

Section 2 – Regulatory Committee Functions

Introduction

These regulatory functions consist of:

- functions which the Executive may not in law exercise, and
- 'local choice' functions where Council has decided that they shall not be exercised by the Executive.

The Council has delegated to every Committee full powers to act in all matters covered by the Committee's terms of reference subject to:

- (a) the provisions of any financial or procedural rules for the time being in force as set out in this constitution, except where such rule has been specifically waived by resolution of the Council;
- (b) prior Council approval to recommendations for the allocation of duties or powers;
- (c) the right of Council to call for a report on any committee decision;
- (d) the right of Council to exercise the powers which have been delegated, when necessary.

Each Committee may appoint, and delegate any of its powers to, sub-committees and officers and may also authorise an officer, after consultation with the chairman of the Committee, to take other decisions on specific urgent matters falling within its own terms of reference. Each Committee may, from time to time, amend or vary the delegation of its powers to sub-committees and officers.

Every Committee shall have the power to undertake its functions for other local authorities,

Any sub-Committee established by a Committee must refer back to the Committee for decision any matters which the committee reserves to itself, and must submit to it the minutes of all the sub-committee's meetings.

Where any delegation under this part of the Constitution refers to specific legislation or regulations, it includes a reference to that legislation or those regulations as re-enacted, consolidated, modified or amended.

2.1 Appeals Committee (Service Issues)

2.1.1 Terms of reference

2.1.2 To review appeals procedures for the Council's various services (excluding employee procedures, which are the responsibility of the Appeals and Employment Committee, and appeals procedures which are determined by statute) and, where change is recommended, formulate proposals to the Executive.

2.1.3 To hear and determine appeals about all the Council's services, other than employee appeals and those for which there are separate, statutory appeals procedures. For this purpose, officers may draw upon members with training relevant to the subject matter of the appeal in order to ensure sufficient members are available to conduct the hearing, and to avoid involving any member who was involved in the original decision which is the subject of the appeal.

2.2. Audit Committee

2.2.1 Terms of Reference

- 2.2.2 To consider the annual report and opinion of the Executive Director - Strategic Resources and a summary of internal audit activity (actual and proposed) and the level of assurance it can give over the Council's corporate governance arrangements.
- 2.2.3 To consider summaries of specific internal audit reports as requested.
- 2.2.4 To consider reports dealing with the management and performance of the providers of internal audit services.
- 2.2.5 To consider a report from internal audit on agreed recommendations not implemented within a reasonable timescale
- 2.2.6 To consider the external auditor's annual letter, relevant reports, and the report to those charged with governance.
- 2.2.7 To consider specific reports as agreed with the external auditor.
- 2.2.8 To comment on the scope and depth of external audit work and to ensure it gives value for money.
- 2.2.9 To liaise with the Audit Commission over the appointment of the council's external auditor.
- 2.2.10 To commission work from internal and external audit.
- 2.2.11 Regulatory Framework
- 2.2.12 To maintain an overview of the Council's constitution in respect of contract procedure rules, and Financial Regulations.
- 2.2.13 To review any issue referred to it by the Chief Executive or a Director, or any Council body.
- 2.2.14 To monitor the effective development and operation of risk management and corporate governance in the council.
- 2.2.15 To monitor Council policies on "raising concerns at work" and the anti-fraud and anti-corruption strategy and the Council's complaints process.
- 2.2.16 To oversee the production of the authority's Statement on Internal Control and to recommend its adoption.
- 2.2.17 To consider the Council's arrangements for corporate governance and agreeing necessary actions to ensure compliance with best practice.
- 2.2.18 Accounts
- 2.2.19 To review the annual statement of accounts, specifically, to consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit that need to be brought to the attention of the council.

- 2.2.20 To consider the external auditors report to those charged with governance on issues arising from the audit of the accounts.

2.3 Employment Committee

2.3.1 Terms of reference

- 2.3.1.1 To appoint Directors and Heads of Service, and determine terms and conditions of employment.
- 2.3.1.2 To determine employee procedures, including dismissal procedures.
- 2.3.1.3 To act as the Employer's Side of the Joint Consultative Panel (the Council's consultative body with recognised trade union representatives), for discussion and negotiation. When meeting in this context, the Cabinet member with human resource responsibilities may attend and speak, if not already a member of this committee.
- 2.3.1.4 To determine local terms and conditions of employment for employees.
- 2.3.1.5 To consider, and recommend appropriate actions where necessary in response to, executive proposals relating to:
 - (a) changes within a Department's/Division's structure which involve substantial changes in the responsibilities of first and second tier posts;
 - (b) requests for Trade Union facilities, including budget and establishment;
 - (c) other executive human resources matters.
- 2.3.1.6 To promote and pursue a policy of equal opportunities in employment.

2.3.2 Employee Appeals Sub-Committee - terms of reference

To hear and determine all employee appeals arising from agreed employee policies and procedures.

2.3.3 Delegation to officers

- 2.3.3.1 The appropriate Director is authorised to make appointments to vacancies on the establishment at levels below Head of Service, within approved policy and budgets, subject to:
 - (a) appointments of Directors and Heads of Service being made by the Employment & Appeals Committee (the Chief Executive's appointment is subject to a separate procedure reserved to Council);
 - (b) any limitations or other conditions in relation to filling vacancies which are currently required by the Executive.
- 2.3.3.2 The Chief Executive shall advertise vacancies subject to the authorisation of a recruitment requisition, to any overriding Council policy, to there being adequate budget provision, and to compliance with national or local agreements.

- 2.3.3.3 In respect of all employees, Directors may:
- (a) suspend employees in accordance with the agreed procedure, subject to consultation with the Executive Director - Strategic Resources;
 - (b) subject to the approved appeals procedure and consultation with the Executive Director - Strategic Resources, take any disciplinary action (including dismissal) and any action relating to incapability (including dismissal);
 - (c) approve the transfer of probationary staff to the permanent establishment at the end of their probationary period;
 - (d) terminate the employment of staff whose performance has not been satisfactory during their probationary period;
 - (e) in consultation with the Executive Director - Strategic Resources, determine whether a post is unsuitable for job-share and appoint in accordance with that determination and Council policy;
 - (f) award an additional payment/honorarium to any member of staff within the guide-lines determined by Executive Director - Strategic Resources;
 - (g) authorise Essential and Casual Car Allowances in accordance with Council policy and having regard to the circumstances of each case;
 - (h) authorise reimbursement for the installation and rental charges in respect of telephones at private residences where staff are subject to contact in cases of emergency or where private telephones are used for business reasons;
 - (i) vary job titles and job descriptions;
 - (j) authorise pay in lieu of holidays (in exceptional circumstances);
 - (k) terminate the employment of staff for any lawful reason, in consultation with the Executive Director - Strategic Resources.
 - (l) take decisions relating to the employment of staff, including establishment control and matters of staff recruitment, reward and discipline that are necessary for the effective delivery of service and to stay within allocated budgets, in consultation with the relevant Cabinet Member in relation to executive functions
- 2.3.3.4 The Chief Executive is authorised to grade all posts other than Chief Executive, Directors, Heads of Service, Teachers, Crafts employees and posts covered by Soulbury Scales, in accordance with the Council's agreed Job Evaluation Scheme with the aim of recruiting and retaining high quality employees.
- 2.3.3.5 The Chief Executive to exercise personal responsibility for delegations to officers in relation to non-executive human resource matters, including the creation and disestablishment of posts, changes to job descriptions and matters related to the recruitment, reward and disciplining of staff.
- 2.3.3.7 Directors may determine matters relating to training and development, leave, temporary (including agency) and overlapping appointments and minor variations to the relocation scheme for new employees, within agreed cash limits and in accordance with approved Council policies, consulting the Executive Director - Strategic Resources where appropriate.

