

Section 1 Local Choice Functions

Local Choice Function	Decision to be taken by
Any function under a local Act other than a function specified or referred to in regulation 2 or Schedule 1	Executive
The determination of an appeal against any decision made by or on behalf of the authority	Executive
Any function under a local Act other than a function specified or referred to in regulation 2 or Schedule 1	Executive
The determination of an appeal against any decision made by or on behalf of the authority	Executive
Any function relating to contaminated land	Executive
The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the authorities area	Executive
The discharge of any function relating to the control of pollution or the management of air quality	All Environmental Health Officers
The service of an abatement notice in respect of a statutory nuisance	All Environmental Health Officers
The inspection of the authority's area to detect any statutory nuisance	All Environmental Health Officers
The investigation of any complaint as to the existence of a statutory nuisance	All Environmental Health Officers

Section 2 Council Functions

A. **COUNCIL** (All 46 Members)

The Council shall be responsible for those functions set out at paragraph 4.02 of Article 4 of the Constitution

B. **STANDARDS COMMITTEE** (16 members as set out within Article 9)

To exercise the following duties, excluding ix, on behalf of this Council and all Parish/Town Council's within Warwick District:-

- i. To promote and maintain high standards of conduct by members of the Council.
- ii. To ensure members of the Council observe the Council's Code of Conduct.
- iii. To advise the Council on the adoption or revision of a Code of Conduct.
- iv. Monitor the operation of the code of conduct.
- v. To provide advice and training (or arrange training) for members on matters relating to the Code of Conduct.
- vi. To act on behalf of the Council and consider matters under the Local Standards Framework taking appropriate action in accordance with the legislative guidelines.
- vii. To recommend to the Council on the appointment of independent members and Parish/Town Council members on the Standards Committee and of the Code of Conduct adopted by the Parish and Town Councils in the district.
- viii. To consider and determine requests for dispensation from requirements relating to the adopted Members' Code of Conduct;
- ix. To Advise the Council about the effectiveness of its Constitution, governance arrangements and other matters relevant to assisting the authority with the Annual Governance Statement; including overseeing the Whistle blowing policy, Member/Officer Code of Conduct (when the matter relates to member conduct; the approval and monitoring of the Corporate Complaints Policy.

C. **PLANNING COMMITTEE** (10 Members)

To exercise delegated powers as follows:

- i. To determine planning applications and applications for listed building consent, which are not delegated to the Head of Development Services as set out in the Scheme of Delegation.
- ii. To decide if tree preservation orders should be confirmed if objections are received (although this is delegated to the Tree Preservation order Sub-Committee).
- iii. The service of planning and listed building enforcement and other notices.
- iv. The making of a revocation order in respect of existing planning permission where the owner agrees not to claim compensation.
- v. To enter into Planning Agreements under S106 of the Town and Country Planning Act and to modify or discharge obligations contained in such agreements.
- vi. To determine applications for planning permission made on behalf of the District Council which are not delegated to the Head of Planning and Engineering.

- vii. To determine planning applications for development made under Regulation 3 or 4 of the Town and Country Planning General Regulations 1992.
- viii. To consider performance and monitoring reports with regard to the planning matters

D. TPO SUB-COMMITTEE (4 Members of the Planning Committee)

This Sub-Committee of the Planning Committee will be responsible for deciding if tree preservation orders should be confirmed if objections are received

E. REGULATORY COMMITTEE (11 Members)

To exercise delegated powers in respect of:

- i. All matters relating to licences consents and registrations (excluding those delegated to the Licensing Committee) except the setting of fees.
- ii. All matters relating to public footpaths and bridle ways.
- iii. All matters relating to elections and electoral registration.
- iv. All the powers and duties of the Council relating to Parliamentary Elections and Boundary Reviews.
- v. Functions relating to name and status of areas and individuals:-
 - a) recommend to Council a change the name of the district
 - b) power to change the name of the parish
 - c) power to confer title of honorary alderman or to admit to be an honorary freeman
 - d) power to petition for a charter to confer borough status
- vi. Promoting or opposing local or personal Bills (See article 4 para 4.02(j))
- vii. All powers and duties of the Council relating to the control of the consumption of alcohol in public places under the Criminal Justice and Police Act 2001.
- viii. All matters relating to making Orders under the Criminal Justice and Police Act 2001.

F. LICENSING COMMITTEE (15 Members)

- i. To exercise delegated powers in discharging the Council's functions under the Licensing Act 2003, other than those delegated to the licensing panels.
- ii. To recommend to Council amendments to the Council's Licensing Policy Statement, with regard to the Licensing Act 2003,
- iii. To exercise delegated powers in discharging the Council's functions under the Gambling Act 2005, other than those delegated to the licensing panels.
- iv. To recommend to Council amendments to the Council's Licensing Policy Statement and a policy not to permit casinos, with regard to the Gambling Act 2005.

