

Responsibility for Functions

The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (“the Functions Regulations”) as amended specify which functions are not to be the responsibility of the Executive, which may (but need not) be the responsibility of the Executive (the ‘Local Choice functions’) and which are to some extent the responsibility of the Executive. All other functions not so specified are to be the responsibility of the Executive. The executive arrangements in the Constitution indicate how the responsibility for all these functions is allocated so that it is clear whether:

- they are the responsibility of the Council and/or its Committees; or
- they are the responsibility of the Executive; or
- they are, or are not, the responsibility of the Executive to a specified extent.

The sections that follow within Part 3 provide a means of meeting this requirement. These will set out the Local Choice Functions, functions which are not the responsibility of the Executive and the Executive responsibilities.

Part 3 – Responsibility for Local Choice Functions

Responsibility for Local Choice Functions

Local Functions which may be exercisable by the Council and its committees, or the Cabinet.

The Council has agreed the allocation of these functions as set out below.

Function	Decision Making Body		Delegation of Functions
1. Any function under a local Act other than a function specified or referred to in Regulation 2 or Schedule 1 of the Functions Regulations.	The Council		Functions which are delegated onwards are set out in Part 8
2. The determination of an appeal against any decision made by, or on behalf, of the Authority.	The Council		Functions which are delegated onwards are set out in Part 8
3. Making arrangements for Admission Appeals.	The Council		Head of Legal and Democratic Services
4. Making arrangements for appeals by Governing Bodies	The Council		Head of Legal and Democratic Services
5. Making arrangements for appeals against exclusion of pupils.	The Council		Head of Legal and Democratic Services
6. Questions on Police matters (Section 20 Police Act 1996).	The Council		
7. Arrangements for the appointment of members to Police and Crime Panels	The Council		
8. Any function relating to contaminated land.	The Cabinet		Functions which are delegated onwards are set out in Part 8

Part 3 – Responsibility for Local Choice Functions

Part 3 – Responsibility for Local Choice Functions

Function	Decision Making Body		Delegation of Functions
9. The discharge of any function relating to the control of pollution or management of air quality.	The Cabinet		Functions which are delegated onwards are set out in Part 8
10. The service of an abatement notice in respect of a statutory nuisance.	The Council		Functions which are delegated onwards are set out in Part 8
11. The passing of a resolution that Schedule 2 of the Noise and Statutory Nuisance Act 1993 should apply to the authority's area.	The Cabinet		Functions which are delegated onwards are set out in Part 8
12. The inspection of the authority's area to detect any statutory nuisance.	The Council		Functions which are delegated onwards are set out in Part 8
13. The investigation of any complaint as to the existence of a statutory nuisance.	The Council		Functions which are delegated onwards are set out in Part 8
14. The obtaining of information under Section 330 of the Town and Country Planning Act 1990 as to interests in land.	The Council		Functions which are delegated onwards are set out in this Part and Part 8
15. The obtaining of particulars of persons interested in land under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976.	The Council		Functions which are delegated onwards are set out in this Part and Part 8
16. The making of agreements for the execution of highways works.	The Cabinet		Functions which are delegated onwards are set out in Part 8

Part 3 – Responsibility for Local Choice Functions

Function	Decision Making Body		Delegation of Functions
<p>17. 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 style="margin-left: 20px;">(i) the authority;</p> <p style="margin-left: 20px;">(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>	The Council		Functions which are delegated onwards are set out in Part 8
<p>18. The making of agreements with other local authorities for placing of staff at the disposal of other local authorities.</p>	The Cabinet		Functions which are delegated onwards are set out in Part 8
<p>19. Functions under sections 106,110,111 and 113 of the 2007 Act relating to Local Area Agreements</p>	Council		

Responsibility for Council Functions

It is a matter for local choice having regard to the Statutory Guidance whether the Council has separate committees for the functions below.

