

Part 3

Responsibility for Functions

1. Council

1.1 Membership: All 38 Elected Members.

1.2 Functions and Delegations

- (1) Adopting and changing the Constitution*;
- (2) Approving or adopting the policy framework and the budget in accordance with Article 4 of the Constitution including the Annual Performance Plan, the Community Strategy, the Crime and Disorder Reduction Strategy and any Plans and alterations which together comprise the Development Plan.
- (3) Subject to the urgency procedure contained in the Access to Information Procedure Rules in Part 4 of this Constitution, making decisions about any matter in the discharge of an Executive function which is covered by the policy framework or the budget where the decision maker is minded to make it in a manner which would be contrary to the policy framework or contrary to/or not wholly in accordance with the budget;
- (4) Appointing the Leader of the Council;
- (5) Agreeing and/or amending the terms of reference for Committees, deciding on their composition and making appointments to them;
- (6) The appointment of any individual-
 - (a) to any office other than an office in which he is employed by the authority;
 - (b) to any body other than –
 - (i) the authority;
 - (ii) a joint Committee of two or more authorities; or
 - (c) to any Committee or Sub-Committee of such a body,and the revocation of any such appointment; *
- (7) Adopting an allowances scheme under Article 2.5;
- (8) Changing the name of the District. (Section 74 of the Local Government Act 1972);
- (9) Changing the name of a Parish. (Section 75 of the Local Government Act 1972);

- (10) Conferring the title of Honorary Alderman or admitting to be an Honorary Freeman; (Section 249 of the Local Government Act 1972).
- (11) Petitioning for a charter to confer borough status; (Section 245b of the Local Government Act 1972).
- (12) Confirming the appointment of the Head of Paid Service;
- (13) Making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or personal Bills; and
- (14) All other matters which, by law, must be reserved to Council.

(* *Local choice functions determined at the discretion of the Council to be the responsibility of the Council rather than the Executive*).

2. Cabinet

2.1 Membership: Leader and at least 1 but no more than 9 further Members of the Council.

2.2 Functions and Delegations

- (1) Proposing the budget and policy framework for approval by the Council;
- (2) Carrying out all of the Council's functions and taking all decisions except:
 - (a) those reserved to Council, the Audit and Standards Committee, the Planning Committee and the Licensing and General Purposes Committee; and
 - (b) those delegated to the officers,

providing those decisions are within the approved budget and policy framework; and
- (3) Referring matters including the review of strategies and policies to the Overview and Scrutiny Committee for consultation, investigation and report; and
- (4) Performing the Employers Side function of the Local Staff Joint Committee.

3. Audit and Standards Committee

3.1 Membership: 8 Members of the Council (excluding Members of the Executive).

Audit Functions

3.2 Functions and Delegations

Statement of Purpose

When carrying out the Audit functions and delegations, the purpose of the Committee is to provide independent assurance of the adequacy of the risk management framework and the associated control environment, independent scrutiny of the authority's financial and non-financial performance to the extent that it affects the authority's exposure to risk and weakens the control environment, and to oversee the financial reporting process.

3.3 Audit Activity

- (1) To consider the Audit Manager's annual audit report and opinion, and a summary of internal audit activity.
- (2) To approve the internal audit strategy, plan and monitor performance.
- (3) To consider summaries of internal audit reports setting out the main audit findings and level assurance given to each area reviewed.
- (4) To consider reports from internal audit on agreed recommendations not implemented and consider their impact on the overall control environment.
- (5) To ensure there is an effective working relationship between external audit and internal audit.
- (6) To consider the external auditor's annual planning letter and comment on the scope and depth of external audit work and ensure it gives value for money.
- (7) To consider the external auditor's annual governance report regarding issues affecting the control environment and governance reporting.
- (8) To consider specific reports as agreed with the external auditor.
- (9) To consider the governance arrangements for the management and monitoring of the Council's significant partnerships.

