

PART 2G

FUNCTIONS NOT TO BE THE RESPONSIBIITY OF THE EXECUTIVE AND LOCAL CHOICE FUNCTIONS

Functions not to be the Responsibility of the Executive

In accordance with Regulation 2 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (the Regulations) certain functions must be determined by Council and cannot be the responsibility of the Executive. Many of them are delegated to a committee of Council or a council officer.

The list of functions together with the relevant statutory provision is set out in Schedule 1 of the Regulations.

Schedule 1 of The Regulations can be accessed here [The Local Authorities \(Functions and Responsibilities\) \(England\) Regulations 2000 \(legislation.gov.uk\)](https://www.legislation.gov.uk/uksi/2000/1013/schedule-1)

Local Choice Functions

What are local choice functions?

The law specifies which functions are the responsibility of the Council, which are the responsibility of the Executive (Cabinet), and which may (but need not) be the responsibility of the Executive (Local Choice functions). All other functions not specified are the responsibility of the Executive.

Local choice functions are set out in Schedule 2 to the Regulation. These functions may be, but need not be, the responsibility of the council's executive. It is up to each council to decide. Having regard to government guidance, Full Council has decided that local choice functions will be executive or non executive as set out in the table below.

	LOCAL CHOICE FUNCTION	STATUS OF FUNCTION	DELEGATION TO OFFICERS	DELEGATION TO NON-EXECUTIVE COMMITTEES
1	Any function under a local Act other than a function specified or referred to in regulation 2 or Schedule 1 to the Functions & Responsibilities Regulations, including:- The Brighton Marina Act 1967, East Sussex Act 1981, Brighton Corporation and Hove Corporation Acts, Brunswick Square and Terrace Act 1830 and Hove Borough Council Act 1976)	Executive	The relevant member of the Executive Leadership Team and where this is not clear to be determined by the Chief Executive	-
2	Other than those reserved to a Non-Executive committee, the determination of appeals	Executive	The relevant member of the Executive Leadership Team and where this is not clear	-

	against any decision made by or on behalf of the authority.		to be determined by the Chief Executive	
3	The making of arrangements pursuant to section 67(1) of, and Schedule 18 to, the 1998 Act (reviews of exclusion of pupils). This is now s.51A of the Education Act 2002	Executive	-	Independent Appeal Panel
4	The making of arrangements pursuant to section 94(1) and (4) of, and Schedule 24 to, the School Standards and Framework Act 1998 Act (admission appeals)	Executive	-	Independent Appeal Panel
5	The making of arrangements pursuant to section 95(2) of, and Schedule 25 to, the School Standards and Framework Act 1998 Act (children to whom section 87 applies: appeals by governing bodies)	Executive	-	Independent Appeal Panel
6	Any function relating to contaminated land.	Executive	Executive Director Economy, Environment and Culture	
7	The discharge of any function relating to the control of pollution or the management of air quality	Executive	Executive Director Economy, Environment & Culture	-
8	The service of an abatement notice in respect of a statutory nuisance	Executive	Executive Director Economy, Environment & Culture	-
9	The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the authority's area	Executive	Executive Director Economy, Environment & Culture	-
10	The inspection of the authority's area to detect any statutory nuisance	Executive	Executive Director Economy, Environment & Culture	-
11	The investigation of any complaint as to the existence of a statutory nuisance	Executive	Executive Director Economy, Environment & Culture	-
12	The obtaining of information under section 330 of the Town and Country Planning Act 1990 as to interests in land	Executive	Executive Director Economy, Environment & Culture	-
	The making of agreements for the execution of highways works	Executive	Executive Director Economy, Environment & Culture	-

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14	The obtaining of particulars of persons interested in land under section 16 of the Local Government (Miscellaneous Provisions Act 1976	Executive	Executive Director Economy, Environment & Culture	-
15	The appointment of any individual - (a) to any office other than an office in which they are employed by the authority (b) to any body other than (i) the authority; (ii) a joint committee of two or more authorities; or (c) to any committee or sub-committee of such a body	Executive/Non-Executive	The Chief Executive where the appointment relates to Non-Executive functions. The Leader where the appointment relates to Executive powers.	-
16	The making of agreements with other local authorities for the placing of staff at the disposal of those other authorities	Executive/Non-Executive	The Leader where the appointment relates to Executive powers. The Council where the appointment relates to Non-Executive functions.	-