

# **PART 3**

## **RESPONSIBILITY FOR FUNCTIONS**

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# RESPONSIBILITY FOR FUNCTIONS

## 1 INTRODUCTION

- 1.1 The Chief Executive shall submit a report for approval by the Council at its annual meeting each year on the arrangements for the discharge of non-executive and executive functions.
- 1.2 The Chief Executive may submit a report to a meeting of the Council at any time containing proposed changes to the arrangements for the discharge of non-executive and executive functions.

## 2 RESPONSIBILITY FOR LOCAL CHOICE FUNCTIONS

<i>FUNCTION</i>	<b>DECISION MAKING BODY</b>	<b>DELEGATION OF FUNCTION</b>
1 Any function under a local Act other than a function specified or referred to in regulation 2 or Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended).	The Executive	
2 The determination of an appeal against any decision made by or on behalf of the Council.	Appeals Committee	
3 The appointment of review boards under regulations under subsection (4) of section 34 (determination of claims and reviews) of the Social Security Act 1998.	Annual Council	
4 The making of arrangements in relation to appeals against the exclusion of pupils from maintained schools.	Annual Council	
5 The making of arrangements pursuant to sections 94(1), (1A), and (4) of 1998 Act (admission appeals).	Annual Council	
6 The making of arrangements pursuant to section 95 (2) of the 1998 Act (children to whom section 87 applies: appeals by governing bodies).	Annual Council	

<i>FUNCTION</i>	<b>DECISION MAKING BODY</b>	<b>DELEGATION OF FUNCTION</b>
7 The making of arrangements under section 20 (questions on police matters at Council meetings) of the Police Act 1996 for enabling questions to be put on the discharge of the functions of a police authority.	Annual Council	
8 The making of appointments under paragraphs 2 to 4 (appointment of members by relevant councils) of Schedule 2 (police authorities established under section 3) to the Police Act 1996.	Annual Council	
9 The conducting of best value fundamental service reviews in accordance with the provisions of any order for the time being having effect under section 5 (best value fundamental service reviews) of the Local Government Act 1999.	The Executive	Appropriate Overview and Scrutiny Committee
10 Any function relating to contaminated land.	The Executive	
11 The discharge of any function relating to the control of pollution or the management of air quality.	The Executive	
12 The service of an abatement notice in respect of a statutory nuisance.	The Executive	
13 The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the Council's area.	The Executive	
14 The inspection of the authority's area to detect any statutory nuisance.	The Executive	
15 The investigation of any complaint as to the existence of a statutory nuisance.	The Executive	
16 The obtaining of information under section 330 of the Town and Country Planning Act 1990 as to interests in land.	The Executive	

<i>FUNCTION</i>	<b>DECISION MAKING BODY</b>	<b>DELEGATION OF FUNCTION</b>
17 The obtaining of particulars of persons interested in land under section 16 of the Local Government (Miscellaneous Provisions) Act 1976.	The Executive	
18 The making of agreements for the execution of highways works.	The Executive	
19 The appointment of any individual:- (a) to any office other than an office in which he or she is employed by the Council, (b) to any body other than:- (i) the Council (ii) a Joint Committee of two or more Authorities, or (c) to any Committee or Sub-committee of such a body, and the revocation of any such appointment.	Council	
20 The making of agreements with other local authorities for the placing of staff at the disposal of those other authorities.	Council	

### 3 RESPONSIBILITY FOR COUNCIL FUNCTIONS

COMMITTEE	MEMBERSHIP	FUNCTIONS	DELEGATION OF FUNCTION
Standards Committee	Seven Members of the Council, other than the Leader, the Mayor, and not more than one Member of the Cabinet, and up to eight voting Independent Members.	<p>a. Promoting and maintaining high standards of conduct by Councillors, Independent Members and Co-opted Members;</p> <p>b. Assisting Councillors, Independent Members and Co-opted Members to observe the Members' Code of Conduct;</p> <p>c. Advising the Council on the adoption and/or revision of the Members' Code of Conduct;</p> <p>d. Monitoring the operation of the Members' Code of Conduct;</p> <p>e. Advising, training, or arranging to train, Councillors, Independent Members and Co-opted Members on matters relating to the Members' Code of conduct;</p> <p>f. Granting dispensations to Councillors, Independent Members and Co-opted Members from requirements relating to interests set out in the Members' Code of Conduct;</p> <p>g. Maintaining an overview of the Council's Constitution in respect of Contract Procedure Rules, Financial Regulations and Codes of Conduct;</p> <p>h. To consider and determine complaints about breaches of the Members' Code of Conduct under the Standards Committee (England) Regulations 2008, (as amended);</p>	Standards Committee

