

Local Choice Functions

Some Council functions are “local choice functions”. This means that the Council can decide whether the function is to be the responsibility of the Executive (an “executive function”) or the responsibility of the Council (a “non-executive” function). The following table sets out these “local choice functions”, designates them as “executive” or “non-executive”, and shows who is authorised to discharge them.

Local Choice function	Executive or Non-Executive	Decision maker	Further delegation
Any function under a Local Act not specifically excepted	See Annex 1		
The determination of any appeal against any decision made by or on behalf of the authority in connection with executive functions	Executive	Cabinet	Relevant Executive Director responsible for the executive function in consultation with the Director of Legal and Democratic Services
The determination of any appeal against any decision made by or on behalf of the authority in connection with non-executive functions	Non-executive	Full Council/Relevant Committee responsible for the non-executive function	Relevant Executive Director responsible for the non-executive function in consultation with the Director of Legal and Democratic Services
Making of arrangements in relation to appeals against the exclusion of pupils from maintained schools (section 52 of the Education Act 2002)	Executive	Cabinet	Appeals heard and determined by a lay independent Panel appointed by the Director of Legal and Democratic Services

Making arrangements for school admission appeals (sections 94(1), (1A) and (4) of the School Standards and Framework Act 1998)	Executive	Cabinet	Appeals heard and determined by a lay independent Panel appointed by the Director of Legal and Democratic Services
Making arrangements for appeals by governing bodies (section 95(2) of the School Standards and Framework Act 1998)	Executive	Cabinet	Director of Legal and Democratic Services
Obtaining information under section 330 of the Town and Country Planning Act 1990 as to interests in land	Executive	Cabinet	Executive Director - Place
Obtaining particulars of persons interested in land under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976	Executive	Cabinet	Director of Legal and Democratic Services
Making agreements for the execution of highway works under Section 278 of the Highways Act 1980	Executive	Cabinet	Executive Director - Place
The appointment of any individual to outside bodies in connection with	Executive	Cabinet	Leader of the Council

functions which are the responsibility of the executive			
The appointment of any individual to outside bodies in connection with all other appointments	Non-executive	Full Council	Managing Director where the appointment is urgent and cannot be dealt with by submission to the next following meeting of the Council
The making of agreements with other local authorities for the placing of staff at the disposal of those other authorities	Non-executive	Appointments and Conditions of Service Committee	Managing Director/Head of Paid Service Executive Directors

ANNEX 1

There are a number of functions in the Derbyshire Act 1981 and the responsibility for the discharge of these functions should be as follows:

Function	Executive or Non-Executive	Decision making body	Further delegation
Section 4 - Application of private street works code to parts of public streets	Executive	Cabinet	Executive Director - Place
Section 8 - Affixing of traffic signs to buildings.	Executive	Cabinet	Executive Director – Place
Section 12 - Provision of parking places in parks, etc.	Executive	Cabinet	Executive Director - Place
Section 21- Grass verges, etc.	Executive	Cabinet	Executive Director - Place
Section 26 - Oil-burning equipment byelaws	Non-Executive	Council	Not delegated