

Part 3.4 Responsibility for Council Functions

TABLE 2

Body Responsible	Functions	Delegation of Functions
Council	1. The functions specified in The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended)- Schedule 2 (Local Choice Functions) to be the responsibility of the Council are set out in Table 1	Delegated in accordance with Officer Scheme of Delegation.
	2. Approval of and any amendment to the Constitution or any part thereof.	Not Delegated
	3. Appointment of the Mayor	Not Delegated
	4. Approval of the Policy Framework and Budget of the Council and any amendment to the framework strategies or plans therein.	Not Delegated
	5. The approval of any application to the Secretary of State in respect of any consent under s.32 of s.43 of the Housing Act 1985.	Not Delegated
	6. Matters incapable of being delegated by law.	Not Delegated
	7. Making, amending, revoking, re-enacting or enforcing byelaw.	Not Delegated
	8. Confirming the appointment and dismissal of Head of Paid Service, Chief Finance Officer and Monitoring Officer.	Not Delegated
	9. Deciding on composition of committees of the Council and making appointments to them.	Not Delegated
	10. Approving the Scheme for Members' Allowances.	Not Delegated
	11. Matters relating to electoral or electoral boundary reforms and to local referendums.	Not Delegated
	12. Decisions to contract out and revoke contracting out of functions pursuant to an order under s.70 of the Deregulation and Contracting Out Act 1994 where the function is not an executive function.	Not Delegated

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	<p>13. Proposals for the reorganisation of, or transfer between, statutory bodies.</p> <p>14. Receiving reports from the Council's Head of Paid Service, Monitoring Officer or Section 151 Officer in pursuance of their statutory responsibilities or on matters which they consider should be referred to the full Council's for consideration.</p> <p>15. Functions relating to name and status of areas and individuals, including changing name of the borough, a parish, conferring title of honorary alderman and freeman.</p>	<p>Not Delegated</p> <p>Not Delegated</p> <p>Not Delegated</p>
<p>Planning Committee (8 Members of the Authority) No Executive Member other than Lead Member with responsibility for strategic planning. Not the Mayor.</p>	<p>1 To determine applications for planning permission, listed building consent, advertisements and other planning related applications, made under the Town and Country Planning Act 1990, Planning (Listed Buildings and Conservation Areas) Act 1990 and associated legislation and regulations.</p> <p>Officers may exercise delegated authority for all applications except:</p> <ul style="list-style-type: none"> • The recommendation is approval or refusal and there are significant local public representations against the officer recommendation (defined as 5 or more written representations from different households based on relevant material planning concerns). • The recommendation is approval or refusal and a ward member in the relevant ward has set out written concerns, which have not been resolved following a meeting with planning officers. • The recommendation is approval or refusal and following consultation with the Chair of Planning Committee (and other members of the Committee as appropriate), the officer has declined delegation. 	<p>Officers may exercise delegation in accordance with the Scheme of Delegation to Officers unless it falls within the exceptions set out under each function.</p>

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	<ul style="list-style-type: none"> • The recommendation would require a departure from statutory planning policy, Council policy and non-statutory guidance, except in the case of minor variations (variation to Council standards in respect of guidelines and policies that will result in a minor change in the nature and scale of the development, for example parking provision, garden size, distance between buildings). • The application relates to a strategically significant development or a major development (defined as 10 or more dwellings or 0.5 hectares if no numbers are given or where a building is 1000 square metres of floor space or the site is 1 hectare or more or a change of use involving creation of 10 or more residential accommodation units or non-residential buildings exceeding 1000 square metres). • Determination of applications relating to minerals and waste development except minor ancillary development to an existing use or minor variation or conditions associated with an existing approved application. • Determination of a deferred application which the Committee has specifically reserved to itself for determination. • The application relates to a Council owned site and the application is being made on behalf of the Council and at least one written objection has been made. <p>2 To confirm Directions under Article 4 of the Town and Country Planning (General Permitted Development) Order 2015.</p> <p>3 To confirm town and village green registration applications under the Commons Act 2006 and associated legislation, including considering recommendations of a non-statutory inquiry chaired by an independent person.</p> <p>4 Making recommendations to full council for planning related matters including neighbourhood development and conservation areas, where these functions are not executive functions for cabinet to consider and make recommendations on.</p>	