		<p>i. Appointing Assessment Sub-Committees, Review Sub-Committees, and Standards Panels in relation to the local assessment of complaints against Members for breach of the Members' Code of Conduct;</p> <p>j. Agreeing assessment criteria in respect of local assessment of complaints of breaches of the Members' Code of Conduct;</p> <p>k. Reviewing, from time to time, the said assessment criteria;</p> <p>l. Dealing with any reports from a case tribunal or interim case tribunal and any report from the Monitoring Officer on any matter;</p> <p>m. Considering applications from local authority employees for exemptions from political restrictions in respect of their posts;</p> <p>n. Where appropriate, issuing directions requiring the inclusion of a post in the list of politically restricted posts;</p> <p>o. Giving general advice on the application of criteria for designation of a politically restricted post;</p> <p>p. Reviewing any issues referred by the Chief Executive, an Executive Director or Monitoring Officer;</p> <p>q. Monitoring the Constitution and making recommendations thereon to the Regulatory Committee and/or the Full Council in respect of any proposed amendments;</p> <p>r. Monitoring Council policies on "Whistle-blowing" and the Anti Fraud and Corruption Strategy and the Council's complaints process;</p>	
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		<p>s. Agreeing joint working on Standards Joint Committees (e.g. with the Audit Committee and with the Performance Scrutiny Committee);</p> <p>t. To consider the Council's arrangements for corporate governance and agreeing necessary actions to ensure compliance with best practice;</p> <p>u. To deal with other functions delegated to the Committee by the Council in accordance with Section 54(3) of the Local government Act 2000, in accordance with any Regulations made under that Act</p>	
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COMMITTEE	MEMBERSHIP	FUNCTIONS	DELEGATION OF FUNCTION
Regulatory Committee	Nine Members of the Council (political balance to apply)	<p><b>1 <u>Functions relating to town and country planning and development control</u></b></p> <p>1 Power to determine application for planning permission.</p> <p>2 Power to determine applications to develop land without compliance with conditions previously attached.</p> <p>3 Power to grant planning permission for development already carried out.</p> <p>4 Power to decline to determine application for planning permission.</p>	<p>Regulatory Committee Some functions are delegated to Township Committees or Officers</p> <ul style="list-style-type: none"> <li>- the Scheme of Delegation to Township Committees (Appendix 1)</li> <li>- the Development Control Scheme (Appendix 2)</li> <li>- The Scheme of Delegation to Officers (Appendix 3)</li> </ul>

		<p>5 Duties relating to the making of determinations of planning applications.</p> <p>6 Power to determine application for planning permission made by a local authority, alone or jointly with another person.</p>	
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COMMITTEE	MEMBERSHIP	FUNCTIONS	DELEGATION OF FUNCTION
		<p>7 Power to make determinations, give approvals and agree certain other matters relating to the exercise of permitted development rights.</p> <p>8 Power to enter into agreement regulating development or use of land.</p> <p>9 Power to issue a certificate of existing or proposed lawful use or development.</p> <p>10 Power to serve a completion notice.</p> <p>11 Power to grant consent for the display of advertisements.</p> <p>12 Power to authorise entry onto land.</p> <p>13 Power to require the discontinuance of a use of land.</p> <p>14 Power to serve a planning contravention notice, breach of condition notice or stop notice.</p> <p>14A Power to issue a temporary stop notice.</p> <p>15 Power to issue an enforcement notice.</p>	

		<p>16 Power to apply for an injunction restraining a breach of planning control.</p> <p>17 Power to determine applications for hazardous substances consent, and related powers.</p>	
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COMMITTEE	MEMBERSHIP	FUNCTIONS	DELEGATION OF FUNCTION
		<p>18 Duty to determine conditions to which old mining permissions, relevant planning permissions relating to dormant sites or active Phase I or II sites, or mineral permissions relating to mining sites, as the case may be, are to be subject.</p> <p>19 Power to require proper maintenance of land.</p> <p>20 Power to determine application for listed building consent, and related powers.</p> <p>21 Power to determine application for conservation area consent.</p> <p>22 Duties relating to applications for listed building consent and conservation area consent.</p> <p>23 Power to serve a building preservation notice, and related powers.</p> <p>24 Power to issue enforcement notice in relation to demolition of unlisted building in conservation area.</p> <p>25 Powers to acquire a listed building in need of repair and to serve a repairs notice.</p>	

		26 Power to apply for an injunction in relation to a listed building.	
		27 Power to execute urgent works.	

COMMITTEE	MEMBERSHIP	FUNCTIONS	DELEGATION OF FUNCTION
Regulatory Committee	Nine Members of Council (political balance to apply)	<p><b>2 <u>Licensing and Registration Functions – the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, Schedule 1B (as amended)</u></b> (in so far as not covered by any other paragraph of the Schedule).</p> <p>1 Power to issue licences authorising the use of land as a caravan site (“site licences”)</p> <p>2 Power to license the use of moveable dwellings and camping sites.</p> <p>3 Power to license hackney carriages and private hire vehicles.</p> <p>4 Power to license drivers of hackney carriages and private hire vehicles.</p> <p>5 Power to license operators of hackney carriages and private hire vehicles.</p> <p>6 Power to register pool promoters.</p>	<p>Regulatory Committee Some functions are delegated to Township Committees or Officers</p> <ul style="list-style-type: none"> <li>- The Scheme of Delegation to Township Committees (Appendix 1)</li> <li>- The Scheme of Delegation to Officers (Appendix 3)</li> </ul>

		7 Power to grant track betting licences.	
		8 Power to license inter-track betting schemes.	
		9 Power to grant permits in respect of premises with amusement machines.	

COMMITTEE	MEMBERSHIP	FUNCTIONS	DELEGATION OF FUNCTION
		10 Power to register societies wishing to promote lotteries.	
		11 Power to grant permits in respect of premises where amusements with prizes are provided.	
		12 Power to issue cinema and cinema club licences.	
		13 Power to issue theatre licences.	
		14 Power to issue entertainment licences.	
		14A Functions relating to Licensing (other than as stated below)	See section headed 'Licensing Committee' below
		14AA Duty to comply with requirements to provide information to Gambling Commission	Licensing Committee/Sub-Committee
		14AB Functions relating to exchange of information	“
		14AC Functions relating to occasional use notices	“
		14B Power to resolve not to issue a casino premises licence – Licensing Sub-Committee	“
		14C Power to designate an Officer of a licensing	“

