

Part Two: Chapter 1 - General Responsibilities

Hierarchy

- 1.1 One of the main purposes of this Constitution is to make it clear where the responsibility for particular Council functions lies and which body or person will make the decision that will result in action being taken. The hierarchy of decision making will be as follows:
- a) Council - will exercise the functions reserved in Part One, Chapter 4 of this Constitution
 - b) The Executive - will exercise the functions set out in Part One, Chapter 6 of and Part Two, Chapter 2 of the Constitution. A decision of the Executive may be delegated to a committee of the Executive, an individual Executive Member or, in respect of executive functions, a joint committee.
 - c) The Scrutiny Panels – will undertake the role described in Part One, Chapter 7 and Part Two, Chapter 3 of this Constitution. This role may result in recommendations being made to the Council, the Executive or committees but will not result in decisions.
 - d) The Regulatory Committees – will exercise the functions set out in Chapter 8 of Part 1 and Chapter 4 of Part 2 of this Constitution.
 - e) Officers – will exercise the delegated functions described in Part One, Chapter 11 of this Constitution and the delegated powers set out in Part Four of this Constitution.

Delegation of Powers

Executive and Committees

- 1.2 The Executive may exercise all powers and functions except where identified as a non-executive function by statute.
- 1.3 **Exceptions** will be where:
- a) any proposal implies or requires a change to the Policy framework or approved budget in excess of any variation permitted by Financial Regulations, when the proposals will be submitted to Council with a recommendation for consideration
 - b) any proposal made by a Committee relates to the functions of the Executive, when the matter shall be referred to the Executive
 - c) any proposal relates to powers, duties or functions in respect of the levying of the Council Tax
 - d) any proposal relates to the levying or issuing of a rate or precept for a rate
 - e) any proposal relates to the borrowing of money
 - f) any proposal relates to those powers, duties or functions for Council must retain responsibility
 - g) in respect of an application made on behalf of the Council to the Planning Committee, the Committee is unwilling to approve the application or wishes to

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impose conditions which are unacceptable to the applicant, then the application will be submitted to Council for determination
h) the delegated authority is revoked or amended by resolution of Council.

Delegation to Officers

- 1.4 The powers, functions and duties of Council, the Executive, the Panels and Committees of Council, which are described in Parts One and Four of this Constitution will be executed and performed by the officers identified in those parts of this Constitution, until such time as they are revoked or amended by the body delegating the powers functions or duties.

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