

SECTION 2

NON-EXECUTIVE FUNCTIONS OF THE COUNCIL

Committee <i>[See end of Section for Terms of Reference]</i>	Membership	Functions The functions specified in regulation 2 and schedule 1 to The Local Authorities (Functions and Responsibilities) Regulations 2000 as amended ("the Functions Regulations")	Delegation of Functions
Planning Committee	9 members of the Authority	Planning and Development Control Functions relating to town and country planning and development control as specified in regulation 2 and section A of Schedule 1 to the Functions Regulations	Head of Development and Enforcement and/or the Development Control Manager, except in respect of the following:- Paragraphs A 23, 25 and 27 of Schedule 1 (relating to building preservation notices, the acquisition of or repairs to listed buildings and powers of urgent works) which are functions of the Assistant Director Development and Street Scene The following matters are reserved to the Planning Committee: (i) A planning application or other matter within section A of Schedule 1 to the Functions Regulations which is reserved for consideration by Planning Committee by a Councillor who gives a planning reason for such reservation within fourteen days of a notification being issued to Councillors, or (ii) A planning application or other matter within section A of Schedule 1 to the Functions Regulations which is made by or on behalf of the Council (other

			<p>than (a) the approval of details under conditions already imposed which are delegated to Head of Development and Enforcement) and/or the Development Control Manager and (b) applications submitted other than by the Environment Directorate and which clearly comply with Supplementary Planning Guidance and/or provisions of the adopted Development Plan or interim policy/ies and to which no objection has been received or where an objection has been received but the third parties objecting to the application do not indicate a wish to address the Planning Committee</p> <p>(iii) A planning application which departs significantly from the provisions of the adopted Development Plan or interim policy/ies and/or Supplementary Planning Guidance except where officers are recommending refusal.</p>
			<p>(iv) Where officers recommend a decision contrary to the submitted written views of interested third parties or consultees, except when:-</p> <p>(a) the views expressed do not relate to material planning considerations; or</p> <p>(b) the application is substantially the same description, nature and scale as a previous application proposal which has received a decision from the authority or the Planning Inspectorate or Secretary of State within the</p>

