

**PART 3**  
**SECTION G: Composition, Terms of References and**  
**Delegations to Standing Committees and Sub-**  
**Committees of the Council**

## 1 LICENSING COMMITTEE

### 1.1 General

A regulatory Committee of the Council established to be responsible for licensing and registration matters and external Health & Safety at Work.

### 1.2 Membership, Chairmanship and Quorum

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| Number of Members                              | Fifteen  |
| Substitute Members Permitted                   | Yes  |
| Political Balance Rules apply                  | Yes  |
| Appointments/Removals from Office              | By resolution of full Council  |
| Restrictions on Membership                     | Cabinet Leader may not be a member<br><br>The undertaking of training on licensing functions and procedures is a pre requisite to membership of this Committee |
| Restrictions on Chairmanship/Vice-Chairmanship | Cabinet Members may not hold these offices   |
| Quorum   | Five   |
| Number of ordinary meetings per Council Year   | At least two per year  |
| Standing Sub-Committee                         | Licensing Sub-Committee  |

### 1.3 Terms of Reference

1.3.1 To exercise the Council's responsibilities relating to licensing, registration and other miscellaneous functions as specified in Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 ("the 2000 Regulations") as amended from time to time, insofar as such functions are not the responsibility of any other local authority as shown in the left hand column of the Table below in respect of the enactments identified in the right hand column :-

| Function  | Enabling Provision  |
|---|---|
| <p><b>Licensing and Registration</b></p> <p>1. Power to issue licences authorising the use of land as a caravan site ("site licences").</p> <p>2. Power to license the use of moveable dwellings and camping sites.</p> <p>3. Power to license hackney carriages and private hire vehicles.</p> | <p>Section 3(3) of the Caravan Sites and Control of Development Act 1960.</p> <p>Section 269(1) of the Public Health Act 1936.</p> <p>(a) as to hackney carriages, the Town Police Clauses Act 1847, as extended by section 171 of the Public Health Act 1875, and section 15</p> |

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|   | <p>of the Transport Act 1985; and sections 47, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976;</p> <p>(b) as to private hire vehicles, sections 48, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976.</p> |
| 4. Power to license drivers of hackney carriages and private hire vehicles.                 | Sections 51, 53, 54, 59, 61 and 79 of the Local Government (Miscellaneous Provisions) Act 1976.   |
| 5. Power to license operators of hackney carriages and private hire vehicles.               | Sections 55 to 58, 62 and 79 of the Local Government (Miscellaneous Provisions) Act 1976.   |
| 5a Power to register pool promoters.  | <p>Schedule 2 to the Betting, Gaming and Lotteries Act 1963 (c.2) as saved for certain purposes by the Gambling Act Order.</p> <p><b>Note:</b> The Gambling Act Order means the Gambling Act 2005 (Commencement No. 6 and Transitional Provisions) Order 2006.</p>    |
| 5b Power to grant track betting licences.   | Schedule 3 to the Betting, Gaming and Lotteries Act 1963 as saved for certain purposes by the Gambling Act Order.   |
| 5c Power to license inter-track betting schemes.  | Schedules 5ZA to the Betting, Gaming and Lotteries Act 1963 as saved for certain purposes by the Gambling Act Order.  |
| 5d Power to grant permits in respect of premises with amusement machines.                   | Schedule 9 to the Gaming Act 1968 (c.65), as saved for certain purposes by the Gambling Act Order.  |
| 5e Power to register societies wishing to promote lotteries.                                | Schedule 1 to the Lotteries and Amusements Act 1976 (c.32), as saved for certain purposes by the Gambling Act Order.  |
| 5f Power to grant permits in respect of premises where amusements with prizes are provided. | Schedule 3 to the Lotteries and Amusements Act 1976, as saved for certain purposes by the Gambling Act Order.   |

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| <p>5g Power to issue cinema and cinema club licences.</p>                                      | <p>Section 1 of the Cinema Act 1985 (c.13).</p>  |
| <p>5h Power to issue theatre licences.</p>   | <p>Sections 12 to 14 of the Theatres Act 1968 (c.54).</p>  |
| <p>5i Power to issue entertainments licenses</p>   | <p>Section 12 of the Children and Young Persons Act 1933 (c.12), section 52 of and Schedule 12 to, the London Government Act: 1963 (c.33). Section 79 of the Licensing Act 1964 (c.26). Sections 1 to 5 and 7 of and Parts 1 and II of the Schedule to the Private Places of Entertainment (Licensing) Act 1967 (c.19) and Part I of, and Schedules 1 and 2 to, the Local Government (Miscellaneous Provisions) Act 1982 (c.30).</p> |
| <p>6. Power to license sex shops and sex cinemas.</p>  | <p>The Local Government (Miscellaneous Provisions) Act 1982, section 2 and Schedule 3 (as amended by Paragraph 85 of Schedule 6 Licensing Act 2003).</p>   |
| <p>7. Power to license performances of hypnotism.</p>  | <p>The Hypnotism Act 1952.</p>   |
| <p>8. Power to license premises for acupuncture, tattooing, ear-piercing and electrolysis.</p> | <p>Sections 13 to 17 of the Local Government (Miscellaneous Provisions) Act 1982.</p>  |
| <p>9. Power to license pleasure boats and pleasure vessels.</p>                                | <p>Section 94 of the Public Health Acts Amendment Act 1907.</p>  |
| <p>10. Power to license market and street trading.</p>   | <p>Part III of and Schedule 4 to, the Local Government (Miscellaneous Provisions) Act 1982.</p>  |
| <p>11. Duty to keep list of persons entitled to sell non-medicinal poisons.</p>                | <p>Sections 3(1) (b) (ii), 5, 6 and 11 of the Poisons Act 1972.</p>  |
| <p>12. Power to license dealers in game and the killing and selling of game.</p>               | <p>Sections 5, 6, 17, 18 and 21 to 23 of the Game Act 1831; sections 2 to 16 of the Game Licensing Act 1860 , section 4 of the Customs and Inland Revenue Act 1883, sections 12(3) and 27 of the Local Government Act 1874 , and section 213 of The Local Government Act 1972.</p>   |
| <p>13. Power to register and license premises for the preparation of food.</p>                 | <p>Section 19 of the Food Safety Act 1990.</p>   |

