

# Luton Borough Council Constitution

## Section 2: Governance

### Part 2 B: Responsibility for Functions

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## Section 2: Governance

### Part 2 B: Responsibility for Functions

#### Introduction

##### 1.1 Definitions

- 1.1.1 **'The Functions Regulations'** means the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 as amended.
- 1.1.2 **'Non-Executive Function'** means a function which may not be the responsibility of the Executive under the Functions Regulations.
- 1.1.3 **'Local choice function'** means functions specified in Schedule 2 to the functions regulations as being functions which may but need not be the responsibility of a local authority's Executive.
- 1.1.4 The **'judicial panels'** means the council's quasi-judicial panels established under this constitution.
- 1.1.5 **'Portfolio responsibilities'** means the responsibilities allocated to members of the Executive by the executive leader under articles 7.14.4 or 7.14.5.
- 1.1.6 **'Portfolio holder'** means an individual member of the Executive to whom portfolio responsibilities have been allocated.

##### 1.2 The Tables

- 1.2.1 Tables 1 to 7 in this part show the responsibility for functions as allocated to the different parts of the council.
- 1.2.2 The left-hand column of each table shows the responsible body with its membership. The responsibilities assigned to the body are shown opposite the name of the body in the right-hand column of the relevant table.
- 1.2.3 The tables are:-
- Table 1. Allocation of functions
  - Table 2. Non-Executive and local choice functions which are not the responsibility of the Executive
  - Table 3. Constitution Committee
  - Table 4. Standards Committee
  - Table 5. Judicial panels
  - Table 6. Responsibilities of the Overview and Scrutiny Committee and its sub-committees
  - Table 7. Responsibility for Executive functions
  - Table 8. Executive Advisory Bodies, Strategic Advisory Board and Other Bodies
  - Table 9. Petitions and Representations Board

## Table 1. Allocation of functions

### 1.1 Allocation of functions

- 1.1.1 This part of the Constitution sets out which part of the Council is responsible for which function.
- 1.1.2 Table 1 lists the non-Executive functions of the Council and which body is responsible for those functions.
- 1.1.3 Table 1 also indicates local choice functions and which body the Council has decided should be responsible for them. Any local choice function not specified in Table 1 is the responsibility of the Executive.
- 1.1.4 The functions specified in Table 1 as being the responsibility of the Full Council may only be exercised by the Full council.
- 1.1.5 Unless otherwise specified in any of the tables, all functions are the responsibility of the Executive.
- 1.1.6 The Constitution Committee will have the functions set out in Table 2.
- 1.1.7 The Standards Committee will have the functions set out in Table 3.
- 1.1.8 The Judicial Panels will have the functions set out in Table 4.
- 1.1.9 The Overview and Scrutiny Committee will have the responsibilities set out in **Section 1 of Table 5**. Any sub-committee of the Overview and Scrutiny Committee will have the responsibilities assigned to it in **Section 2 of Table 5** together with any specific responsibilities that may be assigned to it by the Overview and Scrutiny Committee.
- 1.1.10 Table 6 sets out the incidental functions of the Executive (as referred to in Article 7.12 of this Constitution) and the portfolio responsibilities of Executive members, including any restrictions on the exercise of the portfolio responsibilities.
- 1.1.11 Table 7 sets out the terms of reference of a number of bodies which have been constituted by the Executive in order to advise the Executive in connection with the exercise of Executive functions and the responsibilities of other bodies with responsibility to advise on or consider matters relating to the Council's functions.
- 1.1.12 Table 8 sets out the responsibilities of the council's Petitions and Representations Board.
- 1.1.13 Membership of the various bodies of the Council is decided at the Annual Meeting of the Council but may change from time to time. Up to date information on membership can be found on the agenda page of the most recent meeting of the relevant body. These can be found in the section on Committees on the Council's website.

## Table 2. Non-Executive and local choice functions which are not the responsibility of the Executive

### 2.1 Full Council

#### 2.1.1 Functions

- (1) Adopting and amending the Constitution.
- (2) Approving, adopting or amending the Policy Framework.
- (3) Approving, adopting or amending the Budget Framework.
- (4) Approving any application to the Secretary of State in respect of any Housing Land Transfer.
- (5) Subject to the urgency procedure contained in Part 4 of the Constitution, making decisions about any matter in the discharge of an Executive function which is covered by the Policy Framework or by the Budget Framework where the person or body proposing to make the decision is minded to make it in a manner which would be contrary to the Policy Framework or contrary to or not wholly in accordance with the Budget Framework.
- (6) Appointing the Executive Leader and the other members of the Executive.
- (7) Approving or amending the terms of reference of committees, deciding on their composition and making appointments to them.
- (8) Appointing representatives to outside bodies unless the appointment is an Executive Function.
- (9) Approving or adopting a Members Allowance Scheme under Section 18 of the Local Government and Housing Act 1989.
- (10) Changing the name of the Borough.
- (11) Conferring the title of Honorary Alderman or the Freedom of the Borough, or any other title of honour.
- (12) Confirming the appointment of the Head of Paid Service.
- (13) The duty to designate an Officer as the Head of Paid Service, and to provide staff, etc. under Section 4(1) of the Local Government and Housing Act 1989.
- (14) The duty to designate an officer as the Monitoring Officer, and to provide staff, etc. under Section 5(1) of the Local Government and Housing Act 1989.
- (15) Duty to provide staff etc. to person nominated by Monitoring Officer under Sections 82A(4) and (5) of the Local Government Act 2000.
- (16) Power relating to Overview and Scrutiny committees (voting rights of co-opted members) under paragraphs 11 and 13 of Schedule A1 to the Local Government Act 2000.
- (17) Making, amending, revoking or re-enacting Bye-Laws.
- (18) Promoting or approving any Bill in Parliament.
- (19) All other matters which, by law, must be exercised by or reserved to the full council.

- (20) Approving the entering into arrangements with another local authority in respect of Executive Functions under which arrangements the Executive would discharge functions of that other local authority.
- (21) The discharge of the following functions under any of Sections 28 to 31 of the Planning and Compulsory Purchase Act 2004:
- (a) the making of an agreement to prepare one or more joint development plan documents
  - (b) the making of an agreement to establish a joint committee to be, for the purposes of Part 2 of that Act the local planning authority
  - (c) where the council is a constituent authority to a joint committee, the making of an agreement that the joint committee is to be for the purposes of Part 2 of that Act the local planning authority for any area or matter which is not the subject of an Order under Section 29 of that Act or an earlier agreement under Section 30 of that Act and
  - (d) the making of a request to the Secretary of State for the revocation of an order constituting a joint committee as the local planning authority for any area or in respect of any matter
- (22) In connection with:-
- (a) the formulation or preparation of a plan or strategy within the Policy Framework
  - (b) of formulating a plan or strategy for the control of the council's borrowing investments or capital expenditure or
  - (c) of formulating or preparing any other plan or strategy whose adoption or approval is by virtue of regulation a matter for the determination of the council:-
    - i. the giving of instructions requiring the Executive to reconsider any draft plan or strategy submitted by the Executive for the council's consideration
    - ii. the amendment of any draft plan or strategy submitted by the Executive for the authority's consideration
    - iii. the approval for the purposes of public consultation in accordance with Regulation 10 or 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
    - iv. the approval for the purpose of its submission to the Secretary of State or any Minister of the Crown for his approval of any plan or strategy (whether or not in the form of a draft) of which any part is required to be so submitted
    - v. the approval for the purpose of its submission to the Secretary of State for independent examination under Section 20 of the Planning and Compulsory Purchase Act 2004 of a development plan document and
    - vi. the adoption (with or without modification of the plan or strategy
- (23) Functions relating to licensing under Sections 5 and 6 of the Licensing Act 2003.
- (24) The power to resolve not to issue a casino premises licence under Section 166 of the Gambling Act 2005.