1. The Council delegates under Section 101 of the Local Government Act 1972 to the Committees set out below all those non-Executive functions vested in it, identified in the terms of reference for each Committee.
2. This Scheme delegates powers and duties within broad functional descriptions and includes powers and duties under all legislation present and future within those descriptions and all powers and duties including any statutory re-enactment or modification of the legislation referred to in this Scheme.
3. Any exercise of responsibility for functions or delegated powers shall comply with:
 1. any statutory requirements;
 2. the Council's Constitution;
 3. the Council's Budget and Policy Framework and approved budget;
 4. the Members' Code of Conduct;
 5. the Code of Recommended Practice on local authority publicity;
 6. the agreed arrangements for recording decisions.

Part 3 – Responsibility for Council Functions

Committee	Membership	Functions	Onward Delegation of Functions
<p>Planning Committees (Northern and Southern)</p>	<p>Members of the Authority</p>	<p>Planning and conservation To deal with all those functions conferred on the Council in relation to town and country planning; development control; highways and environmental protection as contained in the Local Government (Functions and Responsibilities) (England) Regulations 2000 (“the Functions Regulations”) and any amendments thereto.</p> <p>Commons Registration The registration of common land or town and village greens and to register the variation of rights of common as set out in Schedule 1 to the Functions Regulations</p> <p>Highways Use and regulation The exercise of powers relating to Public Rights of Way as set out in Schedule 1 to the Functions Regulations</p>	<p>Functions which are delegated on to an officer and the limits of that delegation are set out in Part 8</p> <p>Assistant Director of Legal and Democratic Services</p> <p>Head of Business Growth and Prosperity</p>
<p>Strategic Licensing Committee</p>	<p>15 Members of the Authority</p>	<p>This is the Council’s Licensing Committee as required by the Licensing Act 2003 and established in accordance with section 6 of that Act.</p> <ul style="list-style-type: none"> • the setting of all licensing related fees including where relevant the power to determine objections; • the making or varying of Hackney Carriage fares and other charges including the power to determine objections; • the functions relating to licensing and registration as set out in Part B (excluding 	<p>Functions which are delegated on to an officer and the limits of that delegation are set out in Part 8</p>

Part 3 – Responsibility for Council Functions

Committee	Membership	Functions	Onward Delegation of Functions
		<p>Commons Registration) of Schedule 1 to the Functions Regulations;</p> <ul style="list-style-type: none"> • the functions in relation to Health and Safety at Work as set out in Part C of Schedule 1 of the Functions Regulations; and <p>NB: No substitutes will be allowed on this committee when the committee is considering Licensing Act 2003 matters.</p>	
Audit Committee	Members of the Authority	To provide those charged with governance an independent assurance on the adequacy of the risk management framework, the internal control environment and the integrity of financial reporting and annual governance processes.	
Standards Committee	Members of the authority	The functions of the Council relating to complaints about the conduct of Councillors and to the granting of dispensations as set out in Part 1 of the Localism Act 2011.	Functions delegated on to officers and the limits of that delegation are set out in Part 8
Pensions Committee	Members of the Authority	The functions of the Council relating to local government pensions as set out in Schedule 1 to the Functions Regulations	Functions delegated to officers and the limits of that delegation are set out in Part 8
Housing Supervisory Board	Members of the Authority	The functions of the Council as the sole Shareholder in the Local Housing Company in order to provide oversight of the company's actions and performance.	Functions delegated to officers and the limits of that delegation are set out in Part 8

Part 3 – Responsibility for Council Functions

Committee	Membership	Functions	Onward Delegation of Functions
Appeals Panel	Members of the Authority	To consider appeals against disciplinary action, dismissal, grading and grievance issues by employees of the Council	
General Appeals Panel	Members of the Authority	<p>To determine any complaint, appeal or other matter referred to it by any Chief Officer arising in connection with the exercise of any function and to determine such complaints or appeals as may by law be required to be determined by a Committee of the Authority arising in connection with any function. (In determining any such matter each Panel shall have regard to the agreed policies of the Council and the availability of any necessary finance. The Panel shall also have the right to refer any matter of policy or budgetary provision to Cabinet or the appropriate body/person with delegated authority with such recommendations as it sees fit.)</p> <p><i>[Note: Each Appeals Panel should be appointed by the Chief Executive from a Panels List established by the Council and shall comprise such numbers of Members and independent persons as may be required by law provided that where the composition is not governed by law the membership of each panel shall normally be 3.]</i></p> <p><i>[Note: Each Panel's List comprises of Councillors and the composition of the Lists (or any Panel) need not necessarily be politically balanced.]</i></p>	
Transformation and Improvement	Members of the Authority	The statutory functions of an Overview and Scrutiny Committee as set out in the Overview and Scrutiny Procedure Rules.	N/A

