

## Part 2 – Section 3: Responsibility for Local Choice Functions

### 1 ALLOCATION OF LOCAL CHOICE FUNCTIONS

- 1.1 Schedule 2 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (“the 2000 Regulations”) makes provision for certain functions, known as “local choice functions” to be either executive or non-executive functions. The Council has determined that the responsibilities shall be allocated as follows:

Local Choice Functions		Status of Function	Decision Maker	Further Delegation
1	Any function under a Local Act not specified or referred to in regulation 2 or Schedule 1 of the Functions Regulations	Executive	Cabinet	As determined by the Leader
2	Any function under a Local Act in respect of a licensing, consent, permission or registration function including development control functions	Non-Executive	Regulatory Committee or Strategic or Local Area Planning Committees in respect of any development control function	Delegated to Chief Officers within their areas of responsibility, other than those within the terms of reference of committees
3	The determination of any appeal against any decision made by or on behalf of the Council	Non-Executive	School Admission Appeal Committee  Staffing Committee (for disciplinary or employment matters)	Delegation to Chief Executive and Directors within their areas of responsibility, other than those within the terms of reference of committees
4	The appointment of review boards under regulations under subsection (4) of section 34 (determination of claims and reviews) of the Social Security Act 1998.	Non-Executive	Director of Resources	N/A

Local Choice Functions		Status of Function	Decision Maker	Further Delegation
5	The making of arrangements in relation to appeals against the exclusion of pupils from maintained schools.	Non-Executive	Director of Children's Services	N/A
6	The making of arrangements pursuant to sections 94(1), (1A) and (4) of the School Standards and Framework Act 1998 (admissions appeals).	Non-Executive	School Admission Appeals Panel	Director of Children's Services
7	The making of arrangements pursuant to section 95(2) of the 1998 Act (children to whom section 87 applies: appeals by governing bodies).	Non-Executive	Director of Children's Services	N/A
8	The making of appointments of Councillors under the Police Reform and Social Responsibility Act 2011.	Non-Executive	Council	N/A
9	Any function relating to contaminated land  Except where this is a function involving the determination of an application for a licence, approval, consent, permission or registration or the direct regulation of a person or the enforcement of any of the above, in which case:	Executive  Non-Executive	Cabinet  Regulatory Committee	As determined by the Leader  Delegation to Chief Executive and Directors within their areas of responsibility other than those within the terms of reference of committees
10	The discharge of any function relating to the control of pollution or the management of air quality	Executive	Cabinet	As determined by the Leader

Local Choice Functions		Status of Function	Decision Maker	Further Delegation
	Except where this is a function involving the determination of an application for a licence, approval, consent, permission or registration or the direct regulation of any person or the enforcement of any of the above, in which case:	Non-Executive	Regulatory Committee	Delegation to Chief Executive and Directors within their areas of responsibility other than those within the terms of reference of committees
11	The service of an abatement notice in respect of a statutory nuisance.	Non-Executive	Regulatory Committee	Delegation to Chief Executive and Directors within their areas of responsibility other than those within the terms of reference of committees
12	The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the authority's area.	Executive	Cabinet	As determined by the Leader
13	<p>The inspection of the authority's area to detect any statutory nuisance and the investigation of any complaint as to the existence of a statutory nuisance</p> <p>Except where this involves the determination of an application for a licence, approval, consent, permission or registration or the direct regulation of any person or the enforcement of any of the above, in which case</p>	<p>Executive</p> <p>Non-Executive</p>	<p>Cabinet</p> <p>Regulatory Committee</p>	<p>As determined by the Leader</p> <p>Delegation to Chief Executive and Directors within their areas of responsibility</p>

Local Choice Functions		Status of Function	Decision Maker	Further Delegation
14	The obtaining of information under section 330 of the Town and Country Planning Act 1990 as to interests in land.	Executive and Non-Executive	Strategic or Local Area Planning Committees and (where actions are preliminary to the exercise of powers to make compulsory purchase orders only) Cabinet	Delegation to Chief Executive and Directors within their areas of responsibility other than those within the terms of reference of committees Or as determined by the Leader
15	The obtaining of particulars of persons interested in land under section 16 of the Local Government (Miscellaneous Provisions) Act 1976.	Executive and Non-Executive	Strategic or Local Area Planning Committees and (where actions are preliminary to the exercise of powers to make compulsory purchase orders only) Cabinet	Delegation to Chief Executive and Directors within their areas of responsibility other than those within the terms of reference of committees Or as determined by the Leader
16	The making of agreements for the execution of highways works.	Executive	Cabinet	As determined by the Leader
17	<p>The appointment of any individual—</p> <p>(a) to any office other than an office in which he is employed by the authority;</p> <p>(b) to any body other than—</p> <p>(i) the authority;</p> <p>(ii) a joint committee of two or more authorities; or</p> <p>(c) to any committee or sub-committee of such a body,</p>	Executive and Non-Executive	Council except where the appointment relates to an executive function, in which case, Cabinet	Delegation to Chief Executive and Directors within their areas of responsibility other than those within the terms of reference of committees Or as determined by the Leader

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	and the revocation of any such appointment.			
18	The making of agreements with other local authorities for the placing of staff at the disposal of those other authorities.	Executive and Non-Executive	Staffing Committee except where the agreement relates to an executive function, in which case, Cabinet	Delegation to Chief Executive and Directors within their areas of responsibility other than those within the terms of reference of committees Or as determined by the Leader