- (25) The making a request under Section 14A(1) of the Local Government Act 1992 for single-member electoral areas.
- (26) The passing of a resolution to change a scheme for elections under Section 32(1), 37(1) or 39(1) of the Local Government and Public Involvement in Health Act 2007.
- (27) Making an Order giving effect to recommendations made in a community governance review under Section 86 of the Local Government and Public Involvement in Health Act 2007.
- (28) Making a change in governance arrangements under paragraph 3 or 8 of Schedule 4 to the Local Government and Public Involvement in Health Act 2007.
- (29) Duty to consult on change of scheme for elections under Sections 33(2), 38(2) and 40(2) of the Local Government and Public Involvement in Health Act 2007.
- (30) Duties relating to publicity under Sections 35, 41 and 52 of the Local Government and Public Involvement in Health Act 2007.
- (31) Duties relating to notice to Electoral Commission under Sections 36 and 42 of the Local Government and Public Involvement in Health Act 2007.
- (32) Power to alter years of ordinary elections of parish councillors under Section 53 of the Local Government and Public Involvement in Health Act 2007.
- (33) Functions relating to change of name of electoral area under Section 59 of the Local Government and Public Involvement in Health Act 2007.
- (34) Duties relating to community governance reviews under Section 79 of the Local Government and Public Involvement in Health Act 2007.
- (35) Functions relating to community governance petitions under Sections 80 and 83 to 85 of the Local Government and Public Involvement in Health Act 2007.
- (36) Functions relating to terms of reference of review under Sections 81(4) to (6) of the Local Government and Public Involvement in Health Act 2007.
- (37) Power to undertake a community governance review under Section 82 of the Local Government and Public Involvement in Health Act 2007.
- (38) Functions relating to making of recommendations under Sections 87 to 92 of the Local Government and Public Involvement in Health Act 2007.
- (39) Duties when undertaking review under Sections 93 to 95 of the Local Government and Public Involvement in Health Act 2007.
- (40) Duties to publicise outcome of review under Section 96 of the Local Government and Public Involvement in Health Act 2007.
- (41) Duty to send two copies of order to Secretary of State and Electoral Commission under Section 98(1) of the Local Government and Public Involvement in Health Act 2007.
- (42) Power to make agreements about incidental matters under Section 99 of the Local Government and Public Involvement in Health Act 2007.
- (43) The following Local Choice Functions:-
  - (a) the determination of an appeal against any decision made by or on behalf of the council to the extent not delegated by the full council to the relevant Appeal Panel specified in Table 3 in Schedule 1 to this Part

- (b) the appointment of review boards under regulations under Section 34(4) of the Social Security Act 1998 to the extent not delegated by the full council to the Service Director, Policy and Performance (or such other officer of the council as shall be delegated to discharge that function) from a pool of members established by the full council
- (c) the making of arrangements in relation to appeals against the exclusion of pupils from maintained schools
- (d) the making of arrangements pursuant to Sections 94(1), (1A) and (4) of the School Standards and Framework Act 1998 (Admission appeals)
- (e) the making of arrangements pursuant to Section 95(2) of the 1998 Act (children to whom Section 87 applies: appeals by governing bodies)
- (f) the making of arrangements under Section 20 (questions on police matters at council meetings) of the Police Act 1996 for enabling questions to be put on the discharge of the functions of a police authority
- (g) the making of appointments under paragraphs 2 to 4 (appointment of members by relevant councils) of Schedule 2 to the Police Act 1996
- (h) the passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the council's area
- (i) in relation to Non-Executive Functions the appointment of any individual
  - i. to any office other than an office in which (s)he is employed by the council
  - ii. to any body other than:-
    - a. the council or
    - b. a joint committee of two or more authorities or
  - iii. to any committee or sub-committee of such a bodyand the revocation of any such appointment in respect of Non-Executive Functions and
- (j) the functions under Sections 106, (other than the function under Section 106(2) relating to the preparation of draft Local Area Agreements, consultation with partner authorities and other persons and co-operation in relation to determining local improvement targets which should be delegated to the Chief Executive), 110, 111 and 113 of the Local Government and Public Involvement in Health Act 2007 relating to Local Area Agreements

## 2.2 Administration and Regulation Committee

### 2.2.1 Functions

- (1) Duty to appoint an electoral registration officer under Section 8(2) of the Representation of the People Act 1983.
- (2) To assign officers in relation to requisitions of the registration officer under Section 52(4) of the Representation of the People Act 1983.
- (3) Functions in relation to parishes and parish councils under part II of the Local Government and Rating Act 1997 and subordinate legislation under that part.
- (4) To dissolve small parish councils under Section 10 of the Local Government Act 1972.

- (5) To make orders for grouping parishes, dissolving groups and separating parishes from groups under Section 11 of the Local Government Act 1972.
- (6) Duty to appoint a returning officer for local government elections under Section 35 of the Representation of the People Act 1983.
- (7) Duty to provide assistance at European Parliamentary elections under Section 6(7) and (8) of the European Parliamentary Elections Act 2002.
- (8) Duty to divide constituency into polling districts under Sections 18A to E of, and schedule A1 to, the Representation of the People Act 1983.
- (9) To divide electoral divisions into polling districts at local government elections under Section 31 of the Representation of the People Act 1983.
- (10) Power in respect of holding of elections under Section 39(4) of the Representation of the People Act 1983.
- (11) To pay expenses properly incurred by electoral registration officers under Section 54 of the Representation of the People Act 1983.
- (12) To fill vacancies in the event of insufficient nominations under Section 21 of the Representation of the People Act 1983.
- (13) Duty to declare vacancy in office in certain cases under Section 86 of the Local Government Act 1972.
- (14) Duty to give public notice of a casual vacancy under Section 87 of the Local Government Act 1972.
- (15) To make temporary appointments to parish councils Section 91 of the Local Government Act 1972.
- (16) 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 under Section 10 of the Representation of the People Act 2000.
- (17) To change the name of a parish under Section 75 of the Local Government Act 1972.
- (18) To confer title of honorary alderman or to admit to be an honorary freeman under Section 249 of the Local Government Act 1972.
- (19) To petition for a charter to confer borough status under Section 245b of the Local Government Act 1972.
- (20) Power to make, amend, revoke or re-enact byelaws under any provision of any enactment (including a local Act), whenever passed, and Section 14 of the Interpretation Act 1978.
- (21) Power to promote or oppose local or personal bills under Section 239 of the Local Government Act 1972.
- (22) Functions relating to local government pensions, etc. under regulations under Sections 7, 12 or 24 of the Superannuation Act 1972.
- (23) Functions under the fireman's pension scheme relating to pensions, etc. as respects persons employed as members of fire brigades maintained pursuant to Section 4 of the Fire Services Act 1947 under Section 26 of the Fire Services Act 1947.
- (24) The making of standing orders under Section 106 of, and paragraph 42 of schedule 12 to, the Local Government Act 1972 (c. 70).

- (25) Subject to the responsibilities of the appointments panel (which determines the arrangements for the appointment of specific senior posts) the appointment of staff, and the determination of the terms and conditions on which they hold office (including procedures for their dismissal) under Section 112 of the Local Government Act 1972.
- (26) The making of standing orders as to contracts under Section 135 of the Local Government Act 1972.
- (27) The duty to make arrangements for proper administration of financial affairs etc. under Section 151 of the Local Government Act 1972.
- (28) The appointment of officers for particular purposes (appointment of 'proper officers') under Section 270(3) of the Local Government Act 1972.
- (29) The making of payments or provide other benefits in cases of maladministration etc. under Section 92 of the Local Government Act 2000.
- (30) To make recommendations to the council setting senior pay levels at appointment, annual review and departure, and associated pay policies.
- (31) To act in the moderation of the Chief Executive's and/or chief officers' objectives and to make recommendations to the council thereon.
- (32) To make recommendations to the council on succession planning and talent management for chief officers and contributing to the development of any internal talent and succession strategies for senior posts.
- (33) To facilitate annual pay disclosures on the council's website to ensure full transparency and accountability to the community.
- (34) To make annual recommendations to council concerning:
  - (a) the appropriate pay framework and pay structure for senior managers, including the Chief Executive and
  - (b) anomalies or queries raised in scrutiny, by the public, etc.
- (35) To consider commissioned reports on pay levels and making specific recommendations in the light of local or national knowledge and to make recommendations to the council following such consideration.
- (36) To issue licences authorising the use of land as a caravan site ('site licences') under Section 3(3) of the Caravan Sites and Control of Development Act 1960.
- (37) To license the use of moveable dwellings and camping sites under Section 269(1) of the Public Health Act 1936.
- (38) To approve premises for the solemnisation of marriages under Section 46A of the Marriage Act 1949 and the Marriages (Approved Premises) Regulations 1995.
- (39) To register common land or town or village greens, except where the power is exercisable solely for the purpose of giving effect to
  - (a) an exchange of lands effected by an order under Section 19(3) of, or paragraph 6/4 of schedule 3 to, the Acquisition of Land Act 1981 or
  - (b) an order under Section 147 of the Enclosure Act 1845
- (40) Functions under any of the 'relevant statutory provisions' within the meaning of part I (health, safety 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 under part I of the Health and Safety at Work etc. Act 1974.