3.4 Regulatory Framework

- (1) To maintain an overview of the Council's Constitution in respect of procurement procedure rules, financial procedure rules and codes of conduct and behaviour (other than the Code of Conduct for Members).

- (2) To review any issue referred to it by the Head of Paid Service, Executive Directors, or any council body.
- (3) To monitor the effective development and operation of risk management and corporate governance in the council.
- (4) To monitor council policies on 'Raising Concerns at Work' and the anti-fraud and corruption strategy and the council's complaints process.
- (5) To oversee the production of the Council's Annual Governance Statement and to recommend its adoption.
- (6) To consider the council's arrangements for corporate governance and agreeing necessary actions to ensure compliance with best practice.
- (7) To consider the Council's compliance with its own and other published standards and controls.
- (8) To ensure effective scrutiny of the treasury management strategy and policies.

3.5 Accounts

- (1) To review the annual statement of accounts. Specifically to consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit that need to be brought to the attention of the Council. To agree the signing of the accounts following the review.
- (2) Approving the authority's statement of accounts, income and expenditure and balance sheet or records of receipts and payments (as the case may be). (The Accounts and Audit Regulations).
- (3) To consider the external auditor's annual governance report on issues arising from the audit of the accounts.

Standards Functions

3.6 Functions and Delegations

- (1) Duty to promote and maintain high standards of conduct by Members and Co-opted Members of the Council. [s27(1)]
- (2) Duty to adopt a Code of Conduct dealing with the conduct expected of Members and Co-opted Members of the Council when acting in that capacity [s27(2)] and including provision in respect of the registration and disclosure of
 - a) Pecuniary interest and
 - b) Interests other than pecuniary interests. [s28(2)]
- (3) Power to revise the existing Code of Conduct or adopt a replacement Code of Conduct. [s28(5)]

- (4) Duty to put in place arrangements to investigate and make decisions on written allegations that a Member or Co-opted Member of the Council has failed to comply with the Code of Conduct. [s28(6)]
- (5) Duty to appoint one or more independent persons for the following purposes:
 - a) To give the Council views on any allegations it has decided to investigate, before a decision is reached;
 - b) At the discretion of the Council, to give the Council views on any other allegations; and
 - c) At the discretion of a Member, Co-opted Member or Member of a Town or Parish Council, to give the Member views on any allegations relating to the behaviour of that Member. [s28(7)]
- (6) Power to have regard to a Member's or Co-opted Member's failure in complying with the Code of Conduct, in deciding whether to take action in relation to that Member and what action to take.
- (7) Power to make Standing Orders to provide for the exclusion of a Member or Co-opted Member of the Council from a meeting while any discussion or vote takes place in which that person may not participate. [s31(10)]
- (8) Power to grant a Member or Co-opted Member a dispensation from the restriction on speaking and/or voting when any matter in which that person has a disclosable pecuniary interest is to be considered at a meeting of the Council or any of its committees, sub-committees, joint committees or joint sub-committees.
- (9) Overview of complaints handling and Local Government Ombudsman investigations, including the power to make payments or other benefits in cases of maladministration etc. (Section 92 of the Local Government Act 2000).

NB

1. Items 2, 3, 5 and 7 above can only be discharged by the full Council and cannot be delegated under s101 Local Government Act 1972. The role of the Audit and Standards Committee on these functions would be to make recommendations to Full Council in these matters.
2. It is proposed that function 8 is delegated to the Monitoring Officer in the first instance.

4. Planning Committee

4.1 Membership: 14 Members of the Council.

4.2 Mandatory Planning Committee Training

Members appointed to the Planning Committee must attend an annual mandatory training session, as prescribed by the Head of Service – Strategy and Planning, before taking part in the decision making process. It will also be necessary for Planning Committee Members to attend continuous refresher training as and when provided.