			<p>preceding two year period, and the Head of Development and Enforcement /or the Development Control Manager, proposes to make a similar decision; or</p> <p>(c) applications are householder/non major applications which are clearly in accordance with any Supplementary Planning Guidance and/or policies in the adopted Development Plan or interim policy/ies notwithstanding that third parties expressing a view indicate a wish to address the Planning Committee</p> <p>.</p> <p>PROVIDED THAT in cases iii) and iv) (c) above the Head of Development and Enforcement and/or the Development Control Manager shall first decide whether such application should be determined under delegated authority or should be referred to the Planning Committee</p> <p>(d) applications are clearly contrary to any Supplementary Planning Guidance and/or policies in the adopted Development Plan or interim policy/ies (notwithstanding that third parties expressing a view indicate a wish to address the Planning Committee and subject to iii) above)"</p> <p><u>Enforcement, etc</u></p> <p>The functions specified in regulation 2(3) (enforcement action) and 2(4) (amendment, modification or revocation of a permission etc.) of the</p>
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			<p>Functions Regulations are delegated to the Head of Development and Enforcement as follows:</p> <p>(a) commencement of summary proceedings in respect of advertisements displayed in contravention of the Advertisement Regulations and service of Discontinuance Notices under the provisions of those regulations</p> <p>(b) service of a breach of condition notice and issue court proceedings in the event of non-compliance with the Notice</p> <p>(c) service of a planning contravention notice</p> <p>(d) enforcement action in respect of non-compliance with conditions and minor works, such as satellite dishes, aerials, vehicular crossovers, extraction equipment, balconies, sheds and similar small buildings, plant or installation</p> <p>(e) enforcement action in respect of all householder development and changes of use where the development taken place is clearly contrary to Supplementary Planning Guidance and/or adopted Development Plan or interim policy/ies</p> <p>(f) to require proper maintenance of land under S215 of the Town and Country Planning Act 1990</p> <p>(g) to authorise entry onto land under Section 220 of the Town and Country Planning Act 1990 and the</p>
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		<p>Tree Preservation and Hedgerows Functions relating to the preservation of trees and the protection of important hedgerows, as specified in sections A and I of Schedule 1 to the Functions Regulations</p>	<p>Town and Country Planning (Control of Advertisements) Regulations 1992 or subsequent superseding legislation</p> <p>(g) service of an enforcement notice in relation to demolition of unlisted buildings in Conservation Area</p> <p>(i) subject to the agreement of the Chair of the Planning Committee (or the Vice-Chair in his/her absence), service of a stop notice or an injunction to stop unauthorised development when urgent action is required</p> <p>(j) service of a Temporary Stop Notice to stop unauthorised development when urgent action is required</p> <p>(k) to decide not to proceed with enforcement action in respect of unauthorised development covered by Supplementary Planning Guidance which is clearly in accordance with that guidance and/or is clearly in accordance with the provisions of adopted Development Plan or interim policy/ies.</p> <p>Subject to no request from a Member to refer the matter to the Planning Committee for decision</p> <p>Head of Development and Enforcement</p>
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<p>Regulatory Committee</p>	<p>14 members of the Authority</p>	<p>Highways use and regulation The exercise of powers relating to all highways, footpaths and bridleways, paths, crossings (including as to maps thereof) as set out in regulation 2 and sections B and I of Schedule 1 to the Functions Regulations</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>Assistant Director Traffic and Transport (other than as below)</p> <p>Assistant Director Traffic and Transport for the functions under paragraphs 1.16 – 1.22 of Schedule 1 to the Functions Regulations, which relate to the use of highways (including footpaths, etc)</p> <p>Head of Legal & Electoral Services</p>
<p>Council</p>	<p>All members of the authority</p>	<p>Functions relating to elections The exercise of functions relating to elections as set out in paragraphs 1, 6, 8, 9 and 17 of section D of Schedule 1 to the Functions Regulations as to the appointment of the electoral registration officer, the appointment of the returning officer for local elections, and as to polling districts and local election pilot schemes</p>	<p>The Chief Executive shall be the Electoral Registration Officer for the Council and the Returning Officer for local elections</p>

<p>Regulatory Committee</p>	<p>14 members of the authority</p>	<p>Functions relating to elections The functions relating to elections (other than those of the Council) as set out in section D of Schedule 1 to the Functions Regulations</p>	<p>The Chief Executive in respect of paragraphs 7 and 13 of section D of Schedule 1 to the Functions Regulations, relating to assistance at European Parliament elections and the declaration of certain vacancies</p> <p>The Electoral Registration Officer in respect of paragraph 2 of section D of Schedule 1 to the Functions Regulations as to the assignment of officers to the electoral registration officer</p> <p>The appointed Returning Officer in respect of paragraphs 10, 12 and 14 of section D of Schedule 1 to the Functions Regulations, as to the holding of elections, the filling of certain vacancies and notices of casual vacancies</p> <p>The Head of Legal & Electoral Services in respect of paragraph 16 of section D of Schedule 1 to the Functions Regulations as to the fees for and conditions of supply of elections documents</p> <p>The Director of Finance & Corporate Services in respect of paragraph 11 of section D to the Schedule 1 to the Functions Regulations, as to the payment of the expenses of the Electoral Registration Officer</p>
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<p>Regulatory Committee</p>	<p>14 members of the authority</p>	<p>Gaming, entertainment, food and miscellaneous licensing Functions relating to licensing and registration as set out in regulation 2 and Schedule 1 to the Functions Regulations (other than in relation to highways)</p> <p>Closure of takeaways Power to make closing orders with respect to take-away food shops</p> <p>Health and safety 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</p> <p>Safety at Sports Grounds Functions relating to the safety of sports grounds within the meaning of Schedule 1 to the Functions Regulations</p> <p>Designation of places to combat alcohol-related disorder 1. To determine whether there are areas within the Borough to be considered for designation under Sections 12 to 16 of the Criminal Justice and Police Act 2001 and the Local Authorities (Alcohol Consumption in Designated Public Places) Regulations 2001, and to authorise the Assistant Director of</p>	<p>Assistant Director Development and Street Scene and/or Head of Licensing</p> <p>Director of Children’s Services and Culture in respect of licensing the employment of children</p> <p>Head of Commercial Environmental Health</p> <p>Assistant Director of Development and Street Scene and/or Head of Commercial Environmental Health</p> <p>Assistant Director of Development and Street Scene: and/or Head of Commercial Environmental Health</p> <p>Upon instruction from the Regulatory Committee, to undertake statutory consultation as set out in the legislation, to collate feedback and report back to the Committee; if the Committee agree designation, to take the necessary steps to bring designated areas into operation in accordance</p>
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		<p>Development and Street Scene to undertake the statutory consultation and to report back to the Committee on the outcome of such.</p> <p>2. To decide, following consultation, whether to proceed with designation of specified areas or not and, if so, to authorise the Assistant Director to take the necessary steps to bring the Order into operation.</p> <p>3. To consider monitoring reports and to consider increasing or decreasing the number of designated areas within the Borough.</p>	<p>with the Regulations; to monitor, with the co-operation of the Police, the impact of designation and report back to the Committee.</p>
Standards Committee	5 members of the Authority (excluding the Executive) and 6 independent and voting co-optees	Standards of Conduct and Probity	Head of Legal & Electoral Services
		<p>(1) promoting and maintaining high standards of conduct by Councillors, co-opted members and church and parent governor representatives;</p> <p>(2) assisting the Councillors, co-opted members and church and parent governor representatives to observe the Members' Code of Conduct and associated local Members' Protocols;</p> <p>(3) advising the Council on the adoption or revision of the Members' Code of Conduct and associated local Members' Protocols;</p>	