- (41) Duty to enforce chapter 1 of the Health Act 2006 and regulations made under it under Section 10(3) of that Act.
- (42) Power to authorise officers under Section 10(5) of, and paragraph 1 of schedule 2 to, the Health Act 2006.
- (43) Functions relating to fixed penalty notices under paragraphs 13, 15 and 16 of schedule 1 to the Health Act 2006 and the Smoke-free (Vehicle Operators and Penalty Notices) Regulations 2007.
- (44) Power to transfer enforcement functions to another enforcement authority under the smoke-free (Premises and Enforcement) Regulations 2006.
- (45) Power to exercise the council's powers and duties under the following statutes where those powers and duties are not within the terms of reference of the Taxi and Private Hire Licensing Panel (which considers specific applications):
  - (a) the registration of pool promoters under schedule 2 to the Betting, Gaming and Lotteries Act 1963 as saved for certain purposes by article 3(3)(c) of the Gambling Act 2005 (Commencement No. 6 and Transitional Provisions) Order 2006
  - (b) the granting of track betting licences under schedule 3 to the Betting, Gaming and Lotteries Act 1963 as saved for certain purposes by article 3(3)(d) and (4) of the Gambling Act 2005 (Commencement No. 6 and Transitional Provisions) Order 2006
  - (c) the licensing of inter-track betting schemes under schedule 5ZA to the Betting, Gaming and Lotteries Act 1963 as saved for certain purposes by Article 3(3)(e) of the Gambling Act 2005 (Commencement No. 6 and Transitional Provisions) Order 2006
  - (d) the licensing of pleasure boats and pleasure vessels under Section 94 of the Public Health Acts Amendment Act 1907
  - (e) the duty to keep list of persons entitled to sell non-medicinal poisons under Sections 3(1)(b)(ii), 5, 6 and 11 of the poisons Act 1972
  - (f) the licensing of dealers in game and the killing and selling of game under Sections 5, 6, 17, 18 and 21 of the Game Act 1831, Sections 2 to 16 of the Game Licensing Act 1860, Section 4 of the Customs and Inland Revenue Act 1883, Sections 12(3) and 27 of the Local Government Act 1874, and Section 213 of the Local Government Act 1972
  - (g) the registration and licensing of premises for the preparation of food under Section 19 of the Food Safety Act 1990
  - (h) the issuing, amendment or replacement of safety certificates (whether general or special) for sports grounds under the Safety of Sports Grounds Act 1975
  - (i) the issuing, cancellation, amendment or replacement of safety certificates for regulated stands at sports grounds under Part III of the Fire Safety and Safety of Places of Sport Act 1987
  - (j) the issuing of fire certificates under Section 5 of the Fire Precautions Act 1971

- (k) the licensing of premises for the breeding of dogs under Section 1 of the Breeding of Dogs Act 1973 and Section 1 of the Breeding and Sale of Dogs (Welfare) Act 1999
- (l) the licensing of pet shops and other establishments where animals are bred or kept for the purposes of carrying on a business under Section 1 of the Pet Animals Act 1951, Section 1 of the Animal Boarding Establishments Act 1963, the Riding Establishments Acts 1964 and 1970, Section 1 of the Breeding of Dogs Act 1973, and Sections 1 and 8 of the Breeding and Sale of Dogs (Welfare) Act 1999
- (m) the registration of animal trainers and exhibitors under Section 1 of the Performing Animals (Regulations) Act 1925
- (n) the licensing of zoos under Section 1 of the Zoo Licensing Act 1981
- (o) the licensing of dangerous wild animals under Section 1 of the Dangerous Wild Animals Act 1976
- (p) the licensing of knackery yards under Section 4 of the Slaughterhouses Act 1974. See also the Animal By-Products Order 1999
- (q) the licensing of the employment of children under Part II of the Children and Young Persons Act 1933, byelaws made under that Part, and Part II of the Children and Young Persons Act 1963
- (r) the registration of variation of rights of common under Regulation 29 of the Commons Registration (General) Regulations 1966
- (s) the licensing of persons to collect for charitable and other causes under Section 5 of the Police, Factories etc. (Miscellaneous Provisions) Act 1916 and Section 2 of the House to House Collections Act 1939
- (t) the granting of consent for the operation of a loudspeaker under Schedule 2 to the Noise and Statutory Nuisance Act 1993
- (u) the granting of a street works licence under Section 50 of the New Roads and Street Works Act 1991
- (v) the licensing of agencies for the supply of nurses under Section 2 of the Nurses Agencies Act 1957
- (w) the issuing of licences for the movement of pigs under Article 12 of the Pigs (Records, Identification and Movement) Order 1995
- (x) the licensing of the sale of pigs under Article 13 of the Pigs (Records, Identification and Movement) Order 1995
- (y) the licensing of collecting centres for the movement of pigs under Article 14 of the Pigs (Records, Identification and Movement) Order 1995
- (z) the issuing of a licence to move cattle from a market under Article 5(2) of the Cattle Identification Regulations 1998
- (aa) the power to grant permission for provision etc. of services amenities recreation and refreshment facilities on highway and related powers under Sections 115E, 115F and 115K of the Highways Act 1980 and following the delegation of the exercise of this power to hear any appeal following an application to the Service Director, Engineering and Street Services to grant permission for provision etc. of services amenities recreation and refreshment facilities on highway and related

- powers under Sections 115E, 115F and 115K of the Highways Act 1980 under delegated powers if the Service Director, Engineering and Street Services be minded to refuse the application and if the applicant wished to appeal provided that there was no other appeal procedure under which the applicant could proceed
- (bb) the permitting of the deposit of builder's skip on highway under Section 139 of the Highways Act 1980
  - (cc) the powers relating to complaints about high hedges under Part 8 of the Anti Social Behaviour Act 2003
  - (dd) the duty to publish notice in respect of proposal to grant permission under Section 115E of the Highways Act 1980 pursuant to Section 115G of the Highways Act 1990
  - (ee) licensing in relation to the planting, retention and maintenance of trees etc. in part of highway under Section 142 of the Highways Act 1980
  - (ff) the authorisation of the erection of stiles etc. on footpaths or bridleways under Section 147 of the Highways Act 1980
  - (gg) the licensing of works in relation to buildings etc. which obstruct the highway under Section 169 of the Highways Act 1980
  - (hh) consenting to temporary deposits or excavations in streets under Section 171 of the Highways Act 1980
  - (ii) dispensing with obligation to erect hoarding or fence Section 172 of the Highways Act 1980,
  - (jj) the restricting of the placing of rails, beams etc. over highways under Section 178 of the Highways Act 1980
  - (kk) consenting to the construction of cellars etc. under street under Section 179 of the Highways Act 1980
  - (ll) consenting to the making of openings into cellars etc. under streets, and pavement lights and ventilators under Section 180 of the Highways Act 1980
  - (mm) the sanctioning of the use of parts of buildings for storage of celluloid under Section 1 of the Celluloid and Cinematograph Film Act 1922
  - (nn) the approval of meat product premises under Regulations 4 and 5 of the Meat products (Hygiene) Regulations 1994
  - (oo) the approval of premises for the production of minced meat or meat preparations under Regulation 4 of the Minced Meat and Meat Preparations (Hygiene) Regulations 1995
  - (pp) the approval of dairy establishment under Regulations 6 and 7 of the Dairy Products (Hygiene) Regulations 1995
  - (qq) the approval of egg product establishments under Regulation 5 of the Egg Products Regulations 1993
  - (rr) the issuing of licences to retail butchers' shops carrying out commercial operations in relation to unwrapped raw meat and selling or supplying both raw meat and ready- to-eat foods under Schedule 1A to the Food Safety (General Food Hygiene) Regulations 1995

- (ss) the approval of fish products premises under Regulation 24 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998
- (tt) the approval of the dispatch or purification centres under Regulation 11 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998
- (uu) the registration of fishing vessels on board which shrimps or molluscs are cooked under Regulation 21 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998
- (vv) the approval of factory vessels and fishery product establishments under Regulation 24 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998
- (ww) the registration of auction and wholesale markets under Regulation 26 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998
- (xx) the keeping of the register of food businesses premises under Regulation 5 of the Food Premises (Registration) Regulations 1991
- (yy) the registration of food business premises under Regulation 9 of the Food Premises (Registration) Regulations 1991
- (zz) the creation of footpath bridleway or restricted byway by agreement under Section 25 of the Highways Act 1980
- (aaa) the creation of footpaths bridleways and restricted byways under Section 26 of the Highways Act 1980
- (bbb) the duty to keep the register of information with respect of maps, statements and declarations under Section 31A of the Highways Act 1980
- (ccc) the stopping up of footpaths, bridleways and restricted byways under Section 118 of the Highways Act 1980
- (ddd) the determination of applications for public path extinguishment order under Sections 118ZA and 118C(2) of the Highways Act 1980
- (eee) the making of a rail crossing extinguishment order under Section 118A of the Highways Act 1980
- (fff) the making of a special extinguishment order under Section 118B of the Highways Act 1980
- (ggg) the diversion of footpaths bridleways and restricted byways under Section 119 of the Highways Act 1980
- (hhh) the making of a public path diversion order under Sections 119ZA and 119C(4) of the Highways Act 1980
- (iii) the making of a rail crossing diversion order under Section 119A of the Highways Act 1980
- (jjj) the making of a special diversion order under Sections 119B of the Highways Act 1980
- (kkk) requiring an applicant for order to enter into agreement under Section 119C(3) of the Highways Act 1980
- (lll) the making of an SSSI diversion order under Section 119D of the Highways Act 1980