4.3 Functions and Delegations

To carry out all of the Council's functions as set out below and take all decisions except those delegated to the officers, provided that:-

- (a) in relation to the determination of all applications for planning permission (including applications for development made by the Council) a reference to full Council may be made by any three Members of the Committee indicating that it is their wish that an application be referred to full Council.

A reference to full Council must include, at the time of reference, a proposed motion of either refusal or approval with, in the case of refusal, the reasons for refusal and in the case of approval, any condition to be attached thereto; the item printed in the Council agenda will contain the Committee recommendation with the counter motion which may be moved.

- (b) in relation to all non-application matters, any other Member of the Council (who is not a Member of the Committee) may speak at meetings of the Committee only on invitation by the Chairman of the Committee.
1. Power to determine applications for planning permission. (Sections 70(1)(a) and (b) and 72 of the Town and Country Planning Act 1990 (c.8)).
 2. Power to determine applications to develop land without compliance with conditions previously attached. (Section 73 of the Town and Country Planning Act 1990).
 3. Power to grant planning permission for development already carried out. (Section 73A of the Town and Country Planning Act 1990).
 4. Power to decline to determine applications for planning permission. (Section 70A of the Town and Country Planning Act 1990).
 5. Duties relating to the making of determinations of planning applications. (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).

6. Power to determine applications for planning permission made by a local authority, alone or jointly with another person. (Section 316 of the Town and Country Planning Act 1990 and the Town and Country Planning General Regulations 1992 (S.I. 1992/1492))
7. Power to make determinations, give approvals and agree certain other matters relating to the exercise of permitted development rights. (Parts 6, 7, 11, 17, 19, 20, 21 to 24, 26, 30 and 31 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 (S.I. 1995/418)).
8. Power to enter into agreements regulating development or use of land. (Section 106 of the Town and Country Planning Act 1990).
9. Power to issue a certificate of existing or proposed lawful use or development. (Sections 191(4) and 192(2) of the Town and Country Planning Act 1990).
10. Power to serve a completion notice. (Section 94(2) of the Town and Country Planning Act 1990).
11. Power to grant consent for the display of advertisements. (Section 220 of the Town and Country Planning Act 1990 and the Town and Country Planning (Control of Advertisements) Regulations 1992).
12. Power to authorise entry onto land. (Section 196A of the Town and Country Planning Act 1990).
13. Power to require the discontinuance of a use of land. (Section 102 of the Town and Country Planning Act 1990).
14. Power to serve a planning contravention notice, breach of condition notice or stop notice. (Sections 171C, 187A and 183(1) 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 (c. 10)).
18. Duty to determine conditions to which old mining permissions, relevant planning permissions relating to dormant sites or active Phase I or II sites, or mineral permissions relating to mining sites, as the case may be, are to be subject. (Paragraph 2(6)(a) of Schedule 2 to the Planning and Compensation Act 1991, paragraph 9(6) of Schedule 13 to the Environment Act 1995 (c. 25) and paragraph 6(5) of Schedule 14 to that Act).
19. Power to require proper maintenance of land. (Section 215(1) of the Town and Country Planning Act 1990).

