

Classification: Open	Decision Type: Non-Key
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Report to:	Cabinet	Date: 17 April 2024
Subject:	Constitution Update	
Report of	Cabinet Member for Corporate Affairs and HR	

Summary

1. Local Choice Functions set out in Schedule 2 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000. These functions may be, but need not be, the responsibility of the council's executive. It is up to each council to decide.

Recommendation(s)

2. Recommend to Council the updated Local Choice Functions.

Reasons for recommendation(s)

3. Local Choice Functions are reviewed annually to ensure the correct functions are detailed and the required delegation is in place.

Alternative options considered and rejected

4. None, the local choice functions are reviewed annually to ensure correct and appropriate delegations are in place.

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Background

5. Local Choice Functions set out in Schedule 2 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000. These functions may be, but need not be, the responsibility of the council's executive. It is up to each council to decide.
6. The Local Choice Functions have been reviewed and updated. The delegation for the following have been moved from the Chief Executive to the Solicitor to the Council
 - a. *The making of arrangements pursuant to sections 94(1) (1A) and (4) of the 1998 School Standards and Framework Act (admissions appeals).*

- b. *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).*

7. Functions in relation to contaminated land has also been added following the review.

Equality Impact and Considerations:

8. Not applicable

Environmental Impact and Considerations:

9. Not applicable

Assessment and Mitigation of Risk:

Risk / opportunity	Mitigation
It is good practice for the Constitution to be regularly reviewed to ensure legal compliance.	Regular reports to Council and Cabinet

Legal Implications:

10. The legal implications are set out in the body of the report. If Cabinet are minded to recommend the amendment to the functions this will then be considered by Council.

Financial Implications:

11. There are no direct financial implications from approving this report.

Appendices:

Local Choice Functions