- (mmm) the duty to keep the register with respect to applications under Sections 118ZA, 118C, 119ZA and 119C, 119ZA and 119C of the Highways Act 1980 under Section 121B of the Highways Act 1980
- (nnn) declining to determine certain applications under Section 121C of the Highways Act 1980
- (ooo) asserting and protecting the rights of the public to use and enjoyment of highways under Section 130 of the Highways Act 1980
- (ppp) the servicing of notice of proposed action in relation to obstruction under Section 130A of the Highways Act 1980
- (qqq) applications for variation of order under Section 130B of the Highways Act 1980 under Section 130B(7) of the Highways Act 1980
- (rrr) the authorisation of temporary disturbance of surface of footpath bridleway or and restricted byway under Section 135 of the Highways Act 1980
- (sss) the temporary diversion of footpath bridleway or and restricted byway under Section 135A of the Highways Act 1980
- (ttt) functions relating to the making good of damage and the removal of obstructions under Section 135B of the Highways Act 1980
- (uuu) the powers relating to the removal of things so deposited on highways as to be a nuisance under Section 149 of the Highways Act 1980
- (vvv) the powers relating to the removal of things so deposited on highways as to be a nuisance under Section 32 of the Acquisition of Land Act 1981
- (www) the duty to keep the definitive map and statement under review under Section 53 of the Wildlife and Countryside Act 1981
- (xxx) the inclusion of modifications in other orders under Section 53A of the Wildlife and Countryside Act 1981
- (yyy) the duty to keep the register of prescribed information with respect to applications under Section 53(5) of the Wildlife and Countryside Act 1981 under Section 53B of the Wildlife and Countryside Act 1981
- (zzz) the preparation of map and statement by way of consolidation of definitive map and statement under Section 57A of the Wildlife and Countryside Act 1981
- (aaaa) the designation of a footpath as cycle track under Section 3 of the Cycle Tracks Act 1984
- (bbbb) the extinguishment of public right of way over land acquired for clearance under Section 294 of the Housing Act 1981
- (cccc) the power to authorise stopping up or diversion of highway under Section 247 of the Town and Country Planning Act 1990
- (dddd) the authorisation of the stopping-up or diversion of footpath bridleway or and restricted byway under Section 257 of the Town and Country Planning Act 1990
- (eeee) the extinguishment of public rights of way over land held for planning purposes under Section 258 of the Town and Country Planning Act 1990
- (ffff) the entering into of agreements with respect of means of access under Section 35 of the Countryside and Rights of Way Act 2000

- (gggg) the provision of access in absence of agreement under Section 37 of the Countryside and Rights of Way Act 2000
- (hhhh) functions relating to sea fisheries under Sections 1, 2, 10 and 19 of the Sea Fisheries Regulation Act 1966
- (iiii) the making of limestone pavement orders under Section 34(2) of the Wildlife and Countryside Act 1981
- (jjjj) the making of closing orders with respect to take-away food shops under Section 4 of the Local Government (Miscellaneous Provisions) Act 1982
- (kkkk) the licensing of hackney carriages and private hire vehicles:-
  - i. as to hackney carriages, under the Town Police Clauses Act 1847, as extended by Section 171 of the Public Health Act 1875, and Section 15 of the Transport Act 1985, and Sections 47, 57, 58, 60 and 70 of the Local Government (Miscellaneous Provisions) Act 1976 and
  - ii. as to private hire vehicles, under Sections 48, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976
- (llll) the licensing of drivers of hackney carriages and private hire vehicles under Sections 51, 53, 54, 59, 61 and 79 of the Local Government (Miscellaneous Provisions) Act 1976
- (mmmm) the licensing of operators of hackney carriages and private hire vehicles under Sections 55 to 58 and 79 of the Local Government (Miscellaneous Provisions) Act 1976
- (nnnn) the approval of the Tariff of Fares for Hackney Carriage Vehicles
- (oooo) the licensing of market and street trading under Part III of, and Schedule 4 to, the Local Government (Miscellaneous Provisions) Act 1982
- (pppp) the licensing of night cafes and take-away food shops under Section 2 of the Late Night Refreshment Houses Act 1969
- (qqqq) the granting of permits in respect of premises with amusement machines under Schedule 9 of the Gaming Act 1968 as saved for certain purposes by Article 4(2)(1) of the Gambling Act 2005 (Commencement No. 6 and Transitional Provisions) Order 2006
- (rrrr) the registration of societies wishing to promote lotteries under Schedule 1 to the Lotteries and Amusements Act 1976 as saved for certain purposes by Article 5(2)(a) of the Gambling Act 2005 (Commencement No. 6 and Transitional Provisions) Order 2006
- (ssss) the granting of permits in respect of premises where amusements with prizes are provided under Schedule 3 to the Lotteries and Amusements Act 1976 as saved for certain purposes by Article 5(2)(d) of the Gambling Act 2005 (Commencement No. 6 and Transitional Provisions) Order 2006
- (tttt) the issuing of cinema and cinema club licences under Section 1 of the Cinema Act 1985
- (uuuu) the issuing of theatre licences under Sections 12 to 14 of the Theatres Act 1968

- (vvvv) the issuing of entertainments licences under Section 12 of the Children and Young Persons Act 1933, Section 79 of the Licensing Act 1964, Sections 1 to 5 and 7 of, and Parts I and II of the Schedule to, the Private Places of Entertainment (Licensing) Act 1967 and Part I of, and Schedules 1 and 2 to, the Local Government (Miscellaneous Provisions) Act 1982 (including the registration of Door Supervisors)
  - (wwwv) any function of a licensing authority under Sections 5 to 8 of the Licensing Act 2003 and any regulations made under that Act
  - (xxxx) powers and functions relating to late night levy requirements under Chapter 2 of Part 2 of the Police Reform and Social Responsibility Act 2011 and any regulations made under that Chapter
  - (yyyy) the licensing of sex shops and sex cinemas under the Local Government (Miscellaneous Provisions) Act 1982, Section 2 and Schedule 3
  - (zzzz) the licensing of performances of hypnotism under the Hypnotism Act 1952
  - (aaaaa) the licensing of premises for acupuncture, tattooing, ear-piercing and electrolysis under Sections 13 to 17 of the Local Government (Miscellaneous Provisions) Act 1982
  - (bbbbb) the making of orders identifying a place as a designated public place for the purposes of police powers in relation to alcohol consumption under Section 13(2) of the Criminal Justice and Police Act 2001
  - (ccccc) the registration of motor salvage operators under Part I of the Vehicles (Crime) Act 2001
  - (dddd) Power to register common land or town or village greens, except where the power is exercisable solely for the purpose of giving effect to:-
    - i. an exchange of lands effected by an order under Section 19(3) of, or paragraph 6(4) of Schedule 3 to, the Acquisition of Land Act 1981 or
    - ii. an order under Section 147 of the Inclosure Act 1845Under Regulation 6 of the Commons Registration (New Land) Regulations 1969 and
  - (eeee) functions relating to the registration of common land and town or village greens under Part 1 of the Commons Act 2006 and the Commons Registration (England) Regulations 2008
- (46) The following Local Choice Functions:-
- (a) any function under a Local Act other than a function specified or referred to in Regulation 2 of the Functions Regulations or elsewhere in this Table
  - (b) the obtaining of particulars of persons interested in land under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976 to the extent not delegated by the full council or by the Administration and Regulation Committee to an Officer
  - (c) any functions relating to contaminated land
  - (d) the discharge of any function relating to the control of pollution or the management of air quality

- (e) the service of an abatement notice in respect of a statutory nuisance to the extent not delegated by the full council or the Regulation Committee to an Officer
- (f) the inspection of the council's area to detect any statutory nuisance to the extent not delegated by the full council or the Regulation Committee to an Officer
- (g) the investigation of any complaint as to the existence of a statutory nuisance to the extent not delegated by the full council or the Regulation Committee to an Officer
- (h) the obtaining of particulars of persons interested in land under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976 to the extent not delegated by the full council or by the Regulation Committee to an Officer, and
- (i) any function of the council in its capacity as a harbour authority (to the extent that the function does not fall within any other provision)