		<p>authority as an authorised person for a purpose relating to premises</p> <p>14CA Power to make order disapplying section 279 or 282(1) of the 2005 Act in relation to specified premises</p> <p>14D Power to institute criminal proceedings</p>	<p>“</p> <p>“</p>
COMMITTEE	MEMBERSHIP	FUNCTIONS	DELEGATION OF FUNCTION
		<p>14E Power to exchange information</p> <p>14F Functions relating to the determination of fees for premises licenses</p> <p>14FA Functions relating to smoke free premises etc</p> <ol style="list-style-type: none"> <li>1. Power to enforce offences relating to the display of no-smoking signs</li> <li>2. Power to enforce offences relating to smoking in smoke free places</li> <li>3. Power to enforce offence of failing to prevent smoking in smoke free places</li> <li>4. Power to transfer enforcement functions to another enforcement authority</li> </ol> <p>14G Functions relating to the registration and regulation of small society lotteries</p> <p>15 Power to license sex shops and sex cinemas.</p> <p>16 Power to license performances of hypnotism.</p> <p>17 Power to license premises for acupuncture, tattooing, ear-piercing and electrolysis.</p> <p>18 Power to license pleasure boats and pleasure</p>	<p>“</p> <p>”</p> <p>Licensing Committee/Sub-Committee</p>

		vessels. 19 Power to register door staff. 20 Power to license market and street trading. 21 Power to license night cafes and take-away food shops.	
COMMITTEE	MEMBERSHIP	FUNCTIONS	DELEGATION OF FUNCTION
		22 Duty to keep list of persons entitled to sell non-medicinal poisons. 23 Power to license dealers in game and the killing and selling of game 24 Power of register and license premises for the preparation of food. 25 Power to license scrap yards. 26 Power to issue, amend or replace safety certificates (whether general or special) for sports grounds. 27 Power to issue, cancel, amend or replace safety certificates for regulated stands at sports grounds. 28 Power to issue fire certificates. 29 Power to license premises for the breeding of dogs. 30 Power to license pet shops and other establishments where animals are bred or kept for the purposes of carrying on a business. 31 Power to register animal trainers and exhibitors.	

- 32 Power to license zoos.
- 33 Power to license dangerous wild animals.
- 34 Power to license knackers' yards.
- 35 Power to license the employment of children.

COMMITTEE	MEMBERSHIP	FUNCTIONS	DELEGATION OF FUNCTION
		<ul style="list-style-type: none"> <li>36 Power to approve premises for the solemnisation of marriages.</li> <li>37 Power to register common land or town or village greens, except where the power is exercisable solely for the purpose of giving effect to:-               <ul style="list-style-type: none"> <li>(a) an exchange of lands effected by an order under section 19(3) of, or paragraph 6(4) of Schedule 3 to, the Acquisition of Land Act 1981 or</li> <li>(b) an order under section 147 of the Inclosure Act 1845.</li> </ul> </li> <li>38 Power to register variation of rights of common.</li> <li>39 Power to license persons to collect for charitable and other causes.</li> <li>40 Power to grant consent for the operation of a loudspeaker.</li> <li>41 Power to grant a street works licence.</li> <li>42 Power to license agencies for the supply of nurses</li> <li>43 Power to issue licences for the movement of pigs.</li> </ul>	

		<p>44 Power to license the sale of pigs.</p> <p>45 Power to license collecting centres for the movement of pigs.</p> <p>46 Power to issue a licence to move cattle from a market.</p>	
COMMITTEE	MEMBERSHIP	FUNCTIONS	DELEGATION OF FUNCTION
		<p>46A Power to grant permission for provision etc of services, amenities, recreation and refreshment facilities on highway, and related powers</p> <p>47 Power to permit deposit of builder's skip on highway.</p> <p>47A Duty to publish notice in respect of proposal to grant permission under Section 115E of the Highways Act 1980</p> <p>48 Power to license planting, retention and maintenance of trees etc. in part of highway.</p> <p>49 Power to authorise erection of stiles etc. on footpaths or bridleways.</p> <p>50 Power to license works in relation to buildings etc. which obstruct the highway.</p> <p>51 Power to consent to temporary deposits or excavations in streets.</p> <p>52 Power to dispense with obligation to erect hoarding or fence.</p> <p>53 Power to restrict the placing of rails, beams etc. over</p>	

		highways.	
		54 Power to consent to construction of cellars etc. under street.	
		55 Power to consent to the making of openings into cellars etc. under streets, and pavement lights and ventilators.	

COMMITTEE	MEMBERSHIP	FUNCTIONS	DELEGATION OF FUNCTION
		56 Power to sanction use of parts of buildings for storage of celluloid. 57 Power to approve meat product premises. 58 Power to approve premises for the production of minced meat or meat preparations. 59 Power to approve dairy establishments. 60 Power to approve egg product establishments. 61 Power to issue licences to retail butchers' shops carrying out commercial operations in relation to unwrapped raw meat and selling or supplying both raw meat and ready-to-eat foods. 62 Power to approve fish products premises. 63 Duty to keep register of food business premises.	
Regulatory Committee	Nine Members of the Council (political balance to apply)	<b>3 <u>Functions relating to health and safety at work</u></b>  Functions under any of the "relevant statutory provisions" within the meaning of Part 1 (health,	Regulatory Committee Some functions are delegated to Officers – The Scheme of Delegation to

		safety and welfare in connection with work, and control of dangerous substances) of the Health and Safety at Work etc. Act 1974, to the extent that those functions are discharged otherwise than in the Council's capacity as an employer.	Officers (Appendix 3)
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COMMITTEE	MEMBERSHIP	FUNCTIONS	DELEGATION OF FUNCTION
Regulatory Committee	Nine Members of the Council (political balance to apply)	<p><b>4 <u>Functions relating to elections</u></b></p> <p>1 Duty to appoint an electoral registration officer.</p> <p>2 Power to assign officers in relation to requisitions of the registration officer.</p> <p>3 Duty to appoint returning officer for local government elections.</p> <p>4 Duty to provide assistance at European Parliamentary elections.</p> <p>5 Duty to divide constituency into polling districts.</p> <p>6 Power to divide electoral divisions into polling districts at local government elections.</p> <p>7 Powers in respect of holding of elections.</p> <p>8 Power to pay expenses properly incurred by electoral registration officers.</p> <p>9 Power to fill vacancies in the event of insufficient nominations.</p>	Regulatory Committee

