

Part Three - Responsibility for Functions

Introduction

- 1.1 Local authority functions are split between “executive functions”, which are the responsibility of the Mayor and Cabinet and “non-executive functions” which are the responsibility of Full Council and its committees.
- 1.2 Whether a function is an executive or non-executive function is specified in legislation - the Local Authorities (Functions and Responsibilities) (England) Regulations 2000.
- 1.3 The Council is required to explain when a function is delegated to Committees, Sub-Committees, Panels, Board or Officers. The Council does this through the Terms of Reference of those Committees etc and in Schemes of Delegation to Officers.
- 1.4 The tables which appear in Appendix **A** of this Constitution set out how the Council has decided to allocate responsibility for non-executive functions. Where a table indicates that the function is exercisable by both a Committee or Sub-Committee and an Officer, the Officer may only exercise the function to the extent that is not covered within the terms of reference of the Committee or Sub-Committee.
- 1.5 The Elected Mayor is entitled to carry out all of the Council’s executive functions. The Elected Mayor retains this entitlement whether or not they choose to delegate any or all of these functions. The Elected Mayor may choose to delegate functions to be carried out by the Cabinet collectively, by another Councillor of the Cabinet, by a Committee of the Cabinet, or by an Officer of the Council. The Elected Mayor will notify Full Council at the Annual Meeting of their scheme of delegation, which will set out which individual members of the Cabinet, Committees, officers or joint arrangements are responsible for the exercise of particular executive functions. The Elected Mayor will notify the Monitoring Officer of any changes to the scheme within 48 hours of any changes coming into effect.
- 1.6 In addition to executive and non-executive functions there are also ‘local choice’ functions and the Council is able to decide whether those functions should be exercised by the executive or by Council. The tables which appear in Appendix **B** of this Constitution set out how the Council has decided to allocate responsibility for these local choice functions.

Terms of reference of Full Council, Council Committees, Executive Committees etc

1.7 The terms of reference of Full Council and all of the various committees, sub-committees, commissions, boards etc are set out in alphabetical order in Appendix **C** of this Constitution.

Delegation to Officers

Delegation of executive functions

1.8 The Chief Executive may exercise any executive function in cases of extreme urgency.

1.9 In cases where the exercise of an executive function is not specifically reserved to the Elected Mayor, the wider Cabinet or a Committee of the Cabinet, then the function is delegated to and exercisable as follows:

- Any Group Director may exercise any executive function falling within their directorate or budget area;
- Any Group Director may exercise any executive function falling within such other corporate areas of responsibility to which a Group Director may be nominated from time to time;
- The Chief Executive may exercise any executive function in the absence of a relevant Chief Officer or nominate another Group Director to do so in the Chief Executive's absence;
- The Director of Legal, Democratic and Electoral Services shall have authority to issue, defend, settle or participate in any legal proceedings where such action is necessary to give effect to the decisions of the Council, or in any case where the Director of Legal, Democratic and Electoral Services considers that such action is necessary to protect the Council's interests;
- The Director of Legal, Democratic and Electoral Services shall have authority to prepare any legal agreement or document.

Delegation of non-executive functions to Officers

1.10 The Chief Executive may exercise any non-executive function in cases of extreme urgency.

1.11 In cases where the exercise of a non-executive function is not specifically reserved to Full Council or delegated to a Council committee by law or by this Constitution, the function is delegated to and exercisable as follows:

- Any Group Director may exercise any non-executive function falling within their directorate or budget area;

- Any Group Director may exercise any non-executive function falling within such other corporate areas of responsibility to which a Group Director may be nominated from time to time
- The Chief Executive may exercise any non-executive function in the absence of a relevant Group Director or nominate another Group Director to do so in the Chief Executive's absence.
- The Director of Legal, Democratic and Electoral Services shall have authority to issue, defend, settle or participate in any legal proceedings where such action is necessary to give effect to the decisions of the Council, or in any case where the Director of Legal, Democratic and Electoral Services considers that such action is necessary to protect the Council's interests;
- The Director of Legal, Democratic and Electoral Services shall have authority to prepare any legal agreement or document.

Schemes of delegations for each directorate

- 1.12 Each Group Director will establish a scheme of delegation for their directorate or budget area which specifies the function, names the post which may carry out that delegated decision and explain any limits on the delegation. The limits on delegation may include the obligation to consult, record and/or refer back to the Group Director in certain circumstances.
- 1.13 The Monitoring Officer will specify the format for the scheme of delegation and may issue guidance to Group Directors from time to time.
- 1.14 Each Group Director has a duty to review their directorate scheme of delegation at least half-yearly and otherwise keep their directorate scheme of delegation up to date to take account of any legislative changes, changes in job titles etc.
- 1.15 It is the responsibility of each Group Director to provide a copy of their directorate scheme of delegation to the Monitoring Officer within 2 working days of it being amended or updated.

Proper Officer Functions

- 1.16 Certain Officers, known as "Proper Officers", are designated to carry out certain functions. These functions appear in Appendix **D** of this Constitution.