

SECTION 3
RESPONSIBILITY FOR FUNCTIONS

This Section comprises the following:

	Page
PART 1 Overview and Scheme of Delegations of Authority to Officers	2
PART 2 Responsibility for Functions	3
PART 3 Delegation of Authority to Officers	9

PART 1 OVERVIEW AND SCHEME OF DELEGATIONS OF AUTHORITY TO OFFICERS - INTRODUCTION

1. All matters which have not been reserved to Council or a Committee are delegated to Officers. Delegated decisions are to be taken by Chief Officers. Each Directorate must develop and maintain their own internal scheme of management which will be published on the Council's website as required by section 100G of The Local Government (Access to Information) Act 1985. Delegated decisions are to be taken in accordance with the relevant internal scheme of management. Officers may take decisions within the responsibilities of their directorate as determined by the Chief Executive.
2. Chief Officers are authorised to take the necessary action to implement decisions taken by Committees of the Council.
3. The Council may use provisions of the Local Government Act 1972 and the Localism Act 2011 to commission and monitor work for and on behalf of the Council. When services remain the responsibility of the Council, but are delivered by people who are not officers of the authority, Chief Officers may authorise non Council employees to take delegated decisions, such people will be bound by the Constitution, this scheme, and the obligations contained in it, at all times when engaged on Council business.
4. Under this scheme officers must keep Members properly informed of action arising within the scope of these delegations. Officers must liaise closely with the relevant Chair when the matter falls within the remit of that committee. Officers shall inform the local Ward Members when they exercise delegated powers specifically affecting their ward and when the matter is likely to be politically sensitive or contentious unless legal reasons prevent this.
5. Any decision which requires the approval of the Chief Executive or a Strategic Director is required to be published on the Council's Forward Plan and recorded using a Delegated Decision Notice which will be published on the Council's website. Chief Officer and Deputy Chief Officers are responsible for ensuring that items are included on the Forward Plan and that Committee Chairs and Lead Members are consulted prior to decisions by Chief Officers.
6. The Openness of Local Government Bodies Regulations 2014 require every local authority to publish details of certain decisions taken by Officers under delegated authority as soon as practicable. Chief Officers are responsible for ensuring that decisions taken within their areas of responsibility are recorded in accordance with these regulations.
7. In exercising their delegated powers, Chief Officers and Deputy Chief Officers must act within the law and the Council's Standing Orders and Financial Regulations, and must follow Council policy and the instructions of Council committees. If, exceptionally, it is necessary to depart from Council policy or Committee instructions, a full report must be submitted to Committee as soon as is practicable.

8. The Chief Executive, subject to the concurrence of the Leader or, in his/her absence, the Deputy Leader together with the Chair or, in his/her absence, the Vice-Chair of the relevant committee, may authorise Chief Officers to perform all functions within the Powers and Duties of that Committee in any case of urgency in which the prompt performance of any of the Council's functions is desirable and necessary, as set out in Section 4 - Rules of Procedure (Urgent Action).
9. Where an officer has delegated powers, the Council or relevant Committee can still exercise that power in a particular case if it considers it appropriate to do so. Equally it is always open to an Officer not to exercise delegated powers but to refer the matter up as appropriate.

~~Section 101 (Paragraph 2) of the Local Government Act 1972 empowers local authorities to arrange for the discharge of any of their functions by a Committee, Sub-Committee or an officer of the authority or jointly with another local authority. A Committee may in turn arrange for a Sub-Committee or an officer to discharge its functions. Similarly a Sub-Committee may arrange for an officer to discharge functions delegated to it by a Committee, but in Sutton delegations are only decided by Full Council or a Committee.~~

~~The Local Government (Access to Information) Act 1985 created a new Section 100G to the 1972 Act which requires local authorities to make available for public inspection a list specifying the powers for the time being delegated to officers and stating their titles (unless the delegation is for a specified period not exceeding six months).~~

LOCAL GOVERNMENT AND HOUSING ACT 1989

~~Section 2(1)(g) of the Local Government and Housing Act 1989 requires that those officers listed under the requirements of the Local Government (Access to Information) Act must be politically restricted with no right of appeal to the Independent Adjudicator. Those officers who occupy the posts listed in the attached Schedules are thereby politically restricted within the terms of The Local Government Officers (Political Restrictions) Regulations 1990.~~

CHANGE OF POST TITLES (1999 REORGANISATION)

~~By minute 626(ii)/99 (Policy and Resources Committee 18.2.99) in the Council's scheme of delegations to officers, all references to post titles will be deemed to include any new titles given to the same posts after 1 April 1999 and that, from the same date, any new postholders that have responsibility for a service for which delegated powers have previously been given will also be deemed to have the delegated power.~~

~~Any enquiries about the delegation schedules should be addressed to:~~

~~Committee Services (Tel: 020 8770 4990)~~

PART 2. RESPONSIBILITY FOR FUNCTIONS**Responsibility for Local Choice Functions**

1. The table below shows the decision-making bodies responsible for those functions under the Local Government Act 2000 that used to be carried out by local authority executives but do not have to be. It also shows, where appropriate, to whom those functions have been delegated.