- 2.3.3.8 The relevant Director, in consultation with the Executive Director - Strategic Resources, is authorised to consider and determine:-
- (a) any redundancy within the Council's redundancy policy;
 - (b) premature retirement on the grounds of ill-health;
 - (c) premature retirement in the interests of the service.
- 2.3.3.9 Directors, in consultation with the Executive Director - Strategic Resources and the Chairman of the Committee, may authorise the extension of an employee's contract beyond retirement age for a maximum period of 6 months.
- 2.3.3.10 The Executive Director - Strategic Resources and Solicitor to the Council are authorised following agreement by the relevant Director to approve, complete and transfer agreements relating to car loans including those which do not fall within Council policy, subject in these cases to consultation with the Executive Director - Strategic Resources.
- 2.3.3.11 The Executive Director - Strategic Resources is authorised to implement agreed employee policies.
- 2.3.3.12 The Chief Executive and Directors respectively in consultation with the relevant portfolio holder and the Executive Director - Strategic Resources are authorised to update and amend the job descriptions and person specifications of Directors and Heads of Service/Assistant Directors.

2.4 Licensing Committee

2.4.1 Terms of reference

- 2.4.1.1 To undertake and perform all of the Licensing Authority's statutory functions and duties under the Licensing Act 2003 and to delegate functions in accordance with Guidance issued under Section 182 of that Act.
- 2.4.1.2 To delegate to sub-committees consisting of three members of the Licensing Committee the functions listed at 2.4.2.
- 2.4.1.3 To exercise the functions of the authority as listed in Schedule 2.4.4, where these are not delegated to officers as listed at section 2.4.3, namely:-
- (a) hackney carriage and private hire vehicle licensing
 - (b) licensing marriage and entertainment
 - (c) licensing shops and food premises
 - (d) safety issues (sports grounds, and Health and Safety at Work Act)
 - (e) licensing premises associated with live animals
 - (f) approval and enforcement duties relating to premises associated with dead animals and food production
 - (g) employment related licensing functions
 - (h) Betting, gaming, lotteries and charity collections
 - (i) Licences for alcohol and entertainment etc
 - (j) Licensing of food premises
- 2.4.1.4 To consider and determine all applications in relation to the functions in Schedule 2.4.4, where:
- (a) they are not delegated to Officers;
 - (b) the Officer with delegated authority refers the application to the Committee.
- 2.4.1.5 To consider whether or not to:
- (a) suspend, and/or
 - (b) revoke, and/or
 - (c) refuse to renew, and/or
 - (d) amend any conditions of
- any existing licence/permit/consent in any case which is referred to the Licensing Committee by the relevant Officer where the holder has been:
- (i) Section 1 convicted of an offence involving dishonesty, indecency or violence, and/or
 - (ii) convicted of an offence or has failed to comply with the statutory provisions relating to the issue of any licence/permit/consent, or
 - (iii) in breach of any conditions attached to the issue of any licence/permit/consent, and/or
 - (iv) any other reasonable cause.

- 2.4.1.6 To approve (and periodically review) the standard conditions to be attached to any licence/permit/consent issued by the Council.
- 2.4.1.7 To monitor and review policy relating to licensing matters and make recommendations to Cabinet or Council as appropriate in relation to any proposed changes.
- 2.4.1.8 There is no power to suspend and call in any Licensing Committee decisions to Council for determination.

2.4.2 Delegations to Sub-Committees

2.4.2.1 To undertake and perform all of the statutory duties and functions required of local authorities under the Licensing Act 2003 as follows:

- (a) application for a Personal License if there is a Police objection
- (b) application for a Personal License with unspent convictions in all cases
- l application for Premises License/Club Premises Certificate if a relevant representation is made
- (d) application for a provisional statement, if a relevant representation is made
- (e) application to vary Premises Licence/Club Premises Certificate if a relevant representation is made
- (f) application to vary the Designated Premises Supervisor if there is a Police objection
- (g) application for transfer of a Premises Licence if there is a Police objection
- (h) application for interim authorities if there is a Police objection
- (i) application to review a Premises Licence/Club Premises Certificate in all cases
- (j) decision to object when the Local Authority is a consultee and not the relevant authority considering the application
- (k) determination of a Police objection to a Temporary Event Notice
- (l) in the event of all relevant representations concerning an application being withdrawn, the application is delegated to officers as per 2.3.3 below.

2.4.2.2 To undertake and perform all of the statutory duties and functions proposed for local authorities under the Gambling Act 2005 as follows:

- (a) application for a premises license where representations have been received and not withdrawn;
- (b) application for a variation to a licence where representations have been received and not withdrawn;
- l application for a transfer of a licence where representations have been received from the Commission;
- (d) application for a provisional statement where representations have been received and not withdrawn;

- (e) review of a premise licence;
- (f) application for a club gaming/club machine permit where objections have been made and not withdrawn;
- (g) cancellation of a club gaming/club machine permit;
- (h) decision to give counter notice to temporary use notice.

2.4.3 Delegations to officers

2.4.3.1 The Executive Director – Operations is authorised:

- (a) to issue/renew/suspend/revoke hackney carriage drivers' and vehicle licences and private hire drivers' and vehicle licences, except where the Officer is of the opinion that the application/matter should be considered by the Licensing Committee;
- (b) to approve advertising in or on purpose-built Hackney Carriage vehicles subject to there being no advertising of alcohol or tobacco related products and the advertisements complying with the code of acceptance except where the Officer is of the opinion that an application should be considered by Licensing Committee;
- (c) to issue/renew/suspend/revoke Private Hire Operator's licences except where the Officer is of the opinion that an application should be considered by the Licensing Committee.
- (d) to set the fees under the Gambling Act 2005 in consultation with the Chairman of the Licensing Committee
- (e) to determine Street Trading Consents for the use of the city centre pedestrian area, including those for:-
 - (i) annual food/commercial concessions; and
 - (ii) the Christmas street festival;
- (f) to determine Street Collection Permits; including those for special Christmas collections;
- (g) to determine house-to-house collection licences;
- (h) to determine house-to-house Christmas Carol Float permits;
- (i) to deal with the following registrations:
 - (i) Ear piercing, acupuncture, electrolysis and tattooing;
 - (ii) Food premises;
- (j) to issue/renew/amend/suspend/revoke the following licences:
 - (i) Riding establishments;
 - (ii) Keeping of dangerous wild animals;
 - (iii) Keeping a pet shop;
 - (iv) Keeping a dog breeding establishment;
 - (v) Keeping an animal boarding establishment;
 - (vi) Zoos.
- (k) to take all necessary action under the Breeding of Dogs Act 1991;

