

# **PART 3**

## **ROLES AND RESPONSIBILITIES**

## **APPENDIX 1 – SECTIONS A – F**

<b>SECTION A</b>	Roles of Councillors and Office Holders
<b>SECTION B</b>	Responsibility for Functions – including mutual delegations with other authorities
<b>SECTION C</b>	Members of the Cabinet and Cabinet Portfolios
<b><u>Please note that SECTION D will be considered at a future meeting of the committee as this requires further review</u></b>	
<b>SECTION D</b>	Delegations to Cabinet Portfolio Holders – <u>Defer this item until a future meeting</u>
<b>SECTION E</b>	Joint Arrangements made by the Council 1. Chiltern District Council and Staff Joint Committee - <u>Disbanded</u> 2. Pathfinder Overview and Scrutiny Committee - <u>Disbanded</u>
<b>SECTION F</b>	Joint Arrangements made by the Cabinet 1. The Chilterns Crematorium Joint Committee 2. The Joint Waste Committee for Buckinghamshire - <u>Disbanded</u> 3. The Buckinghamshire Leaders Group - <u>Disbanded</u> 4. The Pathfinder Joint Implementation Board - <u>Disbanded</u> 5. Joint Building Control Service - <u>Disbanded</u> 6. Joint Waste Collection Board - <u>Disbanded</u> and replaced with <u>new Joint Waste Collection Committee Board</u>

## **APPENDIX 2 – SECTIONS G - H**

<b>SECTION G</b>	Composition, Terms of Reference and Delegations to Standing Committees and Sub Committees of the Council 1. Licensing and Regulation Committee – <u>Deferred section for consideration at a future meeting</u> 2. Licensing Sub-Committee – <u>Deferred section for consideration at a future meeting</u> 3. Taxi and Private Hire Sub-Committee – <u>Deferred section for consideration at a future meeting</u> 4. Planning Committee 5. Appeals Committee – <u>amended to Appeals and Complaints Committee</u> 6. Personnel Committee 7. Homelessness Committee - <u>Disbanded</u> 8. Boundaries and Electoral Arrangements Committee – <u>amended to Governance &amp; Electoral Arrangements Committee</u> 9. Performance and Resources Overview Committee – <u>amended to Resources Overview Committee</u> 10. Audit Sub-Committee – until Annual Meeting May 2010 – <u>Disbanded</u> 10. Audit Committee – with effect from May 2010 – <u>amended to Audit &amp; Standards Committee</u> 11. Housing and Planning Overview Committee – <u>replaced with Services Overview Committee</u> 12. Community and Environment Overview Committee –
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	<p><u>Disbanded</u></p> <p>13. Standards Committee – <u>included in Audit and Standards Committee</u></p> <p>14. Referrals Sub-Committee - <u>Disbanded</u></p> <p>15. Review Sub-Committee - <u>Disbanded</u></p> <p>16. Hearings and Consideration Sub-Committee- <u>Disbanded</u></p> <p>17. Constitution Review Committee – <u>included in Governance &amp; Electoral Arrangements Committee</u></p>
<b>SECTION H</b>	<p>Composition and Terms of Reference of Council</p> <p>Standing Panels and Working Groups</p> <ol style="list-style-type: none"> <li>1. <u>Appointment of External Members Panel</u> – <u>No longer required</u><u>Disbanded</u></li> <li>2. <u>Independent Review of Members Allowances Panel</u></li> </ol>

**SECTION A - ROLES OF COUNCILLORS AND OFFICE HOLDERS**

**1. ROLE PROFILE FOR ALL COUNCILLORS**

**1.1 Responsibilities**

- 1) To contribute actively to the formation and scrutiny of the Council's policies, budgets, strategies and services.
- 2) To represent effectively the whole community with a special duty to their constituents, including those who did not vote for him or her.
- 3) To represent the Council on outside bodies as required.
- 4) To participate constructively in the good governance of the District.
- 5) To fulfil the statutory and locally determined requirements of an elected Member of a local authority. To comply with all relevant codes of conduct, and participate in those decisions and activities reserved for the full Council.

**1.2 Key Tasks**

- 1) To attend and participate effectively as a Member of any committee to which the Councillor is appointed.
- 2) To participate in the activities of any outside body to which the Councillor is appointed, providing two-way communication between the organisations, and reporting as required to the Council. To develop and maintain a working knowledge of the Council's policies and practices in relation to that body and of the community's needs and aspirations.
- 3) To participate in the scrutiny or performance review of the services of the Authority including where the Council so decides, the scrutiny of policies and budget, and their effectiveness in achieving the strategic objectives of the Council.
- 4) To participate in any advisory group to which the Councillor is appointed, as convened by the Cabinet from time to time.
- 5) To participate, as appropriate, in consultation with the community and with other organisations.

- 6) To develop and maintain a working knowledge of the Council's services, management arrangements, organisation and activities, powers/duties, and constraints.
- 7) To contribute constructively to open government and democratic renewal through active encouragement to the community to participate in the governance of the District.
- 8) To maintain professional working relationships with all Members and Officers.
- 9) To identify and participate in opportunities for further development and training as a Councillor.

## **2. ADDITIONAL RESPONSIBILITIES AND TASKS FOR CABINET COUNCILLORS**

These role profiles should be read in conjunction with the role profile for all councillors

### **2.1 Cabinet Leader**

#### **2.1.1 Responsibilities**

- 1) Ensure efficient and effective services, where they are relevant to the needs of the community and the responsibility of Chiltern District Council, in the short, medium and long term.
- 2) Provide visible political leadership in relation to citizens, stakeholders and partners in the overall co-ordination of policies, strategies and service delivery affecting the locality.
- 3) Lead the Cabinet in its work to develop the policy framework and budget and take overall political control of the Council within the agreed policy framework.
- 4) Lead the development of local and regional strategic partnerships.
- 5) Ensure the appropriate representation of the Council on key outside bodies.

#### **2.1.2 Key Tasks**

- 1) To provide leadership to the Council and its political administration, and lead the presentation of the recommendations, plans, policies and decisions of the Cabinet and the Council.

- 2) To represent the Council in the community and in discussions with regional, national and international organisations and others in order to pursue matters of interest to the Council and its communities and to keep the Council and the Cabinet informed accordingly.
- 3) To appoint Members of the Cabinet and allocate Cabinet portfolios
- 4) To develop and maintain good working relations and effective channels of communication with the Chairman of each Overview Committee
- 5) To direct, manage and chair meetings of the Cabinet and to take responsibility, individually and/or collectively for any specific portfolio, including providing a political lead in proposing new policy, strategy, budget and service standards and reviews, as well as acting as spokesperson for the Council.
- 6) To direct and manage the Chief Executive, and to meet regularly (with or without the Cabinet) with the Chief Executive, Director(s) and other relevant senior officers to consider and recommend action within approved policies and strategies.
- 7) To consider the development and training needs of the Cabinet and members generally and arrange for training sessions or suitable briefings as appropriate.
- 8) To receive and act as appropriate upon representations from councillors, the public, organisations and senior officers.

## **2.2 Deputy Cabinet Leader (with Portfolio)**

### **2.2.1 Responsibilities**

Assist and deputise for the Leader in his/her absence or when required in any of the Leader's areas of responsibilities.

### **2.2.2 Key Tasks**

Assist and deputise for the Leader in all his/her key tasks.

## **2.3 All Cabinet Councillors with Portfolio**

### **2.3.1 Responsibilities**

- 1) To take responsibility within the Cabinet on the basis of collective decision making and such individual delegation that may apply, for a portfolio of services or functions of the Council.

- 2) To input into the Cabinet any information, intelligence or factors considered relevant to the issues under consideration by the Cabinet.
- 3) To contribute actively through the portfolio and membership of the Cabinet to the formation, implementation, monitoring and scrutiny of the Council's policies, budgets, strategies and services.

### 2.3.2 Key Tasks

- 1) To participate in the Cabinet and to implement agreed policies by taking responsibility individually and/or collectively for any portfolio allocated by the Leader of the Council, including proposing new policy, strategy, programming, budget and service standards, and leading performance review.
- 2) To develop a clear understanding and in depth knowledge of the respective portfolio, the scope and range of the relevant services for which he/she is responsible and an awareness of current agreed policies and budgetary implications in respect of those services.
- 3) To consult and communicate with all members, council officers, key partners and the community as appropriate to ensure policies, strategies, budgets and decisions are well informed and that Council policies are widely understood and positively promoted.
- 4) To ensure that the Council is briefed at the appropriate time on significant issues within the respective portfolio – i.e. those which have financial or other major resource implications or which will result in a change to established policy.
- 5) To act as spokesperson for the Council and answer and account to the Council and the community on matters within the portfolio.
- 6) To work closely with the Chief Executive, Director(s) and other senior officers responsible for the services within the portfolio and the relevant Overview Committee Chairman ~~for each service~~.
- 7) To appraise the performance of the Chief Executive, Director(s) and Heads of Service in accordance with a scheme agreed by the Council.
- 8) To work with officers on the implementation of agreed plans, policies and programmes within the portfolio and inform the Cabinet of progress and performance.
- 9) To participate in scrutiny or performance reviews of services as requested by an Overview Committee.

- 10) To represent the Council and the Cabinet in the community and elsewhere as required by the Leader.

### **3. ADDITIONAL RESPONSIBILITIES AND TASKS FOR NON-CABINET COUNCILLORS**

#### **3.1 Chairman of the Council**

##### **3.1.1. Responsibilities**

- 1) To uphold and promote the purposes of the Constitution and to interpret the Constitution when necessary.
- 2) To preside over meetings of the Council so that its business can be carried out efficiently and with regard to the rights of councillors and the interests of the community.
- 3) To ensure that the Council meeting is a forum for the debate of matters of concern to the local community and the place at which members are able to hold the Cabinet to account.
- 4) To promote public involvement in the Council's activities.
- 5) To be the conscience of the Council, and act impartially.
- 6) To attend such civic and ceremonial functions as the Council and/or he/she determines appropriate and take precedence at formal occasions.
- 7) To ensure the dignity of the office and Council is maintained at all times.

##### **3.1.2 Key Tasks**

- 1) To chair all meetings of the full Council.
- 2) To chair major consultation meetings organised by the Council, as appropriate.

~~So far as permitted by law to hold the office of Vice-Chairman of the Standards Committee.~~

- 3) To set the standard of conduct to be expected from all Councillors.
- 4) To help represent the Council in the community and in discussions with regional, national and international organisations and others.

**Comment [JS1]:** Standards Committee disbanded



- 5) To attend functions appropriate to the position of Chairman of the Council.
- 6) To host an annual reception and other smaller appropriate functions as necessary.
- 7) To act as host to visiting Royalty, civic dignitaries and other important visitors.

~~To act as consultee when the Chief Executive is considering appeals from any complaints where a complainant is dissatisfied with the response received from a Directorate.~~

**Comment [LB2]:** This is now dealt with by the Chairman of the Appeals and Complaints Committee

~~If the Articles so require, to sign documents that are presented for sealing.~~

**Comment [LB3]:** This requirement has been deleted from the Articles as sealing is an administrative function rather than a ceremonial function.

- 8) To ensure that if he or she is unable to attend an appropriate event, that the Vice Chairman of Council or other councillor nominee will attend.
- 9) To meet with relevant officers to ensure the receipt of appropriate advice to enable effective decisions.

## 3.2 Vice-Chairman of the Council

### 3.2.1 Responsibilities

- 1) To assist the Chairman of the Council in whatever appropriate activities the Chairman requests.
- 2) To deputise for the Chairman of the Council in his or her absence.

### 3.2.2 Key Tasks

- 1) To assist the Chairman of the Council in the ceremonial business of the Council and deputise and assist in all other activities as appropriate.
- 2) To be familiar with all relevant rules, procedures and protocols and undertake relevant training and development.

## 3.3 Chairman of an Overview Committees

### 3.3.1 Responsibilities

- 1) To chair meetings of an Overview Committee and hold specific responsibility for the programming and direction of reviews, ~~lead Best Value Reviews~~, accessing professional advice where appropriate, and

the assembly and presentation to Council of reports, including minority reports, where necessary.

- 2) Within the Terms of Reference of the Committee to lead the scrutiny functions of the Council in holding the Cabinet to account, to review and develop policy, and to consider key issues of local concern. ~~and conduct Best Value Reviews.~~
- 2)
- 3) Set a positive and constructive style and tone to the overview and scrutiny process.

