Part 3

Responsibility for Functions
Part 3 – Responsibility for Functions

3.1 LOCAL CHOICE FUNCTIONS

All functions described as “local choice functions” in the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 will be executive functions carried out by the Cabinet.

3.2 COUNCIL

Chapter 4 of Part 2 sets out the functions which are the responsibility of the full Council. Other functions which are not listed are legally required to be carried out by Council.

Responsibility for Council Functions

The Council has delegated the responsibilities and functions to the Committees set out below. These Committees may consider and decide any matter of non-executive business referred to it, which fall within its function.

Their specific terms of reference are set out in Part 2 Chapter 7.

(a) Planning Committee

Planning and Conservation.

Commons Registration.

Miscellaneous functions as set out in Part 1 Schedule 1 of Local Authorities (Functions and Responsibilities) (England) Regulations 2000 Paragraphs 1-12.

(b) Licensing Committee

Determining various licensing functions where there is the requirement for a hearing (Miscellaneous Functions as set out in Part B of Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000).

(c) Councillor Conduct Committee

Responsibility for matters of probity and ethics and the Member Code of Conduct.

(d) Staff Appeals Panel

Responsibility for appeals by Chief and Deputy Chief Officers in cases of dismissal, grievance, grading and pension entitlement.
(e) **Pension Board and Investment Committee**

Responsibility for overseeing the investment strategy and performance of the Council’s Pension Fund.

(f) **School Appeals Panel**


(g) **Social Services Registration Panel**


(h) **Health and Social Care Board**

Responsibility for miscellaneous health improvement functions.

### 3.3 RESPONSIBILITY FOR EXECUTIVE FUNCTIONS

Other than those matters reserved to Council or delegated to a non-executive Committee/Panel or to a Director (or Statutory Officer), all other remaining functions are allocated as executive functions. These will be carried out by the Leader or as the Leader shall direct.

(Updated Council :31/3/10)

Under Section 236 of the Local Government and Public Involvement in Health Act 2007 the Leader has the statutory power to delegate functions, which are the responsibility of the Executive, to other Members (subject to them being exercised in Members’ own wards only).

(Updated Council 4/5/11)

### 3.4 SCHEME OF DELEGATION

**Council Decisions**

<table>
<thead>
<tr>
<th>Area</th>
<th>Who will take</th>
<th>Examples</th>
</tr>
</thead>
<tbody>
<tr>
<td>Statute</td>
<td>Council</td>
<td>As set out in Council terms of reference e.g. Setting Council Tax and Housing Rents.</td>
</tr>
<tr>
<td>Matters listed under purpose and functions of Council</td>
<td>Council</td>
<td>Agreeing Community Plan and Local Performance Plan. Agreeing service priorities.</td>
</tr>
</tbody>
</table>
### Non-executive Quasi Judicial and Planning

<table>
<thead>
<tr>
<th>Area</th>
<th>Who will take</th>
<th>Examples</th>
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<tbody>
<tr>
<td>Decisions which are reserved to committees or panels set up by the</td>
<td>The committee or panel to which the decision is referred.</td>
<td>Licensing Committee. Planning Committee.</td>
</tr>
<tr>
<td>Council to act on its behalf.</td>
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</table>

