

# SECTION 1

## LOCAL CHOICE FUNCTIONS

Body/Person with authority to  
change the document

Full Council

**SECTION 1: RESPONSIBILITY FOR LOCAL CHOICE FUNCTIONS**

<b>Local Choice Functions<sup>1</sup></b>	<b>Decision Making Body</b>	<b>Delegation of functions to Committees or officers</b> (to the extent set out below or Section 2C for Council (non-executive) functions and section 3D for executive functions)
Functions under a local Act (other than one specified or referred to in Reg 2 or Schedule 1 of the Regulations 2000)	Executive Board	The relevant Director for the function concerned.
To determine appeals against any decision of the authority.	Executive Board generally <sup>2</sup> except in respect of matters referred under the terms of reference of the Licensing Sub-Committees and the Employment Committee.	The Deputy Chief Executive <sup>3</sup>
To appoint review boards under the Social Security Act 1998 <sup>4</sup>	Full Council	City Solicitor
To make arrangements for appeals against exclusion of pupils from maintained schools	Full Council	City Solicitor
To make arrangements for appeals regarding school admissions <sup>5</sup>	Full Council	Admitting Authorities and City Solicitor <sup>6</sup>
To make arrangements for appeals by governing bodies <sup>7</sup>	Full Council	City Solicitor
Any function relating to contaminated land <sup>8</sup>	Executive Board	Director of City Development

<sup>1</sup> Local Authorities (Functions and Responsibilities) Regulations 2000, Schedule 2

<sup>2</sup> Including appeals in relation to access to information by Members under s100F Local Government Act 1972, Regulation 17 Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000, and the common law “need to know” rules

<sup>3</sup> In relation to arrangements for employee appeals, save those dealt with by the Employment Committee

<sup>4</sup> s34(4) Social Security Act 1998

<sup>5</sup> S94(1), (1A) and (4) School Standards and Framework Act 1998

<sup>6</sup> The City Solicitor will be responsible for clerking functions set out in paragraph’s 1.10 to 1.11 of the School Admission Appeals Code, with the relevant admitting authority making all other necessary arrangements.

<sup>7</sup> S95(2) School Standards and Framework Act 1998

<sup>8</sup> Part IIA Environmental Protection Act 1990 and subordinate legislation

*Responsibility for Local Choice Functions*

<b>Local Choice Functions<sup>1</sup></b>	<b>Decision Making Body</b>	<b>Delegation of functions to Committees or officers</b> (to the extent set out below or Section 2C for Council (non-executive) functions and section 3D for executive functions)
The control of pollution or the management of air quality <sup>9</sup>	Executive Board	Director of Environment and Housing
To serve an abatement notice in respect of a statutory nuisance <sup>10</sup>	Executive Board	Director of Environment and Housing
To pass a resolution that Schedule 2 of the Noise and Statutory Nuisance Act 1993 should apply in the authority's area <sup>11</sup>	Executive Board	Director of Environment and Housing
To inspect the authority's area to detect any statutory nuisance <sup>12</sup>	Executive Board	Director of Environment and Housing
To investigate any complaint about the existence of a statutory nuisance <sup>13</sup>	Executive Board	Director of Environment and Housing
To obtain information about interests in land <sup>14</sup>	Executive Board	Director of City Development
To obtain particulars of persons interested in land <sup>15</sup>	Executive Board	All Directors in pursuance of their delegated authority
To make agreements for the execution of highways works <sup>16</sup>	Executive Board	Director of City Development

<sup>9</sup> Pollution Prevention and Control Act 1999; Part IV Environment Act 1995; Part I Environmental Protection Act 1990; Clean Air Act 1993

<sup>10</sup> s80(I) Environmental Protection Act 1990

<sup>11</sup> s8 Noise and Statutory Nuisance Act 1993

<sup>12</sup> S79 Environmental Protection Act 1990

<sup>13</sup> s79 Environmental Protection Act 1990

<sup>14</sup> s330 Town and Country Planning Act 1990

<sup>15</sup> s16 Local Government (Miscellaneous Provisions) Act 1976

<sup>16</sup> Section 278 Highways Act 1980

*Responsibility for Local Choice Functions*

<b>Local Choice Functions<sup>1</sup></b>	<b>Decision Making Body</b>	<b>Delegation of functions to Committees or officers</b> (to the extent set out below or Section 2C for Council (non-executive) functions and section 3D for executive functions)
To appoint any individual  (a) to any office other than an office in which he is employed by the authority  and to revoke any such appointment	Full Council <sup>17</sup>	
To appoint any individual (b) to any body other than – (i) the authority; (ii) a joint Committee of two or more authorities; or (c) to any Committee or sub Committee of such a body  and to revoke any such appointment	Full Council	Member Management Committee <sup>18</sup> Community Committees <sup>19</sup>
To make agreements with other local authorities for the placing of staff at the disposal of those other authorities	Executive Board	
Functions relating to local area agreements <sup>20</sup>	Executive Board	

<sup>17</sup> Full Council acts as Appointing Body for the purposes of making appointments to:

- West Yorkshire Joint Services Committee
- West Yorkshire Fire and Rescue Authority
- West Yorkshire Police and Crime Panel
- West Yorkshire Combined Authority
- West Yorkshire Pension Fund Joint Advisory Group
- West Yorkshire Pension Fund Investment Panel

<sup>18</sup> In accordance with the Member Appointments to Outside Bodies Procedure Rules and delegations provided by Full Council:-

- determination of which outside bodies should have Member representation; and
- (by determining the category of each such outside body), determination of how such appointments should be made; and

act as the appointing body for the purposes of making appointments to outside bodies categorised as Strategic and Key Partnership Outside Bodies

<sup>19</sup> In accordance with the Appointments to Outside Bodies Procedure Rules and delegations provided by the Member Management Committee, act as the appointing body for the purposes of making appointments to outside bodies categorised as Community and Local Engagement Bodies

<sup>20</sup> Sections 106, 110, 111 and 113 of the Local Government and Public Involvement in Health Act 2007