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#### **5.1 Council responsibilities**

Council responsibilities are listed in this section, which also shows who carries them out. Anything not listed in this section is an executive responsibility.

Officers who have had something delegated to them (and those officers who manage them) can authorise officers they line manage or other officers with the relevant skills and responsibilities to do it on their behalf (unless it was delegated on condition that they do it themselves) but will remain responsible and accountable for the exercise of the delegated function.

Legislation referred to in this section includes any amendments, re-enactments or subordinate legislation.

Decisions that relate to the ownership and management of Port Meadow and Wolvercote Common, including access, works, agricultural and public activities will be subject to consultation and agreement with the Freeman and Commoners having regard to their respective rights over the Meadow and Common.

#### **5.2 Budget and policy framework**

##### **(a) Description of responsibility**

The budget, including decisions to allocate money to services and projects, set up contingency funds, set the Council Tax base, set the Council Tax,

control the Council's borrowing requirement, control capital spending, set a limit on the amount that can be transferred between cost centres and agree the treasury management strategy.

The policy framework includes any policies required to be agreed by Council under the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 and those that the Council chooses to adopt as part of the policy framework. The budget and policy framework includes the following:

- Council Strategy
- Budget and Medium Term Financial Plan (including the Capital Programme and Housing Revenue Account Business Plan)
- Allocations Scheme
- Asset Management Plan
- Capital Strategy
- Community Engagement Policy Statement
- Development Plan documents
- Housing and Homelessness Strategy
- Housing Asset Management Strategy
- Tenancy Strategy and Tenancy Policy
- Thriving Communities Strategy
- Treasury Management Strategy (including the Borrowing Strategy, Investment Strategy and Minimum Revenue Position Statement)
- Sustainability Strategy
- Vibrant Active Oxford Strategy

(b) Who carries out the responsibility?

- Council.

### 5.3 Planning

(a) Description of responsibility

All the responsibilities in Paragraph A and column (1) of Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended), and

1. the power to deal with agreements under s.278 of the Highways Act 1980;
2. the duty to deal with complaints about high hedges under Part 8 of the Anti-Social Behaviour Act 2003;
3. the power to preserve trees under the Sections 197 to 214D of the Town and Country Planning Act 1990 (as amended), the Town and Country Planning (Tree Preservation) (England) Regulations 2012;
4. the power to authorise the stopping up or diversion of rights of way under Section 257 of the Town and Country Planning Act 1990;

5. the power to protect important hedgerows under the Hedgerows Regulations 1997; and
6. the power to authorise rights of entry under section 324 of the Town and Country Planning Act 1990, sections 88 and 88A of the Planning (Listed Buildings and Conservation Areas) Act 1990 and sections 36 and 36A of the Planning (Hazardous Substances) Act 1990.
7. the power to revoke or modify hazardous substances consents under section 14(2) of the Hazardous Substances Act 1990 and to take all associated actions thereafter to secure the revocation or modification of those consents.

(b) Who carries out the responsibility?

**Council** will be responsible for:

- Development plan documents
- Making a neighbourhood plan

The Oxford City Planning Committee will be responsible for:

- deciding planning applications for more than ten (10) residential units or for residential developments on sites with a site area of over 0.5 hectares
- deciding planning applications for non-residential developments on sites over 1 hectares
- deciding planning applications for non-residential developments with new or increased floor space of more than 1,000m<sup>2</sup>
- deciding planning applications made by or on behalf of councillors or officers
- deciding planning applications that would otherwise be decided by officers that have been called in by councillors by 5pm on the last day of the period of 21-days starting with the day on which notice of the application is sent to councillors (via the weekly planning list) (Part 17.3). *In instances where there are significant changes to material planning considerations, as determined by the Head of Planning & Regulatory Services, after the initial notice of the application is sent to councillors via the weekly planning list, those applications should be re-notified as such to councillors via the weekly list. In instances such as these the period of 21-days would restart at the point at which the application is re-notified to councillors*
- deciding listed building consent applications for total or substantial demolition of listed buildings
- deciding planning applications or applications under condition for phone masts where there are objections (except applications that can go ahead, unless the Council refuses them within 56 days)
- dealing with complaints about high hedges when the hedge is on the Council's land or land occupied by a councillor or officer or when the complaint has come from a councillor or officer.

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- deciding whether to register one or more candidate heritage assets having regard to the Council's adopted criteria
- deciding planning applications submitted by organisations in which the Council has a direct financial interest of £1m or greater, excluding treasury management holdings.

Whether or not any of the preceding applies, determining applications under development order conditions which provide that the relevant development may proceed in the absence of a determination are not carried out by the Oxford City Planning Committees and are to be dealt with by the Head of Planning & Regulatory Services.