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	<p>5 To consider making an order to preserve and protect trees in the Borough.</p> <p>Officers may exercise delegated authority to make an order except:</p> <ul style="list-style-type: none"> • Where an objection has been received from more than three households. • The order is to protect a significant area of trees. • The decision would be contrary to agreed policy or significant issues have been raised by a ward councillor in a relevant ward. <p>6 To exercise the provisions of the Building Act 1984 and supporting Building Regulations with regard to the regulation of buildings, and to deal with plans and drawings submitted in connection therewith.</p> <p>Officers may exercise delegated authority for all applications except:</p> <ul style="list-style-type: none"> • The decision would be contrary to agreed policy. <p>7 To exercise functions in connection with high hedges.</p> <p>Officers may exercise delegated authority for all applications except where a formal notice is required under the Act and one or more of the following apply:</p> <ul style="list-style-type: none"> • Where wider neighbourhood issues are being raised, for instance there are complaints from at least 5 different households or the hedge has at least 5 owners and officers have been unable to resolve the matter informally. • A ward councillor in the relevant ward has submitted a written an objection of relevance to pursuant to the Act and following a meeting with officers, this remains unresolved. • The hedge is at least partly owned by the Council and officers have been unable to resolve the matter informally. 	

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	<p>Public Participation Scheme for Planning</p> <p>Applications for planning permission are determined by either Officers acting under the Council’s Scheme of Delegation or the Planning Committee. Each application is subject to a statutory public consultation/notification process which includes the right to make written representations on an application before it is determined. Where a representation is relevant to a planning application, it is considered by the decision-maker before a determination is made.</p> <p>The following will be allowed to address the Planning Committee before an application is determined:-</p> <ul style="list-style-type: none"> (a) Objectors who have submitted a written representation and registered to speak at least 3 working days in advance of the committee meeting. (b) The lead petitioner in the event of a petition being submitted in response to a planning application. (c) Parish Council representatives. (d) The applicant (or his agent). (e) Ward Councillors or other appropriate elected representatives raising material planning issues on behalf of those they represent, having given written notice to the Chair of the Planning Committee in advance of the meeting. <p>The Public Participation Scheme will only apply to planning applications which are to be determined by the Planning Committee.</p> <p>The following time limits apply to those who have a right to speak on a planning application at Planning Committee:</p> <ul style="list-style-type: none"> (a) Four minutes in total for all public objectors/petitioners; (b) Four minutes in total for any Parish Council representations; (c) Four minutes in total for the applicant/agent; (d) Four minutes in total for ward councillors or other appropriate elected representative. 	

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	<p>Speakers should restrict their comments to material planning considerations and are not permitted to send in or hand out any photographic or written material. Elected members who wish to speak may wish to seek advice from planning officers in advance of the meeting as to whether their representations constitute material planning considerations.</p> <p>The Public Participation Scheme does not apply to any matter where the Planning Committee is considering enforcement of any kind.</p> <p>The public participation scheme will operate in accordance with the guidance provided to residents in the explanatory leaflet “What happens to my objections to a planning application?”</p>	

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<p>Licensing Committee (10 Members of the Authority) No Executive Member other than the Lead Member(s) with responsibility for Licensing functions. Not the Mayor.</p>	<ol style="list-style-type: none"> 1. To consider all matters which under the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 are required not to be the responsibility of the Executive, save for those matters delegated to other Committees of the Council or reserved to Council. 2. To carry out functions in relation to health and safety, except where this relates to the Council in its capacity as employer. 3. To determine all functions not reserved to Full Council in connection with: <ul style="list-style-type: none"> • Private hire and hackney carriages, including where individuals have been convicted of offences, there is other cause for concern about suitability or officers consider it appropriate to refer the matter to the committee. • Setting conditions, fares and fees and charges for private hire and hackney carriage licensing. • Licensing Act 2003. • Gambling Act 2005. • Food safety and control • Animal health, welfare, safety and control • Other licensing and registration functions including caravan site licences, markets and street trading, scrap yards, sports grounds, special treatments and sex establishments. 4. To approve policy and fees and charges for the above functions where these are not executive functions or reserved to Council. 	<p>Functions can be delegated in accordance with agreed policy.</p> <p>A Licensing Hearing Sub Committee will be appointed to hear licensing applications referred to Committee.</p>

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<p>Employment Committee (6 Members of the Authority)</p>	<p>To be responsible for all the functions relating to the Council's responsibilities as an employer and for Local Government Pensions.</p> <ol style="list-style-type: none"> 1. To determine matters relating to the conditions of service of Chief Officers and Deputy Chief Officers in accordance with the Council's Officer Employment Procedure Rules, with the exception of those functions that are the responsibility of the Investigating and Disciplinary Committee (for statutory governance officers), the Appointments Committee or the Appeals Committee. 2. To make recommendations to Full Council on roles over £100,000 and pay policy. 3. To consider and agree reports on major changes in Human Resource Management and to monitor performance in the following areas: <ul style="list-style-type: none"> • HR Policies and Practices • Equal Opportunities and Diversity in Employment • Workforce Planning and Monitoring • Learning and Development • Communication and Consultation • Employee Well Being • Risk, Health and Safety Management 	<p>Staffing matters generally are dealt with by Officers under the Scheme of Delegation</p>