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| <p>14. Power to license scrap yards.</p>  | <p>Section 1 of the Scrap Metal Dealers Act 1964.</p>   |
| <p>15. Power to regulate Motor Salvage Operators</p>  | <p>Vehicle (Crime) Act 2001 and Motor Salvage Operators Regulations 2002</p>  |
| <p>16. Power to issue, amend or replace safety certificates (whether general or special) for sports grounds.</p>                          | <p>The Safety of Sports Grounds Act 1975.</p>   |
| <p>16a Power to issue safety certificates.</p>  | <p>The Regulatory Reform (Fire Safety) Order 2005.</p>  |
| <p>17. Power to issue, cancel, amend or replace safety certificates for regulated stands at sports grounds.</p>                           | <p>Part III of the Fire Safety and Safety of Places of Sport Act 1987.</p>  |
| <p>18. Power to license premises for the breeding of dogs.</p>  | <p>Section 1 of the Breeding of Dogs Act 1973 and section 1 of the Breeding and Sale of Dogs (Welfare) Act 1999.</p>  |
| <p>19. Power to license pet shops and other establishments where animals are bred or kept for the purposes of carrying on a business.</p> | <p>Section 1 of the Pet Animals Act 1951; section 1 of the Animal Boarding Establishments Act 1963; the Riding Establishments Acts 1964 and 1970; Section 1 of the Breeding of Dogs Act 1973, and sections 1 and 8 of the Breeding and Sale of Dogs (Welfare) Act 1999.</p> |
| <p>20. Power to register animal trainers and exhibitors.</p>  | <p>Section 1 of the Performing Animals (Regulation) Act 1925.</p>   |
| <p>21. Power to license zoos.</p>   | <p>Section 1 of the Zoo Licensing Act 1981.</p>   |
| <p>22. Power to license dangerous wild animals.</p>   | <p>Section 1 of the Dangerous Wild Animals Act 1976.</p>  |
| <p>23. Power to license knackers' yards.</p>  | <p>Section 4 of the Slaughterhouses Act 1974. See also the Animal By-Products Order 1999 (S.I. 1999/646).</p>   |
| <p>24. Power to license persons to collect for charitable and other causes.</p>   | <p>Section 5 of the Police, Factories etc. (Miscellaneous Provisions) Act 1916 and Section 2 of the House to House Collections</p>  |

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| <p>25. Power to grant consent for the operation of a loudspeaker.</p> <p>26. Power to license agencies for the supply of nurses.</p> <p>27. Power to approve meat product premises.</p> <p>28. Power to approve premises for the production of minced meat or meat preparations.</p> <p>29. Power to approve dairy establishments.</p> <p>30. Power to approve egg product establishments.</p> <p>31. Power to issue licences to retail butchers' shops carrying out commercial operations in relation to unwrapped raw meat and selling or supplying both raw meat and ready-to-eat foods.</p> <p>32. Power to approve fish products premises.</p> <p>33. Power to approve dispatch or purification centres.</p> <p>34. Power to register fishing vessels on board which shrimps or molluscs are cooked.</p> <p>35. Power to approve factory vessels and fishery product establishments.</p> <p>36. Power to register auction and wholesale markets.</p> | <p>Act 1939.</p> <p>Schedule 2 to the Noise and Statutory Nuisance Act 1993.</p> <p>Section 2 of the Nurses Agencies Act 1957.</p> <p>Regulations 4 and 5 of the Meat Products (Hygiene) Regulations 1994 (S.I. 1994/3082).</p> <p>Regulation 4 of the Minced Meat and Meat Preparations (Hygiene) Regulations 1995 (S.I. 1995/3205).</p> <p>Regulations 6 and 7 of the Dairy Products (Hygiene) Regulations 1995 (S.I. 1995/1086).</p> <p>Regulation 5 of the Egg Products Regulations 1993 (S.I. 1993/1520).</p> <p>Schedule 1A to the Food Safety (General Food Hygiene) Regulations 1995 (S.I. 1995/1763).</p> <p>Regulation 24 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998 (S.I. 1998/994).</p> <p>Regulation 11 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998.</p> <p>Regulation 21 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998.</p> <p>Regulation 24 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998.</p> <p>Regulation 26 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998.</p> |
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| <p>37. Duty to keep register of food business premises.</p>  | <p>Regulation 5 of the Food Premises (Registration) Regulations 1991 (S.I. 1991/2828).</p>  |
| <p>38. Power to register food business premises.</p>   | <p>Regulation 9 of the Food Premises (Registration) Regulations 1991.</p>   |
| <p>39. Power to make closing orders with respect to take-away food premises</p>  | <p>Section 4 of the Local Government (Miscellaneous Provisions) Act 1982</p>  |
| <p>40. Power to permit deposit of builder's skip on highway.</p>   | <p>Section 139 of the Highways Act 1980.</p>  |
| <p>41. Power to make orders restricting the consumption of alcohol in a public place</p>   | <p>Section 13 Criminal Justice &amp; Police Act 2001</p>  |
| <p><b>S.I. 2004 No. 2740</b><br/>Functions relating to Licensing - including but not limited to:-</p>  | <p>Sections 5 to 8 of the Licensing Act 2003.</p>   |
| <p>42. Power to grant, vary, transfer or review a premises licence or club premises licence for the supply of alcohol regulated entertainment and late night refreshment</p> | <p>Sections 18, 35, 39, 44, 52, 72, 85, 88 and Schedule 1 and 2 Licensing Act 2003<br/><b>NB:-</b> additional powers added Oct.2009 re Sections 25A, 41D and 86A.</p> |
| <p>43. Power to issue a provisional statement</p>  | <p>Section 31 of the Licensing Act 2003</p>   |
| <p>44. Power to cancel an interim authority notice</p>   | <p>Section 49 of the Licensing Act 2003</p>   |
| <p>45. Powers to inspect premises before grant of licence</p>  | <p>Sections 59 and 96 of the Licensing Act 2003</p>   |
| <p>46. Power to grant or renew a personal licence</p>  | <p>Section 117 of the Licensing Act 2003</p>  |
| <p>47. Right of entry where temporary event notice is given</p>  | <p>Section 108 of the Licensing Act 2003</p>  |
| <p>48. Rights of entry to investigate licensable activities</p>  | <p>Section 179 of the Licensing Act 2003</p>  |
| <p>49. Power to close noisy premises</p>   | <p>Section 40 Anti Social Behaviour Act 2003</p>  |