20. Power to determine applications for listed building consent, and related powers. (Sections 16(1) and (2), 17, 27(2) and 33(1) of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990 (c.9)).
21. Power to determine applications for conservation area consent. (Section 16(1) of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990, as applied by section 74(3) of that Act).
22. 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 Buildings in Conservation Areas) Act 1990 and regulations 3 to 6 and 13 of the Town and Country Planning (Listed Buildings and Buildings in Conservation Areas) Regulations 1990 and paragraphs 8, 15 and 22 of Department of the Environment Circular 14/97).
23. Power to serve a building preservation notice, and related powers. (Sections 3(1) and 4(1) of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990).
24. Power to issue enforcement notices in relation to demolition of unlisted building in conservation area. (Section 38 of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990).
25. Power 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 Buildings in Conservation Areas) Act 1990).
26. Power to apply for an injunction in relation to a listed building. (Section 44A of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990).
27. Power to execute urgent works. (Section 54 of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990).
28. 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).
29. Protection of Hedgerows - The Hedgerows Regulations 1997 (S.I. 1997/1160).
30. Making of Limestone Pavement Orders – (Section 34(2) of the Wildlife and Countryside Act 1981 (c. 69)).
31. The obtaining of information under section 330 of the Town and Country Planning Act 1990 as to interests in land.*
32. The obtaining of particulars of persons interested in land under section 16 of the Local Government (Miscellaneous Provisions) Act 1976.*
33. Power to authorise stopping-up or diversion footpath or bridleway. (Section 257 of the Town and Country Planning Act 1990).
34. Power to extinguish public rights of way over land held for planning purposes. (Section 258 of the Town and Country Planning Act 1990).

35. Power to enter into agreements with respect to means of access. (Section 35 of the Countryside and Rights of Way Act 2000 (c.37)).
 36. Power to provide access in absence of agreement. (Section 37 of the Countryside and Rights of Way Act 2000).
 37. Power to deal with complaints relating to High Hedges under Part 8 of the Anti-Social Behaviour Act 2003.
- (* *Local choice functions determined at the discretion of the Council to be the responsibility of the Planning Committee rather than the Executive).*

4.4 Planning Committee – Other Matters

- Audio Recording – all formal meetings of the Planning Committee will be audio recorded in their entirety.
- Formal Site Visits – attendance at formal site visits organised by officers are compulsory for Planning Committee Members. Members who are not present at the formal site visits will be permitted to stay and contribute to the debate but will be precluded from voting on the relevant application(s).
- Notified D List Referrals – Members who have called in a planning application to be considered by the Planning Committee must attend the relevant meeting, send a Member on their behalf or provide an apology / reason for non-attendance. **In the interests of ethics and probity Members are NOT able to call in an application in which they have a disclosable pecuniary interest or personal and prejudicial interest.**

4.5 Members' Rights to Speak at Planning Committee

- (1) Members of the Council who are not Members of the Planning Committee may attend and speak to planning applications at meetings of the Committee for a maximum of five minutes.
- (2) Members of the Council who are not Members of the Planning Committee may attend and speak to planning applications at meetings of the Committee that are subject to the public speaking scheme for a maximum of five minutes which may be interspersed throughout the Committees' deliberations.
- (3) Members of the Council who are not Members of the Planning Committee who attend and speak to planning applications at meetings of the Committee that are subject to the public speaking scheme are encouraged to submit a brief summary of the issues in advance of the meeting to be circulated to Members of the Planning Committee.

- (4) The Chairman of the Planning Committee will exercise discretion at all times in relation speakers and the length of time allowed to speak.

4.6 Parish and Town Council Speaking Rights at Planning Committee

- (1) A formally nominated representative of a relevant parish or town council may register to speak at a Planning Committee meeting on:
- an individual householder planning application;
 - any minor/other planning application including any non-major planning application (i.e. listed planning consents or developments up to nine units or up to 1,000 sqm of commercial floor space; and
 - any major planning application of 10 units and above or above 1,000 sqm of commercial floor space.

subject to the following restrictions:

- a) the parish / town council must have made a submission on the application before the Agenda was published;
 - b) pre-registered their wish to speak, confirmed they are the formally nominated representative of the parish / town council, identified the agenda item they wish to speak to and confirmed their contact details;
 - c) only one representative may register to speak in favour of or against any application and at the meeting may only speak for a maximum of five minutes;
 - d) where the application relates to a development on the parish boundary, only one speaker will be permitted as nominated by the parish / town council by resolution.
- (2) Planning applications which are decided by officers under the Council's scheme of delegation do not come before the Planning Committee and parish / town council speaking rights do not apply in respect of them.
- (3) The Chairman of the Planning Committee will exercise discretion at all times in relation speakers and the length of time allowed to speak.