### 3.3.2 Key Tasks

- 1) To chair one of the Overview Committees and develop and maintain a working knowledge of the practices, procedures, services and functions which fall within the Committee's terms of reference.
- 2) To propose an Annual Overview Programme or work plan, drawn up in consultation with councillors and senior officers, to achieve a balance of service interests and broad coverage of all council services over time.
- 3) To take a lead role in reviewing and/or scrutinising decisions made or actions taken in connection with the discharge of any of the Council's functions, whether reserved to full Council or one of its committees, or to the Cabinet which fall within the Terms of Reference of the Committee.
- 4) To exercise the power to call-in a decision of the Cabinet made but not implemented and falling within the Terms of reference of the Committee in a responsible and impartial manner in accordance with the Overview and Scrutiny Procedure Rules.
- 5) To lead the development and investigation of policy proposals referred to the Committee by the Cabinet and to maintain regular liaison with the Cabinet Leader and relevant Cabinet Portfolio Holder.
- 6) To take a lead role in scrutinising the decisions of officers, after consultation with the Chief Executive.
- 7) To lead in identifying cross-cutting strategy issues and ensure a corporate approach to appropriate scrutiny in such areas
- 8) To take a lead role in reviewing the performance of other public bodies in the area provided such review directly or indirectly relates to matters falling within the Terms of Reference of the Committee.
- 9) In partnership with the appropriate senior officers, to contribute to the agenda for committee meetings.

~~To take lead responsibility for the Value for Money Review Programme falling within the Terms of Reference of the Committee ensuring that reviews meet the requirements of challenge, compare, compete and **consult**.~~

**Comment [JS4]:** Value for Money Review now comes under Audit and Standards Committee

~~To develop and maintain a working knowledge of the practices and procedures of Value for Money reviews.~~

~~To take a lead role in ensuring the challenge process by members in the Value for Money Reviews is undertaken in a positive, constructive and rigorous manner and that review teams respond in an open and informative way to the issues under discussion.~~

~~To maintain a watching brief on the Value for Money responsibilities of the Cabinet that relate to the Terms of Reference of the Committee and to ensure that any identified shortcomings in the delivery of the Value for Money programme or performance of the Council's services are brought to the attention of the Cabinet.~~

- 10) To meet with relevant officers to ensure the receipt of appropriate advice to ensure effective scrutiny and review.
- 11) To ensure contact with non- executive councillors, community representatives and local stakeholders to ensure the effective scrutiny of policies, strategies, budgets and performance.
- 12) To be familiar with the urgency provisions and consider proposals put forward by the Cabinet under these procedures.
- 13) To act as Spokesperson for the Committee and ensure reports and statements reflect the Committee's deliberations to Council and elsewhere.
- 14) To undertake such other meetings as are necessary for effective and efficient functioning of the Committee within its terms of reference.
- 15) To advise the Council as and when there is a need to convene an ad-hoc sub-committee to carry out any part of the scrutiny function.
- 16) To consider the development requirements and training of members of the Overview Committee and to notify the Chairman of the [Audit and Standards Committee](#) accordingly.

### 3.4 Vice Chairman of an Overview Committee

### 3.4.1 Responsibilities

To assist and deputise for the Chairman of the relevant Overview Committee and to exercise the power to call-in a decision of the Cabinet made but not implemented and falling within the Terms of reference of the Committee in a responsible and impartial manner in accordance with the Overview and Scrutiny Procedure Rules.

### 3.4.2 Key Tasks

- 1) To assist and deputise for the Chairman of the relevant Overview Committee in all the key tasks of the role as allocated by the Chairman or by the terms this Constitution

~~To develop and maintain a working knowledge of the practices and procedures of Value for Money.~~

## 3.5 Chairman and Vice-Chairman of the Regulatory and other Committees

*(Planning, Audit and Standards, Personnel, Governance and Electoral Arrangements, ~~Constitution Review~~, ~~Boundaries and Electoral Arrangements~~, ~~Appeals and Complaints~~, ~~Homelessness~~, ~~Audit and Licensing~~ and Regulation Committees and the Licensing and Taxi and Private Hire Sub Committees).*

### (a) As Chairman

#### 3.5.1 Responsibilities

To chair meetings of a statutory or regulatory committee, accessing professional advice, maintaining impartiality and independence, and conducting meetings in accordance with fairness, normal decision making principles and statutory advice.

#### 3.5.2 Key Tasks

- 1) To chair the committee and develop and maintain a working knowledge of the practices, procedures, services and functions which fall within the committee's terms of reference.
- 2) To meet with relevant officers to ensure the receipt of appropriate advice to inform effective decisions.
- 3) To consider the development and training requirements of members of the committee and to notify the Chairman of the Audit and Standards Committee Board accordingly
- 4) To develop a specialist knowledge in the subject area of the committee,

particularly Government guidance and local policies.

**(b) As Vice-Chairman**

To assist and deputise for the Chairman in all matters relating to the responsibilities and tasks of the committee.

**4. ADDITIONAL RESPONSIBILITIES OF GROUP LEADERS**

**4.1 Purpose of Role**

- 1) To provide leadership to one of the political groups of the Council
- 2) To ensure effective, positive and constructive approach to the governance of the Council.
- 3) To encourage regular attendance and active participation at full Council and meetings of Committees and external bodies to which members of that party group have been nominated or appointed.

**4.2 Key Tasks**

**(a) As Majority Party or Joint Administration Group Leader**

- 1). Provide political leadership of the main political grouping of the Council.

**(b) As a Group Leader**

- 1) To lead one of the political groups of the Council.
- 2) To act as the spokesperson for that group.
- 3) To nominate members of his/her group to serve on committees, and, if appropriate, local outside bodies.
- 4) To identify the training needs of members of the group and to notify the Chairman of the [Audit and Standards Committee](#) accordingly.

**(c) As Minority Group Leader**

- 1) To lead the (or one of the) political groups providing the Council's formal opposition, including scrutiny of the political administration of the Council.

~~If the Group Leader of the largest Minority Group on the Council, to nominate members of his/her group to act as Chairman of one of the Overview Committees and Vice-Chairman of the other two Overview Committees.~~

**Note:** the role of majority party or joint administration group leader may be combined with Leader of the Cabinet. If this is the case, the role should be read in conjunction with that role profile.

**Comment [LB5]:** This provision has been superseded by the review of Overview Committees in 2014

## **SECTION B. RESPONSIBILITY FOR FUNCTIONS**

### **1. FUNCTIONS RESERVED TO FULL COUNCIL**

1.1 The functions identified in Table 1 below are reserved to full Council.

**TABLE 1 – FUNCTIONS RESERVED TO FULL COUNCIL**

- 1) approving adopting or amending this Constitution;
- 2) approving, adopting or amending the Policy Framework and the Budget;
- 3) subject to the urgency procedure contained in the Access to Information Procedure Rules set out in Section D of Part 4 of this Constitution, the making of any decisions about any matter in the discharge of an Executive Function which is covered by the Policy Framework or the Budget, where the decision maker is minded to make it in a manner which would not be in accordance with, or contrary to, the Policy Framework and/or the Budget;
- 4) making, amending, revoking or adopting, bye-laws or promoting or opposing local acts;
- 5) establishing and agreeing and/or amending the terms of reference of any Committee of the Council (other than a Committee of the Cabinet) including its composition and the making of appointments to it;
- 6) appointing the Cabinet Leader and to receive the Leader's choice of appointments to the Cabinet
- 7) appointing representatives to outside bodies unless the appointment is an Executive Function or has been delegated by the Council to the Cabinet, a committee or an officer;
- 8) following consultation with the independent panel established by the Council for the purposes of making recommendation to the Council in connection therewith, the adoption or amendment of a scheme of allowances for the Council;
- 9) changing the name of the District or conferring the title of Honorary Alderman;
- 10) specifying contracts above a specified value or of a specified description which must be in writing
- 11) confirming the appointment or dismissal of the Head of Paid Service;  
and

12) all other matters which by law must be reserved to full Council.

Together with - all those matters for the time being specified as functions not to be the responsibility of an authority's executive in the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 and any other regulations amending, modifying and/or expanding same – which shall include

- the functions of imposing any conditions, limitation or other restriction on an approval, consent, licence, permission or registration granted in the exercise of any of those functions and determining any other terms to which any such approval, consent, licence, permission or registration is subject

- the function of determining whether and in what matter to enforce any failure to comply with an approval, consent, licence, permission or registration granted; any failure to comply with a condition, limitation or term to which any such approval, consent, licence, permission or registration is subject or any other contravention in relation to a matter with regard to which the function of determining an application, for approval, consent, licence permission or registration.

- the function of amending, modifying or varying any such approval, consent, licence, permission or registration or any condition, limitation or term to which it is subject or revoking any such approval, consent, licence, permission or registration.



## 2. COUNCIL FUNCTIONS THAT MAY BE REFERRED OR DELEGATED

- 2.1 The functions identified in the left hand column of Table 2 below by reference to the enactment specified in the right hand column are the responsibility of full Council, but may be referred or delegated to a Committee or Sub-Committee of the Council in accordance with Section G of this Part of the Constitution. (Composition, Terms of Reference and Delegations to Standing Committees and Sub-Committees of the Council). Any delegation of a Council function to an Officer is described in the Scheme of Delegations to Officers set out in Section B of Part 7 of this Constitution.

### TABLE 2 – COUNCIL FUNCTIONS THAT MAY BE REFERRED OR DELEGATED

**Note:**

**Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended from time to time) (with delegated authority given to the Head of Legal and Democratic Services/Monitoring Officer to update the function/responsibilities recited herein as a consequence of changes to the 2000 Regulations from time to time/as necessary – Constitution Review 06.10.09 – Council 27.10.09**

**Last update Jan 2010 – up to and including The Local Authorities (Functions and Responsibilities) (England) (Amendment No.3) Regulations 2008 – 2008:2787**

Function	Enactment
<p><b>A - Functions relating to Town and Country Planning and Development Control</b></p> <ol style="list-style-type: none"> <li>1. Power to determine applications for Planning permission.</li> <li>2. Power to determine applications to develop land without compliance with conditions previously attached.</li> <li>3. Power to grant planning permission for development already carried out.</li> <li>4. Power to decline to determine applications for planning permission.</li> <li>5. Duties relating to the making of determinations of planning applications.</li> <li>6. Power to determine applications for planning permission made by a local authority, alone or jointly with another person.</li> <li>7. Power to make determinations, give approvals and agree certain other matters relating to the exercise of permitted development rights.</li> <li>8. Power to enter into agreements regulating development or use of land.</li> <li>9. Power to issue a certificate of existing or proposed lawful use or development.</li> <li>10. Power to serve a completion notice.</li> </ol>	<p>Sections 70(1) (a) and (b) and 72 of the Town and Country Planning Act 1990.</p> <p>Section 73 of the Town and Country Planning Act 1990.</p> <p>Section 73A of the Town and Country Planning Act 1990.</p> <p>Section 70A of the Town and Country Planning Act 1990.</p> <p>Sections 69, 76 and 92 of the Town and Country Planning Act 1990 and Articles 8, 10 to 13, 15 to 22 and 25 and 26 of the Town and Country Planning (General Development Procedure) Order 1995 (S.I. 1995/419) and directions made thereunder.</p> <p>Section 316 of the Town and Country Planning Act 1990 and the Town and Country Planning General Regulations 1992 (S.I. 1992/1492).</p> <p>Parts 6, 7, 11, 17, 19, 20, 21 to 24, 26, 30 and 31 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 (S.I. 1995/418).</p> <p>Section 106 of the Town and Country Planning Act 1990.</p> <p>Sections 191(4) and 192(2) of the Town and Country Planning Act 1990.</p> <p>Section 94(2) of the Town and Country Planning Act 1990.</p>

<p>11. Power to grant consent for the display of advertisements.</p>	<p>Section 220 of the Town and Country Planning Act 1990 and the Town and Country Planning (Control of Advertisements) Regulations 1992.</p>
<p>12. Power to authorise entry onto land.</p>	<p>Section 196A of the Town and Country Planning Act 1990.</p>
<p>13. Power to require the discontinuance of a use of land.</p>	<p>Section 102 of the Town and Country Planning Act 1990.</p>
<p>14. Power to serve a planning contravention notice, breach of condition notice, stop notice or temporary stop notice.</p>	<p>Sections 171C, 187A, 183(1) and 171E of the Town and Country Planning Act 1990.</p>
<p>15. Power to issue an enforcement notice.</p>	<p>Section 172 of the Town and Country Planning Act 1990.</p>
<p>16. Power to apply for an injunction restraining a breach of planning control.</p>	<p>Section 187B of the Town and Country Planning Act 1990.</p>
<p>17. Power to determine applications for hazardous substances consent, and related powers.</p>	<p>Sections 9(1) and 10 of the Planning (Hazardous Substances) Act 1990.</p>
<p>18. Power to require proper maintenance of land.</p>	<p>Section 215(1) of the Town and Country Planning Act 1990.</p>
<p>19. Power to determine applications for listed building consent, and related powers.</p>	<p>Sections 16(1) and (2), 17 and 33(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.</p>
<p>20. Power to determine applications for conservation area consent.</p>	<p>Section 16(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, as applied by section 74(3) of that Act.</p>
<p>21. Duties relating to applications for listed building consent and conservation area consent.</p>	<p>Sections 13(1) and 14(1) and (4) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and regulations 3 to 6 and 13 of the Planning (Listed Buildings and Conservation Areas) Regulations 1990 and paragraphs 8, 15 and 26 of Department of the Environment Transport and the Regions Circular 01/01.</p>

22. Power to serve a building preservation notice and related powers.	Sections 3(1) and 4(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
23. Power to issue enforcement notices in relation to demolition of listed building in conservation area.	Section 38 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
24. Powers to acquire a listed building in need of repair and to serve a repairs notice.	Sections 47 and 48 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
25. Power to apply for an injunction in relation to a listed building.	Section 44A of the Planning (Listed Buildings and Conservation Areas) Act 1990.
26. Power to execute urgent works.	Section 54 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
27. Powers relating to the preservation of trees.	Sections 197 to 214D of the Town and Country Planning Act 1990 and the Trees Regulations 1999 (S.I. 1999/1892).
28. Powers relating to the protection of important hedgerows.	The Hedgerows Regulations 1997 (S.I. 1997/1160).
29. Powers to issue a remedial notice in relation to a hedge adversely affecting the reasonable enjoyment of domestic property	Section 69 of the Anti Social Behaviour Act 2003
29a Powers relating to complaints about high hedges.	Part 8 of Anti-Social Behaviour Act 2003.
30. Power to enter neighbouring land	Section 74 of the Anti Social Behaviour Act 2003
31. Power to carry out works in default of compliance with a remedial notice.	Section 77 of the Anti Social Behaviour Act 2003
32. Power to enter land.	Section 324 of the Town and Country Planning Act 1990.
33. Power to obtain information as to interests in land	Section 330 of the Town and Country Planning Act 1990.

