

## **PART 3**

# **Responsibility for Functions**

## 1. Responsibility for Local Choice Functions

Function	Decision making body	Membership	Delegation of Functions
1. Any function under a local Act other than a function specified or referred to in regulation 2 or Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000.	Leader	n/a	See Officer Scheme of Delegation and Leader's Scheme of Delegation.
2. The determination of an appeal against any decision made by or on behalf of the authority.	Licensing Committee	15 Members	"
	Regulatory Committee	10 Members	"
	Employment Committee	5 Members at least one of which must be an Executive Member	"
3. Any function relating to contaminated land.	Leader	n/a	"
4. The discharge of any function relating to the control of pollution or the management of air quality.	Leader	"	"
5. The service of an abatement notice in respect of a statutory nuisance.	Regulatory Committee	10 Members	"
6. The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the authority's area.	Regulatory Committee	"	"
7. The inspection of the authority's area to detect any statutory nuisance.	Regulatory Committee	"	"
8. The investigation of any complaint as to the existence of a statutory nuisance.	Regulatory Committee	"	"
9. The obtaining of information under section 330 of the Town and Country Planning Act 1990(a) as to interests in land.	Planning Committee	19 Members	"
10. The obtaining of particulars of persons interested in land under section 16 of the Local Government	Council	51 Members	"

Function	Decision making body	Membership	Delegation of Functions
(Miscellaneous Provisions) Act 1976(b).			
<p>11. The appointment of any individual –</p> <p>(a) to any office other than an office in which he is employed by the authority;</p> <p>(b) to any body other than –</p> <p>(i) the authority;</p> <p>(ii) a joint committee of two or more authorities; or</p> <p>(c) to any committee or sub-committee of such a body, and the revocation of any such appointment.</p> <p>the making of arrangements with other Local Authorities for the placing of staff at the disposal of those other Authorities.</p>	<p>Leader subject to the following exceptions: Raven Housing Trust (Council)</p>	<p>n/a</p>	<p>“</p>

## Responsibility for Council Functions

Committee	Membership	Functions	Delegation of Functions
Planning	19 Members of the Authority	<ol style="list-style-type: none"> <li>1. All functions of the Council as Local Planning Authority under the Town and Country Planning Acts and ancillary or other legislation including:               <ol style="list-style-type: none"> <li>(a) Planning applications including applications for CLEUD or CLOPUD;</li> <li>(b) Enforcement action;</li> <li>(c) Planning Agreements;</li> <li>(d) Advertisement Control;</li> <li>(e) All matters relating to Conservation Areas and Listed Buildings;</li> <li>(f) Minerals extraction and waste disposal proposals;</li> <li>(g) Tree preservation;</li> <li>(h) Reference from statutory undertakers;</li> <li>(i) Development proposals submitted on behalf of the County Council, Borough Council or any other statutory Authority or Government Department;</li> <li>(j) Control of the erection and demolition of buildings and structures and the use of land, building or structures;</li> <li>(k) Issue of certificates of appropriate alternative development;</li> <li>(l) Authorisation of entry on land;</li> <li>(m) Requiring discontinuance.</li> </ol> </li> <li>2. All matters relating to building control functions including the relaxation and breaches of building regulations.</li> <li>3. Advice to the Executive on the preparation, update and monitoring of the Local Plan and the development control guidance.</li> <li>4. Any other matter arising from or relating to planning legislation.</li> </ol> <p><b>(Note:</b> In relation to the above Terms of Reference, Members' attention is drawn to the Development Management Protocol and new procedure on public speaking at the Planning Committee set out in Part 5 of the Constitution).</p>	Officer delegation - see schedule

Committee	Membership	Functions	Delegation of Functions
Regulatory	10 Members of the Authority	<p>All functions of the Council in relation to licensing and regulation including:</p> <ul style="list-style-type: none"> <li>• public entertainments</li> <li>• cinemas and theatres</li> <li>• sex establishments</li> <li>• hackney carriage and private hire</li> <li>• animal welfare</li> <li>• food preparation</li> <li>• betting, gaming and lotteries</li> <li>• street &amp; house to house collections</li> <li>• markets and street trading</li> <li>• takeaway food shops</li> <li>• caravan and camping sites</li> <li>• health and safety (otherwise than in the Council's capacity as employer)</li> <li>• any other licensing/regulatory or individual applications for service not within the remit of another Committee.</li> </ul> <p>Application for registration of Small society lotteries (where the authority is minded to refuse and the applicant wishes to make representations).</p> <p>Revocation of Small society lotteries (where the applicant has made representations).</p> <p>Applications under schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982, as amended.</p>	Officer Delegation - see schedule
<p>Licensing Committee</p> <p>and</p> <p>Licensing Sub-Committees</p>	<p>15 Members of the Authority</p> <p>3 Members of the Authority</p>	<p><b>In relation to the Licensing Act 2003:</b></p> <p>All functions of the Council unless specifically excluded by legislation or delegated to the Licensing Sub Committee or officers.</p> <p>Application for premises licence/club premises certificate (If a representation made)</p> <p>Application for provisional statement (If a representation made)</p> <p>Application to vary premises licence/club registration Certificate (If a representation made)</p> <p>Application to vary designated premises supervisor (If a police representation)</p> <p>Application for transfer of premises licence (If a police representation)</p>	Officer Delegation – see schedule