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- (l) to issue, amend, revoke or refuse street trading consents, other than in the City Centre Pedestrian Area (the latter being delegated to the Head of Transport and Engineering);
- (m) to prepare, amend, vary, attach and adopt as necessary, standard and other conditions to all licences, registrations and consents. The Executive Director – Operations will incorporate any special conditions requested or determined by Licensing Committee;
- (n) to consider and determine applications for certificates under the Safety of Sports Grounds Act 1975 and the Fire Safety and Safety of Places of Sports Act 1987.
- (o) to serve notices requiring information in relation to ownership of land and property under Section 16 of the Local government (Miscellaneous Provisions) Act 1976;
- (p) to take appropriate action and issue all notices (including notices of entry) under the Health and Safety at Work, etc Act 1974;
- (q) to take all necessary action under the Vehicles (Crime) Act 2001 and the Motor Salvage Operators Regulations 2002.
- I to exercise all the functions conferred by the Acts, Orders and Regulations set out below or any Act, Order or Regulation which extends or amends them or any Order, Instrument, Regulation or Byelaw made under them:
 - (i) Celluloid and Cinematographics Films Act 1922 – fire safety and storage provisions relating to celluloid film kept on premises;
 - (ii) Explosives Acts 1875 and 1923 – storage conditions and licensing for explosives;
 - (iii) Nurses Agencies Act 1957 – licensing and regulation of Nurses Agencies;
 - (iv) Performing Animals (Regulation) Act 1925 – registration of persons exhibiting or training performing animals;
 - (v) Poisons Act 1972 – registration of sellers of some categories of poisons;
 - (vi) Criminal Justice and Police Act 2001.
- (s) to issue game dealers' licences;
- (t) under the Licensing Act 2003:
 - (i) to consider Applications for a Personal License if no objection is made
 - (ii) to consider Applications for a Premises Licence/Club Premises Certificate if no relevant representation is made
 - (iii) to consider Applications for a provisional statement if no relevant representation is made
 - (iv) to consider Applications to vary Premises Licence/Club Premises Certificate if no relevant representation is made

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- Section 1 to consider Applications to vary the designated premises supervisor if there is no Police objection
- (vi) to request to be removed as Designated Premises Supervisor in all cases
- Section 1 to consider Applications for transfer of Premises Licence if there is no Police objection
- (viii) to consider Applications for interim authorities if there is no Police objection
- (ix) to decide on whether a complaint is irrelevant, frivolous or vexatious in all cases
- Section 1 to grant or refuse and attach conditions to a Public Entertainment Licence, to permit an exhibition, demonstration or performance of hypnotism on any person and to vary and/or attach conditions to an existing Licence in accordance with the Licensing Act 2003;
- (xi) to renew licences for sex shops and sex cinemas and in renewing those licences amend or attach any conditions as is necessary in accordance with the Licensing Act 2003;
- Section 1 to determine the suitability of films to be shown to particular age groups and licensing of premises showing films;
- Section 1 to license theatre premises in accordance with the Licensing Act 2003
- Section 1 to issue, amend, revoke or refuse licenses under the Licensing Act 2003
- (xv) to take decisions in respect of applications for a minor variation to a premises/club premises certificate in all cases; and to take decisions relating to applications for the mandatory alcohol condition requiring a Designated Premises Supervisor in respect of a premises licence to be disapplied if there is no police objection
- (xvi) issue Closure Notices to premises operating in breach of their licensing conditions and apply for an Order to close the premises should the illegal behaviour not continue.
- (u) under the Gambling Act 2005
- (i) to set the fees when appropriate following consultation with the Chair of the Committee
- (ii) to consider applications for premises licenses where no representations have been received or representations have been withdrawn;
- (iii) to consider applications for a variation of a license where no representations have been received or representations have been withdrawn;
- (iv) to consider applications for a transfer of a licence where no representations have been received

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(v) to consider applications for a provisional statement where no representations have been received or representations have been withdrawn

(v) to consider applications for a club gaming/club machine permit where no objections have been made or objections have been withdrawn;

(vi) to consider applications for other permits under the Act;

Section 1 to cancel licensed premises gaming machine permits as appropriate;

(viii) to consider temporary use notices as appropriate

(ix) to designate an officer of a licensing authority as an authorised person for a purpose relating to premises under Section 304 of the Gambling Act 2005

Section 1 to institute criminal proceedings for offences under section 342 of the Gambling Act 2005 – Section 346 of the Act

(xi) to exchange information under Section 350 of the Act

(xii) to have a statement of principles for Unlicensed Family Entertainment Centres.

(xiii) to have a statement of principles for Prize Gaming.

2.4.3.2 The Executive Director – Operations, in consultation with the Chair of the Licensing Committee, is authorised to:

Determine the fees for premises licences (The Gambling (Premises License Fees) (England and Wales) Regulations 2007 (S.I. 2007/479)).

2.4.3.3 **The Director of Children’s Services is authorised:**

(a) to monitor and regulate the employment of young people below school leaving age, including issuing of work permits, investigation of breaches to bye-laws and meeting all LEA statutory responsibilities with regard to prosecution of employers who contravene employment legislation;

(b) to grant or refuse licences for children to take part in public entertainment or performances and to grant or refuse chaperone licences, in accordance with bye-laws.

2.4.3.4 **The Executive Director – Strategic Resources** is authorised to determine applications for licenses to use premises for holding a marriage or civil ceremony

2.4.4 Schedule of relevant functions – Licensing Committee

2.4.4.1 Hackney carriage and private hire licensing

| Function | Relevant legislation |
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| Licensing hackney carriages and private hire vehicles | <p>HACKNEY CARRIAGES</p> <p>Town Police Clauses Act 1847 (10 & 11 Vict. C.89), as extended by Public Health Act 1875 (38 & 39 Vict. C.55), Section 171 and Transport Act 1985 (c.67) Section 15; and</p> <p>Local Government (Miscellaneous Provisions) Act 1976 (c.57) Sections 47, 57-58, 60 and 79.</p> <p>PRIVATE HIRE VEHICLES</p> <p>Local Government (Miscellaneous Provisions) Act 1976 Sections 48, 57-58, 60 and 79.</p> |
| Licensing drivers of hackney carriages and private hire vehicles | Local Government (Miscellaneous Provisions) Act 1976, Sections 51, 53-54, 59, 61 and 79 |
| Licensing operators of hackney carriages and private hire vehicles | Local Government (Miscellaneous Provisions) Act 1976, Sections 55-58, 62 and 79 |

2.4.4.2 Licences for Marriage and Entertainment

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| Approving premises for the solemnisation of marriage and civil partnerships | Marriage Act 1949 (c.76) s46A (as inserted by Marriage Act 1994 (c.34), Section 1); and The Marriages and Civil Partnerships (Approved Premises) Regulations 2005 (SI 2005, No.: 3168) |
| Licensing sex shops and sex cinemas | Local Government (Miscellaneous Provisions) Act 1982 (c.30), Section 2 and Schedule 3 (as amended by Licensing Act 2003 (c.17), Schedule 6, paragraph 85. |
| Licensing performances of hypnotism | The Hypnotism Act 1952 (c.46), Section 1 as amended by Licensing Act 2003 (c.17) paragraph 198 and Schedule 6, paragraphs 25 – 27 |

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| Licensing pleasure boats and pleasure vessels | Public Health Acts Amendment Act 1907 (c.53), s.94 as amended by Local Government Act 1974 (c.7) Schedule 6 Para 1 and Local Government (Miscellaneous Provisions) Act 1976 (c.57), Section 18 and Local Government, Planning and Land Act 1980 (c.65), s186 as substituted by ; Deregulation (Public Health Acts Amendment Act) Order 1997 (SI 1997/1187), Section 94(8) |
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2.4.4.3 Licensing of shops and food premises

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| Licensing premises for acupuncture, tattooing, ear-piercing and electrolysis | Local Government (Miscellaneous Provisions) Act 1982, Sections 13 – 17 |
| Licensing market and street trading | Local Government (Miscellaneous Provisions) Act 1982, Part III of, and Schedule 4 |
| Duty to keep a list of persons entitled to sell non-medicinal poisons | Poisons Act 1972 (c.66), Sections 3(1)(b)(ii), 5, 6 and 11 as amended by Local Government, Planning and Land Act 1980, Schedule 6 Para 13(1) |
| Licensing dealers in game and the killing and selling of game | Game Act 1831 (c.32), Sections 5-6, 17-18, 21-23 and Game Licensing Act 1860 (c.90), Sections 2-16; and Customs and Inland Revenue Act 1883 (c.10), Section 4; Sections 12(3) and 27 Local Government Act 1874 (c.73); Section 213 Local Government Act 1972 (c.70) |
| Registering and licensing premises for the preparation of food | Section 19 Food Safety Act 1990 (c.16) |

