

Section 3 - Other functions

This section contains a description of the bodies who have functions delegated to them by Council. Those functions are as follows:

- Town and Country Planning, Development Control (the Planning Functions)
- Licensing Functions
- Audit Functions
- Standards Functions
- Employment Functions
- Health and Wellbeing Functions
- Corporate Parenting Functions

3.5.1 Planning Control Committee

3.5.2 When the committee carries out the planning functions it will follow the Probity in Planning Code of Conduct (part 5 section 6)

3.5.3 The committee functions are:

Planning and Conservation:

All functions relating to town and country planning and development control as specified in Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, as amended, (the Functions Regulations).

Delegations

3.5.4 The committee's delegations are:

a) To deal with any applications for planning permission under the Town and Country Planning Act 1990 and related legislation or for listed building consent under the Planning (Listed Buildings and Conservation Areas) Act 1990, subject to the inclusion of adequate detailed information relating to the application which is to the satisfaction of the Director for Business, Growth and Infrastructure as follows:

(i) Any application recommended for approval where there are three or more objections received from third parties from different households, with the exception of any domestic householder planning application which falls within the approved supplementary planning guidance note 6 or otherwise

would be accepted under Prior notification procedures in relation to enhanced permitted development rights; and

(ii) Any application which has raised a novel planning issue

- b) Any application in respect of which at least one Member of the Planning Control Committee has given prior written notice to the Assistant Director (Localities)/Resource and Regulation that he/she wishes the application to be determined by the Planning Control Committee, which must state clear planning reasons for the call in request and be authorised by the Chair of the Planning Control Committee.
- c) Any application relating to a development which would constitute a substantial departure from the provisions of any approved plan or policies, in particular the Unitary Development Plan or subsequent adopted Local Plan, which is recommended for approval and/or is not a repeat or duplicate application of one previously refused.
- d) Any application submitted by or on behalf of a Member of the Council or his/her spouse.
- e) the application is submitted by a council officer who is employed in the planning service or works closely with it, or is a senior manager as defined in the council's pay policy statement, or by a close family member such that the council officer has a material interest in the application
- f) Any application over and above the levels defined in (i) and (ii) detailed below, subject to the application not being a repeat or duplicate of an application previously refused:-
 - (i) 50 or more dwellings or, if it is known, where the site is 2.5 hectares or more;
 - (ii) for all other uses, where the floor space to be created is 5,000 square metres or more or the site is 0.5 hectares or more.
- g) (Any other application which, in the opinion of the Director for Business, Growth and Infrastructure merits consideration by the Planning Control Committee.
- h) The decision to enter land in Part 2 of the Council's Brownfield Land Register thereby triggering a grant of Permission in Principle where the criteria referred to at (a) to (f) above are met and any application for Technical Details Consent where the criteria at (b) to (f) above are met.

- i) Any application submitted on behalf of the Council where there is at least one objection received from third parties.

Street Naming

- j) To deal with the naming and re-naming of streets and the numbering and renumbering of properties, where objections have been received to proposals.

Tree Preservation Orders

- k) To deal with the making or confirmation of tree preservation orders, in accordance with Sections 197 to 214D of the Town and Country Planning Act 1990 (or as subsequently amended) and the Tree Regulations 2012 (or as subsequently amended) where objections have been received to proposals.

Listed Buildings and Conservation Areas

- l) To determine applications for grants for repair/maintenance works in respect of listed buildings where the amount of grant requested exceeds £5,000.
- m) To designate a conservation area under Section 69 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 (or as subsequently amended).

General

- n) To give directions restricting permitted development under Article 4 of the Town and Country Planning (Development Procedure) (England) Order 2015 (or as subsequently amended).
- o) To deal with any functions relating to town and country planning and development control (development management) referred to in the Local Authorities (Functions and Responsibilities) Regulations 2000, as amended, where the appropriate officer does not wish to exercise his/her delegated powers.