G. LICENSING SUB-COMMITTEES (To be known as Licensing Panels) (3 Members to be drawn from the membership of the Licensing Committee as required)

These Sub Committees of the Licensing Committee will responsible for exercising delegated powers, with regard to the Licensing Act 2003 or the Gambling Act 2005, which are not delegated to the Licensing Services Manager.

H. **HOUSING APPEALS AND REVIEW PANEL (3 Members from the approved list of Members retained by the Monitoring Officer)**

To exercise delegated powers as follows:-

- (i) Second Stage homeless appeals, e.g. against decision of 'intentionality'.
- (ii) Appeals on the grounds that properties offered in discharge of Homeless duties are unsuitable, and that refusal to accept the offer was reasonable.
- (iii) Appeals against intention to request eviction warrants (rent arrears).
- (iv) Appeals against service of Notice of Seeking Possession in respect to Nuisance or Conditions of Tenancy (excepting rent arrears).
- (v) Appeals against refusal of permissions under Conditions of Tenancy, e.g.:-
 - Running a business
 - Erecting structures etc.
- (vi) Appeals against exclusions on the Common Housing Register.
- (viii) Appeals against refusals to carry out disabled adaptations to a Council property.
- (ix) Appeals against the service of Notices of Possession proceedings under the Introductory Tenancy regime.
- (x) Appeals against the service of a Notice to extend an Introductory Tenancy.
- (xi) Appeals against the service of a Notice to Seek Possession of a Demoted Tenancy.
- (xii) Appeals against a decision not to award the Resettlement Service.
- (xiii) Appeals against a decision not to award a payment under the Tenants Incentive Grant Scheme, or against the amount of the payment made under that Scheme.

I. **EMPLOYMENT COMMITTEE (11 Members One of whom will be the Leader as a representative of their political group)**

To exercise delegated powers as follows:

- i. To approve any policies affecting staff employment, working conditions or conditions of services e.g. the content of the Personnel Handbook and Personnel Strategy.
- ii. To modify any National Joint Council for Local Government Services conditions of service which may, under the Single Status Agreement, be modified by local agreement and approve any local agreements that may be entered into with the recognised trade unions.
- iii. To approve the staff establishment of the Council in accordance with the Council's agreed budget
- iv. To make arrangements for Councillors to determine appeals of employees where the relevant policy allows an appeal to elected Members
- v. To determine applications for early retirement as detailed in the Council's Early Retirement Scheme
- vi. To consider recommendations and the minutes from the Members/Trades Unions Joint Consultation and Safety Panel

- vii. To appoint an independent person in relation to disciplinary investigations (including capability) involving the Head of Paid Service and Statutory Officers.
- viii. To organise a disciplinary hearing to receive the evidence of such an independent person and to decide the outcome of such a hearing in accordance with the Officer Employment Procedure Rules.
- ix. To appoint or dismiss Statutory Officers and such other senior officers as determined in accordance with the Officer Employment Procedure Rules
- xi. General power to appoint a sub-committee that contains at least one member of each of the registered political groups to deal with employment related matters that fall within the jurisdiction of elected members
- xii. To recommend to Council the appointment or dismissal of the Head of Paid Service in line with the Officer Employment Procedure Rules.

Note: Where the committee or a sub-committee is involved in the appointment, discipline or dismissal of Statutory Officers (including the Head of Paid Service), the committee or sub-committee must include the Leader.

J. **FINANCE AND AUDIT SCRUTINY COMMITTEE** (11 Members)

In addition to the general role of Finance and Audit Scrutiny Committee, as set out in Article 6, the Committee will also act as the Audit Committee for the Council and will, undertake the following:

- Approve (but not direct) internal audit's strategy, plan and performance
- Review summary internal audit reports and the main issues arising, and seek assurance that action has been taken where necessary
- Consider the reports of external audit and inspection agencies
- Consider the effectiveness of the authority's risk management arrangements, the control environment and associated anti fraud and anti corruption arrangements.
- Seek assurances that action is being taken on risk related issues identified by auditors and inspectors.
- Be satisfied that the authority's assurance statements, properly reflect the risk environment and any actions required to improve it
- 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.
- Review the financial statements, external auditor's opinion and report to members, and monitor management action in response to the issues raised by external audit.

3. Informal Council Meetings

The Council operates discussion forums e.g. Planning Forum, Members/Trades Unions Joint Consultation and Safety Panel, Warwick District Conservation Area Advisory Forum and various working parties which do not have decision making powers and are not open to the public. There is no requirement for them to follow the Council Procedure Rules but have adopted their own procedures which are annexed to the Constitution and available on request.