The Planning Review Committee decides planning applications that have been called in by any twelve councillors or the Head of Planning & Regulatory Services following consideration by the Oxford City Planning Committee (Part 17.3).

The Head of Planning & Regulatory Services has responsibility for all other functions within 5.3(a) including but not limited to:

- (i) deciding applications to renew a planning permission where there has been no change of circumstances;
- (ii) deciding applications for certificates of lawful proposed or existing development including those submitted by councillors or officers as these are legal determinations;
- (iii) authorising the completion of agreements made pursuant to section 106 and 106A of the Town and Country Planning Act 1990 (as amended) and associated legislation as well as Deeds of Variation, Supplementation and Discharge of such agreements;
- (iv) In relation to appeals against non-determination, formulating the Council's response to the application; and
- (v) the allocation of Community Infrastructure Levy (CIL) monies where planning consent requires a CIL contribution of up to £500,000  
At regular intervals the Council will advise any Neighbourhood Forum how much is in the neighbourhood CIL pot for their area and ask how it would wish the Council to allocate this. The Forum should then consult on its proposed CIL allocations which should include consultation with ward councillors.
- (vi) approval of the Council's flag flying consent under the advertisement consent regime (Town and Country Planning (Control of Advertisements) (England) Regulations 2007
- (vii) consulting on amendments to conservation areas; to include consultation with local ward members.

### 5.4 Licensing of alcohol, entertainment and late night refreshment

- (a) Description of responsibility

All the responsibilities in the Licensing Act 2003

(b) Who carries out the responsibilities?

Council sets policies on licensing.

The Licensing and Gambling Acts Committee:

- reviews and recommends policies on licensing to Council
- reviews and recommends to Council fees and charges as necessary in line with the relevant legislation
- appoints licensing and gambling acts casework sub-committees to:
  - decide whether to give, change to transfer premises licences or club registration certificates when there are objections
  - decide whether to give a temporary premises licence to a replacement licence holder when there are objections
  - review premises licences and club registration certificates after a closure order
  - decide valid applications for a review of a premises licence or club registration certificate
  - deal, when there are objections, with applications for a statement saying the Council expects to give a licence to premises that are yet to be built or converted
  - decide whether to prevent one-off events when there are objections from the police
  - decide applications to change the premises supervisor or appoint a temporary supervisor when there are objections from the police
  - decide applications for personal licences when there are objections from the police
  - decide whether to withdraw a personal licence on hearing of a conviction
  - respond to consultation on an application by another body that gives licences.

The Executive Director (Communities and People) has responsibility for everything else within the Licensing Act 2003.

### 5.5 Licensing of gambling

(a) Description of responsibility

All the responsibilities in the Gambling Act 2005.

(b) Who carries out the responsibility?

Council sets policies on licensing.

The Licensing and Gambling Acts Committee:

- reviews and recommends policies on licensing to Council
- reviews and recommends to Council fees and charges as necessary in line with the relevant legislation
- appoints licensing and gambling acts casework sub-committees to:
  - deal, when there are objections, with premises licence applications, changes and transfers
  - review premises licences
  - deal, when there are objections, with applications for a statement saying the Council expects to give a licence to premises that are yet to be built, converted or occupied
  - decide whether to prevent temporary events or uses when there are objections
  - deal, when there are objections, with applications for club gaming, or club machine permits and cancellation of such permits
  - deal, when there are police objections or officers would want to refuse them, with applications for prize gaming permits
  - deal with anything else that needs a hearing or that cannot legally be delegated to officers

The Executive Director (Communities and People) has responsibility for everything else within the Gambling Act 2005.

### **5.6 Taxi and private hire and other vehicle licensing**

#### (a) Description of responsibility

All the taxi and private hire and other vehicle licensing responsibilities in Paragraph B of Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000.

#### (b) Who carries out the responsibilities?

Council sets policies on taxi and private hire and other vehicle licensing.

The General Purposes Licensing Committee:

- reviews and recommends policies on taxi and private hire and other vehicle licensing to Council
- reviews and recommends to Council fees and charges as necessary in line with the relevant legislation
- appoints a General Purposes Licensing Casework Sub-committee to:
  - deal with cases concerning applicants for or holders of taxi, private hire or other drivers or vehicle licences brought to the sub-committee by officers
  - decide taxi and private hire and other vehicle, driver and operator licence applications when the applicant has been issued with a “minded to refuse notice” and has requested a hearing

- withdraw and suspend licences for taxis and private hire and other vehicles and their drivers and operators.