<p><b>B. Licensing and registration functions (in so far as not covered by any other paragraph of this Table)</b></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>5a Power to register pool promoters.</p> <p>5b Power to grant track betting licences.</p> <p>5c Power to license inter-track betting schemes.</p>	<p>Section 3(3) of the Caravan Sites and Control of Development Act 1960.</p> <p>Section 269(1) of the Public Health Act 1936.</p> <p>(a) as to hackney carriages, the Town Police Clauses Act 1847, as extended by section 171 of the Public Health Act 1875, and section 15 of the Transport Act 1985; and sections 47, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976;</p> <p>(b) as to private hire vehicles, sections 48, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976.</p> <p>Sections 51, 53, 54, 59, 61 and 79 of the Local Government (Miscellaneous Provisions) Act 1976.</p> <p>Sections 55 to 58, 62 and 79 of the Local Government (Miscellaneous Provisions) Act 1976.</p> <p>Schedule 2 to the Betting, Gaming and Lotteries Act 1963 (c.2) as saved for certain purposes by the Gambling Act Order.</p> <p><b>Note:</b> The Gambling Act Order means the Gambling Act 2005 (Commencement No. 6 and Transitional Provisions) Order 2006.</p> <p>Schedule 3 to the Betting, Gaming and Lotteries Act 1963 as saved for certain purposes by the Gambling Act Order.</p> <p>Schedules 5ZA to the Betting, Gaming and Lotteries Act 1963 as saved for certain</p>
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	purposes by the Gambling Act Order.
5d Power to grant permits in respect of premises with amusement machines.	Schedule 9 to the Gaming Act 1968 (c.65), as saved for certain purposes by the Gambling Act Order.
5e Power to register societies wishing to promote lotteries.	Schedule 1 to the Lotteries and Amusements Act 1976 (c.32), as saved for certain purposes by the Gambling Act Order.
5f Power to grant permits in respect of premises where amusements with prizes are provided.	Schedule 3 to the Lotteries and Amusements Act 1976, as saved for certain purposes by the Gambling Act Order.
5g Power to issue cinema and cinema club licences.	Section 1 of the Cinema Act 1985 (c.13).
5h Power to issue theatre licences.	Sections 12 to 14 of the Theatres Act 1968 (c.54).
5i Power to issue entertainments licences.	Section 12 of the Children and Young Persons Act 1933 (c.12), section 52 of and Schedule 12 to, the London Government Act: 1963 (c.33). Section 79 of the Licensing Act 1964 (c.26). Sections 1 to 5 and 7 of and Parts 1 and II of the Schedule to the Private Places of Entertainment (Licensing) Act 1967 (c.19) and Part I of, and Schedules 1 and 2 to, the Local Government (Miscellaneous Provisions) Act 1982 (c.30).
6. Power to license sex shops and sex cinemas.	The Local Government (Miscellaneous Provisions) Act 1982, section 2 and Schedule 3 (as amended by Paragraph 85 of Schedule 6 Licensing Act 2003).
7. Power to license performances of hypnotism.	The Hypnotism Act 1952.
8. Power to license premises for acupuncture, tattooing, ear-piercing and electrolysis.	Sections 13 to 17 of the Local Government (Miscellaneous Provisions) Act 1982.
9. Power to license pleasure boats and	Section 94 of the Public Health Acts Amendment Act 1907.

pleasure vessels.	
10. Power to license market and street trading.	Part III of, and Schedule 4 to, the Local Government (Miscellaneous Provisions) Act 1982.
11. Duty to keep list of persons entitled to sell non-medicinal poisons.	Sections 3(1) (b) (ii), 5, 6 and 11 of the Poisons Act 1972.
12. Power to license dealers in game and the killing and selling of game.	Sections 5, 6, 17, 18 and 21 to 23 of the Game Act 1831; sections 2 to 16 of the Game Licensing Act 1860 , section 4 of the Customs and Inland Revenue Act 1883, sections 12(3) and 27 of the Local Government Act 1874 , and section 213 of The Local Government Act 1972.
13. Power to register and license premises for the preparation of food.	Section 19 of the Food Safety Act 1990.
14. Power to license scrap yards.	Section 1 of the Scrap Metal Dealers Act 1964.
15. Power to regulate Motor Salvage Operators	Vehicle (Crime) Act 2001 and Motor Salvage Operators Regulations 2002
16. Power to issue, amend or replace safety certificates (whether general or special) for sports grounds.	The Safety of Sports Grounds Act 1975.
16a Power to issue safety certificates.	The Regulatory Reform (Fire Safety) Order 2005
17. Power to issue, cancel, amend or replace safety certificates for regulated stands at sports grounds.	Part III of the Fire Safety and Safety of Places of Sport Act 1987.
18. Power to license premises for the breeding of dogs.	Section 1 of the Breeding of Dogs Act 1973 and section 1 of the Breeding and Sale of Dogs (Welfare) Act 1999.
19. Power to license pet shops and other establishments where animals are bred or kept for the purposes of carrying on a business.	Section 1 of the Pet Animals Act 1951; section 1 of the Animal Boarding Establishments Act 1963; the Riding Establishments Acts 1964 and 1970; Section 1 of the Breeding of Dogs Act 1973, and sections 1 and 8 of the Breeding and Sale of Dogs (Welfare) Act 1999.
20. Power to register animal trainers	Section 1 of the Performing Animals

and exhibitors.	(Regulation) Act 1925.
21. Power to license zoos.	Section 1 of the Zoo Licensing Act 1981.
22. Power to license dangerous wild animals.	Section 1 of the Dangerous Wild Animals Act 1976.
23. Power to license knackers' yards.	Section 4 of the Slaughterhouses Act 1974. See also the Animal By-Products Order 1999 (S.I. 1999/646).
23a Power to approve Premises for the solemnization of marriages.	Section 46A of the Marriages Act 1949 and the Marriages (Approved Premises) Regulations 1995.
24. Power to license persons to collect for charitable and other causes.	Section 5 of the Police, Factories etc. (Miscellaneous Provisions) Act 1916 and Section 2 of the House to House Collections Act 1939.
25. Power to grant consent for the operation of a loudspeaker.	Schedule 2 to the Noise and Statutory Nuisance Act 1993.
26. Power to license agencies for the supply of nurses.	Section 2 of the Nurses Agencies Act 1957.
27. Power to approve meat product premises.	Regulations 4 and 5 of the Meat Products (Hygiene) Regulations 1994 (S.I. 1994/3082).
28. Power to approve premises for the production of minced meat or meat preparations.	Regulation 4 of the Minced Meat and Meat Preparations (Hygiene) Regulations 1995 (S.I. 1995/3205).
28a Power to issue licences for movement of pigs.	Article 12 of the Pigs (Records, Identification and Movement) Order 1995.
28b Power to license the sale of pigs.	Article 13 of the above 1995 Order.
28c Power to license collecting centres for the movement of pigs.	Article 14 of the above 1995 Order.
28d Power to issue a licence to move cattle from a market.	Article 5(2) of the Cattle Identification Regulations 1998.
29. Power to approve dairy establishments.	Regulations 6 and 7 of the Dairy Products (Hygiene) Regulations 1995 (S.I. 1995/1086).



30. Power to approve egg product establishments.	Regulation 5 of the Egg Products Regulations 1993 (S.I. 1993/1520).
31. 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.	Schedule 1A to the Food Safety (General Food Hygiene) Regulations 1995 (S.I. 1995/1763).
32. Power to approve fish products premises.	Regulation 24 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998 (S.I. 1998/994).
33. Power to approve dispatch or purification centres.	Regulation 11 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998.
34. Power to register fishing vessels on board which shrimps or molluscs are cooked.	Regulation 21 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998.
35. Power to approve factory vessels and fishery product establishments.	Regulation 24 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998.
36. Power to register auction and wholesale markets.	Regulation 26 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998.
37. Duty to keep register of food business premises.	Regulation 5 of the Food Premises (Registration) Regulations 1991 (S.I. 1991/2828).
38. Power to register food business premises.	Regulation 9 of the Food Premises (Registration) Regulations 1991.
39. Power to make closing orders with respect to take-away food premises	Section 4 of the Local Government (Miscellaneous Provisions) Act 1982
40. Power to permit deposit of builder's skip on highway.	Section 139 of the Highways Act 1980.
41. Power to make orders restricting the consumption of alcohol in a public place	Section 13 Criminal Justice & Police Act 2001

42. Functions relating to licensing including but not limited to :-	Sections 5 to 8 of the Licensing Act 2003.
42a. Power to grant, vary, transfer or review a premises licence or club premises licence for the supply of alcohol regulated entertainment and late night refreshment	Sections 18, 35, 39, 44, 52, 72, 85, 88 and Schedule 1 and 2 Licensing Act 2003
43. Power to issue a provisional statement	Section 31 of the Licensing Act 2003
44. Power to cancel an interim authority notice	Section 49 of the Licensing Act 2003
45. Powers to inspect premises before grant of licence	Sections 59 and 96 of the Licensing Act 2003
46. Power to grant or renew a personal licence	Section 117 of the Licensing Act 2003
47. Right of entry where temporary event notice is given	Section 108 of the Licensing Act 2003
48. Rights of entry to investigate licensable activities	Section 179 of the Licensing Act 2003
49. Power to close noisy premises	Section 40 Anti Social Behaviour Act 2003
50. Issue of fixed penalty notice for graffiti or fly-posting	Section 43 Anti Social Behaviour Act 2003
51. Service of graffiti removal notice	Section 48 Anti Social Behaviour Act 2003
52. Power to grant, vary, transfer or review a premises licence for the operation of a casino or for the provision of facilities to play bingo or for use as an adult gaming centre or family entertainment centre or for the provision of facilities for betting.	Sections 163, 164, 187, 188, 199 and 202, 203 and 205 of the Gambling Act 2005
53. Power to issue a provisional statement	Section 204 of the Gambling Act 2005

54. Hearing of an objection to a temporary use notice	Section 222 of the Gambling Act 2005
55. Power to issue a counter notice to a temporary use notice	Section 224 of the Gambling Act 2005
56. Power to issue, vary, renew or cancel a club gaming permit	Section 271, 274 and Schedule 12 of the Gambling Act 2005
57. Power to issue, vary, renew or cancel a club machine permit	Section 273, 274 and Schedule 12 of the Gambling Act 2005
58. Power to issue, transfer, vary or cancel a licensed premises gaming machine permit	Section 283 and Schedule 13 of the Gambling Act 2005
59. Power to make an order disapplying Sections 279 and 282(1) of the Gambling Act 2005 to certain premises. (Section 279 exempts premises licensed for the sale of alcohol from requiring a Gambling Act Operating or Premises licence for prescribed low stake/prize value equal chance gaming and Section 282(1) provides premises licensed for the supply of alcohol with an automatic entitlement to one or two Category C or D gaming machines)	Section 284 of the Gambling Act 2005
60. Power to issue or renew a prize gaming permit	Section 289 and Schedule 14 of the Gambling Act 2005
61. Power to issue or renew a family entertainment centre gaming machine permit	Section 247 and Paragraphs 8 and 18 of Schedule 10 of the Gambling Act 2005
62. Power to enter premises (various)	Sections 304(2) and (3), 307, 309, 310, 311, 312(4), 313, 314, 315 of the Gambling Act 2005
63. Registration of small society lotteries	Section 258 and Part 4 Paragraphs 38 and Part 5 of Schedule 11 of the Gambling Act 2005
64. Refusal to register a small society	Section 258 and Part 5 Paragraph 47 of

lottery	Schedule 11 of the Gambling Act 2005
65.Revocation of registration of a small society lottery	Section 258 and Part 5 Paragraph 50 of Schedule 11 of the Gambling Act 2005
66. Power to resolve not to issue a casino premises licence.	Section 166 of the Gambling Act 2005.
67. Duty to comply with requirement to provide information to the Gambling Commission.	Section 29 of the Gambling Act 2005.
68. Functions relating to exchange of information.	Section 30 of the Gambling Act 2005.
69. Functions relating to occasional use notices.	Section 39 of the Gambling Act 3005.
70. Power to designate officer of a Licensing authority as an authorised person for a purpose relating to premises.	Section 304 of the Gambling Act 2005.
71. Power to institute criminal proceedings.	Section 346 of the Gambling Act 2005.
72. Power to exchange information.	Section 350 of the Gambling Act 2005.
73. Functions relating to the determination of fees for premises licences.	The Gambling (Premises Licences Fees) (England and Wales) Regulations 2007. S.I. 2007/479
74. Function relating to the registration of Common Land and town and village greens.	Part of the Commons Act 2006 and the Commons and Registration (England) Regulations 2008. S.I. 2008/1961.
<b>C. Functions relating to health and safety at work</b>	
Functions under any of the "relevant statutory provisions" within the meaning of Part I (health, safety and welfare in connection with work, and control of dangerous substances) of the Health	Part I of the Health and Safety at Work etc. Act 1974.