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<p>Appointments Committee</p> <p>(6 members of the Authority)</p> <p>Must include at least one member of the Cabinet</p>	<p>An Appointments Committee will be convened to make decisions (chief officers with exception of statutory governance officers) and recommendations to Council (Head of Paid Service, Chief Finance Officer/s.151 officer, Monitoring Officer) on appointment of chief officers.</p>	<p>Temporary arrangements may be determined by chief executive in accordance with Part 4.7 Officer Employment Procedure Rules.</p>
<p>Investigating and Disciplinary Committee IDC (6 Members of the Authority)</p> <p>Only one member of the Cabinet (not the Leader or Cabinet Member with responsibility for Human Resources or Finance)</p>	<p>To act in accordance with the Disciplinary Procedure for the Statutory Governance Officers and the Council's Officer Employment Procedure Rules.</p>	<p>In urgent circumstances short term suspension decisions can be made as set out in Part 3.6 Officer Scheme of Delegation and Part 4.7 Officer Employment Procedure Rules.</p>
<p>Appeals Committee</p> <p>(6 Members of the Authority)</p> <p>Only one member of the Cabinet (not the Leader or Cabinet Member with responsibility for Human Resources or Finance)</p> <p>Not a member of the IDC</p>	<p>To act in accordance with the Disciplinary Procedure for the Statutory Governance Officers and in accordance with the Council's Officer Employment Procedure Rules and HR policies.</p>	

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<p>Trustee Committee</p> <p>6 members nominated by the Council chosen having regard to skills or interest in Property, Finance, Charity Law, Compliance or sector expertise e.g. education, health, recreation.</p>	<p>Act as corporate trustee in respect of all assets held by the Council as charitable trustee</p> <p>Make decisions in respect of those assets in the best interests of the relevant charity</p> <p>Ensure strict compliance with the relevant Trust document.</p> <p>Act in the best interests of the Charity when making decisions in respect of that charity</p> <p>Exercise reasonable skill and care when acting on behalf of the Council in discharging its duties as corporate trustee.</p> <p>Ensure that professional advice is sought when necessary and as appropriate with regard to buying and selling charity land</p> <p>Ensure Adherence to statutory accounting and reporting requirements.</p>	

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<p>Health & Wellbeing Board</p> <p>Voting membership</p> <ul style="list-style-type: none"> • Lead Member for Children's Services • Lead Member for Social Care and Public Health • Other members nominated by the Leader and approved by the Council • Chair of the NHS Frimley Integrated Care Board (Slough Locality) (or other nominated representative) • NHS Frimley Integrated Care Board Accountable Officer • Representative of Healthwatch Slough • Representative of the Frimley Health NHS Foundation Trust • Representative from Slough's Youth Parliament <p>Non-voting membership</p> <ul style="list-style-type: none"> • Chief Executive of Slough Borough Council • Chief Executive of Slough Children First (SCF) • Executive Director of People (Adults) 	<p>The Health and Wellbeing Board is a Committee of the Council and set up under the Health and Social Care Act 2012. Full Council can choose to delegate additional functions to the Health and Wellbeing Board. These functions will be explicitly referred to in these terms of reference.</p> <p>Purpose of the Board:</p> <p>The Board has three main functions:</p> <ol style="list-style-type: none"> 1. To assess the needs of the local population and lead the statutory joint strategic needs assessment; 2. To provide collective leadership to improve health and wellbeing across Slough, enabling shared decision making and ownership of decisions in an open and transparency way. 3. To identify key priorities for health and local government commissioning, including joint commissioning and develop clear plans for best use of combined resources. <p>The purpose of the Board is to improve the health and wellbeing of the residents of Slough and reduce inequalities in outcomes. The Board will hold partner agencies to account for delivering improvements to the provision of health, adult and children's services social care and housing services.</p> <p>The Board will not conduct overview and scrutiny functions in relation to health, these will be performed by the Council's Corporate Improvement Scrutiny Committee.</p> <p>Key Responsibilities</p> <ul style="list-style-type: none"> • To prepare and publish a Joint Strategic Needs Assessment (JSNA) for Slough. • To prepare and publish a Joint Health and Wellbeing Strategy (JHWS) for Slough. • To provide support and constructive challenge to give its opinion to the NHS Frimley Integrated Care Board (ICB) on commissioning plans and their contribution to the delivery of the JHWS. • To respond to requests from the NHS England on ICB's level of engagement with the Board. • To encourage work in an integrated manner for the purpose of advancing the health and wellbeing of the area, including supporting the 	<p>Officers may exercise delegation in accordance with a Scheme of Delegation agreed by the Board or by specific delegation agreed by the Board on a case by case basis. The delegation can only be to a single named officer of Slough Borough Council and the significant officer decision process as set out in the Council's Scheme of Delegation to Officers must be followed.</p>

