

**C. REGULATORY COMMITTEES:**

**(i) LICENSING COMMITTEE**

**(ii) PLANNING COMMITTEE**

**(i) LICENSING COMMITTEE**

**1. CONSTITUTION**

1.1 The Committee comprises 11 Members of the Council, who shall be appointed annually. Its quorum is 5.

**2.0 OBJECTIVES**

2.1 To deal efficiently and fairly with matters referred to it, as openly as possible.

2.2 Through licensing policies to protect and promote good practice.

2.3 To balance the interests of applicants with the interests of residents and other interested parties.

**3.0 TERMS OF REFERENCE**

The Committee's terms of reference shall be:

3.1 To set policies and determine applications in relation to the functions of the Council with respect to:

- (a) Powers and duties under the Licensing Act 2003 not reserved by law to full Council.
- (b) Powers and duties under the Gambling Act 2005 not reserved by law to full Council.
- (c) The registration of persons and premises in relation to tattooing, cosmetic piercing, semi-permanent skin colouring, acupuncture, electrolysis, temporary markets and sex establishments.
- (d) The licensing of caravan sites and other moveable dwellings and the provision and management of local authority caravan sites.
- (e) Hackney Carriage and their drivers, and private hire vehicles, their drivers and operators.
- (f) Charity Street and House to House collections and Street Trading Consents
- (g) Animal welfare licences.
- (h) Scrap metal dealers licenses
- (i) Any other statutory or adopted licensing scheme the administration of which is the responsibility of the Council.

**4.0 Delegation to the Committee**

4.1 The Committee has delegated authority to act on behalf of the Council in respect of all the functions specified in Part 3 above.

**Note** – Responsibility for the conducting of Hearings in relation to applications and enforcement under Part 3 has been delegated as follows:

Paragraphs (a) and (b) to the Licensing (Statutory) Sub-Committee; Paragraphs (e) and (f) to the Licensing (Non-Statutory) Sub-Committee; Paragraphs (d), (g) and (h) to officers.

## **5.0 Delegation to Officers**

- 5.1 The Licensing Manager or Director (Legal Services) are authorised to act on behalf of the Committee in relation to any matter within their respective remits of immediate urgency which must be dealt with before the next meeting of the Committee, provided:
- (a) the Chair or Vice-Chair of the Committee is consulted prior to delegated decisions being made;'
  - (b) action taken shall be as soon as practicable reported to the next Committee; and
  - (c) it excludes any decision which is by law expressly vested in the Council.
- 5.2 There shall be delegated to the Licensing Manager or Director (Legal Services) the exercise of any power or function of the Council in routine matters falling within their remit related to the implementation of agreed strategies and programmes and established policies and procedures and within existing budgets after appropriate consultation with the Chair of the relevant Committee.
- 5.3 For the avoidance of doubt this delegation shall include the powers of entry and inspection of premises, seizure of goods, etc, service of notices, carrying out of works, commencement of enforcement and legal proceedings and the power to authorise others to exercise such powers.

This delegation shall not be taken to include any matter reserved by law to the Full Council.

- 5.4 There are further delegated to the officers indicated below the exercise of any power or function of the Council relating to the matters etc out below under the Listed Acts or any amendment, modification, or re-enactment of those Acts, or Regulations/Orders made under those Acts.

## 1. GENERAL LICENSING DELEGATIONS

Legislation		Delegated Officer
Animal Health Act 1981		Licensing Manager or Director (Legal Services)
Animal Welfare 2006		
Anti-Social Behaviour Act 2003		
Anti-Social Behaviour, Crime and Policing Act 2014		
Caravan Sites Act 1968 Parts I & II		
Caravan Sites and Control of Development Act 1960		
Criminal Justice and Police Act 2001 Section 19		
Dangerous Dogs Act 1991		
Dangerous Wild Animals Act 1976		
Gambling Act 2005		
Game Act 1831		
Guard Dogs Act 1975		
Housing Act 2004		
House to House Collections Act 1939 & House to House Collections Regulations 1947		
Hypnotism Act 1952		
Licensing Act 2003		
Local Government (Miscellaneous Provisions) Act 1982 – Parts II, III, and VIII, section 29, Schedule 3, and Schedule 4.		
Local Government (Miscellaneous Provisions) Act 1976 Part II		
Mobile Homes Act 1983 and all associated regulations		
Mobile Homes Act 2013		
Police, Factories, etc, (Miscellaneous Provisions) Act 1916		
Scrap Metal Dealers Act 2013		
Slaughterhouses Act 1974		
Sunbeds (Regulation) Act 2010		

