

PART 3 – RESPONSIBILITY FOR FUNCTIONS

Introduction

All of the powers and functions of the Council have been given by statute to Full Council. Full Council has chosen to delegate some of those functions to Committees and also to officers. Full Council has however retained certain functions for itself.

Annexe 1 – Powers and Duties of Committees sets out the functions delegated to Committees, *Annexe 2 – Officer Scheme of Delegation* sets out those delegated to Officers, *Annexe 3 – Powers and Duties delegated to Councillors* sets out those decision making powers delegated to individual Councillors and *Annexe 4 – Joint Arrangements* sets out the schemes for joint Committee operation that the Council has entered into.

General Principles

Decision making under this Part is subject to the normal principles of decision making set out in Article 11.2 of the Constitution and to the relevant Procedure Rules set out in Part 4.

Any powers that are delegated to officers under Annexe 2 are excluded from the powers delegated to Committees under Annexe 1.

The list of powers and functions in Annexes 1 and 2 are not exhaustive and should be interpreted broadly and in a purposive way. The powers contained within Annexe 1 include the power to develop and approve strategies and policies associated with those powers and functions other than those which Full Council must adopt and subject also to the Budget and Policy Framework Procedure Rules. The powers also contain the power to determine and issue any relevant application, consent or approval and take such action or request information associated with relevant enforcement action including service of notices.

ANNEXE 1 – POWERS AND DUTIES OF COMMITTEES

1. STRATEGY AND RESOURCES COMMITTEE

Number of Members	Special Requirements	Quorum	Notes
Maximum of 13	The Chair shall be the Leader of the Council and membership will include all	1/3 with a minimum of 4	
	Group Leaders where political balance allows.		

Functions

- a) The development of the Budget and the Policy Framework with recommendations made to Full Council,
- b) Asset management
- c) Treasury management
- d) Resources and finance
- e) Performance of the Council including service plans
- f) Improvement
- g) Staffing and human resources
- h) Environmental Health
- i) Waste and Recycling

2. POLICY DEVELOPMENT COMMITTEE

Number of Members	Special Requirements	Quorum	Notes
Minimum of 9	The Chair of the Committee may not be a member of the Strategy and Resources Committee	1/3 with a minimum of 4	

Functions

- (a) The power to consider matters and make recommendations to Council and Committees on matters as set out in Article 6.3 of this Constitution

3. PLANNING COMMITTEE

Number of Members	Special Requirements	Quorum	Notes
15	<p>Members of the Committee must be trained prior to sitting on the Committee (NOTE: Failure to attend the required training will result in exclusion from sitting on the Committee)</p> <p>Substitute Members may only be appointed from an appointed and trained reserve list. Substitute Members must substitute for the whole of the meeting. (NOTE: substitute Members must be from the same political group).</p>	4	<p>If a Member:</p> <p>(a) Arrives at a meeting during the consideration of an item; or</p> <p>(b) Leaves a meeting at any time during the consideration of an item;</p> <p>they shall not:</p> <p>(i) propose or second any motion or amendment; or</p> <p>(ii) cast a vote</p> <p>(For the avoidance of doubt may still participate in the debate)</p> <p>An amendment which opposes a motion to grant or refuse a planning application is deemed to be a valid amendment.</p>

Functions

- (a) To consider and determine any matters arising under the Planning Acts, including the powers to take decisions, issue permissions and consents, to authorise enforcement action and serve such notices, request such information and take such action as is deemed appropriate.
- (b) To discharge any function relating to contaminated land in as much as the function involves determination of an application for a licence, approval, consent, permission or regulation, direct regulation of a person or enforcement of any such licence, approval, consent, permission or regulation.
- (c) To act as consultee in respect of matters relating to planning functions which are referred to the Council by other organisations.

(d) A referred power to consider and make recommendations on the content and adoption of documents comprising the local plan or other policies relating to planning functions

4. LICENSING AND COMMUNITY SAFETY COMMITTEE

Number of Members	Special Requirements	Quorum	Notes
15	Members of the Committee must be trained prior to sitting on the Committee (NOTE: Failure to attend the required training will result in exclusion from sitting on the Committee)	4	<p>If a Member:</p> <p>(a) Arrives at a meeting during the consideration of an item; or</p> <p>(b) Leaves a meeting at any time during the consideration of an item;</p> <p>he/she shall not:</p> <p>(i) propose or second any motion or amendment; or</p> <p>(ii) cast a vote</p> <p>(For the avoidance of doubt may still participate in the debate)</p> <p>An amendment which opposes a motion to grant or refuse a licensing application is deemed to be a valid amendment.</p>

