

Part Two: Chapter 2 - Functions of the Executive

Principles of Responsibility

- 2.1 The principles of the Executive's responsibilities will be as follows:
- a) unless a function, power or responsibility is specifically reserved to the Council or a Committee, the Executive is authorised to exercise the function or power;
 - b) the Executive will be responsible collectively, except where decisions are taken by individual Executive Members;
 - c) all decisions will be recorded; and
 - d) the Executive will normally be making 'key decisions'.

Powers and Duties

- 2.2 The powers and duties of the Executive will be to:
- a) lead the preparation of the Council's policies and budgets;
 - b) lead the community planning process in Fareham and the achievement of Best Value;
 - c) implement, within the Council's overall Policy Framework, policies relating to Crime and Community Safety;
 - d) take decisions, within any constraints imposed by the Council, on the use of resources in order to deliver budgets, policies and services decided by the Council;
 - e) act as the focus for forming partnerships with other local authorities and public, private, voluntary and community sector organisations in order to address local needs; and
 - f) approve and adopt Supplementary Planning Guidance.
- 2.3 The Executive is also empowered to:
- a) appoint such Committees and Sub-Committees as it deems appropriate to undertake functions within these Terms of Reference and to determine the extent of their powers;
 - b) delegate such of its functions as it deems appropriate to individual Members of the Executive and to officers of the Council;
 - c) nominate Executive members to act as spokesmen for such of its functions as it deems appropriate;
 - d) advise the Council on those activities and functions that should be delegated to joint committees or another local authority or which may be contracted out to any other person, authority or organisation;
 - e) where required by statute or by this Constitution, to consult with the Scrutiny Panels, external bodies or others, on policy and strategy proposals, prior to their implementation or the submission of those proposals to Council; and
 - f) consider and make decisions on reports and recommendations from its own Executive Members and Committees of the Council.

2.4 The Executive will not be responsible for:

- a) those functions which legislation provides may only be discharged by the Council;
- b) those functions which are the responsibility of the Council's Scrutiny Panels;
- c) those matters relating to planning and development, regulatory, licensing and other activities defined in Regulation 2 of, and Schedule 1 to, the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, as amended by Regulation 2 of The Local Authorities (Functions and Responsibilities)(England)(Amendment) Regulations 2001, which have been reserved to Council or delegated to the Planning Committee, Licensing and Regulatory Affairs, Audit & Governance or other Committees appointed by the Council;
- d) those matters specified in Regulations 3 and 4 of, and Schedules 2 and 3 to, the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, as amended by Regulation 2 of The Local Authorities (Functions and Responsibilities) (England) (Amendment) Regulations 2001, where the final decision in respect of those matters have been reserved to Council;
- e) those plans and strategies where, under the provisions of Regulation 5 of, and Schedule 4 to, the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, final approval and adoption has been reserved to Council; and
- f) those matters delegated to the Council's Audit & Governance Standards Sub-Committee.

Responsibility for 'local choice' functions

2.5 The Executive will undertake the following functions under the provisions of Section 13 of the Local Government Act 2000 and Regulations 3, 4 and 5 of the Local Authorities (Functions and Responsibilities) Regulations 2000:

Regulation 3 - Local Choice Functions which may (but need not) be the responsibility of the Executive	
Function	Extent of Executive responsibility
1. Any matter under a local Act other than in respect of functions reserved to the Council.	To respond to any consultations. To take any action subject to compliance with the Council's approved policies and budgets.

Regulation 3 - Local Choice Functions which may (but need not) be the responsibility of the Executive

Function	Extent of Executive responsibility
<p>3. Functions relating to contaminated land under Part 11A of the Environmental Protection Act 1990 and subordinate legislation under that Act.</p>	<p>To have overall responsibility for the discharge of functions, subject to prior consultation with the Planning Committee, where any action may affect that Committee's duties, and also, where appropriate, the Scrutiny Board.</p>
<p>4. Any function relating to the control of pollution or the management of air quality.</p>	<p>To take any action, subject to compliance with the Council's approved policies and budgets.</p>
<p>5. The service of an abatement notice under Section 80(l) of the Environmental Protection Act 1990 in respect of a statutory nuisance.</p>	<p>To take any action subject to simultaneous notification of the service of the notice to the appropriate ward members.</p>
<p>6. The passing of a resolution under Section 8 that Schedule 2 of the Noise and Statutory Nuisance Act 1993 should apply in the Council's area.</p>	<p>To initiate proposals, undertake relevant consultation and make recommendations to the Council.</p>
<p>7. The inspection of the Council's area to detect any statutory nuisance under Section 79 of the Environmental Protection Act 1990.</p>	<p>To take any action subject to expenditure incurred being contained within approved budgets or within the limits of virement permitted by the Council's Financial Regulations.</p>
<p>8. The investigation of any complaint as to the existence of a statutory nuisance under Section 79 of the Environmental Protection Act 1990.</p>	<p>To take any action subject to simultaneous notification of the service of the notice to the appropriate ward members.</p>
<p>9. The appointment of any individual:</p> <ul style="list-style-type: none"> • to any office other than an office in which they are employed by the Council 	<p>To make recommendations to the Council on appointments and the revocation of such appointments.</p>

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Regulation 3 - Local Choice Functions which may (but need not) be the responsibility of the Executive

Function	Extent of Executive responsibility
<ul style="list-style-type: none"> • to anybody other than: <ul style="list-style-type: none"> • the Council • a joint committee of two or more authorities, or • to any committee or subcommittee of such a body • and the revocation of any such appointment. 	

Regulation 4 Functions not to be the sole responsibility of the Executive

	<ul style="list-style-type: none"> •
<p>2. Community Strategy for promoting or improving the economic, social and environmental wellbeing of the area under Section 4 of the Local Government Act 2000.</p>	<p>To prepare and recommend the strategy to the Council, including the making of any amendments or modifications thereto, following full consultations with:</p> <ul style="list-style-type: none"> • the Scrutiny Panels and other Committees of the Council • Hampshire County Council • such other agencies as the Executive considers appropriate <p>other persons bodies or organisations as the Council directs or the Executive considers appropriate.</p>
<p>3. Crime and Disorder Reduction Strategy under Sections 5 and 6 of the Crime and Disorder Act 1998.</p>	<p>To initiate and take the lead on the preparation, management and amendment of the Strategy and to make recommendations thereon to Council, following full consultations with the relevant Scrutiny Panels during its preparation and the making of any amendments.</p>
<p>4. Plans and Alterations, which together comprise the Development Plan, prepared under Section 54 of the Town and Country Planning Act 1990 or subsequent amending legislation.</p>	<p>To initiate and take responsibility for the preparation and alteration of all Plans and alterations and to make recommendations thereon to the Council, including any public consultation in liaison with the Planning Committee</p>

Regulation 5 Functions – Plans and Strategies to be adopted or approved by Council

- 2.6 The Executive will initiate and take the lead on the preparation and management of the plans and strategies which comprise the Policy Framework and make recommendations on them to Council, subject to undertaking full consultations with the appropriate Scrutiny Panels and Committees during their preparation and the making of any amendment to them.