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## PART 3H: COMMUNITY COUNCILS

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### Role and functions

1. To promote the involvement of local people in the democratic process and to bring decision making closer to local people.
2. To take decisions about local matters. At present community councils have delegated authority in the following key areas: local planning applications, the cleaner, greener, safer capital programme, traffic management, appointment of local education authority governors to local nursery and primary schools and community project banks.
3. To act as a formal consultation mechanism on council wide policies and strategies.
4. To be a focal point for discussion and consultation on matters that affects the area.

### MATTERS RESERVED FOR DECISION

#### Planning functions (non-executive function)<sup>1</sup>

##### Decision making

1. Consideration of the following categories of planning applications (including listed building consent, conservation area consent and advertising consent), where the development proposed involves the creation of fewer than 50 housing units or less than 3,500m<sup>2</sup> of commercial floor space or a mixed use development with less than 3,500m<sup>2</sup> 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:
  - a) Those which are significantly contrary to the provisions of the local development framework approved by the council for the purpose of development control, and which are recommended for approval
  - b) Those which are controversial, i.e. subject to 3 or more relevant objections (a "relevant objection" is defined as any objection except an objection which clearly does not raise any material planning considerations) or raise a major issue of a planning nature except where they are straightforward refusals<sup>2</sup>
  - c) Those requested by a ward member to be determined by elected members, subject to the request being agreed by the chair of the community council

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<sup>1</sup> 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. The planning committee will consider and determine all planning applications 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 regeneration and neighbourhoods will determine when boundary proximity is a material factor.

<sup>2</sup> To be determined by the strategic director of regeneration and neighbourhoods.

- d) All applications for the council's own developments except for the approval of:
- reserved matters and minor developments to which no relevant objections have been made
  - developments that are proposed by community councils.
- e) 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.
2. To consider the confirmation of tree preservation orders:
- Those which are the subject of a sustained objection (a "sustained objection" is defined as an objection that is maintained despite an attempt by officers to resolve it, or which officers consider incapable of resolution by negotiation).

#### Consultative/non decision making

3. To comment to planning committee 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.
4. To comment to planning committee 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.
5. To comment to planning committee on proposals to adopt supplementary planning documents for development control purposes to guide the development of particular sites within the area of the community council.
6. To be consulted on all major and strategic schemes prior to consideration by the planning committee, subject to the consultation deadlines.
7. To receive regular information reports (at least quarterly) on local planning enforcement issues.

#### **Environmental management (executive function)**

##### Decision making

8. Recommendations to the strategic director of environment and housing, on local contract variations.<sup>3</sup>
9. Recommendations to the cabinet on issues concerning major changes to contracts.
10. Appointment of ward members to serve on warden schemes steering groups.

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<sup>3</sup> Decisions regarding contract variation shall remain the responsibility of the strategic director (environment and housing).

Consultative/non decision making

11. To consider regular reports on environmental management issues, including street cleaning, refuse collection, abandoned vehicles and leisure centres.
12. To participate in contract reviews and be able to suggest service improvements and identify local priority issues.

**Cleaner, greener, safer capital programme (executive function)**Decision making

13. Approval of the allocation of funds to cleaner, greener, safer capital schemes of a local nature, using the resources identified by the cabinet, 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.
14. To oversee and take responsibility for the development and implementation of the local schemes.
15. If successful in the bidding to the cabinet for strategic projects, to oversee and take responsibility for the development and implementation of the schemes.

Consultative/non decision making

16. Recommendation of bids to the cabinet for funding for capital schemes of a strategic nature as part of an open bidding process.

**Traffic management functions (executive function)<sup>4</sup>**Decision making

17. 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.
18. Determination of objections to traffic management orders that do not relate to strategic or borough wide issues.

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<sup>4</sup> In respect of traffic matters that have a potential impact on more than one community council, the strategic director of environment and housing shall determine if boundary proximity is a material issue.

19. To hear and determine traffic petitions and deputations that are of a non strategic nature.

#### Consultation/non-decision making

20. 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.
21. 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.
22. To be consulted on decisions of strategic nature, such as whether to create parking zones or home zones.

#### **Education functions (executive function)**

##### Decision making

23. Appointment of local education authority school governorships to the governing bodies of nursery and primary schools within the area of the community council, from among the list of suitable persons maintained by the council, except in the circumstances set out in paragraph 23 below.
24. Where a school is eligible for intervention the strategic director of children's services or nominated officer (as set out in the departmental scheme of management) shall have the power to appoint local authority governors to the governing body, subject to consultation with the relevant cabinet member and the chair or vice-chair of the relevant community council consistent with the statutory time constraints placed on the strategic director as well as the widest possible engagement with other councillors, especially the ward councillors for the ward in which the school is located.

#### **Community project bank (executive function)**

##### Decision making

25. To approve projects for inclusion within the community project bank.

#### **Notes**

- a) All matters not reserved as above are delegated to the appropriate chief officer and head of service. All delegated matters can always be decided by the parent body. See also Part 3P: Matters delegated to officers.
- b) All planning matters not reserved as above are delegated to the appropriate chief officer, head of service or business unit manager
- c) Each chief officer and/or head of service 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.