

**B1 FUNCTIONS OF THE FULL COUNCIL PART 3A – ALLOCATION OF RESPONSIBILITY FUNCTIONS – FULL COUNCIL AND EXECUTIVE** Formatted: Not Highlight

**Full Council**

1. Only the Council will exercise the following functions:-
  - 1.1 Adopting and changing the Constitution (save that the Monitoring Officer may make urgent amendments, amendments to give effect to any decision of the Council or changes in the law, minor amendments such as to correct errors and to ensure that the Constitution is up-to-date as detailed in Part 2 Article 14-Part A5);
  - 1.2 Approving or adopting the policy framework and the budget;
  - 1.3 Subject to the urgency procedures contained in the Access to Information Procedure Rules in Part 4F-Part G2 of the Constitution, making decisions about any matter in the discharge of an executive function which is covered by the policy framework or the budget where the decision maker is minded to make it in a manner which would be contrary to the policy framework or contrary to/not in accordance with the budget;
  - 1.4 Electing and dismissing the Leader;
  - 1.5 Agreeing and/or amending the terms of reference for committees, deciding on their composition and making appointments to them;
  - 1.6 Adopting a Members' Allowances Scheme under Part 2 Article 2-Part A3 and contained in Part 6A-Part K of the Constitution;
  - 1.7 All matters relating to the name and status of the area including:-
    - 1.7.1 The approval of any proposal to change the name of the Council;
    - 1.7.2 The approval of any proposal to change the name of a Parish; and
    - 1.7.3 The approval of any recommendations arising from the conduct of a community governance review under Section 86 of the Local Government and Public Involvement in Health Act 2007.
  - 1.8 Confirming, or otherwise, the appointment of the Head of Paid Service;
  - 1.9 Making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or personal Bills;
  - 1.10 All local choice functions which the Council has decided should be undertaken by itself rather than the Executive and which are set out in paragraph 3 below-Part B6; and
  - 1.11 All other matters which, by law, must be reserved to the Council.
2. Meetings will be conducted in accordance with the Council Procedure Rules in Part 4A B5 of the Constitution.

### Local Choice Functions

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3. The Council has determined that the functions listed in the first column of the table below will be carried out by the bodies listed in the second column and delegated further as detailed in the third column.

	FUNCTION	RESPONSIBILITY FOR FUNCTION	DELEGATION OF FUNCTION
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) Regulations 2000 as amended.	Council	None
2.	The determination of an appeal against any decision made by or on behalf of the authority.	Council	Appeals Committee, unless otherwise delegated to officer under <b>Part 3E-Part H3</b> (Scheme of Functions delegated to Officers)
3.	The appointment of review boards under regulations under subsection (4) of section 34 (determination of claims and reviews) of the Social Security Act 1998.	Executive	Assistant Director, Customers & Systems
4.	The making of arrangements to review any decisions to permanently exclude pupils from maintained schools.	Executive	Monitoring Officer
5.	The making of arrangements pursuant to sections 94(1), (1A) and (4) of the School Standards and Framework Act 1998 (admissions appeals).	Executive	Monitoring Officer
6.	The making of arrangements pursuant to section 95(2) of the School Standards and Framework Act 1998 (children to whom section 87 applies: appeals by governing bodies).	Executive	Monitoring Officer

7.	The making of arrangements under section 20 (questions on police matters at council meetings) of the Police Act 1996 for enabling questions to be put on the discharge of the functions of a police authority.	Council	None
8.	The making of appointments to the Police and Crime Panel under schedule 6 of the Police Reform and Social Responsibility Act.	Council	None
9.	Any function relating to contaminated land.	Executive	Director of Sustainable Communities
10.	The discharge of any function relating to the control of pollution or the management of air quality.	Executive	Director of Sustainable Communities
11.	The service of an abatement notice in respect of a statutory nuisance.	Executive	Director of Sustainable Communities
12.	The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the authority's area.	Executive	Director of Sustainable Communities
13.	The inspection of the authority's area to detect any statutory nuisance.	Executive	Director of Sustainable Communities
14.	The investigation of any complaint as to the existence of a statutory nuisance.	Executive	Director of Sustainable Communities
15.	The obtaining of information under section 330 of the Town and Country Planning Act 1990 as to interests in land.	Allocated to each of the Executive and Council (and delegated where appropriate to the relevant committees and officers) so far as required for carrying out functions allocated to these bodies.	Director of Sustainable Communities