The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018		Licensing Manager or Director (Legal Services)
Town Police Clauses Act 1847		
Transport Act 1980 and 1985		
Zoo Licensing Act 1981		
Business and Planning Act 2020 – Part 1		
Animals (Penalty Notices) Act 2022		

## 2. SPECIFIC OFFICER DELEGATIONS

The power to set fees and charges, and take enforcement action	Licensing Manager or Director (Legal Services)
The power to immediately suspend or revoke a Hackney Carriage/Private Hire Drivers Licence (having consulted Chair or Vice-Chair of Licensing Committee).	Licensing Manager or Director (Legal Services)
The power to grant, refuse, vary, transfer, review, suspend, revoke and withdraw licences, permits, registrations and consents.	Licensing Manager or Director (Legal Services)
The power to act in an emergency to obtain injunctions in any cases.	Director (Legal Services) or Chief Executive
The power to commence legal proceedings in respect of the Council's functions as set out in statute (subject to being satisfied as to evidence).	Director (Legal Services) or Chief Executive
The power to act for the Council in proceedings brought in the Magistrates' Court in respect of appeals against licensing decisions.	Director (Legal Services) or Chief Executive
Power to act for the Council in respect of challenges to policies set out in the District Council Statement of Licensing Policy brought either under the Human Rights Act 1998 or judicial review.	Director (Legal Services) or Chief Executive

## **LICENSING (STATUTORY) SUB-COMMITTEE**

### **1.0 Constitution**

- 1.1 The Sub-Committee comprises of three Members (and up to two named substitute Members for each Political Group) appointed from the Licensing Committee (who have received appropriate training). Its quorum is three.
- 1.2 The Sub-Committee conducts hearings which follow the rules of natural justice.

### **2.0 Objectives**

- 2.1 To deal efficiently and fairly with matters referred to it, as openly as possible.
- 2.2 To consider the legislation, any relevant licensing policy or government guidance and to act in accordance with these for the protection of the public.

### **3.0 Terms of Reference**

To consider applications and notifications made in accordance with the Licensing Act 2003 and the Gambling Act 2005 (the "Acts"), and decide, where relevant, to grant/ refuse/renew/suspend/revoke permissions sought under the Acts or held under the Acts.

## **LICENSING (NON-STATUTORY) SUB-COMMITTEE**

### **1.0 Constitution**

- 1.1 The Sub-Committee comprises of five Members appointed from the Licensing Committee (who have received appropriate training). Its quorum is three.
- 1.2 The Sub-Committee conducts hearings which are not governed by statutory rules but nevertheless follow the rules of natural justice.

### **2.0 Objectives**

- 2.1 To deal efficiently and fairly with matters referred to it, as openly as possible.
- 2.2 To consider the legislation, any relevant licensing policy or government guidance and to act in accordance with these for the protection of the public.

### **3.0 Terms of Reference**

To consider applications made in accordance with the Local Government (Miscellaneous Provisions) Act 1976, the Town Police Clauses Act 1847, and any other legislation which provides the right of a Hearing other than the Licensing Act 2003 and the Gambling Act 2005, and decide, where relevant, to grant/ refuse/renew/suspend/revoke permissions sought under the Acts or held under the Acts.

