

PART 3

RESPONSIBILITY FOR FUNCTIONS

Section 13

Allocation of Functions

These are functions which the Council may decide should be exercised by the Executive (Leader and Cabinet) or by full Council, a Committee, Sub-Committee or Officers.

Details of the onward delegation of functions to Officers are set out in the Scheme of Delegation in Part 3, Section 26 of this Constitution.

Function	Decision Making Body
Any function under a local Act other than a function which is specified not to be the responsibility of the Executive:	Executive
Any function relating to contaminated land: except where it involves:	Executive
(a) determining an application from a person for a licence, approval, consent permission or registration. (b) direct regulation or a person (with substantial discretion as to the regulatory action), or (c) enforcement of any such licence, approval, consent, permission, or direct regulation.	These fall within the remit of the Licensing and Public Protection Committee
The discharge of any function relating to the control of pollution or the management of air quality: except where it involves:	Executive
(a) determining an application from a person for a licence, approval, consent permission or registration. (b) direct regulation or a person (with substantial discretion as to the regulatory action), or (c) enforcement of any such licence, approval, consent, permission, or direct regulation.	These fall within the remit of the Licensing and Public Protection Committee

Function	Decision Making Body
The service of an abatement notice in respect of a statutory nuisance:	Council
except where it involves:	
(a) determining an application from a person for a licence, approval, consent permission or registration.	These fall within the remit of the Licensing and Public Protection Committee
(b) direct regulation or a person (with substantial discretion as to the regulatory action), or	
(c) enforcement of any such licence, approval, consent, permission, or direct regulation.	
The inspection of the Authority's area to detect any statutory nuisance:	Council
except where it involves:	
(a) determining an application from a person for a licence, approval, consent permission or registration.	These fall within the remit of the Licensing and Public Protection Committee
(b) direct regulation or a person (with substantial discretion as to the regulatory action), or	
(c) enforcement of any such licence, approval, consent, permission, or direct regulation.	
The investigation of a complaint as to the existence of a statutory nuisance	Council
except where it involves:	
(a) determining an application from a person for a licence, approval, consent permission or registration.	These fall within the remit of the Licensing and Public Protection Committee
(b) direct regulation or a person (with substantial discretion as to the regulatory action), or	
(c) enforcement of any such licence, approval, consent, permission, or direct regulation.	
The obtaining of information under S.330 of the Town and Country Planning Act 1990 as to interest in land:	Executive – only to the extent that it is necessary to exercise these powers in respect of actions which are preliminary to the exercise of powers to make compulsory purchase orders

Function	Decision Making Body
The obtaining of particulars of persons interested in land under S.16 of the Local Government (Miscellaneous Provisions) Act 1976:	Executive – only to the extent that it is necessary to exercise these powers in respect of actions which are preliminary to the exercise of powers to make compulsory purchase orders
The passing of a resolution that Schedule 2 of the Noise and Statutory Nuisance Act 1993 should apply to the Authority's area:	Council
<p>The appointment of any individual to:</p> <p>(a) any office other than an office in which they are employed by the Authority.</p> <p>(b) any-body other than the Authority or a joint committee of two or more authorities.</p> <p>(c) any committee or sub-committee of any such a body.</p> <p>and the revocation of any such appointment.</p>	<p>Council</p> <p>(a) the Executive may request Council to recommend nominations in connection with executive functions.</p> <p>(b) Council in all other circumstances unless such appointment is directly related to the functions of a Committee. In such circumstances, the relevant Committee shall make the appointment from the Committee's membership (e.g., Scrutiny Committee may appoint one of its members to the Scrutiny Committee (or similar body) of another organisation).</p>