Part 3 – Responsibility for Council Functions

Committee	Membership	Functions	Onward Delegation of Functions
Overview and Scrutiny Committee			
People Overview and Scrutiny Committee	Members of the Authority (plus non voting and other co-opted members)	The statutory functions of an Overview and Scrutiny Committee as set out in the Overview and Scrutiny Procedure Rules.	
Economy and Environment Overview and Scrutiny Committee	Members of the Authority	The statutory functions of an Overview and Scrutiny Committee as set out in the Overview and Scrutiny Procedure Rules.	N/A
Health Overview and Scrutiny Committee	Members of the Authority	To review and scrutinise, in accordance with the Local Authority (Overview and Scrutiny Committees Health Scrutiny Functions) Regulations 2002 as amended, matters relating to the health service in the authority's area and to make reports and recommendations in accordance with those Regulations.	
West Mercia Energy Joint Committee	Cabinet Members Shropshire x 3, Herefordshire x 2, Worcestershire x 2, Telford and Wrekin x 2	To be responsible for the discharge of the functions of the four Councils in relation to West Mercia Energy	
Marches Enterprise Joint Committee	Cabinet Members Shropshire x 1, Herefordshire x 1, Telford and Wrekin x 1	To be responsible for the discharge of the functions of the three Councils in relation to the Marches Local Enterprise Partnership	

Part 3 – Responsibility for Council Functions

Part 3 – Responsibility for Executive Functions

Responsibility for Executive Functions

WHO IS RESPONSIBLE?	MEMBERSHIP	FUNCTIONS	DELEGATION
Cabinet	Members of the Authority	(a) Major policy matters affecting the Council as a whole or where individual Cabinet Member(s) (Portfolio Holders) require collective guidance.	
		(b) Decisions with significant service or resource implications across the Council as a whole or which could have significant effects across a number of services.	
		(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 Cabinet consultation before decisions are made under delegated authority.	
		(e) Recommendations to Council which affect the Council as a whole or have a widespread effect across the Council. (f) Proposals to or responses to recommendations or matters raised by a Scrutiny Committee which potentially affect the Council as a whole or could have a widespread effect across the Council.	
		(g) 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.	

Part 3 – Responsibility for Executive Functions

WHO IS RESPONSIBLE?	MEMBERSHIP	FUNCTIONS	DELEGATION
		(h) 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.	
		(i) Power to consider objections to permanent traffic regulation orders and Gating Orders published by the Head of Legal and Democratic Services together with other traffic and highway matters that are Executive functions and that are referred by the Area Commissioners.	The relevant Planning Committees in the area affected by the order.
Individual Cabinet Members to whom a Portfolio has been allocated:			
Lezley Picton	Leader, Policy and Strategy Improvement and Communications		
Gwilym Butler	Finance and Corporate Resources		
Dean Carroll	Growth and Regeneration		
Rob Gittins	Culture and Digital		
Kirstie Hurst-Knight	Children and Education		
Simon Jones	Adult Social Care, Public Health and Housing		
Richard Marshall	Highways and Regulatory Services		
Cecilia Motley	Health (Integrated Care System – ICS) and Communities		

Part 3 – Responsibility for Executive Functions

WHO IS RESPONSIBLE?	MEMBERSHIP	FUNCTIONS	DELEGATION
Ian Nellins	Deputy Leader, Climate Change, Environment and Transport		
Leader of the Council	Lezley Picton	(a) Authority in consultation with other Group Leaders, and upon advice from the Head of Human Resources to vary the remuneration of the Chief Executive by up to 10%.	