2.4.4.4 Safety functions (sports grounds and Health and Safety at Work)

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| Issuing, amending or replacing safety certificates (general or special) for sports grounds | The Safety of Sports Grounds Act 1975 (c.52), as amended by Fire Safety and Safety of Places of Sport Act 1987 (c.27), Part II and Schedule 2 |
| Issuing, cancelling, amending or replacing safety certificates for regulated stands at sports grounds | Fire Safety and Safety of Places of Sport Act 1987 (c.27), Part III |
| Sanctioning use of parts of buildings for storage of celluloid | Celluloid and Cinematographic Film Act 1922 (c.1935), Section 1 – 4 |
| Health and Safety at Work Act 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 1974 Act [not including the authority’s discharge of these functions in relation to its own employees, which is an executive responsibility] | Health and Safety at Work, etc Act 1974 (c.37), Part I [For “relevant statutory provisions” see the various definitions in Sections 53(1) and 15(1) of the Act, the latter section having been substituted by Employment Protection Act 1975 (c.71), Schedule 15 Para 5] |

2.4.4.5 Licensing associated with live animals

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| Licensing premises for the breeding of dogs | Section Breeding of Dogs Act 1973 (c.60); Section 1 Breeding and Sale of Dogs (Welfare) Act 1999 (c.11) |
| Licensing pet shops and other establishments where animals are bred or kept for the purposes of carrying on a business | Pet Animals Act 1951 (c.35), Section 1 as amended by Local Government Act 1974 Schedules 6 and 8 Animal Boarding Establishments Act 1963 (c.43), Section 1 as amended by Local Government Act 1974, Schedule 6 Para 17 and Protection of Animals (Amendment) Act 1988 (c.29) Sections 3(2) and (3) and Schedule Riding Establishments Act 1964 (c.70) and 1970 (c.70) as amended by Local Government Act 1974, Section 35(1) and (2) and Schedule 6 Para 18 and Schedule Protection of Animals (Amendment) Act 1988, Sections 3(2) and (3) Breeding of Dogs Act 1973 (c.60), Section 1 as amended by Local Government Planning |

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| | and Land Act 1980, Section 1(6), Schedule 6, Schedule 34 Para 15 and Protection of Animals (Amendment) Act 1988 Sections 3(2) and (3) and Schedule and Breeding and Sale of Dogs (Welfare) Act 1999, Sections 1 and 8 |
| Registering animal training and exhibitors | Performing Animals (Regulation) Act 1925 (c.38), Section 1 as amended by Local Government Act 1974, Sections 35(1) and (2), Schedule 6 Para 2(1) and Schedule 8 |
| Licensing zoos | Zoo Licensing Act 1981 (c.37), Section 1 as amended by Zoo Licensing Act 1981 (Amendment) (England and Wales) Regulations 2002 (SI 2002, No. 3080), Regulations 3 and 4 and Local Government (Wales) Act 1994, s.66(6) and (8) and Schedule 16, and Schedule 18, paragraph 62(2) |
| Licensing dangerous wild animals | Dangerous Wild Animals Act 1976 (c.38), Section 1 |
| Enforcing provisions for Record Keeping, Identification Marking and Movement relating to pigs | The Pigs (Records, Identification and Movement) Order 2003 (SI 2003, No. 2632), Section 27. |
| Enforcing provisions for Record Keeping, Identification and Movement of Cattle | The Cattle Identification Regulations 2007 (SI 2007, No.: 529) as amended by The Cattle Identification (Amendment) Regulations 2007 (SI2007, No. 1046) |
| Enforcing provisions for Record Keeping, Identification and Movement of Sheep and Goats | The Sheep and Goats (Records, Identification and Movement) (England) Order 2005 (SI 2005 No.: 3100) and The Sheep and Goats (Records, Identification and Movement) (England) (Amendment) Order 2006 (SI 2006, No.: 2987) |

2.4.4.6 Approval and Enforcement of duties relating to premises associated with dead animals and food production

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| Licensing knackers' yards | Section 4 Slaughterhouses Act 1974 (and see also Animal By-Products Order 1999, SI 1999/646) |
| Enforcing requirements in relation to any food business premises as to e.g. hygiene, HACPP principles and registration as well as approving the food business premises. | Food Hygiene (England) Regulations 2006 (SI 2006, No 14) as amended by the Food Hygiene (England) (Amendment) Regulations 2007 (SI 2007, No. 56) both to be read in conjunction with 2004/852/EC |

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| Enforcing requirements in relation to any relevant food business operators (dealing with e.g. meat, minced meat, eggs, dairy and fish products) as to e.g. hygiene, HACCP principles, identification marking, slaughtering and preparation, transport and storage etc as well as approving the premises. | Food Hygiene (England) Regulations 2006 (SI 2006, No.14) as amended by the Food Hygiene (England) (Amendment) Regulations 2007 (SI 2007, No. 56) both to be read in conjunctions with 2004/852/EC and 2004/853/EC |
| Duty to keep a register of food premises | Food Hygiene (England) Regulations 2006 (SI 2006, No. 14) and Food Hygiene (England) (Amendment) Regulations 2007 (SI 2007, No.: 56) |
| Registering food business premises | Food Hygiene (England) Regulations 2006 (SI 2006, No. 14) and Food Hygiene (England) (Amendment) Regulations 2007 (SI 2007, No.: 56) |

2.4.4.7 Employment related licensing functions

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| Licensing the employment of children | Part II Children and Young Persons Act 1933 (c.33); Byelaws made under that Part; Part II Children and Young Persons Act 1963 (c.37) |
| Licensing agencies to supply nurses | Section 2 Nurses Agencies Act 1957 (c.16) |

2.4.4.8 Vehicles

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| Power to register motor salvage operators | Part 1 of the Vehicles (Crime) Act 2001 |
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2.4.4.9 Licences for Alcohol and Entertainment etc

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| Issuing cinema and cinema club licences | Licensing Act 2003 (c.17), s.200 and Schedule 8, Part 1(h) <i>(as to transitional provisions from old Licence granted under s.1 of the Cinema Act 1985 to a Premise Licence under the Licensing Act 2003)</i> Licensing Act 2003 (c.17), Part 3 (Premise Licence) and 4 (Club License – if applicable) <i>(as to the grant, variation, transfer and review of Premise Licences under the Licensing Act 2003)</i> N.B.: Licensing Act 2003 (c.17), Section 20 <i>(as to mandatory conditions to be attached to Premise Licence for the Exhibition of Films)</i> |
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| Issuing theatre licences | Licensing Act 2003 (c.17), s.200 and Schedule 8, Part 1(e) <i>(as to transitional provisions from old Licence granted under the Theatres Act 1968 to a Premise License under the Licensing Act 2003)</i> Licensing Act 2003 (c.17), Part 3 <i>(as to grant, variation, transfer and review of Premise Licenses under the Licensing Act 2003)</i> |
| Issuing and Enforcing Licenses for Alcohol and Entertainment etc | Licensing Act 2003 (c.17), Part 3 (Premise Licence), Part 4 (Club Licence), Part 5 (Permitted Temporary Activities) and Part 6 (Personal Licences) N.B. Mandatory and prohibitory conditions to be applied to any Licence granted under Parts 3, 4 and 6. |
| Approving premises for the solemnisation of marriage and civil partnerships | Marriage Act 1949 (c.76) s46A (as inserted by Marriage Act 1994 (c.34), Section 1); and The Marriages and Civil Partnerships (Approved Premises) Regulations 2005 (SI 2005, No.: 3168) |
| Licensing sex shops and sex cinemas | Local Government (Miscellaneous Provisions) Act 1982 (c.30), Section 2 and Schedule 3 (as amended by Licensing Act 2003 (c.17), Schedule 6, paragraph 85. |