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| 50. Issue of fixed penalty notice for graffiti or fly-posting   | Section 43 Anti Social Behaviour Act 2003                                     |
| 51. Service of graffiti removal notice  | Section 48 Anti Social Behavior Act 2003                                      |
| 52. Power to grant, vary, transfer or review a premises licence for the operation of a casino or for the provision of facilities to play bingo or for use as an adult gaming centre or family entertainment centre or for the provision of facilities for betting.  | Sections 163, 164, 187, 188 199 and 202, 203 and 205 of the Gambling Act 2005 |
| 53. Power to issue a provisional statement  | Section 204 of the Gambling Act 2005  |
| 54. Hearing of an objection to a temporary use notice   | Section 222 of the Gambling Act 2005  |
| 55. Power to issue a counter notice to a temporary use notice   | Section 224 of the Gambling Act 2005  |
| 56. Power to issue, vary, renew or cancel a club gaming permit  | Section 271, 274 and Schedule 12 of the Gambling Act 2005                     |
| 57. Power to issue, vary, renew or cancel a club machine permit   | Section 273, 274 and Schedule 12 of the Gambling Act 2005                     |
| 58. Power to issue, transfer, vary or cancel a licensed premises gaming machine permit  | Section 283 and Schedule 13 of the Gambling Act 2005                          |
| 59. Power to make an order disapplying Sections 279 and 282(1) of the Gambling Act 2005 to certain premises. (Section 279 exempts premises licensed for the sale of alcohol from requiring a Gambling Act Operating or Premises licence for prescribed low stake/prize value equal chance gaming and Section 282(1) provides premises licensed for the supply of alcohol with an automatic entitlement to one or two Category C or D gaming machines) | Section 284 of the Gambling Act 2005  |
| 60. Power to issue or renew a prize gaming permit   | Section 289 and Schedule 14 of the Gambling Act 2005                          |
| 61. Power to issue or renew a family  | Section 247 and Paragraphs 8 and 18 of  |



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| entertainment centre gaming machine permit   | Schedule 10 of the Gambling Act 2005   |
| 62. Power to enter premises (various)  | Sections 304(2) and (3), 307, 309, 310, 311, 312(4), 313, 314, 315 of the Gambling Act 2005          |
| 63. Registration of small society lotteries  | Section 258 and Part 4 Paragraphs 38 and Part 5 Paragraph 44 of Schedule 11 of the Gambling Act 2005 |
| 64. Refusal to register a small society lottery  | Section 258 and Part 5 Paragraph 47 of Schedule 11 of the Gambling Act 2005                          |
| 65. Revocation of registration of a small society lottery  | Section 258 and Part 5 Paragraph 50 of Schedule 11 of the Gambling Act 2005                          |
| <u>S.I. 2006 No. 886</u>   | .  |
| 66. Power to resolve not to issue a casino premises licence.   | Section 166 of the Gambling Act 2005.  |
| 67. Duty to comply with requirement to provide information to the Gambling Commission.                             | Section 29 of the Gambling Act 2005.   |
| 68. Functions relating to exchange of information.   | Section 30 of the Gambling Act 2005.   |
| 69. Functions relating to occasional use notices.  | Section 39 of the Gambling Act 2005.   |
| <u>S.I. 2007 No. 1284</u>  |  |
| 70 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.  |
| 71. Power to institute criminal proceedings.   | Section 346 of the Gambling Act 2005.  |
| 72. Power to exchange information.   | Section 350 of the Gambling Act 2005.  |
| 73. Functions relating to the determination of fees for premises licences.   | The Gambling (Premises Licences Fees) (England and Wales) Regulations 2007. S.I. 2007/479.           |

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| <p><b>Functions relating to health and safety at work</b></p> <p>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 Health and Safety at Work etc. Act 1974, to the extent that those functions are discharged otherwise than in the Council's capacity as an employer</p> | <p>Part I of the Health and Safety at Work etc. Act 1974.</p> |
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1.3.2 For the avoidance of doubt, in relation to the grant or issue by the Committee of any approval consent, licence, permission or registration, the exercise of the responsibilities for the above functions includes responsibility for :-

- 1) the imposition or amendment, modification or variation of any term, condition, limitation or restriction; or
- 2) the decision to take enforcement or other action in respect of a breach of any term, condition, limitation or restriction ;or
- 3) the decision to revoke, vary or modify any approval, consent, licence, permission or registration.
- 4) Where permissible by law, the decision to impose a charge and the amount of any such charge.
- 5) Following consultation with the relevant Cabinet Portfolio Holder to determine the fees and charges in respect of hackney carriages and private hire vehicles including consideration of any representations thereon or objections thereto.

1.3.3 To exercise the Council's responsibilities for the functions relating to licensing and registration and specifically the power to make orders restricting the consumption of alcohol in a public place and to make closing orders with respect to take-away food premises as specified in part I (Miscellaneous Functions) Schedule 1 of the 2000 Regulations.