Committee	Membership	Functions	Delegation of Functions
		<p>Application for Interim Authorities (If a police representation)</p> <p>Application to review premises licence/ club premises certificate (All cases)</p> <p>Decision to object when local authority is a consultee and not the relevant Authority considering the application (All cases)</p> <p>Determination of a police representation to a temporary event notices (All cases)</p> <p><b>In relation to the Gambling Act 2005:</b></p> <p>Application for Premises licences (where representations have been received and not withdrawn).</p> <p>Application for a variation to a licence (where representations have been received and not withdrawn).</p> <p>Application for a transfer of a licence (where representations have been received from the Gambling Commission).</p> <p>Application for a Provisional Statement (where representations have been received and not withdrawn).</p> <p>Review of a premises licence (in all cases).</p> <p>Application for club gaming/club machine permits (where objections have been made and not withdrawn).</p> <p>Cancellation of club gaming/club machine permits (in all cases).</p> <p>Refusal of club gaming/club machine permits (unless the applicant/objectors agree that a hearing can be dispensed with).</p> <p>Application for licensed premises gaming machine permits (where Officers have notified the applicant of their intentions to refuse and the applicant has made representations).</p> <p>Applications for other permits (where officers have notified the applicant of their intentions to refuse and the applicant has made representations).</p>	

Committee	Membership	Functions	Delegation of Functions
		<p>Grant or vary a licensed premises gaming machine permit for either a smaller number of machines specified in the application, and/or different category of machine than specified in the application (where the applicant has made representations).</p> <p>Cancellation of licensed premises gaming machine permits (where representations have been received and not withdrawn).</p> <p>To make an Order disapplying exempt gaming provisions and/or removal of automatic entitlement to make available two (category C or D) gaming machines for specified alcohol licensed premises (where the applicant has requested a hearing).</p> <p>Consideration of temporary use notice (where objections have been made and not withdrawn).</p> <p>Decision to give a counter notice to a temporary use notice (in all cases).</p>	
Overview and Scrutiny	15 Members of the Authority	<p>(a) <b>Scrutiny</b></p> <p>Review and scrutinise decisions made by, and the performance of the Leader / Executive decision maker, Committees and Council Officers excluding decisions on individual applications/cases;</p> <p>Review and scrutinise the performance of the Council in relation to its policy objectives, performance targets or particular service areas;</p> <ul style="list-style-type: none"> <li>• Make recommendations to the Leader / Executive decision maker, Committees or the Council arising from the outcome of the scrutiny process;</li> <li>• Review and scrutinise the performance of other public bodies.</li> </ul> <p>(b) <b>Policy Review and Development</b></p> <p>Assist the Council [and the Executive] in the development of its budget and policy framework;</p> <ul style="list-style-type: none"> <li>• Conduct research, community and other consultation on policy issues and possible options.</li> </ul>	

Committee	Membership	Functions	Delegation of Functions
		<p>In relation to (a) and (b) above:</p> <ul style="list-style-type: none"> <li>• Question the Leader / Executive decision maker, Committees, Directors, Chief Officers or Service Managers;</li> <li>• Liaise as necessary with external organisations;</li> <li>• Question and obtain confirmation/advice from any other person/organisation.</li> </ul> <p><b>(c) Budget/Resources</b></p> <ul style="list-style-type: none"> <li>• To exercise responsibility for resources allocated to support the work of the Committee.</li> </ul> <p><b>(d) Audit Responsibilities</b></p> <ul style="list-style-type: none"> <li>• To consider the effectiveness of the Council's risk management arrangements.</li> <li>• Approve the Council's internal audit strategy and monitor performance.</li> <li>• Review summary internal audit reports and the main issues arising, and seek assurance that appropriate action has been taken where necessary.</li> <li>• Receive the annual report of the Chief Internal Auditor.</li> <li>• Be consulted upon reports received from External Audit and other inspection agencies.</li> </ul> <p><b>(e) Crime and Disorder</b></p> <p>That for the purposes of the Police and Justice Act 2006 that the Overview and Scrutiny Committee be designated as the Crime and Disorder Committee with the following remit:</p> <p>(a) To review or scrutinise decisions made, or action taken, in connection with the discharge by the responsible authorities of their crime and disorder functions;</p>	

