

## Responsibility for Council Functions

### **The Full Council**

Only the Council will exercise the following functions (as set out in Article 4 in Part 2):

- (a) Adopting and changing the Constitution (except for the Financial Regulations and Financial Procedure Rules in Part 4.06, which can be amended by the Audit Committee)
- (b) Approving or adopting the policy framework and the budget
- (c) Subject to the urgency procedure contained in the Access to Information procedure Rules in Part 4 of this Constitution, making decisions about any matter in the discharge of an executive function which is covered by the policy framework or the budget where the decision maker is minded to make it in a manner which would be contrary to the policy framework or contrary to/or not wholly in accordance with the budget
- (d) Appointment of the Leader (the Leader will inform the Council of the Deputy Leader and other members appointed to the Cabinet)
- (e) Agreeing and/or amending the terms of reference for committees, deciding on their composition and making appointments to them
- (f) Appointing representatives to outside bodies unless the appointment is an executive function or has been delegated by the Council
- (g) Adopting the Members' Allowances Scheme
- (h) Changing the name of an area, conferring the title of honorary alderman or freedom of the borough
- (i) Confirming the appointment of the Head of Paid Service and the designation of the Monitoring Officer and the Chief Finance (Section 151) Officer
- (j) Making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or personal Bills
- (k) All local choice functions set out in Part 3 of this Constitution which the Council decides should be undertaken by itself rather than the Cabinet or one of its members;
- (l) All other matters which, by law, must be reserved to Council.

<b>Committee:</b>	<b>Planning Committee</b>
<b>Membership:</b>	(14) Members of the Authority
<b>Delegation of Functions:</b>	See Scheme of Delegation (Part 7)
<b>Functions:</b>	<p>Functions relating to town and country planning and development control as specified in Schedule 1 to the Local Authorities (Functions and Responsibilities (England) Regulations, 2000 (the Functions Regulations).</p> <p>To consider applications for planning permission, consent under the Town and Country Planning (Control of Advertisements) Regulations, certificates of lawful use or development, certificates of appropriate alternative development, listed building consents and Conservation Area Consents, the relaxation of Building Regulations and other applications under the Town and Country Planning Act, 1990 or associated legislation unless such matters have been delegated to an Officer.</p> <p>To determine applications for planning permission for development by the Council or jointly with any other person.</p> <p>To determine applications which the Council has power to determine for planning permission for development on land in which the Council has an interest where the Council does not intend to develop the land itself or jointly with any other person.</p> <p>To confirm or otherwise deal with the Tree Preservation Orders, to which objections have been made.</p> <p>To authorise the service of stop, enforcement and completion notices under the Town and Country Planning Act, 1990.</p> <p>To authorise the service of planning contravention notices under the Planning and Compensation Act, 1991 and the serving of notices under Section 215 relating to the condition of land.</p> <p>To authorise the entry into agreements for planning purposes regulating the development of land.</p> <p>To make directions under Article 4 of the Town and Country Planning (General Permitted Development) Order, 1995.</p> <p>To determine Hedgerow Removal Notices and the authorisation of the service of Hedgerow Replacement and Retention Notices.</p> <p>To declare Conservation Areas or Areas of Special Control under the Town and Country Planning (Control of Advertisements) Regulations.</p>

To make comments to the National Infrastructure Directorate on any proposed nationally significant infrastructure project within or impacting on the Borough.

The approval of Section 106 Notices

**Committee:** **Licensing Committee**

**Membership:** (14) Members of the Authority

**Delegation of Functions:** See Scheme of Delegation (Part 7)

**Functions :** Taxi, gaming, entertainment, food, scrap metal, and miscellaneous licensing.

Functions relating to licensing and registration as set out in Schedule 1 to the Functions Regulations.

To consider any applications for the grant, renewal, transfer or variation of any licences, permits or registrations of persons, premises or occupations where the relevant officer is of the opinion that the application might be refused.

To carry out all functions of the Licensing Act 2003, with the exception of the adoption, publication and review of the Licensing Act 2003 Policy that the Council intends to apply when carrying out its functions.

To consider any matter relating to the licensing, registration or control of premises, persons or occupations which may affect public safety, hygiene or any other matters concerning public health.

To exercise the powers and duties of the Council in relation to the licensing, registration and control of premises, persons or occupations which may affect public health or hygiene, animal welfare, public safety, (other than those specifically the responsibility of another Committee).

To exercise the powers of the Council with regard to permits for street collections and house to house collections.

To deal with applications for the grant, renewal, transfer or variation of any licence or permit referred by the relevant officer to the Committee.

To consider matters relating to hackney carriages and private hire vehicles or pleasure boats including fares and charges and hackney carriage stands.

To deal with matters relating to the grant, refusal, revocation, renewal or transfer of licences or permits for proprietors and drivers of hackney carriages, private hire vehicles and pleasure boats.

To carry out all the functions of the Gambling Act 2005 with the exception of the adoption, publication and review of the Statement of Principles that the Council intends to apply when carrying out its functions and the exercise of the power contained in Section 166 of the Act to resolve not to issue casino premises licences (which will be functions of the full Council).

To make, amend, revoke or re-enact byelaws.

Functions relating to health and safety under any 'relevant statutory provision' within the meaning of Part 1 of the Health and Safety at Work Act, 1974, to the extent that those functions are discharged otherwise than in the Council's capacity as employer.

To undertake the following functions in respect of the licensing of sex establishments under the provisions of Part II and Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 in accordance with the Council's Policy:

- (a) Determining applications for grant, renewal, transfer or variation of a licence where no relevant objections have been received;
- (b) Cancellation of licence;
- (c) Enforcement of the provisions of Part II and Schedule 3 (relating to sex establishments)

**Committee:** **Employment and Appeals Committee**

**Membership:** (10) Members of the Authority

**Delegation of Functions:** See Scheme of Delegation (Part 7)

**Functions:** See terms of reference at Article 8

**Committee:** **Standards Committee**

**Membership:** 6 Members of the Council.

**Delegation of Functions:** See Scheme of Delegation (Part 7)

**Functions:** See terms of reference at Article 14

**Committee:** **Audit Committee**

**Membership:** 14 Members of the Authority

**Delegation of Functions:** See Scheme of Delegation (Part 7)

**Functions:** See terms of reference at Article 7

**Committee:** **Senior Officer Appointments Committee**

**Membership:** 4 Members of the Authority appointed by the Council (this must include at least 1 member of the Cabinet by law and opposition representation in accordance with political proportionality arrangements agreed by the Council).

**Delegation of Functions:** See Scheme of Delegation (Part 7).

**Functions:** To appoint the Head of Paid Service (the Chief Executive) and Directors.

**Committee:** **Senior Officer Disciplinary Committee**

**Membership:** 4 members. Appointed separately from the Senior Officer Appointments Committee at Annual Council meeting