

PART 3 - SECTION 3 RESPONSIBILITY FOR COUNCIL (I.E. NON EXECUTIVE) FUNCTIONS

3.1 Development Control

The Council 's Development Control functions are exercised by its Planning Committee, which consists of Members of the Council, and by the Director of Environment and Director - Place and the Assistant Director – Legal, Governance and Elections

3.2 The Functions of the Planning Committee are:

- (1) To consider all matters relating to the functions of the Council as a Local Planning Authority, save that the recommendation to the Council of Plans and Strategies which together comprise the Development Plan are matters for the Executive
- (2) To advise the Executive and the Council on planning briefs in respect of land owned or to be acquired by the Council
- (3) To consider and advise upon any other matter referred to it by the Council or the Executive
- (4) The determination of all planning applications
- (5) The determination of the Council's observations on or objections to proposals for development by other public authorities, Government Departments, statutory undertakers and the providers of utilities
- (6) To advise the Executive upon the Council's response to proposals for development in the area of another Local Planning Authority
- (7) The determination of Listed Building and Conservation Area matters
- (8) The making and confirmation of Tree Preservation Orders and the enforcement thereof
- (9) The determination of all advertisement control matters
- (10) The issuing, service, support and enforcement of Enforcement and Stop Notices
- (11) The exercise of the Council's powers to deal with dangerous or dilapidated buildings
- (12) The determination of applications relating to and all other matters arising from the Planning (Hazardous Substances) Act 1990 and any successor legislation
- (13) The determination of all matters relating to the enforcement of the Building Regulations which for the avoidance of doubt includes powers under the provisions of the Legislation listed below which relate to the following:-
 - Building Legislation
 - Erection of buildings over sewers and drains
 - The provision of necessary drains to new buildings
 - The provision of closet accommodation in new buildings
 - Special provision as to buildings constructed of short lived materials or materials otherwise unsuitable for use in permanent buildings

- Prohibition of the erection of buildings on ground filled with offensive material
 - Means of access to houses for the removal of refuse etc.
 - Exits, entrances etc. to certain public and other buildings
 - The provision of sufficient water supply to new houses
 - Provision of food storage accommodation in new houses
 - The provision of bathrooms in new houses
 - Clean Air Legislation
 - Thermal Installation of Industrial Buildings Legislation
 - Insulation of Industrial Buildings
- (14) The determination and issuing of advice and guidance on statutory plan and other appropriate matters
- (15) The exercise of the Council's powers under Part 8 of the Anti-Social Behaviour Act 2003 to deal with high hedges
- (16) Programmes and services relating to the Deal for the Future

3.3 **Regulation, Licensing, Public Safety And Public Registration**

The Council's licensing, registration, regulation and public safety functions are exercised by its Regulation Committee and by its Licensing Committee, which consist of Members of the Council and is administered by Council Officers.

3.4 **Functions under the Licensing Act 2003**

The Licensing Committee shall exercise the following functions:

- (a) The Council's statutory licensing functions currently set out in the Licensing Act 2003
- (b) The training of Members to enable them to undertake the Licensing Functions
- (c) That the minutes of the Licensing Sub-Committees be signed at the next available meeting of that Sub-Committee.

3.5 **The Functions of the Regulation Committee are:-**

- (1) To consider all the Council's licensing, registration, regulation and public safety functions
- (2) To exercise the Council's Review Board functions
- (3) The determination of all matters arising from the Council's licensing, registration and public safety control functions which are not Executive Functions
- (4) The exercise of the Council's powers under legislation relating to the control of pollution
- (5) The determination of all complaints in respect of charges being levied by the Social Services Department for the provision of services
- (6) The determination of all complaints in respect of Adoption Allowances
- (7) The exercise of the Council's powers in respect of public processions
- (8) The exercise of the functions of a Review Board under the Housing Benefits Regulations and Community Charge Benefit Regulations

