

Woking Borough Council

Responsibility for Functions

Shaping the *future* of our borough



1. Responsibility For Functions

1.1. The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) require that certain parts of the structure of the Council must be responsible for certain decisions. The Regulations specify:

- i) functions which are not to be the responsibility of the Council's Executive;
- ii) functions which may but need not be the responsibility of the Executive ("local choice functions"); and
- iii) functions which are to some extent the responsibility of the Executive. All other functions not so specified are to be the responsibility of the Executive.

2. Responsibility for Council (Non Executive) Functions

2.1. These functions, which are listed in Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended), may not be the responsibility of the Council's Executive. In accordance with legislation, certain decisions on these matters must be taken by the full Council, whilst others may be taken by the full Council, a committee appointed by the Council, officers, or jointly with other bodies under separate joint arrangements, provided that they are within the budget and policy framework approved by the full Council.

3. Responsibility for Executive Functions

3.1. "Executive functions" are all the statutory functions of the Borough Council except those listed as Non Executive functions. In accordance with the Local Government Act 2000, decisions on these matters may be taken by the Leader, the Executive collectively, an individual lead councillor, committee of the Executive, individual local ward councillors, officers or jointly with other bodies under separate joint arrangements, provided that they are within the budget and policy framework approved by the full Council.

4. Responsibilities Delegated to Officers

4.1. The extent to which the functions described above have been delegated to officers is shown in the Council's scheme of delegation in this Part of the Constitution.

Who is responsible	Membership	Functions
Full Council	30 members of the authority	<p>Council will:</p> <ul style="list-style-type: none"> i) Approve: <ul style="list-style-type: none"> ○ Accounts ○ Borrowing Limits ○ Budget ○ Codes of Conduct ○ Community Strategy ○ Constitution ○ Council Tax ○ Electoral Arrangements ○ Financial Strategy ○ Housing Strategy ○ Housing rents etc ○ Housing Investment Programme ○ Housing Revenue Account Budget ○ Investment Programme ○ Local Agenda 21 Strategy ○ Local Plan ○ Local Transport Plan ○ Programme of Best Value Reviews ○ Service and Performance Plan ○ Standing Orders/Financial Regulations ○ Treasury Management Strategy ii) Adopt new policy and new strategy iii) Approve material departures from policy iv) Consider recommendations of action from <ul style="list-style-type: none"> ○ Executive ○ Standards and Audit Committee v) Determine notices of motion vi) Deal with Corporate Leadership Team appointments vii) Receive reports of action taken by Executive viii) Carry out miscellaneous functions which are not the responsibility of the Leader: <ul style="list-style-type: none"> ○ making, amending, revoking or re-enacting by-laws ○ functions relating to health and safety at work ○ names and status of areas and individuals ○ promoting or opposing local or personal Bills ○ functions relating to local government pensions ○ disputed/significant payments in cases of mal-administration ix) Determine Members' allowances

Who is responsible	Membership	Functions
		<ul style="list-style-type: none"> x) Designate Head of Paid Service xi) Designate Monitoring Officer xii) Designate Chief Finance Officer xiii) Appoint Leader xiv) Appoint to Committees etc xv) Elect Mayor/Deputy Mayor
The Leader		Appoint Members to the Executive
The Executive	The Leader, Deputy Leader and up to five other Members	<p>The Leader has appointed the Executive and delegated the following executive functions to it:</p> <ul style="list-style-type: none"> i) Determine all proposals, within existing policy, which require Member approval for action to be taken ii) Determine the Council Tax - Tax Base. iii) Make recommendations to Council on: <ul style="list-style-type: none"> o all the items under (i) to (iii) of the Council list above; and o Notices of Motion. iv) Monitor and manage the effects of trends and developments affecting the Council's business v) Monitor and manage the effects of trends and developments for consistent application of corporate standards vi) Carry out all functions that are not otherwise reserved to the Council, its Committees or delegated to officers vii) Carry out the following 'local choice' functions permitted by Regulation 3 of and Schedule 2 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 except as may be delegated to officers: <ul style="list-style-type: none"> o any functions conferred by local Acts; o functions relating to contaminated land; o functions relating to control of pollution or management of air quality; and o functions relating to statutory nuisances. viii) Responsibility for Risk Management Responsibility for the implementation and regular monitoring of Treasury Management policies and practices