Committee	Membership	Functions	Delegation of Functions
		<p>(b) To make reports or recommendations to the responsible authority(s) with respect to the discharge of those functions.</p> <p>(f) <b>Joint Scrutiny</b></p> <p>The scrutiny and reporting functions set out in the Local Government and Public Involvement in Health Act 2007 and the Local Authorities (Overview and Scrutiny Committees) (England) Regulations 2009 and any amendments made thereto, and in particular:</p> <p>(a) The scrutiny of the improvement targets contained in the Surrey Local Area Agreement; and</p> <p>(b) To make reports or recommendations to the LAA partners with respect to the matters that relate to a relevant LAA target.</p> <p>(g) <b>Petitions</b></p> <p>That for the purposes of the Local Democracy, Economic Development and Construction Act 2009 that the Overview and Scrutiny Committee be responsible for considering petitions received under the Petition Scheme that fall into the following categories:</p> <ul style="list-style-type: none"> <li>• Petitions requiring a senior officer to give evidence to the Overview and Scrutiny Committee; and</li> <li>• Appeals from Petitioners who are not satisfied with the response to a petition.</li> </ul> <p>(h) <b>Generally</b></p> <ul style="list-style-type: none"> <li>• To report annually to the Council on the Committee's work and (following consultation with the Executive) upon the future Work Programme for the Committee.</li> <li>• To appoint panels as necessary to carry out and report upon the work of the Committee.</li> <li>• To consider any valid Councillor Call for Action.</li> <li>• To ensure effective scrutiny of the treasury management strategy and procedures.</li> </ul>	

Committee	Membership	Functions	Delegation of Functions
Standards	5 Members of the Authority other than the Leader and including at least one minority group representative and not more than one Executive Member, together with four independent members (with voting rights and three representatives of the Town and Parish Councils with at least one Member from each of the Town and Parish Councils.	<ol style="list-style-type: none"> <li>1. The promotion and maintenance of high standards of conduct within the Council and in particular:               <ol style="list-style-type: none"> <li>(a) To advise the Council on the adoption or revision of its Code of Conduct.</li> <li>(b) To monitor the operation and effectiveness of the Codes.</li> <li>(c) To assess, review and hear complaints about Members and in particular alleged breaches of the Member Code of Conduct.</li> </ol> </li> <li>2. Assistance to and training for Members of the authorities:               <ol style="list-style-type: none"> <li>(a) To ensure that all Members of the Council have access to training in all aspects of the Member Code of Conduct and other subjects that will assist them in ensuring compliance with the Code.</li> <li>(b) To ensure that this training is actively promoted, and that Members are aware of the standards expected from local Councillors under the Code.</li> <li>(c) To monitor all training provided to Members and recommend appropriate changes to the Member training and induction programme except that in respect of the Parish Council this should be limited to training in the Code.</li> </ol> </li> <li>3. Council's Complaints procedures:               <ol style="list-style-type: none"> <li>(a) To monitor the effectiveness of the Council's procedures for complaints handling.</li> <li>(b) To receive reports on Local Government Ombudsman investigations.</li> <li>(c) To recommend appropriate changes to the Council's complaints procedures.</li> </ol> </li> <li>4. To review the Council's Constitution and make recommendations to Full Council.</li> </ol>	-

Committee	Membership	Functions	Delegation of Functions
		<p>5. Protocol on Member/Officer Relations: To recommend amendments or revisions of the Protocol to Full Council.</p> <p>6. Planning protocols: In conjunction with Planning Committee, to recommend amendments or revisions of the Protocol to Full Council.</p> <p>7. Anti-fraud and Corruption Strategy and confidential reporting code: To agree amendments or revisions to the Council's Strategy and Code.</p> <p>8. The granting of dispensations to Members with prejudicial interests.</p> <p>9. Politically restricted posts-</p> <p>(a) To determine applications received from any officer of the Council for exemption from political restriction under Sections 1 and 2 of the Local Government and Housing Act 1989 in respect of the post held by that officer.</p> <p>(b) To determine applications of any person, or otherwise consider whether a post should be included in the list maintained by the Authority under Section 2(2) of the 1989 Act.</p> <p>(c) To direct the Council, as appropriate, that the post shall or shall not be considered to be a politically restricted post and that the post be added or removed from the list maintained by the Council under Section 2(2) of that Act.</p> <p>10. To exercise all of the appropriate functions set out above in relation to Horley Town Council and Salfords and Sidlow Parish Council.</p>	