### Corporate Decisions

<table>
<thead>
<tr>
<th>Area</th>
<th>Who will take</th>
<th>Examples</th>
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<tbody>
<tr>
<td>Decisions which will have a significant impact upon the delivery of</td>
<td>Cabinet</td>
<td>Examples of such decisions are:</td>
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<tr>
<td>services across a number of Cabinet Portfolios.</td>
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<td>Agreeing to detailed review to be included in Best Value programme.</td>
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<tr>
<td>Decisions which have significant resource implications across a</td>
<td></td>
<td>Making of major corporate bids for resources, financial allocations.</td>
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<tr>
<td>number of Cabinet portfolios which are within the Council’s policy</td>
<td></td>
<td>Large scale restructuring e.g. delivery of devolved support services</td>
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<td>framework.</td>
<td></td>
<td>across the Council.</td>
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<tr>
<td>Decisions which will have a major impact on employee relations</td>
<td></td>
<td>Decision to procure a linked group of services in a different way e.g.</td>
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<td>across a number of Service Groups.</td>
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<td>externalisation.</td>
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<td>Decision to allow service centre managers to choose the supplier of a</td>
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<td>corporate support service from a select list where this ability did not</td>
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<tr>
<td></td>
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<td>exist previously.</td>
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<td></td>
<td>Decision to tender for a corporate support service where the Council has</td>
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<td>previously been the monopoly provider.</td>
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<td>Decision to adopt a new job evaluation scheme or to make a major</td>
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<td>variation to the existing scheme.</td>
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<td>Decision to adopt a new or significantly varied payscales for a group of</td>
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<td>staff e.g. Directors, Heads of Service.</td>
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<td>Decision to acquire or dispose of property for corporate purposes (outside</td>
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<td>the delegation to Officers).</td>
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<td>Decision to pilot a significant</td>
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<tr>
<td>Area</td>
<td>Who will take</td>
<td>Examples</td>
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<tr>
<td></td>
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<td>new form of service covering more than one Cabinet portfolio. Major reviews of policy e.g. planning policy.</td>
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**Portfolio Decisions**

<table>
<thead>
<tr>
<th>Area</th>
<th>Who will take</th>
<th>Examples</th>
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</thead>
<tbody>
<tr>
<td></td>
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<td>Group restructuring. Making major service group bids for resources. Decision to provide a service in a different way e.g. external supplier. Virements within the Group in accordance with Financial Regulations. Decisions on traffic issues with a significant impact on the local community (i.e. traffic calming in a road as opposed to a siting traffic island or disabled parking bay).</td>
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<td></td>
<td></td>
<td>Decisions which will have a significant impact on service delivery within one Cabinet portfolio. Decisions which will have resource implications for the portfolio but will be within the Council’s policy framework. Portfolio holder in consultation with Director. (In some instances could be more than one Director and portfolio holder).</td>
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</table>

**Operational Decisions**

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<thead>
<tr>
<th>Area</th>
<th>Who will take</th>
<th>Examples</th>
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<tr>
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<td>Detailed Budget estimates in line with overall resources allocations. Appointments, other than those reserved to members. Personnel matters including appeals. Decisions on litigation. Letting of contracts within approved guidelines. Virements in accordance with agreed rules. Restructuring of teams. Eviction of tenants in accordance with Council policy. Authorisation of expenditure within budgets and write off of bad debts. Determining planning and licensing applications.</td>
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<td>Directors</td>
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<td></td>
<td>All other decisions which do not fall into the above categories. Some of these decisions will be administrative in their nature and will be delegated within the group in accordance with a written scheme.</td>
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</tbody>
</table>
3.5 RESPONSIBILITY FOR FUNCTIONS

The Leader will maintain a list in Part 4 (Chapter 3) of this Constitution setting out which individual members of the Cabinet, committees of the Cabinet, officers or joint arrangements are responsible for the exercise of particular functions.

The Policy Framework

The Cabinet is responsible for proposing the policy framework to full Council and for its implementation within the Council’s Scheme of Delegation – see paragraph 4. The detailed Policy Framework and the way it is developed are set out in Part 4, Chapter 7.

A record of all these policies will be developed and maintained by the Council’s Management Team. Copies of the policies will be available to the Cabinet, all councillors and staff.

Departure from or changes to the Policy Framework will require the prior approval of the Council (see Part 4, Chapter 7).