1.3.4 To exercise the functions under the Gambling Act 2005 not covered by the 2000 Regulations including those functions under Part 8 of the Gambling Act 2005 except the adoption of the Section 349 Gambling Act 2005 Policy Statement and the passing of a resolution not to issue a casino premises licence (such adoption and resolution to be made by Full Council - S154 of the Gambling Act 2005)

1.3.5 To establish a standing Sub Committee to be known as the Licensing Sub-Committee to consider and determine any applications or matter that by law or in

accordance with the Council's adopted policy or this Constitution requires a hearing to be conducted

#### **1.4 Delegations**

All the functions identified in the above Table are delegated to the Committee other than the making or confirmation of by-laws, the promotion of a local act or any other matter reserved to a named Officer or full Council by law or the terms of this Constitution.

#### **1.5 Notes**

- 1.5.1 Any delegations to Officers are contained in the Scheme of Delegations to Officers set out in Section B of Part 7 of this Constitution.

## 2. LICENSING SUB-COMMITTEE

### 2.1 General

A Sub-Committee of the Licensing Committee established to conduct hearings and make determinations in respect of the Council's licensing functions

### 2.2 Membership, Chairmanship and Quorum

|                                     |  |
|-------------------------------------|--|
| Number of Members                   | Three Members  |
| Substitute Members Permitted        | Yes  |
| Political Balance Rules apply       | No   |
| Appointments                        | By the Democratic and Electoral Services Manager subject to members availability |
| Restrictions on Membership          | Only Members of the Licensing Committee are eligible                             |
| Restrictions on Chairmanship        | None   |
| Quorum                              | Three  |
| Number of meetings per Council Year | Hearings/ meetings will be called as required                                    |

### 2.3 Terms of Reference

To conduct hearings and make determinations under or in respect of the following legislation and functions as required by law or in circumstances where the Head of Healthy Communities is unable or unwilling to make a decision under the terms of the Scheme of Delegations to Officers:-

- Licensing Act 2003;
- Gambling Act 2005;
- licensing of Hackney Carriage and Private Hire Drivers, Vehicles, Operators and related enforcement ;
- classification of films;
- licensing of sex establishments;
- in relation to the licensing of Street Trading; and
- such other matters as the Sub-Committee may be required by law or in connection with the discharge of any of the matters referred to in these Terms of Reference

### 2.4 Delegations

Decisions on all matters falling within these Terms of Reference.

### 2.5 Notes

2.5.1 The Democratic & Electoral Services Manager is authorised to constitute the Licensing Sub-Committee from the membership of the Licensing- Committee having regard to member availability, together with a standby in case a

Classification: OFFICIAL

member of the Sub-Committee is unable to participate or continue for any reason.

2.5.2. Members are appointed for a single meeting/hearing only.

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### 3. PLANNING COMMITTEE

#### 3.1 General

A regulatory Committee of the Council established to be responsible for Development Control and related Town and Country Planning matters.

#### 3.2 Membership, Chairmanship and Quorum

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| Number of Members                              | Thirteen   |
| Substitute Members Permitted                   | Yes  |
| Political Balance Rules apply                  | Yes  |
| Appointments/Removals from Office              | By resolution of full Council  |
| Restrictions on Membership                     | Chairman of the Council may not be a member.<br><b>Note: The taking up of appointments to the Planning Committee (being able to attend and vote) is subject to the Member having attended the required training on planning matters and the Members Code of Conduct.</b> |
| Restrictions on Chairmanship/Vice-Chairmanship | Cabinet Members may not hold these offices   |
| Quorum   | Five   |
| Number of ordinary meetings per Council Year   | Sixteen  |
| Standing Sub-Committees                        | None   |

#### 3.3 Terms of Reference

3.3.1 To exercise the Council's responsibilities for the functions identified in the left hand column of the Table below in respect of the enactments identified in the right hand column :-

| Function   | Enactment  |
|--|--|
| <p><b>Functions relating to Town and Country Planning and Development Control</b></p> <p>1. Power to determine applications for planning permission.</p> <p>2. Power to determine applications to develop land without compliance with conditions previously attached.</p> | <p>Sections 70(1) (a) and (b) and 72 of the Town and Country Planning Act 1990 (c.8).</p> <p>Section 73 of the Town and Country Planning Act 1990.</p> |

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| <p>3. Power to grant planning permission for development already carried out.</p>  | <p>Section 73A of the Town and Country Planning Act 1990.</p>  |
| <p>4. Power to decline to determine applications for planning permission.</p>  | <p>Section 70A of the Town and Country Planning Act 1990.</p>  |
| <p>5. Duties relating to the making of determinations of planning applications.</p>  | <p>Sections 69, 76 and 92 of the Town and Country Planning Act 1990 and Articles 8, 10 to 13, 15 to 22 and 25 and 26 of the Town and Country Planning (General Development Procedure) Order 1995 (S.I. 1995/419) and directions made thereunder.</p> |
| <p>6. Power to determine applications for planning permission made by the Council, alone or jointly with another person.</p>                     | <p>Section 316 of the Town and Country Planning Act 1990 and the Town and Country Planning General Regulations 1992 (S.I. 1992/1492).</p>  |
| <p>7. Power to make determinations, give approvals and agree certain other matters relating to the exercise of permitted development rights.</p> | <p>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 (S.I. 1995/418).</p>  |
| <p>8. Power to enter into agreements regulating development or use of land.</p>  | <p>Section 106 of the Town and Country Planning Act 1990.</p>  |
| <p>9. Power to issue a certificate of existing or proposed lawful use or development.</p>  | <p>Sections 191(4) and 192(2) of the Town and Country Planning Act 1990.</p>   |
| <p>10. Power to serve a completion notice.</p>   | <p>Section 94(2) of the Town and Country Planning Act 1990.</p>  |
| <p>11. Power to grant consent for the display of advertisements.</p>   | <p>Section 220 of the Town and Country Planning Act 1990 and the Town and Country Planning (Control of Advertisements) Regulations 1992.</p>   |
| <p>12. Power to authorise entry onto land.</p>   | <p>Section 196A of the Town and Country Planning Act 1990.</p>   |
| <p>13. Power to require the discontinuance</p>   | <p>Section 102 of the Town and Country</p>   |

