

1. EXPLANATORY NOTE

[This note does not form part of the Constitution]

1. *In Local Authorities operating executive arrangements, all functions are made the responsibility of either the full Council or the Executive (Cabinet) and different rules apply to both.*
2. *Functions which are the responsibility of the full Council are subject to the legal framework set out in the Local Government Act 1972 (under which the Council has operated since 1974). These may be delegated to a Committee (including an area Committee), a sub-committee, an officer or another Local Authority. They may not be delegated to a single member.*
3. *Functions which are the responsibility of the Cabinet (executive functions) are subject to a new legal framework set out in the Local Government Act 2000 and may be delegated to a Committee of the Cabinet, an Area Committee, an individual member of the Cabinet, an officer or another Local Authority.*
4. *The law provides a framework under which:*
 - (i) *some functions must be the responsibility of the Executive (Cabinet);*
 - (ii) *some functions must not be the responsibility of the Executive (Cabinet);*
 - (iii) *some functions (called "local choice functions") may or may not be made the responsibility of the Executive (Cabinet), and is for the Council to allocate these functions. They are allocated as set out in Schedule 1.*
 - (iv) *all remaining functions are vested in the Executive (Cabinet).*
5. *Functions which cannot be the responsibility of the Executive (Cabinet) include:*
 - (i) *determining applications for licences, appeals, consents, permissions or regulations;*
 - (ii) *direct regulation of persons or actions;*
 - (iii) *enforcement action relating to the above;*
 - (iv) *over 170 specific functions set out in the Local Authorities (Functions and Responsibilities Regulations) 2000 and Amendment Regulations.*

These functions are delegated by the Council to the Committees and Sub-Committee as set out in Articles 8 and 9, and to the Appeals Panel.
6. *Area Committees have both executive functions (delegated by the Cabinet) and non-executive functions (delegated by the Council). The Agendas for Area Committees distinguish between those items which relate to non-executive functions, (marked *), and those items relating to executive functions.*