

PART 3 | SECTION 3 - BODIES EXERCISING COUNCIL FUNCTIONS

1. SECTION 3 – BODIES EXERCISING COUNCIL FUNCTIONS

1.1 FULL COUNCIL

Membership: 26 Members

Quorum: 9 Members

Functions:

Only the Full Council will exercise the following functions:

- 1.1.1 Subject to Article 14, adopting and changing the Constitution;
- 1.1.2 Approving or adopting the Policy Framework, the Budget and any application to the Secretary of State for a Housing Land Transfer;
- 1.1.3 Appointing the Leader of the Council annually;
- 1.1.4 Agreeing and/or amending the responsibility for functions of any Committees or other bodies appointed by the Full Council, deciding on their composition and making appointments to them;
- 1.1.5 Appointing representatives to Outside Bodies unless it has been delegated by the Council;
- 1.1.6 Adopting an allowances scheme or assessing, revoking or replacing any such scheme;
- 1.1.7 Changing the name of the area and conferring the title of Honorary Alderman or Freeman;
- 1.1.8 Confirming the appointment or dismissal of the Head of Paid Service;
- 1.1.9 Making arrangements for the proper administration of financial affairs;
- 1.1.10 Designating an officer as the Monitoring Officer;
- 1.1.11 Appointing an Electoral Registration Officer;
- 1.1.12 Appointing a Returning or Acting Returning Officer for Parliamentary, Local, European and Police Commissioners elections and referenda;
- 1.1.13 Making, amending, revoking, re-enacting or adopting byelaws and orders and promoting or opposing the making of local legislation or personal Bills;

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- 1.1.14 Determining senior management structures of the organisation;
- 1.1.15 Agreeing procedure rules, standing orders and financial regulations;
- 1.1.16 Proposals relating to district boundaries, electoral wards and the number of Borough Councillors;
- 1.1.17 Agreeing an Annual Schedule of Meetings;
- 1.1.18 Adopting and amending the Authority's Code of Conduct for Members and other codes and protocols comprising the ethical framework;
- 1.1.19 Power to resolve not to issue casino licences;
- 1.1.20 Subject to any matters delegated to Committees or other bodies or Officers, determining all local choice functions set out in Part 3 of this Constitution;
- 1.1.21 Accepting the delegation of a power or function from another local authority; and
- 1.1.22 All matters which, by law, must be reserved to Council.

1.2 POLICY, FINANCE AND DEVELOPMENT COMMITTEE

Membership: 15 Members

Quorum: 5 Members

Functions:

- 1.2.1 To be responsible for strategic and policy co-ordination;
- 1.2.2 To recommend major new policies (and amendments or revisions of existing policies) to the Council for approval as part of the Authority's Budget and Policy Framework (Article 4 of this Constitution);
- 1.2.3 To prepare and agree other policies and strategies for implementation and to respond to consultation documents;
- 1.2.4 To recommend to the Council the annual budget, including the Capital and Revenue Budgets and the level of Council Tax and the Council Tax base;
- 1.2.5 To consider, at least annually, the level of reserves, provisions, and balances held by the Authority and recommend any changes to the Council;
- 1.2.6 To ensure that the annual budget is implemented and the underlying principles adhered to in any changes required from time to time. This will include recommending to Council any changes to policy that will materially reduce or

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increase the services of the Authority or create significant financial commitments in future years;

- 1.2.7 To take in-year decisions on resources and priorities, together with other stakeholders and partners in the local community, to deliver and implement the budget and policies decided by the Full Council;
- 1.2.8 To exercise the Authority's duty under Section 17 of the Crime and Disorder Act 1998 to reduce crime and disorder;
- 1.2.9 To oversee the implementation of Value for Money;
- 1.2.10 To consider and respond to recommendations and reports from other Council Committees and Bodies;
- 1.2.11 To monitor expenditure on the capital programme;
- 1.2.12 To receive and consider reports from the District Auditor (including the Management Letter) and agree any appropriate action;
- 1.2.13 To consider the reports of external review bodies on key aspects of overall service delivery;
- 1.2.14 To ensure that the promotion of the rights, welfare and interests among all groups in society is given equal and primary consideration in all aspects of the Council's work and services;
- 1.2.15 To carry out the Authority's responsibilities for improving the economic, social and environmental well-being of the Borough and increasing the availability and equality of access to employment;
- 1.2.16 To review and monitor the Authority's strategy and overall implementation on e-Government, telecommunications, information systems and information technology, making recommendations to the Council as required;
- 1.2.17 To manage and maintain the Authority's other property portfolio;
- 1.2.18 To collect the Council Tax, National Non-Domestic Rates, periodic income and sundry debts;
- 1.2.19 To exercise the Authority's powers for planning and responding to civil emergencies;

