is defined in Article 13

<sup>7</sup> As defined in Article 13