

## **PART 3**

### **Scheme of Delegation**

1. Section 9D to 9DA of the Local Government Act 2000 provides that all the functions of the Council shall be functions of the Executive (Cabinet) except in so far as they are reserved to the Council by regulations made under the Act (or by subsequent or other legislation). The reservation of functions to the Council is made under The Local Authorities (Functions and Responsibilities) (England) Regulations 2000.
2. The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 ('the Regulations') define those functions:
  - (a) which must not be discharged by the Cabinet;
  - (b) which may be the responsibility of the Cabinet;
  - (c) which may not be the sole responsibility of the Cabinet; and
  - (d) circumstances in which functions which would otherwise be functions of the Cabinet fall to be discharged other than by the Cabinet.

### **Matters that are the responsibility of the Council**

- Article 4 sets out those matters which the Council has reserved its decision making upon or are required to be determined by the Council under act of parliament
- Article 14 sets out the responsibility for decision making by Council.
- Appendix 1 to this Scheme sets out the matters which fall into Category (d) above
- Appendix 2 to this Scheme sets out the delegation of Council function to committees other than the Cabinet
- Appendix 3 sets out the delegation of matters to officers that fall within the responsibility of the Council

### **Matters that are the responsibility of the Cabinet or its Committees**

- Article 4 contains those Plans and Strategies that the Council has reserved. The Cabinet will recommend to the Council on changes to those matters.
- Article 7 sets out the responsibilities of the Cabinet
- Appendix 2 to Article 7 sets out the responsibilities and powers of the Cabinet Committees
- Appendix 5 to this Scheme sets out the delegations of Executive functions made to officers by the Leader and the Cabinet and amended from time to time by Leader Decision.

### **Matters that are the responsibility of Portfolio Holders/Leader**

- Article 14 sets out the responsibility for decision making by Portfolio Holder

- Appendix 4 sets out those areas of the Council where Portfolio Holders have the responsibility for decision making in the absence of officer delegated powers.
- The Leader shall exercise the powers and responsibilities of Part 3 of the Local Government and Public Involvement in Health Act 2007 as detailed in Appendix 5 to this Scheme.

#### **Matters which are the responsibility of Regulatory and other Committees**

- Appendix 2 of this Scheme sets out the responsibilities of regulatory and other committee which are detailed within the relevant Article of the Constitution shown.

#### **Matters that are the responsibility of Officers**

- Article 13 (Officers) sets out the responsibilities of officers and those holding statutory positions.
- Article 14 sets out the responsibility for decision making by officers
- Appendix 3 to this Scheme sets out the delegation of matters to officers that fall within the responsibility of the Council
- Appendix 5 to this Scheme sets out the delegations of Executive functions made to officers by the Leader and the Cabinet and may be amended from time to time by Leader Decision.