4.7 Public Speaking Rights at Planning Committee

- (4) A member of the public may register to speak at a Planning Committee meeting on:
- an individual householder planning application;
 - any minor/other planning application including any non-major planning application (i.e. listed planning consents or developments up to nine units or up to 1,000 sqm of commercial floor space; and

- any major planning application of 10 units and above or above 1,000 sqm of commercial floor space.

subject to the following restrictions:

- e) the member of the public must have made a submission on the application before the Agenda was published;
 - f) pre-registered their wish to speak, identified the agenda item they wish to speak to and confirmed their contact details;
 - g) where the application before the Committee is an individual householder planning application only one member of the public may register to speak in favour of or against the application and at the meeting may only speak for a maximum of five minutes;
 - h) where the application before the Committee is a 'minor application' no more than two members of the public may register to speak in favour of or against the application and at the meeting each person may only speak for a maximum of five minutes;
 - i) where the application before the Committee is a 'major application' no more than three members of the public may register to speak in favour of or against the application and at the meeting each person may only speak for a maximum of five minutes.
- (5) Planning applications which are decided by officers under the Council's scheme of delegation do not come before the Planning Committee and public speaking rights do not apply in respect of them.
- (6) The Council's Code of Practice for the scheme can be found on the website at the following link:

<http://www.rother.gov.uk/speakingatplanningcommittee>

5. Licensing and General Purposes Committee

5.1 Membership: 12 Members of the Council.

5.2 Mandatory Licensing & General Purposes Committee Training

Members appointed to the Licensing & General Purposes Committee must attend mandatory licensing training, as prescribed by Legal Services before being selected to serve on a Licensing Panel. It will also be necessary for Members to attend continuous refresher training as and when provided.

5.3 Functions and Delegations

To carry out all of the Council's functions as set out below and take all decisions except those delegated to the officers, provided that:-

- (a) Any Member of the Council (who is not a Member of the Committee) may address the Committee or Panel:
 - i) in support of applications for benefits and discretionary relief insofar as such applications affect the Ward which the Member represents on the Council; and
 - ii) in respect of applications for Public Entertainment Licences insofar as such applications affect the Ward which the Member represents on the Council.
- (b) Any Member of the Council (who is not a Member of the Committee) may speak at meetings of the Committee on an issue which alone affects the Ward which the Member represents on the Council;
- (c) Any other Member of the Council (who is not a Member of the Committee) may speak at meetings of the Committee only on invitation by the Chairman of the Committee;
- (d) 3 Members of the Committee may, at a meeting of the Committee when a resolution is under consideration and before it is passed, veto any item being dealt with in such manner and require submission to the Council for confirmation.
 1. Power to register and license premises for the preparation of food. (Section 19 of the Food Safety Act 1990 (c. 16)).
 2. The determination of an appeal against any decision made by or behalf of the authority.*
 3. The appointment of Review Boards under regulations under sub-section (4) of section 34 (determination of claims and reviews) of the Social Security Act 1998.*
 4. Power to make closing order with respect to take-away food shops. (Section 4 of the Local Government (Miscellaneous Provisions) Act 1982 (c.30)).