- (9) To determine requests for access to personal files
- (10) To determine the following matters on appeals on the decision of a Chief Officer:-
 - (i) Applications from claimants other than Housing Tenants and non-dependants involved in industrial disputes for additional Housing Benefits in exceptional cases
 - (ii) Whether or not to accept the Rent Officer's assessment of a reasonable rent or the actual rent for allowance calculations in application for Housing Benefit from private sector tenants
 - (iii) Refusal or revocation of registration of residential care homes, private day nurseries and child minders
 - (iv) Matters in respect of the licensing of premises for civil marriages
- (11) The determination of any highway function which is not an Executive Function and to which objections have been received including without prejudice to the foregoing:-
 - (i) To create or stop up or divert footpaths and bridleways
 - (ii) To assert and protect the rights of the public to use and enjoyment of highways
 - (iii) The removal of things deposited on highways as to be a nuisance
 - (iv) To keep a Definitive Map and Statement under Review
 - (v) To re-classify roads as public paths
- (12) The determination of objections to proposals Assistant Director – Legal, Governance and Elections to make, amend and revoke off-street parking orders and to amend the wording of traffic regulation orders resulting from changes in the law, or guidance, except where the proposal:
 - (i) has resulted in a request being received from a Member of the Council for the matter to be referred to the Regulation Committee; or
 - (ii) has resulted in ten or more objections from separate addresses being received in writing (for clarification, a petition and/or bundle of standard letters shall be regarded as one objection); or
 - (iii) has resulted in a significant objection from a statutory consultee.
- (13) The determination of objections to proposals to sell public open space land
- (14) Programmes and services relating to the Deal for the Future

3.6 **Audit, Governance and Standards**

- 3.6.1 The Council's Audit, Governance and Standards Committee, which will consist of 9 Members of the Council, plus 2 Co-opted (non-voting) (for Standards business) and 2 Co-opted (non-voting Members) (for Audit business).

Under the Standards Regime, the Council has appointed three Independent Persons to work closely with the Monitoring Officer and have various advisory functions.

The merged Committee exercises the following functions and delegations:

Governance, risk and control

- To review the council's corporate governance arrangements against the good governance framework, including the ethical framework and consider the local code of governance.
- To monitor the effective development and operation of risk management in the council.
- To monitor progress in addressing risk-related issues reported to the committee.
- To consider reports on the effectiveness of internal controls and monitor the implementation of agreed actions.
- To review the effectiveness of information governance measures in ensuring that legal and best practice standards are met.
- To consider reports on the effectiveness of financial arrangements, including compliance with CIPFA's Financial Management Code.
- To consider the Council's arrangements to secure value for money and review assurances and assessments on the effectiveness of these arrangements.
- To review the assessment of fraud risks and potential harm to the council from fraud and corruption.
- To monitor the counter fraud strategy, actions and resources
- To review the governance and assurance arrangements for significant partnerships or collaborations

Financial and governance reporting

Governance Reporting

- To review the Annual Governance Statement (AGS) prior to approval and consider whether it properly reflects the risk environment and supporting assurances, including the head of internal audit's annual opinion.
- To consider whether the annual evaluation for the AGS fairly concludes that governance arrangements are fit for purpose, supporting the achievement of the Council's objectives.

Financial Reporting

- To monitor the arrangements and preparations for financial reporting to ensure that statutory requirements and professional standards can be met.

- To review the annual statement of accounts and to specifically consider compliance with appropriate accounting policies and concerns relating to the financial statements or from the audit that should be brought to the council's attention.
- To consider the external auditor's report to those charged with governance on issues arising from the audit of the accounts.
- To undertake effective scrutiny of the Treasury Management Strategy and policies seeking assurance that controls are satisfactory and that treasury risk management processes are adequate.

Arrangements for audit and assurance

External audit

- To support the independence of external audit through consideration of the external auditor's annual assessment of its independence and review of any issues raised by PSAA.
- To consider the external auditor's annual letter, relevant reports and the report to those charged with governance.
- To consider specific reports as agreed with the external auditor.
- To comment on scope and depth of external audit work and ensure it gives value for money.
- To consider additional commissions of external audit work and ensure it gives value for money.
- To advise and recommend on the effectiveness of relationships between external and internal audit and other inspection agencies or relevant bodies.
- To provide free and unfettered access to the audit committee chair for the auditors, including the opportunity for a private meeting with the committee.

Internal audit

- To approve the internal audit charter.
- To approve the risk based internal audit plan, including resource requirements and the approach to using other sources of assurance and any work required to place reliance upon those other sources.
- To approve significant interim changes to the risk-based internal audit plan and resource requirements.
- To make appropriate enquiries of both management and the head of internal audit to determine if there are any appropriate scope or resource limitations.
- To consider any impairments to the independence or objectivity of the head of internal audit arising from additional roles or responsibilities outside of internal auditing and to approve and periodically review safeguards to limit such impairments.

- To consider reports from the head of internal audit on internal audit's performance during the year. These will include:
 - Updates on the work of internal audit, including key findings, issues of concern and action in progress as a result of internal audit work.
 - Regular reports on the results of the Quality Assurance Improvement Plan (QAIP).
 - Reports on instances where the internal audit function does not conform to the PSIAS and LGAN, considering whether the non-conformance is significant enough that it must be included in the AGS.
- To consider the head of internal audit annual report including:
 - the statement of the level of conformance with the Public Sector Internal Audit Standards (PSIAS) and the Local Government Application Note (LGAN) and the results of the QAIP that support the statement.
 - the opinion on the overall adequacy and effectiveness of the council's framework of governance, risk management and control together with a summary of the work supporting the opinion.