### 2.3 Audit and Governance Committee

#### 2.3.1 The purpose of the Audit and Governance Committee is:-

- (1) to provide independent assurance of the adequacy of corporate governance, the risk management framework and the associated control environment
- (2) to provide independent scrutiny of the authority's financial and non-financial performance to the extent that it affects the authority's exposure to risk and impacts on the control environment, and
- (3) to oversee the financial reporting process and to approve the council's statement of accounts
- (4) Corporate Governance and Internal Control incorporating Risk Management, Financial Probity and Stewardship:-
  - (a) to ensure the development and maintenance of a local code of corporate governance and an annual improvement plan where necessary, and to monitor achievements against that plan
  - (b) to consider the overall adequacy and effectiveness of the system of internal control and the arrangements for risk management, control and governance processes and securing economy, efficiency and effectiveness (value for money)
  - (c) to ensure that the highest standards of financial probity and stewardship are maintained throughout the Authority, in accordance with the Constitution and within the Policy Framework
  - (d) to make recommendations to Constitution Committee and Council if the committee is of the view that the Constitution needs development to ensure compliance with standards of financial probity and stewardship
  - (e) to promote effective internal control by the systematic appraisal of the Authority's internal control mechanisms and by the development of an anti-fraud culture
  - (f) to review the arrangements for risk management throughout the council, and to report to Executive and Council where appropriate on Risk Management issues
  - (g) to review periodically the Authority's corporate risk register, and
  - (h) to consider, challenge and approve the Annual Assurance Statement on Internal Control

#### 2.3.2 Internal Audit:-

- (1) to consider, review, and recommend to the Executive approval of an annual audit plan for the Authority and to review the performance of the internal audit function by way of receiving and appraising periodic reports from the internal auditor on performance against the plan
- (2) to monitor and review any issues of non-compliance with internal audit reports following their consideration by management
- (3) to consider the Audit Manager's annual report and opinion, and the level of assurance it can give over the council's corporate governance arrangements
- (4) to enhance the profile, status and authority of the internal audit function and demonstrate its independence
- (5) to review and make recommendations to the Executive to develop the Internal Audit Strategy and Audit Charter

#### 2.3.3 External Audit and other Inspectorates or Regulatory Bodies:-

- (1) to review the preparation of the annual audit plan for the Authority and to receive periodic reports from the external auditor on performance against the plan
- (2) to consider and report to Executive the annual audit and inspection letter and the report to those charged with governance
- (3) to agree appointments of external auditors on behalf of the council on receipt of recommendations from Audit Panels and to determine whether or not the council opts in to any contract for auditor appointments let by a Sector Led Body
- (4) to monitor compliance with external audit, external inspectorate and Ombudsman reports following their consideration and resolution by the Executive

#### 2.3.4 Other:-

- (1) to consider general issues and statistics in relation to the council's Corporate 'Whistleblowing' Policy and to make recommendations to Standards Committee for developments of the policy where appropriate
- (2) to review the Authority's arrangements for establishing appropriate anti-fraud policies and procedures

#### 2.3.5 Accounts:-

- (1) to review the financial statements, external auditor's opinion and reports to Members, and monitor management action in response to the issues raised by External Audit, and
- (2) to pass a resolution to approve the statement of accounts, income and expenditure account and balance sheet in accordance with Section 10 of the Accounts and Audit Regulations 2003

### 2.4 Development Management Committee

#### 2.4.1 Functions

- (1) Power to determine application for planning permission under Sections 70(1)(a) and (b) and 72 of the Town and Country Planning Act 1990.
- (2) Power to determine applications to develop land without compliance with conditions under Section 73 of the Town and Country Planning Act 1990 previously attached.

- (3) Power to grant planning permission for development already carried out under Section 73A of the Town and Country Planning Act 1990.
- (4) Power to decline to determine application for planning permission under Section 70A of the Town and Country Planning Act 1990.
- (5) Duties relating to the making of determinations of planning applications under Sections 69, 76 and 92 of the of the Town and Country Planning Act 1990 and Articles 8, 10 to 13, 15 to 22 and 25 and 26 of the Town and Country Planning (General Development Procedure) Order 1995 and directions made thereunder.
- (6) Power to determine applications for planning permission made by a local authority, alone or jointly with another person under Section 316 of the Town and Country Planning Act 1990 and the of the Town and Country Planning General Regulations 1992.
- (7) Power to make determinations, give approvals and agree certain other matters relating to the exercise of permitted development rights under Parts 6, 7, 11, 19, 20, 21 to 24, 26, 30 and 31 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995.
- (8) Power to enter into agreement regulating development or use of land under Section 106 of the Town and Country Planning Act 1990.
- (9) Power to issue a certificate of existing or proposed lawful use or development under Sections 191(4) and 192(2) of the Town and Country Planning Act 1990.
- (10) Power to serve a completion notice under 94(2) of the Town and Country Planning Act 1990.
- (11) Power to grant consent for the display of advertisements under Section 220 of the Town and Country Planning Act 1990 and the Town and Country Planning (Control of Advertisements) Regulations 1992.
- (12) Power to authorise entry onto land under Section 196A of the Town and Country Planning Act 1990.
- (13) Power to require the discontinuance of a use of land under Section 102 of the Town and Country Planning Act 1990.
- (14) Power to serve a planning contravention notice, breach of condition notice or stop notice under Sections 171C, 187A and 183(1) of the Town and Country Planning Act 1990.
- (15) Power to issue a temporary stop notice under Section 171E of the Town and Country Planning Act 1990.
- (16) Power to issue an enforcement notice under Section 172 of the Town and Country Planning Act 1990.
- (17) Power to apply for an injunction restraining a breach of planning control under Section 187B of the Town and Country Planning Act 1990.
- (18) Power to determine applications for hazardous substances consent, and related powers under Sections 9(1) and 10 of the Planning (Hazardous Substances) Act 1990.
- (19) Duty to determine conditions to which old mining permissions, relevant planning permissions relating to dormant sites or active Phase I or II sites, or mineral permissions relating to mining sites, as the case may be, are to be subject under

- Paragraph 2(6)(a) of Schedule 2 to the Planning and Compensation Act 1991, Paragraph 9(6) of Schedule 13 to the Environment Act 1995 and paragraph 6(5) of Schedule 14 to that Act.
- (20) Power to require proper maintenance of land under Section 215(1) of the Town and Country Planning Act 1990.
- (21) Power to determine application for listed building consent, and related powers under Sections 16(1) and (2), 17 and 33(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- (22) Duties relating to applications for listed building consent under Sections 13(1) and 14(1) and (4) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Regulations 3 to 6 and 13 of the Town and Country Planning (Listed Buildings and Conservation Areas) Regulations 1990 and Paragraphs 8, 15 and 26 of Department of the Environment, Transport and the Regions Circular 01/01.
- (23) Power to serve a building preservation notice, and related powers under Sections 3(1) and 4(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- (24) Power to issue enforcement notice in relation to the demolition of listed building in a conservation area under Section 38 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- (25) Power to acquire a listed building in need of repair and to serve a repairs notice under Sections 47 and 48 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- (26) Power to apply for an injunction in relation to a listed building under Section 44A of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- (27) Power to execute urgent works notice under Section 54 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- (28) Powers relating to the preservation of trees under Sections 197 to 214D of the Town and Country Planning Act 1990 and the Trees Regulations 1999.
- (29) Powers relating to the protection of important hedgerows under the Hedgerow Regulations 1997.
- (30) Power to apply for an enforcement order against unlawful works on common land under Section 41 of the Commons Act 2006.
- (31) Power to protect unclaimed registered common land and unclaimed town or village greens against unlawful interference under Section 45(2)(a) of the Commons Act 2006.
- (32) Power to institute proceedings for offences in respect of unclaimed registered common land and unclaimed town or village greens against unlawful interference under Section 45(2)(b) of the Commons Act 2006.
- (33) The following Local Choice Functions:-
- (a) the obtaining of information under Section 330 of the Town and Country Planning Act 1990 as to interests in land to the extent not delegated by the full council or the Development Control Committee to an Officer and
  - (b) the obtaining of particulars of persons interested in land under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976 to the extent not

delegated by the full council or by the Development Control Committee to an Officer

## 2.5 Licensing Committee

### 2.5.1 Functions

- (1) To discharge the functions delegated to the committee by the Licensing Act 2003 and Gambling Act 2005.
- (2) The duty to comply with the requirement to provide information to the Gambling Commission under Section 29 of the Gambling Act 2005.
- (3) Functions relating to the exchange of information under Section 30 of the Gambling Act 2005.
- (4) Functions relating to occasional use notices under Section 39 of the Gambling Act 2005.
- (5) Power to designate an Officer as an authorised person for a purpose relating to premises under Section 304 of the Gambling Act 2005.
- (6) Power to make an order displaying Section 279 or 282(1) of the Gambling Act 2005 in relation to specified premises under Section 284 of the Gambling Act 2005.
- (7) Power to institute criminal proceedings under Section 346 of the Gambling Act 2005.
- (8) Power to exchange information under Section 350 of the Gambling Act 2005.
- (9) Functions relating to the determination of fees for premises licences under the Gambling (Premises Licence Fees) (England and Wales) Regulations 2007.
- (10) Functions relating to the registration and regulation of small society lotteries under Part 5 of Schedule 11 to the Gambling Act 2005.
- (11) To determine licence applications under the Scrap Metal Dealers Act 2013 where the Service Director, Business and Consumer Services or the Service Manager, Public Protection (Authorisations) is minded to refuse the application and representations have been received.
- (12) To revoke or vary licence applications under the Scrap Metal Dealers Act 2013 where representations have been received.