Committee	Membership	Functions	Delegation of Functions
Complaints Assessment Sub-Committee	3 Members of the Standards Committee with at least one Independent Member and one Town/ Parish representative.	<p>11. Appointment of Independent Members: Select for interview, interview and make recommendations to Full Council to appoint Independent Members for the Standards Committee.</p> <p><b>NOTE:</b> The Committee can delegate this task to named members of the Committee.</p> <p>12. Any matter referred by the Monitoring Officer.</p> <p>1. To receive allegations that a member of the Authority, (which includes members of the Town or Parish Councils in these terms of reference) has failed, or may have failed, to comply with the Authority's Code of Conduct.</p> <p>2. To assess whether any further action is required and if so authorise that action to be taken.</p>	
Complaints Review Sub-Committee	“	<p>1. Upon the request of a person who has made an allegation that a member of the Authority (which includes members of the Town or Parish Councils in these terms of reference) has failed, or may have failed, to comply with the Authority's Code of Conduct, to review a decision of the Complaints Assessment Sub-Committee that no action be taken in respect of that allegation.</p> <p>2. To assess whether any further action is required and if so authorise that action to be taken.</p>	
Complaints Hearings Sub-Committee	“	<p>1. To hear complaints into whether members of the Authority (which includes members of the Town or Parish Councils in these terms of reference) have failed, or may have failed, to comply with the Authority's Code of Conduct.</p> <p>2. To determine whether a breach of the Code of Conduct has occurred and as appropriate determine the penalties to be imposed, or refer the case to the Standards Board for England for these to be determined.</p>	

Committee	Membership	Functions	Delegation of Functions
Employment	5 Members of the Authority (politically balanced – to include at least one Member of the Executive)	<ol style="list-style-type: none"> <li>1. Appointment/Dismissal &amp; Disciplinary Action and appeals in accordance with Officer Employment Procedure Rules.</li> <li>2. Employee matters requiring approval by Members or falling outside the personnel policies and procedures.</li> </ol>	Officer Delegation – see schedule

### Responsibility for Executive Functions

Who is Responsible	Membership	Functions	Onwards limits on delegations
Leader	n/a	<p>All the functions of the Council except those which have been delegated to any other Committee or Sub-Committee or those matters:</p> <ul style="list-style-type: none"> <li>• reserved for determination by the Council.</li> <li>• required by statute to be determined by the Council.</li> <li>• which the Head of Paid Service, Monitoring Officer or Chief Finance Officer determine under their statutory roles should be considered by the Council.</li> </ul>	<p>For the Executive and individual Members - see Leader's Scheme of Delegation as maintained and held by the Chief Executive;</p> <p>For Officers - see Officer Scheme of Delegation in Part 3 of the Constitution; and</p> <p>For joint arrangements – see below</p>
The Surrey Hills Board	<p><b>Core Members</b></p> <ul style="list-style-type: none"> <li>• Natural England (1 member)</li> <li>• Guildford Borough Council (1 Member)</li> <li>• Mole Valley District Council (1 member)</li> <li>• Reigate and Banstead Borough Council (1 member)</li> <li>• Surrey County Council (1 member)</li> <li>• Tandridge District Council (1 member)</li> <li>• The National Trust (1 member)</li> <li>• Waverley Borough Council (1 member)</li> </ul>	The Council's statutory powers to prepare and review the Surrey Hills Area of Outstanding Natural Beauty Management Plan.	-

Who is Responsible	Membership	Functions	Onwards limits on delegations
	<p><b>Advisory Members</b></p> <ul style="list-style-type: none"> <li>• Parish and Town Councils (2 members)</li> <li>• Up to 4 representatives from other governmental and voluntary agencies</li> </ul>		
Surrey First Joint Committee	One Member representing each Surrey District, the Surrey County Council and the Surrey Police Authority	<p>To:</p> <ul style="list-style-type: none"> <li>• oversee joint working arrangements of the Authorities;</li> <li>• promote good working practices amongst the Authorities;</li> <li>• identify the range of services for inclusion in a Joint Venture Company (JVC);</li> <li>• approve the draft Articles and Memorandum of Association of the JVC;</li> <li>• approve the draft revised Terms of Reference for the Joint Committee to provide for governance and oversight of the JVC; and</li> <li>• manage the project budget.</li> </ul>	-