<p>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.</p>	
<p><b>D. Functions relating to elections</b></p>	
<p>1. Duty to appoint an electoral registration officer.</p>	<p>Section 8(2) of the Representation of the People Act 1983.</p>
<p>2. Power to assign officers in relation to requisitions of the registration officer.</p>	<p>Section 52(4) of the Representation of the People Act 1983.</p>
<p>3. Functions in relation to parishes and parish councils.</p>	<p>Part II of the Local Government and Rating Act 1997 and subordinate legislation under that Part.</p>
<p>4. Power to dissolve small parish councils.</p>	<p>Section 10 of the Local Government Act 1972.</p>
<p>5. Power to make orders for grouping parishes, dissolving groups and separating parishes from groups.</p>	<p>Section 11 of the Local Government Act 1972.</p>
<p>6. Duty to appoint returning officer for local government elections.</p>	<p>Section 35 of the Representation of the People Act 1983.</p>
<p>7. Duty to provide assistance at European Parliamentary elections.</p>	<p>Sections 6 (7) and (8) of the European Parliamentary Elections 2002.</p>
<p>8. Duty to divide constituency into polling districts.</p>	<p>Sections 18A to 18E of and Schedule 1A to the Representation of the People Act 1983.</p>
<p>9. Power to divide electoral divisions into polling districts at local government elections.</p>	<p>Section 31 of the Representation of the People Act 1983.</p>
<p>10. Powers in respect of holding of elections.</p>	<p>Section 39(4) of the Representation of the People Act 1983.</p>
<p>11. Power to pay expenses properly incurred by electoral registration officers.</p>	<p>Section 54 of the Representation of the People Act 1983.</p>

12. Power to fill vacancies in the event of insufficient nominations.	Section 21 of the Representation of the People Act 1985.
13. Duty to declare vacancy in office in certain cases.	Section 86 of the Local Government Act 1972.
14. Duty to give public notice of a casual vacancy.	Section 87 of the Local Government Act 1972.
15. Power to make temporary appointments to parish councils.	Section 91 of the Local Government Act 1972.
16. Power to determine fees and conditions for supply of copies of, or extracts from, election documents.	Rule 48(3) of the Local Elections (Principal Areas) Rules 1986 (S.I.1986/2214) and rule 48(3) of the Local Elections (Parishes and Communities) Rules 1986 (S.I. 1986/2215).
17. 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.	Section 10 of the Representation of the People Act 2000.
18. Duty to consult on change of scheme for elections	Sections 33(2), 38(2) and 40(2) of the 2007 Act.
19. Duties relating to publicity.	Sections 35, 41 and 52 of the 2007 Act.
20. Duties relating to notice to Electoral Commission.	Sections 36 and 42 of the 2007 Act.
21. Power to alter years of ordinary elections of parish councilors.	Sections 53 of the 2007 Act.
22. Functions relating to change of name of electoral area.	Section 59 of the 2007 Act.
	<b>Note</b> – No. 19 -22 – the 2007 Act means the Local Government and Public Involvement in Health Act 2007
<b>E. Functions relating to name and status of areas and individuals</b>	
1. Power to change the name of the	Section 74 of the Local Government Act

District.	1972.
2. Power to change the name of a parish.	Section 75 of the Local Government Act 1972.
3. Power to confer title of honorary alderman or to admit to be an honorary freeman.	Section 249 of the Local Government Act 1972.
4. Power to petition for a charter to confer borough status.	Section 245b of the Local Government Act 1972.
<b>EB Functions relating to Community Governance</b>	<b>Note</b> – the 2007 Act means the Local Government Public Involvement in Health Act 2007
1. Duties relating to community governance reviews.	Section 79 of the 2007 Act.
2. Functions relating to community governance petitions.	Sections 80, 83 to 85 of the 2007 Act.
3. Functions relating to terms of reference of review.	Sections 81(4) to (6).
4. Power to undertake a community governance review.	Sections 82 of the 2007 Act.
5. Functions relating to making of recommendations.	Sections 87 to 92 of the 2007 Act.
6. Duties when undertaking review.	Section 93 to 95 of the 2007 Act.
7. Duty to publicise outcome of review.	Section 96 of the 2007 Act.
8. Duty to send two copies of order to Secretary of State and Electoral Commission.	Section 98(1) of the 2007 Act.
9. Power to make agreements about incidental matters.	Section 99 of the 2007 Act.
<b>F Power to make, amend, revoke or re-enact or enforce byelaws</b>	Any provision of any enactment (including a local Act) whenever passed and Section 14 of the Interpretation Act 1978.

<p><b>FA Functions relating to smoke-free premises etc.</b></p> <ol style="list-style-type: none"> <li>1. Duty to enforce Chapter 1 and regulations made under it.</li> <li>2. Power to authorise officers.</li> <li>3. Functions relating to fixed penalty notices.</li> <li>4. Power to transfer enforcement functions to another enforcement authority.</li> </ol>	<p>Section 10(3) of the Health Act 2006.</p> <p>Section 10(5) of, and paragraph 1 of Schedule 2 to, the Health Act 2006.</p> <p>Paragraphs 13, 15 and 16 of Schedule 1 to the Health Act 2006.</p> <p>Smoke-free (Vehicle Operators and Penalty Notices) Regulations 2007 (S.I. 2006/760).</p> <p>Smoke-free (Premises and Enforcement) Regulations 2006 – SI 2006/3368.</p>
<p><b>G Power to promote or oppose local or personal Bills</b></p>	<p>Section 239 of the Local Government Act 1972.</p>
<p><b>H. Functions relating to local government pensions etc.</b></p>	<p>Regulations under section 7, 12 or 24 of the Superannuation Act 1972.</p>
<p><b>I. Miscellaneous functions</b></p> <ol style="list-style-type: none"> <li>1. Power to stop up footpaths and bridleways or highway.</li> <li>2.. Power to make a rail crossing extinguishment Order</li> <li>3. Power to divert footpaths and bridleways.</li> <li>4. Power to make a rail crossing diversion Order</li> <li>5. Power to require applicant for</li> </ol>	<p>Section 118 of the Highways Act 1980 and Section 257 of the Town and Country Planning Act 1990.</p> <p>Section 118A of the Highways Act 1980</p> <p>Section 119 of the Highways Act 1980</p> <p>Section 119A of the Highways Act 1980</p> <p>Section 119C(3) Highways Act 1980</p>



Order to enter into an agreement	
6. Power to extinguish public right of way over land acquired for clearance	Section 294 Housing Act 1985
7. Power to authorise stopping up or diversion of footpath or bridleway	Section 257 of the Town & Country Planning Act 1990
8. Power to extinguish public rights of way over land held for planning purposes	Section 258 of the Town & Country Planning Act 1990
8a Power to extinguish certain public rights of way	Section 32 of the Acquisition of Land Act 1981.
9. Duty to make arrangements for the proper administration of financial affairs etc.	Section 151 of the Local Government Act 1972
10. Duty to approve the Council's statement of accounts, income and expenditure and balance sheet or record of receipts and payments (as the case may be).	The Accounts and Audit Regulations 1996 (S.I. 1996/590).
11. Power to make standing orders.	Section 106 of, and paragraph 42 of Schedule 12 to, the Local Government Act 1972.
12. Duty to designate officer as the head of the authorities paid service, and to provide staff etc.	Section 4(1) of the Local Government & Housing Act 1989
13. Duty to designate officer as the monitoring officer, and to provide staff etc.	Section 5(1) of the Local Government and Housing Act 1989 and S.82A (4) and (5) of the Local Government Act 2000.
14. Power to appoint staff and to determine the terms and conditions on which they hold office (including procedures for their dismissal).	Section 112 of the Local Government Act 1972
14a Power to appoint officers for particular purposes (appointment of "proper officers").	Section 270(3) of the Local Government Act 1972.
14b Powers relating to Overview and Scrutiny Committee (Voting Rights of Co-opted Members).	Paragraphs 12 and 14 of Schedule 1 to the LGA 2000.

<p>15. Power to make standing orders as to contracts (other than the power to specify contracts above a specified value or of a specified description which must be in writing).</p>	<p>Section 135 of the Local Government Act 1972.</p>
<p>16. Power to make payments or provide other benefits in cases of maladministration etc.</p>	<p>Section 92 of the Local Government Act 2000.</p>
<p>17. Power to apply for an enforcement order against unlawful works on common land.</p>	<p>Section 41 of the Commons Act 2006</p>
<p>18. Power to protect unclaimed registered common land and unclaimed village green against unlawful interference.</p>	<p>Section 45(2)(a) of the Commons Act 2006</p>
<p>19. Power to institute proceedings for offences in respect of unclaimed registered common land and unclaimed town or village green.</p>	<p>Section 45(2)(b) of the Commons Act 2006</p>

### 3. EXECUTIVE FUNCTIONS

3.1 The functions identified in the left hand column of Table 3 below are the responsibility of the Cabinet, either wholly or to the extent set out in the central column. Decisions in connection with discharge of such functions can be taken by the person or body identified in the right hand column of the Table.

~~(Amended from time to time by Head of Legal Services/Monitoring Officer. Constitution Review Committee 06.10.09. Council 27.10.09).~~

TABLE 3 – EXECUTIVE FUNCTIONS		
Function	Extent	Who decides
<p><b>A. General</b> All the functions of the Council other than those specified in Tables 1 and 2 above.</p>	The full extent – subject to the limitations set out in Paragraph C of this Table and Clause 3.2 below.	The Cabinet
<p><b>B. ‘Local Choice’ Functions which full Council has determined will be the responsibility of the Cabinet</b></p>		
1. Any function under a local Act (other than a function specified in Table 1 or 2 above)	The full extent – subject to the limitations set out in Clause 3.2 below.	The Cabinet
2. Any function relating to contaminated land under Part IIA of the Environment Act 1990.	The full extent – subject to the limitations set out in Clause 3.2 below.	The Cabinet
3. The discharge of any function relating to the control of pollution or the management of air quality.	The full extent – subject to the limitations set out in Clause 3.2 below.	The Cabinet
4. The power to inspect the District to detect any statutory nuisance under section 79 of the Environmental Protection Act 1990.	The full extent – subject to the limitations set out in Clause 3.2 below.	The Cabinet
5. The duty to investigate any complaint as to the existence of a statutory nuisance under	The full extent – subject to the limitations set out in Clause 3.2 below.	The Cabinet

<p>section 79 of the Environmental Health Act 1990.</p>	<p>The full extent – subject to the limitations set out in Clause 3.2 below.</p>	<p>The Cabinet</p>
<p>6. The duty to serve an abatement notice in respect of a statutory nuisance under section 80(1) of the Environmental Protection Act 1990</p>		
<p>7. Determining that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the District.</p>	<p>The full extent – subject to the limitations set out in Clause 3.2 below.</p>	<p>The Cabinet</p>
<p>8. The obtaining of particulars of persons interested in land under section 16 of the Local Government (Miscellaneous Provisions) Act 1976.</p>	<p>The full extent – subject to the limitations set out in Clause 3.2 below.</p>	<p>The Cabinet</p>
<p>9. The appointment of any individual -</p>	<p>The full extent – subject to the limitations set out in Clause 3.2 below.</p>	<p>The Cabinet</p>
<p>(a) to any office other than an office in which he is employed by the Council</p>		
<p>(b) to any body other than – the Council; a joint committee of two or more Councils; or</p>	<p>The full extent – subject to the limitations set out in Clause 3.2 below.</p>	<p>The Cabinet</p>
<p>(c) to any committee or sub-committee of such a body, and the revocation of any such appointment.</p>		
<p><b>C. Functions which are not the sole responsibility of the Cabinet</b></p>		
<p>1 The formulation or preparation of the following plans or strategies :-</p>	<p>In Clause 3.2 below</p>	