Who is responsible	Membership	Functions
Standards and Audit Committee	6 members (including 1 independent co-opted member).	<p>Committee responsible for:</p> <ul style="list-style-type: none"> i) promoting and maintaining high standards of conduct by councillors and co-opted members; ii) assisting councillors and co-opted members to observe the Members' Code of Conduct; iii) advising the Council on the adoption or revision of the Members' Code of Conduct; iv) monitoring the operation of the Members' Code of Conduct; v) advising, training or arranging to train councillors and co-opted members on matters relating to the Members' Code of Conduct; vi) determining allegations that there has been a breach of the Members' Code of Conduct in accordance with arrangements adopted by Council; vii) act as the Council's Audit Committee. In performing this task the Standards and Audit Committee will: <ul style="list-style-type: none"> o approve the plans of Internal Audit and consider the External Audit plan; o receive the Annual Audit and Inspection letter from External Audit; o receive Internal Audit recommendations for improvements and assurance that action has been taken where necessary; o review summary Internal Audit reports (located on the intranet); o receive a half yearly and annual report from the Chief Internal Auditor on the work of Internal Audit; o receive appropriate matters of concern raised by either External or Internal Audit or other agencies; and o ensure that there are effective relationships between internal and external audit and promote the value of the audit process; viii) overseeing the Council's Risk Management, Anti Fraud and Whistleblowing strategies, and Health and Safety policies and strategies; ix) the receipt of the Annual Governance Statement, and ix) oversight of payments in cases of maladministration which are neither disputed nor significant (which are dealt with by the Monitoring Officer).

Who is responsible	Membership	Functions
Planning Committee	10 members	<p>Committee responsible for:</p> <p>i) All functions relating to Town and Country Planning and Development Control as specified in Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) including:</p> <ul style="list-style-type: none"> ○ planning applications ○ enforcement action ○ planning agreements ○ lawful use or development ○ advertisement control ○ listed buildings ○ conservation areas ○ tree preservation ○ minerals and waste disposal ○ hazardous substances ○ development proposals by County Council and Borough <p>ii) All matters relating to Building Control functions not otherwise delegated to officers.</p>
Licensing Committee	10 members	<p>i) All functions relating to licensing and registration functions as specified in Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) including:</p> <ul style="list-style-type: none"> ○ public entertainments ○ cinemas and theatres ○ hackney carriage and private hire vehicles ○ animal welfare ○ sex establishments ○ betting, gaming and lotteries ○ caravan and camping sites ○ food preparation ○ markets and street trading ○ night cafes and take-away food shops ○ registration of door-staff ○ licensing of hypnotism ○ licensing of premises for acupuncture, tattooing, ear-piercing and electrolysis ○ health and safety (other than in Council's capacity) <p>ii) Hearing of representations against cancellation or refusal to register an applicant pursuant to the Motor Salvage Operators Regulations 2002.</p>

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		iii) Licensing Act 2003. iv) Power to make an Order identifying a place as a designated public place for the purposes of police powers in relation to alcohol consumption pursuant to section 13 Criminal Justice and Police Act 2001.
Appeals Committee	3 members	Housing appeals.
Overview and Scrutiny Committee	10 members	Functions: (a) Policy development and review. <ul style="list-style-type: none"> i) assist the Council and the Leader/Executive in the development of its budget and policy framework by in-depth analysis of policy issues; ii) conduct research, community and other consultation in the analysis of policy issues and possible options; iii) consider and implement mechanisms to encourage and enhance community participation in the development of policy options; iv) question the Leader, members of the Executive and/or Committees and Corporate Leadership Team members about their views on issues and proposals affecting the Borough; and v) liaise with other external organisations operating in the Borough, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working. (b) Scrutiny <ul style="list-style-type: none"> i) review and scrutinise the decisions made or to be made by and performance of the Leader/Executive and/or Committees and Council officers both in relation to individual decisions and over time; ii) review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas; iii) question the Leader, members of the Executive, individual members exercising ward functions, Committees and Corporate Leadership Team members about their decisions and

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		<p>performance, whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions, initiatives or projects;</p> <ul style="list-style-type: none"> iv) make recommendations to the Leader, Executive and/or appropriate Committee and/or Council arising from the outcome of the scrutiny process; v) review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address the Overview and Scrutiny Committee and local people about their activities and performance; vi) question and gather evidence from any person (with their consent) or require information from partner authorities; vii) review and scrutinise equality issues; and viii) effective scrutiny of the Treasury Management Strategy and Policies. . <p>c) Discharge the functions of a crime and disorder committee under Section 19 Police and Justice Act 2006.</p>
<p>Joint Committee for the Oversight of Delivery of Surrey Public Authority Services (“Surrey First”)</p>	<p>One Member appointed by Woking Borough Council to Joint Committee comprising the Surrey local authorities and the Surrey Police Authority</p>	<p>The governance arrangements for the Joint Committee are appended.</p>
<p>Joint Waste Services Collection Committee</p>	<p>One Member appointed by Woking Borough Council to Joint Committee, comprising Elmbridge Borough, Mole Valley District, Rushmoor Borough, Surrey County, Surrey</p>	<p>The governance arrangements for the Joint Committee are appended</p>

Who is responsible	Membership	Functions
	Heath Borough and Woking Borough Council.	