Functions

- (a) Licensing Authority functions under Licensing Act 2003 and the Gambling Act 2005.
- (b) Other licensing matters as set out in Part B of Schedule 1 to the 2000 Regulations.
- (c) Coastal pollution or the management of air quality.
- (d) To consider any appeals against the decision of officers in relation to any of the matters covered by paragraph (a) or (b) above.
- (e) Community safety
- (f) To act as Crime and Disorder Committee in accordance with and with the powers set out in the Police and Justice Act 2006, the Local Government and Public Involvement in Health Act 2007 and Regulations made under those Acts
- (g) To fix the rates or fares and all other charges in connection with the hire of hackney carriage vehicles in accordance with the powers set out in section 65 of the Local Government (Miscellaneous Provisions) Act 1976.

GOVERNANCE COMMITTEE

Number of Members	Special Requirements	Quorum	Notes
9	<p>Membership of the Committee cannot include Strategy and Resources Members.</p> <p>Members of the Committee must be trained prior to sitting on the Committee (NOTE: Failure to attend the required training will result in exclusion from sitting on the Committee)</p>	3 – Provided at least two political groups are represented	The role of the Committee is to promote good behaviour amongst Councillors and to ensure that all business conducted by the Council is carried out within the law, in accordance with the Constitution and also in accordance with statutory Codes. It is also to promote improvement in governance issues

- (a) Audit functions including receiving and considering reports and making recommendations on them
- (b) Risk management and corporate governance including considering reports from the Local Government Ombudsman.
- (c) Reviewing the annual statement of accounts
- (d) Standards function including:
 - i. To promote and maintain high standards of conduct by Members and Co-opted Members of the Council.
 - ii. To make recommendations to the Council on the adoption, and revision of a local Code of Conduct for Members and Co-opted Members, and to monitor and review its operation.
 - iii. To make recommendations to the Council on the adoption, and revision of a Code of Conduct for officers of the Council.
 - iv. To approve guidance and protocols to supplement the Code of Conduct for Members and Co-opted Members.
 - v. To approve arrangements for dealing with written allegations of failure to comply with their Code of

Conduct by Council, Parish or Town Council Members or Co-opted Members.

- vi. To approve training and assistance for Members and Co-opted Members in conduct matters and to approve arrangements for advice to individuals on the treatment of interests and on conduct generally.
 - vii. To grant dispensations to Council Members to allow them to speak on, participate in the discussion of and/or participate in a vote on matters in which they have an interest and to approve the arrangements for dispensations generally.
- (e) Electoral matters including Community Governance Reviews
 - (f) Human Resources and Personnel matters including pensions issues
 - (g) To hear any appeal in respect of any grievance or disciplinary decision taken by officers

6. HARBOUR BOARD

Number of Members	Special Requirements	Quorum	Notes
45	In addition to 45 Members <u>(at least one of which shall be a Ward Member for Ilfracombe East and one shall be the Ward Member for Lynton and Lynmouth)</u> , 45 Independent Members (who are not Members of the Council) are appointed to provide experience and expertise in harbour management. Appointments of independent Members shall be for a four year period to ensure continuity of experience and expertise available to the Board. Appointments may be renewed at the discretion of the Council for a maximum of two four year terms after which any further service on the Board can only be achieved following a competitive appointments process.	3 (2 of whom must be members of the Council).	<p>All persons co-opted to serve on the Board shall be required to provide a written undertaking to comply with the Council's Members Code of Conduct and shall complete a register in accordance with that Code.</p> <p>The Chairman of the Board shall be appointed annually by Full Council and shall come from those Members of the Council appointed to serve on the Board.</p> <p>All Board Members shall have voting rights.</p>

Functions

- ~~1. To discharge the duties and powers of a competent Harbours authority in respect of all harbours administered by the council and in accordance with relevant legislation, regulations, Harbour Orders and byelaws.~~
- ~~2. To approve the Harbour service Business Plan including the Port Marine Safety Code.~~
1. To make recommendations to Full Council, on behalf of the Statutory Harbour Authority and Duty Holder under the Port Marine Safety Code, on the approval of

- the Marine Safety Plan and all other plans and policies or on other issues affecting all harbours administered by the council as Statutory Harbour Authority.
2. To develop the long term strategy plan for all harbours governed by the Statutory Harbour Authority.