		<p>10 Duty to declare vacancy in office in certain cases.</p> <p>11 Duty to give public notice of a casual vacancy.</p> <p>12 Power to determine fees and conditions for supply of copies of, or extracts from, elections documents.</p>	
COMMITTEE	MEMBERSHIP	FUNCTIONS	DELEGATION OF FUNCTION
		<p>13 Power to submit proposals to the Secretary of State for an order under section 10 (pilot schemes for local elections in England and Wales) of the Representation of the People Act 2000.</p>	
Regulatory Committee	Nine Members of Council (political balance to apply)	<p><b>5 <u>Functions relating to name and status of areas and individuals</u></b></p> <p>1 Power to change the name of a district.</p> <p>2 Power to confer title of honorary alderman or to admit to be an honorary freeman.</p>	Regulatory Committee
Regulatory Committee	Nine Members of Council (political balance to apply)	<p><b>6 <u>Power to make, amend, revoke or re-enact byelaws</u></b></p>	Regulatory Committee
Regulatory Committee	Nine Members of Council (political balance to apply)	<p><b>7 <u>Power to promote or oppose local or personal Bills</u></b></p>	Regulatory Committee
Regulatory Committee	Nine Members of Council (political balance to apply)	<p><b>8 <u>Functions relating to statements of account pensions etc.</u></b></p>	Regulatory Committee or Audit Committee insofar as related to Statements of Account

Audit Committee	Seven Members of Council (political balance to apply)	Functions relating to local government statements and of accounts and pensions, etc.	
Regulatory Committee (unless otherwise specified)	Nine Members of Council (political balance to apply)	<p><b>9</b> <u>Miscellaneous functions</u></p> <p>1 Power to recommend to Council changes to the Constitution as detailed in Article 15.01 of the Constitution</p>	<p>Regulatory Committee</p> <p>Some functions are delegated to Township Committees or Officers</p>
<b>COMMITTEE</b>	<b>MEMBERSHIP</b>	<b>FUNCTIONS</b>	<b>DELEGATION OF FUNCTION</b>
		<p>2 Power to recommend to Council the making, amending, revoking or replacing of any scheme authorised or required by regulations under Section 18 (schemes for basic attendance and special responsibility allowances for local authority members) of the Local Government and Housing Act 1989</p> <p>3 Power to recommend to Council:-  (a) the amount of any allowance payable under –  (i) subsection (5) of section 3 (Chairman's expenses) of the 1972 Act  (ii) subsection (4) of section 5 (Vice-Chairman's expenses) of that Act  (iii) subsection (4) of section 173 (financial loss allowance) of that Act (b)  (iv) section 175 (allowances for attending conferences and meetings) of that Act  (b) the rates at which payments are to be made under section 174 (travelling and subsistence allowances) of that Act  (c) the amount of any allowance payable pursuant to a scheme under section 18 of the Local Government and Housing Act 1989, or the rates at which payments by way of any such</p>	<ul style="list-style-type: none"> <li>- The Scheme of Delegation to Township Committees (Appendix 1)</li> <li>- The Scheme of Delegation to Officers (Appendix 3)</li> </ul>

		<p>allowance are to be made</p> <p>(d) whether a charge should be made for any approval, consent, licence, permit or registration the issue of which is not the responsibility of an executive of the authority</p> <p>(e) where a charge is made for any such approval, consent, licence, permit or registration, the amount of the charge</p>	
<b>COMMITTEE</b>	<b>MEMBERSHIP</b>	<b>FUNCTIONS</b>	<b>DELEGATION OF FUNCTION</b>
		<p>4 Power to recommend to Council, the appointment of the Deputy Mayor for the following municipal year</p> <p>5 Power to create footpath or bridleway by agreement.</p> <p>6 Power to create footpaths and bridleways.</p> <p>7 Duty to keep register of information with respect to maps, statements and declarations.</p> <p>8 Power to stop up footpaths and bridleways.</p> <p>9 Power to determine application for public path extinguishment order.</p> <p>10 Power to make a rail crossing extinguishment order.</p> <p>11 Power to make a special extinguishment order</p> <p>12 Power to divert footpaths and bridleways.</p> <p>13 Power to make a public path diversion order.</p> <p>14 Power to make a rail crossing diversion order.</p> <p>15 Power to make a special diversion order.</p>	

		<p>16 Power to require applicant for order to enter into agreement.</p> <p>17 Power to make an SSSI diversion order.</p>	
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COMMITTEE	MEMBERSHIP	FUNCTIONS	DELEGATION OF FUNCTION
		<p>18 Duty to keep register with respect to applications under sections 118ZA, 118C, 119ZA and 119C of the Highways Act 1980.</p> <p>19 Power to decline to determine certain applications.</p> <p>20 Duty to assert and protect the rights of the public to use and enjoyment of highways.</p> <p>21 Duty to serve notice of proposed action in relation to obstruction.</p> <p>22 Power to apply for variation of order under section 130B of the Highways Act 1980.</p> <p>23 Power to authorise temporary disturbance of surface of footpath or bridleway.</p> <p>24 Power to temporarily to divert footpath or bridleway</p> <p>25 Functions relating to the making good of damage and the removal of obstructions.</p> <p>26 Powers relating to the removal of things so deposited on highways as to be a nuisance.</p>	