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| of a use of land.   | Planning Act 1990.  |
| 14. Power to serve a planning contravention notice, breach of condition notice, stop notice or temporary stop notice. | Sections 171C, 187A and 183(1) and 171E of the Town and Country Planning Act 1990.  |
| 15. Power to issue an enforcement notice.   | Section 172 of the Town and Country Planning Act 1990.  |
| 16. Power to apply for an injunction restraining a breach of planning control.  | Section 187B of the Town and Country Planning Act 1990.   |
| 17. Power to determine applications for hazardous substances consent, and related powers.                             | Sections 9(1) and 10 of the Planning (Hazardous Substances) Act 1990.   |
| 18. Power to require proper maintenance of land.  | Section 215(1) of the Town and Country Planning Act 1990.   |
| 19. Power to determine application for listed building consent, and related powers.                                   | Sections 16(1) and (2), 17, and 33(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.   |
| 20. Power to determine applications for conservation area consent.  | Section 16(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, as applied by section 74(3) of that Act.  |
| 21. Duties relating to applications for listed building consent and conservation area consent.                        | Sections 13(1) and 14(1) and (4) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and regulations 3 to 6 and 13 of the Planning (Listed Buildings and Conservation Areas) Regulations 1990 and paragraphs 8, 15 and 22 of Department of the Environment Transport and the Regions Circular 01/01. |
| 22. Power to serve a building preservation notice, and related powers.  | Sections 3(1) and 4(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.  |
| 23. Power to issue enforcement notice   | Section 38 of the Planning (Listed  |



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| in relation to demolition of unlisted building in conservation area.  | Buildings and Conservation Areas) Act 1990.   |
| 24. Powers to acquire a listed building in need of repair and to serve a repairs notice.                                      | Sections 47 and 48 of the Planning (Listed Buildings and Conservation Areas) Act 1990.                          |
| 25. Power to apply for an injunction in relation to a listed building.  | Section 44A of the Planning (Listed Buildings and Conservation Areas) Act 1990.                                 |
| 26. Power to execute urgent works.  | Section 54 of the Planning (Listed Buildings and Conservation Areas) Act 1990.                                  |
| 27. Powers relating to the preservation of trees.   | Sections 197 to 214D of the Town and Country Planning Act 1990 and the Trees Regulations 1999 (S.I. 1999/1892). |
| 28. Powers relating to the protection of important hedgerows.   | The Hedgerows Regulations 1997 (S.I. 1997/1160).  |
| 29. Power to issue a remedial notice in relation to a hedge adversely affecting the reasonable enjoyment of domestic property | Section 69 of the Anti Social Behaviour Act 2003  |
| 29a <u>SI 2005 No. 714</u>  |   |
| Power relating to complaints about high hedges.   | Part 8 of Anti-Social Behaviour Act 2003.   |
| 30. Power to enter neighbouring land  | Section 74 of the Anti Social Behaviour Act 2003  |
| 31. Power to carry out works in default of compliance with a remedial notice.   | Section 77 of the Anti Social Behaviour Act 2003  |
| 32. Power to enter land.  | Section 324 of the Town and Country Planning Act 1990.  |
| 33 The obtaining of information as to interests in land.  | Section 330 of the Town and Country Planning Act 1990.  |
| <b>Miscellaneous functions<br/>As amended S.I. 2001, No. 2212 and</b>   |   |

| <b>S.I. 2004: No. 2748</b>  |   |
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| 1 Power to stop up footpaths and bridleways or highways.                        | Section 118 of the Highways Act 1980 and Section 257 of the Town and Country Planning Act 1990. |
| 2 Power to make a rail crossing extinguishment Order                            | Section 118A of the Highways Act 1980   |
| 3 Power to divert footpaths and bridleways.                                     | Section 119 of the Highways Act 1980  |
| 4 Power to make a rail crossing diversion Order                                 | Section 119A of the Highways Act 1980   |
| 5 Power to require applicant for Order to enter into an agreement,              | Section 119C(3) Highways Act 1980   |
| 6 Power to extinguish public right of way over land acquired for clearance      | Section 294 Housing Act 1981  |
| 7 Power to authorise stopping up or diversion of footpath or bridleway          | Section 257 of the Town & Country Planning Act 1990   |
| 8 Power to extinguish public rights of way over land held for planning purposes | Section 258 of the Town & Country Planning Act 1990   |
| 8a. Power to extinguish certain public rights of way                            | Section 32 of the Acquisition of Land Act 1981.   |

3.3.2 For the avoidance of doubt, in relation to the grant or issue by the Committee of any approval consent, licence, permission or registration, the exercise of the responsibilities for the above functions includes responsibility for :-

- 1) the imposition or amendment, modification or variation of any term, condition, limitation or restriction; or
- 2) the decision to take enforcement or other action in respect of a breach of any term, condition, limitation or restriction ;or
- 3) the decision to revoke, vary or modify any approval, consent, licence, permission or registration.

### **3.4 Delegations**

All the functions identified in the above Table are delegated to the Committee other than the making or confirmation of by-laws, the promotion of a local act or any other matter reserved to full Council by law or this Constitution.