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- 1.2.20 To exercise the Authority's functions as Local Planning Authority (except to the extent that those functions are by law the responsibility of the Council), including supplementary guidance, and designating conservation areas;
- 1.2.21 To oversee the Authority's overall policy on the voluntary and community sector;
- 1.2.22 To approve the purchase, sale or appropriation of land and buildings where the market value of the transaction exceeds £30,000 and to approve leasing (or otherwise) property where throughout the term the annual rental will exceed £20,000;
- 1.2.23 To authorise the making of compulsory purchase and control orders;
- 1.2.24 To write off debts of more than £10,000;
- 1.2.25 To write off stocks, stores and other assets and to write off any losses of money or stores or to settle claims;
- 1.2.26 To write off as non-refundable credits on accounts of more than £10,000;
- 1.2.27 To accept tenders and award contracts, including those which exceed budgetary provision and are within the Council's agreed budget (see paragraph 4, budget and Policy Framework Procedure Rules for Urgent Decisions outside the Council's Budget and Policy Framework);
- 1.2.28 To receive reports on contract overspends in accordance with limits set out in the Financial Procedure Rules and agree the action to be taken;
- 1.2.29 To give grants or loans to charitable, voluntary bodies or other bodies where permitted by law;
- 1.2.30 To promote and develop international exchanges and links with towns and cities in other countries;
- 1.2.31 To be the focus for forming partnerships with other local, public, private, voluntary and community sector organisations to address local needs;
- 1.2.32 To confer with other local authorities, government departments, statutory bodies, voluntary bodies, the police or other external agencies in order to discharge the responsibilities vested in the Committee;
- 1.2.33 To make decisions where no other tier of government has responsibility or where a policy or strategy does not exist;

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- 1.2.34 To be responsible for all corporate and financial services including Finance, Human Resources, Legal and the major financial aspect of Revenues & Benefits such as subsidy ICT;
- 1.2.35 To scrutinise and approve the policies of the Council;
- 1.2.36 To be responsible for considering the views and recommendations of the Place Shaping Working Group, Residents' Forums, Community Engagement Forum, Children and Young Peoples' Forum and Senior Citizens' Forum;
- 1.2.37 Fulfil the Council's need for a "client" role if the Council tenders a service/contract that the Council wishes to bid for itself;
- 1.2.38 Consider the effectiveness of the Authority's risk management arrangements, the control environment, and anti-fraud and corruption arrangements;
- 1.2.39 Seek assurances that action is being taken on risk-related issues identified by auditors and inspectors;
- 1.2.40 Be satisfied that the Authority's assurance statements properly reflect the risk environment and any actions required to improve it;
- 1.2.41 Approve, but not direct, Internal Audit's strategy and plans and monitor performance;
- 1.2.42 Review summary Internal Audit reports and the main issues arising, and seek assurance that action has been taken where necessary;
- 1.2.43 Receive the annual report of Internal Audit;
- 1.2.44 Consider plans of External Audit and inspection agencies;
- 1.2.45 Monitoring of relevant reports and action plans;
- 1.2.46 Ensure there are effective relationships between Internal and External Audit, inspection agencies and other relevant bodies, and that the value of the audit process is actively promoted;
- 1.2.47 Approve the Council's statement of accounts, income and expenditure and balance sheet and receive the External Auditor's opinion and reports to members, and monitor management action in response to the issues raised by External Audit;
- 1.2.48 To deal with the Annual Audit and Inspection letter and in particular to:
 - (a) Consider matters raised in the annual governance report;

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- (b) Agree, if necessary, to adjust the financial statements;
 - (c) Approve the representation letter on behalf of the Council;
 - (d) Consider and agree, if considered appropriate, any actions proposed in the annual governance report and statement;
- 1.2.49 To have delegated authority to deal with all matters relating to the Council's final accounts;
- 1.2.50 Promoting and maintaining high standards of conduct by Councillors and co-optees;
- 1.2.51 Assisting Councillors and co-optees to observe the Members' Code of Conduct;
- 1.2.52 Advising the Council on the adoption or revision of the Members' Code of Conduct;
- 1.2.53 Monitoring the operation of the Members' Code of Conduct;
- 1.2.54 Advising, training or arranging to train Councillors and co-opted Members on matters relating to the Members' Code of Conduct;
- 1.2.55 Granting dispensations to councillors who require such dispensations for more than one meeting or on more than one occasion from requirements relating to interests set out in the Members' Code of Conduct as appropriate;
- 1.2.56 To establish Sub-Committees for the assessment or determination on matters concerning allegations of Members' Conduct; and
- 1.2.57 Oversee the ethical framework of the Council including oversight of:
- (a) The Whistle Blowing Policy;
 - (b) Complaints handling; and
 - (c) Ombudsman investigations.