16.	The obtaining of particulars of persons interested in land under section 16 of the Local Government (Miscellaneous Provisions) Act 1976.	Allocated to each of the Executive and Council (and delegated where appropriate to the relevant committees and officers) so far as required for carrying out functions allocated to these bodies.	All Directors
17.	The making of agreements for the execution of highways works.	Council	Development Management Committee, and delegated to the Director of Sustainable Communities
18.	<p>The appointment of any individual -</p> <p>(a) to any office other than an office in which he/she is employed by the authority;</p> <p>(b) to any body other than -</p> <p style="padding-left: 40px;">(i) the authority;</p> <p style="padding-left: 40px;">(ii) a joint committee of two or more authorities; or</p> <p>(c) to any committee or sub-committee of such a body,</p> <p>and the revocation of any such appointment.</p>	<p>Council</p> <p>Initial appointments after a new Council is elected to be made by the Council, except an appointment to a joint health overview and scrutiny committee, arrangements for which are set out in Paragraph 5 of <a href="#">Part 3C</a> <del>Part D1</del> of the constitution.</p>	<p>General Purposes Committee (for appointments in relation to Directors and Chief Executive) and Chief Executive (for appointments in relation to officers below Director level).</p> <p>Thereafter the Monitoring Officer is authorised, in consultation with Group Leaders, to make new appointments, fill vacancies, approve variations to existing appointments and delete organisations from the approved list.</p>
19.	The making of agreements with other local authorities for the placing of staff at the disposal of those other authorities.	Executive (for decisions on staff at Assistant Director Service level and above).	All Directors (for decisions on staff below Assistant Director level).

20.	Functions under the Local Government and Public Involvement in Health Act 2007 relating to local area agreements: -		
	Section 106 (Duty to prepare and submit draft of Local Area Agreement)	Council	None
	Section 110 (Revision and addition of targets)	Council	None
	Section 111 (Designated targets: revision proposals†)	Council	None
	Section 113 (Duty to publish information about Local Area Agreement)	Executive	Chief Executive

† Designated targets are those targets that are designated as priorities by the Secretary of State, relating to Public Service Agreements.

### Functions of the Executive and Committees of the Executive

4. The arrangements for the discharge of Executive functions are set out in the Executive arrangements as determined by the Leader and reported to the Council, and contained in the tables at 52 and 63 below.

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5. 2. ~~Functions of the Executive and Committees of the Executive~~

Responsibility	Membership	Functions
The Executive	The Leader, Deputy Leader and Executive Members	<ol style="list-style-type: none"> <li>To exercise all the functions of the Council except in so far as reserved to the Council by legislation or the Constitution (including functions defined as Council Functions as set out in <u>Parts 3A-B4</u> and <u>3B-E2</u> or Local Choice functions which are not allocated to the Executive as set out in <u>paragraph 3 above</u>). <u>B6</u>;</li> <li>To formulate plans or strategies for the approval of the Council which are part of the budget and policy framework.</li> </ol>

		3. To consider matters referred by the overview and scrutiny committees.
<b>Committees of the Executive</b>		To be determined by the Leader.

**3. Functions delegated to all Executive Members and individual Executive Members**

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<b>Responsibility</b>	<b>Functions</b>	<b>Qualifications (if any)</b>
All Executive Members	To be determined by the Leader	
Leader	To authorise settlement of litigation or claims against the Council above £500,000	<b>In consultation with the Executive Member for Corporate Resources, the relevant Executive Member and the Monitoring Officer.</b>  <b>Decision to be taken in accordance with the provisions of paragraph 19 of the Access to Information Procedure Rules.</b>
The relevant Executive Member	To authorise savings or expenditure between £200,001 and £500,000 inclusive (revenue per annum, capital gross expenditure or total contract value)	<b>In consultation with the relevant Director, the Executive Member for Corporate Resources and the Chief Finance Officer and subject to compliance with Paragraph 19 of the Access to Information Procedure Rules.</b>
The Executive Member for Corporate Resources	To authorise savings or expenditure between £200,001 and £500,000 inclusive (revenue per annum or capital gross expenditure or total contract value)	<b>In consultation with the relevant Executive Member and the Monitoring Officer.</b>
The Executive Member –Community Services	To carry out the functions of the Council as Traffic Authority under the Road Traffic Regulation Acts, traffic management under the	(a) In reaching decisions, the Executive Member shall have regard to the views of ward members who will be invited to