Commons Registration

- p) To deal with any functions relating to the registration of common land or Town and Village Greens and to register the variation of the rights of common as set out in Schedule 1 to the Functions Regulations, as amended, where the appropriate officer does not wish to exercise his/her delegated powers.

Public Rights of Way

- q) To deal with any functions relating to public rights of way referred to in the Local Authorities (Functions and Responsibilities) Regulations 2000, as amended, where the appropriate officer does not wish to exercise his/her delegated powers.

3.5.5 The Licensing and Safety Committee Functions

- 3.5.6 The functions of the Licensing and Safety Committee are set out below. All other licensing and related functions not within the remit of the committee are delegated to the Chief Executive, who will maintain the Officer Scheme of Delegation detailing all relevant delegations to officers.

3.5.7 Private / Public Hire Vehicles, Gaming, Alcohol, Entertainment, Food, Gambling and miscellaneous Licensing:

Functions relating to licensing and registration as set out in Schedule 1 to the Functions Regulations and licences included in the Licensing Act 2003.

3.5.8 Health and Safety:

Functions relating to health and safety under any "relevant statutory provision" within the meaning of Part 1 of the Health and Safety at Work Act 1974, to the extent that those functions are discharged otherwise than in the Council's capacity as employer.

3.5.9 Other functions of the Licensing and Safety Committee

- 3.5.10 The Licensing and Safety Committees other functions are:
 - a) To determine all new applications and all renewals for hackney carriage proprietor (vehicle), hackney carriage driver, private hire vehicle, private hire driver and private hire operator licences where the applicants do not comply with the relevant policy, guidelines, criteria or where there are grounds for refusal of the applications under the relevant legislation.
 - b) To determine the design of the plates and badges to be displayed in connection with hackney carriage and drivers' licences and private hire vehicles and drivers' licences.

- c) To determine all applications for sex establishment licences under the Local Government (Miscellaneous Provisions) Act 1982, Section 2 and Schedule 3.
- d) To deal with the approval of premises for the solemnisation of marriages in accordance with Regulation 46A of the Marriage Act 1994 (c.76) and the Marriages (Approved Premises) Regulations 1995 and to set the appropriate fees where the appropriate officer does not wish to exercise his/her delegated powers.
- e) To deal with matters relating to the functions of the Council relating to the Safety of Sports Grounds Act 1975 and the Sporting Events (Control of Alcohol Etc.) Act 1985 and Part III of the Fire Safety and Safety of Places of Sport Act 1987 where the appropriate officer does not wish to exercise his/her delegated powers.
- f) To determine the pre-requisites, minimum standards, terms, conditions and restrictions associated with and/or to be attached to any licence which falls within the purview of the Licensing and Safety Committee.
- g) To authorise the revocation or suspension of any Licence which falls within the purview of the Licensing and Safety Committee except in circumstances involving risk to the public safety in which case authority be delegated to the Head of Service (Public Protection) and/ or the Unit Manager (Licensing) after consultation with the Chair of the Committee to revoke or suspend a Licence with immediate effect subject to a report to the next Committee meeting.
- h) To determine any applications for licences where the appropriate officer does not wish to exercise his/her delegated powers.
- i) To deal with any licensing and registration functions referred to in the Local Authorities (Function and Responsibilities) Regulations 2000, as amended, where the appropriate officer does not wish to exercise his/her delegated powers.
- j) To deal with any health and safety matters under Part 1 of the Health and Safety Act 1974 where the appropriate officer does not wish to exercise his/her delegated powers.
- k) To make recommendations to Council in respect of licensing functions covered by the Licensing Act 2003, and to deal with all policy and monitoring matters relating to licensing functions covered by the Act.
- l) To determine refusals to grant revocations and variations of licences for Housing in Multiple Occupation under the provisions of the Housing Act 2004.
- m) To act as the single review body in respect of drivers working on Council school and college contracts

