

APPENDIX E

LOCAL CHOICE FUNCTIONS – CURRENT AND PROPOSED ALLOCATION

Function	Act/Statutory Instrument	Current allocation (February 2010)	Proposed allocation under Mayor & Cabinet model	Delegation of function
Any function under a local Act other than a function specified or referred to in regulation 2 or schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended)	Various/Local Acts	Various – as listed at Parts 3.1.2 and 3.2.1 of the Council's Constitution	Council	Officer and Committee delegations as currently listed in the Constitution. Delegations to 'The Executive' amended to read 'The Council'
The determination of an appeal against any decision made by or on behalf of the authority	Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended)	Council	Council	Licensing Committee/Appeals Committee as appropriate
The making of arrangements in relation to appeals against the exclusion of pupils from maintained schools	Subsection (1) of section 67 of, and Schedule 18 to the School Standards and Framework Act 1998	Council	Council	Assistant Chief Executive
The making of arrangements in respect of school admission appeals	Sections 94(1), (1A) and (4) of the School Standards and Framework Act 1998	Council	Council	Assistant Chief Executive
The making of arrangements in respect of appeals by a school governing body of a requirement that they take a pupil excluded from another school	Section 95(2) of the School Standards and Framework Act 1998	Council	Council	Assistant Chief Executive

Function	Act/Statutory Instrument	Current allocation (February 2010)	Proposed allocation under Mayor & Cabinet model	Delegation of function
Any function relating to contaminated land	Environmental Protection Act 1990 – Part IIA	Council	Council	Corporate Director, Communities, Localities and Culture
The discharge of any function relating to the control of pollution or the management of air quality	Pollution Prevention and Control Act 1990; Environmental Act 1995 (Part IV); Environmental Protection Act 1990 (Part I); Clean Air Act 1993	Council	Council	Corporate Director, Communities, Localities and Culture
The service of an abatement notice in respect of a statutory nuisance	Environmental Protection Act 1990 – Section 80(1)	Council	Council	Corporate Director, Communities, Localities and Culture
The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the authority's area	Noise and Statutory Nuisance Act 1993 – Section 8	Executive	Council	Council
The inspection of the authority's area to detect any statutory nuisance	Environmental Protection Act 1990 – Section 79			Corporate Director, Communities, Localities and Culture
The investigation of any complaint as to the existence of a statutory nuisance		Executive	Council	Corporate Director, Communities, Localities and Culture
The obtaining of information as to interests in land.	Section 330 of the Town and Country Planning Act 1990	Executive	Council	Corporate Director, Communities, Localities and Culture
The obtaining of particulars of persons interested in land	Section 16 of the Local Government (Miscellaneous Provisions) Act 1976	Executive	Council	Corporate Director, Communities, Localities and Culture

Function	Act/Statutory Instrument	Current allocation (February 2010)	Proposed allocation under Mayor & Cabinet model	Delegation of function
The making of agreements for the execution of highways works	Highways Act 1980 – Section 278 (substituted by the New Roads and Street Works Act 1991 – Section 23)	Executive	Council	Corporate Director, Communities, Localities and Culture
The appointment of any individual- (a) to any office other than an office in which he is 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, and the revocation of any such appointment	Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended)	Council	Council	General Purposes Committee
The making of agreements with other local authorities for the placing of staff at the disposal of those authorities	Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended)	Council	Council	All Chief Officers
Functions relating to local area agreements	Sections 106, 110, 111 and 113 of the Local Government and Public Involvement in Health Act 2007	Executive	Council	Council