

[the proposed additions and insertions to the text are shown in italics and underlined and the proposed deletions are shown struck through]

Part Three, Section A Local Choice Functions

Local Choice Functions

By law some local authority functions cannot be the responsibility of the Council’s Cabinet and these are called the “Non-Executive” functions. Other functions, particularly the preparation and approval of certain plans and strategies, are partly “Executive” and partly “Non-Executive”. Those functions not otherwise specified fall within the responsibility of the Cabinet.

In addition, there are a few “Local Choice” functions set out in Regulations where the local authority is free to chose in its constitution whether the function is, basically, “Executive” or “Non-Executive”. The Cabinet may delegate *or allocate* any of its functions to an individual Cabinet Member, a Committee of the Cabinet or an officer and the Council may delegate any of the “Non-Executive” functions to a Committee, Sub-Committee or an officer. The list below shows where these “Local Choice” functions are allocated in this Constitution and the body or person expected to exercise the delegated decision-making powers. *In the event that a Member body or an officer post has its name changed, the allocation/delegation in the list below will continue in force provided that there is no material change to the terms of reference of the body or the responsibilities of the post*

Function	Whether Executive or Non-Executive	Where allocated or delegated
1. Any Function under a Local Act (except a function specified or referred to in Reg. 2 or Schedule 1)	Non-Executive	General Purposes Committee <i>except for functions under the Alexandra Park & Palace Acts & Order 1900-1985 which are delegated to the Alexandra Park & Palace Board and the General Manager AP&P</i>
2. The determination of an appeal against any decision made by or on behalf of the authority	Non-Executive	General Purposes Committee <i>(for the avoidance of doubt this does not include internal reviews of homelessness decisions)</i>
3. The appointment of review boards under sub-	Non-Executive	The <u>Full</u> Council

Function	Whether Executive or Non-Executive	Where allocated or delegated
section 34(4) of the Social Security Act 1998 (determination of claims and reviews re: Housing Benefit and Council Tax Benefit)		
4. The making of arrangements for appeals against exclusion of pupils	Executive	Head of Local Democracy & Member Services
5. Making arrangements for admission appeals	Executive	Head of Local Democracy & Member Services
6. Making arrangements for appeals by governing bodies	Executive	Head of Local Democracy & Member Services
7. Conducting Best Value reviews under section 5 of the Local Government Act 1999 [Functions below have been re-numbered consequent on this repeal]	Executive	Cabinet Member for the relevant portfolio within his/her delegated powers, otherwise to the Cabinet Meeting
7. Any function relating to contaminated land	Executive	Cabinet Member for the relevant portfolio within his/her delegated powers, otherwise to the Cabinet Meeting
8. Discharge of any function relating to the control of pollution or the management of air quality	Executive	Assistant Director Planning & Regeneration in the Directorate of Urban Environment Policy & Performance, Urban Environment Directorate
9. Service of an abatement notice in respect of a statutory nuisance	Executive	Assistant Director Planning & Regeneration in the Directorate of Urban Environment Policy & Performance, Urban Environment Directorate
10. Passing a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply to the Council's area (<u>resolution to require Council consent to operating loudspeakers in streets</u>)	Non-Executive	General Purposes Committee
11. Inspection of the Council's area to detect any statutory nuisance	Executive	Assistant Director Planning & Regeneration in the Directorate of Urban Environment Policy & Performance, Urban Environment Directorate
12. Investigating any complaint as to the existence of a statutory nuisance	Executive	Assistant Director Planning & Regeneration in the Directorate of Urban Environment Policy & Performance, Urban Environment Directorate
13. Obtaining information as to interests in land under	Executive	Head of Legal Services

Function	Whether Executive or Non-Executive	Where allocated or delegated
section 330 Town and Country Planning Act 1990		
14. Obtaining particulars of persons interested in land under section 16 of the Local Government (Misc. Prov.) Act 1976	Executive	Head of Legal Services
15. Making agreements for the execution of highway works <u>under section 278 of the Highways Act 1980</u>	Non-Executive	<u>Assistant Director, Frontline Services and Head of Sustainable Transport except where referred to the Planning Committee in connection with the determination of a planning application</u>
16. The appointment (and revocation of such appointment) of any individual (a) to any office other than his normal employment by the Council (b) to any body other than (i) the Council or (ii) a joint committee of two or more authorities or (c) to any committee or sub-committee of such a body	Executive	<u>The Cabinet Meeting The Full Council in the case of Member appointments (but Cabinet may make HSP appointments). The Chief Executive makes officer appointments.</u>
17. Making agreements with other local authorities for placing staff at the disposal of other local authorities	Executive	Chief Executive
18. <u>Functions under sections 106, 110, 111 and 113 of the Local Government and Public Involvement in Health Act 2007 relating to local area agreements</u>	<u>Executive</u>	<u>The Cabinet Meeting except that the duty to publish information about the LAA is delegated to the Assistant Chief Executive, Policy, Performance, Partnerships and Communications</u>