3.6 CABINET RESPONSIBILITIES FOR THE EXECUTIVE FUNCTION

(1) Matters Requiring Collective Cabinet Consideration (“Corporate” Decisions) as delegated by the Leader

(updated Council: 31/3/10)

a. Major policy matters affecting the Council as a whole or where individual Cabinet member(s) require collective guidance.

b. Prospective decisions with significant impact on service and/or resource implications across the Council as a whole or which could have significant effects across a number of services or portfolios.

c. Significant performance issues affecting the Council as a whole or crossing a number of services, or having major effects within a significant service.

d. Matters requiring collective political guidance, for example major employee relations issues, and resource assumptions to be built into major plans such as the education development plan and housing strategy and investment programme.

e. Matters requiring collective Cabinet consultation before decisions are made under delegated authority.

f. Recommendations to Council which affect the Council as a whole or have a widespread effect across the Council.
g. Proposals to or responses to recommendations or matters raised by the Overview and Scrutiny Committee which potentially affect the Council as a whole or could have a widespread effect across the Council.

h. Formal responses on behalf of the Council to consultation by other bodies on matters that affect the Council as a whole or have a widespread effect across the Council.

i. Formal representations or recommendations to other bodies on behalf of the Council on matters that affect the Council as a whole or have a widespread effect across the Council.

(2) Matters for Decision by an Individual Cabinet Member (“Portfolio” Decisions) as delegated by the Leader

(Updated Council: 31/3/10)

a. Policy matters affecting the functions (referred to as “the function concerned” in the clauses that follow) within the Cabinet member’s portfolio only.

b. Prospective decisions with significant service or resource implications for the function concerned.

c. Significant performance issues affecting the function concerned.

d. Matters affecting the function which require political guidance such as major issues affecting the public or major employee relations issues.

e. Matters requiring consultation before decisions affecting the function concerned are made under delegated authority.

f. Recommendations to Council relating to the function concerned as appropriate.

g. Proposals to or responses to recommendations or matters raised by the Overview and Scrutiny Committee which potentially affect the function concerned.

h. Formal responses to consultation by other bodies on matters that affect the function concerned.

i. Formal representations or recommendations to other bodies on behalf of the Council on matters that affect the function concerned.

Where matters dealt with under a. to i. have an effect on another Cabinet portfolio there will be consultation with the relevant Cabinet member before a conclusion is reached.
**Sub-committees:** For the efficient conduct of business the Cabinet may set up sub-committees. Only the Cabinet may decide to set up a sub-committee and only Cabinet members may be a member of a Cabinet sub-committee. All sub-committees must operate in accordance with this Constitution, have stated terms of reference and will be accountable to the Cabinet.

The Council’s Management Board and Legal and Democratic Services Team will be responsible for ensuring appropriate officer support and advice to sub-committees. Minutes of these meetings, together with a brief statement of the reasons for each of those decisions will be made public and the access to information provisions of the Local Government Act 1972 (as amended) will apply to sub-committees.

(3) **Accountability**

a. **Accountability of the Cabinet**

The Cabinet will also account to the Overview and Scrutiny Committee for the discharge of its functions. On a majority vote, an Overview and Scrutiny Committee can recommend to Council action that is necessary in their view to improve performance by the Cabinet. Such a recommendation must be the subject of consultation with the Cabinet before one Overview and Scrutiny Committee decides to put it to the Council.

b. **Accountability within the Cabinet**

The Cabinet will work within the policy of collective responsibility. Individual members of the Cabinet will also comply with that policy.

c. **Accountability for Work with Partners**

The Cabinet will be responsible for ensuring the Council’s effective performance as a partner to other bodies and will be the accountable body in this regard. The Council’s Management Board will support the Cabinet in this responsibility.

This responsibility will be undertaken collectively by the Cabinet where the relationship with the partner body affects the Council as a whole or has a widespread effect across the Council.

The responsibility will be undertaken individually by the Cabinet member concerned where the relationship with the partner body is primarily within his/her portfolio. Individual Cabinet members will work together to carry out this responsibility where the relationship with the partner body affects more than one portfolio.
For this purpose the Council’s Management Board will maintain for the Cabinet an agreed list of key partners with whom the Council as a whole relates or where the relationship has a widespread effect across the Council.

The Cabinet in consultation with the Council’s Management Board will decide how best to foster and improve the Council’s performance as a partner (see purpose of Cabinet - Part 1, Chapter 7). The Cabinet will also decide in consultation with the Council’s Management Board how accountability for the function will be exercised.