3.5.11 Licensing Hearings Sub-Committee functions

3.5.12 The Licensing Hearings Sub-committee determines all applications that fall within the Licensing Act 2003 which have attracted representations against them including:

- a) Applications for personal licences (if police objection);
- b) Applications for personal licences with unspent convictions;
- c) Applications for premises licences/club premises certificates (if relevant representation are made as specified in the Licensing Act 2003);
- d) Applications for provisional statements (if relevant representation are made as specified in the Licensing Act 2003);
- e) Applications to vary premises licences/club premises certificates (if relevant representation are made as specified in the Licensing Act 2003);
- f) Applications to vary designated premises supervisor (if police objection);
- g) Requests to be removed as a designated premises supervisor
- h) Applications for transfer of premises licence (if police objection);
- i) Applications for interim authorities (if police objection);
- j) Applications to review premises licences/club premises certificate;
- k) Deciding whether to object when the authority is a consultee and not the relevant authority considering an application;
- l) Determination of objections to temporary event notices;
- m) Determination of application to vary premises licence at community premises to include alternative licence condition (if police objection)
- n) Revocations of licences where convictions come to light

3.5.13 The Licensing Hearings Sub-committee determines all applications that fall within the Gambling Act 2005 which have attracted representations against them including:

- a) Application for Premises Licence
- b) Application for a variation to a licence
- c) Application for a transfer of a licence
- d) Application for a provisional statement
- e) Review of a premises licence
- f) Application of club gaming/club machine permits
- g) Cancellation of club gaming/club machine permits
- h) Decision to give a counter notice to a temporary use notice

3.5.13 Audit Committee Functions

3.5.14 The purpose of an audit committee is to provide independent assurance on the adequacy of the risk management framework together with the

internal control of the financial reporting and annual governance processes.

3.5.15 Internal audit

- (a) To consider the Head of Internal Audit's annual report and opinion, and a summary of internal Audit activity (actual and proposed) and the level of assurance it can give over the Council's corporate governance arrangements
- (b) To consider summaries of specific Internal Audit reports and the main issues arising and seek assurance that action has been taken where necessary
- (c) To consider reports dealing with the management and performance of the providers of Internal Audit Services
- (d) To consider a report from Internal Audit on agreed recommendations not implemented within a reasonable timescale
- (e) To be able to call senior officers and appropriate members to account for relevant issues within the remit of the Committee
- (f) The Committee will not receive detailed information on investigations relating to individuals. The general governance principles and control issues may be discussed, in confidential session if applicable, at an appropriate time, to protect the identity of individuals and so as not to prejudice any action being taken by the Council.

3.5.16 External audit

- (a) Review and agree the External Auditors annual plan, including the annual audit Fee and annual letter and receive regular update reports on progress
- (b) To consider specific reports from the External Auditor
- (c) To meet privately with the External Auditor once a year if required
- (d) To comment on the scope and depth of external audit work and to ensure it gives value for money
- (e) To recommend appointment of the council's local (external) auditor
- (f) Ensure that there are effective relationships between external and internal audit that the value of the combined internal and external audit process is maximised.

3.5.17 Governance

- (a) To maintain an overview of the council's Constitution, conduct a biennial review and recommend any changes to council other than

changes to the Contract Procedure Rules, Finance Procedure Rules which have been delegated to the committee for adoption

- (b) To monitor the effective development and operation of risk management and corporate governance in the council
- (c) To maintain an overview and agree changes to the council policies on whistleblowing and the 'Anti-fraud and corruption strategy'
- (d) To oversee the production of the authority's Statement on Internal Control and to recommend its adoption
- (e) To annually conduct a review of the effectiveness of the council's governance process and system of internal control which will inform the Annual Governance statement
- (f) The council's arrangements for corporate governance and agreeing necessary actions to ensure compliance
- (g) To annually review the council's information governance requirements
- (h) To agree the annual governance statement (which includes an annual review of the effectiveness of partnership arrangements together with monitoring officer, s151 officer, Caldicott guardian and equality and compliance manager reviews)
- (i) To adopt an audit and governance code
- (j) To undertake community governance reviews and to make recommendations to Council.