### **3.5 Notes**

- 3.5.1 The functions identified in the above table are intended to be comprehensive. Any other function relating to Town and Country Planning – save for the preparation and adoption of the Development Plan which must be referred via Cabinet – will be the responsibility of the Planning Committee.
- 3.5.2. Any delegations to Officers are contained in the Scheme of Delegations to Officers set out in Section B of Part 7 of this Constitution.
- 3.5.4. In addition to complying with the adopted Code of Conduct for Elected and Co-opted Members, Members of the Planning Committee are also expected to comply with the Code of Conduct on Planning Matters set out at Section B of Part 5 of this Constitution.
- 3.5.5. Parish/Town Council Representations and public speaking is permitted at the Planning Committee in accordance with the Procedure for Speaking at Planning Committee in Part 5 of the Constitution – and non-members of the Committee who are District Councillors are also subject to provisions in this Procedure.

## 4. APPEALS AND COMPLAINTS COMMITTEE

### 4.1 General

A Committee of the Council established to determine appeals by employees against decisions of the Council as employer.

### 4.2 Membership, Chairmanship and Quorum

|  |  |
|--|--|
| Number of Members                              | Eleven   |
| Substitute Members Permitted                   | No   |
| Political Balance Rules apply                  | Yes  |
| Appointments/Removals from Office              | By resolution of full Council  |
| Restrictions on Membership                     | Although all members of the Council are eligible for appointment, any who are also members of the Joint Staffing Committee or Joint Staffing Sub-Committee will be ineligible to hear appeals that result from the decisions of that Committee |
| Restrictions on Chairmanship/Vice-Chairmanship | None   |
| Quorum   | Three  |
| Number of ordinary meetings per Council Year   | Meetings will be called as required  |
| Standing Sub-Committees                        | None   |

### 4.3 Terms of Reference

#### Appeals

4.3.1. For all employees to hear and determine appeals and grievances on the following matters:

- a) Dismissal on the grounds of misconduct, capability, ill-health and unfair selection for redundancy
- b) Grievances submitted under agreed procedures
- c) Disciplinary action as defined in conditions of employment

**Note:** The Committee can only consider appeals relating to grievances from current employees

4.3.2. To determine requests for a review of the Council's decision that an applicant become homeless intentionally or whether a person is ineligible for acceptance on the Housing Register

- 4.3.3 To determine any other appeal against a decision made by or on behalf of the Council where provision is made for a right of appeal

### **Complaints**

- 4.3.4 To consider any complaint made against the Council which has been referred to the Local Ombudsman and which requires a determination by Members.
- 4.3.5 To make compensation payments or provide other benefits in cases of maladministration up to the value of £5,000.

### **4.4 Delegations**

Decisions on all matters falling within the terms of reference.

**NOTE:** The Head of Legal and Democratic Services, after consultation with the Chairman of the committee will constitute panels from the membership of the Appeals and Complaints Committee to hear appeal/complaints

## 5. GOVERNANCE AND ELECTORAL ARRANGEMENTS COMMITTEE

### 5.1 General

A Committee of the Council established to monitor and review the operation of the Council's Constitution and political management arrangements, deal with election and electoral matters and the review of parishes, deal with urgent matters requiring a decision of the Council and any matter which is not within the responsibility of the Cabinet and which falls outside the terms of reference of any other Committee or officer delegation.

### 5.2 Membership, Chairmanship and Quorum

|  |                                     |
|--|-------------------------------------|
| Number of Members                              | Eleven                              |
| Substitute Members Permitted                   | No                                  |
| Political Balance Rules apply                  | Yes                                 |
| Appointments/Removals from Office              | By resolution of full Council       |
| Restrictions on Membership                     | None                                |
| Restrictions on Chairmanship/Vice-Chairmanship | None                                |
| Quorum   | Four                                |
| Number of ordinary meetings per Council Year   | Meetings will be called as required |
| Standing Sub-Committees                        | None                                |

### 5.3 Matters Delegated for Decision

- 5.3.1. To monitor and keep under review the operation of the Council's constitution and political management arrangements
- 5.3.2. To deal with election and electoral matters
- 5.3.3. To exercise functions in relation to parishes, parish meetings and parish councils including changing the name of a parish
- 5.3.4. To take any necessary action to enable recommendations to be made in respect of the matters listed at 4.1 below which are reserved to the Council
- 5.3.5. To make, amend or revoke byelaws
- 5.3.6. To deal where legally permissible, with any matter including the authorisation of legal proceedings which requires a decision of the Council and which cannot reasonably be dealt with in the normal cycle of meetings (see also

note below)

5.3.7 To deal with any matter which, by virtue of the Local Authorities (Functions and Responsibilities) (England) Regulations from time to time in force or any other statutory provisions, cannot be the responsibility of the Cabinet and does not fall within the terms of reference of any other committee or within the Scheme of Officer delegations.

#### **5.4 Matters Reserved to Full Council**

5.4.1 Approval of:-

- a) Proposal to change the District's warding arrangements
- b) Final recommendations form a Parish Review
- c) Proposals to change the name or boundaries of the District
- d) The promotion of, or opposition of, national, local or private bills
- e) Changes to the Constitution

#### **NOTE:**

The Chief Executive or his nominee or the Head of Legal and Democratic Services, after consultation with the Chairman of the Committee must certify the reasons for urgency in respect of each item determined under paragraph 5.3.6 above. Reports to the Committee must also specify the reason for the urgency

## 6. RESOURCES OVERVIEW COMMITTEE

### 6.1 General

A statutory Committee of the Council established to scrutinise and conduct Value for Money Reviews in relation to the services and functions falling within the Leader, Support Services and Customer Services Cabinet Portfolios and related functions.