		<p>27 Power to extinguish certain public rights of way.</p> <p>28 Duty to keep definitive map and statement under review.</p> <p>29 Power to include modifications in other orders.</p>	
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COMMITTEE	MEMBERSHIP	FUNCTIONS	DELEGATION OF FUNCTION
		<p>30 Duty to keep register of prescribed information with respect to applications under section 53(5) of the Wildlife and Countryside Act 1981.</p> <p>30A Power to authorise stopping up or diversion of highway.</p> <p>31 Duty to reclassify roads used as public paths.</p> <p>32 Power to prepare map and statement by way of consolidation of definitive map and statement.</p> <p>33 Power to designate footpath as cycle track.</p> <p>34 Power to extinguish public right of way over land acquired for clearance.</p> <p>35 Power to authorise stopping-up or diversion of footpath or bridleway.</p> <p>36 Power to extinguish public rights of way over land held for planning purposes.</p> <p>37 Power to enter into agreements with respect to means of access.</p>	

Appointment Committee	The membership of the Committee as detailed below	<p>38 Power to provide access in absence of agreement.</p> <p>39 Power to appoint staff, and to determine the terms and conditions on which they hold office (including procedures for their dismissal).</p> <p>40 Power to make procedure rules relating to contracts</p>	Appointment Committee or as detailed in the Scheme of Delegation to Officers (Appendix 3 to the Constitution)
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COMMITTEE	MEMBERSHIP	FUNCTIONS	DELEGATION OF FUNCTION
Appointment Committee	The membership of the Committee as detailed below	<p>41 Duty to make arrangements for proper administration of financial affairs etc.</p> <p>42 Power to appoint officers for particular purposes (appointment of “proper officers”).</p> <p>43 Power to make closing order with respect to take-away food shops.</p> <p>44 Duty to designate officer as the head of the authority’s paid service, and to provide staff, etc.</p> <p>44A Duty to provide staff, etc to person nominated by monitoring officer.</p> <p>44B Powers relating to overview and scrutiny committees (voting rights of co-opted members).</p> <p>45 Duty to designate officer as the monitoring officer, and to provide staff, etc.</p>	The Appointment Committee has power to appoint the Chief Executive, Executive Directors and Service Directors
Audit Committee	The membership of the Committee as detailed in Section 8 above	<p>46 Duty to approve authority’s statement of accounts, income and expenditure and balance sheet, or record of payments and receipts (as the case may be).</p> <p>47 Power relating to the protection of important</p>	Audit Committee

		<p>hedgerows.</p> <p>47A Powers relating to complaints about high hedges.</p> <p>48 Power relating to the preservation of trees.</p> <p>49 Power to make payments or provide other benefits in cases of maladministration etc.</p>	
<b>COMMITTEE</b>	<b>MEMBERSHIP</b>	<b>FUNCTIONS</b>	<b>DELEGATION OF FUNCTION</b>
Employment Committee	Seven Members of Council (political balance to apply).	<p>50 Power to make an order identifying a place as a designated place for the purposes of police powers in relation to alcohol consumption.</p> <p>51 To receive the minutes of the Links Consultative Forum.</p> <p>52 Council Tax Base Calculation.</p> <p>1 Power to recommend recruitment to senior posts (Chief Executive, Executive Directors, and Heads of Service) in accordance with the Officer Employment Procedure Rules.</p> <p>2 Power to determine pay and conditions issues for senior officers (Chief Executive, Executive Directors, and Head of Service).</p> <p>3 Power to approve early retirement of senior officers (as defined above).</p> <p>4 Power to consider the outcome of consultations on organisational change where there is a failure to agree between management and staff/trade unions on issues of principle/significance.</p>	

		<p>5 Power to approve changes to corporate conditions of service for Council employees.</p> <p>6 Power to undertake the assessment of Executive Director performance for the purpose of salary progression.</p>	
<b>COMMITTEE</b>	<b>MEMBERSHIP</b>	<b>FUNCTIONS</b>	<b>DELEGATION OF FUNCTION</b>
Appointment Committee	Seven Members of Council (political balance to apply) including the Chair of the Employment Committee. Other Members of the Committee to be nominated by the relevant Party Leaders in the light of the issue concerned, to include where applicable the relevant Cabinet Member and opposition Portfolio Spokespersons.	Power to undertake the recruitment and recommend appointments to senior posts (Chief Executive, Executive Directors and Head of Service Level) in accordance with the Officer Employment Procedure Rules.	Appointment Committee
Disciplinary Committee	Seven Members of Council (political balance to apply) including the Chair of the Employment Committee. Other Members of the Committee to be nominated by the relevant Party Leaders in the light of the issue	Power to recommend the dismissal of or disciplinary action against the Chief Executive, Executive Director (Resources) (Section 151 Officer), other Executive Directors, Borough Solicitor (Monitoring Officer) and other Heads of Service in accordance with the Officer Employment Procedure Rules.	Disciplinary Committee

concerned, to include where applicable the relevant Cabinet Member and opposition Portfolio Spokespersons.

