

Part 3

Responsibility for Functions

Preface

1. Section 13 of the Local Government Act 2000 provides for determining which functions of a local authority are the responsibility of the executive under executive arrangements. Section 13(2) requires that all functions of a local authority (including those conferred by the Act and by future legislation) must be the responsibility of the executive unless specified otherwise in regulations, or there are express provisions to the contrary in any other legislation.
2. In accordance with the requirements of the regulations Part 3 of this Constitution sets out the extent to which the Council's functions:-
 - Are the responsibility of the executive.
 - Are not the responsibility of the executive.
 - Are or are not the responsibility of the executive to a specified extent.
 - Remain the responsibility of the Council.
 - Have been delegated to officers.
 - Are the subject of joint arrangements.
3. The allocation of responsibilities reflects the approach adopted by the Secretary of State to the division of functions between the Executive and the Council namely:-
 - Determination of the local authority's policy framework and budget and other constitutional and quasi-legislative functions are to be the responsibility of the full council;
 - Functions which involve either determining an application from a person for a licence, approval, consent, permission or registration or direct regulation of a person (except in cases where there is only limited discretion in the discharge of the function) together with any related enforcement actions (including prosecution) are not to be the responsibility of the executive; and
 - All other functions are to be the responsibility of the executive.
4. Therefore, the executive is responsible both for proposing new policy and the budget to the full council and for implementing and delivering the agreed policy framework and budget.

5. The Secretary of State has also advised that where decisions are currently delegated to committees or officers these delegations should continue. This approach has been adopted in preparing Part 3.