7. JOINT CREMATORIUM COMMITTEE

Number of Members	Special Requirements	Quorum	Notes
7	There is a requirement for compliance with the current Joint Crematorium Committee Terms of Reference as set out in Annexe 4.		

Functions

- (a) To manage all matters relating to the functions of North Devon Crematorium with Torridge District Council

8. JOINT BUILDING CONTROL COMMITTEE

Number of Members	Special Requirements	Quorum	Notes
2	There is a requirement for compliance with the current Joint Building Control Committee Terms of Reference set out in Annexe 4.		

Functions

- (a) To oversee the joint building control team,
- (b) To formulate a draft budget, including any fees and charges, for the joint building control service and to make recommendations on the same to the partner Authorities, and

- (c) To produce an annual financial report on the costs/savings of the joint service and submit this to the partner authorities.

9. APPOINTMENTS COMMITTEE

Number of Members	Special Requirements	Quorum	Notes
A minimum of 3 including all Group Leaders	Membership must include all Leaders of Designated political groups on the Council	3	Not to be politically balanced

Functions

- (a) To sit as a Panel to lead on and make recommendations on the appointment of the Chief Executive/Head of Paid Service, the Chief Financial Officer and Monitoring Officer subject to compliance with the Officer Employment Procedure Rules set out in Part 4 of this Constitution.
- (b) To hear consider and determine any grievance or other similar matter relating to or by the Chief Executive/Head of Paid Service; any disciplinary matter relating to the Chief Executive/Head of Paid Service, Monitoring Officer and Chief Financial Officer where the issue relates to the performance of such role.
- (c) To sit as a Panel or part of a Panel in relation to the dismissal of the Head of Paid Service, Chief Financial Officer and Monitoring Officer and to lead on conducting an investigation into the same

10. JOINT PLANNING POLICY COMMITTEE

Number of Members	Special Requirements	Quorum	Notes
14 (7 from each Partner Authority)	There is a requirement for compliance with the current Joint Planning Policy Committee Terms of Reference set out in Annexe 4.	7 (minimum of 3 Members from one Partner Authority and the remainder to make up a quorum from the other Partner Authority)	<p>The Chair will be appointed annually, and alternate between the two District Councils.</p> <p>The Membership will include the Leader of each Partner Authority, and Lead Members for Economy, Environment, Climate, Planning, Housing and Community from TDC with the equivalent from NDC, or such other members as TDC or NDC shall consider appropriate. Each Partner Authority may nominate 1 or more substitute Members to attend any meeting in place of an appointed Member.</p> <p>The Partner Authority hosting the first meeting shall appoint one of its nominated members as chairperson until the first meeting taking place after the elapse of 1 year from the appointment. On the expiry the Partner Authority which did not appoint the first chairperson shall appoint one of its nominated members as chairperson for a period of 1 year. This procedure shall be followed for the appointment of chairperson in subsequent years.</p>

Functions

The Joint Committee shall be responsible for, and shall have delegated to it, the following functions of the Partner Authorities:

- a) The preparation, review and/or approval of
 - Development Plan Documents;
 - Supplementary Planning Documents;
 - Joint documents that supplement/complement the Development Plan Documents (Namely, Local Development Schemes, Statements of Community Involvement, Authority Monitoring Reports and Infrastructure Funding Statements);
 - The outcomes from policy performance monitoring and the need to undertake any resultant actions, on such matters as the maintenance of housing delivery rates and a joint five year land supply to required levels;
 - Proposals for delivery of key infrastructure (e.g. flood defences, link road improvements, health infrastructure) where there are clear cross boundary implications; and
 - Responses to consultations from the government, other authorities, external agencies and other bodies, including transportation related consultations, where they would have a significant impact on the delivery of the Local Plan or on the Districts' environment.
- b) The consideration and noting of associated evidence documents (for example, Sustainability Appraisals and Habitat Regulations Assessments)
- c) Such other functions related to the above listed agreed functions which is agreed between the Partner Authorities should be included as an agreed function.

The delegated powers referred to above shall be limited to the preparation of agreed Development Plan Documents but shall not include the final adoption of such Development Plan Documents which shall be reserved to the respective Partner Authorities and referred back as a recommendation by the Joint Committee for a decision as to adoption by the respective Partner Authorities. The Joint Committee shall take account any reservations or objections subsequently received from either Partner Authority before referring the Development Plan Documents back for adoption