

## Responsibility for Functions

(References: The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 and Section 13, Local Government Act 2000)

1. Section 13 of the Local Government Act 2000 (“the 2000 Act”) provides for the discharge of the Council’s functions by an “Executive” of the authority unless those functions are specified in the Act (or in Regulations) as functions that are not to be the responsibility of the Executive. Torbay Council has adopted the Mayor Leader and Cabinet style of Executive and the phrase ‘Cabinet’ in this Constitution means the Leader of the Council and their Cabinet. ~~The Mayor has chosen to call his Cabinet the “Executive” and it is referred to as the Executive throughout this Constitution.~~
2. The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) (“the Functions Regulations”) give effect to section 13 of the 2000 Act. The Functions Regulations specify which functions are **not** to be the responsibility of the Executive Cabinet, which functions may (but need not) be the responsibility of the Executive Cabinet (“the Local Choice Functions”) and which functions are only the responsibility of the Executive Cabinet to a limited extent. **All other functions not so specified are the responsibility of the Executive Cabinet and are known as “Executive functions”.**
3. Those functions that are **not** the responsibility of the Cabinet Executive are referred to as “non-executive functions” or “Council functions”.
4. Executive functions may be exercised by the Leader of the Council Mayor personally, or may be delegated in accordance with the Standing Orders in relation to the Executive Cabinet and exercised by the Executive Cabinet collectively, a committee of the Executive Cabinet, individual members of the Executive Cabinet, area committee, joint committees and officers.
5. ~~As indicated, the Standing Orders in relation to the Executive govern the delegation of Executive Functions. In addition, t~~The Council has delegated many Council functions to committees, sub-committees and officers.
6. Schedule 1 below sets out the Local Choice Functions and whether they are the responsibility of the Council or the Cabinet Executive.
7. Schedule 2 sets out those functions that the Functions Regulations specify must not be Executive Functions: i.e. that must be performed by the Council or (unless prohibited) delegated to a committee, sub-committee or officer.
8. Schedule 3 sets out the circumstances when functions are not the responsibility of the Executive Cabinet. However, special rules (contained in the Standing Orders in relation to the Budget and Policy Framework) apply in cases of urgency.
9. Schedule 4 sets out the terms of reference of the committees and sub-committees with delegated responsibility for exercising Council functions.
10. Schedule 5 sets out the Scheme of Delegation of Executive functions.
11. Schedule 6 sets out the Officer Scheme of Delegation. Where functions are delegated to specific officers those officers may (unless prohibited by law) further delegate (in writing) to other officers the responsibility for performing those functions.