COMMITTEE	MEMBERSHIP	FUNCTIONS	DELEGATION OF FUNCTION
<p>Appeals Committee</p>	<p>Three Members of Council who have received the appropriate training (political balance to apply)</p> <p>(* A Disputes Committee shall comprise six Members of Council who have received the appropriate training, political balance to apply) (**Grievance Appeal Committees shall comprise three Members of the Council and three Trade Union Representatives)</p>	<p><b>Personnel Appeals</b></p> <ul style="list-style-type: none"> <li>• Disputes*</li> <li>• Disciplinary</li> <li>• Grading</li> <li>• Pensions</li> <li>• Grievance **</li> <li>• Applications for early retirement</li> </ul>	<p>Appeals Committee</p>

		<p><b>Environment Appeals</b></p> <p>1 Where no statutory appeal is available against any formal action and/or refusal, cancellation, revocation, suspension, or imposition of conditions, in respect of the following Licences, Consents, Permits and Registrations -</p>	<p>Appeals Committee Appeals marked # are delegated to Township Delegated Sub-Committees, subject to the Members involved being advised on the appropriate appeals procedure.</p>
COMMITTEE	MEMBERSHIP	FUNCTIONS	DELEGATION OF FUNCTION
		<ul style="list-style-type: none"> <li>• Dealers in second-hand goods #</li> <li>• Breeding of dogs</li> <li>• Employment Agencies #</li> <li>• Game and Game Dealers #</li> <li>• Rag flock and other filling materials</li> <li>• Food hawkers and their premises #</li> <li>• Pet shops #</li> <li>• Animal boarding establishments #</li> <li>• Riding establishments #</li> <li>• Protection of wild birds</li> <li>• Dangerous wild animals #</li> <li>• Hypnotists</li> <li>• Zoos #</li> <li>• Hairdressers and barbers #</li> <li>• Acupuncturists, tattooists, ear-piercers, electrolysis etc. #</li> <li>• Street and house to house collections #</li> <li>• Scrap metal dealers #</li> <li>• Betting, Gaming and Lotteries(subject to Implementation of the Gambling Act 2005) #</li> <li>• Food premises (including stalls and vehicles) #</li> <li>• Caravan sites and mobile homes</li> <li>• Nurses Agencies #</li> <li>• Hackney Carriages and Drivers/Private Hire Vehicles, Drivers and Operators</li> <li>• Street trading – Consents/Licenses #</li> <li>• Poisons</li> </ul>	

		<ul style="list-style-type: none"> <li>• Sunday Trading</li> <li>• All other appeals relating to non-executive functions</li> </ul> <p>2 To determine appeals against action taken under the Council's Cemetery and Crematorium Regulations 1989</p>	
COMMITTEE	MEMBERSHIP	FUNCTIONS	DELEGATION OF FUNCTION
		<p><b>Housing Appeals</b></p> <p>1 Appeals against allocations made by the Head of Strategic Housing when considering the priority of re-housing applications where the case is not covered by statute in respect of "Left in Possession" cases.</p> <p>2 Appeals by contractors against exclusion from the probationary and main lists of contractors for House Renovation Grants and by contractors and/or applicants against refusal of grant applications where the nominated contractor is not considered to be capable of attaining the relevant standard on completion of the works.</p> <p>3 Appeals where applications for Disabled Facility Grants or Adaptations are refused on the grounds that work proposed is not reasonable or practicable having regard to the age and condition of the premises, and it is considered more appropriate that alternative accommodation is made available.</p> <p>4 Appeals against decisions of the Service Director for Housing and Regeneration not to award Relocation Grants in individual cases.</p>	<p>Appeals Committee</p> <p>Appeals Committee</p> <p>Appeals Committee</p> <p>Appeals Committee</p>

		<p><b>Social Services Appeals</b></p> <p>1 To determine those appeals against decisions of the Executive the Cabinet Member for Health and Social Care or the Cabinet Member for Children, Schools and Families in consultation with the appropriate Service Director where a statutory right of appeal</p>	Appeals Committee
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COMMITTEE	MEMBERSHIP	FUNCTIONS	DELEGATION OF FUNCTION
		<p>exists or where procedures otherwise grant a right of appeal against such decisions.</p> <p>2 Any other appeals.</p>	Appeals Committee
Licensing Committee	Fifteen Members of Council (political balance to apply)	<p><b>Functions relating to Licensing Act 2003</b></p> <p>1 Power to determine an application for personal licence if a police protection has been received.</p> <p>2 Power to determine an application for a personal licence where applicant has an unspent conviction.</p> <p>3 Power to determine an application for a premises licence/club premises certificate if relevant representation has been made.</p> <p>4 Power to determine an application for a provisional statement if relevant representation has been made.</p> <p>5 Power to determine an application to vary a premises licence/club certificate if relevant representation has been made.</p>	<p>Licensing Sub-Committee (3 Members - political balance need not apply</p> <p>"</p> <p>"</p> <p>"</p> <p>"</p>

		6 Power to determine an application to vary designated premises supervisor if police objection has been received.	"
		7 Power to determine an application for the transfer of a premises licence if a police objection has been received.	Licensing Sub-Committee (3 members - political balance to apply)

COMMITTEE	MEMBERSHIP	FUNCTIONS	DELEGATION OF FUNCTION
		8 Power to determine applications for interim authorities if a police objection has been received.	"
		9 Power to determine an application to review premises licence/club premises certificate.	"
		10 Power to make decision to object when the local authority is a consultee and not the relevant authority considering the application.	"
		11 Power of determination of a police objection to a temporary event notice.	"
		<b>Functions relating to Gambling Act 2005</b>	
		1. Fee setting (where appropriate).	Licensing Committee
		2. Power to determine applications for premises licenses where representations have been received and not withdrawn.	Licensing Sub Committee
		3. Power to determine applications for variations to a licence where representations have been received and not withdrawn.	"

		<p>4. Power to determine applications for a transfer of a licence where representations have been received from the Gambling Commission.</p> <p>5. Power to determine applications for a provisional statement where representations have been received and not withdrawn.</p>	<p>"</p> <p>"</p>
<b>COMMITTEE</b>	<b>MEMBERSHIP</b>	<b>FUNCTIONS</b>	<b>DELEGATION OF FUNCTION</b>
		<p>6. Power to undertake a review of a premises licence.</p> <p>7. Power to determine applications for club gaming/club machine permits where objections have been made and not withdrawn.</p> <p>8. Power to cancel club gaming/club machine permits.</p> <p>9. Power to give counter notice to a temporary use notice and as provided elsewhere in this part of the Constitution.</p>	<p>Licensing Sub Committee "</p> <p>"</p> <p>"</p> <p>"</p>