The Executive Director (Communities and People) has responsibility for everything else including the immediate suspension of taxi and private hire drivers' licences in the interests of public safety and issuing a minded to refuse notice.

### 5.7 Other licensing and registration functions

#### (a) Description of responsibility

All the responsibilities in Paragraph B of Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 except taxi and private hire and other vehicle licensing.

#### (b) Who carries out the responsibility?

Council sets policies on licensing and registration.

The General Purposes Licensing Committee:

- reviews and recommends policies on licensing and registration to Council
- reviews and recommends to Council fees and charges as necessary in line with the relevant legislation
- agrees a charity collections scheme
- appoints a General Purposes Licensing Casework Sub-committee to:
  - decide sex establishment licence applications when there are objections
  - decide new street trading applications
  - decide applications to renew street trading permission when there has been a complaint about the trader or the trader has broken the conditions of their street trading permission in the past year or where there is competition for a vacant approved site.
    - where a trader is in breach of condition as a result of being in arrears, the Head of Planning & Regulatory Services has discretion only to refer significant debt that they feel is not being managed to the General Purposes Licensing Casework Sub-Committee for determination of Consent renewal.
  - decide whether to suspend, extend a period of suspension, end a suspension, vary or revoke a Street Trading Consent for cases referred to the Sub-Committee by the Head of Planning & Regulatory Services.

The Head of Planning & Regulatory Services has responsibility for everything else.

### 5.8 Health and safety at work

(a) Description of responsibility

All the responsibilities in Paragraph C of Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000.

(b) Who carries out the responsibilities?

The Head of Planning & Regulatory Services.

### **5.9 Functions relating to the name and status of areas and individuals**

(a) Description of responsibility

All the responsibilities in Paragraph E of Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000.

(b) Who carries out the responsibility?

Council.

### **5.10 Functions relating to community governance**

(a) Description of responsibility

All the responsibilities in Paragraph EB of Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000.

(b) Who carries out the responsibility?

Council.

### **5.11 Byelaws**

(a) Description of responsibility

All the responsibilities in Paragraph F of Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000.

(b) Who carries out the responsibility?

Council.

### **5.12 Power to promote or oppose local or personal bills**

(a) Description of responsibility

All the responsibilities in Paragraph G of Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000.

(b) Who carries out the responsibility?

Council.

### **5.13 Pensions**

(a) Description of responsibility

All the responsibilities in Paragraph H of Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000.



- (b) Who carries out the responsibility?

The Chief Executive.

An officer authorised by the Chief Executive will act as the Council's adjudicator to determine first stage appeals in respect of decisions under the Adjudication of Disagreements Procedure operated by the Pensions Service.

### **5.14 Ban on smoking in public places**

- (a) Description of responsibility

All the responsibilities in the Health Act 2006.

- (b) Who carries out the responsibility?

Head of Planning & Regulatory Services.

### **5.15 Power to enter into an agreement to create a public path on Council owned land**

- (a) Description of responsibility

All the responsibilities in section 25 of the Highways Act 1980

- (b) Who carries out the responsibility?

Executive Director for Development

5.16 Other Council responsibilities

No	Responsibilities	Legislation	Carried out by
1	Power to appoint staff and to set their terms and conditions (including procedures for dismissing them)	Local Government Act 1972, Section 112	<p>Subject to the Employment Rules (Part 20) Appointments Committee appoints Executive Directors and Assistant Chief Executives and recommends to Council appointments of the Chief Executive and designation of Head of Paid Service, Chief Finance Officer and Monitoring Officer.</p> <p>The Chief Executive, Assistant Chief Executive or any Executive Directors can appoint Heads of Service and put in place arrangements for staffing including redesign, restructures and allocation of responsibilities. The Assistant Chief Executive and Executive Directors can only make such arrangements <i>subject to budget approval</i> in relation to their own areas of responsibility.</p> <p>Heads of Service appoint everyone else (except Chief Executive appoints where a contract for personal services is used)</p> <p>Council sets collective terms and conditions, to include the Disciplinary Policy, other than pay which is delegated to the Chief Executive to implement in respect of all staff, other than the Chief Executive's own pay and that of any Assistant Chief Executive and Executive Directors, in accordance with national or local pay award/review schemes.</p> <p>Deciding upon the salary of the Chief Executive, Assistant Chief Executives and Executive Directors is the responsibility of the Appointments Committee</p>