1.3 LOCAL ASSESSMENT OF MEMBER COMPLAINTS

1.3.1 **Sub-Committees of the Policy, Finance and Development Committee**

All Policy, Finance and Development Committee Members will form a pool from which Members will be drawn based on their availability and the requirements of the particular Sub-Committee as and when required.

(a) **Assessment Sub-Committee**

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Assessment of complaints in accordance with the Council's Guidance and to either:

- (i) Accept the Monitoring Officer's recommendation of no failure to comply with the Code of Conduct;
- (ii) Refer the matter for full investigation; or
- (iii) Refer the matter for other action.

(b) **Review Sub-Committee**

Consideration of requests for a review in accordance with the Council's Guidance.

(c) **Determination Sub-Committee**

To receive reports from the investigating officer and to decide either:

- (i) To determine finding of no failure to comply with the Code of Conduct;
- (ii) To determine finding of failure to comply with the Code of Conduct and impose relevant sanctions; or
- (iii) Refer the matter for other action in accordance with the Council's Guidance.

(d) **Membership, Quorum and Other Matters**

- (i) The quorum is three Members.
- (ii) The Sub-Committee may co-opt at least one independent Member as appropriate who will not have any voting rights.
- (iii) No Member who considered a complaint at the Initial Assessment/Determination Sub-Committee may consider the same complaint at the Review Sub-Committee.

1.4 **SERVICE DELIVERY COMMITTEE**

Membership: 15 Members

Quorum: 5 Members

Functions:

- 1.4.1 Responsible for the delivery and performance of services;

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- 1.4.2 Oversees the development and performance of services within the overarching strategic direction set by Policy, Finance and Development Committee;
- 1.4.3 Responsible for all financial issues relating to its services within the budgets set by Council;
- 1.4.4 To be responsible for the day to day operation of all services (except those that are the responsibility of the Policy, Finance and Development Committee);
- 1.4.5 To manage and maintain the Authority's housing stock;
- 1.4.6 To be responsible for all aspects of the Greening of the Borough initiative at a strategic and operational level;
- 1.4.7 To be responsible for considering the views and recommendations of the Health and Wellbeing Board;
- 1.4.8 To be responsible for all the policies relating to the above services;
- 1.4.9 To be responsible for annual budget plans for recommendation to the Policy, Finance and Development Committee;
- 1.4.10 To be responsible for the operation of Council buildings, Car Parks, Cemeteries, Parks and Open Spaces;
- 1.4.11 Develop the Housing Business Plan in accordance with the strategic direction; and
- 1.4.12 To fulfil the Council's need for a "contractor" role if the Council was to bid for itself.

1.5 DEVELOPMENT CONTROL COMMITTEE

Membership: 12 Members

Quorum: 4 Members

Functions:	Matters Reserved for a Decision:
1.5.1. The determination of all decisions under the Planning Acts including all planning applications and applications for advertisement consent, listed building consent and conservation area consent is	(a) The application is contrary to the provisions of an approved or draft development plan policy and is recommended for permission, and in the opinion of the Deputy Chief Executive the application is likely to:

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delegated to the Deputy Chief Executive except where:	(i) be potentially controversial;
	(ii) be of significant public interest;
	(iii) have a significant impact on the environment; or
	(iv) raise matters which should be referred to the Development Control Committee.
	(b) The application is submitted by or on behalf of the Council for its own development, except for the approval of development which is unlikely to have any major impacts and to which no objections have been received.
	(c) A legal agreement (Section 106 or similar) is required except in the case of minor non-contentious agreements or minor amendments to existing legal agreements.
	(d) A Ward Member has notified the Deputy Chief Executive in writing or by email within 3 weeks of the publication of the weekly list that the application should be determined by the Development Control Committee, and: (i) the notification is supported by one or more Planning grounds; and (ii) where the item relates to a matter of local concern. (iii) Provided that this "call-in" shall not be exercised by any Member with a prejudicial interest.