COMMITTEE	MEMBERSHIP	FUNCTIONS	DELEGATION OF FUNCTION
Audit Committee	Seven Members of the Council (political balance to apply)	Matters as identified as above, and <ol style="list-style-type: none"> <li>1. To consider and approve the Council's annual Audit Plan and Risk Management Strategy, and other related strategies and arrangements for the ensuing year</li> <li>2. To consider the Internal Audit Annual report and Audit Commission annual letter and to ensure the implementation of the appropriate action</li> <li>3. To consider the quarterly Internal Audit performance reports relating to Council services and the effectiveness of the Authority's governance arrangements</li> <li>4. To consider and approve the Annual Statement of Accounts</li> <li>5. To consider the External Auditor's report to those charged with governance on issues arising from the audit of the accounts.</li> </ol>	Audit Committee
Charitable Trustee Committee	Five Members of the Council (political balance to apply)	To undertake the Council's role as Charitable Trustee, including the consideration of matters where there is a conflict or potential conflict between the Council's interests and those of the Charitable Trust.	Charitable Trustee Committee

The Council also has authority to deal with all other non-executive functions referred to in Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended).

#### **4 RESPONSIBILITY FOR EXECUTIVE FUNCTIONS**

The Executive shall be responsible for undertaking all functions, powers and duties relating to the lawful business of the Council, (except the non-executive functions for determination by the Council, or delegated by the Council to Committees, Sub-Committees and Officers), including:-

- 1 The development, revision, amendment and implementation of the Plans, Strategies and Policies which form the Policy Framework as set out in Article 4 for submission to the Council for approval.
- 2 Any items of major policy or other significance which are to be referred to the Council for determination.
- 3 The organisation and management processes of the Council designed to make the most effective contribution to the achievement of the Council's objectives; to keep them under review in the light of changing circumstances, to make changes in either political management or departmental structures in relation to the allocation of functions and responsibilities.
- 4 The development and implementation of the Budget.
- 5 The allocation, management and control of all Council Services within the Budget and Policy Framework approved by the Council.
- 6 The level of discretionary fees and charges.
- 7 The development and implementation of the Community Plan.
- 8 The development and implementation of Best Value.
- 9 Performance Management Monitoring and evaluation.
- 10 Service planning and objectives.
- 11 The discharge of the Council's functions in respect of emergency planning.
- 12 Consulting Township Committees on matters relating to a Township Committee's area and, as appropriate and practical, on corporate matters which impact on a Township generally.
- 13 Overall responsibility for the delivery of the Council's statutory housing functions.
- 14 The development of proposals for Housing Land Transfer.
- 15 The determination of any Council housing rents.
- 16 Exercising the functions, powers and duties of the Council as Local Education Authority.
- 17 Recommending changes in school organisation to the Schools Organisation Committee.

- 18 The planning and provision of school places.
- 19 Exercising the functions, powers and duties of the Council relating to the provision of Social Services.
- 20 Power to set payments for care in independent sector Nursing Homes and Residential Care Homes within the Borough
- 21 Exercising the functions, powers and duties of the Council under the Public Order Act 1986.
- 22 Exercising the functions, power and duties of the Council in relation to the compulsory purchase of properties or lands.
- 23 The approval of claims for compensation arising out of proposed or confirmed Compulsory Purchase Orders.
- 24 The approval of the terms of disposal of properties or lands owned by the Council for its existing use or a use for which planning permission has been obtained, consulting the relevant Township Committee(s) where appropriate.
- 25 The approval of the terms of purchase or properties or lands in proposed or confirmed Compulsory Purchase Orders.
- 26 The approval of the terms of purchase of properties or lands in the approved Housing Inspection Programme in advance of any resolution to make a Compulsory Purchase Order, and of properties or lands designated for Clearance in a Housing Programme.
- 27 The exercise of all functions, powers and duties in relation to road traffic regulation and traffic regulation orders, and traffic management and regulation matters.
- 28 To approve the provision of new play sites.

The Executive shall not be responsible for any such functions or actions as are stated as not being the responsibility of the Executive in Regulations 2 and 4 and in the circumstances mentioned in Regulation 5 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended).

#### **Delegation to the Executive**

- 1 All functions, powers and duties relating the lawful business of the Council, except the non-executive functions for determination by the Council or delegated by the Council to Committees, Sub-Committees and Officers, including 4.1-4.26 above, and in particular:-
  - (a) All matters which comply with the Plans, Strategies and Policies which form the Budget and Policy Framework and which are approved by the Council
  - (b) All matters which any Officer considers should be dealt with by the Executive on the grounds of being inappropriate to be dealt with under his or her delegated powers
  - (c) All matters which have been referred from another body for determination

- (d) The exercise of functions, duties and powers relating to the redevelopment of the defined area of Rochdale Town Centre shall, as delegated by the Council, be exercised by the Rochdale Town Centre Committee for the duration of that Committee.

The Executive shall submit recommendations to the Council in respect of the following matters:-

- (i) Those matters which have been reserved for determination by the Council in Article 4
- (ii) All matters where there is a statutory requirement for a matter to be considered by the Council
- (iii) All matters which the Chief Executive, Borough Solicitor or Executive Director (Resources) determines should be considered by the Council.

