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SUPPLEMENTARY AGENDA 1

Dear Councillor

PLANNING AND LICENSING COMMITTEE - WEDNESDAY, 12TH JUNE, 2019

I am now able to enclose, for consideration at next Wednesday, 12th June, 2019 meeting of the Planning and Licensing Committee, the following reports that were unavailable when the agenda was printed.

Agenda No	Item
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| 4. | <u>Planning & Licensing - Terms of Reference (Pages 3 - 12)</u> |
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Yours sincerely



Head of Paid Service

Encs

12 June 2019

Planning & Licensing Committee

Planning & Licensing -Terms of Reference

Report of: Claire Mayhew, Corporate and Democratic Services Manager

Wards Affected: All Wards

This report is: Public

1. Executive Summary

- 1.1 At Annual Council on 15th May 2019, the terms of reference for each committee for the municipal year 2019/2020 were approved.

2. Recommendation(s)

- 2.1 **That the Committee notes the Terms of Reference (Appendix A) of the Planning & Licensing Committee.**
- 2.2 **That any amendments addressed by the Committee are reported to Chief Operating Officer/Corporate and Democratic Services Manager and a report to be taken to appropriate Ordinary Council Meeting for approval.**

3 Introduction and Background

- 3.2 The Council currently operates a committee system form of local authority governance under Part 1A of the Local Government Act 2000.
- 3.3 The Council has discretion as to its Committees except where the law otherwise provides. There are a number of statutory provisions relating to committees which include those set out below.
- 3.4 Under section 102 of the Local Government Act 1972 the Council has discretion to appoint one or more committees of the Council and may establish a joint committee with one or more other local authorities.
- 3.5 Under section 9JA of the Local Government Act 2000 the Council may by resolution appoint one or more committees as the authority's overview and scrutiny committee or, as the case may be, committees. Where the Council does

so resolve, the Local Authorities (Committee System) (England) Regulations 2012 set out what powers are required to be given.

- 3.6 Under section 19 of the Police and Justice Act 2006 the Council is required to establish a crime and disorder committee (unless it has established an overview and scrutiny committee in which case that committee acts as the crime and disorder committee).
- 3.7 Under section 6 of the Licensing Act 2003 the Council must establish a Licensing Committee of at least ten Members and no more than fifteen Members to discharge the prescribed licensing functions under that Act and the prescribed gambling functions under the Gambling Act 2005.
- 3.8 Under the Local Authorities (Standing Orders) (England) Regulations 2001 as amended, the Council is required to appoint a Panel (being an advisory committee under section 102(4) of the Local Government Act 1972) in respect of disciplinary action concerning its three statutory officers.
- 3.9 Although the Licensing Sub-Committee is set up by the Planning and Licensing Committee, the Licensing Sub-Committee appears in this report in order to provide a more complete picture of the Council's arrangements.

4 Issue, Options and Analysis of Options

- 4.2 Part 3.1 of the Constitution lists the powers and duties of the Committees appointed by Annual Council for 2019/2020, this is subject to an amendment made by the individual committees throughout the year with Council's approval.
- 4.3 The proposed Terms of Reference for Planning & Licensing Committee are appended to this report.

5 Reasons for Recommendation

- 5.2 The Council operates a committee system form of governance and is required by law to establish certain committees and has discretion to appoint other committees to facilitate the effective conduct of business under that committee system.

6 Consultation

- 6.2 None.

7 References to Corporate Plan

- 7.2 Establishing those Committees required by law and those it considers necessary to fulfil its functions should enable the Council to discharge those functions in a timely, open and transparent way to deliver the Corporate Plan.

8 Implications

Financial Implications

Name & Title: Jacqueline Van Mellaerts, Interim Chief Finance Officer

Tel & Email: 01277 312829/jacqueline.vanmellaerts@brentwood.gov.uk

- 8.2 The cost of servicing the governance arrangements at the Council will be met from existing resources within the Council's Medium Term Financial Plan 2019/2020.

Legal Implications

Name & Title: Paula Harvey, Deputy Monitoring Officer

Tel & Email: 01277 312705/paula.harvey@brentwood.gov.uk

- 8.3 The recommendations set out within this report are lawful and within the Council's powers and duties. The Council operates a committee system form of governance within an existing legal framework. The Council's Constitution provides that the Annual Meeting will establish a committee for the purposes of the Licensing Act 2003 and such other committees as may be necessary for the proper discharge of the Council's functions, including their size and terms of reference.

Other Implications (where significant) – i.e. Health and Safety, Asset Management, Equality and Diversity, Risk Management, Section 17 – Crime & Disorder, Sustainability, ICT.

- 8.4 None.

9 Background Papers (include their location and identify whether any are exempt or protected by copyright)

- 9.2 None.