### 6.2 Membership, Chairmanship and Quorum

|  |   |
|--|---|
| Number of Members                              | Fifteen   |
| Substitute Members Permitted                   | No  |
| Political Balance Rules apply                  | Yes   |
| Appointments/Removals from Office              | By resolution of full Council   |
| Restrictions on Membership                     | Chairman and Vice-Chairman of the Council and Members of the Cabinet are ineligible |
| Restrictions on Chairmanship/Vice-Chairmanship | No  |
| Quorum   | Five  |
| Number of ordinary meetings per Council Year   | Four  |
| Standing Sub-Committees                        | None.   |

### 6.3 Terms of Reference

#### 6.3.1 Areas of Responsibility

The Areas of Responsibility of the Committee are: -

- 1) The functions and service falling within the Leader, Support Services and Customer Services Cabinet Portfolios as described in Section C of Part 3 of this Constitution
- 2) The functions of the Council shared with the Leader, Support Services and Customer Services Cabinet Portfolios or which directly or indirectly affect the discharge of the services and functions falling within those portfolios
- 3) The external Partnerships falling within the Leader, Support Services and Customer Services Cabinet Portfolios and any other external body or stakeholder whose activities directly or indirectly affect the discharge of any of the services and functions falling within those Portfolios

#### 6.3.2 Committee Tasks

The power to perform the following Tasks within the Areas of Responsibility of the



Committee.

### **General Role**

- 1) To develop and monitor its own work programme(s).
- 2) To review the Forward Plan of the Cabinet.
- 3) To make reports and/or recommendations to the full Council and/or the Cabinet.
- 4) With the consent of the Cabinet Leader, Support Services or Customers Services Portfolio Holders (as the case may be), consider reports relating to Key Decisions prior to consideration by the Cabinet.
- 5) Consider any matter affecting the District or its residents.

### **Scrutiny**

- 6) To review and scrutinise the performance of the Cabinet Leader and the Portfolio Holders for Support Services and Customers Services in relation to (i) policy and budgetary development and implementation, (ii) the discharge of Executive functions including relevant national or local performance indicators, measures or targets, and (iii) decision making generally.
- 7) To review and scrutinise the performance of the Council in relation to its policy objectives, national or local performance indicators, measures or targets and/or particular service areas.
- 8) To question members of the Cabinet and/or Chief Executive/ Director and Heads of Service about any matter that this Overview Committee is empowered to scrutinise by the Clauses above.
- 9) To invite members of the public and/or representatives of community and partner organisations, or experts, to attend and give evidence to the Committee in connection with any matter arising out of, or in connection with, or resulting from, the scrutiny process.
- 10) To review the performance of other public bodies in the area.
- 11) Subject to their consent first being obtained, to question and gather evidence from any person in connection with any matter arising out of, or in connection with, or resulting from, the scrutiny process.
- 12) To receive and review the annual FOIA report (Annual Report also to Cabinet).

### **Value for Money**

- 13) To undertake value for money reviews of services or key partnerships – this may be at the request of the Cabinet, Council or identified as part of the Committees own work programme
- 14) To approve the terms of reference of any value for money reviews to be undertaken and take overall responsibility for the completion of that review
- 15) To consider any reports in relation to Value for Money referred to the committee by the Audit Committee and make recommendations to Council or to the Cabinet as appropriate in relation thereto.

### **Policy Development and Review**

- 16) If requested to do so by full Council or the Cabinet:-
  - (i) to assist in the development of the Council's Budget and Policy Framework beyond the role allocated to it by the Budget and Policy Framework Procedure Rules set out in Section E of Part 4 of this Constitution by in-depth analysis of policy issues, including conducting research and community consultation;
  - (ii) to consider and implement mechanisms to encourage and enhance community participation in the development of policy options; and
  - (iii) to liaise with other external organisations operating in the District, whether national, regional or local, to ensure that the policy development and implementation and decision making generally is enhanced by partnership and collaborative working.

### **Finance**

- 17) To exercise overall responsibility for the finances made available to it.

## **6.4 Delegations**

Within the Areas of Responsibility of the Committee the matters referred to in paragraphs 9.3.1 and 9.3.2 of the Terms of Reference.

## **6.5 Notes**

- 6.5.1 The terms of reference of this Overview Committee must be read in conjunction with the various Procedural Rules set out in Part 4 of this Constitution, particularly the Overview and Scrutiny Procedure Rules, Access to Information Rules and the Budget and Policy Framework Procedure Rules.

## 7. AUDIT AND STANDARDS COMMITTEE

### 7.1. General

A Committee established to provides independent assurance of the adequacy of the internal controls and assurance mechanisms of the Council, to approve its financial accounts, promote and maintain high standards of conduct within Council members and co-opted members and consider breaches of the Council's Code of Conduct or the Codes of Conduct of parish councils within the district

### 7.2. Membership, Chairmanship and Quorum

|  |   |
|--|---|
| Number of Members                              | Eleven  |
| Substitute Members Permitted                   | No  |
| Political Balance Rules apply                  | Yes   |
| Appointments/Removals from Office              | By resolution of full Council.  |
| Restrictions on Membership                     | Chairman and Vice-Chairman of the Council and Members of the Cabinet are ineligible |
| Restrictions on Chairmanship/Vice-Chairmanship | None  |
| Quorum   | Four  |
| Number of ordinary meetings per Council Year   | Minimum of Two  |

### 7.3 Terms of Reference

To deal with the following matters:-

- a) To consider the effectiveness of the authority's risk management arrangements, the control environment and associated anti-fraud and anti-corruption arrangements.
- b) To seek assurances that action is being taken on risk-related issues identified by auditors and inspectors.
- c) To review and approve the authority's assurance statements, including the Statement on Internal Control, on behalf of the authority.
- d) To approve, but not direct, internal audit's strategy, plan and monitor performance

- e) To review the main issues arising from the internal audit reports and seek assurance that action has been taken where necessary.
- f) To receive the annual report of the internal audit service.
- g) To consider the reports of external audit and inspection agencies, and monitor management action in response to issues raised.
- h) To ensure that there are effective relationships between external and internal audit, inspection agencies, other relevant bodies, and that the value of the audit process is actively promoted.
- i) To review and approve the financial statement on behalf of the authority and review the external auditors opinion on the financial statements.
- j) To review on a regular basis the Code of Conduct for Members and also for Officers and to monitor the effect of implementation of the Codes of Conduct
- k) To develop a complaints procedure re non-adherence with the District, or any parish within the District, Code of Conduct.
- l) To receive complaints and thereafter consider, review, investigate, conduct hearings and impose sanctions as may be required.
- m) To promote on an active basis the highest standards of ethical conduct by Councillors and Officers.
- n) To ensure training and guidance is provided to Councillors, including assisting Parishes to train their own Councillors, on all aspects of Codes of Conduct and adherence to ethical standards for Councillors.
- o) To establish a Hearings Sub-Committee – terms of reference, membership, quorum and frequency of meetings as set out in the Council's adopted Complaints procedure

#### **7.4 Delegations**

All these Terms of Reference are full delegated except any recommendations arising out of Items j) and k) shall be reported full Council as appropriate.