The details of the allocation of Executive functions to officers and joint arrangements, including details of any delegations within the Executive itself, shall be contained in this Constitution or in a Register of Delegations and kept up to date as delegations change so that an accurate record is always available in order for transparency to be maintained and accountability exercised.

Collective Cabinet Accountabilities

Cabinet members are collectively accountable for leadership that results decisions about service that are provided or commissioned by the Council in pursuit of enabling:

- Healthy People
- Resilient Communities
- Prosperous Economy

This will involve Cabinet members working collectively and with the Director team to:

- Work in accordance with the Corporate Plan, the values and ethical standards of the Council, the agreed Business Investment Plan for each outcome area for which they are accountable and the Council's Financial and Contract Procedure Rules.
- Encourage conversations with and listen to Shropshire people, businesses and communities to help us develop new ways to meet need, reduce demand and grow the economy
- Give customers as much information about what we do as possible to help them make informed decisions.
- Equip staff with the right kit, backed up with the right systems – letting them work face-to-face and on the move with our customers - giving great customer service, eliminating time-wasting process and costly premises.
- Maximise the flexibility of our staff to anticipate and respond to current and future organisational needs equipping them with the best chance to contribute to a healthy Shropshire economy.
- Ensure almost all roles are filled from the talent we already have, helping talented individuals to continue to grow within the council, ensuring our workforce adapts in size to meet the funding challenge, with the skills we need for the future.
- Challenge everything we do so that resources are solely devoted to achieving our priority outcomes. Where discretionary activity is found that has weak links to these we will consider options for redesign, transfer or stopping.
- Respond when faced with difficult financial dilemmas about discretionary services so that we consider how important they are to our county as a whole, and explore options of how their outcomes can be delivered, but in a different way.

Part 3 – Responsibility for Executive Functions

Statutory and Advisory Bodies

A list of Member representatives on outside bodies is maintained by Democratic Services and provides a comprehensive list of those bodies to which Members and Officers of the Council have been appointed. The following lists the main statutory and advisory bodies.

WHO IS RESPONSIBLE?	MEMBERSHIP	FUNCTIONS
Shropshire and Telford & Wrekin Joint Adoption Panel	1 member of the authority plus others as set specified by the Adoption Agencies Regulations 2005.	To make recommendations to the Adoption Agency (Shropshire / Telford & Wrekin Councils) in respect of children and prospective adopters.
Shropshire Council's Fostering Panel	1 member of the authority plus others as specified by the Fostering Service Regulations (England) 2011.	To make recommendations to the Fostering Agency (Shropshire Council) in respect of fostering matters and prospective foster carers.
Community Services and Children and Young People's Services Complaints and Appeals Panel	3 Members from pool of Independent Members	Under the Children Act 1989, to consider the Investigating Officers' reports into complaints where the complainant is dissatisfied with the response of the relevant Directorate.
Independent Remuneration Panel	At least 3 persons who are not Members of the Council (and who are not disqualified from being a Member) including a representative of the business community and the voluntary sector.	To make recommendations to the Council on Members' remuneration and allowances and any proposals for amendments to the Scheme of Members' Allowances, including: <ul style="list-style-type: none"> • The amount of basic allowances; • The duties of Councillors that should be the subject to a special responsibility allowance; • Whether child care and dependent care allowances should be available for Councillors