		<p>(4) monitoring and reviewing the operation of the Members' Code of Conduct and associated local Members' Protocols;</p> <p>(5) developing for recommendation to the Council local protocols to supplement the Members' Code of Conduct;</p> <p>(6) enforcing local protocols and applying sanctions in respect of breaches as appropriate;</p> <p>(7) advising, training or arranging to train Councillors, co-opted members and church and parent governor representatives on matters relating to the Members' Code of Conduct and associated local Members' Protocols;</p> <p>(8) granting dispensations to Councillors, co-opted members and church and parent governor representatives from requirements relating to interests set out in the Members' Code of Conduct and associated local Members' Protocols;</p> <p>(9) dealing with any reports from a Case Tribunal or interim Case Tribunal, and any report from the Monitoring Officer on any matter which is referred by an Ethical Standards Officer to the Monitoring Officer;</p> <p>(10) To keep under review, amend and make additional provisions to the Protocol on Member/Officer relations;</p> <p>(11) To monitor the Officers'</p>	
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		<p>Code of Conduct to ensure consistent application and enforcement Council-wide;</p> <p>12l) general overview of probity matters arising from Ombudsman reports, Monitoring Officer reports and Audit Commission reports.</p>	
Investment Committee	5 Members of the Authority	<p>Pensions Functions relating to local government pensions etc. as set out in the Functions Regulations</p>	<p>The Director of Finance & Corporate Services and/or Assistant Director of Finance (and also on his behalf the Pensions Manager) is authorised to interpret and implement the statutory provisions within the Local Government Pension Scheme Regulations.</p> <p>Within the policies set by the Investment Committee the Director of Finance & Corporate Services and/or Assistant Director of Finance is also authorised to arrange and oversee the investment of the Pension Fund.</p>
Council	All members of the authority	<p>Appointment of staff Power to appoint staff and to determine the terms and conditions on which they hold office (including procedures for their dismissal)</p>	<p><u>Appointments and conditions:</u> Heads of Service, in accordance with terms set by the Council, under the overall guidance of the Chief Executive as Head of Paid Service, in consultation with the Corporate Head of Human Resources and within budgets. Corporate Head of Human Resources for those matters delegated to that post under Section 4 n the Scheme of Delegation</p>

