

# **Part 2: Chapter 1**

## **Allocation of Functions of the County Council**

### **1.1 The principles of delegation;**

One of the primary purposes of the Constitution is to make it clear where responsibility for particular functions lies, and which person or body (County Council, Committee, Executive, (acting collectively or individually), or Officer) may make a decision that will result in an action being taken or not taken.

### **1.2 The hierarchy of decision taking;**

#### **1.2.1 County Council**

The County Council will exercise the functions reserved to the County Council set out in Part 1, Chapter 4 of the Constitution which will not be delegated, and any Local Choice Functions reserved to the County Council in the table set out at Chapter 2, Paragraph 2.2 of this Part.

#### **1.2.2 Committees of the County Council**

Committees of the County Council will exercise the Non-Executive Functions set out in the table in Chapter 2, Paragraph 2.1 of this Part, and the Local Choice Functions allocated to Committees of the County Council set out in the table at Chapter 2, Paragraph 2.2 of this Part.

#### **1.2.3 The Executive (Cabinet)**

The Executive will exercise the Local Choice Functions allocated to the Executive at Chapter 2, Paragraph 2.2 of this Part. Any decision of the Executive may be taken by a Committee of the Executive, an individual Executive Member, or may be delegated to an Officer or to a joint Executive Committee.

#### **1.2.4 Individual members of the Executive**

Individual members of the Executive will also exercise the appropriate functions set out under: 'Responsibility for Executive Functions' in Chapter 3 of this Part except where varied by the Leader as provided for in the Executive Procedure Rules set out in Part 3, Chapter 2 of the Constitution and notified by the Leader to the Chief Executive in

accordance with Part 1, Chapter 9, Paragraph 9.6.3. Any necessary consequential changes to the Constitution will be made by the Monitoring Officer in accordance with Part 1, Chapter 15, Paragraph 15.3 of the Constitution.

### **1.2.5 Officers**

Officers will exercise the delegated functions as set out below:

- i) The Non-Executive Functions set out in the table in Chapter 2, Paragraph 2.1 of this Part, as set out in Column 4 of the table.
- ii) The Local Choice Functions set out in the table in Chapter 2, Paragraph 2.2 of this Part, as set out in Column 4 of the table.
- iii) The Executive Functions set out in Chapter 3 of this Part.
- iv) Functions, powers and areas of responsibility delegated to Chief Officers under the delegated authority set out in Chapter 4 of this Part.
- v) Functions of Chief Officers and Statutory Officers of the County Council as set out in Part 1, Chapter 11 of the Constitution.

### **1.2.6 Select (Overview and Scrutiny) Committees**

Select (Overview and Scrutiny) Committees will undertake the role described in Part 1, Chapter 12 of the Constitution, and the Scrutiny functions set out in Chapter 5 of this Part. The role of Select (Overview and Scrutiny) Committees is advisory and may result in recommendations to the County Council, Committees of the County Council, or to the Executive, but will not result in decisions.

### **1.2.7 Discharge of functions by other local authorities**

Arrangements may be made from time to time pursuant to Section 101 of the Local Government Act 1972, or Section 9 EA of Part 1A of the Local Government Act 2000 (and regulations made thereunder) for the discharge of functions of the County Council, or as the case may be Executive functions, by another local authority. Where such arrangements are made they will be subject of an agency agreement. Arrangements may also be made from time to time, pursuant to Section 9 EB of Part 1A of the Local Government Act 2000, for the discharge of Executive functions jointly with another local authority.