

APPENDIX B

PART 3

Responsibility for Functions

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.

This part of the Constitution explains who is responsible for the various functions of the Council. Functions fall into the following categories:

1. Non-Executive Functions

These are functions which, by law, may not be the responsibility of the Executive. In some cases, such as adopting the Council's Budget or the Policy Framework, only the full Council meeting may take the decision. In other cases, the Council may delegate the responsibility for taking the decision to a Committee or an Officer.

2. 'Local Choice' Functions

There are some functions which the Council may treat as being the responsibility of the Executive (in part or whole) or as being non-executive, at its discretion.

3. Executive Functions

All other functions are executive functions. Decisions on these functions will be taken by the Leader unless they are delegated or dealt with under joint arrangements.

4. Officer Delegations

Certain functions have been delegated to officers. Details of those delegations can be found in Part 9 of the Constitution.

Where a function has been delegated to an officer(s) ("delegated officers"), the decision may be taken in the name of (but not necessarily personally by) such delegated officer(s) by another officer(s) ("authorised officers(s)") in accordance with arrangements made from time to time by such delegated officer(s) for this purpose.

5. Interpretation

In this part of the Constitution:

"the 2000 Act" means the Local Government Act, 2000;

"the 2000 Regulations" means the Local Authorities (Functions and Responsibilities) (England) Regulations, 2000;

“the 1976 Act” means the Local Government (Miscellaneous Provisions) Act, 1976;
 “the 1993 Act” means the Noise and Statutory Nuisance Act, 1993;
 “the 1990 Act” means the Town and Country Planning Act, 1990.

Responsibility for Non-Executive and Local Choice Functions

Council Body	Functions
Full Council <i>(see Article 4 for details of Council functions)</i>	<ul style="list-style-type: none"> • **Functions relating to elections and electoral registration. • Functions relating to areas/individuals. • Powers relating to byelaws. • Powers relating to local/personal bills. • Powers relating to standing orders. • Powers relating to the appointment and designation of certain staff. • Agreements for the placing of staff at the disposal of other local authorities.
Leader of the Council	<ul style="list-style-type: none"> • *Any function under a local Act other than a function specified or referred to in regulation 2 or Schedule 1 of the 2000 Regulations, save to the extent that any such function is a licensing, consent, permission or registration function, in which case it shall be the responsibility of: <ul style="list-style-type: none"> a) Planning Applications Committee, if it is a development control matter; and b) Licensing Committee in all other cases. • *Any function relating to contaminated land, the control of pollution or the management of air quality, unless it concerns: <ul style="list-style-type: none"> a) the determination of an application for a licence, approval, consent, permission or registration; or b) the direct regulation of a person; or c) the enforcement of any such licence, approval, consent, permission or direct

	<p>regulation in which case it shall be the responsibility of the Licensing Committee.</p> <ul style="list-style-type: none"> • *The passing of a resolution that Schedule 2 to the 1993 Act should apply in the authority's area. • *The appointment of any individual: <ul style="list-style-type: none"> a) to any other office other than an office in which he is employed by the authority, and the revocation of any such appointment; b) to any other body other than (i) the authority or (ii) a joint committee of two of more authorities, and the revocation of any such appointment; or c) to any committee or sub-committee of such a body, and the revocation of any such appointment. d) Leader is the decision making body for these functions which are the responsibility of the Leader; Planning Applications Committee in relation to development control functions; Licensing Committee in relation to licensing/health and safety functions; and Full Council in relation to any other function.
<p>Planning Applications Committee</p> <p><i>(see Part 11 for details of Committee functions)</i></p>	<ul style="list-style-type: none"> • *The obtaining of information under section 330 of the 1990 Act as to interests in land (Leader only insofar as a preliminary to the exercise of compulsory purchase powers). • *The obtaining of particulars of persons interested in land under section 16 of the 1976 Act (Leader only insofar as a preliminary to the exercise of compulsory purchase powers). • Functions relating to planning and conservation. • The exercise of powers relating to highways, use and regulation.
<p>Licensing Committee</p>	<ul style="list-style-type: none"> • *The determination of an appeal against any