<p>(a) <del>Joint Business Plan Council's Key Objectives and Corporate Performance Plan;</del></p>	<p>Subject to amendment by and approval of Council.</p>	<p>The Cabinet</p>
<p>(b) <del>Joint Sustainable Community Strategy Community Plan;</del></p>	<p><u>Subject to amendment and adoption by Council.</u></p>	<p>The Cabinet</p>
<p><del>(c) Comprehensive Performance Assessment High Level Improvement Plan;</del>  <del>(cd) Plans and strategies which together comprise the Local Development Plan;</del></p>	<p><del>Subject to amendment by and approval of Council.</del>  Subject to amendment and adoption by Council.</p>	<p>The Cabinet</p>
<p><del>(de) Joint Waste Strategy for Buckinghamshire;</del></p>	<p>Subject to amendment by and approval of Council.</p>	<p>The Cabinet</p>
<p><del>(ef) Chiltern Community and Well Being Plan Development Revitalisation Action Plan (CDRAP) comprising Local Agenda 21 Strategy, Community, Sports and Leisure Strategies and Small Grants Policy;</del></p>	<p>Subject to amendment by and approval of Council.</p>	<p>The Cabinet</p>
<p><del>(fg) Housing strategies and policies Investment Programme comprising the Housing Framework Strategy, including the Private Sector Housing Strategy (including Housing Grants), Homelessness Strategy and Temporary Accommodation Strategy HMO (Houses in Multiple Occupation) Licensing Policy;</del></p>	<p>Subject to amendment by and approval of Council.</p>	<p>The Cabinet</p>
<p><del>(gh) Budget Strategy and Buckinghamshire Local Area Agreement;</del></p>	<p>Subject to amendment by and approval of Council.</p>	<p>The Cabinet</p>

(h) Treasury Management Strategy;	Subject to amendment by and approval of Council.	The Cabinet
(i) Risk Management Strategy;	Subject to amendment by and approval of Council.	The Cabinet
<u>(j) Information Strategy</u>	Subject to amendment by and approval of Council.	The Cabinet
<u>(k) Procurement Strategy;</u>	Subject to amendment by and approval of Council.	The Cabinet
(l) <u>Community Safety Crime and Disorder Reduction Strategy;</u>	Subject to amendment by and approval of Council.	The Cabinet
(m) Statement of Principles under the Gambling Act 2005;	Subject to amendment by and approval of Council.	The Cabinet
<u>(n) Food Enforcement Policy and Business Plan</u>	<u>Subject to amendment by and approval of Council.</u>	The Cabinet
<u>(m) Health and Safety Enforcement Policy and Business Plan</u>	Subject to amendment by and approval of Council.	The Cabinet
<u>(o) Air Quality Strategy</u>	<u>Subject to amendment by and approval of Council.</u>	The Cabinet
<u>(p) Contaminated Land Strategy</u>	<u>Subject to amendment by and approval of Council.</u>	The Cabinet
<u>(q) Asset Management Plan;</u>	Subject to amendment by and approval of Council.	The Cabinet
<u>(e) Open Space and Recreation Strategy;</u>	<u>Only if the amendment,</u>	

<p>(p) <del>Regulators Compliance Code Enforcement Concordat; and</del></p>	<p><del>modification, — variation or — revocation — is necessary to give effect to a requirement of the Secretary of State or a Minister of the Crown, or if the Council, at the time it approved the plan or strategy under consideration, gave the Cabinet the power to amend, modify, vary or revoke it.</del></p> <p><u>Subject to amendment by and approval of Council.</u></p>	<p>The Cabinet</p>
<p>(q) Any other Plan or Strategy which full Council determines shall be adopted or approved by it.</p>	<p><u>Subject to amendment by and approval of Council.</u></p>	<p>The Cabinet</p>
<p>2 Following approval and/or adoption by the Council of any of the plans or strategies referred to in (a) to (q) above, the amendment, modification, variation or revocation of the same.</p>	<p><u>Only if the amendment, modification, variation or revocation is necessary to give effect to a requirement of the Secretary of State or a Minister of the Crown, or if the Council, at the time it approved the plan or strategy under consideration, gave the Cabinet the power to amend, modify, vary or revoke it.</u></p>	<p>The Cabinet</p>
<p>Calculating the Council tax base</p>	<p><u>The full extent</u></p>	<p>The Cabinet</p>

3.2 Notwithstanding that a function may be the responsibility of the Cabinet by virtue of Table 3 above, (hereinafter called an Executive Function”) except in the circumstances referred to in Clause 3.3 below, the Cabinet will not be permitted to determine any matter in the discharge of such a Function if that determination is concerned with or relates to :-

- 1) the Council's budget or its borrowing or capital expenditure; or
- 2) any other plan or strategy adopted or approved by the Council;

and the proposed determination will be contrary to, or not wholly in accordance with, the budget or any such plan or strategy for the time being approved or adopted by the Council in relation to its borrowing or capital expenditure, or is not otherwise authorised by the Budget and Policy Framework Procedure Rules, Financial Rules, Contract Procedure Rules or Cabinet Procedure Rules set out in Part 4 of this Constitution, or the determination will be contrary to any plan or strategy adopted or approved by the Council.

- 3.3 The circumstances referred to in clause 3.2 above are that it can reasonably be considered that there is an urgent need for the determination, and the consent of the Chairman of the relevant Scrutiny Committee, or if he is unable to act, of the Chairman of the Council, or in his absence the Vice-Chairman, has been obtained.
- 3.4 Although the Cabinet exercises collective responsibility for decision making, individual Cabinet Members have lead responsibility for the functions/services set out in the table in Section C of this Part of the Constitution (Cabinet Portfolios). The Cabinet may delegate Executive Functions in the manner described in Article 10 of this Constitution. Any delegation through joint arrangements is described in of Section F of this Part (Joint Arrangements made by the Cabinet). Any delegation of an Executive Function to an Officer is described in the Scheme of Delegations to Officers set out in Section B of Part 7 of this Constitution.

Joint/Mutual delegations with other Councils are also agreed from time to time:

~~Note Benefit Fraud (Cabinet 2.9.08) and Building Control (Cabinet 3.11.09) with Wycombe District Council.~~

**Comment [JS6]:** These joint arrangements have been superseded

~~NB 1: Benefit Fraud 2.9.08 Cabinet~~

- ~~— Mutual delegation for Benefit Fraud Officers to work cross boundary — South Bucks District Council and Wycombe District — Section 101 and 113 Local Government Act 1972.~~

~~NB 2: Building Control 3.11.09 Cabinet — 8.12.09 Council~~

- ~~— All Building Control surveyors employed by Wycombe District Council are authorised to undertake Building Control duties within the administrative area of Chiltern Council (Section 101 of the Local Government Act 1972) and likewise officers of Chiltern District Council are authorised to undertake Building Control duties within the district of Wycombe on behalf of Wycombe District Council pursuant to Section 113 of the LGA 1972.~~



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**SECTION C - MEMBERS OF THE CABINET AND CABINET PORTFOLIOS**

Included separately in the agenda pack as **Appendix 1 Section C**

**SECTION D - DELEGATIONS TO CABINET PORTFOLIO HOLDERS**

**TO FOLLOW AT A FUTURE MEETING**

## **SECTION E - JOINT ARRANGEMENTS MADE BY THE COUNCIL**

### **1. CHILTERN DISTRICT COUNCIL AND STAFF JOINT COMMITTEE**

**Comment [JS7]:** Superseded as part of Harmonised Terms and Conditions Agreement by Joint MT/Unison meetings

### **2. PATHFINDER OVERVIEW AND SCRUTINY COMMITTEE**

**Comment [JS8]:** Disbanded

Constitution Review Committee on 14 November 2007 agreed the terms of Reference of the Pathfinder Overview and Scrutiny Committee – when approved – should be include in the Councils Constitution Council 15.1.08

**Comment [JS9]:** Disbanded

Not included as at May 2010.

### **1. CHILTERN & SOUTH BUCKS JOINT COMMITTEE “JC”**

#### **1.1 General**

Chiltern and South Bucks District Council entered into an Inter Authority Agreement on 19<sup>th</sup> January 2012, to establish Joint Arrangements to work together to share a Joint Chief Executive and a Joint Senior Management Team (Stage One), and then to examine the opportunities for further savings by the joining together of services, assets, officer posts and officer teams (Stage two).

The Authorities have agreed a joint Statement of Intent, a set of aims and a set of general principles to underpin the implementation of the Joint Arrangements by way of the Inter Authority Agreement. The Joint Arrangements and the agreed aims and principles shall be as defined and as agreed in the Inter Authority Agreement (IAA).

The Authorities may amend the terms of reference and/or membership of the JC from time to time. Any such amendment shall be agreed in writing by each Authority by reference back to each full Council, taking into account any recommendation from the JC.

#### **1.2 TERMS OF REFERENCE**

A Joint Executive Committee whose prime purpose is to drive forward and oversee the Joint Arrangements between Chiltern and South Bucks. The primary functions of the JC are as follows:

- upon careful consideration of the relevant Business Case, to make Joint Decisions on behalf of each Authority within its terms of reference.
- To hear and resolve any disputes which have not already been resolved by the Joint Chief Executive
- Oversee the progress and achievement of Stage One and Stage Two of the Joint Arrangements
- Make any necessary recommendations to each Authority
- Receive reports from the Joint Chief Executive and Joint Senior Management Team once appointed

- Consider the Business Cases for Joint Service Proposals.

To achieve the overall aim, the JC shall (as part of its responsibilities):

- Oversee the development and subsequent delivery of a business case for the creation of a single senior management team (Chief Executive, Directors and Heads of Service) to serve the districts of Chiltern and South Bucks and present conclusions and recommendations to the Authorities both initially and on an ongoing basis.
- Understand the benefits gained and lessons learned from other similar successful and also failed attempts to integrate District Councils and present the findings to the Authorities.
- Recommend a mechanism/formula for the allocation of associated costs and efficiencies across the two organisations.
- Detail the risks, dependencies and resource and policy implications to the Authorities of taking this step and recommend any mitigating actions.
- Propose a communications plan to inform elected members, staff and managers in the Authorities, the media and (where and when appropriate) to residents in the relevant Districts.
- Subsequently, consider the next stages of delivering efficiencies through service integration, make any necessary recommendations on the future governance of that process and if requested identify suitable services and a timetable for integration and report accordingly.

Remit - The specific responsibilities of the JC are

- To review frequently (and at least on an annual basis as required by this Agreement) the operation of the Inter Authority Agreement between the Authorities and the overall delivery of the Joint Arrangements by the Authorities;
- To consider Business Cases setting out the detail of a Joint Service Proposal;
- To make Joint Decisions on behalf of each Authority following careful consideration of the relevant Business Case. Joint Decisions include:
  - a) Apportionment of the costs of the Joint Arrangements (using the methodology set out at Clause 8 of the Inter Authority Agreement)
  - b) Arrangements for the overall structure and resourcing of the Joint Arrangements
  - c) Agreement on the annual budget for the Joint Arrangements
  - d) Consideration and resolution of any matters disputed between the Authorities

e) Approval of any external advisors before appointment by an Authority

- To make recommendations to each Authority in respect of Joint Decisions and on the overall way forward for the Joint Arrangements;
- To establish and monitor appropriate performance indicators for Joint Arrangements including financial and service delivery indicators;
- To consider and address any concerns about the Inter Authority Agreement or about the Joint Arrangements in general raised by each Authority;
- To ensure that members of each Authority are regularly updated on the operation and progress of the Joint Arrangements.
- The JC may from time to time create limited task and finish groups of Members of each authority (Member Working Groups) to advise the JC on specific issues. The JC shall determine the membership of each Member Working Group and the terms on which each Member Working Group carries out its responsibilities.

### 1.3 Membership

Six Cabinet members from each Authority. Quorum, at least three elected members from each Authority.

### 1.4 Delegations

All matters necessary to enable the JC to carry out its functions and Remit save for any 'Reserved Decisions' as defined in the Inter- Authority Agreement.

### 1.5 Meetings

As and when necessary - minimum 5 times per year unless otherwise unanimously agreed. Venue to alternate between the two authorities offices and the leader of the host authority will chair each meeting. A member of staff of the host authority will provide the secretarial support to each meeting.

### 1.6 Standing Orders

Rules 5, 6, 12, 13, 16 (save for Rule 16(2) - the Chairman shall not have a casting vote), 17, 18, 19, 20 and 21 of the South Bucks District Council Procedure Rules shall apply to the meetings of the JC - and which for the avoidance of doubt are the same as Rules 5, 6, 11, 12, 14 (save for Rule 14(2) - the Chairman shall not have a casting vote), 15, 16, 17, 18 and 19 of the Chiltern District Council, or in so far as they include additional provisions or more generous provisions i.e. time limits on speeches, the additional and more generous rules shall so apply.

## 2. Joint Appointment and Implementation Committee (“JAIC”)

### 2.1 General

The JAIC is a Joint Non Executive Committee of the Authorities comprising at least seven members from each Authority. In the case of Chiltern District Council the membership of Personnel Committee will form the authority’s seven members of JAIC .

The venue for meetings of the JAIC will alternate between the Authorities’ offices and a member of the host Authority will chair each meeting.

