

3.2 Council Functions

These are as follows:-

1. The adoption and any amendment to the Constitution,
2. The approval of the Budget and Policy Framework as defined in the Budget and Policy Framework Rules in Part 4 of the Constitution including;
 - The adoption (with or without modification) of the plan or strategy,
 - The giving of instructions requiring the Executive to reconsider any draft plan or strategy submitted to the Executive for consideration,
 - The amendment of any draft plan or strategy submitted to the Council by the Executive for consideration.
3. Any application to the Secretary of State in respect of any Housing Land Transfer.
4. Calculations relating to and setting of Council Tax.
5. Setting the level of Council House rents.
6. The appointment and dismissal of the Chief Executive Officer and Head of Paid Service
7. The appointment and dismissal of Chief Officers and Deputy Chief Officers.
8. Consideration of a report by the Head of Paid Service on management of the Council or by Director of Resources or Monitoring Officer in relation to a Council function.
9. Appointment and Membership of Committees.
10. Election/Appointment of Chairman and Vice-Chairman of the Council.
11. The appointment of Leader, ~~Deputy Leader and members of the Executive.~~
12. The appointment of and any amendment to Terms of Reference of Committees and Sub-Committees and Partnership Working Groups.
13. Authorisation of persons to collect, recover, prosecute or appear on behalf of the Council in any legal proceedings in respect of Council Tax, NNDR and Community Charge.

14. In accordance with the provisions of section 101(4) of the Local Government Act 1972, where it is expedient to do so to exercise the powers or duties in relation to any matter contained in the Terms of Reference of any Committee, Sub-Committee or other Council Body other than the Executive.
15. To make determination in respect of the Council's Borrowing and Investment Strategy.
- ~~16. To determine planning applications referred to the Council by the Planning Committee pursuant to Planning Committee Terms of Reference.~~
- ~~17. To determine the Council's requirements for public open space provision in respect of new development proposed under a planning application, in cases where the Planning Committee and the Executive have failed to agree on the appropriate level of provision.~~
- ~~18. The approval of the Council's Draft Published Accounts.~~
- ~~19~~18. National and Provincial Council decisions and recommendations.
- ~~20~~19. Approval of and amendment to the Members' Allowances Scheme including the level of allowances within the scheme following the consideration of report from the Independent Remuneration Panel.
- ~~21~~20. Determining the amount of any allowance payable in respect of the Chairman and Vice Chairman of the Council's expenses, allowances for attending conferences, travelling and subsistence allowances under the Local Government Act 1972.
- ~~22~~21. Subject to the urgency procedure contained in the Access to Information Procedure Rules in Part 4 of this Constitution, making decisions about any matter in the discharge of an executive function which is covered by the Budget and Policy Framework or where the decision maker is minded to make it in a manner which would be contrary or not wholly in accordance with the Budget and Policy Framework.
- ~~23~~22. Making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or personal Bills.
- ~~24~~23. The function of specifying a value or description for the purposes of Regulation 8 of the Local Authorities (Executive Arrangements) (Modification of Enactments and Further Provisions) (England) Order 2001 in respect of Contracts Standing Orders.
- ~~25. The imposition of any condition limitation or other restriction on an approval, consent, licence, permission or registration granted by the Council, determining whether and in what manner to enforce any~~

~~failure to comply with such an approval, consent, licence, permission or registration and the amendment, modification or variation of any such consent, licence, permission or registration.~~

2624. All local choice functions set out in 3 below, which the Council has decided, should be undertaken by itself rather than the Executive.
2725. The authorisation of applications by the Executive under section 135 of the Leasehold Reform, Housing and Urban Development Act 1993 (Programme for Disposals) and sections 32 and 43 of the Housing Act 1985 for the disposal of housing land other than under Right to Buy legislation.
- ~~2628. The approval for the purposes of public consultation in accordance with regulation 22 of the Town and Country Planning (Development Plans) (England) Regulations 1999 of draft proposals associated with the preparation of alterations to or the replacement of a development plan.~~
- Decisions relating to the adoption or withdrawal of local development documents and supplementary planning documents associated with the preparation of the Council's Local Plan.
2927. All other matters which by law must be reserved to the Council, including those functions which cannot be the responsibility of the Executive, but which can be delegated to a Committee by the Council. These functions are listed in the Appendix to this part of the Constitution.
2830. Debate petitions to the Authority which contains 1% of the population of the District (700 signatures)