Section 3 Executive Functions

EXECUTIVE

<u>Key</u>	ES	=	Environmental Services
	DS	=	Development Services
	CS	=	Cultural Services
	HS	=	Housing & Property Services
	CIS	=	Customer Information Services
	SL	=	Strategic Leadership
	F	=	Finance
	NS	=	Neighbourhood Services
	CP	=	Community Protection

Each of these Service Areas has designated to it, a Portfolio Holder.

To consider and make recommendations to Council on:-

<u>Service Area</u>	<u>Function</u>
SL	1. The formulation of the Council's Corporate Strategy, Sustainable Community Strategy, Performance Plan, and such forward programmes and other steps as may be necessary to achieve those objectives.
F	2. The Council's financial policies
SL	3. The organisation and management processes of the Council and their effectiveness in contributing to the achievement of the Council's Corporate Strategy. To keep them under review in the light of changing circumstances, making recommendations as necessary for change in either the committee or departmental structure, or the distribution of functions and responsibilities.
SL	4. The making and levying of the Council Tax.
All Service Areas	5. Matters not specifically assigned.
DS	6. Preferred Option and Draft for Submission of Development Plan Documents e.g. the Core Strategy and Area Action Plans
HS	7. Approval of the Housing Strategy and Housing Investment Programme
SL	8. The Management Letter.
DS	9. To approve the Development Planning Documents under the Planning & Compulsory Purchase Act 2004

Subject to those matters reserved to Council and except those matters delegated by Council to an officer, to exercise delegated powers as follows:-

Policy and General Management

<u>Service Area</u>	<u>Function</u>
SL	1. To take such action as the Executive thinks necessary in relation to: <ul style="list-style-type: none"> (a) The Council's policies, objectives and priorities. (b) The co-ordination and development of services. (c) The work of other committees and bodies.
SL	2. To agree minor changes to Council policy issues subject to the Overview Scrutiny & Committees being alerted to such decision.

Financial Management

To exercise overall financial management of the affairs of the Council and in particular:

SL	1.	To recommend to the Council the basis upon which revenue estimate and capital programmes should be prepared.
SL	2.	Before the start of every financial year to recommend to the Council the revenue estimates, the level of reserves and the capital programme for that year.
SL	3.	To monitor revenue and capital expenditure during each financial year and to authorise variations in the revenue estimates and the capital programme.
SL	4.	To consider and review the budget management and financial control systems of the Council.
SL	5.	To supervise the insurances and banking arrangements and to administer, subject to any directions of the Council, any funds vested in the Council for the purpose of any of its statutory functions.
CIS	6.	To make Grants, including Community Chest Grants.

Land and Buildings

DS/SL	1.	To ensure the effective management, development and maintenance of all land and buildings.
DS/SL	2.	To sell, purchase or appropriate land and buildings.
DS/SL	3.	To grant or take leases of or any other interest in land and buildings.
DS/SL	4.	To acquire land and buildings by compulsory purchase.

Specific Functions

To exercise all the powers and duties of the Council as:

HS	Housing Authority
DS	(a) Planning Authority (e.g. the regarding Development Plan Documents such as the Core Strategy and Area Action Plans, approving the issues and options for consultations documents and approval of all aspects of Supplementary Planning Documents, Non-Statutory Planning Documents and Planning Briefs) except those matters delegated to the Planning Committee and Council. (b) Development control (c) To approve a Local Development Scheme and Statement of Community Involvement under Planning and Compulsory Purchase Act 2004
CS	(3) Culture, including (a) Parks & open spaces (b) Royal Spa Centre (c) Pump Room premises (d) Art Gallery & Museum (e) Sport, leisure & community (f) Westbury Centre (g) Catering establishments

NS	(a) Markets & mops (b) Car park management (c) Refuse collection and recycling (d) Street Cleansing
ES	(a) Food safety (b) Health and safety (d) Pollution control (e) Public health - pest control - animal welfare – nuisances - infection control (f) Health promotion (g) Cemeteries & crematorium
CP	(a) Main drainage
CIS	(a) Housing Benefits (b) To exercise overall management of information technology policy and related power and duties.

Miscellaneous Functions

All Service Areas	1. To exercise all powers and duties of the council in relation to any matter concerning compulsory or voluntary competitive tendering and oversee the operation of any Direct Labour or Direct Service Organisations.
All Service Areas	2. To seek planning consent under Regulation 3 or 4 of the Town and Country Planning General Regulations 1992.
All Service Areas	3. To seek tenders for schemes where a budget allocation has already been made as long as the estimate for the scheme is within the budget allocation. (In the event of the original provision being insufficient a request must be made to the Council for an amendment to the capital budget and/or a supplementary estimate.)
All Service Areas	4. To exercise all the powers and duties of the Council which are not delegated to another committee or person other than those which either cannot be delegated to the Executive or are specifically reserved to the Council.
All Service Areas	5. To institute proceedings (other than for debt collection) in the High Court.
All Service Areas	6. Consideration of corporate risk.