

## **SECTION 4 - AREA COMMITTEE FUNCTIONS**

### **Powers and Duties**

(Delegated)

Within the area of the Borough which it represents, and subject to conformity with the Policy Framework and Budget as determined by the Council meeting, and any other relevant plans and strategies adopted by the Cabinet, each area committee is authorised as follows:-

### **Executive Functions**

1. To exercise the following functions of the Council as local highways authority on all highways except:
  - Motorways;
  - the Key Route Network;
  - the first 15metres of any side road connecting with the Key Route Network or any district distributor road;
  - highways within Stockport Town Centre;
  - highways within the district shopping centres of Bramhall, Cheadle, Hulme, Edgeley, Hazel Grove, Houldsworth Square, Marple and Romiley
  - (a) all traffic orders except :-
    - (i) the restriction of access to premises for more than 8 hours each day
    - (ii) the prohibition of loading outside the peak hours of 7.00 a.m. to 10.00 a.m. and 4.00 p.m. to 7.00 p.m.
    - (iii) traffic orders which regulate fees for parking
  - (b) traffic calming
  - (c) road closures
  - (d) cyclical maintenance comprising minor works, road markings, fences, walls and guardrails, highway drainage and dropped kerbs
  - (e) ward based pavement repairs
2. To determine applications for the use of parks by outside organisations.as follows:
  - where attendance or participation of over 250 or more persons is anticipated.
  - where events are likely to result in noise or traffic disturbance to local residents.
  - where the sale of alcohol is requested at the event.
  - Bonfires and firework displays.
  - Fairs.
  - Circuses.
  - Events involving animals.
  - All evening events which continue after 10pm.
  - And such other applications for the use of parks that have been referred to the Area Committee by the Director of Place.
3. Subject to regulation restricting the pooling of funds, to determine, in accordance with planning agreements under S106 of the Town and Country Planning Act 1990 the use

of sums received by the Council pursuant to those agreements for schemes in the Area Committee geographic area.

4. To undertake local environmental improvement schemes.
5. The consideration and determination of objections to the designation of litter control areas.
6. To determine applications for assets (land and buildings) to be listed as being of community value.
7. To act as Trustee land held by the Council under charitable trust.
8. To determine the use of Ward Flexibility Funds in accordance with the Council's budget.

### **Oversight functions**

9. To monitor:-
  - (i) the operation, within the area committee's area, of services provided by the Cabinet, partnerships and external agencies;
  - (ii) proposals by the Cabinet for activities within the area;
  - (iii) any aspect of Council policy or administration affecting or relating to that area;
  - (iv) to undertake local scrutiny reviews.

liaising where appropriate with the Cabinet, and with the Council's Scrutiny Committees.
10. To receive and consider a Councillor Call for Action in accordance with Part 6 CP12.

### **Advisory functions**

11. To comment on planning applications and other development ~~control~~-management matters in respect of land within the area committee's area that exceed the following thresholds:
  - a) Residential development of 100 dwelling units
  - b) Development of 5,000 square metres of floor space
  - c) Development of a site of 3 hectares
  - d) Applications requiring an Environment Impact Assessment
12. To comment on applications for planning permission which straddle or are adjacent to an Area Committee boundary which have significant implications for the Area Committee by reason of traffic, noise, or pollution or which have a substantial environmental or visual effect.
13. To comment on applications which the Area Committee has declined to determine.
14. To comment on applications where a site visit has been requested.

15. Applications involving departures from the development plan where the officer recommendation is to approve and the Area Committee is minded to support the recommendation.
16. To focus on and encourage the well-being of the local community, and to coordinate processes for public consultation with the local community, community councils, tenants' and residents' associations and other local groups, on those issues which are of interest or concern to them.
17. To hold open forums, public question times, and facilitate public speaking on planning applications, **in accordance Part 6 (CP6)**
18. To act as a focal point for disseminating information on the Council's services, policies, and performance and community plans.
19. To carry out Local Scrutiny Reviews and liaise where appropriate with the Cabinet, and with the Council's Scrutiny Committees
20. To assist in the preparation of plans and strategies included in the Policy Framework and Budget, where requested by the Cabinet so to do, in accordance with the **Policy Framework and Budget Procedure Rules (Part 5 - PR2)**
21. The nomination of a member of the Area Committee to represent the Council at any hearing or inquiry where the Area Committee has made a decision contrary to officer advice.
22. To comment on minor property transactions referred to the area committee by the Deputy Chief Executive on the grounds that the transaction is novel, controversial or relates to charity or not for profit organisations.