## **HEARINGS PROCEDURE FOR LICENSING SUB-COMMITTEES**

1. Any hearing required under the legislation is to take the form of a discussion led by the Council. Hearings will be held in public unless the Members of the hearing consider that the public interest in excluding the public outweighs the public interest in the hearing or that part of it, taking place in public. For these purposes, a party to the hearing and any person assisting or representing a party may be treated as a member of the public.
2. The Chair will introduce the Members and participants and explain the procedure to be followed.
3. The Chair will advise all parties that they must make their submissions succinctly and that all parties will be afforded the same time which should generally not exceed 10 minutes.
4. If any party has advised the Council they do not intend to attend or be represented at the hearing, the hearing may proceed in their absence.
5. If any party has not indicated they do not intend to attend or be represented at the hearing, the Sub-Committee may:
  - where it considers it necessary in the public interest, adjourn the hearing to a specified date(s); or
  - hold the hearing in that party's absence.
6. Where a hearing is held in the absence of a party, any representations or notice made by that party shall be considered at the hearing.
7. Where a hearing is adjourned to a specified date(s), all parties will be notified forthwith of the date(s), time and place to which the hearing has been adjourned.
8. The Licensing Officer will appear first and will give:
  - a summary of the application/case
  - a summary of the representations made
  - a summary of how the application/case and any relevant representations relate to the provision of the Licensing Policy Statement, any guidance from the Secretary of State and the relevant legislation.

### *[In the case of enforcement/compliance hearings:]*

- 9a. *If a complainant is present, they will be asked to give details of their complaint. This procedure will be repeated if there is more than one complainant.*
- 9b. *The licence holder or their representative will be asked to present their case.*
- 9c. *Members, and Legal Officer will be able to ask questions of the licence holder.*
- 9d. *Licence holder or their representative will be asked to provide their closing statement.]*



*[In the case of Licensing Act and Gambling Act review hearings:*

- 9a. The review applicant or their representative will be asked to present their case.*
- 9b. Members, Legal Officer, any other party to the hearing will be able to ask questions of the review applicant.*
- 9c. Representatives of the Responsible Authorities and/or Statutory Consultees, will appear next to explain their case.*
- 9d. Members, Legal Officer, any other party to the hearing will be able to ask questions of the Responsible Authorities and/or Statutory Consultees.*
- 9e. The licence holder or their representative will be asked to present their case.*
- 9f. Members, Legal Officer, any other party to the hearing will be able to ask questions of the licence holder.*
- 9g. The licence holder or their representative will be asked to provide their closing statement.]*

*[In the case of all other application hearings:*

- 9a. The Applicant or their representative will be asked to present their case.*
- 9b. Members, Legal Officer, any other party to the hearing will be able to ask questions of the applicant.*
- 9c. Representatives of the Responsible Authorities and/or Statutory Consultees, and non-statutory Consultees (where applicable) will appear next to explain their case.*
- 9d. Members, Legal Officer, any other party to the hearing will be able to ask questions of the Responsible Authorities and/or Statutory/Non-statutory Consultees.*
- 9e. The applicant will be asked to provide their closing statement.]*
10. Members will be able to ask questions of any party at any time during the hearing but will at all times bear in mind the need for all parties to be afforded the same time to make their case.
11. Documentary or other information may be produced for consideration by the hearing by any party attending the hearing either before the hearing, or with the consent of all the other parties, at the hearing.
12. Information which is not relevant to:
  - the application/case, representation or notice (as applicable);
  - the provision of the licensing objectives or (in relation to a hearing to consider a notice given by a chief officer of police) the crime prevention objective; will be disregarded.

