

DEFINITIONS

These definitions apply throughout the Constitution. References to Officers include those in an acting or interim capacity.

Abbreviations

CE	-	Chief Executive
DCE	-	Deputy Chief Executive
D	-	Directors (which shall include for the purposes of the delegation scheme the Deputy Chief Executive)
CHPP	-	Corporate Head of Policy & Partnerships
CSGM	-	Corporate Services Group Manager
FSGM	-	Financial Services Group Manager
HCSGM	-	Health & Community Services Group Manager
NSGM	-	Neighbourhood Services Group Manager
RSGM	-	Regulatory Services Group Manager
BM	-	Benefits Manager
DSM	-	Democratic Services Manager
DCM	-	Development & Conservation Manager
HRM	-	Human Resources Manager
LSM	-	Legal Services Manager
PAM	-	Performance & Audit Manager
PPM	-	Planning Policy Manager
HPS	-	Head of Paid Service
MO	-	Monitoring Officer
DMO	-	Deputy Monitoring Officer
S151	-	Section 151 Officer
DS151	-	Deputy Section 151 Officer
SM	-	Senior Management
BH	-	Budget Holders

(‘and’ means both Officers are jointly the decision makers.

‘/’ means either/or both Officers are the decision makers.

The relevant Officer exercises the delegation in relation to those areas which fall into their area of responsibility)

PART 3 - RESPONSIBILITY FOR FUNCTIONS

General

A. Introduction

The Local Government Act 2000 requires the Council's Constitution to be structured to show the level of delegation between Executive and Non-Executive functions in the following ways:

1. Responsibility for Executive Functions (Part 3, Section 1 of this Constitution);
2. Local Choice - the areas where the Council is allowed to choose what is or what is not the responsibility of the Executive and what choices the Council has made (Part 3, Section 2 of this Constitution);
3. Functions not to be the Sole Responsibility of the Executive (Part 3, Section 3 of this Constitution);
4. Circumstances in which Functions are not to be the Responsibility of the Executive (Part 4, Section 4 of this Constitution);
5. Details of what the law prohibits from being the responsibility of the Executive (Part 5 of this Constitution);
6. The Council's Responsibility and the extent of its delegation to Non-Executive Bodies and Officers (Part 3, Section 6 of this Constitution);
7. Any Joint Arrangements (Part 3, Section 7 of this Constitution).

B. Scheme of Delegation and Executive Functions

1. The Council's Constitution is the responsibility of the Council. However, the executive functions delegation scheme may be amended by the Cabinet Executive, subject to the following:
 - overriding legal requirements
 - power for the Leader of the Council to amend (subject to notice provisions) the delegation scheme for executive functions has not yet been implemented.
2. Amendments to the delegation scheme for executive functions are made at Cabinet Executive level, where appropriate, following Officer reports. Hence,

notice has been given of proposed changes and appropriate checks and balances are in place for constitutional changes.

3. A Cabinet Executive Member has been given portfolio responsibility for the Constitution by the Leader of the Council.
4. There are a number of Proper Officer appointments which exercise delegated authority. In a number of cases, those appointments cover both executive and non- executive functions. Those appointments are contained in Section C which follows.

C. Proper Officer And Alternate Proper Officer Appointments

(THE ALTERNATE PROPER OFFICER ACTS WHEN THE PROPER OFFICER IS UNAVAILABLE OR IS ABSENT)

Certain legislation makes reference to ‘Proper Officer Appointments’. These appointments give certain responsibilities to that Officer as detailed in the specific legislation.

In relation to the following legislation, the following appointments are made:-
(PO = Proper Officer, APO = Alternate Proper Officer)

In respect of all legislation detailed below the Council has appointed the Chief Executive as Second Alternate Proper Officer.

Local Government Act 1972

Section 13(3)Parish Trustees

PO: Legal Services Manager
APO: Customer Access & Electoral Services Manager

Section 83 (Declarations of Acceptance of Office)

PO: Customer Access & Electoral Services Manager
APO: Legal Services Manager

Section 84 (Receipt of Resignation)

PO: Chief Executive
APO: Customer Access & Electoral Services Manager

Section 88 (Filling Casual Vacancy)

PO: Chief Executive
APO: Customer Access & Electoral Services Manager

Section 89 (Receipt of Notice of Casual Vacancy)

PO: Chief Executive
APO: Customer Access & Electoral Services Manager

Section 96 (Pecuniary Interests)

PO: Democratic Services Manager
APO: Legal Services Manager

Section 99 (Meetings and Proceedings)
Schedule 12

PO: Democratic Services Manager
APO: Legal Services Manager

Section 100 (Access to Information)

PO: Legal Services Manager
APO: Democratic Services Manager

Section 115 (Receipt from Officers)

PO: Deputy Chief Executive
APO: Financial Services Group Manager

Section 146 (Securities)

PO: Deputy Chief Executive
APO: Financial Services Group Manager

Section 191 (Ordnance Survey)

PO: Director
APO: Development & Conservation Manager

Section 210 (Charity Office)

PO: Democratic Services Manager
APO: Legal Services Manager

Section 225 (Deposit of Documents)

PO: Legal Services Manager
APO: Democratic Services Manager

Section 228 (Accounts open to Inspection)

PO: Chief Executive
APO: Deputy Chief Executive

Section 229 (Certification of documents)

PO: Legal Services Manager
Deputy Chief Executive (financial documents)
APO: Director

Section 234 (Authentication of Documents)

NB: Authentication of documents under any enactment are included in this provision

PO: Legal Services Manager
Deputy Chief Executive (financial documents)
APO: Director

Section 236 (Byelaws)

PO: Legal Services Manager
APO: Democratic Services Manager

Section 238 (Certification of Byelaws)

PO: Legal Services Manager
APO: Democratic Services Manager

Section 248 (Roll of Freemen)

PO: Chief Executive

Section 270 (3) (Reference to Proper Officer)

PO: Legal Services Manager
APO: Democratic Services Manager

Representation of the People Act 1983
Parts II, III and V (Elections)

PO: Chief Executive
APO: Customer Access & Electoral Services Manager

Representation of the People Act 1983 (Section 8(2) (a))

PO: Chief Executive
APO: Democratic Services Manager

Local Government and Housing Act 1989 (all except Sections 2 and 3)

PO: Democratic Services Manager
APO: Legal Services Manager

Local Government and Housing Act 1989 (Sections 2 and 3)
(which shall include delegated authority to give certificates pursuant to Section 3(3)).

PO: Monitoring Officer
APO: Deputy Monitoring Officer

Local Government Act 2000 (all)

PO: Democratic Services Manager
APO: Legal Services Manager

In respect of the following legislation the Proper Officer functions are delegated to the Health Protection Agency:-

Public Health (Control of Disease) Act 1984, Sections 11, 18, 20, 21, 22, 24, 29, 31, 32, 36, 38, 40, 42, 43 and 48

Public Health (Infectious Diseases) Regulations 1988, Regulations 6, 8, 9, 10

Public Health Act 1936, Sections 84 and 85

Public Health Act 1961, Section 37

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