As part of the above, the Executive shall:-

- 1 Consider and make recommendations to the Council on the Plans, Strategies and Policies forming the Budget and Policy Framework in accordance with Article 4.
- 2 Consider and make recommendations to the Council on a Programme of Capital Expenditure and on a Revenue Budget for each Service before the beginning of each financial year and on the setting of Virement Limits in accordance with Article 4.
- 3 Consider and make recommendations to the Council regarding the calculation of the Council Tax Base and making and levying of the Council Tax in accordance with Article
- 4 Consider and make recommendations to the Council on matters relating to borrowing money in accordance with Article 4.
- 5 Consider and make recommendations to the Council on proposals for Housing Land Transfer in accordance with Article 4, consulting the relevant Township Committee(s) as appropriate.
- 6 Determine any Council house rents.
- 7 Determine matters within the remit of the Council as the Local Education Authority to ensure an efficient education service for the population of the area, consulting the relevant Township Committee(s) as appropriate.
- 8 Determine all matters assigned to the Council under any legislation relating to the provision of Social Services, consulting the relevant Township Committee(s) as appropriate.
- 9 Exercise the functions, powers and duties of the Council under the Public Order Act 1986.
- 10 Exercise the functions, powers and duties of the Council in relation to the compulsory purchase of properties or lands.
- 11 Approve claims for compensation arising out of proposed or confirmed Compulsory Purchase Orders.

- 12 Approve the terms of disposal of properties or lands owned by the Council for its existing use or a use for which planning permission has been obtained, consulting the relevant Township Committee(s) as appropriate, except as otherwise delegated in the Council's Schemes of Delegation (Appendix 3).
- 13 Approve the terms of purchase of properties or lands in proposed or confirmed Compulsory Purchase Orders where payment in respect of any one interest exceeds £40,000 exclusive of fees and costs.
- 14 Approve the terms of purchase of properties or lands in the approved Housing Inspection Programme in advance of any resolution to make a Compulsory Purchase Order, and of properties or lands designated for clearance in a Housing Programme where payment exceeds £40,000 exclusive of fees and costs.
- 15 Exercise the functions, powers and duties of the Council in relation to road traffic regulation orders and traffic management and regulation matters, except as otherwise delegated in the Council's Schemes of Delegation (Appendix 3).
- 16 Determine all Local Choice Functions set out in Part 3.2 of this Constitution which the Council has decided should be undertaken by the Executive.
- 17 Receive the minutes of the Joint Partnership Board for people with hearing disabilities (the constitution of which is appended as Appendix 1 to this part of the Constitution).
- 18 Receive the minutes of the Voluntary Sector Partnership, the Terms of Reference for which are appended as Appendix 2 to this part of the Constitution.
- 19 Approve new personnel policies and/or revise existing personnel policies, other than as required by the Policy Framework.
- 20 Approve significant organisational change (as determined by the Chief Executive/ Service Director for Human Resources) at a strategic level.

5 **DELEGATION TO INDIVIDUAL CABINET MEMBERS**

Details of the delegation of decision-making to individual Cabinet Members are contained in the Council's Scheme of Delegation to individual Cabinet Members (Appendix 4).

6 **DELEGATION TO TOWNSHIP COMMITTEES**

Details of the delegation of functions to Township Committees are contained in the Council's Scheme of Delegation to Township Committees (Appendix 1).

7 **DEVELOPMENT CONTROL SCHEME**

Details of the delegation of functions are contained in the Council's Development Control Scheme (Appendix 2).

## 8 **DELEGATIONS TO OFFICERS**

Details of the delegation of functions to Officers are contained in the Council's Scheme of Delegation to Officers (Appendix 3).

## 9 **DELEGATIONS TO JOINT COMMITTEES**

### 9.1 **Health Scrutiny**

The Council has delegated those aspects of the health scrutiny function linked to the scrutiny of NHS organisations which cover more than one local authority area, including this Borough, to joint bodies. These bodies, the participating Local Authorities, the NHS organisations, and the terms of reference of the bodies as detailed in the appendices to this part of the Constitution are as follows:-

Body	Participating Local Authorities	NHS Organisations	Appendix
<b>Greater Manchester Health Scrutiny Panel</b>	Bolton, Bury, Manchester, Oldham, Rochdale, Salford, Stockport, Tameside, Trafford and Wigan	Greater Manchester Strategic Health Authority, Greater Manchester Ambulance Service, Christies Hospital, Greater Manchester Workforce Confederation, Specialist Children's Service provided by the Greater Manchester Trust	<b>3</b>
<b>Joint Committee - Pennine Care NHS Trust</b>	Bury, Oldham, Rochdale, Stockport, Tameside	Pennine Care (Mental Health) NHS Trust	<b>4</b>
<b>Joint Committee - Pennine Acute Hospitals NHS Trust</b>	Bury, Manchester, Oldham, Rochdale	Pennine Acute Hospitals NHS Trust	<b>5</b>

### 9.2 **Joint Waste Development Plan Document**

The Council has entered into a Local Agreement with the other Greater Manchester Local Authorities (GMLA) for the purpose of establishing a Joint Committee to:

- a) Prepare a Joint Waste Development Plan Document (JWDPD) in accordance with the Planning and Compulsory Purchase 2004 and to propose the same to each GMLA for the purpose of adoption;
- b) Subject to a resolution of each GMLA, to submit the JWDPD for Independent Examination, to participate in the Independent Examination of the JWDPD;
- c) To comply, where practicable, with each GMLA's Local Development Scheme;
- d) To comply with each GMLA's Statement of Community Involvement; and
- e) To procure Administrative Assistance.

The preparation of a Development Plan Document concerned with waste is delegated to that Joint Committee, such delegation not including the approval of the JWDPD for Independent Examination and or adoption of the JWDPD which shall both remain decisions of the Council. Procedural arrangements for the Joint Committee, including composition and membership of the Joint Committee, shall be as specified in the Local Agreement and as detailed in Appendix 6 to this Part of the Constitution.