

# **Section 2 - Responsibility for Council Functions**

## **(Functions not to be the responsibility of the Executive)**

### **Membership**

The details of the membership of the Council and its Committees are set out in the Council Diary and Year Book.

### **A. Planning and Highways Committee**

#### **Functions relating to Town and Country Planning, Development and Highways**

The functions of the Planning and Highways Committee shall be:

1. To consider and recommend the action to be taken where statutory representations or objections are received in respect of any Order initiated by the Executive Director of Economy and Place under the Highways Act 1980, the Road Traffic Regulation Act 1984, the Town and Country Planning Act 1990 or the New Roads and Streetworks Act 1991 and where in each case the Council is required under the relevant legislation to consider such representations and/or objections.
2. To comment upon draft Local Plan documents and Supplementary Planning Documents (SPDs).
3. To consider reports on proposed on proposed changes to national planning policy.
4. To consider reports on the proposed Local Plan documents of neighbouring authorities where the Council is a consultee.
5. To receive monitoring reports on the performance of the development and building control sections.
6. To authorise the making of revocation orders and modification orders in respect of the grant of planning permission under Section 97 and discontinuance orders under Section 102 of the Town and Country Planning Act 1990.

Subject to those matters delegated to the Executive Director of Economy and Place, the Planning and Highways Committee shall determine the following applications

under the Town and Country Planning Act 1990, the Planning (Listed Buildings and Conservation Areas) Act 1990 and any related secondary legislation:

1. Applications for Major Development;
2. Applications where there is an objection from a statutory consultee (save where the relevant consultee is an adjoining landowner and/or occupier) and where the Executive Director of Economy and Place would be minded to approve the application, save for this paragraph;
3. Applications made pursuant to Regulation 3 of the Town and Country Planning General Regulations 1992;
4. Applications within the ward of any member, which the member requests be determined by the Planning and Highways Committee, subject to the request being made in writing to the Executive Director of Economy and Place, within 28 days of receipt of the application.

For the purposes of paragraph 1 above, “Major Development” means development involving any one or more of the following:

- (a) the winning and/or working of minerals or the use of land for mineral-working deposits;
- (b) waste development;
- (c) residential development where:
  - (i) the number of dwelling houses to be provided is 10 or more;  
or
  - (ii) the development is to be carried out on a site having an area of 0.5 hectares or more and it is not known whether the development falls within paragraph (c)(i).
- (d) the provision of a building or buildings where the gross floor space to be created by the development is 1,000 square metres or more;  
or
- (e) development to be carried out on a site having an area of one hectare or more.

## **B. Licensing and Regulatory Committee**

### **Licensing functions under the Licensing Act 2003**

The Licensing and Regulatory Committee shall be the statutory licensing committee of the Council for the purposes of section 6 of the Licensing Act 2003 and the Committee and the Licensing Sub-Committee(s) shall

exercise the decision-making functions of the Council in relation to the following matters arising under the said Act or other legislation related to the Council's licensing functions (except insofar as such matters have been delegated to the Executive Director of Economy and Place):

1. Application for a personal licence if an objection is received from the police or Home Office.
2. Application for a premises licence or club premises certificate if a relevant representation is received.
3. Application for a provisional statement if a relevant representation is received.
4. Application to vary a premises licence or club premises certificate if a relevant representation is received.
5. Application to vary a designated premises supervisor if an objection is received from the police.
6. Application for transfer of a premises licence if an objection is received from the police.
7. Application for an interim authority if an objection is received from the police.
8. Application to review a premises licence or club premises certificate.
9. Decision to object when the Council is a consultee and not the relevant authority considering an application.
10. An objection to a temporary event notice.
11. Application to vary a premises licence at community premises to include alternative licence condition if an objection is received from the police.

### **Licensing Functions under the Gambling Act 2005**

The Licensing and Regulatory Committee and the Licensing Sub-Committee shall exercise the decision making functions of the Council in relation to the following matters arising under the Gambling Act 2005 or other legislation in relation to the Council's functions in respect of gambling (except insofar as such matters have been delegated to the Executive Director of Economy and Place):

1. Application for a premises licence where representations have been received and not withdrawn.

2. Application for a variation to a premises licence where representations have been received and not withdrawn.
3. Application for a transfer of a premises licence where representations have been received from the Gambling Commission or a responsible authority.
4. Application for a provisional statement where representations have been received and not withdrawn.
5. Review of a premises licence.
6. Application for a club gaming/club machine permit where objections have been made and not withdrawn.
7. Cancellation of a club gaming/club machine permit.
8. Decision to give a counter notice to a temporary use notice.
9. Applications for other permits.
10. Decisions in respect of Amusements with Prizes, Lotteries and Prize Bingo.
11. Making an order under section 284 disapplying Section 279 (Exempt Gaming) or Section 282(i) (Gaming Machines Automatic Entitlement) to specific licensed premises.