<p><i>(see Part 11 for details of Committee functions)</i></p>	<p>decision made by or on behalf of the authority.</p> <ul style="list-style-type: none"> • *The service of an abatement notice in respect of a statutory nuisance. • *The inspection of the authority's area to detect any statutory nuisance. • *The investigation of any complaint as to the existence of a statutory nuisance. • Functions relating to taxi, gaming, alcohol, entertainment, food and miscellaneous licensing. • Functions relating to health and safety.
<p>Audit and Standards Committee</p> <p><i>(see Part 11 for details of Committee functions)</i></p>	<ul style="list-style-type: none"> • The provision and maintenance of high standards of conduct within the Council. • Monitor and advise the Council on the operation of its Code of Conduct. • Assistance to members and co-opted members of the authority. • Other functions relating to standards of conduct of members. • Powers relating to payments in cases of maladministration.
<p>Employment Committee</p> <p><i>(see Part 11 for details of Committee functions)</i></p>	<ul style="list-style-type: none"> • Functions relating to employment.

The Committees set out above may from time to time add to or alter those delegations, as appropriate, within their functional responsibilities.

** Denotes a local choice function*

***The 2000 Regulations 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.*

Responsibility for Executive Functions

1. Executive functions are all of the Council's functions which are not the responsibility of any other part of the Council, by law or under this Constitution.
2. All executive decision-making power is vested in the Leader personally.
3. 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)
 - another member of the Executive (ie. a Cabinet Member)
 - a Committee of the Executive
 - an Area Committee
 - an Officer of the authority.
4. 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.
5. The person or body with the power of delegation can always recover the power to make the decision themselves/itself.
6. At Lewes District Council, the Leader has the power to make any decision affecting any executive function where s/he is of the view that it is not proper or effective for the matter to wait until the next Cabinet meeting, providing that a report explaining the circumstances and the decision taken by the Leader is brought to the next available Cabinet meeting. In these circumstances, the call-in procedure will not apply as the decision is an urgent one.
7. The Leader has delegated the power to Cabinet members to make any decision affecting any of the matters falling within his/her remit where s/he is of the view that it is not proper or effective for the matter to wait until the next Cabinet meeting, providing that a report explaining the circumstances and the decision taken by the Cabinet member is brought to the next available Cabinet meeting. In these circumstances, the call-in procedure will not apply as the decision is an urgent one.
8. The following functions have been allocated to the Leader/Cabinet members:
 - a) Power to grant discretionary rate relief, within guidelines approved by Cabinet, limited to £5,000 per person/body;

- b) Power to approve applications for grants from local organisations and town and parish councils, within guidelines approved by Cabinet, limited to £5000 per application;
 - c) To authorise payment of a sum up to £500 to compensate any person who suffers inconvenience as a result of a failure of a service standard by a department of the Council (provided that a summary of circumstances in which the payment is made is subsequently reported to the Cabinet).
9. The table below indicates how the Leader has allocated portfolios (lead responsibilities) for particular executive functions among individual Members of the Cabinet.

Cabinet Portfolios

Portfolio	Name	Functions
Leader of the Council	Councillor James Page	<ul style="list-style-type: none"> • Strategic overview • Customer advocacy • Regeneration • Equalities • Performance framework and monitoring • External Partnerships • Communications • Asset management of Council land/buildings
Business, Economic Development and Tourism Deputy Leader	Councillor Rob Blackman	<ul style="list-style-type: none"> • Economic development • Tourism • Housing strategy and supply • Property and enterprise • Cultural services • Amenity services • Car parks and industrial estates • Public conveniences • Fuel poverty
Planning	Councillor Tom Jones	<ul style="list-style-type: none"> • Local Development Framework • Neighbourhood planning • Transportation • Development control • Building control • South Downs National Park Authority
Corporate Resources	Councillor Andy Smith	<ul style="list-style-type: none"> • Financial control planning initiatives • Chief Executive's Secretariat • Finance department • Property services • IT services • Legal and Democratic services • HR services • Information systems

		<ul style="list-style-type: none"> • Community safety • Procurement
Health & Environment	Councillor Tony Nicholson	<ul style="list-style-type: none"> • Emergency planning and business continuity • Travel planning • Energy and climate change • Private sector renewal • Housing advice and homelessness • Tenant participation • Council housing stock • Allocations and housing register • Housing revenue account • Voluntary sector • Food safety • Health and safety • Licensing • Pest and animal control • Port health • Contaminated land, air quality and pollution • Travellers • Grounds maintenance • Nature reserves and allotments • Cemeteries • Leisure centres and swimming pools • Health and wellbeing
Waste & Recycling	Councillor Paul Franklin	<ul style="list-style-type: none"> • Waste and recycling services • Refuse collection • Street cleansing • EMAS Strategy