3.5.18 Accounts

To review and approve the Statement of Accounts, external auditor's opinion and reports on them and monitor management action in response to the issues raised by external audit.

3.5.19 to 3.5.23 Not used

3.5.24 Employment Panel Functions

3.5.25 Council has agreed that an Employment Panel be established that will fulfil the following functions:

- (a) Be the appropriate body including acting as the Investigating and Disciplinary Committee, to fulfil the employment functions as set out in part 4 section 9, the Officer Employment Procedure Rules in relation to: Chief Officers and Deputy Chief Officers including the Head of Paid Service (to include Returning Officer and Electoral Registration Officer functions), Deputy Chief Executive; Director for

Adults and Communities, Director of Children and Families; Director of Public Health, Monitoring officer and s151 officer.

- (b) Review the annual pay policy statement and make recommendations to Council
- (c) Be a consultee on all terms and conditions including policies for all staff
- (d) Approve the performance and development framework for annual assessment of the Chief Executive
- (e) Appeals against dismissal, grading and grievances by employees of the council and applications for premature retirement.

The Chair of the Employment Panel has delegated authority to suspend the Head of Paid Service.

3.5.26 Health and Wellbeing Board Functions

3.5.27 Bury Council has established a Health and Wellbeing Board in accordance with the provisions of the Health and Social Care Act 2012.

3.5.28 The functions of the Board are:

- (a) To encourage those who arrange the provision of any health or social care services in Bury to work in an integrated manner for the purpose of advancing the health and wellbeing of the people of Bury.
- (b) To provide such advice, assistance or other support as it thinks appropriate, for the purpose of encouraging the making of prescribed arrangements under S 75 National Health Service Act 2006.
- (c) To encourage those who arrange for the provision of any health related services in Bury to work closely with the health and wellbeing board.
- (d) To encourage the close working of those providing health or social care services with those who arrange for the provision of health related services in Herefordshire.
- (e) To prepare a health and social care joint strategic needs assessment for the district
- (f) To prepare a joint health & wellbeing strategy to meet those needs
- (g) Reviewing whether the commissioning plans and arrangements for the NHS, public health and social care (including Better Care Fund submissions) are in line with and have given due regard to the health and wellbeing strategy
- (h) To prepare and publish a local Pharmaceutical Needs Assessment under S206 of the 2012 Act and additionally:

- (i) To give its opinion, as appropriate, to Bury Council, the Clinical Commissioning group or NHS commissioning Board, as to whether they are discharging their duty to have regard to any assessment of relevant needs prepared by the Council, the Clinical Commissioning Group or NHS commission Board in the exercise of their functions.
- (j) To sign off annual plans and periodic performance submissions for the better care fund

3.5.29 Corporate Parenting Board

3.5.30 Bury Council has established a corporate parenting board to oversee work with children and young persons in care (CYPiC) and care leavers

3.5.31 The functions of the board are:

- a) To take an overview of the Council's and partner agencies responsibilities towards all CYPiC and Care Leavers and examine ways in which the Council as a whole and partner agencies can improve their life chances
- b) To ensure there are good joint working arrangements between Council departments and partner agencies, including working arrangements with the Children's Trust Board, Bury Safeguarding Children's Board and the Health & Wellbeing Board
- c) To monitor and scrutinise the performance of services for CYPiC and Care Leavers, supporting good practice and challenging and holding to account for poor practice
- d) To provide a forum for CYPiC and Care Leavers to participate and influence policy and to have an opportunity to talk about issues relating to their own direct experiences of services they have received.
- e) To ensure that positive experiences are maintained and lessons are learnt and changes made in the areas that require improvements.
- f) To maintain a strategic overview of all developments, plans, policies and strategies for CYPiC and Care Leavers and to make appropriate recommendations for action
- g) To monitor and scrutinise the plans/needs of children in secure accommodation.
- h) To ensure Members are regularly updated on issues affecting CYPiC and Care Leavers.