## 2.6 Taxi and Private Hire Licensing Committee

### 2.6.1 Functions

- (1) In relation to any of the council's Licensing Functions within the remit of the Regulation Committee and not within the terms of reference of any other Judicial Panel, to appoint sub-committees for the purposes of the following:-
  - (a) considering or determining the approval, grant, renewal, refusal or transfer of, or any other determination, relating to any particular licence, or individual or premises licensed by the council
  - (b) the hearing of any representations relating to any particular licence, or individual or premises licensed by the council and
  - (c) the hearing of any appeal against the refusal to grant, renew or transfer any particular licence or approval, or against any conditions subject to which any particular licence or approval has been granted

## 2.7 Appointments Panel

### 2.7.1 Function

- (1) To take or arrange to be taken all necessary steps relating to the process of appointing those Officers listed in Appendix A to Part 2A of the Constitution (Senior Management Structure)

## 2.8 Redeployment Panel

### 2.8.1 Function

- (1) To determine in any case involving the redeployment or potential redeployment of those officers listed in Appendix A to Part 2A of the Constitution (Senior Management Structure) whether the Officer meets the criteria for redeployment.

## 2.9 Investigation and Disciplinary Committee

### 2.9.1 Function

- (1) To take or arrange to be taken all necessary steps relating to the discipline and/or dismissal of the Council's Statutory Officers.

## 2.10 Disciplinary Appeals Committee

### 2.10.1 Function

- (1) To consider appeals by the council's Statutory Officers against any decision(s) of the Investigation & Disciplinary Panel to take action short of dismissal.
- (2) Note: No Member may serve on the Disciplinary Appeal Committee who has participated in the Investigation & Disciplinary Committee the decision of which is the subject of the appeal

## 2.11 Health and Wellbeing Board

### 2.11.1 Functions

- (1) To provide local accountability for improved health and wellbeing and health equality outcomes for the population of Luton.
- (2) To promote integration and partnership working between the NHS and Local Government, as well as promoting joint working with commissioners and providers of services that impact on wider health determinants.
- (3) To assess the needs of the local population and lead the Statutory Joint Strategic Needs Assessment.
- (4) To promote integration and partnership across areas including through promoting joined up commissioning plans across the NHS, Social Care and Public Health by ensuring a co-ordinated approach.
- (5) To support strategic planning and joint commissioning and publish a Joint Health and Wellbeing Strategy.
- (6) To contribute to the developments of Health and Wellbeing Services in Luton which may arise as a result of changes in Government policy and relevant legislation.
- (7) To respond and contribute to developments in wider partnership arrangements through the Luton Forum in addition to the groups that contribute to health and wellbeing.

- (8) To work with the Scrutiny Health and Social Care Sub-Committee to ensure that appropriate issues are considered by Scrutiny and reported to the Health and Wellbeing Board.

## Table 3. Constitution Committee

### 3.1 Function

- 3.1.1 To consider and make recommendations to the Full Council in respect of proposed amendments to the Constitution and all incidental matters.

## Table 4. Standards Committee

### 4.1 Functions

- 4.1.1 To promote and maintain high standards of conduct by Members (which expression shall in these terms of reference include any co-opted Member) of the council, of its Executive and of its committees, sub-committees, Appeal Panels and Other Member Bodies.
- 4.1.2 To assist Members in observing the council's Code of Conduct for Members ('the Code of Conduct').
- 4.1.3 To advise the council on the adoption or revision of a code of conduct Section 27 Localism Act 2011.
- 4.1.4 To monitor the operation of the Code of Conduct.
- 4.1.5 To advise, train and arrange to train Members on matters relating to the Code of Conduct.
- 4.1.6 To advise and recommend to the council on the adoption, amendment and revision of the following council policies and procedures relating to standards, ethics or conduct:-
  - (1) the Protocol for Member/Officer Relations
  - (2) the Whistleblowing Policy
  - (3) the Arrangements for Registering Member Interests
- 4.1.7 To advise the council, the Executive and any committee or sub-committee on any Protocol or Convention they are considering adopting or revising.
- 4.1.8 To consider, in accordance with the procedure set out in Part 4A of the Constitution (the Code of Conduct for Members) reports referred by the Monitoring Officer in relation to an investigation into an allegation that a Member or co-opted Member, of the Council has failed, or may have failed, to comply with the council's Code of Conduct for Members, to hearings in relation to any such reports (or pursuant to a finding made in relation to any such reports), and any matters incidental to the discharge of those functions.
- 4.1.9 To grant dispensations to Members to enable them to participate in the business of a meeting when they would otherwise be prohibited from participating by the provisions of the Code of Conduct.

### 4.2 Local Assessment Panels 1 – 50

- 4.2.1 The membership of each of Local Assessment Panels 1 to 50 shall be three Elected Members and three Independent Members of the Standards Committee, such that there is one Local Assessment Panel for each possible such permutation.
- 4.2.2 Function
  - (1) To consider cases referred to it by the Monitoring Officer under the procedure set out at Part 4A of the Constitution

### 4.3 Local Adjudication Panels 1 – 50

- 4.3.1 The membership of each of Local Adjudication Panels 1 to 50 shall be three Elected Members and three Independent Member of the Standards Committee, such that there is one Local Adjudication Panel for each possible such permutation.
- 4.3.2 Function:

- (1) To adjudicate on the findings of an investigation commissioned by a Local Assessment Panel under the procedure set out at Part 4A of the Constitution

## Table 5. Judicial panels

### 5.1 Discretionary Housing Payments Appeal Panel

#### 5.1.1 Function

(1) To adjudicate on any requests for a review of decisions made by Officers regarding the award of Discretionary Housing Payments and the review of those decisions.

### 5.2 Luton Independent Education Admission Appeal Panel

5.2.1 To be appointed by the Monitoring Officer from Panels established by the council under the Schools Standards and Framework Act 1998 to include either any two members from the Experienced Members list and any one member from the Lay Members list or any one member from the Experienced Members list and any two members from the Lay Members list in accordance with the provisions of the Act:-

(1) Experienced Members

(a) Such persons as shall be appointed by the Head of Legal Services from time to time.

(2) Lay Members

(a) Such persons as shall be appointed by the Head of Legal Services from time to time.

#### 5.2.2 Function

(1) To determine appeals against a decision to refuse a school place to a pupil or prospective pupil at a school of the Appellant's or Appellant's parents' preference.

### 5.3 Luton Independent Education Exclusion Review Panel

5.3.1 To be appointed by the Head of Legal Services from panels established by the council under the Schools Standards and Framework Act 1998 to include any one member from each of the following lists in accordance with the provisions of the Act:-

#### 5.3.2 Head Teachers

(1) Such persons as shall be appointed by the Head of Legal Services from time to time.

#### 5.3.3 School Governors

(1) Such persons as shall be appointed by the Head of Legal Services from time to time.

#### 5.3.4 Lay Members

(1) Such persons as shall be appointed by the Head of Legal Services from time to time.

#### 5.3.5 Function

(1) To determine applications for review in respect of a decision to permanently exclude a pupil from a school.

### 5.4 Foster Carer Appeal Panel

#### 5.4.1 Function

(1) To determine appeals in respect of the registration or de-registration of Foster Carers.

### 5.5 Housing Appeal and Review Panel

#### 5.5.1 Function

- (1) To determine appeals against the decisions of the relevant Service Director, to refuse to approve DFG and other grant applications and reviewing decisions where a statutory right to review has been exercised.

## 5.6 Licensing Panels 1 to 455

### 5.6.1 Functions

#### (1) Licensing Act 2003

- (a) Without prejudice to the Licensing Committee's power to exercise any of the functions under the Licensing Act 2003, the following powers are delegated to each of the panels:-
- i. to determine applications for personal licences where representations are made
  - ii. to determine applications for personal licences where the applicant has unspent convictions
  - iii. to determine applications for premises licences and club premises certificates where representations are made
  - iv. to determine applications for provisional statements where representations are made
  - v. to determine applications to vary premises licences and club premises certificates where representations are made
  - vi. to determine applications to vary the designated personal licence holder where Police objections are made
  - vii. to determine applications for the transfer of premises licences where Police objections are made
  - viii. to determine applications for Interim Authorities where Police objections are made
  - ix. to determine all applications to review premises licences and club premises certificates
  - x. all decisions to object when the council is a consultee and not the lead authority
  - xi. all determinations of Police representations in respect of temporary events, and
  - xii. to determine applications for the grant and renewal of permits for amusement with prizes gaming machines, commercial amusement with prizes or low stake gaming on alcohol premises under the Gaming Act 1968 as amended by the Licensing Act 2003 where Officers are minded to refuse.