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	<p>(e) The application is submitted by:</p> <ul style="list-style-type: none"> (i) a serving Member or Officer of the Council; (ii) reasonable steps will also be taken to ensure Development Control Committee considers applications submitted by: (iii) a person who has served as Member or Officer of the Council in the five year period before the application was submitted, or (iv) their respective co-habiting partners
1.5.1 Making orders to revoke or modify planning permissions, to impose conditions, to remove buildings or repair listed buildings.	All matters reserved.
1.5.2 Making tree preservation orders.	To consider objections or other representations.
1.5.3 Serving Building Preservation Notices or Listed Building Repair Notices.	All matters reserved except where necessary to serve a notice in an emergency.
1.5.4 Public path orders under the Town and Country Act 1990.	To determine matters referred to it following the receipt of objections or other representations.

1.5.6 No Member may sit on this Committee until he or she has undergone basic training for and/or within the municipal year of their appointment on the law and procedure relating to the functions of this Committee.

1.6 LICENSING AND REGULATORY COMMITTEE

Membership: 15 Members

Quorum: 4 Members

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Functions:	Matters Reserved for a Decision:
<p>1.6.1 To consider all outstanding licensing matters.</p> <p>1.6.2 To recommend to Council to resolve not to issue a casino licence.</p>	<p>To determine all licensing matters referred to with the exception of:</p> <p>(a) The Statements of Licensing Policy under both the Licensing Act 2003 and the Gambling Act 2005;</p> <p>(b) The power to resolve not to issue a casino licence which shall be reserved to Council.</p>
<p>1.6.3 To exercise the Council's regulatory and enforcement powers and duties in respect of all other licensing authorisations, licenses, permits, consents or similar under all statutory provisions.</p>	<p>To determine any matters referred to it.</p>
<p>1.6.4 To exercise the regulatory functions of Environmental Health, Building Control and Car Parking enforcement.</p>	<p>To determine any matters referred to it.</p>
<p>1.6.5 To recommend the implementation or amendment to byelaws and orders on all licensing matters to Council for adoption.</p>	<p>To determine any matters referred to it.</p>
<p>1.6.6 To adopt policies in relation to all Licensing & Regulatory policies (except the Statement of Licensing Policy and Gambling Policy and budgets) and setting of fees and charges.</p>	<p>To determine any matters referred to it.</p>
<p>1.6.7 To exercise the powers and duties of the Authority under Sections 13, 14 and 14A of the Public Order Act 1986.</p>	<p>To determine any matters referred to it.</p>

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1.7 LICENSING SUB-COMMITTEE

Membership: 3 Members

Quorum: 3 Members

Functions:	Matters Reserved for a Decision:
1.7.1 To consider matters concerning the discharge by the Council of its licensing functions under the Licensing Act 2003.	(a) Application for a personal licence where there are relevant unspent convictions; (b) The review of a premises licence or club premises certificate; (c) Decision to object when the local authority is the consultee and not the relevant authority considering the application; (d) Determination of a police objection to a temporary event notice; (e) Where a relevant representation has been made, except where the relevant representation is made upon a minor variation application; (f) Application for a premises licence where representations have been received and not withdrawn; (g) Application for a provisional statement; (h) Application for variation to a premises licence or club premises certificate where representations have been received and not withdrawn; (i) Application to vary a designated premises supervisor where representations have been received and not withdrawn; (j) Application for transfer of a premises licence

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	<p>where representations have been received and not withdrawn;</p> <p>(k) Application for interim authority.</p>
<p>1.7.2 To consider matters concerning the discharge by the Council of its licensing functions under the Gambling Act 2005.</p>	<p>(a) Application for a premises licence where representations have been received and not withdrawn;</p> <p>(b) Application for variation to licence where representations have been received and not withdrawn;</p> <p>(c) Application for a transfer of a licence where representations have been received from the Gambling Commission;</p> <p>(d) Application for a provisional statement where representations have been received and not withdrawn;</p> <p>(e) Review of a premises licence;</p> <p>(f) Application for club gaming/club machine permits where objections have been received and not withdrawn;</p> <p>(g) Cancellation of club gaming/club machine permits.</p>
<p>1.7.3 To exercise the regulatory functions of Environmental Health, Building Control and Car Parking enforcement.</p>	<p>To determine any matters referred to it.</p>
<p>1.7.4 To recommend the implementation or amendment to byelaws and orders on all licensing matters to Council for adoption.</p>	<p>To determine any matters referred to it.</p>
<p>1.7.5 To adopt policies in relation to all Licensing & Regulatory policies (except</p>	<p>To determine any matters referred to it.</p>

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the Statement of Licensing Policy and Gambling Policy and budgets) and setting of fees and charges.	
1.7.6 To exercise the powers and duties of the Authority under Sections 13, 14 and 14A of the Public Order Act 1986.	To determine any matters referred to it.