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<ul style="list-style-type: none"> • Executive Director of People (Children) – if different from Chief Executive of SCF • Director of Public Health for Slough Borough Council • Local Police Area commander or other nominated representative • Chief operating officer of NHS Frimley Integrated Care Board • Nominated officer for Slough Borough Council housing service • Representative of Royal Berkshire Fire and Rescue Service • Representative of Slough’s voluntary and community sector • Representative of the Slough Jobcentre (Department for Works and Pensions) • Two local business representatives <p>In addition the board may invite representatives from key providers on a topic by topic basis. These individuals will not be members of the board, but will have the right to participate in</p>	<p>participation of the community and voluntary sectors, and other non-statutory agencies in the delivery of health and social care outcomes as a shared endeavour.</p> <ul style="list-style-type: none"> • To work with partners to identify opportunities for future joint commissioning. • To work with the ICB and Integrated Care Partnership to adopt a set of principles to develop effective relationships, including responding to consultation by the ICB and health partners on preparing or revising their 5 year forward plan and by the ICB on its annual report. • To review and sign off the Better Care Fund Plan. • To publish and maintain a Pharmaceutical Needs Assessment. • To give its opinion to the Council on whether it is discharging its duty to have regard to any Joint Strategic Needs Assessment and Joint Health and Wellbeing Strategy prepared in the exercise of its functions. • To respond to consultation by NHS England on the ICB’s contribution to the delivery of the JHWS. • To consider the ICB and health partners’ joint capital resource use plan to inform how to align local priorities and provide consistency with strategic aims and plans. • To ensure that strategic issues arising from Slough’s Adult Safeguarding Board and Local Safeguarding Children’s Board inform the work of the Board. • To consider opportunities for cross boundary workings with other health and wellbeing boards where appropriate to ensure effective commissioning decisions that deliver value for money in support of improved outcomes and to work collaboratively with the Integrated Care Partnership in the preparation of the system-wide integrated care strategy. • To produce an annual report which will be shared with all member organisations and published on the Council’s website. <p>Sub-committees</p> <p>The Board may establish a sub-committee, but its terms of reference must be approved by full Council and included in this part of the Constitution.</p>	

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<p>the debate and ask questions at the discretion of the Chair.</p> <p>Voting rights:</p> <p>Voting members of the Board will be subject to the Council's Code of Conduct for Members, including the requirement to complete a register of interests and declare interests.</p> <p>Voting members may appoint named substitutes who may attend as voting members in the place of the named member.</p> <p>Decisions will be made on the basis of a show of hands of a majority of voting members present. The Chair will have a casting vote.</p> <p>A named representative of NHS England will join the Board to help in the preparation of the Joint Strategic Needs Assessment of Joint Health and Wellbeing Strategy.</p>	<p>The Board may set up working groups and task and finish groups to assist with its functions. These groups will have no decision-making powers.</p> <p>Information requests</p> <p>The Board may ask for information and reports from each of its member organisations and statutory partnerships.</p>	

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<p>Chair:</p> <p>The Chair will be an elected member of Slough Borough Council. If the Chair is not appointed at Full Council, the Board can vote to appoint a Chair at its first meeting.</p> <p>The Vice-Chair will be an ICB member of the Board.</p> <p>If neither the Chair or Vice-Chair are present, the Board may appoint a Chair to preside over that meeting from amongst the voting members of the Board.</p> <p>The Board is bound by the Council's Constitution and procedure rules, except where these rules are contrary to the statutory requirements of the Board or are contrary to these terms of reference.</p> <p>Quorum</p> <p>Meetings will be deemed quorate is at least one third of voting members are present, however there must be attendance of at</p>		

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<p>least one voting member from both the Council and the NHS Frimley Integrated Care Board.</p> <p>Frequency of Meetings</p> <p>The Board shall meet a minimum of three and a maximum of four times a year.</p>		