13. For the avoidance of doubt, formal cross-examination will not be allowed at hearings, unless the Members of the hearing consider that it is required for proper consideration by them of any representation, application or notice as the case may require.
14. Should Members during the hearing be of the opinion that a site visit is necessary to enable them to make the decision then the meeting will be adjourned and a site visit carried out in accordance with the Council's Site Visit Guidance.
15. Following the presentations by and questioning of all the parties, the Members of the hearing will generally retire into a closed session (either by leaving the room or asking all other parties to do so). The Members will make a decision and record reasons for this. The authority will normally make its determination on the day and announce their decision and the reasons for it at the conclusion of the hearing. However, if stated otherwise by Members before they retire, the decision will be communicated to all parties within 5 working days.
16. The Council shall provide for a record to be taken of the hearing in a permanent and intelligible form and kept for six years from the date of the determination or, where an appeal is brought against the determination of the authority, the disposal of the appeal. The right of appeal is 21 days from the date of notification of the decision.
17. For the avoidance of doubt, any irregularity resulting from any failure to comply with any provision of the Regulations before the authority has made a determination shall not of itself render the proceedings void.
18. In any case of such an irregularity, the authority shall, if it considers that any person may have been prejudiced as a result of the irregularity, take steps as it thinks fit to cure the irregularity before reaching its determination.
19. Clerical mistakes in any document recording a determination of the authority or errors arising in such document from an accidental slip or omission may be corrected by the authority.
20. Any person attending the hearing who in the opinion of the Members hearing the matter is behaving in a disruptive manner may be required to leave the hearing and may:
  - be refused permission to return; or
  - be permitted to return only on the conditions as may be specified by the Members and the hearing PROVIDED THAT such person may, before the end of the hearing, submit to the hearing in writing any information which they would have been entitled to give orally had they not been required to leave.

**(ii) PLANNING COMMITTEE****1. CONSTITUTION**

- 1.1 The Committee shall comprise 11 Members of the Council who shall be appointed annually. Its quorum is 5.

**2.0 OBJECTIVES**

- 2.1 To conserve the distinctive character of the built environment, to involve the local community in planning decisions and to manage development whilst extending the provision of affordable housing.
- 2.2 To create a safer environment where people can live and work free from crime and the fear of crime.
- 2.3 To encourage a varied and dynamic local economy, which does not harm and seeks to improve the environment, offers high quality employment and training opportunities, and secures the vitality of our towns and villages.
- 2.4 To promote an accessible integrated and affordable transport system that reduces its impact on the environment.
- 2.5 To protect and enhance the wealth of wildlife and to maintain and improve access to the natural environment and awareness of it.
- 2.6 To encourage the reduction in the use of finite resources and the reduction of pollution to the natural environment.

**3.0 TERMS OF REFERENCE**

The Committee's terms of reference shall be:

- 3.1 To undertake the functions of the Council under the Town and Country Planning Act 1990 and associated current legislation, including the Town and Country Planning General Development Orders, and any modification or re-enactment thereof with respect to development control, advertisement control, conservation areas, building preservation notices, listed buildings, tree preservation orders.
- 3.2 To approve or refuse applications for Planning Permission, Listed Building consent, and Lawful Use applications, reserved matters and advertisement consent, not otherwise determined by Officers acting with delegated authority.
- 3.3 To approve or refuse applications for approval of new buildings and work under the Building Regulations 1986 and any other relevant enactment, and any modification or re-enactment together with the enforcement of such Regulations other than those determined by officers acting with delegated authority.
- 3.4 To undertake the functions of the Council under the Planning (Listed Buildings and Conservation Area) Act 1990 and any modification or re-enactment, including the making of Building Preservation Notices other than those determined by Officers acting with delegated

authority, *SAVE THAT* Compulsory Purchase action, must be referred to Full Council for approval.

- 3.5 To undertake the functions of the Council under the provisions of Section 97 and 99 of the Town and Country Planning Act 1990 in relation to the revocation or modification of planning permission *SAVE THAT any proposal for the payment of compensation must comply with the Financial Regulations and Financial Procedure Rules within this Constitution.*
- 3.6 To consider a planning application involving a departure from the Statutory Development Plan and in cases where the Planning Committee resolves to grant planning permission contrary to the recommendation of the Planning Manager the Committee may refer the matter to full Council for determination, or determine the matter. A referral to full Council may be appropriate where an application has district or regional significance and may impact on the wider geographical area.
- 3.7 To undertake the functions of the Council under Part 2 of the Planning and Compulsory Purchase Act 2004 (local development), section 14A ('Register of Land'), including preparation of a Brownfield Land Register as required by The Town and Country Planning (Brownfield Land Register) Regulations 2017.

