

PART 3

Responsibility for Functions

1 Leader and Cabinet Executive

1.1 The Council is required to operate either “executive arrangements”, a “committee system” or other arrangements approved by the Secretary of State¹.

1.2 A Council which chooses to operate executive arrangements must operate one of two models: a Mayor and cabinet executive or a Leader and cabinet executive.

1.3 Lewes District Council operates a Leader and cabinet executive. The executive comprises the Leader, who is elected by full Council, and 2 or more councillors who are appointed to the executive by the Leader. The number of members of the executive may not exceed 10.

1.4 Regulations set out which decisions can be taken by full council and which are to be taken by the executive. Most decisions must be taken by the executive. All functions which are not specified in regulations as being non-executive functions are, by default, executive functions.

1.5 All executive decision-making power is vested in the Leader personally.

1.6 The Leader may choose to exercise these powers himself/herself. Alternatively the Leader may choose to arrange for decisions to be taken by:

- the executive (ie Cabinet)
- by another member of the executive (ie a Cabinet Member)
- by a committee of the executive
- by an area committee
- by an officer of the authority

1.7 If the Leader has delegated the power to make a decision, then the person or body to whom the decision-making power has been delegated may (unless the Leader directs otherwise) themselves delegate onwards.

1.8 Cabinet can delegate to:

- a committee of Cabinet
- an area committee
- an officer

1.9 A Cabinet Member can delegate to:

- an area committee
- an officer

¹ Local Government and Public Involvement in Health Act 2007; Localism Act 2011

1.10 A committee of Cabinet can delegate to :

- an area committee
- an officer

1.11 An area committee can delegate to:

- an officer

1.12 The body with the power of delegation can always recover the power to make the decision to themselves/itself.

1.13 The Leader can always recover any power to make an executive function decision to himself/herself, notwithstanding any delegation arrangements he/she has put in place

1.14 The allocation of functions to the Leader/Cabinet are set out in the table on page C22 below. The column headed "Onward Limits of Delegation" shows the limits placed upon sub-delegation.

1.15 Any person or persons to whom a matter has been allocated or delegated may decide to seek the authority of the Leader/Cabinet rather than to exercise delegated authority in any matter.

1.16 All powers shall be exercised in accordance with the various Procedural Rules set out in Part 4 of the Constitution.

1.17 The person or persons exercising such power shall give effect to any resolution of the Council upon any matter of principle or policy in relation to the functions concerned.

1.18 The person or persons dealing with a matter shall arrange any appropriate consultation including that with the Leader, other members of the Cabinet, officers and others that shall be required.

1.19 The exercise of delegated authority shall be subject to there being appropriate and adequate budgetary provision.

1.20 The exercise of delegated authority shall be documented in the prescribed form and copies sent to all members of the Corporate Management Team.

1.21 All decisions shall be taken in consultation with the Corporate Head - Legal and Democratic Services or in his or her absence the Head of Legal Services.

- 1.22 All decisions shall be taken in consultation with the Director of Finance or in his or her absence the Head of Finance.
- 1.23 Any decision which has personnel or IT implications shall be taken in consultation with the Director of Corporate Services.
- 1.24 All decisions shall be taken in consultation with the Monitoring Officer or in his or her absence the Deputy Monitoring Officer.
- 1.25 Each Cabinet Member shall in exercising his or her functions have regard to the Council's duty to secure continuous improvement in the delivery of its services and in particular to improve performance as measured by nationally and locally set performance indicators which affect the functions delegated to him or her.
- 1.26 The exercise of functions delegated under the Scheme of Delegation shall have regard to all relevant considerations and shall not take into account irrelevant matters. In particular Cabinet Members exercising delegated authority must take proper account of the Council's duties to promote compliance with the Convention rights schedules in the Human Rights Act 1988, to reduce crime and disorder and to promote equality.
- 1.27 An individual Cabinet Member cannot exercise functions to (i) appoint staff or (ii) determine the terms and conditions on which staff hold office (including procedures for their dismissal).