Accountability arrangements

- To report to those charged with governance on the committee's findings, conclusions and recommendations concerning the adequacy and effectiveness of their governance, risk management and internal control frameworks, financial reporting arrangements and internal and external audit functions.
- To report to full council on an annual basis on the committee's performance in relation to the terms of reference and the effectiveness of the committee in meeting its purpose.
- To publish an annual report on the work of the Committee, including a conclusion on the compliance with the CIPFA Position Statement.

Standards

- (1) To promote and maintain high standards of conduct by Councillors, Co-opted Members and church and parent governor representatives;
- (2) To assist Councillors, Co-opted Members and church and parent governor representatives to observe the Council's Members' Code of Conduct;
- (3) To advise the Council on the adoption, revision or replacement of the Council's Code of Conduct for Members and the Council's Arrangements for dealing with Complaints that Council Members have failed to comply with the Council's Code of Conduct for Members ("the Council's Arrangements");

(4) To monitor the operation of the Council's Code of Conduct for Members and the Council's Arrangements;

(5) To advise, train, or arrange to train Councillors and Co-opted Members and church and parent governor representatives to observe the Council's Code of Conduct for Members;

(6) To determine in accordance with the Council's Arrangements whether a Council Member has failed to comply with the Council's Code of Conduct for Members and, if so, to determine what action (if any) to take in respect of the Council Member.

(7) To delegate such of the Council's powers as can be delegated to take decisions in respect of a Council Member who is found on a hearing in accordance with the Council's Arrangements to have failed to comply with the Council's Code of Conduct for Members, such actions to include –

- Publication of the findings of the Audit, Governance and Standards (Hearing) Sub-Committee in respect of the Subject Member's conduct;
- Reporting the findings of the Audit, Governance and Standards (Hearing) Sub-Committee to Council (or in the case of a complaint against a Member of a Parish Council to the Parish Council), for information;
- Recommendation to Council (or in the case of a complaint against a Member of a Parish Council to the Parish Council), that the Subject Member should be censured;
- Recommendation to the Subject Member's group leader (or in the case of ungrouped Members, to Council) that the Subject Member should be removed from any or all Committees or Sub-Committees of the Council;
- Recommendation to the Leader of the Council that the Subject Member should be removed from the Executive or removed from their portfolio responsibilities.
- Instructing the Monitoring Officer to (or in the case of a complaint against a Member of a Parish Council, recommending that the Parish Council should) arrange training for the Subject Member;
- Recommendation to Council (or in the case of a complaint against a Member of a Parish Council to the Parish Council) that the Subject Member should be removed from all appointments to which the Subject Member has been appointed or nominated by the Council (or by the Parish Council).
- Withdrawal (or in the case of a complaint against a Member of a Parish Council, recommendation to the Parish Council that it withdraws) facilities provided to the Subject Member by the Council, such as a computer, website and/or e-mail and Internet access; or Placing such restrictions (or in the case of a complaint against a Member of a Parish Council, recommending to the

Parish Council that it places such restrictions) on the Subject Member's access to Council staff, buildings or parts of buildings as may be reasonable in the circumstances. Provided that such restrictions do not prevent the Member from carrying out their duties as a Councillor.

(8) Dispensations

(a) To grant dispensations from Section 31(4) of the Localism Act 2011 (after consultation with the Independent Person) if, having had regard to all relevant circumstances, the Standards Committee:-

(i) considers that granting the dispensation is in the interests of persons living in the Council's area, or

(ii) considers that it is otherwise appropriate to grant a dispensation.

(b) To determine appeals against the Monitoring Officer's decision on the grant of dispensations.

(9) Programmes and services relating to the Deal for the Future

Delegations to Audit, Governance and Standards (Hearings) Sub-Committee

The function of conducting hearings to determine whether a Member has breached the Members' Code of Conduct, and to decide upon the sanction to be imposed on the Member for the breach, is to be exercised by an Ad Hoc Committee of three members convened by the Monitoring Officer and drawn by him/her from at least two political parties (if available) from the membership of the Audit, Governance and Standards Committee. If the complaint is about a Parish Council member then the Co-opted Member of the Audit, Governance and Standards Committee from that Parish Council will sit on the Sub-Committee, but will not be able to vote. An Independent Person will be invited to attend the hearing and his/her view will be sought before the Sub-Committee takes its decision.

The Committee will be subject to the provisions of the Access to Information Rules in Part 5, of the Constitution.