Part 3 – Statutory and Advisory Bodies

WHO IS RESPONSIBLE?	MEMBERSHIP	FUNCTIONS
Standing Advisory Council on Religious Education	3 Members of the Council, 6 teacher representatives, 5 Church of England representatives and 14 representatives of other religions	To advise the LEA on religious worship and education.
Housing Review Panel	Membership of the Panel shall normally be 3 drawn from the General Appeals Panel.	<p>(a) To determine requests by Introductory Tenants for a review of decisions to seek an order for possession.</p> <p>(b) To determine requests for a review of decisions in relation to homelessness.</p> <p>(c) To determine requests by Flexible Tenants for a review of a decision as to the length of the tenancy offered.</p> <p>(d) To determine requests by Flexible Tenants for a review of a decision to not grant a further flexible tenancy.</p> <p>(e) To determine requests for a review of a decision to seek possession under the Anti-Social Behaviour, Crime and Policing Act 2014.</p> <p><i>Onward delegations to officers are set out in Part 8 of this Constitution.</i></p>
Shropshire HomePoint Board	2 representatives of the Council and representatives of each of the Shropshire HomePoint Partnership members	<p>(a) To consider and determine appeals from persons on the Shropshire Housing Register against decisions made by the Shropshire HomePoint Operations Panel on the application of the Allocations Scheme to their particular case.</p> <p>(b) To consider and determine appeals against decisions made by the Shropshire HomePoint Operations Panel to exclude or remove persons from the Shropshire HomePoint Register.</p>

Part 3 – Statutory and Advisory Bodies

WHO IS RESPONSIBLE?	MEMBERSHIP	FUNCTIONS
Shropshire Schools Forum	5 Primary school headteachers 2 Secondary school headteachers 4 Primary School governors 1 Secondary school governors 1 representative for the special school headteacher/governing body group 1 pupil referral units group 7 Academy Headteacher/governing body group 7 places for non-schools members (the 7 non schools member places shall be reserved for: 1 nominee from Early Years providers 3 nominees of the Diocesan Directors of Education 1 nominee of the trade unions and professional associations 1 nominee from the 14 – 19 partnership 1 nominee from the Shropshire School Governors Council)	To advise the Council on matters relating to the schools budget as well as acting as a consultative body on other aspects of resources, policy and service development.
Local Admissions Forum	3 elected Members including relevant Portfolio Holder 2 representatives from community and voluntary controlled schools 4 representatives from foundation, Catholic and CE aided and special schools 2 Church of England Diocesan Board representatives 1 Roman Catholic Diocese representative 2 Parent Governor representatives (primary and secondary)	To advise the Council on admission issues and arrangements as more fully set out in the Education and Inspections Act 2006

Part 3 – Statutory and Advisory Bodies

WHO IS RESPONSIBLE?	MEMBERSHIP	FUNCTIONS
	<p>2 local community representatives (Early Years and Service Families Children’s Services)</p> <p>2 representatives from neighbouring authorities (Telford and Wrekin and Staffordshire)</p> <p>The Forum can also ask for other representation</p>	
Health and Wellbeing Board	<p>Cabinet Members x 3</p> <p>Shropshire CCG x 3</p>	<p>To be responsible for the discharge of functions in relation to the Shadow Health and Wellbeing Board.</p>
The Mere Advisory Board	<p>3 Shropshire councillors, 3 Ellesmere Town councillors and 3 representatives from local community interest groups</p>	<p>To advise Cabinet upon and implement approved policies for the management of the Cremore Gardens, The Mere, The Moors, The Boathouse Restaurant and the Swan Hill Workshop, Ellesmere.</p>
Shropshire Hills AONB Partnership	<p>Council x 4 (Relevant Portfolio Holders or Local Members)</p> <p>Representatives from outside bodies</p>	<p>To promote the conservation and enhancement of the natural beauty, character and landscape of the Shropshire Hills AONB and the surrounding project area as a local, regional and national asset.</p> <p>To promote compatible social, environmental and economic development and the well being of constituent communities.</p> <p>In pursuit of these ends, to prepare, monitor and review the statutory management plan for the AONB and to co ordinate its implementation.</p>
Constitution Working Group	<p>Leader and Deputy Leader and other group leaders</p>	<p>To oversee the constitution.</p>