### **Licensing Sub-Committee**

More than one sub-committee may be established at any time.

A sub-committee shall have power to exercise all the functions of the Licensing and Regulatory Committee as statutory licensing committee except:

- (i) where the Committee directs that any particular matter shall be referred to it;
- (ii) where a sub-committee decides to refer any particular matter to the Committee; or
- (iii) where the Executive Director of Economy and Place considers that any particular matter should be dealt with by the Licensing and Regulatory Committee rather than a sub-committee.

**C. Licensing and Registration Functions in respect of the matters listed in Paragraph B of Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000**

**The Licensing and Regulatory Committee** shall exercise the function of designating streets for the purpose of street trading under paragraph 2 of Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 and for the purpose of the free distribution of printed matter under Schedule 3A of the Environmental Protection Act 1990 and the function of designating areas as alarm notification areas for the purpose of Part 7 of the Clean Neighbourhoods and Environment Act 2005 (and varying or rescinding such designations) and shall exercise the functions of considering the grant, refusal, amendment and cancellation of licences, certificates, permits or registration (except insofar as such matters have been delegated to a Chief Officer) in respect of:

1. Common land.
2. Hackney carriage and private hire vehicles and their operators and drivers, including the setting of fares chargeable in respect of hackney carriages under s.65 of the Local Government (Miscellaneous Provisions) Act 1976.

The Committee shall have the functions of:

- (a) Determination of the licensing objectives that will form the basis of the Council's Statement of Private Hire and Hackney Carriage Licensing Policy, with the licensing objectives being subject to regular reviews by the Committee as appropriate; and
- (b) Approval, review and amendment of the Council's Statement of Private Hire and Hackney Carriage Licensing Policy.

3. Hypnotism Performers.
4. Safety of sports grounds.
5. Sex establishments.
6. Street and house to house collections.
7. Street and market trading.
8. Town and village greens.

## **D. Functions relating to Health and Safety at Work**

The Council's functions under any of the "relevant statutory provisions" within the meaning of Part I (health and welfare in connection with work, and control of dangerous substances) of the Health and Safety at Work etc. Act 1974, to the extent that those functions are discharged otherwise than in the authority's capacity as an employer shall be delegated to the Executive Director of Economy and Place and to those specific individual officers' of the Council who are so authorised such functions as attach to an approved Health and Safety Inspector including the powers of enforcement.

## **E. Functions relating to Elections**

**The Council** shall exercise the following functions:

1. The duty to appoint an electoral registration officer.
2. The functions in relation to parishes and parish councils, contained in Part II of the Local Government and Rating Act 1997 (c.29) and subordinate legislation under that Part.
3. The power to dissolve small parish councils.
4. The power to make orders for grouping parishes, dissolving groups and separating parishes from groups.
5. The duty to appoint returning officer for local government elections.
6. The power to fill vacancies in parish Councils in the event of insufficient nominations.
7. The duty to declare vacancy in office where Section 86 of the Local Government Act 1972 applies.
8. The power to make temporary appointments to parish councils.
9. The 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.

## **F. Functions relating to Name and Status of Areas and Individuals**

**The Council** shall exercise the following functions:

1. The power to change the name of the district.

2. The power to change the name of a parish.
3. The power to confer the title of honorary alderman or to admit to be an honorary freeman.

#### **G. Power to Make, Amend, Revoke or Re-enact Byelaws**

**The Council** shall exercise the functions of making, amending, revolving or re-enacting all byelaws made under any provision of any enactment (including a local act).

#### **H. Power to Promote, Make or Oppose Local or Personal Bills**

**The Council** shall exercise the power to promote, make or oppose local or personal Bills.

#### **I. Human Resources Committee**

The Council will establish a Human Resources Committee which will have the following terms of reference: -

1. To exercise the functions in relation to appointments as provided by the Employment Procedure Rules.
2. To exercise the Council's non-executive functions in relation to human resources matters including employee terms and conditions, human resources policies and procedures and pensions, so far as not delegated to any other committee or a chief officer.