			<p><u>Restructuring</u> (within Department and within budget): Directors</p> <p><u>Procedures for dismissal:</u> Corporate Head of Human Resources, in consultation with the Head of Paid Service, to determine the procedures to apply for dismissal of employees. Corporate Director to authorise the dismissal or suspension of employees, subject to the application of the procedures</p>
Appointments Committee	7 or 5 members of the authority (including at least 1 member of the Executive)	Appointment of Senior Management	In relation to the appointment of the Chief Executive, Directors and Assistant Directors/Heads of Service (as listed in Part 4 of this Constitution), with the appointment of Chief Executive being subject to confirmation by the Council
Regulatory Committee	14 members of the authority	Maladministration Power to make payments or provide other benefits in cases of maladministration etc. as set out in the Functions Regulations	Assistant Directors/Heads of Service, with the agreement of the Head of Legal and Electoral Services and in accordance with a protocol to be agreed from time to time by the Regulatory Committee

<p>Council</p>	<p>All members of the authority</p>	<p>Head of Paid Service Duty to designate officer as the head of the authority's paid service and to provide staff, etc</p> <p>Financial Affairs Duty to make arrangements for the proper administration of financial affairs etc</p> <p>Monitoring Officer Duty to designate officer as the authority's Monitoring Officer and to provide staff, etc</p> <p>Proper Officers Power to appoint officers for particular purposes (appointment of "proper officers")</p>	<p>Chief Executive, except that the Council shall authorise Proper Officer functions where those are to be performed by the Chief Executive</p>
<p>Council</p>	<p>All members of the authority</p>	<p>Power to change the name of the borough</p> <p>Power to admit to be an honorary freeman of the borough In accordance with Section 249 of the Local Government Act 1972</p> <p>Local or personal Bills Power to promote or oppose local Bills in Parliament</p> <p>Standing Orders The power to make and amend standing orders and standing orders on contracts</p> <p>Members' allowances Matters relating to members' allowances</p>	
<p>Statutory Accounts Committee</p>	<p>5 members of the authority</p>	<p>Statement of Accounts The duty to approve the council's statement of accounts, income,</p>	

		expenditure and balance sheet or record of receipts and payments (as the case may be) under the Accounts and Audit Regulations	
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NOTE

In accordance with the Functions Regulations the following are NOT to be functions of the Executive.

1. Regulation 2(2)

The functions of-

(a) imposing any condition, limitation or other restriction on an approval, consent licence, permission or registration granted either-

- in the exercise of a function set out in this section, or
- other than by the Executive, in the exercise of any function under a local Act

and

(b) determining any other terms to which any such approval, consent, licence, permission or registration is subject

2. Regulation 2(3)

The function of determining whether, and in what manner, to enforce-

(a) any failure to comply with an approval, consent, licence, permission or registration granted as in 1. above

(b) any failure to comply with any condition, limitation or term to which any such approval, consent, licence, permission or registration is subject, or

(c) any other contravention in relation to a matter with regard to which the function of determining an application for approval, consent, licence, permission or registration would not be the responsibility of the Executive

3. Regulation 2(4)

The function of-

- (a) amending, modifying or varying any such approval, consent, licence, permission or registration as mentioned in 1. above, or any condition, limitation or term to which it is subject, or
- (b) revoking any such approval, consent, licence, permission or registration

4. Regulation 2(6)(d) and (e)

The functions of determining-

- (a) whether a charge should be made for any approval, consent, licence, permit or registration the issue of which is not the responsibility of the Executive, and
- (b) where a charge is made for any such approval, consent, licence, permit or registration, the amount of such a charge

5. Regulation 2(5) and 2(6)

The functions relating to members allowances as set out in paragraphs 2(5) and 2(6) of the Functions Regulations are not to be the responsibility of the Executive.

