

## CHAPTER 3 – RESPONSIBILITY FOR FUNCTIONS

### PART 1 - RESPONSIBILITY FOR LOCAL CHOICE FUNCTIONS

- 1.1 The various parts of this chapter set out the responsibility for functions. These are divided between the Council and the Cabinet. In both cases these are subject to onward delegations to employees.
- 1.2 The table below sets out the Council's decisions on where local choice functions will be exercised.

| Function   | Responsible body |
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| 1. Any function under a local Act other than a function specified or referred to in Regulation 2 or Schedule 1 of the Local Authorities (Functions and Responsibilities)(England) Regulations 2000   | Cabinet          |
| 2. The determination of an appeal against any decision made by or on behalf of the authority   | Council          |
| 3. The making of arrangements for Independent Review Panels in relation to decisions to exclude pupils from maintained schools.  | Council          |
| 4. The making of arrangements pursuant to section 94(1), 1(A) and (4) of, and Schedule 24 to, the School Standards and Framework Act 1998 (admission appeals).   | Council          |
| 5. The making of arrangements pursuant to section 95(2) of the 1998 Act (children to whom section 87 applies: appeals by governing bodies).  | Council          |
| 6. Any function relating to contaminated land under Part 11A of the Environmental Protection Act 1990 and subordinate legislation under that Part.   | Cabinet          |
| 7. The discharge of any function relating to the control of pollution or the management of air quality under the Pollution Prevention and Control Act 1999, Part IV of the Environment Act 1995, Part I of the Environmental Protection Act 1990 and the Clean Air Act 1993. | Cabinet          |
| 8. The service of an abatement notice in respect of a statutory nuisance under section 80 of the Environmental Protection Act 1990.  | Cabinet          |
| 9. The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the authority's area under section 8 of that Act.  | Cabinet          |
| 10. The inspection of the authority's area to detect any statutory nuisance under section 79 of the Environmental Protection Act 1990.   | Cabinet          |

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| <b>11.</b> The investigation of any complaint as to the existence of a statutory nuisance under section 79 of the Environmental Protection Act 1990.  | Cabinet |
| <b>12.</b> The obtaining of information under section 330 of the Town and Country Planning Act 1990 as to interests in land.  | Cabinet |
| <b>13.</b> The obtaining of particulars of persons interested in land under section 16 of the Local Government (Miscellaneous Provisions) Act 1976.   | Cabinet |
| <b>14.</b> The making of agreements for the execution of highways works under section 278 of the Highways Act 1980.   | Council |
| <b>15.</b> The appointment of any individual:<br>a) to any office other than an office in which he is employed by the authority;<br>b) to any body other than –<br>(i) the authority;<br>(ii) a joint Committee of two or more authorities or<br>c) to any Committee or Sub-Committee of such a body<br>and the revocation of any such appointment. | Council |
| <b>16.</b> The making of agreements with other local authorities for the placing of staff at the disposal of those other authorities.   | Cabinet |
| <b>17.</b> Any function of the Council in the capacity of a harbour authority. The levels of employee delegation supporting these responsibilities are contained in part 4 of this chapter.   | Cabinet |

*References:*

*Chapter 5, Guidance*

*The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended)*

*Section 13, Local Government Act 2000*