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No	Responsibilities	Legislation	Carried out by
			The Chief Executive, Assistant Chief Executive, Executive Directors and Heads of Service may manage their staff and take any disciplinary action necessary in accordance with the Disciplinary Policy and Procedure subject to the Employment Rules
2	Power to make standing orders	Local Government Act 1972, Section 106 and paragraph 42 of Schedule 12	Council
3	Power to make contract rules	Local Government Act 1972, Section 135	Council
4	Duty to arrange proper financial administration	Local Government Act 1972, Section 151	Chief Finance Officer
5	Duty to designate Head of Paid Service and provide resources	Local Government and Housing Act 1989, Section 4(1)	Council (but Appointments Committee makes a recommendation)
6	Duty to designate Monitoring Officer and provide resources	Local Government and Housing Act 1989, Section 5(1)	Council (but Appointments Committee makes a recommendation)
7	Powers relating to scrutiny committees (voting rights of co-opted members)	Local Government Act 2000, paragraph 12 and 14 of Schedule 1	Council
8	Power to appoint proper officers	Local Government Act 1972, Section 270(3)	Head of Law and Governance

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No	Responsibilities	Legislation	Carried out by
9	Power to issue a closing order to a takeaway food shop	Local Government (Miscellaneous Provisions) Act 1989 1982, Section 4	Head of Planning & Regulatory Services
10	Powers to protect important hedgerows	The Hedgerows Regulations 1997	Head of Planning & Regulatory Services
11	Power to apply for an enforcement order against unlawful works on common land	Commons Act 2006, Section 4	Head of Planning & Regulatory Services
12	Power to protect unclaimed register to common land and unclaimed town or village greens against unlawful interference	Commons Act 2006, Section 45(2)(a)	Head of Planning & Regulatory Services
13	Power to institute proceedings for offences in support of unclaimed registered common land and unclaimed town or village greens	Commons Act 2006, Section 45 (2)(b)	Head of Planning & Regulatory Services
14	Duty to provide resources to a person named by the Monitoring Officer	Local Government Act 2000, Sections 82A (4) and (5)	Council
15	Power to provide compensation when there has been maladministration	Local Government Act 2000, Section 92	Chief Executive

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No	Responsibilities	Legislation	Carried out by
16	Power to make an order identifying a place as a public place for the purposes of police powers to deal with street drinking	Criminal Justice and Police Act 2001, Section 13(2)	Council
17	Duty to appoint an electoral registration officer	Representation of the People Act 1983, Section 8(2)	Council
18	Power to provide the officers the electoral registration officer needs	Representation of the People Act 1983, Section 52(4)	Electoral Registration Officer
19	Parish and parish council responsibilities	Local Government and Rating Act 1997, Part II	Electoral Registration Officer
20	Power to dissolve small parish councils	Local Government Act 1972, Section 10	Council
21	Power to make orders for grouping parishes, dissolving groups or separating parishes from groups	Local Government Act 1972, Section 11	Council
22	Duty to appoint Returning Officer for local government elections	Representation of the People Act 1983, Section 35	Council
23	Duty to help in European parliamentary elections	European Parliamentary Elections Act 1978, Paragraph 4(3) and 4(4) of Schedule 1	Returning Officer

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<b>No</b>	<b>Responsibilities</b>	<b>Legislation</b>	<b>Carried out by</b>
24	Duty to divide constituency into polling districts	Representation of the People Act 1983, Section 18	Council
25	Power to divide electoral divisions into polling districts at local government elections	Representation of the People Act 1983, Section 31	Council
26	Powers to do with holding elections	Representation of the People Act 1983, Section 39(4)	Returning Officer
27	Power to pay electoral registration officer's expenses	Representation of the People Act 1983, Section 54	Council
28	Power to fill empty seats on parish councils when there are not enough nominations	Representation of the People Act 1983, Section 21	Returning Officer
29	Duty to declare vacancy in office	Local Government Act 1972, Sections 86	Returning Officer
30	Duty to give notice of a casual vacancy	Local Government Act 1972, Section 87	Returning Officer
31	Power to make temporary appointments to parish Councils	Local Government Act 1972, Section 91	Returning Officer

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No	Responsibilities	Legislation	Carried out by
32	Power to make proposals for pilot schemes for local elections	Representation of the People Act 2000, Section 10	Council
33	Duty to consult on change of scheme for elections	Local Government and Public Involvement in Health Act 2007, Sections 33(2), 38(2) and 40(2)	Council
34	Duties relating to certain publicity in relation to electoral matters	Local Government and Public Involvement in Health Act 2007, Sections 35, 41 and 52	Council
35	Duties relating to notice to Electoral Commission	Local Government and Public Involvement in Health Act 2007, Section 53	Council
36	Functions relating to change of name of an electoral area	Local Government and Public Involvement in Health Act 2007, Section 59	Council
37	Power to alter years of ordinary elections of parish councillors	Local Government and Public Involvement in Health Act 2007, Section 53	Council

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