6. Regulation 2(8)

Subject to any regulations to be made under section 20 of the Local Government Act 2000, the functions of-

- (a) making arrangements for the exercise of the functions of more than one authority jointly under section 101(5) of the Local Government Act 1972, and
- (b) making appointments to committees or joint committees under section 102 of the Local Government Act 1972

7. Regulation 2(11)

Unless the Functions Regulations indicate otherwise, any functions reserved to the full Council under legislation which pre-dates the regulations

8. Regulations 4 and 5

Functions which are under regulations 4 and 5 of the Functions Regulations not the responsibility of the Executive in certain circumstances.

COMMITTEE TERMS OF REFERENCE:

Planning Committee

To determine applications for planning permission, Listed Building Consent, Conservation Area Consent, Tree Preservation Orders, Enforcement and Planning Control and consultations from other bodies, and agreements made under Section 106 of the Town and Country Planning Act 1990.

Regulatory Committee

- (a) To determine appeals against any decision made by or on behalf of the authority.
- (b) To exercise the Council's functions in respect of licensing and registration.
- (c) To oversee the Council's functions in respect of health and safety (except in the Council's capacity as employer), dealing with statutory nuisance, the regulation of the use of highways (including footpaths and bridleways) and commons registration.
- (d) To oversee those functions relating to elections other than those reserved to the Council.
- (e) To make, amend, revoke or re-enact byelaws.
- (f) To determine a protocol for making payments or providing other benefits in cases of maladministration.
- (g) To oversee the Council's powers in respect of the designation of public places under Sections 12 to 16 of the Criminal Justice and Police Act 2001 and associated Regulations.

Investment Committee

- (a) In relation to the Council's Superannuation Fund:
 - (i) To meet with the Director of Finance & Corporate Services and the Council's Actuary and Investment Advisors/Fund Managers and to be responsible for long term strategy and performance review.
 - (ii) To develop and implement ethical investment and corporate governance policies.
 - (iii) To consider other management and operational matters.
- (b) To comment upon proposals to amend the Local Government Superannuation Scheme.

Appointments Committee

To deal with the appointment of the Chief Executive (subject to confirmation by the Council), Chief Officers and Deputy Chief Officers (i.e. those posts listed in the Annex to Officer Employment Procedure Rule 4).

Audit Committee

- (a) To receive reports from the external auditor and the Council's internal auditor, making suggestions for improvement in practice to Council and/or Executive as required as a result of those reports.
- (b) To promote procedures which ensure proper custodianship of Council finances, making recommendations to the Executive for best financial practice across the authority.
- (c) To monitor the effective development and operation of risk management policies in the Council.
- (d) To undertake the review of the Statement on Internal Control (SIC) and recommend it for signature by the Chief Executive and the Leader of the Council for publication in the Statement of Accounts.
- (e) Any other audit related responsibilities as may from time to time be allocated.

Standards Committee

- (a) Promoting and maintaining high standards of conduct by Councillors, co-opted members and church and parent governor representatives.
- (b) Assisting the Councillors, co-opted members and church and parent governor representatives to observe the Members' Code of Conduct and associated local Members' Protocols.
- (c) Advising the Council on the adoption or revision of the Members' Code of Conduct and associated local Members' Protocols.
- (d) Monitoring and reviewing the operation of the Members' Code of Conduct and associated local Members' Protocols.
- (e) Developing for recommendation to the Council local Members' protocols to supplement the Members' Code of Conduct.
- (f) Enforcing local protocols and applying sanctions in respect of breaches as appropriate.
- (g) Advising, training or arranging to train Councillors, co-opted members and church and parent governor representatives on matters relating to the Members' Code of Conduct and associated local Members' Protocols.
- (h) Granting dispensations to Councillors, co-opted members and church and parent governor representatives from requirements relating to interests set out in the Members' Code of Conduct and associated local Member's Protocols.
- (i) Dealing with any reports from a Case Tribunal or interim Case Tribunal, and any report from the Monitoring Officer on any matter which is referred by an Ethical Standards Officer to the Monitoring Officer.
- (j) To keep under review, amend and make additional provisions to the Protocol on Member/Officer relations.

- (k) General overview of probity matters arising from Ombudsman reports, Monitoring Officer reports and Audit Commission reports.

