

Part Three, Section D 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 "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.

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, an Area Committee, 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 | Corporate Committee 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 |
| 2. The determination of an appeal against any decision made by or on behalf of the | Non-Executive | Corporate Committee (for the avoidance of doubt this does not include internal reviews |

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| Function | Whether Executive or Non-Executive | Where allocated or delegated |
|---|------------------------------------|---|
| authority | | of homelessness decisions) |
| 3. The appointment of review boards under sub-section 34(4) of the Social Security Act 1998 (determination of claims and reviews re: Housing Benefit and Council Tax Benefit) | Non-Executive | The Full Council |
| 4. The making of arrangements for appeals against exclusion of pupils | Executive | Democratic Services Manager Head of Local Democracy & Member Services |
| 5. Making arrangements for admission appeals | Executive | Democratic Services Manager Head of Local Democracy & Member Services |
| 6. Making arrangements for appeals by governing bodies | Executive | Democratic Services Manager Head of Local Democracy & Member Services |
| 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 <i>for Environment Services and Community Safety</i> Single Frontline in the Directorate of Place & Sustainability |
| 9. Service of an abatement notice in respect of a statutory nuisance | Executive | Assistant Director <i>for Environment Services and Community Safety</i> Single Frontline in the Directorate of Place & Sustainability |
| 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 | Corporate Committee |
| 11. Inspection of the Council's area to detect any statutory nuisance | Executive | Assistant Director <i>for Environment Services and Community Safety</i> Single Frontline in the Directorate of Place & Sustainability |
| 12. Investigating any complaint as to the existence of a statutory nuisance | Executive | Assistant Director <i>for Environment Services and Community Safety</i> Single Frontline in the Directorate of Place & Sustainability |
| 13. Obtaining information as to interests in land under section 330 Town and Country Planning Act 1990 | Executive | Assistant Director of Corporate Governance Head of Legal Services |
| 14. Obtaining particulars of | Executive | Assistant Director of |

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| persons interested in land under section 16 of the Local Government (Misc. Prov.) Act 1976 | | Corporate Governance Head of Legal Services |
| 15. Making agreements for the execution of highway works under section 278 of the Highways Act 1980 | Non-Executive | Assistant Director for Environment Services and Community Safety Single Frontline and Head of Traffic Management 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 authorities or (c) to any committee or sub-committee of such a body | Executive | The Full Council in the case of Member appointments. The Chief Executive makes officer appointments. |
| 17. Making agreements with other local authorities for placing staff at the disposal of other local authorities | Executive | Chief Executive |
| 18. Functions under sections 106, 110, 111 and 113 of the Local Government and Public Involvement in Health Act 2007 relating to local area agreements | Executive | The Cabinet Meeting except that the duty to publish information about the LAA is delegated to the Assistant Chief Executive. |