Function	Decision making body	Delegation of functions
The determination of an appeal under the provisions of nationally and locally negotiated conditions of service by any employee of the Council other than a teacher or lecturer.	Appeals Committee	-
The making of arrangements pursuant to subsection (1) of section 67 of, and Schedule 18 to, the 1998 Act (appeals against exclusion of pupils).	Education Appeals Panels	-
The making of arrangements pursuant to section 94(1) and (4) of, and Schedule 24 to, the 1998 Act (admission appeals).	Education Appeals Panels	-
The making of arrangements pursuant to section 95(2) of, and Schedule 25 to, the 1998 Act (children to whom section 87 applies: appeals by governing bodies).	Education Appeals Panels	-
Any function relating to contaminated land.	Environment and Neighbourhood	Executive Head of Safer and Stronger Communities
The discharge of any function relating to the control of pollution or the management of air quality.	Environment and Neighbourhood	Executive Head of Safer and Stronger Communities
The service of an abatement notice in respect of a statutory nuisance	Environment and Neighbourhood	Executive Head of Safer and Stronger Communities
The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the authority's area.	Environment and Neighbourhood	Executive Head of Safer and Stronger Communities
The inspection of the authority's area to detect any statutory nuisance.	Local Committee	Executive Head of Safer and Stronger Communities
The investigation of any complaint as to the existence of a statutory nuisance	Local Committee	Executive Head of Safer and Stronger Communities

<p>The obtaining of information under Section 330 of the Town and Country Planning Act 1990 as to interests in land.</p>	<p>Housing, Economy and Business</p>	<p>Strategic Director – Environment, Housing & Regeneration</p>
<p>The obtaining of particulars of persons interested in land under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976.</p>	<p>Strategy and Resources</p>	<p>Executive Head of Customers, Commissioning & Governance Executive Head of Safer and Stronger Communities Executive Head of Planning, Economic Development & Sustainability Executive Head of Commissioning</p>
<p>The making of agreements for the execution of highways works.</p>	<p>Environment and Neighbourhood</p>	<p>Executive Head of Customers, Commissioning & Governance Executive Head of Planning, Economic Development & Sustainability Executive Head of Commissioning</p>
<p>The appointment of any individual –</p> <p>(a) to any office other than an office in which he is employed by the authority;</p> <p>(b) to any body other than –</p> <p>(i) the authority;</p> <p>(ii) a joint committee of two or more authorities; or</p> <p>(c) to any committee or sub-committee of such a body;</p> <p>and the revocation of any such appointment.</p>	<p>Strategy and Resources</p>	<p>-</p>

Responsibility for Council Functions

2. ~~The following bodies have responsibility for some Council functions:~~

- ~~Adult Social Services and Health~~
- ~~Appeals Committee~~
- ~~Bandon Hill Cemetery Joint Committee~~
- ~~Cases Panel~~
- ~~Children, Family and Education Committee~~
- ~~Children's Panel~~
- ~~Planning Committee~~
- ~~Education Appeals Panels~~
- ~~Environment and Neighbourhoods~~
- ~~Housing, Economy and Business Committee~~
- ~~Licensing Committee~~
- ~~North East Surrey Crematorium Board~~
- ~~Standards Committee~~
- ~~Strategy and Resources Committee~~

Responsibility for Licensing Functions under the Licensing Act 2003

Function	Sub-Committee	Officer
Application for personal licence	If a police objection is made due to relevant offence	If no objection is made and application is complete
Application for premises licence or club premises certificate	If a relevant representation is made and remains	If no relevant representation is made or a relevant representation has been withdrawn
Application for provisional statement	If a relevant representation is made	If no relevant representation is made
Application to vary premises licence or club premises certificate	If a relevant representation is made	If no relevant representation is made
Application to vary Designated Premises Supervisor	If a police objection is made	All other cases
Request to be removed as designated premises supervisor		All cases
Application for transfer of premises licence	If a police objection is made	All other cases
Application for interim authorities	If a police objection is made	All other cases

Function	Sub-Committee	Officer
Application to review premises licence or club premises certificate	All cases	
Decision on whether a Representation is irrelevant, frivolous, vexatious, etc		All cases
Decision to object when Local Authority is a consultee and not the relevant authority considering the application	All cases	
Determination of a police objection and/or environmental health objection to a temporary event notice	All cases where there is a objection notice that has not been withdrawn	
Making a representation on behalf of the Licensing Authority		Licensing Manager
Initiating a review on behalf of the Licensing Authority		Licensing Manager
Authority to extend for a specified period a time limit provided for in the Licensing Act 2003 (Hearings) Regulations 2005, where it is considered necessary in the public interest.		Strategic Director Environment, Housing & Regeneration / Executive Head of Safer and Stronger Communities
Authority to defend appeals or agree consent orders in relation to determinations made by Licensing Sub Committees		Strategic Director Environment, Housing & Regeneration / Executive Head of Safer and Stronger Communities in conjunction with three members of the Licensing Committee
Application to vary premises licence at community premises to include alternative licence condition	Where there is a relevant Representation	If no relevant Representation is made or withdrawn
Decision whether to consult other responsible authorities on minor variation applications		All cases
Application for a minor variation		All cases