2.4.4.10 Licensing of Food Premises

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| Licensing night cafes and take-away food shops | Licensing Act 2003 (c.17), s.200 and Schedule 8, Part 1(e) <i>(as to transitional provisions from old Licence granted under s.1 of the Cinema Act 1985 to a Premise License under the Licensing Act 2003)</i> Licensing Act 2003 (c.17), Part 3 (Premise Licence) <i>(as to the grant, variation, transfer and review of Premise Licenses under the Licensing Act 2003)</i> |
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2.4.4.11 Gambling

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| Issuing, registering and enforcing Premise Licenses | Gambling Act 2005 (c.19), Part 8 and Part 18, Section 346 |
| Acknowledging or determining, registering and enforcing Temporary Use Notices | Gambling Act 2005 (c.19), Part 9 and Part 18, Section 346 |
| Issuing and enforcing Family Entertainment Centre Gaming Machine Permits | Gambling Act 2005 (c.19), Part 10, Section 247, Part 18, Section 346 and Schedule 10 |
| Issuing and cancelling/forfeiting Club | Gambling Act 2005 (c.19), Part 12, |

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| Machine Permits and Club Gaming Permits | Sections 271 – 274 and Schedule 12 |
| Issuing and cancelling/forfeiting Licensed Premises Gaming Machine Permits | Gambling Act 2005 (c.19), Part 18, Section 346 and Schedule 13 |
| Issuing, enforcing and registering Prize Gaming Permits | Gambling Act 2005 (c.19), Part 13, Part 18, Section 346 and Schedule 14 |
| Registration revocation and enforcement of Small Society Lotteries | Gambling Act 2005 (c.19), Part 11, Part 18, Section 346 and Schedule 11, Part 5 |
| Assessment of Compliance through inspection and enforcement of breaches | Gambling Act 2005 (c.19), Part 15 and Part 18, Section 346 |
| Power to designate officer of a licensing authority as an authorised person for a purpose relating to premises | Section 304 of the Gambling Act 2005 |
| Power to institute criminal proceedings for offences under section 342 of the Gambling Act 2005 | Section 346 of the Gambling Act 2005 |
| Power to exchange information | Section 350 of the Gambling Act 2005 |
| Functions relating to the determination of fees for premises licences. | The Gambling (Premises Licence Fees) (England and Wales) Regulations 2007 (S.I. 2007/479)." |

2.5 Planning and Environmental Protection Committee

2.5.1 Terms of reference

2.5.1.1 To exercise the functions of the Council as listed in Schedule 2.5.3, where these are not delegated to officers as listed at section 2.5.2.

2.5.1.2 In respect of functions listed in Schedule 2.5.3, to determine an application, or to decide upon or vary appropriate conditions, limitations, terms or other restrictions upon any approval, consent, licence, permission or registration granted, in cases where:

- (a) the officer with delegated authority to deal with the matter refers it to the Committee for determination;
- (b) an application has been referred to the Committee by a Member or a Parish Council from the weekly press list on proper planning grounds, or by a consultee on the delegation confirmation list and the referrers views are contradictory to the officer recommendation. The Head of Planning Services, after consultation with the Chair, Vice Chair and Group Representatives, may determine the application if planning reasons are not given, with a review after six months of the procedure.
- (c) the officer's proposed course of action falls outside the Council's agreed policies and criteria;
- (d) any planning application recommended for approval does not accord in a material way with the Development Plan;
- (e) a planning application relates to an exceptionally large scale development, or a major development which does not accord with the Development Plan;
- (f) a proposed Tree Preservation Order has unresolved objections to it.

None of a - f above shall prevent an officer determining one of these matters in cases of urgency, provided that the action taken is reported to the next Committee meeting.

2.5.1.3 In respect of issues governed by the list of functions at Schedule 2.5.3, to determine whether, and in what manner, to enforce any failure to comply with an approval, consent, licence, permission or registration granted by the Council in cases where:

- (a) the officer with delegated authority to deal with the matter refers it to the Committee for determination;
- (b) a member refers it to the Committee on proper planning grounds;
- (c) the issue falls outside the Council's agreed policies and criteria;

None of a - c above shall prevent an officer taking enforcement action in cases of urgency which warrant the service of a Stop Notice and/or injunction, subject to the consent of the Solicitor to the Council provided that the action taken is reported to the next Committee meeting.

2.5.1.4 To receive regular progress reports on all current planning enforcement matters, and lists of planning decisions taken by officers under delegated powers.

- 2.5.1.5 To be consulted by, and comment on, the Executive’s draft proposals for Local Development Documents within the Local Development Framework at each formal stage in preparation.”
- 2.5.1.6 To assess and review the performance of the services which fall within the terms of reference of the Committee.
- 2.5.1.7 To transfer enforcement functions to another enforcement authority under Smoke-free (Premises and Enforcement) Regulations 2006

2.5.2 Delegations to officers

2.5.2.1 The Executive Director - Operations is authorised to deal with the following matters after consultation with the Chairman of the Committee and notification to (i) the Vice-Chairman, (ii) the representatives of the other political groups on the Committee of which the Chairman and Vice-Chairman are not members, (iii) relevant ward councillors, and no relevant planning objection being raised by them within 48 hours:

- (a) All planning applications not delegated to Officers and not reserved to the Committee;
- (b) the designation, revocation, variation and modification of a Tree Preservation Order which has been opposed;
- (c) Hazardous Substances Consents;
- (d) Applications made by the Council under Regulation 3 of the Town and Country Planning General Regulations 1992 in cases which the Executive Director – Operations would be authorised to determine if they were private applications;
- (f) All enforcement matters, where a breach reported by a member of the public is recommended for “no further action” and where consideration is not referred to the Committee.

If an objection is received the application will be determined by the Committee.

2.5.2.2 The Executive Director - Operations is authorised to determine all planning applications and applications for advertisement consent, listed building consent and conservation area consent, except an application:

- (a) contrary to the provisions of an approved or draft Development Plan and which is recommended for approval;
- (b) contrary to approved Council policies, standards or guidance, and which is recommended for approval;
- (c) which raises an issue of significance which is not covered by specific Council policies, standards or guidance
- (d) which has been referred to the Committee by a Member or a Parish Council from the weekly press list within 28 days, or by a consultee on the delegation confirmation list and the referrers views are contradictory to the officer recommendation;

- (e) which, in the opinion of the Head of Planning Services is potentially controversial, likely to be of significant public interest or would have a significant impact on the environment;
- (f) known to be submitted by or on behalf of a Councillor, Director or Head of Service of the authority (or their spouse/partner);
- (g) which the Executive Director - Operations considers should be presented to the Planning and Environmental Protection Committee for determination.

2.5.2.3 The Executive Director - Operations is authorised to deal with the following matters subject to there being no prior referral by a Member or a Parish Council to the Planning and Environmental Protection Committee as set out in its terms of reference;

Note: From time to time the Executive Director - Operations may authorise in writing other competent officers of the authority to exercise specific delegated functions. The Executive Director - Operations may also refer any of the matters listed below to the Planning and Environmental Protection Committee for determination.