The JAIC meetings will be considered quorate if at least three elected members from each Authority are present. Detailed standing orders will be agreed by each Authority to govern the operation of the JAIC

### 2.2 Terms of Reference

The JAIC shall deal with the implementation of the human resources implications of the Joint Arrangements and staffing matters following implementation of Joint Arrangements. Its primary functions are as follows:

- a. to deal with the arrangements for the appointments to the Joint Chief Executive and Joint Senior Management Team posts subject to the reference back to the relevant Full Council meeting of any decision which statutorily requires such approval
- b. to deal with any other staffing related implementation matters relating to the Joint Arrangements;
- c. to be responsible for the overall management of human resources relating to the Joint Arrangements to enable the economic, efficient and effective provision of joint services
- d. to ensure that appropriate policies and procedures are in place to support the objectives set out in a to c above
- e. to consider reports from the Joint Staff Consultative Group and make recommendations thereon
- f. to deal with any other statutory duties of the respective Councils relating to employment of staff in Joint Arrangements, not otherwise delegated to officers
- g. to consider and advise the Joint Committee on any other human resource matter connected with the Joint Arrangements which the Joint Committee specifically asks the JAIC to consider and report on

## **SECTION F - JOINT ARRANGEMENTS MADE BY THE CABINET**

### **1 THE CHILTERNNS CREMATORIUM JOINT COMMITTEE**

#### **1.1 General**

A Joint Committee established by Aylesbury Vale District Council, Chiltern District Council and Wycombe District Council (“the participating Councils”) to jointly manage the crematorium situate at and known as the Chilterns Crematorium, Whielden Street, Amersham, Bucks (the Crematorium”).

#### **1.2 Membership, Chairmanship and Quorum**

Number of Members	Six - two from each of the participating Councils
Substitute Members Permitted	Yes - but must be a member of the same Executive/Cabinet as the Substituted Member
Political Balance Rules apply	No
Appointments/Removals from Office	By a resolution of the Executive/Cabinet of the participating Councils
Term of Appointment	From the date of appointment to the date that they cease to hold office as a member of the Executive/Cabinet.
Casual Vacancies	To be filled by the Appointing Council’s Executive/Cabinet (or by a member or committee of the Executive/Cabinet as each participating Councils executive arrangements may provide) for the remainder of the term of the member replaced
Restrictions on Membership	Appointees must be a member of the Executive/Cabinet of the participating Councils.
Restrictions on Chairmanship/Vice-Chairmanship	None
Quorum	Three
Number of ordinary meetings per Council Year	Minimum of two
Extraordinary Meetings	The Chairman of the Joint Committee may call an extraordinary meeting at any



### **1.3 Terms of Reference**

Pursuant to the Crematorium Act 1907 as amended by the Crematorium Act 1952, Section 101(5) and 102(1) of the Local Government Act 1972, Section 20 of the Local Government Act 2000 and Regulations 4 and 11 of the Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2000, to exercise all the functions duties and powers of the participating Councils in connection with the provision and maintenance of the Crematorium, other than the power to appoint and remunerate staff, levy or issue a precept, borrow money or hold land.

### **1.4 Delegations**

The matters referred to in the Terms of Reference are fully delegated subject to the terms, restrictions and reservations set out in the Constitution of the joint committee.

## COMMITTEE

### 2.1 General

A joint committee established by Chiltern District Council, South Bucks District Council and Wycombe District Council ("the Councils") to consider reports from the officers and advise the respective Cabinets of the Councils concerning the management of waste collection, recycling collection and street cleansing services and related services in the Councils' administrative areas

### 2.2 Membership, Chairmanship and Quorum

Number of Members	Six – an executive member from each Council with responsibility for waste management and one further member from each Council
Substitute Members Permitted	Executive Members have the right to appoint deputies by giving notice to that effect to the Secretary to the Joint Committee
Political Balance Rules apply	No
Appointments/Removals from Office	By a resolution of the Cabinet/Executive of the participating Councils
Term of Appointment	In respect of a member who is a Cabinet/Executive member, from the date of appointment to the date that they cease to hold office as a Cabinet/Executive member or cease to have portfolio responsibilities for waste related functions. For all other members their term shall begin on the date of appointment and continue for the term notified to the Secretary to the Joint Committee by the appointing participating Council (being not less than twenty four months in duration).
Restrictions on Membership	One appointee from each participating Council must be the Cabinet/Executive member with portfolio responsibility for waste related functions and the second appointee should be a non-Cabinet/Executive member. Non-Cabinet/Executive members should not be a member of an Overview and Scrutiny Committee whose terms of reference include the review and scrutiny of municipal waste management functions.
Restrictions on Chairmanship/Vice-	Appointments shall be for a maximum period

Chairmanship	of two years. The chairmanship and vice chairmanship shall rotate between the Councils.
Restrictions on Voting	All members of the Joint Committee (or in their absence their duly appointed deputies, provided the deputy is also a Cabinet/Executive member) shall have the right to speak and vote, PROVIDED THAT members of Chiltern and Wycombe shall not have a right to vote in respect of the Biffa contract and members of South Bucks shall not have a right to vote in respect of the Serco contract. The Chairman has a casting vote.
Quorum	Three – provided that an executive member from each Council is present
Number of ordinary meetings per Council Year	Minimum of three

### 2.3 Terms of Reference

To exercise the following duties and powers in relation to management and procurement of waste collection, recycling collection and street cleansing services and related services (but only to the extent unanimously delegated to it by the participating Councils in accordance with the terms of the Constitution of the Joint Committee):-

- (a) overall responsibility for the management and monitoring of contract/s for waste collection, recycling collection and street cleansing services and related services;
- (b) agreeing any changes to the scope of the management of such contracts;
- (c) making decisions on day to day operational issues, including approval of relevant expenditure;
- (d) recommending the Waste Services Manager's service plan and budget to the Councils
- (e) ensuring that the collective objectives of the Councils in relation to waste services are realised and implemented as agreed between them from time to time; and
- (f) providing a forum for the resolution of any disputes between the Councils in connection with the management of the Serco and Biffa Contracts;
- (g) overseeing the procurement, implementation and management of any replacement contracts in the future;
- (h) exercising any other functions in relation to municipal waste management from time to time delegated to it.

### 2.4 Delegations

Provided the participating Councils unanimously agree to the exercise by the Joint Committee of any function or activity falling within these Terms of Reference such function or activity is fully delegated.

## **2.5 Joint Working Principles**

- 1 Each Council will co-operate with and give reasonable assistance to each other to provide information and inputs efficiently and economically as is required to successfully develop and operate their municipal waste management functions.
- 2 Each Council will ensure that its Council Representative complies with the principles of the Project in order to achieve the Objectives set out below.
- 3 Each Council will provide to the Joint Waste Collection Committee or any auditor appointed by the Joint Waste Collection Committee any information that is required in respect of any audit or inspection carried out in relation to the Services.
- 4 The Councils will work together to overcome any conflicts between the various other contracts dealing with recycle.
- 5 The Councils are committed to making the strategic planning and development of the Services as transparent as possible to each other and to the public as a whole.
- 6 The Councils recognise the importance of consultation and liaison on issues concerning the Services and commit themselves to the principle of consultation in the widest sense, both with themselves and the community, on any significant issue which will impact upon those receiving waste related services within the Councils' administrative areas.
- 7 In the event of any retendering, each Council agrees to disclose such information relating to the Services as may be reasonably required for the purpose of conducting a due diligence exercise to any proposed new contractor its advisers and lenders.
- 8 The Councils agree that communications and media output will be in line with the Joint Communications Strategy as reviewed and agreed from time to time.

## **Objectives**

- 9 The District Councils are members of the Waste Partnership for Buckinghamshire which includes Buckinghamshire County Council. The overarching 'vision' of the Partnership is to facilitate the effective planning and delivery of municipal waste management functions and services in Buckinghamshire.
- 10 The Councils will use innovative solutions to:
  - (a) meet or exceed local and national waste recycling targets (specified below)
  - (b) offer the highest standards of customer satisfaction
  - (c) meet or exceed environmental/ sustainability standards
  - (d) keep costs to the local authorities to a minimum

(e) deliver appropriate customer contact arrangements to support the services

2 THE JOINT WASTE COMMITTEE FOR BUCKINGHAMSHIRE

Comment [JS10]: Disbanded

3 THE BUCKINGHAMSHIRE LEADERS (GROUP)

Comment [JS11]: Disbanded

4. THE PATHFINDER JOINT IMPLEMENTATION BOARD<sup>8</sup>.

Comment [JS12]: Disbanded



5. ~~JOINT BUILDING CONTROL SERVICE~~

Comment [JS13]: Not continued

6. ~~CHILTERN, WYCOMBE, AYLESBURY VALE AND SOUTH BUCKS~~

Comment [JS14]: Superseded

**SECTION G COMPOSITION, TERMS OF REFERENCES AND DELEGATIONS  
TO STANDING COMMITTEES AND SUB-COMMITTEES OF THE COUNCIL**

**1 LICENSING AND REGULATION COMMITTEE**

**TO FOLLOW**

## 2. LICENSING SUB-COMMITTEE

**TO FOLLOW**

**3. TAXI AND PRIVATE HIRE LICENSING SUB-COMMITTEE**

**TO FOLLOW**

## 4. PLANNING COMMITTEE

### 4.1 General

A regulatory Committee of the Council established to be responsible for Development Control and related Town and Country Planning matters.

### 4.2 Membership, Chairmanship and Quorum

Number of Members	Thirteen (Constitution Review 14.11.07).
Substitute Members Permitted	No
Political Balance Rules apply	Yes
Appointments/Removals from Office	By resolution of full Council
Restrictions on Membership	Chairman of the Council may not be a member. <b>Note: The taking up of appointments to the Planning Committee (being able to attend and vote) is subject to the Member having attended the required training on "planning matters and the Members Code of Conduct". (Council 20.05.03, 19.05.09).</b>
Restrictions on Chairmanship/Vice-Chairmanship	Cabinet Members may not hold these offices
Quorum	Five
Number of ordinary meetings per Council Year	Sixteen
Standing Sub-Committees	None

### 4.3 Terms of Reference

- 4.3.1 To exercise the Council's responsibilities for the functions identified in the left hand column of the Table below in respect of the enactments identified in the right hand column :-

Function	Enactment
<b>Functions relating to Town and Country Planning and Development Control</b>	
1. Power to determine applications for planning permission.	Sections 70(1) (a) and (b) and 72 of the Town and Country Planning Act 1990 (c.8).
2. Power to determine applications to develop land without	Section 73 of the Town and Country Planning Act 1990.

<p>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 applications for planning permission.</p> <p>5. Duties relating to the making of determinations of planning applications.</p> <p>6. Power to determine applications for planning permission made by the Council, alone or jointly with another person.</p> <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 agreements 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>Section 73A of the Town and Country Planning Act 1990.</p> <p>Section 70A of the Town and Country Planning Act 1990.</p> <p>Sections 69, 76 and 92 of the Town and Country Planning Act 1990 and Articles 8, 10 to 13, 15 to 22 and 25 and 26 of the Town and Country Planning (General Development Procedure) Order 1995 (S.I. 1995/419) and directions made thereunder.</p> <p>Section 316 of the Town and Country Planning Act 1990 and the Town and Country Planning General Regulations 1992 (S.I. 1992/1492).</p> <p>Parts 6, 7, 11, 17, 19, 20, 21 to 24, 26, 30 and 31 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 (S.I. 1995/418).</p> <p>Section 106 of the Town and Country Planning Act 1990.</p> <p>Sections 191(4) and 192(2) of the Town and Country Planning Act 1990.</p> <p>Section 94(2) of the Town and Country Planning Act 1990.</p> <p>Section 220 of the Town and Country Planning Act 1990 and the Town and Country Planning (Control of Advertisements) Regulations 1992.</p>
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<p>12. Power to authorise entry onto land.</p>	<p>Section 196A of the Town and Country Planning Act 1990.</p>
<p>13. Power to require the discontinuance of a use of land.</p>	<p>Section 102 of the Town and Country Planning Act 1990.</p>
<p>14. Power to serve a planning contravention notice, breach of condition notice, stop notice or temporary stop notice.</p>	<p>Sections 171C, 187A and 183(1) and 171E of the Town and Country Planning Act 1990.</p>
<p>15. Power to issue an enforcement notice.</p>	<p>Section 172 of the Town and Country Planning Act 1990.</p>
<p>16. Power to apply for an injunction restraining a breach of planning control.</p>	<p>Section 187B of the Town and Country Planning Act 1990.</p>
<p>17. Power to determine applications for hazardous substances consent, and related powers.</p>	<p>Sections 9(1) and 10 of the Planning (Hazardous Substances) Act 1990.</p>
<p>18. Power to require proper maintenance of land.</p>	<p>Section 215(1) of the Town and Country Planning Act 1990.</p>
<p>19. Power to determine application for listed building consent, and related powers.</p>	<p>Sections 16(1) and (2), 17, and 33(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.</p>
<p>20. Power to determine applications for conservation area consent.</p>	<p>Section 16(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, as applied by section 74(3) of that Act.</p>
<p>21. Duties relating to applications for listed building consent and conservation area consent.</p>	<p>Sections 13(1) and 14(1) and (4) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and regulations 3 to 6 and 13 of the Planning (Listed Buildings and Conservation Areas) Regulations 1990 and paragraphs 8, 15 and 22 of Department of the Environment Transport and the Regions Circular 01/01.</p>



