

CIRCUMSTANCES IN WHICH FUNCTIONS ARE NOT TO BE THE RESPONSIBILITY OF AN AUTHORITY'S EXECUTIVE

(Also Schedule 4 of the Local Authorities (Functions and Responsibilities Regulations 2000 (as amended)).

The first level of any delegation is listed below. Any further onward delegation to Officers is in the relevant delegation scheme as set out elsewhere in the Constitution.

	<i>(1)</i> Function	<i>(2)</i> Circumstances	Delegation to
1	The adoption or approval of a plan or strategy (whether statutory or non-statutory), other than a plan or strategy of a description referred to in regulation 4(1)(b) or Schedule 3.	The authority determines that the decision whether the plan or strategy should be adopted or approved should be taken by them (See Article 4 of the Constitution).	Council
2	The determination of any matter in the discharge of a function which (a) is the responsibility of the executive; and (b) is concerned with the authority's budget, or their borrowing or capital expenditure.	The individual or body by whom, by virtue of any of sections 14 to 17 of the Local Government Act 2000 or provision made under section 18 or 20 of that Act, the determination is to be made – (a) is minded to determine the matter contrary to, or not wholly in accordance with – (i) the authority's budget; or (ii) the plan or strategy for the time being approved or adopted by the authority in relation to their borrowing or capital	Council

		expenditure; and (b) is not authorised by the authority's executive arrangements, financial regulations, standing orders or other rules or procedures to make a determination in those terms.	
3	The determination of any matter in the discharge of a function (a) which is the responsibility of the executive; and (b) in relation to which a plan or strategy (whether statutory or non statutory) has been adopted or approved by the authority.	The individual or body by whom, by virtue of any of sections 14 to 17 of the Local Government Act 2000 or provision made under section 18 or 20 of that Act, the determination is to be made, is minded to determine the matter in terms contrary to the plan or, as the case may be, the strategy adopted or approved by the authority.	Council

EXPLANATORY NOTE

Part II of the Local Government Act 2000 provides for the discharge of a local authority's functions by an executive of the authority (which must take one of the forms specified in section 11(2) to (5) of the Act), unless those functions are specified as functions that are not to be the responsibility of the authority's executive.

These Regulations specify functions that are not to be the responsibility of an authority's executive or are to be the responsibility of such an executive only to a limited extent or only in specified circumstances.