- (a) the details of all Planning Obligations,
- (b) all agricultural notifications and telecommunications notifications except an application if it is considered should be determined by the Planning and Environmental Protection Committee;
- (c) all planning and enforcement matters relating to Conservation, Hedgerows and Tree Preservation Orders and proposed Emergency Tree Preservation Orders which includes designation, revocation, variation and modification, except;
 - (i) the designation or modification of a Conservation Area (Cabinet Member for Environment Capital)
 - (ii) Designation, revocation, variation and modification of Tree Preservation Orders (other than emergency orders)
 - (iii) any which the Executive Director - Operations considers should be determined by the Planning and Environmental Protection Committee.
- (d) all enforcement matters including instructing the Solicitor to the Council to consider the initiations of prosecutions in accordance with the Council's enforcement procedures except where;
 - (i) a significant breach reported by a member of the public or where there is significant public interest in the matter, is recommended for no further action;
 - (ii) the Executive Director - Operations considers a breach should be reported to the Planning and Environmental Protection Committee for decision;
- (e) Applications for the discharge or modification of covenants in agreements under Section 106 of the Town and Country Planning Act 1990;

NB The agreement of the Solicitor to the Council shall be required to authorise the issue of an Enforcement Notice, Breach of Condition Notice, Section 215 Notice, Notices under Section 3 of the Planning (Listed Buildings and Conservation Area) 1990. The Solicitor to the Council shall be responsible for the initiation of any criminal or civil proceedings he considers necessary including the seeking of an injunction. He shall be responsible for arranging the discharge of all legal work and advice arising

from all enforcement action including ensuring that the Council is properly represented in Court.

- (e) to respond to consultations from:
 - (i) government bodies, other authorities or from other agencies on planning, footpath or similar matters;
 - (ii) Area Traffic Commissioners with observations on applications for goods vehicle licences except where the Head of Planning Services is of the opinion that the matter should be considered by the Committee.
- (f) matters relating to overhead power lines and applications under prior approval of telecommunications procedures;
- (g) Other powers:
 - (i) determination and issue of Certificates of Alternative Development;
 - (ii) determination and issue of certificates of Lawful Use or Development following consultation with the Solicitor to the Council as to the adequacy of the evidence in all cases where the evidence is either doubtful or complex;
 - (iii) to exercise all the relevant functions listed in schedule 2.6.3 in respect of public unmetalled footpaths, bridleways and byways open to all traffic;
 - (iv) authority to proceed with the stopping up of a public right of way required in connection with development where planning permission has been granted and appropriate publicity has been undertaken including instructing the Solicitor to the Council to make the appropriate Order under the Town and Country Planning Act 1990;
 - (v) authority to instruct the Solicitor to the Council to make orders under Sections 257 or 258 of the Town and Country Planning Act 1990 in respect of the creation, diversion and/or extinguishment of public rights of way with any orders being confirmed where there are no unresolved objections;
 - (vi) to determine, subject to no outstanding objections, applications for Definitive Map Modification Orders under the Wildlife and Countryside Act 1981. To publish Modification Orders to the Definitive Map and Statement, and to authorise the creation, extinguishment and diversion orders for public footpaths, bridleways and byways open to all traffic under the Highways Act 1980 and Town and Country Planning Act 1990 and to instruct the Solicitor to the Council to make such Orders. (NB - the Executive Director - Operations is also authorised to modify rights of way, at paragraph 7 (f) below);
 - (vii) the service of notices under Section 54 of the Planning (Listed Building and Conservation Areas) Act 1990 requiring urgent work to preserve unoccupied listed buildings;
 - (viii) the giving of screening and scoping opinions under the Town & Country Planning (Environmental Impact Assessment)(England & Wales) Regulations 1999.

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- (ix) the making of Listed Building and conservation grants within approved budget;
- (x) identifying applications representing departures from the Development Plan;
- (xi) to maintain Public Registers under the legislation for which s/he is responsible, including registers of rights of way;
- (xii) to act as Appointing Officer under Section 10(8) of the Party Wall etc. Act 1996.
- (xiii) the right to enter land under the legislation governing the functions for which s/he is responsible;
- (xiv) applications made under the Licensing Act 2003 and the making of any representations to the courts;
- (xv) the discharge of conditions imposed on planning and related permissions, where those conditions have been complied with;
- (xvi) to determine applications to develop land without compliance with conditions previously attached;
- (xvii) to make determinations, give approvals and agree certain other matters relating to the exercise of permitted development rights;
- (xviii) to grant permission for provision, etc of services, amenities, recreation and refreshment facilities on highway, and related powers;
- (xix) to publish notice in respect of proposal to grant permission under section 115E of the Highways Act 1980;
- (xx) to authorise stopping up or diversion of highway;
- (xxi) relating to complaints about high hedges;
- (xxii) to enforce offences relating to the display of no-smoking signs;
- (xxiii) to enforce offences relating to smoking in smoke-free places;
- (xxiv) to enforce offence of failing to prevent smoking in smoke-free places.

- 2.5.2.4 **The Executive Director – Operations is authorised** to determine:
- (a) applications under Prior Approval of Telecommunications Procedures; and
 - (b) those under delegation 2.6.2.3 (b) and 2.6.2.3 (f);
- in consultation with the Chairman or, if not available or inappropriate, the Vice Chairman of the Committee, where a Member or a Parish Council has exercised their power to refer an application to the Committee but there is no scheduled meeting of the Committee within the time period for response.
- 2.5.2.5 **Authorised Signatories**
- (a) Planning Decision or Building Control Notices determined by Committee - the Executive Director - Operations
 - (b) Notices and directions following determination by Committee, under Article 4 of the Town and Country Planning (General Permitted Development) Order 1995 or any Order revoking or re-enacting that Order with or without modification - the Executive Director - Operations.
- 2.5.2.6 **The Executive Director - Operations is authorised:**
- (a) to issue licences for hoardings and scaffolding within the highway;
 - (b) to issue licences for the placing of skips within the highway;
 - (c) to exercise the non-executive powers and duties of the Council, acting on its behalf as the local highway authority, traffic authority, transport authority, parking authority and technical approval authority, including the serving of Notices as contained in the Highways Act 1980
 - (d) to create, extinguish and divert footpaths under the Highways Act 1980;
 - (e) to enter land under the legislation governing the functions for which s/he is responsible;
 - (f) to modify rights of way, in line with para 2.6.2.6 (d) above.
- 2.5.2.7 **The Executive Director - Operations is authorised:**
- (a) To deal with registration of scrap metal dealers;
 - (b) To undertake non-executive actions under the Environmental Protection Act 1990 in relation to pollution and statutory nuisance (these are set out in Schedule 2.6.3;
 - (c) To take appropriate action and issue all notices (including notices of entry) under the following legislation:
Control of Pollution Act 1974;
Noise and Statutory Nuisance Act 1993.
- 2.5.2.8 The Executive Director - Operations is authorised to serve notices requiring information in relation to ownership of land and property under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976.
- 2.5.2.9 The Executive Director – Operations is authorised to issue licences and ensure compliance with statutes relating to residential caravan sites, touring caravans and campsites, as listed in Schedule 2.6.3 (Section 3 Caravan

Sites Control and Development Act 1960 and Section 269 Public Health Act 1936).

- 2.5.2.10 The Executive Director – Operations is authorised to set up and establish any Joint Planning and Environmental Protection Committee and to negotiate and determine the Terms of Reference of such Joint Planning and Environmental Protection Committees with neighbouring councils and local planning authorities, following consultation with the Solicitor to the Council and Chairman of the Planning and Environmental Protection Committee.