#### **4.0 DELEGATION TO PLANNING COMMITTEE**

Subject to the provisions of the Council's Constitution and Financial Procedure Rules, the Committee has delegated authority to act on behalf of the Council except in respect of the following:

- 4.1 Any proposal which would involve expenditure for which there is no provision in the current estimates, provided that the Committee shall be authorised to incur non-budgeted expenditure and no increase in the Committee's overall budget.
- 4.2 Any of the following:
- (a) the making of Revocation or Modification Orders under Section 97 and 99 of the Town and Country Planning Act 1990 where the payment of compensation is involved;
  - (b) the making of Discontinuance and other Orders under Section 102 of the said Act where the payment of compensation is involved; and
  - (c) consideration of any planning application the refusal of which in the opinion of the Planning Manager could lead to the service on the Council of a successful purchase notice.

#### **5.0 DELEGATION TO OFFICERS**

- 5.1 Chief Executive, Responsible Service Director, Director Legal, or Planning Manager are authorised to act in relation to any matter of immediate urgency which must be dealt with before the next meeting of the Planning Committee provided:
- (a) the Chair or Vice-Chair of the Committee is consulted prior to delegated decisions being made;
  - (b) spokespersons of minority groups are notified immediately of any action taken under this delegated power;

- (c) action taken shall be as soon as practicable reported to the next Committee; and
- (d) it excludes any decision which is by law expressly vested in the Council.

5.2 There shall be delegated to the Chief Executive, Responsible Service Director, Director Legal, or Planning Manager the exercise of any power or function of the Council in routine matters related to the implementation of agreed strategies and programmes falling within established policies and procedures and within existing budgets after appropriate consultation with the Chair of the relevant Committee.

For the avoidance of doubt this delegation shall include the powers of entry and inspection of premises, seizure of goods, etc service of notices, carrying out of works, commencement of enforcement and legal proceedings and the power to authorise others to exercise such powers.

5.3 The delegation of Sections 70 and 72 of the Town and Country Planning Act 1990 applications is subject to a Member's right to request that a **non-householder** development planning decision, is made by the Planning Committee, PROVIDING this request:

5.3.1 is within the period up to the issuing of the decision notice;

5.3.2 sets out the reasons; and

5.3.3 is in writing.

The Member may, prior to the publication of the agenda, withdraw the request.

5.4 The delegations of Section 70 and 72 of the Town and Country Planning Act 1990 applications does not apply to any non-householder planning applications which are defined as follows:

- Outline or full applications for over 50 dwellings
- Outline or full applications for major employment uses (major is defined as where the floor space created is 1,000 square metres or more)

5.5 The delegations of Section 70 and 72 of the Town and Country Planning Act 1990 applications does not apply to any non-householder planning applications which relate to large scale renewable energy development. Planning applications for large scale renewable energy development are defined as follows:

- **proposals for one or more wind turbines which are not located on domestic or commercial buildings;**
- **proposals for photovoltaic cells not located on domestic or commercial buildings over 200 metres squared;**
- **all proposals which require the combustion of biomass to generate electricity;**
- **all proposal which involve anaerobic digestion to generate heat, electricity or a combination of the two.**

5.6 A Member may make a request that a **householder** development planning decision is made by the Planning Committee PROVIDING this request:

5.4.1 is within the period up to the issuing of the decision notice;

5.4.2 sets out the reasons; and

5.4.3 is in writing.

The Member may, prior to the publication of the agenda, withdraw the request.

5.7 In the event that a new application is submitted for a site on which there is a previous determination by Planning Committee (whether grant or refusal), the case officer will consult the Chair or Vice-Chair of Planning Committee to establish if the application shall be taken to Planning Committee for determination.

5.8 In the event of amendments to the draft and published agenda of the Planning Committee the case officer is obliged to consult with the Chair or Vice-Chair of Planning Committee and in the event of a disagreement with the proposed action the matter shall be referred to the Chief Executive for final decision in consultation with the Leader of the Council.

Subject to 5.3, 5.4, 5.5, 5.6 and 5.7 above, the following powers/or functions set out below under the Listed Acts (or amend, modification or re-enactment or those Acts, or Regulations/Orders made under those Acts) are delegated to the officers listed below:

## 5.9 DELEGATION TO OFFICERS – PLANNING COMMITTEE

There are delegated to the officers indicated below the exercise of any power or function of the Council relating to the matters set out below, including service of notices, carrying out of default works, commencement of enforcements and other proceedings.