	Traffic Management Act 2004 and also its functions relating to road safety and on-street and off-street parking, including implementation of arrangements for civil parking enforcement, where significant objections to the application, proposal or matter concerned arise. <sup>1</sup>	attend any meeting at which a decision is to be made.  (b) Decisions to be taken in accordance with the provisions of paragraph 19 of the Access to Information Procedure Rules.
		(c) The public participation provisions in <b>Part 4G Appendix A to Part A4</b> of the Constitution shall apply to meetings at which a decision is to be made.  (d) In the event of the Executive Member having a conflict of interest, this shall be dealt with as set out in paragraph 4.3 of the Executive Procedure Rules.
The Executive Member for Health in consultation with the Executive Member for Corporate Resources, the Director of Social Care, Health and Housing and the Chief Finance Officer	To approve individual projects, without financial limitation, under the NHS Campus Closure Capital Grant Programme, in accordance with the criteria set out in paragraph 4 of the report to Executive on 15 September 2009 (i.e. projects signed off by the Learning Disabilities Leadership Group).	Subject to:- (a) consideration of the detailed business cases for each project; and  (b) compliance with Paragraph 19 of the Access to Information Procedure Rules in respect of any key decision.
The Executive Member for Regeneration	(i) To agree updates to existing conservation area reviews	The following qualifications shall apply to the exercise of the functions at (i) to (iii) in

<sup>1</sup> A significant objection is defined as an objection from a parish council, ward member or local landowner.

		the opposite column:-
	(ii) To consider representations received during public consultation in respect of conservation area reviews and to determine the Council's response thereto	(a) In reaching decisions, the Executive Member shall have regard to the views of the ward Member(s) who will be invited to attend any meeting at which a decision is to be made.
	(iii) To adopt conservation area reviews as Technical Guidance for the purposes of informing development management decisions	(b) In the event of any objection being received from a ward Member, which the Executive Member is unable to resolve, the matter shall be referred to the Executive for determination.  (c) Decisions to be taken in accordance with the provisions of paragraph 19 of the Access to Information Procedure Rules.  (d) The public participation provisions in <a href="#">Part 4G Appendix A to Part A4</a> of the Constitution shall apply to meetings at which a decision is to be made.  (e) In the event of the Executive Member having a conflict of interest, this shall be dealt with as set out in paragraph 4.3 of the Executive Procedure Rules.
The Executive Member for Education and Skills	To exercise the Council's duty to determine proposals to alter the upper and lower age range of pupils in schools as prescribed by School	(a) to take particular account of: <ul style="list-style-type: none"> <li>• Statutory and non-statutory guidance and the key factors</li> </ul>



	<p>Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013.</p>	<p>for decision makers</p> <ul style="list-style-type: none"> <li>• The Admissions Code</li> <li>• Full consideration of the budget implications</li> </ul> <p>(b) In reaching decisions, the Executive Member shall have regard to the views of the ward Member(s) who will be invited to attend any meeting at which a decision is to be made.</p> <p>(c) Decisions should be taken in accordance with the provisions of paragraph 19 of the Access to Information Procedure Rules.</p>
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#### 7.4 Delegation and exercise of shareholder rights in LGSS Law Ltd

47.1 LGSS Law Ltd is a company jointly owned by the Council, Northamptonshire County Council (NCC) and Cambridgeshire County Council (CCC) which was established by NCC and CCC to provide legal services to the owner councils and to other organisations within the public and not for profit sectors. The Council, NCC and CCC each owns one third of the shares in LGSS Law Ltd.

47.2 This Council nominates as its shareholder representative the Executive Member for Corporate Resources. The Council delegates to the Executive Member all and any rights associated with the ownership of the shares and authorises the Executive Member to exercise those rights subject to the following conditions and reservations:

1. The Executive Member shall at all times exercise the delegated rights in accordance with the ten Solicitors Regulation Authority (SRA) Principles and Code of Conduct. If in doubt as to the requirements of the SRA Principles and Code of Conduct, the Executive Member shall take appropriate independent legal advice before exercising the delegated authority.
2. The Executive Member shall exercise the delegated authority under this provision in accordance with the Code of Conduct for Officers and Elected Members of the owner Councils and with all other relevant policies to the extent that those do not conflict with the SRA Code of Conduct and in circumstances where a conflict between the SRA Code of Conduct and any other Code shall arise, the SRA Code of Conduct shall take precedence.

**58. Functions delegated to Officers**

58.1 Executive functions delegated to officers of the Council are set out in [Part 3E](#)  
~~Part H3~~ of the Constitution.