

PART 3 RESPONSIBILITY FOR FUNCTIONS

[Introductory/Explanatory Note

The Local Authorities (Functions & Responsibilities) (England) Regulations 2000, as amended from time to time, set down in law those functions of a Council which may or may not be the responsibility of that Council's Executive (or Cabinet).

Under the Local Government Act 2000 the majority of a Council's decision making must be carried out by or through that Council's Cabinet. A Cabinet may delegate or allocate any of its functions to an individual Cabinet Member, a Committee of the Cabinet or an Officer. The Act does not however allow other Committees or Members to take those decisions.

The full Council must retain certain powers (e.g. setting the Council Tax/Budget and approving strategic plans.

There is, in addition, a range of decisions that must be taken relating to certain 'regulatory functions' - which deal with the activities of or impact upon individuals (e.g. Planning, Licensing, Pensions and Remuneration) - and a Council has to appoint Committees to deal with those. A Council may also appoint other Committees for specified purposes to advise the Cabinet or Council on the exercise of its functions.

A County Council must also appoint at least one Overview/Scrutiny Committee to specifically 'hold the Cabinet to account' (i.e. to monitor and review a Cabinet's decisions) and generally to review a Council's existing policies and examine the scope for new policies for that Council's use and management of its resources. It must also establish a Health & Wellbeing Board which, like a Cabinet, has direct responsibility - on behalf of the Council - for making sure all health, social care and public health providers (e.g. NHS, Social Care Providers, Clinical Commissioning Groups, District Councils and other public sector bodies) work together to deliver those services effectively.

The Regulations referred to above also list a number of 'local choice' functions that need not be carried out by a Council's Cabinet; where a Council is free to choose how they are to be classed - as either 'executive' (i.e. dealt with by the Cabinet) or 'non-executive' (dealt with by another Committee). A Council's Scheme of Delegation must show how and where the Council has decided that such 'local choice' functions should be dealt with.

Devon County Council has appointed a Cabinet, a Health & Wellbeing Board and a number of Regulatory, Scrutiny and other Committees listed below to exercise those executive, non-executive and local choice functions as shown in paragraphs 2-7 below and in the more detailed terms of reference of those committees set out at paragraph 9 below. Any functions not otherwise specified fall within the responsibility of the Cabinet].