

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

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- 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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