Function	Sub-Committee	Officer
Withdrawal of a club premises certificate (S.90)		All cases
To administer and carry out all other functions of the Licensing Authority capable of delegation under The Licensing Act 2003 which is not otherwise delegated to the Authority, The Licensing Committee or its Sub Committees		All cases

Responsibility for Licensing Functions under the Gambling Act 2005

Matter to be dealt with	Full Council	Sub-Committee	Officers
Three year licensing policy	All cases		
Policy not to permit casinos	All cases		
Fee Setting		Licensing Committee	
Application for premises licences		Where representations have been received and not withdrawn and there is an Operating Licence in force	Where no representations received / representations have been withdrawn and there is an Operating Licence in force
Application for a variation to a licence		Where representations have been received and not withdrawn	Where no representations received / representations have been withdrawn
Application for transfer of a licence		Where representations have been received from Responsible Authorities	Where no representations received from Responsible Authorities

Matter to be dealt with	Full Council	Sub-Committee	Officers
Application for a provisional statement		Where representations have been received and not withdrawn	Where no representations have been received / representations have been withdrawn
Review of a premises licence		All cases	
Application for club gaming / club machine permits		Where representations have been received and not withdrawn	Where no representations received / representations have been withdrawn
Cancellation of club gaming / club machine permits		All cases	
Applications for other permits			All cases
Cancellation of licensed premises gaming machine permits			All cases
Consideration of temporary use notice			All cases
Decision to give a counter notice to a temporary use notice		All cases	
Determination as to whether a person is an Interested Party			All cases
Determination as to whether representations are relevant			All cases
Determination as whether a representation is frivolous, vexatious or repetitive			All cases
Propose to attach default or mandatory conditions to a premises licence in accordance with section 169(1)(a)			All cases

Matter to be dealt with	Full Council	Sub-Committee	Officers
Propose the exclusion of a default or mandatory condition from a premises licence under section 169(1)(b)			All cases
To request a review of a premises licence under section 200			All cases
Give a notice of objection to a temporary use notice under section 221			All cases
Revoke a premises licence for non-payment of the annual fee (s193)			All cases
Serve notification of intended refusal of any of the following:- Family Entertainment Centre Gaming Machine Permit (Sch 10 para 10) Prize gaming Permits (Sch 14 para 11) Licensed Premises Gaming Machine Permits (Sch 13 para 6)			All cases
Notice of intention to grant the application but for a smaller number of machines than specified and/or a different category of machines from that specified in the application			All cases
Serve notification of lapse of a Family Entertainment Centre Gaming Machine Permit (Sch 10 para 14 and 15 (1)(b))			All cases
Serve notice of intention to cancel or vary a Club Gaming permit or Club Gaming Machine permit			All cases

Matter to be dealt with	Full Council	Sub-Committee	Officers
(Sch 12 para 21)			
<p>Create and amend the Authority's application procedures in relation to applications for the following in accordance with any relevant legislation:-</p> <ul style="list-style-type: none"> Family Entertainment Centre Gaming Machine Permits (sch10 paras 5 and 7) Licensed Premises Gaming Machine Permits (Sch 13 para 2) Prize Gaming Permits (Sch 14 paras 6 and 8) 			All cases
The power to appoint authorised persons under section 304 of the Act			Executive Head of Safer and Stronger Communities.
Power to issue formal cautions and/or Instruct the Solicitor to the Council to commence and defend proceedings under the Gambling Act 2005			Executive Head of Safer and Stronger Communities.
To administer and carry out all other functions of the Licensing Authority capable of delegation under The Gambling Act 2005 which is not otherwise delegated to the Authority, The Licensing Committee or its Sub Committees			Executive Head of Safer and Stronger Communities.

Responsibility for functions under the Scrap Metal Dealers Act 2013

Function	Delegated to
All functions relating to the application, renewal or variation for a site licence	Strategic Director – Environment, Housing & Regeneration and Executive Head of Safer and Stronger Communities
All functions relating to the application, renewal or variation for a collectors licence	
Imposition of conditions	
Refusal or revocation of a licence (no representations)	
Hearing representations for the refusal or revocation of a licence	Strategic Director – Environment, Housing & Regeneration and Executive Head of Safer and Stronger Communities
Issue of a closure notice	
Issue of a cancellation of a closure Notice	
Application for a closure order	Head of South London Legal Partnership
Issue certificate of termination of closure order	Strategic Director – Environment, Housing & Regeneration and Executive Head of Safer and Stronger Communities
Institute legal proceedings in respect of any breaches of the provisions of the Act	Head of South London Legal Partnership
Determination of fees under the Scrap Metal Dealers Act 2013.	Licensing Committee

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