The Council’s work with each key partner will be assessed and forward planned every year. This assessment will be undertaken by the Cabinet with relevant Council Management Board members, link councillors and officers.

Views will also be obtained from the partner body to provide an independent external view.

The principles within the Cabinet model for fostering and improving the Council’s performance as a partner will also be applied by individual Cabinet members and Directors to work with partners within their own area of responsibility.

(4) The Cabinet and Other Councillors

The Cabinet will conduct its relationships with other councillors within the following principles. These principles apply to the Cabinet collectively and to individual Cabinet members:

a. The Cabinet will work to support councillors’ representative role and will inform and involve councillors in matters before the Cabinet that have a particular implication or effect for their ward.

b. The Cabinet will ensure that councillors’ enquiries of Cabinet members are dealt with efficiently and effectively, and will adopt the corporate standard that applies to Councillors’ enquiries of officers.

c. The Cabinet will be accessible to councillors who wish to make representations or to obtain information on matters relevant to their councillor role.

(5) The Cabinet and Scrutiny

The Cabinet will conduct its relationship with the Overview and Scrutiny Committee within the following principles. These principles apply to the Cabinet collectively and to individual Cabinet members:
a. The Cabinet will work to support the intended purpose of the Overview and Scrutiny Committee as indicated in their terms of reference.

b. The Cabinet will respect the independence of the Committee and will not seek to exert undue influence on their members.

c. The Cabinet will ensure the provision of necessary information to the Committee and its workstreams and will co-operate with their reviews and enquiries. Where necessary, Cabinet members and/or members of the Council’s Management Board will participate in Scrutiny hearings.

d. The Cabinet will ensure adequate consultation with the relevant Overview and Scrutiny Committee on matters within their terms of reference before recommendations are made to Council or proposals are made public. This includes discussion of consultation documents before they are made public. The Committee will respect the confidentiality (Part 2 status) of draft consultation documents.

e. The minimum time allowed by the Cabinet for consultation with the Committee on recommendations to Council will be 30 calendar days.

f. The Cabinet is required to include the Committee in the list of bodies to receive and consider Council consultation documents.

g. The Cabinet is required to consider seriously reports, recommendations, comments and amendments proposed by the Committee, and to make responses and, where appropriate, provide explanations for these responses.

h. The Cabinet must make reasoned responses in writing to the reports and recommendations of Committees.

i. The Cabinet is able to seek to share matters with the Committee on a confidential basis and this body will, where the Cabinet agrees it with them, respect the confidentiality. The justification for confidentiality must be demonstrated by the Cabinet within the access to information provisions of the Local Government Act 1972 (as amended).

j. A proposal by the Committee to make public information shared by the Cabinet with the Committee in confidence shall be the subject of prior consultation with the Cabinet. In cases of disagreement the matter will be decided by the Council’s Monitoring Officer or, if the Monitoring Officer so wishes, by the Council.
This provision will be operated within the principles underlying the access to information provisions of the Local Government Acts 1972 and 2000.

In conducting its relationships with the Overview and Scrutiny Committee the Cabinet will also have regard to the expectations and requirements the Council has placed on those bodies.

(6) **The Cabinet and the Planning Committee**

The Cabinet when acting on behalf of the Council in property development matters will respect the quasi-judicial status and statutory responsibilities of the Planning Committee. This requirement applies where, for example, the Cabinet is acting on behalf of the Council as a significant player in a property development matter or as the owner or potential disposer or acquirer of property.

The Cabinet when considering policy proposals or options that relate to the responsibilities of the Planning Committee will seek the views of the Committee and take account of them. An example of this is the Council’s review from time to time of the Unitary Development Plan.

(7) **Budget - Capital and Revenue**

The Cabinet will be responsible for recommending to Council the budget for the coming year.