#### (2) Gambling Act 2005

- (a) The following powers are delegated to each of the Panels under the Gambling Act 2005:-
- i. to determine applications for premises licences where representations are received and not withdrawn
  - ii. to determine applications to vary premises licences where representations are received and not withdrawn
  - iii. to determine applications to transfer licences where representations are received

- iv. to determine applications for Provisional Statements where representations have been received and not withdrawn
- v. to determine applications to review premises licences
- vi. to determine applications for club gaming and club machine permits where representations have been received and not withdrawn
- vii. to cancel club gaming and club machine permits, and
- viii. to decide to give counter notices to temporary use notices

## 5.7 Luton Education Teachers Appeal Panel

### 5.7.1 Function

- (1) To determine appeals by head teachers/teachers employed centrally/in schools with non-delegated budgets against the annual review of remuneration, disciplinary and capability matters and early retirement/redundancy matters.

## 5.8 Nursery Education Appeal Panel

### 5.8.1 Functions

- (1) To consider and determine appeals against:-
  - (a) a decision by the council to refuse to include a provider of nursery education in the Directory of providers of nursery education maintained by the council ('the Directory')
  - (b) any condition imposed by the council on a provider of nursery education in relation to inclusion of that provider in the Directory, or
  - (c) a decision of the council to remove, or to propose to remove, a provider of nursery education from the Directory

## 5.9 Personnel Appeal Panel

### 5.9.1 Functions

- (1) To determine appeals against disciplinary action taken against employees of the council involving either dismissal or the imposition of financial penalties.
- (2) To determine Failures to Agree/Disputes registered by Trade Unions recognised by the council.

## 5.10 Social Services Stage 3 Complaint Review Panel

### 5.10.1 Function

- (1) To deal with a complaint where the complainant is dissatisfied with the outcome of the investigation into their complaint at Stage 2 under the Complaints Procedure which Social Services Departments are required to maintain under the Local Authorities Social Services Act 1970 as amended by the National Health Service and Community Care Act 1990.

## 5.11 Taxi and Private Hire Licensing Panels 1 to 20

### 5.11.1 Functions

- (1) In relation to any of the council's Licensing Functions within the remit of the Administration & Regulation Committee and not within the terms of reference of any other Judicial Panel:-

- (a) the approval, grant, renewal, refusal or transfer of, or any other determination, relating to any particular licence, or individual or premises licensed by the council
- (b) the hearing of any representations relating to any particular licence, or individual or premises licensed by the council and/or
- (c) the hearing of any appeal against the refusal to grant, renew or transfer any particular licence or approval, or against any conditions subject to which any particular licence or approval has been granted

## Table 6. Responsibilities of the Overview and Scrutiny Committee and its sub-committees

### 6.1 Responsibilities of the Overview and Scrutiny Committee

#### 6.1.1 The Overview and Scrutiny Committee shall have the following responsibilities:-

- (1) To appoint sub-committees (including Task and Finish Groups) for the performance of any matter within its remit either
  - (a) of its own motion to exercise scrutiny functions in relation to a particular scrutiny issue or issues
  - (b) at the request of an Overview and Scrutiny Sub-Committee to exercise scrutiny functions in relation to a particular scrutiny issue or issues
- (2) To discharge scrutiny functions in relation to any matter which is not specifically delegated to an Overview and Scrutiny Sub-Committee under the following provisions of Table 5

### 6.2 Responsibilities of sub-committees established by the Overview and Scrutiny Committee

#### 6.2.1 The other sub-committees of the Overview and Scrutiny Committees shall, unless the Overview and Scrutiny Committee otherwise direct, have the following responsibilities in relation to its remit:-

- (1) to review or scrutinise any decision made, or other action taken, in connection with the discharge of any functions which are the responsibility of the Executive
- (2) to make reports or recommendations to the council or to the Executive with respect to the discharge of any functions which are the responsibility of the Executive
- (3) to review or scrutinise any decision made, or other action taken, in connection with the discharge of any functions which are not the responsibility of the Executive
- (4) to make reports or recommendations to the council or any committee of the council with respect to the discharge of any functions which are not the responsibility of the Executive
- (5) to make reports or recommendations to the council, to the Executive, or to a Regulatory Committee on matters within the remit, as the case may be, of the council, the Executive or that Regulatory Committee, and which affect the council's area or the inhabitants of the council's area
- (6) to make reports or recommendations to any outside body on matters within the remit of that outside body, or which relate to the business or activities of that outside body and which affect the council's area or the inhabitants of the council's area
- (7) to carry out such review or investigation, and to make a report in relation to such review or investigation, as may be determined by the Overview and Scrutiny Committee and
- (8) to appoint a person who is not a Member of the council to sit as a non-voting member on a sub-committee of the Overview and Scrutiny Committee

### 6.3 Specific responsibilities of Sub-Committees established by the Overview & Scrutiny Committee

#### 6.3.1 Responsibilities of the Overview and Scrutiny Board

- (1) to review or scrutinise any decision made, or other action taken, in connection with the discharge of any functions which are the responsibility of the Executive
- (2) to make reports or recommendations to the council or to the Executive with respect to the discharge of any functions which are the responsibility of the Executive
- (3) to review or scrutinise any decision made, or other action taken, in connection with the discharge of any functions which are not the responsibility of the Executive
- (4) to make reports or recommendations to the council or any committee of the council with respect to the discharge of any of the Non-Executive Functions within the remit of the committee
- (5) to make reports or recommendations to the council, to the Executive, or to a Regulatory Committee on matters within the remit, as the case may be, of the council, the Executive or that Regulatory Committee, and which affect the council's area or the inhabitants of the council's area
- (6) the functions conferred under Sections 9FA to 9FI Local Government Act 2000
- (7) the functions under Section 19 of the Police and Justice Act 2006 (local authority scrutiny of crime and disorder matters)
- (8) any functions which may be conferred on it by virtue of regulations under Section 244(2ZE) of the National Health Service Act 2006 (local authority scrutiny of health matters)

#### 6.4 Responsibilities of the Scrutiny Finance Review Group

##### 6.4.1 Functions

- (1) To advise/make recommendations to the Executive and Council, to inform decision-making on the implications of financial issues facing the council in the following key areas:-
  - (a) organisation redesign to deal with the anticipated public sector funding cuts
  - (b) delivering corporate priorities within significantly reduced budgets
  - (c) medium Term Financial Planning:- Treasury management strategy and policies
  - (d) service efficiency, effectiveness and value for money
  - (e) the Capital Programme - Expenditure and Income
  - (f) public involvement and feedback on budget priorities, and
  - (g) budget priorities

#### 6.5 Responsibilities of the Scrutiny Health and Social Care Review Group (SHSCSC)

##### 6.5.1 Including two co-opted members from Healthwatch Luton with no voting rights

##### 6.5.2 Functions

- (1) To review and scrutinise any matter relating to the planning, provision and operation of the health service in the Borough by all commissioners and providers of publicly funded healthcare and social care, to help ensure the development and provision of services that are in the best interest of the area and people who use them.
- (2) The SHSCSC shall have the ability to:-

- (a) examine how local health and social care services are commissioned, provided and developed for their community
  - (b) consider and voice the views of the community, particularly people who use those service and
  - (c) require commissioners and providers of all local publicly funded healthcare and social care, including the council, to listen and respond to recommendations for improvements, as appropriate.
- (3) The Responsibilities of the SHSCSC include:-
- (a) overseeing all health and social care services in Luton and holding local decision-makers to account for commissioning decisions affecting people who use those services in Luton
  - (b) reviewing/scrutinising health and social care priority topics
  - (c) proposing health and social care topics to the Overview and Scrutiny Board for review by a sub-committee of the Overview and Scrutiny Board or a Task and Finish Review Group thereof made up of any non-Executive Members
  - (d) reviewing and responding to local consultations by NHS bodies, health and social care service providers, including the council, on changes to services affecting people who use those services and
  - (e) contributing to joint health scrutiny committees, reviewing consultations by NHS bodies or health service providers on cross-border changes to services, affecting people who use those services in the relevant areas

## 6.6 Responsibilities of the Scrutiny Children's Services Review Group

6.6.1 Including 2 co-opted Diocesan members, 2 members elected from outside the Council, 2 Teacher representatives

6.6.2 Function

- (1) To review and scrutinise any matter relating to the planning, provision and operation of education and children's social care services in Luton, holding commissioners and providers of those services, including partner organisations, to account for the quality and standards of service offered and performance achieved and making recommendations for improvement, where appropriate.