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(8) PLANNING COMMITTEE

TO EXERCISE THE POWERS AND DUTIES OF THE COUNCIL WITH REGARD TO:-

1. The control of development under planning legislation including inter alia historic buildings, conservation, advertisement control, lawful development certificates, hazardous substances control and enforcement of legislation, subject to:-
 - (i) Where the Planning Committee resolve to determine a planning application contrary to the recommendation of the Head of Planning and Environmental Services Development Control Manager, the resolution adopted shall make reference to the material considerations taken into account by the Committee which warrant such a decision, and those material considerations shall be recorded in the minutes.
 - (ii) ~~Where the Planning Committee is minded to approve an application which has been advertised as a departure to the development plan, the application shall be referred to the Council, along with a statement by the Planning Committee, identifying material considerations which have been taken into account and which justify the departure from Policy and that statement and material considerations shall be recorded in the minutes.~~
2. Tree Preservation Orders, the need for planning agreements and obligations, notices under section 215 Town and Country Planning Act 1990 (land adversely affecting the amenity of the neighbourhood), Article 4 Directions and the Hedgerows Regulations 1997.
3. Grants for the repair of historic buildings.
4. ~~Consultation and public participation on the Statement of Community Involvement and supplementary planning documents included in the Local Development Scheme.~~

- ~~5. Consultation on pre-submission issues and options for development plan documents included in the Local Development Scheme.~~

~~Decisions relating to the commencement, publication or submission of local development documents associated with the preparation of the Council's Local Plan~~

~~Decisions relating to the approval of the Local Development Scheme, Statement of Community Involvement and Annual Monitoring Reports.~~

~~Decisions relating to the preparation of local development documents and supplementary planning documents.~~

~~Decisions relating to recommendations from the Local Plan Steering Group.~~

6. Respond to consultations on the preparation of development plan documents, supplementary planning documents, local development schemes, statements of community involvement, and annual monitoring reports, and their amendment and review, from adjoining and nearby district and metropolitan district councils, provided that the response is consistent and compatible with the policies of the Council contained in the Council's adopted or preferred option planning documents, failing which the consultation shall be referred to Council.

- ~~7. The preparation and approval of the Annual Monitoring Report.~~

8. The operation of any function of the Council as a Local Planning Authority not otherwise covered, including commenting on development plan documents prepared by adjoining authorities, and government consultations on the planning legislation.

9. The delegation of such matters within the terms of reference as may be appropriate to the Chief Executive or other appropriate officer.

- ~~10. To determine the open space requirements to be incorporated within new development proposed in an application for planning permission provided these are in accordance with the Council's sports and recreation facilities policies.~~

- ~~10.~~ To issue Notices under Section 31 of the Clean Neighbourhoods and Environment Act 2005.

- ~~11. The designation of conservation areas.~~

- ~~12. Schemes for any town centre development including pedestrianisation and new road schemes.~~

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TO RECOMMEND TO THE COUNCIL WITH REGARD TO:-

Decisions relating to the adoption or withdrawal of local development documents and supplementary planning documents associated with the preparation of the Council's Local Plan.

- ~~11. Proposals to prepare and review the Regional Spatial Strategy and Sub-Regional Spatial Strategy.~~
- ~~12. The Local Development Scheme and its review.~~
- ~~13. Approval of preferred options and the final Development Plan documents for submission to the Secretary of State, and the adoption of development plan documents.~~
- ~~14. The submission to the Secretary of State, and the adoption, of the Statement of Community Involvement and its review.~~
- ~~15. The adoption of development plan documents and supplementary planning documents.~~
- ~~16. The designation of conservation areas.~~
- ~~17. Schemes for any town centre development including pedestrianisation and new road schemes.~~
- ~~18. The determination of planning applications contrary to adopted Council policy and recommendations of the Head of Planning and Environmental Services.~~
- ~~19. The provision of public open space facilities on development proposed in planning applications where the provision would be contrary to the Council's sports and recreation facilities policies.~~

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(-) NEW BOLSOVER JOINT PARTNERSHIP COMMITTEE TERMS OF REFERENCE

1. STATUS

1) New Bolsover Partnership Committee is a Joint Committee of Bolsover District Council and Derbyshire County Council established under section 101 (5) and 102(1) of the Local Government Act 1972 in order to discharge the functions of those Councils in relation to the New Bolsover Heritage Lottery Fund Heritage Grant.

2) The Committee has power to co-opt members to the Partnership Committee pursuant to section 102 (3) of the Local Government Act 1972 but these co-opted members shall not hold voting rights (section 13 of the Local Government and Housing Act 1989).

3) The Committee is not a partnership as defined in section 1 of the Partnership Act 1890 and further the Partnership Committee is a non-profit making group.