Part 3 – Statutory and Advisory Bodies

WHO IS RESPONSIBLE?	MEMBERSHIP	FUNCTIONS
Employees Joint Consultative Committee	Members and Employees	<p>To establish regular means of negotiation between the Council and the employees in order to prevent differences and to recommend a settlement should they arise.</p> <p>To consider any matter referred to it by Cabinet or the Council, or the Human Resources Committee, or by the employees represented by any Trade Union recognised for negotiating purposes by the Council as representing the employees.</p> <p>To make recommendations to Cabinet or the Council and the Human Resources Committee on matters relating to the application of the Terms and Conditions of Service of officers employed under JNC for Chief Officers' Conditions of Service.</p> <p>To discharge such other functions, specifically assigned by the Council to the Committee. To establish a regular means of negotiation between the Council and the employees in order to prevent differences and to recommend a settlement should they arise.</p> <p>To consider any matter referred to it by Cabinet or the Council or by the employees represented by any Trade Union recognised for negotiating purposes by the Council as representing employees.</p> <p>To make recommendations to Cabinet or the Council on matters relating to the application of the Terms and Conditions of Service of officers employed under the JNC for Chief Officers' Conditions of Service.</p>

Part 3 – Statutory and Advisory Bodies

WHO IS RESPONSIBLE?	MEMBERSHIP	FUNCTIONS
		<p>To establish regular methods of consultation between the Council and its employees subject to Green and Blue book Conditions of Service.</p> <p>To discharge such other functions, specifically assigned by the Council to the Committee.</p>
Emergency Employment Relations Panel	Chairman of the Council, Leader of the Council, Council Group Leaders, Portfolio Holders directly involved.	To take urgent decisions considered necessary in the event of employment action by Council employees.
Early Retirement Panel	Cabinet Members x3	To consider proposals in respect of the early retirement of employees of the Council within the scope of the Local Government Pension Scheme.
Asset Assurance Board	<p>2 x Council Members not being Board Members of ST&RH Limited.</p> <p>The Portfolio holder with responsibility for Housing functions of the Council.</p> <p>Senior officer responsible for Housing, Section 151 Officer, Monitoring Officer.</p>	To provide a high level framework for discussing future efficiencies, investment opportunities and key challenges and for ensuring that the broad strategic direction of ST&RH is complementary to wider Council priorities
Local Access Forum/Great Outdoors Strategy Board	Between 10 and 22 board members appointed by the Council following advertisement.	<p>To advise—</p> <p>(a) the highways authority,</p> <p>(b) any body exercising functions under Part I of the Countryside and Rights of Way Act 2007 in relation to land in that area,</p> <p>(c) such other bodies as may be prescribed,</p> <p>as to the improvement of public access to land in that area for the purposes of open-air recreation and the enjoyment of the area, and as to such other matters as may be prescribed.</p>
Channel Panel	Representatives of Shropshire Council and the Chief Officer of Police plus others as specified by the Counter-Terrorism and Security Act 2015	(a) assessing the extent to which individuals (as identified on reasonable grounds by the chief constable or the local authority) are vulnerable to being drawn into terrorism; and

Part 3 – Statutory and Advisory Bodies

WHO IS RESPONSIBLE?	MEMBERSHIP	FUNCTIONS
		(b) amongst other things, preparing a plan in respect of identified individuals who the panel considers should be offered support for the purpose of reducing their vulnerability to being drawn into terrorism.
Joint Health Overview and Scrutiny Committee	Six Shropshire Council representatives (three Councillors (politically balanced) and three co-opted members who are independent of the council) are appointed by the Health and Adult Social Care Overview and Scrutiny Committee (Councillors being selected from the membership of the Health and Adult Social Care Overview and Scrutiny Committee)	To scrutinise health issues that impact on the wider health economy in Shropshire, Telford & Wrekin
Climate Change & Carbon Reduction Advisory Board	Membership will be drawn from representatives of each of the political groups on Shropshire Council and Council officers, together with representatives of the community-led Shropshire Climate Action Partnership, the Shropshire Association of Local Councils and the Shropshire Chamber of Commerce. The Board will be chaired by the relevant Portfolio Holder.	The Climate Change and Carbon Reduction Advisory Board will discuss, suggest review and recommend projects and initiatives to improve the carbon performance and climate resilience of Council assets and services, as well as supporting wider community and business efforts to decarbonise Shropshire.