2.5.3 Schedule of relevant functions

2.5.3.1 Town and country planning and development control functions

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| Determination of applications for planning permission | Sections 70(1)(a) and (b) and 72 Town and Country Planning Act 1990 (c.8) |
| Granting planning permission for development already carried out | Section 73A Town and Country Planning Act 1990 (ref. Schedule 7 para 8 Planning and Compensation Act 1991 (c.34). |
| Power to determine applications to develop land without compliance with conditions previously attached | Section 73 of the Town and Country Planning Act 1990 |
| Declining to determine applications for planning permission | Section 70A Town and Country Planning Act 1990 (ref. Section 17 Planning and Compensation Act 1991) |
| Duties associated with determining planning applications | Sections 69, 76 and 92 Town and Country Planning Act 1990, Articles 8, 10 – 13, 15 – 22 and 25 – 26 Town and Country Planning (General Development Procedure) Order 1995 (SI 1995/419) and directions made thereunder |
| Determination of applications for planning permission by the local authority or jointly with another person | Section 316 Town and Country Planning Act 1990, Town and Country Planning General regulations 1992 (SI 1992/1492) (ref. Section 20 Planning and Compensation Act 1991 and SIs 1992/1982 and 1998/2800) |
| Entering into agreements regulating development or use of land | Section 106 Town and Country Planning Act 1990 |
| Issuing certificates of existing or proposed lawful use or development | Sections 191(4) and 192(2) Town and Country Planning Act 1990 (ref. Section 10 Planning and Compensation Act 1991) |
| Serving completion notices | Section 94(2) Town and Country Planning Act 1990 |
| Granting consent for the display of advertisements | Section 220 Town and Country Planning Act 1990, Town and Country Planning (Control of Adverts) Regulations 1992 (SI 1992/666) |

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| Authorising entry onto land | Section 196A Town and Country Planning Act 1990 (ref. Section 11 Planning and Compensation Act 1991, and Sections 196A to C Town and Country Planning Act 1990) |
| Requiring a use of land to discontinue | Section 102 Town and Country Planning Act 1990 |
| Power to make determinations, give approvals and agree certain other matters relating to the exercise of permitted development rights | Parts 6, 7, 11, 17, 19,20, 21 to 24, 26,30 and 31 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 |
| Power to issue a temporary stop notice | Section 171E of the Town and Country Planning Act 1990 |
| Duties relating to applications for listed building consent and conservation area consent | 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. |
| Serving planning contravention, breach of condition or stop notices | Sections 171C, 187A and 183(1) Town and Country Planning Act 1990 (ref. Sections 1,2 and 9 Planning and Compensation Act 1991) |
| Issuing enforcement notices | Section 172 Town and Country Planning Act 1990 (ref. Section 5 Planning and Compensation Act 1991) |
| Applying for injunctions restraining a breach of planning control | Section 187B Town and Country Planning Act 1990 (ref. Section 3 Planning and Compensation Act 1991) |
| Determining applications for hazardous substances consent, and related powers | Sections 9(1) and 10 Planning (Hazardous Substances) Act 1990 (c.10) |
| Duty to determine conditions which may apply to old mining permissions, relevant planning permissions relating to dormant sites or active phase I or II sites, or mineral permissions relating to mining sites | Schedule 2 Para 2(6)(a) Planning and Compensation Act 1991, Schedule 13 Para 9(6) and Schedule 14 Para 6(5) Environment Act 1995 (c.25) |

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| Requiring proper maintenance of land | Section 215(1) Town and Country Planning Act 1990 |
| Determining applications for listed building consent, and related powers | Sections 16(1) and (2), 17, 27(2) and 33(1) Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990 (c.9) |
| Determining applications for conservation area consent | Sections 16(1) and 74(3) Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990 (c.9) (ref. Town and Country Planning (Listed Buildings and Buildings in Conservation Areas) Regs 1990, SI 1990/1519) |
| Duties relating to applications for listed building and conservation area consent | Sections 13(1), 14(1) and 14(4) Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990, Regs 3 – 6 and 13 Town and Country Planning (Listed Buildings and Buildings in Conservation Areas) Regulations 1990, Paras 8, 15 and 22 DoE Circular 14/97 |
| Serving building preservation notices, and related powers | Sections 3(1) and 4(1) Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990 |
| Issuing enforcement notices in relation to demolition of unlisted buildings in conservation areas | Section 38 Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990 |
| Acquiring listed buildings in need of repair, and serving repairs notices | Sections 47 – 48 Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990 |
| Applying for injunctions in relation to listed buildings | Section 44A Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990 (ref. Schedule 3 Para 7 Planning and Compensation Act 1991, c.34) |
| Executing urgent works | Section 54 Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990 |

2.5.3.2 Miscellaneous functions

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| Obtaining information as to interests in land | Section 330 Town & Country Planning Act 1990 (c.8) |
| Obtaining particulars of persons interested in land | Section 16 Local Government (Miscellaneous Provisions) Act 1976 (c.57) |

2.5.3.3 Tree and hedgerow related functions

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| Powers relating to the protection of important hedgerows | The Hedgerows Regulations 1997 (SI 1997/1160) |
| Powers relating to the preservation of trees | Sections 197 – 214D Town and Country Planning Act 1990, Trees Regulations 1999 (SI 1999/1892) |
| Powers relating to complaints about high hedges | Part 8 of the Anti-Social Behaviour Act 2003 |

2.5.3.4 Highway and rights of way related functions

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| Power to authorise stopping up or diversion of highway | Section 247 of the Town and Country Planning Act 1990 |
| Creating footpaths bridleways or restricted byways by agreement | Section 25 Highways Act 1980 (c.66) |
| Creating footpaths bridleways and restricted byways | Section 26 Highways Act 1980 |
| Duty to keep a register of information with respect to maps, statements and declarations | Section 31A Highways Act 1980 |
| Power to grant permission for provision, etc of services, amenities, recreation and refreshment facilities on highway, and related powers | Section 115E, 115F and 115K of the Highways Act 1980 |
| Duty to publish notice in respect of proposal to grant permission under section 115E of the Highways Act 1980 | Section 155G of the Highways Act 1980 |
| Stopping up footpaths bridleways and restricted byways | Section 118 Highways Act 1980 |
| Determining applications for public path extinguishments orders | Sections 118ZA and 118C(2) Highways Act 1980 |
| Making rail crossing extinguishments orders | Section 118A Highways Act 1980 |
| Making special extinguishments orders | Section 118B Highways Act 1980 |
| Diverting footpaths bridleways and restricted byways | Section 119 Highways Act 1980 |
| Making public path diversion orders | Sections 119ZA and 119C(4) Highways Act 1980 |

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| Making rail crossing diversion orders | Section 119A Highways Act 1980 |
| Making special diversion orders | Section 119B Highways Act 1980 |
| Requiring applicants for an order to enter into and agreement | 119C(3) Highways Act 1980 |
| Making an SSSI diversion order | Section 119D Highways Act 1980 |
| Duty to keep a register with respect to applications under sections 118ZA, 118C, 119ZA and 119C Highways Act 1990 | Section 121B Highways Act 1980 |
| Declining to determine certain applications | Section 121C Highways Act 1980 |
| Duty to assert and protect the rights of the public to use and enjoyment of public highways | Section 130 Highways Act 1980 |
| Duty to serve notice of proposed action in relation to obstruction | Section 130A Highways Act 1980 |
| Applying for variation of order under section 130B Highways Act 1990 | Section 130B(7) Highways Act 1980 |

