

Part Three, Section D

Responsibility for functions: Local Choice Functions

Local Choice Functions

All functions of the Council are “executive”, and the responsibility of the Executive (the Leader, individual Cabinet members and the Cabinet), unless in law they are prevented from being exercised by the Executive. The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) set out which functions are “non-executive” and which cannot in law be the responsibility of the Executive.

In addition, there are a few “Local Choice” functions set out in Regulations where the local authority is free to choose in its constitution whether the function is, basically, “executive” or “non-executive”. The Leader may delegate or allocate any executive functions to an individual Cabinet member, the Cabinet, 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 except for functions under the Alexandra Park & Palace Acts & Order 1900-1985 which are delegated to the Alexandra Park & Palace Board and the Chief Executive AP&P
2. The determination of an appeal against any decision made by or on behalf of the authority	Non-Executive	General Purposes Committee (for the avoidance of doubt this does not include internal reviews of homelessness decisions)
3. The appointment of review boards under sub-section 34(4) of the Social Security Act 1998 (determination of claims and	Non-Executive	The full Council

PART THREE – RESPONSIBILITY FOR FUNCTIONS
Section D – LOCAL CHOICE FUNCTIONS

Function	Whether Executive or Non-Executive	Where allocated or delegated
reviews re: Housing Benefit and Council Tax Benefit)		
4. The making of arrangements for appeals against exclusion of pupils	Executive	Democratic Services Manager
5. Making arrangements for admission appeals	Executive	Democratic Services Manager
6. Making arrangements for appeals by governing bodies	Executive	Democratic Services Manager
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	Director of Environment and Resident Experience
9. Service of an abatement notice in respect of a statutory nuisance	Executive	Director of Environment and Resident Experience
10. Passing a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply to the Council's area (resolution to require Council consent to operating loudspeakers in streets)	Non-Executive	General Purposes Committee
11. Inspection of the Council's area to detect any statutory nuisance	Executive	Director of Environment and Resident Experience
12. Investigating any complaint as to the existence of a statutory nuisance	Executive	Director of Environment and Resident Experience
13. Obtaining information as to interests in land under section 330 Town and Country Planning Act 1990	Executive	Monitoring Officer
14. Obtaining particulars of persons interested in land under section 16 of the Local Government (Misc. Prov.) Act 1976	Executive	Monitoring Officer
15. Making agreements for the execution of highway works under section 278 of the Highways Act 1980	Non-Executive	Director of Environment and Resident Experience except where referred to the Planning Sub-Committee in connection with the determination of a planning application
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	Executive	The full Council in the case of member appointments relating to non-Executive functions and the Leader in respect of appointments relating to executive functions. The Chief

PART THREE – RESPONSIBILITY FOR FUNCTIONS
 Section D – LOCAL CHOICE FUNCTIONS

Function	Whether Executive or Non-Executive	Where allocated or delegated
authorities or (c) to any committee or sub-committee of such a body		Executive makes officer appointments.
17. Making agreements with other local authorities for placing staff at the disposal of other local authorities	Executive	Chief Executive