<b>Building Act 1984</b>	Responsible Service Director or Building Control Manager
<b>Building (Local Authorities Charges) Regulations 2010</b> Power to set fees.	Responsible Service Director or Building Control Manager
<b>Business and Planning Act 2020 – Part 3 – Planning</b>	Responsible Service Director or Planning Manager or Planning Team Leaders
<b>Planning Act 2008 &amp; Community Infrastructure Levy Regulations 2010</b> To authorise/ arrange and approve any operational issues, process and procedure for CIL enforcement.	Chief Executive or Responsible Service Director
<b>Town and Country Planning Act 1990</b> ss.191-196 Provisions relating to Certificates of Lawful Use on Development.	Responsible Service Director or Planning Manager or Planning Team Leaders or Major Projects Officer or Senior Planning Officers

<p><b>Town and Country Planning (Environmental Impact Assessment) Regulations 2017</b> To undertake screening and scoping opinions, and to determine whether any application for planning permission constitutes EIA development that should be accompanied by the Environmental Statement.</p>	Responsible Service Director or Planning Manager or Planning Team Leaders
<p><b>Town and Country Planning (General Permitted Development) (England) Order 2015</b> Service of Article 4 directions requiring submission of reserved matters in support of an outline planning application.</p>	Responsible Service Director or Planning Manager or Planning Team Leaders
<p><b>Town and Country Planning (General Permitted Development) (England) Order 2015 Town and Country Planning Act 1990 as amended</b> Determination of notifications<sup>1</sup>.</p>	Responsible Service Director or Planning Manager or Planning Team Leaders or Major Projects Officer or Senior Planning Officer
<p><b>Town and Country Planning Act 1990</b> To serve notice under Section 330 requiring the provisions of details of interest in premises</p>	Responsible Service Director or Planning Manager or Planning Team Leaders or Planning Enforcement Team Leader or Planning Enforcement Officers
<p>To declare any particular planning application to be a County matter.</p>	Responsible Service Director or Planning Manager or Planning Team Leaders
<p>Formal response to all County Council consultations; for example, school extensions, mobile classrooms, mineral and waste disposal applications. Local member(s) to be consulted.</p>	Responsible Service Director or Planning Manager or Planning Team Leaders
<p>Processing of applications for planning permission under Part III of the Act.</p>	Responsible Service Director or Planning Manager or Planning Team Leaders or Major Projects Officer or Senior Planning Officers

<sup>1</sup> Monitoring Officer revision of wording under Article 11.02(a) following introduction of SI 2013/1101, for legislative compliance 30 May 2013

<p><b>Sections 70, 70C and 72</b> Subject to 5.3 and 5.4 above, approve or refuse, with or without conditions consistent with adopted policies, all applications for:</p> <p>(a) Outline and full planning permission and any Subsequent amendments;</p> <p>(b) Details (i.e. Reserved Matters) following outline planning permission and any subsequent amendment;</p> <p>s70A Power to decline to determine applications s70B Power to decline to determine overlapping application s70C Power to decline to determine retrospective application s81A Power to decline to determine subsequent application s81B Power to decline to determine overlapping application</p>	Responsible Service Director or Planning Manager or Planning Team Leaders or Major Projects Officer or Senior Planning Officers
<p>The right to refer to the Committee for determination any application for planning permission or other consent or matter which would otherwise be dealt with under delegated powers.</p>	Responsible Service Director or Planning Manager or Planning Team Leaders
<p><b>Section 106</b> To draft and complete planning obligations in consultation with the Planning Manager &amp; Responsible Service Director</p>	Director Legal or Responsible Service Director
<p><b>Section 106</b> Authorisation to affix the Council's seal on agreements reached in respect of applications.</p>	Chief Executive or Director Legal
<p><b>Section 106A</b> To act on requests to modify or discharge completed planning obligations in consultation with the Planning Manager &amp; Strategic Housing Enabler</p>	Director Legal or Director Community
<p><b>Section 197, 198 &amp; 201</b> To make Tree Preservation Orders where such orders are unopposed subject to notification of any such action being to local members(s).</p>	Responsible Service Director or Planning Manager or Director Legal or Planning Team Leaders or Planning Enforcement Team Leader
<p><b>Sections 202C &amp; 210</b> To undertake investigations into unauthorised works to trees subject to a Tree Preservation Order</p>	Responsible Service Director or Planning Manager or Planning Enforcement Team Leader or Planning Enforcement Officers or Trees Officer
<p><b>Sections 206 &amp; 207</b> Serve of notice and institution of proceedings with regard to tree replacement</p>	Responsible Service Director or Planning Manager or Planning Enforcement Team Leader or Planning Enforcement Officers or Trees Officer