- i) To meet with looked after children and their carers on a regular basis to consult and celebrate achievements
- j) To act as the governing body of the Virtual School for CYPiC.

3.5.32 Standards Committee

3.5.33 The Standards Committee has the following functions:

3.5.34 Code of conduct

To promote and maintain high standards of conduct by members and co-opted members of the Council

- (a) To recommend to Council the adoption of a code (the Code of Conduct) dealing with the conduct that is expected of members and co-opted members of the Council and its arrangements for dealing with complaints (the Complaints Procedure) that members and co-opted members have failed to comply with the code.
- (b) To keep the Code of Conduct and Complaints Procedure under review and recommend changes/replacement to Council as appropriate
- (c) To publicise the adoption, revision or replacement of the Council's Code of Conduct and Complaints Procedure
- (d) To oversee the process for the recruitment of the Independent Persons and make recommendations to Council for their appointment
- (e) To annually review overall figures and trends from Code of Conduct complaints.
- (f) To grant dispensations under Section 33 (2) (b) (d) and (c) Localism Act 2011 or any subsequent amendment
- (g) To hear appeals in relation to dispensations granted under section 33 2) (a) and (c) Localism Act 2011 by the Monitoring Officer
- (h) Advising, training or arranging to train Councillors, co-opted members, on matters relating to the Members' Code of Conduct;
- (i) To determine how to deal with complaints made against Councillors where it is alleged that they have failed to comply with the Code of Conduct.
- (j) To determine investigation reports compiled on behalf of the Monitoring Officer, including the power to establish hearing panels, where necessary.
- (k) To deal with any reports from the Monitoring Officer on any matter which is referred to it for determination;

- (l) To deal with reports of the Monitoring Officer regarding breaches of the protocols/guidance to Members accompanying the Council's Code of Conduct for Members which do not in themselves constitute a breach of that Code;
- (m) To report from time to time to Council on ethical governance within the Council.
- (o) To maintain an overview of complaints handling and Ombudsman Investigations
- (p) To consider and determine applications for exemptions from political restriction

3.5.35 Standards Hearing Panel

The Standards Hearings Panel is a sub-committee of the Standards Committee, which will undertake the functions set out below, where the matter cannot be resolved by the Monitoring Officer. The following functions have been delegated to it:

- i) To take decisions in respect of a Council Member who is found on a hearing held in accordance with the Council's Complaints Procedure to have failed to comply with the Council's Code of Conduct for Members ("the Subject Member"), such actions to include:-
 - (i) Publication of the findings of the Standards Hearings Panel in respect of the Subject Member's conduct;
 - (ii) Reporting the findings of the Standards Hearings to Council for information;
 - (iii) Recommendation to Council that the Subject Member should be censured;
 - (iv) Recommendation to the Subject Member's Group Leader (or in the case of ungrouped Members to Council) that the Subject Member should be removed from any or all Committees or Sub-Committees of the Council for a recommended period;
 - (v) Recommendation to the Leader that the Subject Member should be removed from the Executive, or removed from their Portfolio responsibilities;
 - (vi) Instructing the Monitoring Officer to arrange training for the Subject Member;
 - (vii) Recommendation to Council that the Subject Member should be removed from all appointments to which the Subject Member has been appointed or nominated by the Council;

(viii) Withdrawal of facilities provided to the Subject Member by the Council, such as a computer, website and/or e-mail and internet access; or

(ix) Placing such restrictions on the Subject Member's access to Council staff, buildings or parts of buildings as may be reasonable in the circumstances.