Statutory Accounts Committee

To carry out the following functions on behalf of the Full Council:

- (a) To approve the annual Statement of Accounts of the Authority in accordance with the Accounts and Audit Regulations (2003) (or as subsequently amended).
- (b) To consider any report from the Council's external auditors in respect of Statement of Auditing Standards 610 "Reporting to those charged with governance" (or equivalent in future) and agree any action necessary as a result of such a report.
- (c) To consider any other matters in respect of the preparation, approval and audit of the Statement of Accounts that require consideration by the Council and agree any appropriate action as necessary.

Investigating and Disciplinary Committee

Terms of Reference

In relation to misconduct/capability of the Chief Executive. The Chief Finance Officer, the Monitoring Officer and Directors

1. To consider allegations and take disciplinary action as appropriate, other than dismissal, relating to the conduct or capability of the Chief Executive in line with the JNC Model Procedure for Chief Executives as contained within the relevant terms and conditions of employment.
2. To consider allegations and take disciplinary action as appropriate, other than dismissal, relating to the conduct or capability of the Chief Finance Officer and the Monitoring Officer in line with The Local Authorities (Standing Orders) (England) Regulations 2001 and as contained within the relevant terms and conditions of employment.
3. To consider allegations and take disciplinary action as appropriate, including dismissal, relating to the conduct or capability of any Director in line with statutory requirements and local procedures and as contained within the relevant terms and conditions of employment.
4. To refer to Council a recommendation to dismiss the Chief Executive, the Chief Finance Officer and the Monitoring Officer should this action be warranted. (In this instance Council will assume the role of an Appeal body for appeals against dismissal by the Chief Executive, the Chief Finance Officer and the Monitoring Officer)

Note

This Committee will be a standing committee (JNC recommendation).

Constitution:

Five members which must include at least one member of the Cabinet.

Allocation of members to be politically proportional (3 LD, 2 CON)

Substitute Members are permitted

All members of the Council are eligible for full or substitute membership of this committee

Quorum – 3 (in line with other quasi-judicial committees)

Appeals Committee

Terms of Reference

In relation to the application of the JNC Model Procedure for Chief Executives. In relation to statutory requirements and terms and conditions of employment of the Chief Finance Officer, Monitoring Officer, Directors and Assistant Directors

1. To hear appeals by the Chief Executive, against actions short of dismissal determined by the Investigating and Disciplinary Committee.
2. To hear appeals by the Chief Finance Officer, Monitoring Officer and Directors, against actions short of dismissal determined by the Investigating and Disciplinary Committee.
3. To hear appeals by Directors against dismissal as determined by the Investigating and Disciplinary Committee.
4. To hear appeals by Assistant Directors against dismissal and against actions short of dismissal as determined by the Employee Disciplinary Panel.
5. To uphold or reject such appeals or order the varying of the disciplinary action taken.

Note

All appeals to be conducted in accordance with the Chief Executive's, Directors and Assistant Directors terms and conditions of employment as required.

This Committee may be a standing committee OR will be formally appointed by the Council if and when required.

Constitution

- Five members which must include at least one member of the Cabinet. (Membership must not include any member of the Investigating and Disciplinary Committee)
- Allocation of members to be politically proportional (3 LD, 2 CON)
- No comment on whether Substitute Members are permitted
- Quorum – 3 (in line with other quasi-judicial committees).

Remuneration Committee

Terms of Reference

- 1 To undertake periodic reviews of pay and remuneration issues concerning the Chief Executive and the pay scales of Chief Officers.
- 2 To receive, from time to time, a report (including relevant market data) from the Proper Officer in relation to any proposals to review the pay and remuneration scheme for the Chief Executive and Chief Officers.

Note

Up to Five members. Could be limited to 3 – suggest quorum of 3 whether 3 or 5 members. (The Leader of the Council in the Chief Executive's appraisal may not sit on this committee). The committee may take option to include a co-opted expert or may commission expert view as required. (The commissioned view is probably better as it will not fetter having to arrange meetings around availability of an outsider.)

It is envisaged that this committee would meet every two years under normal circumstances.