## Table 7. Responsibility for Executive functions

### 7.1 Responsibilities of the Executive

#### 7.1.1 The Executive shall have the following responsibilities:-

- (1) The Executive is responsible for all of the council's functions except as otherwise provided in this Constitution.
- (2) The Executive is responsible for the formulation of the plans and strategies which make up the Policy Framework and for making recommendations in respect of such plans and strategies to the full council.
- (3) The Executive is responsible for preparing the council's revenue and capital budgets, and the other documents which together make up the Budget Framework, and for making recommendations in respect of such matters to the full council.
- (4) Incidental Matters
  - (a) The Executive may institute, prosecute or defend any legal proceedings in connection with the discharge of any of the Executive Functions.
  - (b) The Executive may issue public media statements in connection with the discharge of any of the Executive Functions.
  - (c) The Executive shall be responsible for the taking of and may take any step in the course of, or for the purposes of, or in connection with the discharge of any of the Executive Functions.
  - (d) The Executive may do anything incidental or conducive to the discharge of any of the Executive Functions.
  - (e) The Executive may do anything expedient in connection with the discharge of any of the Executive Functions.

#### (5) Local Choice Functions

### 7.2 The following Local Choice Functions are the responsibility of the Executive:-

- (a) the appointment of any individual:-
  - i. to any office other than an office in which (s)he is employed by the council.
  - ii. to any body other than:-
    - a. the council or
    - b. a joint committee of two or more authorities or
  - iii. to any committee or sub-committee of such a body
 and the revocation of any such appointment in respect of Executive functions
- (b) the making of agreements for the execution of highway works under Section 278 Highways Act 1980 as substituted by Section 23 of the New Roads and Streetworks Act 1991 and
- (c) the making of agreements with other local authorities for the placing of staff at the disposal of those other authorities

### 7.3 Portfolio Responsibilities

- 7.3.1 The allocation (either by the council, by the Executive or by the Executive Leader in accordance with Article 7.14.4 or 7.14.5 of this Constitution) of Portfolio Responsibilities to Portfolio Holders is set out on the Council's website here. The allocation of Portfolio Responsibilities is descriptive only, confers no delegation to, or right to discharge any Executive Function on, any Portfolio Holder. The responsibility of each Portfolio Holder is to consider the matters within her/his area of responsibility and make recommendations to the Executive or the Executive Leader.

## Table 8. Executive Advisory Bodies, Strategic Advisory Board and Other Bodies

### 8.1 Corporate Parenting Partnership Board

#### 8.1.1 Functions and Delegated Powers

- (1) To ensure that the council, and its partners, effectively discharge its role as corporate parents for all their children in care and care leavers.

### 8.2 Local Plan Working Party

#### 8.2.1 Functions and Delegated Powers

- (1) To consider and provide guidance on the detailed content of the emerging Local Plan.

### 8.3 Supplementary School Advisory Panel

#### 8.3.1 Functions and Delegated Powers

- (1) To consider, evaluate and make recommendations to the Executive on annual applications for supplementary school grant.

### 8.4 Young People's Panel

#### 8.4.1 Functions and Delegated Powers

- (1) To provide advice to the Executive and Scrutiny Committees on all issues relating to looked after children.
- (2) To provide consultation to Officers on all reports which would have an impact on looked after children.
- (3) To receive regular detailed reports on looked after children covering all local and national performance indicators and outcome measures and complaints.
- (4) To receive regular reports on all national developments concerning policy and objectives for looked after children.
- (5) To maintain direct contact with key local authority service providers (residential care staff, social workers, education staff, foster carers, etc.) and with other agencies whose services are essential to the achievement of objectives (i.e. health care staff).
- (6) To maintain contact with service users, including children looked after and advocates or organisations acting as advocates for looked after children.

### 8.5 Climate Change Group

### 8.6 Luton Shareholder Group

### 8.7 Town Centre Strategic Board

### 8.8 The Stage Project Board

### 8.9 Luton Joint Negotiation and Consultative Committee

#### 8.9.1 Employee's side:-

- (1) Representatives of the recognised Trade Unions/Professional Associations representing current and future employees in the education function

#### 8.9.2 Responsibilities

- (1) To provide regular methods of consultation and negotiations between the council and its employees so as to prevent differences and to seek to resolve them should they arise by making decisions where appropriate or by making recommendations to the Executive.
- (2) To be the Corporate interface on major human resource issues.
- (3) To be an important element in the provisions of effective communications between the council and its employees.
- (4) To consider, report and make recommendations to the Executive on terms and conditions of service, on training and on development.
- (5) To discharge such functions as are specifically assigned to it by the Executive or by the council from time to time all in accordance with the Model Constitution approved by the council at Minute 561(112)/97.

## 8.10 Luton Senior People's Forum

### 8.10.1 Responsibilities

- (1) To advise and make recommendations to the council and other local agencies on any aspect of service delivery and policy that affects older people in Luton. For this purpose the Forum shall:-
  - (a) provide a mechanism for consultation and liaison with the council and other local agencies on the issues that affect older people in Luton
  - (b) receive and request reports from the council and other local agencies on issues that affect older people i.e. in health and social care, pensions, housing, access, public transport, personal security etc.
  - (c) consider and advise on policies and strategies that affect older people
  - (d) promote the welfare and interests of older people in Luton by building partnerships and alliances with organisations within and outside the Borough including the Luton Assembly, Eastern Region Older Person's Advisory Group (OPAG) and Better Government for Older People (BGOP) and
  - (e) not represent any political party or political group

## 8.11 Older Person's Partnership Board

### 8.11.1 Responsibilities

- (1) To act as an expert reference group, taking account and drawing on the experience of older people, in order to inform the Health and Wellbeing Agenda in Luton.
- (2) To review relevant changes in Government Policy and legislation, in order to understand and comment on the impact that such changes may have on the development of the Health and Wellbeing Services for Older People in Luton.
- (3) To foster joint working and encourage the development of an integrated-outcomes based approach to the planning, commissioning and delivery of services by developing a multi-disciplinary membership that encompasses the statutory bodies, private and voluntary organisations and older people in Luton.
- (4) To assist the Health and Wellbeing Board to understand the needs of older people across Luton by informing and influencing the development of the Statutory Joint

**Strategic Needs Assessment and the Joint Health and Wellbeing Strategy by providing periodic reports in a manner and timescale to be determine.**

## Table 9. Petitions and Representations Board

### 9.1 Responsibilities of Petitions and Representations Board

- 9.1.1 To receive and consider petitions which meet the criteria in the council's Petitions Scheme (other than petitions which must be referred direct to another body under the Scheme).
- 9.1.2 To refer petitions which it has considered to the Executive (in relation to Executive functions) and to the council and its Regulatory Committees (in relation to non-Executive functions) and to make recommendations, comment or give advice to the Executive, council or committee as the case may be in relation to any such petition.
- 9.1.3 To consider any issue within the remit of the Board that addresses matters of concern to local communities within any area or areas of the town.
- 9.1.4 To receive references and recommendations from Members on issues relating to that Member's Ward and, if the Board considers it appropriate to do so, refer those issues to the Executive (in relation to Executive functions) and to the council and its Regulatory Committees (in relation to non-Executive functions) and to make recommendations, comment or give advice to the Executive, council or committee as the case may be in relation to that issue.
- 9.1.5 To identify and invite representative(s) from other organisations to attend the Petitions and Representations Board as and when necessary to offer information or advise/address the Board on issues of concern.

## Appendix to Part 3 B – Responsibility for Functions

### Joint Arrangements and Arrangements under Section 101 Local Government Act 1972

#### Community Equipment Service

##### Body Responsible

Community Equipment Service Partnership Board.

The Executive Portfolio Holder for People Adults together with representatives of the Luton Clinical Commissioning Group.

##### Functions

To oversee the pooled budget arrangement between the council and Luton Commissioning Group which supports the provision of special equipment at home for disabled people.

#### Patrol Adjudication

##### Body Responsible

“PATROL” (Patrol Adjudication Service Joint Committee)

The Executive Portfolio Holder for Place and Infrastructure Planning and Transport.

##### Functions

To provide an appeals service for persons appealing against the rejection by the council of their representations against penalty charges or in relation to clamped or removed vehicles.

#### Flexible Warrants

##### Body Responsible

Luton Council with Bedford Borough Council and Central Bedfordshire Council (“the relevant local authorities”)

##### Functions

The discharge of the Council’s functions under Licensing legislation (which are not functions of the Executive) (“the relevant functions”), but without prejudice to the discharge of the relevant functions by the Council, by the relevant local authorities.