1.7.7 Members to be appointed as and when needed from the membership of the Licensing and Regulatory Committee.

1.7.8 No Member may sit on this Committee until he or she has undergone basic training for and/or within the municipal year of their appointment on the law and procedure relating to the functions of this Sub-Committee.

1.8 TAXI AND PRIVATE HIRE SUB-COMMITTEE

Membership: 3 Members

Quorum: 3 Members

Functions:	Matters Reserved for a Decision:
1.8.1 To consider all outstanding hackney carriage and private hire licensing issues.	To determine any matters referred to it.

1.8.2 Members to be appointed as and when needed from the membership of the Licensing and Regulatory Committee.

1.8.3 No Member may sit on this Committee until he or she has undergone basic training for and/or within the municipal year of their appointment on the law and procedure relating to the functions of this Sub-Committee.

1.9 INVESTIGATORY SUB-COMMITTEE

Membership: 3 Members

Quorum: 3 Members

Functions:	Matters Reserved for a Decision:
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1.10.1 To determine disciplinary cases involving chief officers.	To determine any matters referred to it.
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1.10.2 Members to be appointed as and when needed from the membership of the Council.

1.10 INDEPENDENT REMUNERATION PANEL

Membership: 3 Independent Members

Quorum: 3 Independent Members

Functions:

- 1.10.1 To make recommendations to the Authority as to the amount of basic allowance that should be payable to its elected members;
- 1.10.2 To make recommendations to the Authority about the responsibilities or duties which should lead to the payment of a special responsibility allowance and as to the amount of such an allowance;
- 1.10.3 To make recommendations to the Authority about the duties for which a travelling and subsistence allowance can be paid and as to the amount of this allowance;
- 1.10.4 To make recommendations as to the amount of co-optees' allowance;
- 1.10.5 To make recommendations as to whether the Authority's allowances scheme should include an allowance in respect of the expenses of arranging for the care of children and dependents and if it does make such a recommendation, the amount of this allowance and the means by which it is determined;
- 1.10.6 To make recommendations on whether any allowance should be backdated to the beginning of a financial year in the event of the scheme being amended;
- 1.10.7 To make recommendations as to which members of an authority are to be entitled to pensions in accordance with a scheme made under Section 7 of the Superannuation Act 1972; and
- 1.10.8 As to treating basic allowance and special responsibility allowance as amounts in respect of which such pensions are payable.

1.11 APPOINTMENTS COMMITTEE

Membership: 5 Members to include:

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The Leader (or appointed nominee)

The Deputy Leader (or appointed nominee)

The Leader of the Opposition (or appointed nominee)

The Chair of the Service Delivery Committee (or appointed nominee)

The Chair of the Policy, Finance and Development Committee (or appointed nominee)

Quorum: 5 Members

Functions:	Matters Reserved for a Decision:
1.12.1 To interview shortlisted candidates for Head of Paid Service, Chief Officer and Deputy Chief Officer posts.	To determine any matters referred to it.
1.12.2 Recommend to Full Council the appointment of the Head of Paid Service.	
1.12.3 Recommend to the Chief Executive (as Head of Paid Service) all permanent appointments to Chief Officer and Deputy Chief Officer posts.	
1.12.4 Undertake an annual appraisal of the performance of the Chief Executive.	

1.12 APPEALS PANEL

Membership: 3 Members

Quorum: 3 Members

Functions:	Matters Reserved for a Decision:
1.13.1 To determine appeals for internal personnel.	To determine any matters referred to it.

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1.13.2 To determine other hearings and appeals that may be required.	
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1.13.3 Members to be appointed as and when needed from the membership of the Full Council.

1.13.4 The decision of an Officer may first be reviewed by a Head of Service and thereafter the Panel.

1.13.5 No Member may sit on this Committee until he or she has undergone basic training for and/or within the municipal year of their appointment on the law and procedure relating to the functions of this Panel.

1.13.6 Where any appeal arises from a decision delegated to any Officer, Committee or any Sub-Committee, neither that Officer, Member, Committee or Sub-Committee nor any Member of that Committee or Sub-Committee nor any person previously having had any part in the relevant decision shall be involved in the appeal decision.