

PART 3XX: MATTERS RESERVED TO COMMUNITY COUNCILS

Planning Functions (Non-Executive):¹

Decision-making

1. Consideration of the following categories of planning applications (including Listed Building consent, Conservation Area consent and advertising consent): –
 - (1) Those which are significantly contrary to the provisions of the Unitary Development Plan or other plans approved by the Council for the purpose of development control, and which are recommended for approval;
 - (2) Those which are controversial or raise a major issue of a planning nature except where they are straightforward refusals;²
 - (3) Those requested by Ward Members to be determined by the Community Council, subject to the request being agreed by the Chair of the Community Council;
 - (4) All applications for the Council's own developments except for the approval of reserved matters and minor developments to which no objections have been made;
 - (5) Those involving legal agreements, other than those in accordance with policy requirements, e.g. affordable housing, highway improvements, environmental work and other works required as part of a development proposal.

Where the development proposed involves the creation of fewer than 50 housing units or less than 3,500 m² of commercial floor space or a mixed use development with less than 3,500 m² of floor space, including applications for change of use, except where the application is clearly linked to another application which is to be considered by the Planning Committee.

Consultative/Non decision-making

2. To comment on the proposed expenditure of funds over £100,000 secured through legal agreements under Section 106 of the Town and Country Planning Act 1990, or any previous legislation where the site to which the agreement relates and the site(s) where expenditure will be incurred are in the same Community Council area.
3. To comment on proposals for the designation of conservation areas including the adoption of Conservation Area Character Appraisals and detailed design guidance, and authorisations under article 4 of the Town and Country Planning Permitted Development Order 1995 affecting the area of the Community Council.

¹ The powers of the Community Council in respect of planning functions are formally delegated to it by the Planning Committee. For the purposes of decision-making it is constituted as a sub-committee of the main committee.

² To be determined by the Strategic Director of Regeneration

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4. To comment on proposals to adopt planning briefs for development control purposes to guide the development of particular sites within the area of the Community Council.
5. To be consulted on all major and strategic schemes prior to consideration by the Planning Committee, subject to the consultation deadlines.

Licensing Functions (Non-Executive):³

Decision-making

6. To consider:
 - (1) Any opposed application for the grant, renewal, transfer or variation of annual public entertainments or night café licence where there is evidence which gives rise to consideration of whether the applicant is a fit and proper person;
 - (2) Any opposed application for the new annual grant of a public entertainments licence in respect of any premises capable of accommodating 150 or more persons;
 - (3) Any opposed application for either the new annual grant of a public entertainments licence or application for the variation of an existing licence which seeks hours of operation beyond the latest hour permitted for the sale of alcohol under a Justices special hours certificate (i.e. 2.a.m.weekdays and 12 midnight on Sunday);
 - (4) The revocation of any licence (reserved to Community Councils) following the successful prosecution of the holder for breach of licence terms, conditions and restrictions;
 - (5) The non-renewal of any licence (reserved to Community Councils) following concerns raised by officers regarding the manner of operation of the premises under its licence;
 - (6) Any application for consent to provide striptease or hypnotism or like entertainment;
 - (7) Any application for the grant of new amusement arcade / prize bingo permits;
 - (8) Applications made in respect of occasional licenses over 28 days in any 12 month period.

³ The powers of Community Councils in respect of licensing functions are formally delegated by the Licensing Committee. For the purposes of decision-making it is constituted as a sub-committee of the main committee.

The Licensing Committee will consider and determine all licensing applications for venues on or near Community Council boundaries, which will have a material impact on the area of one or more neighbouring Community Councils. The Strategic Director of Environment & Leisure to determine when such boundary proximity is a material factor.

Environmental Management (Executive)

Decision-making

7. Recommendations to the Strategic Director of Environment and Leisure, on local contract variations.⁴
8. Recommendations to the Executive on issues concerning major changes to contracts.
9. Appointment of Ward Members to serve on warden schemes steering groups

Environmental Improvement Programme (Executive)⁵

Decision-making

10. Approval of the mechanism and the allocation of funds to Environmental Improvement schemes of a local nature, using the resources identified by the Executive, for example:
 - Designing out dumping and fly-tipping
 - Local playground improvements
 - Local Parks
 - Improvement to local sports facilities
 - Improvement to local community centres and youth facilities
 - Eyesores and facelifts
 - Improving ward-level communication routes and pathways
 - Bins, Street furniture etc.

Consultative/Non decision-making

11. Recommendation to the Executive bids for funding for EIP schemes of a strategic nature as part of an open bidding process

Community Safety Functions (Executive)

Decision-making

12. Approval of the submission of Community Safety bids.

Traffic Management Functions (Executive)⁶

Decision-making

⁴ Decisions regarding contract variation shall remain the responsibility of the Strategic Director of Environment & Leisure.

⁵ In respect of traffic matters that have a potential impact on more than one Community Council, the Strategic Director of Regeneration to determine if boundary proximity is of a material issue.

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13. Determination of the following local non-strategic matters:
 - The introduction of single traffic signs
 - The introduction of short lengths of waiting and loading restrictions
 - The introduction of road markings
 - The introduction of disabled parking bays
 - The setting of consultation boundaries, for consultation on traffic schemes
14. Determination of objections to traffic management orders that do not relate to strategic or borough wide issues.
15. To hear and determine traffic petitions and deputations that are of a non-strategic nature.

Consultation/Non decision-making

16. Following a strategic decision to introduce a parking or traffic safety scheme, Community Councils to be consulted on the detail of the schemes such as:
 - The method of consultation and how it is undertaken
 - The type of traffic features to be introduced
 - Where street furniture is positioned
17. To be consulted on the Borough Spending Plans (BSP), the Council's annual bid to Transport for London for transport funding covering such things as local safety schemes and 20mph zones, before it is submitted to Transport for London.
18. To be consulted on decisions of strategic nature, such as whether to create parking zones or home zones.

Education Functions (Executive)

Decision-making

19. Appointment of Local Education Authority school governorships to the governing bodies of primary schools within the area of the Community Council, from among the list of suitable persons maintained by the Council's Voluntary Bodies Appointments Panel.

NOTES

(1) All matters not reserved as above are delegated to the appropriate Chief Officer and 1st Tier Officer. All delegated matters can always be decided by the Parent Body. See also Part 3: Matters Delegated to Officers.

(2) All planning matters not reserved as above are delegated to the appropriate Chief Officer, 1st Tier Officer or Business Unit Manager, except that authority to initiate prosecutions is delegated to:

- Strategic Director of Regeneration
- Head of Planning
- Business Support Services Co-ordinator
- Development and Building Control Manager

(3) All licensing matters not reserved as above are delegated to the appropriate Chief Officer, 1st Tier Officers or Business Unit Manager, except that authority to initiate prosecutions is delegated to:)

Licensing

- Strategic Director of Environment and Leisure
- Head of Streetscene and Public Protection
- Head of Waste Management
- Environmental Health and Trading Standards Manager

Street Trading

- Strategic Director of Environment and Leisure
- Head of Streetscene and Public Protection
- Head of Waste Management
- Client and Enforcement Manager, Waste Management Division
- Environmental Health and Trading Standards Manager

(All matters reserved to the Licensing Officer Panel can always be decided by the relevant Community Council, with the exception of (f) and (g) which can be decided upon by the Licensing Committee.)

(4) Each Chief Officer and/or 1st Tier Officer in making decisions under the above scheme is required to do so within the internal scheme of management for their own department. This will include appropriate monitoring arrangements, and dissemination of information both internally and externally to the Council.