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| Authorising temporary disturbance of the surface of a footpath bridleway or restricted byway | Section 135 Highways Act 1980 |
| Temporarily diverting a footpath bridleway or restricted byway | Section 135A Highways Act 1980 |
| Functions relating to the making good of damage and removal of obstructions | Section 135B Highways Act 1980 |
| Removal of obstructions from the Highway | Section 143 Highways Act 1980 |
| Powers related to the removal of things so deposited on the highway as to be a nuisance | Section 149 Highways Act 1980 |
| Extinguishing certain rights of way | Section 32 Acquisition of Land Act 1981 (c.67) |
| Duty to keep definitive map and statement under review | Section 53 Wildlife and Countryside Act 1981 (c.69) |
| Including modifications in other orders | Section 53A Wildlife and Countryside Act 1981 |
| Duty to keep register of prescribed information with respect to applications under section 53(5) Wildlife and Countryside Act 1981 | Section 53B Wildlife and Countryside Act 1981 |
| Preparing map and statement by way of consolidation of definitive map and statement | Section 57A Wildlife and Countryside Act 1981 |
| Designating a footpath as a cycle track | Section 3 Cycle Tracks Act 1984 (c.38) |
| Extinguishing a public right of way over land acquired for clearance | Section 294 Housing Act 1981 (c.68) |
| Authorising stopping-up or diversion of a footpath or bridleway | Section 257 Town and Country Planning Act 1990 |
| Extinguishing public rights of way over land held for planning purposes | Section 258 Town and Country Planning Act 1990 |
| Entering into agreements with respect to means of access | Section 35 Countryside and Rights of Way Act 2000 (c.37) |
| Providing access in the absence of agreement | Section 37 Countryside and Rights of Way Act 2000 |
| Allowing the deposit of a builder's skip on the highway | Section 139 Highways Act 1980 (c.66) |
| Licensing planting, retention and maintenance of trees, etc in part of the highway | Section 142 Highways Act 1980 |
| Authorising erection of stiles etc on footpaths or bridleways | Section 147 Highways Act 1980 |

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| Licensing works in relation to buildings, etc which obstruct the highway | Section 169 Highways Act 1980 |
| Consenting to temporary deposits or excavations in streets | Section 171 Highways Act 1980 |
| Consenting to temporary deposits or excavations in streets | Section 171 Highways Act 1980 |
| Dispensing with obligations to erect a hoarding or fence | Section 172 Highways Act 1980 |
| Restricting the placing of rails, beams, etc over highways | Section 178 Highways Act 1980 |
| Consenting to construction of cellars, etc under streets | Section 179 Highways Act 1980 |
| Consenting to making of openings into cellars, etc under streets, and pavement lights and ventilators | Section 180 Highways Act 1980 |
| Granting a street works license | Section 50 New Roads and Street Works Act 1991 (c.22) |
| Registering common land or town and village greens, except where this power is exercised solely to give effect to: - exchange of land effected by order under Section 19(3), or Para 6(4) Schedule 3, Acquisition of Land Act 1981 (c.67), or - order under Section 147 Enclosure Act 1845 (c.8 & 9 Vict. c. 118) | Regulation 6 Commons Registration (New Land) Regulations 1969 (SI 1969/1843) |
| Registering variation in rights of common | Regulation 29 Commons Registration (General) Regulations 1966 (SI 1966/1471, amended by SI 1968/658) |

2.5.3.5 Environmental protection and control functions

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| Any functions relating to contaminated land | Part IIA of the Environmental Protection Act 1990 (c.43) and subordinate legislation under that Part |
| Service of an abatement notice in respect of statutory nuisance | Section 80(1) of the Environmental Protection Act 1990 |
| Discharge of any function relating to the control of pollution or the management of air quality | Pollution Prevention & Control Act 1999 (c.24), Part IV of the Environment Act 1995 (c.25), |
| | Part I of the Environmental Protection Act 1990 (c.43), |

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| | Clean Air Act 1993 (c.11) |
| The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the authority's area | Section 8 Noise and Statutory Nuisance Act 1993 (c.40) |
| Inspection of the authority's area to detect any statutory nuisance | Section 79 Environmental Protection Act 1990 |
| Investigation of any complaint as to the existence of a statutory nuisance | Section 79 Environmental Protection Act 1990 |
| Consenting to the operation of a loudspeaker | Schedule 2 Noise and Statutory Nuisance Act 1993 (c.40) |
| Issuing 'site licences' authorising the use of land as a caravan site | Section 3(3) Caravan Sites Control and Development Act 1960 (c.62) |
| Issuing licences for use of moveable dwellings as camping sites | Section 269(1) Public Health Act 1936 (c.49) |
| Licensing scrap yards | Section 1 Scrap Metal Dealers Act 1964 (c.69) |
| Making closing orders with respect to take-away food shops | Section 4 Local Government (Miscellaneous Provisions) Act 1982 (c.30) |
| Any function regarding complaints of noise at night | Noise Act 1996 |

2.5.3.6 Health

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| Power to enforce offences relating to the display of no-smoking signs | Section 6(5) of the Health Act 2006 |
| Power to enforce offences relating to smoking in smoke-free places | Section 7(4) of the Health Act 2006 |
| Power to enforce offence of failing to prevent smoking in smoke-free places | Section 8(4) of the Health Act 2006 |
| Power to transfer enforcement functions to another enforcement authority | Smoke-free (Premises and Enforcement) Regulations 2006 |

2.6 Planning Review Committee

2.6.1 Terms of Reference

2.6.2 To determine any planning matter that has been referred to the Committee following the implementation of the planning call-in procedure.

2.6.3 Special provisions

2.6.4 The normal start time of meetings shall be 7pm.

2.6.5 The Committee shall adopt the Planning Speaking Scheme at its meetings.

2.6.6 All Members of the Committee (and substitutes) shall have received appropriate training before being involved in the determination of a planning matter.

2.7 Selection Panel (Independent Standards Members)

2.7.1 Terms of Reference

2.7.2 To check that all applicants for independent membership of the Standards Committee meet the reference criteria set by the Council.

2.7.3 To interview applicants and make a recommendation to Council concerning the persons to be appointed.

2.8 Standards Committee

2.8.1 Terms of Reference

- 2.8.2 To promote and maintain high standards of conduct by Members and co-opted Members of the Council.
- 2.8.3 To assist Members and co-opted Members of the Council to observe the Council's Codes of Conduct.
- 2.8.4 To advise the Council on the revision of its Codes of Conduct.
- 2.8.5 To monitor the operation of the Council's Codes of Conduct.
- 2.8.6 To carry out all responsibilities in accordance with the Standards Committee (England) Regulations 2008 except where delegated to sub committees in paragraph 2.8.8 below
- 2.8.7 To advise on training or arrange to train Members and co-opted Members of the Council on matters relating to the Council's Codes of Conduct. In particular:
- (a) to advise the Council on its overall training programme for members and co-opted members;
 - (b) to develop and implement training courses for members and co-opted members on the Council's codes of conduct;
 - (c) to advise members and co-opted members on the application of the Code of Conduct to them generally and in relation to specific issues concerning which a member may from time to time request the committee's assistance;
 - (d) to develop training courses for members of the Standards Committee and its sub-committees to ensure that all members are up to date with any changes in the law and good practice;
 - (e) to consider how the Standards Committee can promote and maintain high standards of conduct by the members and co-opted members of the Council.

2.8.8 Assessment Sub Committee:

To carry out the initial assessment of a written allegation that a member, co-opted member, parish councillor or former member, co-opted member or parish councillor has breached the Code of Conduct.

Review Sub Committee:

To carry out a review of the Assessment Sub Committee's decision at the request of the complainant.

Adjudication Sub Committee:

To carry out a hearing and to determine whether a breach of the Code of Conduct has occurred and, where appropriate, to impose a sanction.

2.8.9 Parish Standards Sub-Committee

To advise and deal with all parish matters which fall to be determined under Part III of the Local Government Act 2000.