#### **J. Miscellaneous Functions**

**The Council** shall exercise following miscellaneous functions:

1. The power to make standing orders.
2. The power to approve the appointment of the Head of Paid Service.
3. The power to make standing orders as to contracts.

#### **K. Standards Committee**

The functions of the Standards Committee are defined in Article 9 of the Constitution.

##### **Membership**

The Standards Committee is comprised of 8 elected members and 2 non-voting co-opted members appointed by Hetton Town Council.

## **L. Supportive Parenting Partnership**

The Partnership has an advisory role and shall:

1. Oversee the exercise of the Council's responsibilities as Corporate Parent and ensure that the interests of Looked After Children are appropriately reflected in all Council policies and the work of the Children's Trust.
2. Inspect Children's Homes and make and consider reports on such visits.

## **M. Audit and Governance Committee**

The Committee carries out the following delegated functions from Council:

1. to approve the Authority's Statement of Accounts, income and expenditure, and balance sheet or record of receipts and payments (as the case may be).

In relation to the following functions to undertake the assurance and advisory role to:

2. consider the effectiveness of the authority's corporate governance arrangements, risk management arrangements, the control environment and associated anti-fraud and anti-corruption arrangements and seek assurance that action is being taken on risk-related issues identified by auditors and inspectors;
3. be satisfied that the authority's assurance statements, including the Annual Governance Statement, properly reflect the risk environment and any actions required to improve it;
4. to receive and consider (but not direct) internal audit's strategy, plan and monitor performance;
5. receive and consider the external audit plan;
6. review a summary of internal audits, the main issues arising, and seek assurance that action has been taken where necessary;
7. receive and consider the annual report of internal audit;
8. consider the reports of external audit and inspection agencies, including the Annual Audit and Inspection Letter;
9. ensure that there are effective relationships between external and internal audit, inspection agencies and other relevant bodies, and that the value of the audit process is actively promoted;

10. review the external auditor's opinions and reports to members, and monitor management action in response to the issues raised by external audit;
11. to receive consider and monitor reports on treasury management policy, strategy and practices;
12. The Committee will exercise delegated powers from the Council in relation to item (1) above and in relation to the remaining functions as an advisory committee;
13. The Committee will treat the auditors, the executive and management equally;
14. The Committee can call any officer or agency of the Council as required;
15. The Committee will meet regularly and at least four times a year;
16. The Director of Finance, Assistant Director of Assurance and Procurement and the External Auditor will be regular attendees. Other attendees may include the Assistant Director of Law and Governance and the Chief Executive. These officers all have access to the Committee, or the Chair as required;
17. The Committee Members will have the opportunity to meet privately and informally with the Assistant Director of Assurance and Procurement and the external auditor, at a meeting following a normal Committee meeting and otherwise as necessary, throughout the year;
18. The Committee will assess its effectiveness, including its Terms of Reference, every three years;
19. An Annual Report will be presented to Council regarding the work of the Committee through the year.

The Committee will make recommendations or comments to Cabinet or Council as appropriate.

## **N. Port Board**

The functions of the Port Board will be:

1. To exercise all of the Council's functions in respect of the Port under the Harbours Act 1964, the Sunderland Corporation Act 1972, the Pilotage Act 1987 and all other relevant statutory provisions;

2. To manage the Port business and to take commercial decisions in relation to the Port business, including entering into contracts with existing and prospective Port users and the procurement of works, services and supplies for the Port, in accordance with the Council's budget and policy framework and the Port budget and business plan approved by Council (subject to delegations to officers);
3. To manage and maintain the Port assets and estate, namely the maintenance of the existing assets, the acquisition of new assets and the disposal of leasehold interests in accordance with the agreed budget and business plan;
4. To act as duty holder in relation to the exercise and discharge of the Council's functions and duties under the Port Marine Safety Code and all other legislation or guidance as may from time to time be published by the Government;
5. To submit reports to Council on an annual basis regarding the performance of the Port during the preceding year in light of the agreed budget and business plan.

## **O. Dismissal Advisory Committee**

### Membership

Two Independent Persons appointed in accordance with the Local Authorities (Standing Orders) (England) Regulations 2011 (as amended).

The Committee will have the following terms of reference:

To provide advice to Full Council on matters relating to a proposal to dismiss the Head of Paid Service, the Monitoring Officer or Chief Finance Officer on the grounds of conduct, capability or some other substantial reason.