

Section 1 - Council Functions

The table below details the functions listed in The Local Authorities (Functions and Responsibilities) (England) Regulations 2000/2853 “the regulations” that are the responsibility of the Council and the general delegation arrangements

3.1.1 Table of functions

| | What is the Council function ? | Who can carry the function out ? |
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| 1 | Adopting and changing the Constitution including standing orders | <p>Council meeting only</p> <p>Audit and Governance committee (finance procedure rules and contract procedure rules.</p> <p>Monitoring Officer (technical changes or those required by law only)</p> |
| 2a | <p>Budget and policy framework</p> <p>Policy</p> <p>The adoption of the following plans and strategies:</p> <p>Annual Library Plan (if Secretary of State requests) under s1(2) of the Public Libraries and Museums Act 1964</p> <p>Children and Young People’s Plan under the Children and Young People’s Plan (England) Regulations 2005 Crime & Disorder Reduction Strategy under s5 & 6 of the Crime and Disorder Act 1998</p> <p>Development Plan documents under s15 of the Planning and Compulsory Purchase Act 2004</p> <p>Licensing Authority Policy statements under s349 of the Gambling Act 2005</p> | <p>Council meeting only, recommended from Cabinet</p> |

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| | <p>Local Transport Plan under s108(3) of the Transport Act 2000</p> <p>Youth Justice Plan under s40 of the Crime and Disorder Act 1998</p> <p>And additionally:</p> <p>Corporate Plan</p> <p>Bury 2030 – Community Strategy</p> <p>Code of Corporate Governance</p> <p>Tenancy Strategy</p> <p>Risk Management Annual Report</p> <p>Economic Development and Growth Strategy</p> <p>Housing Investment Programme</p> | |
| 2b | <p>Budget</p> <p>Approve a balanced Revenue Budget and specifically :</p> <ul style="list-style-type: none"> • Approve the Council Tax Base • Approve the rate of Council Tax and relevant precepts • Approve the Gross Revenue Budget • Approve the net spending limit for each major service element (Directorate) <p>And in doing so adopt the following plans or strategies to support the delivery of Council budget –</p> <ul style="list-style-type: none"> • Revenue Budget for the next financial year • Capital Investment Budget for the next financial year • Medium Term Financial Strategy • Reserves Strategy | <p>Council meeting only, recommended from cabinet</p> |

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| | <ul style="list-style-type: none"> • Statutory Council tax calculations • Treasury Management Policy, Treasury Management Practices and prudential indicators including the Minimum Revenue Provision • Capital strategy (including an asset management plan) | |
| 3 | <p>Amending the budget and policy framework</p> <p>Note : can be Cabinet if Council agree under 2000/2853 Reg 4 a (ii) which requires a specific delegation per adoption</p> | When approving a policy or strategy Council will specify the degree of in-year changes to the document which may be undertaken by Cabinet |
| 3a | <p>Other policies</p> <p>Licensing Authority Policy statements under s5 Licensing Act 2003</p> <p>Taxi and Private Hire policy</p> <p>Pay Policy Statement under s38 of the Localism Act 2011</p> | <p>Council meeting only</p> <p>Pay policy statement - Council meeting only, recommended from Employment Panel</p> <p>Delegation to Monitoring Officer, following consultation with the Chief Executive, to make in year technical updates to the statement to reflect changes to post holder details or approved changes to local or national pay policy</p> |
| 4 | Approving or amending any application to the secretary of state in respect of any housing land transfer | Council meeting only |
| 5 | Consider the review of the effectiveness of the system of internal control required and approve the Annual Governance Statement | Audit and Governance Committee |

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| 6 | Subject to the Urgency Procedure in the Access to Information Rules, making a decision contrary to the Policy Framework or the Budget, or part of it | Council meeting only |
| 7 | Electing the Mayor | Council meeting only |
| 8 | Appointing the Deputy Mayor; Committee Chairs | Council meeting Health and Wellbeing Board: the Leader of the Council appoints chairperson from those members of the Cabinet appointed to the Board, the Board appoints vice chair |
| 9 | Appointing the Leader of the Council | Council meeting only |
| 10 | Setting the terms of reference of committees, deciding on their size, composition and allocating seats proportionately to political groups | Council meeting only |
| 11 | The appointment by the authority of at least one independent person under the Localism Act 2011 | Council meeting only |
| 12 | Discharge of Council functions by another authority | Council meeting only |
| 13 | Arrangements for joint exercise of Council functions or a mix of Council and Executive functions | Council meeting |
| 14 | Agreeing the Members' Allowances Scheme | Council meeting only |
| 15 | Functions relating to name and status of Bury Council as listed in schedule 1 section E of the Regulations | Council meeting only |
| 16 | Functions relating to community governance reviews as listed in schedule 1 section EB of the Regulations | Council meeting only |