22. Power to serve a building preservation notice, and related powers.	Sections 3(1) and 4(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
23. Power to issue enforcement notice in relation to demolition of unlisted building in conservation area.	Section 38 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
24. Powers to acquire a listed building in need of repair and to serve a repairs notice.	Sections 47 and 48 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
25. Power to apply for an injunction in relation to a listed building.	Section 44A of the Planning (Listed Buildings and Conservation Areas) Act 1990.
26. Power to execute urgent works.	Section 54 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
27. Powers relating to the preservation of trees.	Sections 197 to 214D of the Town and Country Planning Act 1990 and the Trees Regulations 1999 (S.I. 1999/1892).
28. Powers relating to the protection of important hedgerows.	The Hedgerows Regulations 1997 (S.I. 1997/1160).
29. Power to issue a remedial notice in relation to a hedge adversely affecting the reasonable enjoyment of domestic property	Section 69 of the Anti Social Behaviour Act 2003
29 Power relating to complaints about high hedges.	Part 8 of Anti-Social Behaviour Act 2003.
30. Power to enter neighbouring land	Section 74 of the Anti Social Behaviour Act 2003
31. Power to carry out works in default of compliance with a remedial notice.	Section 77 of the Anti Social Behaviour Act 2003
32. Power to enter land.	Section 324 of the Town and Country

<p>33 The obtaining of information as to interests in land.</p>	<p>Planning Act 1990. Section 330 of the Town and Country Planning Act 1990.</p>
<p><b>Miscellaneous functions</b></p>	
<p>1 Power to stop up footpaths and bridleways or highways.</p>	<p>Section 118 of the Highways Act 1980 and Section 257 of the Town and Country Planning Act 1990.</p>
<p>2 Power to make a rail crossing extinguishment Order</p>	<p>Section 118A of the Highways Act 1980</p>
<p>3 Power to divert footpaths and bridleways.</p>	<p>Section 119 of the Highways Act 1980</p>
<p>4 Power to make a rail crossing diversion Order</p>	<p>Section 119A of the Highways Act 1980</p>
<p>5 Power to require applicant for Order to enter into an agreement,</p>	<p>Section 119C(3) Highways Act 1980</p>
<p>6 Power to extinguish public right of way over land acquired for clearance</p>	<p>Section 294 Housing Act 1981</p>
<p>7 Power to authorise stopping up or diversion of footpath or bridleway</p>	<p>Section 257 of the Town &amp; Country Planning Act 1990</p>
<p>8 Power to extinguish public rights of way over land held for planning purposes</p>	<p>Section 258 of the Town &amp; Country Planning Act 1990</p>
<p>8a. Power to extinguish certain public rights of way</p>	<p>Section 32 of the Acquisition of Land Act 1981.</p>

4.3.2 For the avoidance of doubt, in relation to the grant or issue by the Committee of any approval consent, licence, permission or registration, the exercise of the responsibilities for the above functions includes responsibility for :-

- 1) the imposition or amendment, modification or variation of any term, condition, limitation or restriction; or

- 2) the decision to take enforcement or other action in respect of a breach of any term, condition, limitation or restriction ;or
- 3) the decision to revoke, vary or modify any approval, consent, licence, permission or registration.

#### **4.4 Delegations**

All the functions identified in the above Table are delegated to the Committee other than the making or confirmation of by-laws, the promotion of a local act or any other matter reserved to full Council by law or this Constitution.

#### **4.5 Notes**

- 4.5.1 The functions identified in the above table are intended to be comprehensive. Any other function relating to Town and Country Planning – save for the preparation and adoption of the Development Plan which must be referred via Cabinet – will be the responsibility of the Planning Committee. Cabinet 22.09.09, Constitution Review 6.10.09, Council 27.10.09.
- 4.5.2. Any delegations to Officers are contained in the Scheme of Delegations to Officers set out in Section B of Part 7 of this Constitution.
- 4.5.4. In addition to complying with the adopted Code of Conduct for Elected and Co-opted Members, Members of the Planning Committee are also expected to comply with the Code of Conduct on Planning Matters set out at Section B of Part 5 of this Constitution.
- 4.5.5. Parish/Town Council Representations and public speaking is permitted at the Planning Committee in accordance with Rules 20 and 21 of the Council Procedure Rules – and non-members of the Committee who are District Councillors are subject to Rule 20a. (Rule 20a added by Constitution Review Committee 25.2.10 – Council 30.3.10).

## 5. **APPEALS COMMITTEE**

**Comment [JS15]:** Disbanded and replaced by Appeal and Complaints Committee

### **APPEALS AND COMPLAINTS COMMITTEE**

#### **1 General**

A Committee of the Council established to determine appeals by employees against decisions of the Council as employer.

#### **2 Membership, Chairmanship and Quorum**

<u>Number of Members</u>	<u>Eleven</u>
<u>Substitute Members Permitted</u>	<u>No</u>
<u>Political Balance Rules apply</u>	<u>Yes</u>
<u>Appointments/Removals from Office</u>	<u>By resolution of full Council</u>
<u>Restrictions on Membership</u>	<u>Although all members of the Council are eligible for appointment, any who are also members of the Joint Appointments and Personnel Committee will be ineligible to hear appeals that result from the decisions of that Committee</u>
<u>Restrictions on Chairmanship/Vice-Chairmanship</u>	<u>None</u>
<u>Quorum</u>	<u>Three</u>
<u>Number of ordinary meetings per Council Year</u>	<u>Meetings will be called as required</u>
<u>Standing Sub-Committees</u>	<u>None</u>

#### **3 Terms of Reference**

##### **Appeals**

3.1. For all employees to hear and determine appeals and grievances on the following matters:

- a) Dismissal on the grounds of misconduct, capability, ill-health and unfair selection for redundancy
- b) Grievances submitted under agreed procedures
- c) Disciplinary action as defined in conditions of employment

**Note:** The Committee can only consider appeals relating to grievances from current employees

3.2. To determine requests for a review of the Council's decision that an applicant

become homeless intentionally or whether a person is ineligible for acceptance on the Housing Register

3.3 To determine any other appeal against a decision made by or on behalf of the Council where provision is made for a right of appeal

### **Complaints**

3.4 To consider any complaint made against the Council which has been referred to the Local Ombudsman and which requires a determination by Members.

3.5 To make compensation payments or provide other benefits in cases of maladministration up to the value of £5,000.

### **4 Delegations**

Decisions on all matters falling within the terms of reference.

**NOTE:** The Head of Legal and Democratic Services, after consultation with the Chairman of the committee will constitute panels from the membership of the Appeals and Complaints Committee to hear appeal/complaints

## **6. PERSONNEL COMMITTEE**

### **6.1 General**

A Committee of the Council established to consider staffing matters (other than appeals).

### **6.2 Membership, Chairmanship and Quorum**

Number of Members	Nine including the Cabinet Leader and two other Members of the Cabinet. (Constitution Review 25.3.09, Council 31.3.09).
Substitute Members Permitted	No
Political Balance Rules apply	Yes
Appointments/Removals from Office	By resolution of full Council
Restrictions on Membership	None
Restrictions on Chairmanship/Vice-Chairmanship	No
Quorum	Three
Number of ordinary meetings per Council Year	Meetings will be called as required
Standing Sub-Committees	No

### **6.3 Terms of Reference**

6.3.1. To be responsible for the overall management of the Council's Human Resources within the financial resources approved by the Council so as to enable the economic, efficient and effective provision of services. (Constitution Review 25.3.09 and Council 31.3.09/27.10.09).

6.3.2. To ensure that appropriate policies and procedures are in place to support the objectives set out in paragraph 6.3.1 above and to make recommendations to full Council thereon.

6.3.3. To consider the minutes, reports and recommendations of the Chiltern District Council and Staff Joint Committee and to make recommendations to full Council thereon.

6.3.4. Subject to the Council's Employment Procedure Rules, to appoint and, where necessary, terminate the employment of Directors and Heads of Service.

6.3.5. To consider individual application by employees for early payment of pension benefits, other than those on medical grounds

## **6.4 Delegations**

All matters falling within paragraphs 6.3.4 and 6.3.5 of the Terms of Reference

## **6.5. Notes**

- 6.5.1. An appeal by an employee against a delegated decision of this Committee lies to the Appeals Committee.
- 6.5.2. Members involved in making a decision that results in an appeal to the Appeals Committee will be ineligible to sit on the Appeal Committee that hears the appeal.
- 6.5.3. The formulation and review of the Council's Whistle Blowing Policy falls within the terms of reference of the Standards Committee
- 6.5.4. Any delegations to Officers are contained in the Scheme of Delegations to Officers set out in Section B of Part 7 of this Constitution.

7. **HOMELESSNESS COMMITTEE**

**Comment [JS16]:** Replaced by Appeals and Complaints Committee



## 8. **BOUNDARIES AND ELECTORAL ARRANGEMENTS (COMMITTEE)**

**Comment [LB17]:** Replaced by the Governance & Electoral Arrangements Committee

### **GOVERNANCE AND ELECTORAL ARRANGEMENTS COMMITTEE**

#### **1 General**

A Committee of the Council established to monitor and review the operation of the Council's Constitution and political management arrangements, deal with election and electoral matters and the review of parishes, deal with urgent matters requiring a decision of the Council and any matter which is not within the responsibility of the Cabinet and which falls outside the terms of reference of any other Committee or officer delegation.

#### **2 Membership, Chairmanship and Quorum**

<u>Number of Members</u>	<u>Eleven</u>
<u>Substitute Members Permitted</u>	<u>No</u>
<u>Political Balance Rules apply</u>	<u>Yes</u>
<u>Appointments/Removals from Office</u>	<u>By resolution of full Council</u>
<u>Restrictions on Membership</u>	<u>None</u>
<u>Restrictions on Chairmanship/Vice-Chairmanship</u>	<u>None</u>
<u>Quorum</u>	<u>Four</u>
<u>Number of ordinary meetings per Council Year</u>	<u>Meetings will be called as required</u>
<u>Standing Sub-Committees</u>	<u>None</u>

#### **3. Matters Delegated for Decision**

- 3.1. To monitor and keep under review the operation of the Council's constitution and political management arrangements
- 3.2 To deal with election and electoral matters
- 3.3. To exercise functions in relation to parishes, parish meetings and parish councils including changing the name of a parish
- 3.3 To take any necessary action to enable recommendations to be made in respect of the matters listed below which are reserved to the Council
- 3.5 To make, amend or revoke byelaws
- 3.6 To deal with any personnel or pension matters not covered by the Joint Appointments and Implementation Committee/ Joint Personnel Committee

3.7 To deal where legally permissible, with any matter including the authorisation of legal proceedings which requires a decision of the Council and which cannot reasonably be dealt with in the normal cycle of meetings (see also note below)

3.8 To deal with any matter which, by virtue of the Local Authorities (Functions and Responsibilities) (England) Regulations from time to time in force or any other statutory provisions, cannot be the responsibility of the Cabinet and does not fall within the terms of reference of any other committee or within the Scheme of Officer delegations.

#### **4 Matters Reserved to Full Council**

4.1 Approval of:-

- a) Proposal to change the District's warding arrangements
- b) Final recommendations form a Parish Review
- c) Proposals to change the name or boundaries of the District
- d) The promotion of, or opposition of, national, local or private bills
- e) Changes to the Constitution

#### **NOTE:**

The Chief Executive or his nominee or the Head of Legal and Democratic Services, after consultation with the Chairman of the Committee must certify the reasons for urgency in respect of each item determined under paragraph 3.7 above. Reports to the Committee must also specify the reason for the urgency

Comment [LB18]: Replaced by the Resources Overview Committee

**RESOURCES OVERVIEW COMMITTEE**

**9.1 General**

A statutory Committee of the Council established to scrutinise and conduct Value for Money Reviews in relation to the services and functions falling within the Leader, Support Services and Customer Services Cabinet Portfolios and related functions.

**9.2 Membership, Chairmanship and Quorum**

Number of Members	Fifteen
Substitute Members Permitted	No
Political Balance Rules apply	Yes
Appointments/Removals from Office	By resolution of full Council
Restrictions on Membership	Chairman and Vice-Chairman of the Council and Members of the Cabinet are ineligible
Restrictions on Chairmanship/Vice-Chairmanship	No
Quorum	Five
Number of ordinary meetings per Council Year	Four
Standing Sub-Committees	None.