10 Appendices to this report

Appendix A: Terms of Reference – Planning and Licensing

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Appendix A

Planning and Licensing Committee

Terms of Reference

Planning

- (a) Town and Country Planning Act 1990 and any related legislation including:-
 - (i) determination of planning applications;
 - (ii) enforcement of planning control;
 - (iii) waste land notices, purchase notices, etc.
- (b) Listed Buildings and Conservation Areas Act 1990
 - (i) determination of applications for Listed Buildings and Conservation Area consent;
 - (ii) enforcement of Listed Building and Conservation Area legislation.
- (c) To consider and determine the Council's comments where appropriate on major development outside the Borough when consulted by other Local Planning Authorities.
 - (a) To guide the Council in setting its policy objectives and priorities.
 - (b) To carry out the duties and powers of the Council under current legislation;
 - (c) To develop, implement and monitor the relevant strategies and policies relating to the Terms of Reference of the committee.

- (d) To secure satisfactory standards of service provision and improvement, including monitoring of contracts, Service Level Agreements and partnership arrangements;
- (e) To consider and approve relevant service plans;
- (f) To comply with the standing orders and financial regulations of the Council;
- (g) To operate within the budget allocated to the committee by the Council.
- (h) To determine fees and charges relevant to the committee;

To review and monitor the operational impact of policies and to recommend proposals for new initiatives and policy developments including new legislation or central government guidance

- (d) Powers and duties of the local planning authority in relation to the planning of sustainable development; local development schemes; local development plan and monitoring reports and neighbourhood planning

Licensing

- (a) Except in relation to the statement of Licensing Policy, to discharge all functions conferred upon the council as licensing authority under the Licensing Act 2003.
- (b) Except in relation to the statement of Licensing Policy, to discharge all functions conferred upon the council as licensing authority under the Gambling Act 2005.
- (c) To determine all fees and charges relevant to matters disposed by the Planning and Licensing Committee.
- (d) To exercise all other functions relating to licensing and registration including:-

- i. Trading Requirements
 - ii. All functions relating to hackney carriage drivers and vehicles and private hire drivers vehicles and operators
 - iii. Animal Welfare and Security
 - iv. Skin Piercing, Acupuncture, Electrolysis and Tattooing
 - v. Sex establishments (including Sex Entertainment Venues (SEV))
 - vi. Pavement Permits
 - vii. Charitable Collections
 - viii. Camping, Caravan Sites and Mobile Homes
 - ix. Scrap Metal
 - x. Game Dealers
- (e) Any other matters relating to licensing as may be referred to the committee for consideration.
- (f) To hear and determine licensing applications and appeals where objections and /or representations have been received in relation to any of the above functions.
- (g) To manage and monitor the budgets in respect of licensing and vehicle licensing.

Licensing Sub-Committees

To hear and determine applications that do not sit within the scope of delegation to officers, usually where representations have been received either by a third party against grant of a license, or from the applicant against intended refusal or revocation of a license/registration.

The Planning and Licensing Committee has delegated all functions other than relevant policies and fees setting to officers, with the exception of those other matters as indicated below, which are heard by licensing sub-committee unless otherwise indicated:

Licensing Act 2003 and Gambling Act 2005

- (a) Determination of any application type where a representation has been received in accordance with the legislation.
- (b) Determination of applications for review or expedited review.

Hackney Carriage vehicles and drivers (including enforcement of ranks) and Private Hire vehicles, drivers and operators, with the exception of:

- (a) Suspension or revocation of drivers' licenses (save for initial suspension under provision of Local Government (Miscellaneous Provisions) Act 1976 S61 (2B) if it appears that the interests of public safety require the suspension to have immediate effect).
- (b) Where representation has been submitted by the applicant/license holder against refusal of any application.
- (c) Where representation has been received from an applicant to vary a licensing or pre-licensing condition.

Scrap Metal Dealing

- (a) Determination of applications where representations have been received against refusal in accordance with legislative requirements; and
- (b) Consideration of revocation of a license where representations have been received in accordance with legislative requirements

Street Collections and House to House Collections

- (a) Appeals against refusal to grant or renew a license.

Licensing of sex establishments

- (a) Determination of all applications, revocations and appeals.

Street Trading

- (a) Determination of applications where representation(s) has been received.
- (b) Determination of applications that fall outside of current policy.
- (c) Determination of matters relating to revocation of a license.

Acupuncture, Tattooing, Skin and Ear Piercing and Electrolysis

- (a) Appeals against refusal to grant or renew a registration.
- (b) Revocation of a registration.

Animal Welfare and Security, except for the following:

- (a) Appeals against refusal to grant or renew a license.
- (b) Revocation of a license.

Exercise of Powers under Caravan Sites and Control of Development Act 1960, except for:

- (a) Refusal and revocation of licenses, (other than urgent refusals which are delegated to officers)

Mobile Homes

- (a) Appeals against revocation of a license and/or conditions attached to the grant of a license.