2 Members of the Cabinet

(Up to 10 Members)

Councillor James Page
'Tye House'
56 Highview Road
Telscombe Cliffs BN10 7AS
(East Saltdean and Telscombe Cliffs Ward)

Leader of the Council, Chair of the Cabinet and Cabinet Member for Strategic Overview, Customer Advocacy, Regeneration and Equalities

Councillor Rob Blackman
5 Hill Rise
Bishopstone
Seaford BN25 2UA
(Seaford East Ward)

Deputy Leader of the Council, Cabinet Member for Business, Economic Development and Tourism

Councillor Tom Jones
Hampers Croft
28 Common Lane
Ditchling BN6 8TJ
(Ditchling and Westmeston Ward)

Cabinet Member for Planning

Councillor Andy Smith
The Brambles
8a Chatsworth Close
Telscombe Cliffs BN10 7LW
(East Saltdean and Telscombe Cliffs Ward)

Cabinet Member for Corporate Resources

Councillor Tony Nicholson
41 Marine Drive
Seaford
BN25 2RU
(Seaford East)

Cabinet Member for Health & Environment

Councillor Paul Franklin
45 Vale Road
Seaford
(Seaford North)

Cabinet Member for Waste & Recycling

5 Council Functions

Committee/ Council	Functions	Delegation of functions
Council	<u>Electoral</u> Functions relating to the conduct of elections, electoral registration, boundary/electoral reviews and associated matters.	Certain functions are delegated to the Chief Executive and/or Corporate Head - Legal and Democratic Services. These are detailed in the Scheme of Delegation to Officers set out at Part 9.
Council	<u>Areas/Individuals and Names</u> Functions relating to name and status of areas and individuals District/Towns/Parishes	
Council	<u>Functions relating to Community Governance and Reviews</u>	
Council	<u>Byelaws</u> Power to make, amend, revoke or re-enact byelaws	
Council	<u>Local/Personal Bills</u> Power to promote or oppose local or personal bills	
Council	Functions relating to <u>Local government pensions</u>	
Council	<u>Standing Orders</u> —power to make standing orders as to council procedure, financial procedure and contract procedures	

Committee/ Council	Functions	Delegation of functions
Council	<u>Staff</u> Power to appoint “proper officers”, Monitoring officer and Chief Financial officer. Duty to designate officer as the head of paid service	

Note: The Local Authorities (Functions and Responsibilities) Regulations 2000 state that certain listed functions are not to be the responsibility of an authority's executive. These listed functions include the following:

1. Duty to appoint an electoral registration officer;
2. Functions in relation to towns and parishes as contained in Part II of the Local Government and Rating Act 1997 (ie functions relating to review of town and parishes, establishment of new towns and/or parishes, electoral arrangements in connection with such reviews);
3. Powers to dissolve small parish councils;
4. Duty to appoint returning officer for local government elections; and
5. Duty to provide assistance at European Parliamentary elections.

Committee/ Council	Functions	Delegation of functions
Audit and Standards Committee	<p><u>The provision and maintenance of high standards of conduct within the Council</u> To advise the council on the adoption or revision of its Code of Conduct.</p>	
Audit and Standards Committee	<p>To <u>monitor and advise the council about the operation of its Code of Conduct</u> in the light of best practice, changes in the law, guidance from the Standards Board and recommendations of case tribunals under section 80 of the Local Government Act 2000</p>	
Audit and Standards Committee	<p><u>Assistance to members and co-opted members of the authority</u> To ensure that all members of the Council have access to training in all aspects of the member Code of Conduct, that this training is actively promoted, and that members are aware of the standards expected from local councillors under the Code</p>	

Committee/ Council	Functions	Delegation of functions
Planning Applications Committee	<u>Planning and conservation</u> Functions relating to town and country planning, trees, hedgerows and development control, as specified in Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (the Functions Regulations) as amended	<p>Certain functions are delegated to the Director of Planning and Environmental Services.</p> <p>These are detailed in the Scheme of Delegation to Officers set out at Part 9.</p>
Planning Applications Committee	<u>Highways, Use and Regulation</u> The exercise of powers relating to the regulation of the use of highways, footpaths, bridleways and public rights of way and means of access to land, as set out in Schedule 1 to the Functions Regulations as amended insofar as they are powers exercisable by the District Council	<p>Certain functions are delegated to the Director of Planning and Environmental Services.</p> <p>These are detailed in the Scheme of Delegation to Officers set out at Part 9</p>
Licensing Committee	<u>Taxi, gaming, alcohol, entertainment, food and miscellaneous licensing</u> Functions relating to licensing and registration as set out in Schedule 1 to the Functions Regulations as amended	<p>Certain functions are delegated to the Director of Planning and Environmental Services.</p> <p>These are detailed in the Scheme of Delegation to Officers set out at Part 9</p>

Committee/ Council	Functions	Delegation of functions
Licensing Committee	<u>Health and Safety</u> Functions relating to health and safety under any “relevant statutory provision” within the meaning of Part I of the Health and Safety at Work Act 1974, to the extent that those functions are discharged otherwise than in the council’s capacity as employer	<p>Certain functions are delegated to the Director of Planning and Environmental Services.</p> <p>These are detailed in the Scheme of Delegation to Officers set out at Part 9</p>