**9.3 Terms of Reference**

**9.3.1 Areas of Responsibility**

The Areas of Responsibility of the Committee are: -

- 1) The functions and service falling within the Leader, Support Services and Customer Services Cabinet Portfolios as described in Section C of Part 3 of this Constitution
- 2) The functions of the Council shared with the Leader, Support Services and Customer Services Cabinet Portfolios or which directly or indirectly affect the discharge of the services and functions falling within those portfolios
- 3) The external Partnerships falling within the Leader, Support Services and Customer Services Cabinet Portfolios and any other external body or stakeholder whose activities directly or indirectly affect the discharge

of any of the services and functions falling within those Portfolios

### **9.3.2 Committee Tasks**

The power to perform the following Tasks within the Areas of Responsibility of the Committee.

#### **General Role**

- 1) To develop and monitor its own work programme(s).
- 2) To review the Forward Plan of the Cabinet.
- 3) To make reports and/or recommendations to the full Council and/or the Cabinet.
- 4) With the consent of the Cabinet Leader, Support Services or Customers Services Portfolio Holders (as the case may be), consider reports relating to Key Decisions prior to consideration by the Cabinet.
- 5) Consider any matter affecting the District or its residents.

#### **Scrutiny**

- 6) To review and scrutinise the performance of the Cabinet Leader and the Portfolio Holders for Support Services and Customers Services in relation to (i) policy and budgetary development and implementation, (ii) the discharge of Executive functions including relevant national or local performance indicators, measures or targets, and (iii) decision making generally.
- 7) To review and scrutinise the performance of the Council in relation to its policy objectives, national or local performance indicators, measures or targets and/or particular service areas.
- 8) To question members of the Cabinet and/or Chief Executive/ Director and Heads of Service about any matter that this Overview Committee is empowered to scrutinise by the Clauses above.
- 9) To invite members of the public and/or representatives of community and partner organisations, or experts, to attend and give evidence to the Committee in connection with any matter arising out of, or in connection with, or resulting from, the scrutiny process.
- 10) To review the performance of other public bodies in the area.
- 11) Subject to their consent first being obtained, to question and gather

evidence from any person in connection with any matter arising out of, or in connection with, or resulting from, the scrutiny process.

- 12) To receive and review the annual FOIA report (Annual Report also to Cabinet).

### **Value for Money**

13) To undertake value for money reviews of services or key partnerships – this may be at the request of the Cabinet, Council or identified as part of the Committees own work programme

14) To approve the terms of reference of any value for money reviews to be undertaken and take overall responsibility for the completion of that review

15) To consider any reports in relation to Value for Money referred to the committee by the Audit Committee and make recommendations to Council or to the Cabinet as appropriate in relation thereto.

### **Policy Development and Review**

16) If requested to do so by full Council or the Cabinet:-

- (i) to assist in the development of the Council's Budget and Policy Framework beyond the role allocated to it by the Budget and Policy Framework Procedure Rules set out in Section E of Part 4 of this Constitution by in-depth analysis of policy issues, including conducting research and community consultation;
- (ii) to consider and implement mechanisms to encourage and enhance community participation in the development of policy options; and
- (iii) to liaise with other external organisations operating in the District, whether national, regional or local, to ensure that the policy development and implementation and decision making generally is enhanced by partnership and collaborative working.

### **Finance**

17) To exercise overall responsibility for the finances made available to it.

## **9.4 Delegations**

Within the Areas of Responsibility of the Committee the matters referred to in paragraphs 9.3.1 and 9.3.2 of the Terms of Reference.

## **9.5 Notes**

9.5.1 The terms of reference of this Overview Committee must be read in conjunction with the various Procedural Rules set out in Part 4 of this Constitution, particularly the Overview and Scrutiny Procedure Rules, Access to Information Rules and the Budget and Policy Framework Procedure Rules.

**1.    General**

A Committee established to provides independent assurance of the adequacy of the internal controls and assurance mechanisms of the Council, to approve its financial accounts, promote and maintain high standards of conduct within Council members and co-opted members and consider breaches of the Council’s Code of Conduct or the Codes of Conduct of parish councils within the district

**2.    Membership, Chairmanship and Quorum**

<u>Number of Members</u>	<u>Eleven</u>
<u>Substitute Members Permitted</u>	<u>No</u>
<u>Political Balance Rules apply</u>	<u>Yes</u>
<u>Appointments/Removals from Office</u>	<u>By resolution of full Council.</u>
<u>Restrictions on Membership</u>	<u>Chairman and Vice-Chairman of the Council and Members of the Cabinet are ineligible</u>
<u>Restrictions on Chairmanship/Vice-Chairmanship</u>	<u>None</u>
<u>Quorum</u>	<u>Four</u>
<u>Number of ordinary meetings per Council Year</u>	<u>Minimum of Two</u>

**3.    Terms of Reference**

To deal with the following matters:-

- a) To consider the effectiveness of the authority’s risk management arrangements, the control environment and associated anti-fraud and anti-corruption arrangements.
- b) To seek assurances that action is being taken on risk-related issues identified by auditors and inspectors.
- c) To review and approve the authority’s assurance statements, including the Statement on Internal Control, on behalf of the authority.
- d) To approve, but not direct, internal audit’s strategy, plan and monitor performance
- e) To review the main issues arising from the internal audit reports and seek assurance that action has been taken where necessary.
- f) To receive the annual report of the internal audit service.

- g) To consider the reports of external audit and inspection agencies, and monitor management action in response to issues raised.
- h) To ensure that there are effective relationships between external and internal audit, inspection agencies, other relevant bodies, and that the value of the audit process is actively promoted.
- i) To review and approve the financial statement on behalf of the authority and review the external auditors opinion on the financial statements.
- j) To review on a regular basis the Code of Conduct for Members and also for Officers and to monitor the effect of implementation of the Codes of Conduct
- k) To develop a complaints procedure re non-adherence with the District, or any parish within the District, Code of Conduct.
- l) To receive complaints and thereafter consider, review, investigate, conduct hearings and impose sanctions as may be required.
- m) To promote on an active basis the highest standards of ethical conduct by Councillors and Officers.
- n) To ensure training and guidance is provided to Councillors, including assisting Parishes to train their own Councillors, on all aspects of Codes of Conduct and adherence to ethical standards for Councillors.
- o) To establish a Hearings Sub-Committee – terms of reference, membership, quorum and frequency of meetings as set out in the Council's adopted Complaints procedure

#### **4 Delegations**

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All these Terms of Reference are full delegated except any recommendations arising out of Items j) and k) shall be reported full Council as appropriate.



11. HOUSING AND PLANNING OVERVIEW (COMMITTEE)

Comment [LB19]: Disbanded

## 12. **COMMUNITY AND ENVIRONMENT OVERVIEW (COMMITTEE)**

Comment [LB20]: Disbanded

### **SERVICES OVERVIEW (COMMITTEE)**

Comment [LB21]: Replaced Community & Environment and Housing & Planning Overview Committees

#### **11.1 General**

A statutory Committee of the Council established to scrutinise and conduct Reviews in relation to the services and functions falling within the Housing, Health, Communities and Leisure, Sustainable Development and Waste and Property Cabinet portfolios

#### **11.2 Membership, Chairmanship and Quorum**

Number of Members	Fifteen
Substitute Members Permitted	No
Political Balance Rules apply	Yes
Appointments/Removals from Office	By resolution of full Council
Restrictions on Membership	Chairman and Vice-Chairman of the Council and Members of the Cabinet are ineligible
Restrictions on Chairmanship/Vice-Chairmanship	No
Quorum	Five
Number of ordinary meetings per Council Year	Four
Standing Sub-Committees	No

#### **11.3 Terms of Reference**

##### **11.3.1 Areas of Responsibility**

The Areas of Responsibility of the Committee are: -

- 1) The functions and service falling within the Housing, Health, Communities and Leisure, Sustainable Development and Waste and Property Cabinet Portfolios as described in Section C of Part 3 of this Constitution
- 2) The functions of the Council shared with the Housing and Health, Sustainable Development, Community and Waste and Customer Services Cabinet Portfolios or which directly or indirectly affect the discharge of any of the services and functions falling within those portfolios.
- 3) The external Partnerships falling within the Housing, Health,

Communities and Leisure, Sustainable Development and Waste and Property Cabinet Portfolios and any other external body or stakeholder whose activities directly or indirectly affect the discharge of the services and functions falling within those portfolios

### **11.3.2. Committee Tasks**

The power to perform the following Tasks within the Areas of Responsibility of the Committee:-

#### **General Role**

- 1) To develop and monitor its own work programme(s);
- 2) To review the Forward Plan of the Cabinet;
- 3) To make reports and/or recommendations to the full Council and/or the Cabinet;
- 4) With the consent of the Housing, Health, Communities and Leisure, Sustainable Development and Waste and Property Portfolio Holders (as the case may be), consider reports relating to Key Decisions prior to consideration by the Cabinet; and
- 5) Consider any matter affecting the District or its residents;

#### **Scrutiny**

- 6) To review and scrutinise the performance of the Portfolio holders for Housing, Health, Communities and Leisure, Sustainable Development, y and Waste and Property in relation to (i) policy and budgetary development and implementation, (ii) the discharge of Executive functions including relevant national or local performance indicators, measures or targets, and (iii) decision making generally.
- 7) To review and scrutinise the performance of the Council in relation to its policy objectives, national or local performance indicators, measures or targets and/or particular service areas.
- 8) To question members of the Cabinet and/or Directors and Heads of Service about any matter that this Overview Committee is empowered to scrutinise by the Clauses above.
- 9) To invite members of the public and/or representatives of community and partner organisations, or experts, to attend and give evidence to the Committee in connection with any matter arising out of, or in connection with, or resulting from, the scrutiny process.

- 10) To review the performance of other public bodies in the area.
- 11) Subject to their consent first being obtained, to question and gather evidence from any person in connection with any matter arising out of, or in connection with, or resulting from, the scrutiny process.

### **Value for Money**

- 12) To undertake value for money reviews of services or key partnerships – this may be at the request of the Cabinet, Council or identified as part of the Committees own work programme
- 13) To approve the terms of reference of any value for money reviews to be undertaken and take overall responsibility for the completion of that review
- 14) To consider any reports in relation to Value for Money referred to the committee by the Audit Committee and make recommendations to Council or to the Cabinet as appropriate in relation thereto

### **Policy Development and Review**

- 15) If requested to do so by full Council or the Cabinet:-
  - (i) to assist in the development of the Council's Budget and Policy Framework beyond the role allocated to it by the Budget and Policy Framework Procedure Rules set out in Section E of Part 4 of this Constitution by in-depth analysis of policy issues, including conducting research and community consultation;
  - (ii) to consider and implement mechanisms to encourage and enhance community participation in the development of policy options; and
  - (iii) to liaise with other external organisations operating in the District, whether national, regional or local, to ensure that the policy development and implementation and decision making generally is enhanced by partnership and collaborative working.

### **Finance**

- 16) To exercise overall responsibility for the finances made available to it.

## **11.4 Delegations**

Within the Areas of Responsibility of the Committee the matters referred to in paragraphs 11.3.1 and 11.3.2 of the Terms of Reference.

## **11.5 Notes**

11.5.1. The terms of reference of this Overview Committee must be read in conjunction with the various Procedural Rules set out in Part 4 of this Constitution, particularly the Overview and Scrutiny Procedure Rules, Access to Information Rules and the Budget and Policy Framework Procedure Rules.

13. STANDARDS COMMITTEE

Comment [JS22]: Replaced by Audit and Standard Committee

14. REFERRALS SUB COMMITTEE

Comment [JS23]: 14,15 and 16 Repealed by Localism Act 2011

15. REVIEW SUB-COMMITTEE

16. STANDARDS HEARINGS AND CONSIDERATION SUB COMMITTEE

17. ~~CONSTITUTION REVIEW COMMITTEE~~ – now replaced by the Governance & Electoral Arrangements Committee (as above)

**SECTION H – COMPOSITION AND TERMS OF REFERENCE OF COUNCIL  
STANDING PANELS AND WORKING GROUPS**

**1. APPOINTMENT OF EXTERNAL MEMBERS (PANEL)**

**Comment [JS24]:** No longer required after Localism Act abolished Standards Committee

**2.1. INDEPENDENT REVIEW OF MEMBERS ALLOWANCES PANEL**

**2.1 General**

A Panel established by the Council pursuant to Regulation 20 of the Local Authorities (Member Allowances) (England) Regulations 2003 (as amended) (hereafter referred to “the 2003 Regs”) to make recommendations to the Council as to Members Allowances – and to Parish/Town Councils as to Parish/Town Councillors allowances – as per Regulation 27 of the 2003 Regs.

**2.2 Membership, Chairmanship and Quorum**

Number of Members	Minimum 3 Members Maximum 8
Membership	Non Councillors and non-Co-opted Members
Chairmanship	Chairman – self elected from Panel members
Appointments/Removal from office	By resolution of Full Council on recommendation of External Members Panel
Term of Office	Four years
Quorum	Three

**2.3 Terms of Reference**

To produce a report making recommendations to the Council on its Member Allowance Scheme, the amounts to be paid and the pensionability of allowances (where relevant) to which the local authority must have regard – as per Regulation 21 of the 2003 Regs.

To produce a report making recommendations to Parish/Town Councils within the Chiltern District as to a Parish/Town Councillor Allowance Scheme – as per Regulation 28 of the 2003 Regs.