## 8. SERVICES OVERVIEW COMMITTEE

### 8.1 General

A statutory Committee of the Council established to scrutinise and conduct Reviews in relation to the services and functions falling within the Housing, Health, Communities and Leisure, Sustainable Development and Waste and Property Cabinet portfolios

### 8.2 Membership, Chairmanship and Quorum

|  |   |
|--|---|
| Number of Members                              | Fifteen   |
| Substitute Members Permitted                   | No  |
| Political Balance Rules apply                  | Yes   |
| Appointments/Removals from Office              | By resolution of full Council   |
| Restrictions on Membership                     | Chairman and Vice-Chairman of the Council and Members of the Cabinet are ineligible |
| Restrictions on Chairmanship/Vice-Chairmanship | No  |
| Quorum   | Five  |
| Number of ordinary meetings per Council Year   | Four  |
| Standing Sub-Committees                        | No  |

### 8.3 Terms of Reference

#### 8.3.1 Areas of Responsibility

The Areas of Responsibility of the Committee are: -

- 1) The functions and service falling within the Housing, Health, Communities and Leisure, Sustainable Development and Waste and Property Cabinet Portfolios as described in Section C of Part 3 of this Constitution
- 2) The functions of the Council shared with the Housing and Health, Sustainable Development, Community and Waste and Customer Services Cabinet Portfolios or which directly or indirectly affect the discharge of any of the services and functions falling within those portfolios.
- 3) The external Partnerships falling within the Housing, Health, Communities and Leisure, Sustainable Development and Waste and Property Cabinet Portfolios and any other external body or stakeholder whose activities directly or indirectly affect the discharge of the services and functions falling within those portfolios

- 4) To exercise the functions of the Council's Crime and Disorder Scrutiny Committee as required by the Police and Justice Act 2006 (as amended) and to receive and investigate any local crime and disorder matter as defined by the Police and Justice Act 2006 which is raised by a member of the Council who is not a member of the Overview Committee.

### 8.3.2. Committee Tasks

The power to perform the following Tasks within the Areas of Responsibility of the Committee:-

#### **General Role**

- 1) To develop and monitor its own work programme(s);
- 2) To review the Forward Plan of the Cabinet;
- 3) To make reports and/or recommendations to the full Council and/or the Cabinet;
- 4) With the consent of the Housing, Health, Communities and Leisure, Sustainable Development and Waste and Property Portfolio Holders (as the case may be), consider reports relating to Key Decisions prior to consideration by the Cabinet; and
- 5) Consider any matter affecting the District or its residents;

#### **Scrutiny**

- 6) To review and scrutinise the performance of the Portfolio holders for Housing, Health, Communities and Leisure, Sustainable Development, y and Waste and Property in relation to (i) policy and budgetary development and implementation, (ii) the discharge of Executive functions including relevant national or local performance indicators, measures or targets, and (iii) decision making generally.
- 7) To review and scrutinise the performance of the Council in relation to its policy objectives, national or local performance indicators, measures or targets and/or particular service areas.
- 8) To question members of the Cabinet and/or Directors and Heads of Service about any matter that this Overview Committee is empowered to scrutinise by the Clauses above.
- 9) To invite members of the public and/or representatives of community and partner organisations, or experts, to attend and give evidence to the Committee in connection with any matter arising out of, or in connection with, or resulting

from, the scrutiny process.

- 10) To review the performance of other public bodies in the area.
- 11) Subject to their consent first being obtained, to question and gather evidence from any person in connection with any matter arising out of, or in connection with, or resulting from, the scrutiny process.

### **Value for Money**

- 12) To undertake value for money reviews of services or key partnerships – this may be at the request of the Cabinet, Council or identified as part of the Committees own work programme
- 13) To approve the terms of reference of any value for money reviews to be undertaken and take overall responsibility for the completion of that review
- 14) To consider any reports in relation to Value for Money referred to the committee by the Audit Committee and make recommendations to Council or to the Cabinet as appropriate in relation thereto

### **Policy Development and Review**

- 15) If requested to do so by full Council or the Cabinet:-
  - (i) to assist in the development of the Council's Budget and Policy Framework beyond the role allocated to it by the Budget and Policy Framework Procedure Rules set out in Section E of Part 4 of this Constitution by in-depth analysis of policy issues, including conducting research and community consultation;
  - (ii) to consider and implement mechanisms to encourage and enhance community participation in the development of policy options; and
  - (iii) to liaise with other external organisations operating in the District, whether national, regional or local, to ensure that the policy development and implementation and decision making generally is enhanced by partnership and collaborative working.

### **Finance**

- 16) To exercise overall responsibility for the finances made available to it.

## **8.4 Delegations**

Within the Areas of Responsibility of the Committee the matters referred to in paragraphs 11.3.1 and 11.3.2 of the Terms of Reference.

## **8.5 Notes**

- 8.5.1 The terms of reference of this Overview Committee must be read in conjunction with the various Procedural Rules set out in Part 4 of this Constitution, particularly the Overview and Scrutiny Procedure Rules, Access to Information Rules and the Budget and Policy Framework Procedure Rules.