<p><b>Section 211</b> To undertake investigations into unauthorised works to trees within conservation areas</p>	Responsible Service Director or Planning Manager or Planning Enforcement Team Leader or Planning Enforcement Officers or Trees Officer
<p><b>Sections 215 and 216</b> Serve of notice and institution of proceedings with regard to proper maintenance of land.</p>	Responsible Service Director or Planning Manager or Director Legal or Planning Team Leaders or Planning Enforcement Team Leader
<p><b>The Planning (Listed Buildings and Conservation Areas) Act 1990</b></p> <p><b>Section 3</b> To serve Building Preservation Notices in cases of emergency subject to notification of any such action being made as soon as practicable to a meeting of the Planning Committee.</p> <p><b>Section 47</b> To consider and make recommendations on compulsory acquisition of listed buildings to Planning Committee.</p> <p><b>Section 48</b> To issue or authorise the issuing of repairs notice as preliminary to acquisition under s47.</p>	Responsible Service Director and in his/her absence Planning Manager
<p><b>Section 88</b> <b>To provide entry rights for listed building enforcement purposes</b></p>	Responsible Service Director or Planning Manager or Planning Enforcement Team Leader or Planning Enforcement Officers or Conservation Officer
<p><b>Section 10</b> To approve or refuse, with or without conditions, applications for Listed Building Consent, in accordance with the approved scheme of delegation</p>	Responsible Service Director or Planning Manager or Planning Team Leaders Or Major Projects Officer or Senior Planning Officers
<p><b>The Town and Country Planning (Tree Preservation) (England) Regulations 2012 Part 2 Sections 10 and 11</b> To revoke orders where trees have been removed as a result of the implementation of planning permission, subject to local members being notified.</p>	Responsible Service Director or Planning Manager or Director Legal or Planning Enforcement Team Leader

<p><b>Regulation 16 The Town and Country Planning (Tree Preservation) (England) Regulations 2012</b> To approve or refuse applications for consent to cut down, top, lop, uproot or destroy trees the subject of a Tree Preservation Order, and including trees in Conservation Areas.</p>	<p>Planning Manager or Trees Officer</p>
<p><b>Local Government (Miscellaneous Provisions) Act 1982 s23 &amp; s24</b> Power of local authorities to deal with dangerous trees.</p>	<p>Responsible Service Director or Planning Manager or Trees Officer</p>
<p><b>Town and Country Planning Act 1990 Town and Country Planning Act (Control of Advertisements) Regulations 2007 as amended</b> Institution of proceedings against fly posters.</p>	<p>Planning Manager or Director Legal</p>
<p><b>Town and Country Planning (Control of Advertisements) Regulations 2007 as amended</b> To approve or refuse, with or without conditions, applications for Advertisement Consent (illuminated and non-illuminated)</p>	<p>Responsible Service Director or Planning Manager or Planning Team Leaders or Major Projects Officer or Senior Planning Officers</p>
<p><b>Town and Country Planning Act 1990, section 225 as amended by section 34 of the Clean Neighbourhoods and Environment Act 2005</b> To authorise the carrying out the powers of the local planning authority under section 225 as so amended to remove or obliterate any placard or poster located on or within the [public or whatever] highway which is displayed in contravention of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (including any regulations amending or replacing those Regulations) and to take any necessary action to recover the cost of doing so in accordance with section 225(6).</p>	<p>Responsible Service Director or Planning Manager or Planning Team Leaders or Planning Enforcement Team Leader</p>
<p>To take enforcement action (including although not limited to serving Action Notices/Removal Notices, Default powers) and subsequent prosecution/injunction proceedings where appropriate or withdrawing or ceasing such action in accordance with the approved scheme of delegation.</p>	<p>Responsible Service Director or Planning Manager or Planning Team Leaders or Director Legal or Planning Enforcement Team Leader</p>
<p><b>Town and Country Planning (Inquiries Procedure) Rules 2000</b> Paragraph 11(3) To represent the Council at Local Inquiries.</p>	<p>Senior Legal Assistant and Legal Assistant (Solicitors authorised automatically)</p>

