

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
<p>Full Council</p> <p><i>(see Article 4 for details of Council functions)</i></p>	<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.
<p>Leader of the Council</p>	<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 regulation in which case it shall be the responsibility of the Licensing Committee.

	<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 or 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> <p><i>(see Part 11 for details of Committee functions)</i></p>	<ul style="list-style-type: none"> • *The determination of an appeal against any decision made by or on behalf of the authority. • *The service of an abatement notice in respect of a statutory nuisance. • *The inspection of the authority's area to detect any statutory nuisance.

	<ul style="list-style-type: none"> • *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 reserved to himself/herself the power to make any decision affecting any executive function in the case of any District-wide emergency or major incident. The Leader will inform/consult the other 'Alliance' Group Leaders so far as is reasonably possible in these circumstances.
- 7 The Leader has delegated the power to Cabinet members to make any non-key* decision affecting any of the matters falling within his/her remit subject to the following:
 - the Cabinet member shall not make any decision in the absence of a written officer report which includes reference to any relevant financial and/or legal implications
 - where any decision might affect the portfolio of one or more other Cabinet members the decision-maker shall consult with such member(s) and the fact and outcome of the consultation shall be included in the decision-record. In the event of there being no consensus the matter shall be referred to Cabinet for decision.
 - no decision shall result in the local authority incurring unplanned expenditure without prior consultation with the Chief Finance Officer. Such expenditure shall not exceed £50K.
 - no decision shall be made if it has obvious potential to adversely affect the reputation of the council.

- The Leader directs that there shall be no onward delegation from any Cabinet member to an officer, save that the Cabinet member may authorise an officer to implement the Cabinet member's decision.

***What is a key decision?**

"Key decisions" relate to a decision, which is likely:-

(1) to result in the Council incurring expenditure which is, or the making of savings which are, *significant having regard to the Council's budget for the service or function to which the decision relates; or

(2) to be significant in terms of its effects on communities living or working in an area comprising two or more wards in the Council's area.

The Chief Finance Officer is of the view that any expenditure or saving in excess of £250k, or any capital scheme with revenue implications in excess of £250k are "significant" in the context of the definition of what is a "key decision". This is reflected in the Council's Financial Procedure Rules (para. 3.1.10.1)"

- 8 The table below indicates how the Leader has allocated portfolios (lead responsibilities) for particular executive functions among individual Members of the Cabinet.

Portfolio	Name	Functions
Regeneration and prosperity Leader of the Council	Councillor James MacCleary	Key Priorities and Projects Newhaven town centre Newhaven Enterprise Zone Railway Quay Key Strategies and Plans Economic development strategy
Finance Deputy Leader	Councillor Zoe Nicholson	Key Priorities and Projects Finance Audit Council Tax Asset management LEP North Street Quarter Risk Business continuity and emergency planning Seaford Health Hub Key Strategies and Plans Corporate plan Medium term financial plan Asset management strategy
Planning and infrastructure	Councillor Emily O'Brien	Key Priorities and Projects Development management Planning Policy Neighbourhood Plans Contaminated land CIL South Downs National Park Key Strategies and Plans Local plan
Recycling, waste and open spaces	Councillor Julie Carr	Key Priorities and Projects Waste service Recycling Street cleansing Fly tipping Parks and open spaces Grounds maintenance Key Strategies and Plans Joint waste strategy
Sustainability	Councillor Matthew Bird	Key Priorities and Projects Air quality Sustainability policy Flooding and coastal erosion Clear Futures Joint Venture Sustainable transport Energy, water and food

		<p>Key Strategies and Plans</p> <p>Climate change and biodiversity strategy</p>
Housing	Councillor William Meyer	<p>Key Priorities and Projects</p> <p>Homes First Housing development Aspiration Homes and LHIC</p> <p>Key Strategies and Plans</p> <p>Housing strategy Homelessness strategy</p>
Community and customers	Councillor Johnny Denis	<p>Key Priorities and Projects</p> <p>Customer First Neighbourhood First Community safety & ASB Equalities Vol org grants Safeguarding Benefits Environmental Health Communications, PR and marketing Licensing</p> <p>Key Strategies and Plans</p> <p>Community safety strategy</p>
Tourism and devolution	Councillor Ruth O'Keeffe	<p>Key Priorities and Projects</p> <p>Tourism Devolution Town and Parish Councils Lewes Local Lottery Leisure</p> <p>Key Strategies and Plans</p> <p>Tourism and enterprise strategy</p>
Performance and people	Councillor Chris Collier	<p>Key Priorities and Projects</p> <p>Performance Project and programme management HR Organisational development IT East Sussex College Group Business Planning</p> <p>Key Strategies and Plans</p> <p>People strategy</p>