In doing this the Cabinet will inform and consult with the Overview and Scrutiny Committee. Before bringing forward proposals the Cabinet will inform the Committee of the projected position for the following years (usually three years) and seek their views on issues and key policy options.

Later in the annual budget cycle the Cabinet will put budget proposals and, where appropriate, options to the Committee and seek their views.

The Cabinet will consider the views put forward and make an informative and reasoned response. This will be done in advance of the Cabinet making its budget recommendations to the Council. Reasons will be given by the Cabinet for the response to the recommendations made.

The Overview and Scrutiny Committee will then have the opportunity to consider the Cabinet’s responses and, if it so wishes, make recommendations and/or comments to the Council. The Council will consider these recommendations and/or comments together with those of the Cabinet before deciding the budget.
The details of the budget estimates for the coming year will be decided by the Chief Executive and Directors within the framework of the decisions made by Council.

The Cabinet and the Council’s Management Board within their respective areas of responsibility will be accountable for the delivery of the Council’s planned services and programmes within the budget.

### 3.7 ASSOCIATE CABINET MEMBERS – ROLES AND RESPONSIBILITIES

Three Associate Cabinet Members (ACMs) will be appointed at Annual Council every year, to cover the following geographical areas:

Enfield North (Chase, Enfield Highway, Enfield Lock, Grange, Ponders End, Southbury, Town, Turkey Street wards)

Enfield South East (Bush Hill Park, Edmonton Green, Haselbury, Jubilee, Lower Edmonton, Upper Edmonton wards)

Enfield West (Bowes, Cockfosters, Highlands, Palmers Green, Southgate, Southgate Green, Winchmore Hill wards)

Members appointed to these positions will be able to serve for more than one Municipal Year, subject to the appointments being agreed at Annual Council.

1. **Role**

   The role of the ACM is to deliver a spatially focused, cross cutting support function that will assist with informed decision making at Cabinet, providing insight into spatial issues affecting local communities, driving transformational change and providing a focal point for ward business in the areas covered.

   Associate Cabinet Members will work closely with the relevant Cabinet members to facilitate delivery of their programmes.

2. **Responsibilities**

   **(a) Area Champion / Chairing Area Partnership Boards**

   In addition to having responsibility for oversight and championing of activities in their wider spatial areas, each ACM will chair the area partnership boards falling within their area as follows:

   Edmonton Leeside Partnership Board (Enfield South East) which covers the following wards: Jubilee, Edmonton Green, Upper Edmonton, Lower Edmonton and Haselbury

   North East Enfield Partnership Board (Enfield North) which covers the following wards: Turkey Street, Enfield Lock, Enfield Highway and Ponders End
South West Enfield Partnership Board (Enfield West) which covers the following wards: Bowes, Southgate Green and Palmers Green.

(b) Support to Ward Councillors

The ACMs will provide support to ward councillors in their area, and help with any issues arising through ward forums, taking these further when required.

(c) Engaging with Partners

The ACM is responsible for linking with partner agencies in their areas to ensure a joined up approach (including co-ordinating engagement activities, sharing information and providing a contact point for partner agencies wishing to engage in activities in their areas).

(d) Liaising with Planning Activity in the Area

ACMs will be actively involved in strategic land use planning issues in their areas (but not including involvement in particular development control applications), providing support and advice to relevant Cabinet members. They will also be invited to attend the Local Plan Cabinet Sub Committee.

(e) Attending Enfield Strategic Partnership Board

ACMs will be required to attend and engage with the Enfield Strategic Partnership Board to provide regular updates on progress and make representations to strategic partners, as required. They will not have voting rights on the Board.

(3) Work Programme

ACMs will develop a work programme which they will present to Cabinet in the autumn.

The work programme will contain key milestones on which progress will be reported to Cabinet on a 6 monthly basis.

(4) Officer Support

No dedicated officer support will be available to facilitate the work of ACMs. Where the need for support is identified the ACM will be required to contact the relevant Director for response. This will be with the exception of support required to chair the relevant Area Partnership Board, where the ACMs should liaise with the Area Partnership and Regeneration Manager.