2. PURPOSE

(1) The purpose of the Partnership Committee is to oversee jointly the Development phase of the New Bolsover Heritage Grant scheme in accordance with the grant offer dated 8 April and the application form dated 18 November and all associated documents. This will include:-

- o The development of all documents required for the round 2 application, to include activity plan, conservation plan, management and maintenance plan, business plan, specification for energy works and match funding, tender documentation to RIBA/L1 Stage C
- o Community consultation and community development work to be carried out by partners including CVP, Derbyshire Environmental Services, Junction Arts, the Heritage Skills Hub
- o Work with local organisations and residents to development as many opportunities as possible for resident involvement in the scheme, including in its management, with appropriate support and development opportunities for individuals
- o Development of training and skills development proposals, prioritising opportunities for local residents
- o Development of interpretation proposals for the scheme, both during and after delivery
- o Development of proposals to ensure public benefits exceed private gain for privately owned properties, including security measures to allow grant repayment in the event of sale and to ensure appropriate management and maintenance
- o Development of robust monitoring and evaluation proposals for all aspects of the project

3. GOALS AND OBJECTIVES OF THE PARTNERSHIP COMMITTEE

Working in partnership with a range of organisations the Partnership Committee aims to stimulate a conservation-led regeneration project for New Bolsover Model Village with the following objectives:

The main aims of the project are:-

- To implement a programme of repair and restoration which will include the reinstatement of architectural detailing such as windows
- To work in partnership with community organisations to strengthen community spirit and promote pride in local heritage
- To improve housing and housing conditions for local people through physical improvement, better maintenance, and improved thermal efficiency
- To provide local training and volunteering opportunities

4. POWERS OF THE PARTNERSHIP

(1) The issuing of grants in accordance with regulations set down by Heritage Lottery Fund

(2) Approval of documents outlined in Paragraph 2(1) and Stage 2 Grant applications.

5. MEMBERSHIP OF THE PARTNERSHIP COMMITTEE AND VOTING

(1) The Initiative Committee shall comprise the following members:-

VOTING MEMBERS:-

(i) 10 members appointed by Bolsover District Council

(ii) 2 members appointed by Derbyshire County Council

NON VOTING CONSULTEE MEMBERS:-

(i) 1 member appointed by English Heritage from the English Heritage East Midlands Conservation Team.

(ii) 1 representative from Heritage Lottery Fund

(iii) 1 representative from each of the following:-
Residents Association, Heritage Hub, Derbyshire Environmental Studies,
Groundwork Creswell, Bolsover Local Strategic Partnership, Junction Arts.

THE PARTNERSHIP COMMITTEE WILL BE ADVISED BY

(i) Assistant Director - Planning and Environmental Health

- (ii) Head of Housing , Bolsover District Council.
 - (iii) Housing Asset Manager
 - (iv) Housing Strategy Manager
 - (iv) Conservation and Design Manager, Derbyshire County Council..
 - (v) Project Manager – New Bolsover Heritage Grant Scheme .
 - (vi) Community Consultation officer
- And other officers of Bolsover District Council as necessary.

SECRETARIAT

(1) The Clerk to the Partnership Committee shall be the Monitoring Officer of Bolsover District Council who will provide the secretariat to the Partnership Committee and, in particular, will be responsible for convening meetings and recording the minutes.

The Treasurer of the Committee shall be the Chief Finance Officer for the time being of Bolsover District Council or that Officer's representative.

. FREQUENCY OF MEETINGS

(1) The Partnership Committee shall meet quarterly with such further meetings as the Chairman or any two members of the Initiative Committee or the Chief Executive Officer may consider necessary or may request in the event of urgent business arising

(2) At least five clear days notice will be given by the Monitoring Officer of the business to be conducted at a meeting, except in the case of an emergency, in which event the secretariat will give such notice as is reasonably practicable in the circumstances.

6. QUORUM

(1) The quorum and voting for any meetings of the Partnership Committee shall be 3.

(2) Voting shall be by simple majority of all those present and entitled - to vote.

7. NATURE OF MEETINGS

(1) Meetings of the Partnership Committee shall be held in public unless members of the Partnership Committee wish to discuss matters of a confidential or exempt nature in which event they have the right to exclude members of the press and public in accordance with the Local Government Act 1972 and related provisions.

(2) The provisions of the Local Government Act 1972 including section 100 (Access to Information) and any amending legislation or Regulations apply to meetings of the Partnership Committee.

(3) . Bolsover District Council's Procedure Rules shall apply to the proceedings of meetings of the Partnership Committee.

8. MINUTES

(1) Minutes shall be kept of each meeting by the Monitoring Officer and shall be signed as an accurate record at the beginning of the following meeting by the person presiding. Copies of minutes shall be forwarded to the Bolsover District Council and Derbyshire County Council upon signature.

9. CORRESPONDENCE

(1) The official correspondence of the Partnership Committee shall be conducted through the Monitoring Officer of Bolsover District Council.