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| 17 | Confer title of Honorary Alderman or Freedom of the Borough. | Council meeting only |
| 18 | Functions relating to town and country planning and development control as listed in schedule 1 section A of the Regulations including enforcement | See appendix 1 |
| 19 | Powers relating to the protection of important hedgerows and preservation of trees | Chief Executive |
| 20 | Rights of way functions as listed in schedule 1 section I i of the regulations | Chief Executive |
| 21 | Licensing and registration functions as listed in schedule 1 section B of the regulations | Chief Executive |
| 22 | Functions relating to smoke free premises as listed in schedule 1 section FA of the regulations | Chief Executive |
| 23 | Health and safety at work enforcement functions as listed in schedule 1 section C of the Regulations | Chief Executive |
| 24 | Elections functions as listed in schedule 1 section D of the Regulations | Chief Executive Employment panel for appointment of Returning Officer and Electoral Registration Officer If a polling station cannot be used the Returning Officer has delegated powers to use another polling station as a temporary solution. |
| 25 | Make, amend, revoke, re-enact or enforce byelaws | Council meeting only |
| 26 | Power to promote or oppose local or personal bills | Council meeting only |

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| 27 | Approval of the appointment of Chief Executive | Council meeting only |
| 28 | Power to appoint staff, and to determine the terms and conditions on which they hold office (including procedures for their dismissal) | Chief Executive for all staff other than those within the remit of the employment panel Employment panel will also be a consultee for all terms and conditions (including policies). Employment panel for Officers listed within their remit |
| 29 | Approval of pay and severance packages in excess of £100,000 | Council meeting only |
| 30 | Duty to make arrangements for the proper administration of financial affairs | s.151 Officer |
| 31 | Power to appoint Officers for particular purposes (otherwise called the appointment of proper Officers) | Chief Executive |
| 32 | Duty to designate posts to fulfil the functions of: the Head of Paid service, the Monitoring Officer, the s151 Officer, Statutory Scrutiny Officer, and to provide staff etc. | Council meeting only |
| 33 | To adopt revise or replace a Members Code of Conduct | Council meeting only |
| 34 | Power to make a limestone pavement order | Chief Executive |
| 35 | Duty to approve the Council's statement of accounts, income and expenditure and balance sheet, or record of payments | Audit and Governance Committee |
| 36 | Power to make closing order in respect to take away food shops | Chief Executive |
| 37 | Permit a co-opted member of a scrutiny committee to vote at meetings of the committee | Council meeting only |

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| 38 | Recruitment of panel members to Independent Remuneration Panel | Monitoring Officer |
| 39 | Powers relating to complaints about high hedges Chief Executive | Chief Executive |
| 40 | Powers to make an order identifying a place as a designated public place in relation to alcohol consumption | Chief Executive |
| 41 | Power to make or revoke an order designating a locality as an alcohol disorder zone | Chief Executive |
| 42 | Power to apply for an enforcement order against unlawful works on common land | Chief Executive |
| 43 | Power to protect unclaimed registered common land and unclaimed town or village greens against unlawful interference including instituting proceedings | Chief Executive |
| 44 | The appointment of a local auditor under Section 7 of the Council meeting only Local Audit and Accountability Act 2014 | Council meeting only |
| 45 | Power to make payments or provide other benefits in cases of maladministration | Chief Executive |
| 46 | Functions relating to pensions as listed in schedule 1 section H of the regulations | Chief Executive |
| 47 | 47 All other matters which by law, must be the responsibility of the Council | Council meeting only unless a specific delegation given from Council as listed in the attached appendix |

3.1.1 Appendix

The table below details all other functions which by law, must be the responsibility of the Council and the specific expressed delegation arrangements

3.1.1A Table of functions

| What is the Council function | Who can carry the function out |
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| 47A Adoption of neighbourhood development plans, and to approve any consequential amendments to the countywide policies map. | Cabinet |
| 47B Granting of dispensations under s33 (2) Localism Act 2011 | Subsection (b) (d) and (e) Audit and Governance committee Subsection (a) and (c) monitoring Officer with appeal to audit and governance committee from 28 September 2012 |
| 47C Council tax reduction scheme under S13A, Local Government and Finance Act 1992, as amended | Council |
| 47D Recruitment of up to three independent persons pursuant to Section 28 (7) of the Localism Act 2011 | Monitoring Officer |
| 47E Make in year amendments to the capital programme to reflect additional external funding secured in year | Chief Finance Officer following consultation with the Cabinet Member responsible for Finance |

ENDS