<p><b>Town and Country Planning Act 1990 Planning and Compensation Act 1991</b> To take enforcement action (including although not limited to serving Breach of Conditions Notices/ Planning Contravention Notices / Enforcement Notices/ Enforcement Orders/Stop Notices/ Default powers, remove or obliterate unauthorised signs or remove a display structure) and subsequent prosecution/injunction proceedings where appropriate or withdrawing or ceasing such action in accordance with the approved scheme of delegation.</p>	Responsible Service Director or Planning Manager or Planning Team Leaders or Director Legal or Planning Enforcement Team Leader
<p><b>Section 171C Town and Country Planning Act 1990</b> Signature of Planning Contravention Notices.</p>	Planning Manager or Planning Enforcement Team Leader or Planning Enforcement Officers
<p>Signature of Breach of Condition Notices /Enforcement Notices/Stop Notices/Default powers.</p>	Responsible Service Director or Planning Manager or Director Legal or Planning Team Leaders or Planning Enforcement Team Leader
<p><b>Anti-social Behaviour Act 2003 – Part 8</b> To serve High Hedge Remedial Notices, instigate any prosecution proceedings and the taking of direct action</p>	Responsible Service Director or Planning Manager or Director Legal or Planning Team Leaders or Planning Enforcement Team Leader or Trees Officer
<p><b>The Hedgerows Regulations 1997</b> To take enforcement action and instigate any prosecution proceedings</p>	Responsible Service Director or Planning Manager or Director Legal or Planning Enforcement Team Leader or Trees Officer
<p><b>Anti-social Behaviour Crime and Policing Act 2014</b> <b>Power to issue and enforce Community Protection Notices.</b></p>	Responsible Service Director or Planning Manager or Director Legal or Planning Enforcement Team Leader or Trees Officer
<p><b>Public Health Act 1925 – Town Improvement Clauses Act 1847</b> To make orders and serve notices in relation to the naming and numbering of streets.</p>	Responsible Service Director or ICT Manager
<p><b>Public Health Act 1936</b> <b>Sections 275 and 291</b> To take required measures at expense of owner or occupier and take action to recover those expenses</p>	Responsible Service Director or Planning Manager
<p><b>Safety of Sports Grounds Act 1975</b> <b>Sections 1 – 6</b> To represent the Council as the Building Authority in respect of the Sports Grounds Act within East Cambridgeshire.</p>	Responsible Service Director or Building Control Manager or Senior Building Control Surveyor

<p><b>Goods Vehicles (Licensing of Operators) Act 1995</b> Authority to make representations on applications for Goods Vehicle Operating Licences.</p>	<p>Responsible Service Director or in his/her absence Planning Manager or Environmental Services Manager</p>
<p><b>Prosecution Proceedings</b> To institute prosecution proceedings.<sup>2</sup></p>	<p>Director Legal or Chief Executive</p>
<p>To take enforcement action, apply for injunctions and subsequent prosecution proceedings, where applicable.</p>	<p>Responsible Service Director or Planning Manager or Director Legal</p>
<p><b>Town and Country Planning (Brownfield Land Register) Regulations 2017</b> Publication of sites in Part 1 of a Brownfield Land Register</p>	<p>Responsible Service Director or Planning Manager</p>

<sup>2</sup> Council Agenda item 13, 210213, to include CIL – related enforcement Under Planning Act 2008 & Community Infrastructure Levy Regulations