### **Non-Executive Functions**

23. Subject to the delegations to the Planning and Highways Regulatory Committee to determine applications for planning permission and other development management matters which are not 'Excluded Matters' and which are for land situated within the relevant ward:
  - a) which have been 'called up' for determination by an Area Committee
  - b) where the Council has received six (6)~~four~~ or more representations which do not accord with the officer recommendation and that are received within 23 days of the date on the letter of notification or following the expiry of a site or press notice (whichever is that latter)
24. Public rights of way matters including modifications to the Definitive Rights of Way Map (unless the proposed modification is contrary to an Officer recommendation or conflicts with a decision of another area committee).
25. To determine applications for street trading permits under Part III of and Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982 where:-
  - (i) there have been two or more applications for a single pitch;
  - (ii) there have been objections; or
  - (iii) there has been an appeal against the decision of the Corporate Director
26. The consideration of objections to and the confirmation or modification of tree preservation orders in respect of which objections have been received.

## Definitions

In this section 'Excluded Matters' means:-

- (a) the determination of the validity of applications;
- (b) the refusal of planning applications for insufficient information;
- (c) declining to accept repeat applications which have previously been refused and raise no significant new issues;
- (d) determination of whether variations and amendments ~~to including applications which are submitted under Section 73 and 96a of the Town and Country Planning Act 1990 (as amended)~~ existing permissions may be treated as ~~working either non material or minor material~~ amendments and the determination of those amendments and variations where a further planning application is not required;
- (e) matters submitted for approval in accordance with a condition of a planning permission including the approval of reserved matters conditioned as part of an outline planning permission;
- (f) All applications and notifications where the time period for determination is less than 56 days and all applications which would result in a deemed consent should they fail to be determined within the prescribed period (including those where prior approval is not required);
 

(g) The determination of all householder planning applications unless that application has been submitted by for planning permission made by a Councillor, the Chief Executive, Deputy Chief Executive, a Corporate Director, Assistant Director, a Service Head or an officer who deals with planning matters
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- ~~(hg)~~ certificates of lawfulness of existing or proposed uses or development;
- (i) Applications for advertisement consent.
- ~~(jh)~~ determination of whether an environmental statement is required, the adoption of screening opinions and scoping opinions under the Town & Country Planning (Environmental Impact Assessment)(England and Wales) Regulations 2011;
- ~~(ki)~~ enforcement notices, stop notices, temporary stop notices, action, service of breach of condition notices, tree replacement notices, and untidy land notices under the Town and Country Planning 1990;
- ~~(lj)~~ enforcement action, service of repair, urgent works, and building preservation notices under the Planning (Listed Buildings and Conservation Areas) Act 1990;
- ~~(mk)~~ the carrying out of work in default where notices have not complied with and the recovery of the costs incurred;
- ~~(nl)~~ service of planning contravention notices and consideration of any offers and representations pursuant to such notices;
- ~~(om)~~ service of discontinuance notices under the Town and Country Planning (Control of Advertisements) Regulations;

- (~~pn~~) notices and action under the Building Act 1984;
- (~~qe~~) injunction proceedings;
- (~~rp~~) responses to hedgerow removal notices and the giving of notices under the Hedgerow Regulations 1997;
- (~~sq~~) determination of whether claims for deemed hazardous substances consent are invalid;
- (~~tf~~) authorising the prosecution of offenders for offences under the Town and Country Planning Act 1990, the Planning (Listed Buildings and Conservation Areas) Act 1990, the Building Act 1984, and Regulations made under those Acts;
- (~~us~~) the settlement of the amount of costs awarded to or against the Council on appeal;
- (~~vt~~) the imposition of conditions on planning permissions and consents and the determination of reasons for imposing conditions.
- (~~wu~~) the determination of reasons for refusal;
- (~~xv~~) responses to consultations from other local planning authorities on applications other than strategic applications;
- (~~yw~~) negotiation and completion of section 106 agreements for planning applications as well the negotiatin and completion of deeds of variation to existing section 106 agreements.
- (~~zx~~) the making of tree preservation orders and the confirmation of tree preservation orders where no objections have been received.
- (~~ay~~) consent to fell, lop or top protected trees.