

## Schedule 1 – Responsibility for Local Choice Functions – New Council post May 2019 recommended to review

Function	Executive or Council Function?
1. The determination of an appeal against any decision made by or on behalf of the authority	Council function.
2. The making of arrangements pursuant to section 94 (1), <u>(1A)</u> and 94 (4) of, <del>and Schedule 24 to,</del> the School Standards and Framework Act 1998 (admission appeals)	Council function.
3. The making of arrangements <u>in relation to appeals against the exclusion of pupils from maintained schools pursuant to section 67(1) of, and Schedule 18 to, the School Standards and Framework Act 1998 (appeals against exclusion of pupils)</u>	Council function.
4. The making of arrangements pursuant to section 95(2) of, <del>and Schedule 25 to,</del> the School Standards and Framework Act 1998 (appeals by governing bodies in relation to children to whom section 87 of the Act applies)	Council function.
<del>5. The making of arrangements under section 20 (questions on police matters at council meetings) of the Police Act 1996 for enabling questions to be put on the discharge of the functions of Devon and Cornwall Police Authority in accordance with section 20 of the Police Act 1996.</del>	<del>Council function.</del>
<del>6. The making of appointments to under paragraphs 2 to 4 (appointment of members by relevant councils) of Devon and Cornwall Police Authority and other bodies under paragraphs 2 to 4 of Schedule 2 (police authorities established under section 3) of the Police Act 1996.</del>	<del>Council function.</del>
<del>57.</del> Any function relating to contaminated land under Part IIA of the Environmental Protection Act 1990 and subordinate legislation under that Part.	Executive function.
<del>68.</del> The discharge of any function relating to the control of pollution or the management of air quality <u>under Pollution Prevention and Control Act 1999, Part IV of the Environment Act 1995, Part 1 of the Environmental Protection Act 1990 and the Clean Air Act 1993.</u>	Executive function.

Function	Executive or Council Function?
<p><b>79.</b> The service of an abatement notice in respect of a statutory nuisance <a href="#">under Section 80(1) of the Environmental Protection Act 1990</a>.</p>	<p>Executive function.</p>
<p><b>840.</b> The passing of a resolution that Schedule 2 of the Noise and Statutory Nuisance Act 1993 shall apply in the authority’s area <a href="#">under Section 8 of the Noise and Statutory Nuisance Act 1993</a>.</p>	<p>Executive function.</p>
<p><b>944.</b> The inspection of the authority’s area to detect any statutory nuisance <a href="#">under Section 79 of the Environmental Protection Act 1990</a>.</p>	<p>Executive function.</p>
<p><b>1042.</b> The investigation of any complaint as to the existence of a statutory nuisance <a href="#">under Section 79 of the Environmental Protection Act 1990</a>.</p>	<p>Executive function.</p>
<p><b>113.</b> The obtaining of information under section 330 of the Town and Country Planning Act 1990 as to interests in land.</p>	<p>Executive function.</p>
<p><b>124.</b> The obtaining of particulars of persons interested in land under section 16 of the Local Government (Miscellaneous Provisions) Act 1976.</p>	<p>Executive function.</p>
<p><b>135.</b> The appointment (or revocation of any such appointment) of any individual to:</p> <ul style="list-style-type: none"> <li>(a) any office other than an office in which he is employed by the authority;</li> <li>(b) any body other than the authority or a joint committee of two or more authorities; or</li> <li>(c) any committee or sub-committee of such a body.</li> </ul>	<p>Council function (Note: the Council’s Protocol on relations between the <b>Mayor Leader of the Council</b> and Political Groups provides that <b>normally</b> where <a href="#">the Outside Body requests a specific role that Council should accede to the request other than in exceptional circumstances</a> such an appointment relates predominantly to an Executive function the appointment will be offered to the elected <b>Mayor Leader of the Council</b> or relevant <b>Executive Cabinet member</b>).</p>

Function	Executive or Council Function?
<p><b>146.</b> The making of agreements with other local authorities for the placing of staff at the disposal of those other authorities.</p>	<p>Executive function.</p>
<p><b>157.</b> Any function of a local authority in their capacity as a harbour authority (to the extent that the function does not fall within paragraph <del>(1)</del><a href="#">above</a><a href="#">17 below</a>)</p>	<p><b>Council function.</b></p>
<p><b>168.</b> The making of agreements for the execution of highway works <a href="#">under Section 278 of the Highways Act 1980, substituted by the New Road and Street Works Act 1991 Section 23.</a></p>	<p>Executive function.</p>
<p><b>179.</b> 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 by the Local Authorities (Functions and Responsibilities) (England) (Amendment) Regulations 2001).</p>	<p>Executive function.</p>
<p><b>18.</b> <a href="#">Functions relating to local area agreements under sections 106, 110, 111, 113 of the Local Government and Public Involvement in Health Act 2007.</a></p>	<p><a href="#">Executive function.</a></p> <p><i><u>(Note: whilst Local Area Agreements have been disbanded by the Government, this legislation is still live)</u></i></p>