5. Duty to appoint an electoral registration officer. (Section 8(2) of the Representation of the People Act 1983 (c. 2)).
6. Power to assign officers in relation to requisitions of the registration officer. (Section 52(4) of the Representation of the People Act 1983).
7. Functions in relation to parishes and parish councils. (Part II of the Local Government and Rating Act 1997 (c. 29) and subordinate legislation under that Part).
8. Power to dissolve small parish councils. (Section 10 of the Local Government Act 1972).
9. Power to make orders for grouping parishes, dissolving groups and separating parishes from groups. (Section 11 of the Local Government Act 1972).
10. Duty to appoint returning officer for local government elections. (Section 35 of the Representation of the People Act 1983).
11. Duty to provide assistance at European Parliamentary elections. (Paragraph 4(3) and (4) of Schedule 1 to the European Parliamentary Elections Act 1978 (c. 10)).
12. Duty to divide constituency into polling districts. (Section 18 of the Representation of the People Act 1983).
13. Power to divide electoral divisions into polling districts at local government elections. (Section 31 of the Representation of the People Act 1983).
14. Powers in respect of holding of elections. (Section 39(4) of the Representation of the People Act 1983).
15. Power to pay expenses properly incurred by electoral registration officers. (Section 54 of the Representation of the People Act 1983).
16. Power to fill vacancies in the event of insufficient nominations. (Section 21 of the Representation of the People Act 1985).
17. Duty to declare vacancy in office in certain cases. (Section 86 of the Local Government Act 1972).
18. Duty to give public notice of a casual vacancy. (Section 87 of the Local Government Act 1972).
19. Power to make temporary appointments to parish councils. (Section 91 of the Local Government Act 1972).
20. Power to determine fees and conditions for supply of copies of, or extracts from, elections documents. (Rule 48(3) of the Local Elections (Principal Areas) Rules 1986 (S.I. 1986/2214) and rule 48(3) of the Local Elections (Parishes and Communities) Rules 1986 (S.I. 1986/2215)).

21. Power to submit proposals to the Secretary of State for an order under section 10 (pilot schemes for local elections in England and Wales) of the Representation of the People Act 2000. (Section 10 of the Representation of the People Act 2000 (c. 2)).
22. Functions relating to local government pensions, etc. (Regulations under section 7, 12 or 24 of the Superannuation Act 1972 (c. 11)).
23. Power to make standing orders. (Section 106 of, and paragraph 42 of Schedule 12 to, the Local Government Act 1972).
24. Power to appoint staff, and to determine the terms and conditions on which they hold office (including procedures for their dismissal). (Section 112 of the Local Government Act 1972).
25. Power to make standing orders as to contracts. (Section 135 of the Local Government Act 1972).
26. Any function under a Local Act other than a function specified or referred to in regulation 2 or Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000.*
27. To consider appeals against dismissal, grading and grievances by employees of the Council other than the three statutory appointees (ie Head of Paid Service, Monitoring Officer and Chief Finance Officer).
28. To determine annual pay awards within existing Council policy and budgetary provision.
29. Any function related to contaminated land.*
30. The discharge of any function relating to the control of pollution or the management of air quality.*
31. The service of any abatement notice in respect of a statutory nuisance.*
32. The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the authority's area.*
33. The inspection of the authority's area to detect any statutory nuisance and the investigation of any complaint as to the existence of a statutory nuisance.*
34. Power to extinguish public right of way over land acquired for clearance. (Section 294 of the Housing Act 1981 (c.68)).
35. Duty to make arrangements for proper administration of financial affairs etc. (Section 151 of the Local Government Act 1972).
36. Power to appoint officers for particular purposes (appointment of "proper officers"). (Section 270(3) of the Local Government Act 1972).
37. The making of agreements with other local authorities for the placing of staff at the disposal of those other authorities.*

38. Power to make an order identifying a place as a designated public place for the purposes of police powers in relation to alcohol consumption. (Section 13(2) of the Criminal Justice and Police Act 2001 (c.16)).

(* *Local choice functions determined at the discretion of the Council to be the responsibility of the Licensing and General Purposes Committee rather than the Executive*).

6. General Licensing Panel

6.1 Membership: 3 Members of the Licensing & General Purposes Committee.

6.2 Functions and Delegations

1. Power to issue licences authorising the use of land as a caravan site ("site licences"). (Section 3(3) of the Caravan Sites and Control of Development Act 1960 (c.62)).
2. Power to license the use of moveable dwellings and camping sites. (Section 269(1) of the Public Health Act 1936 (c.49)).
3. Power to register pool promoters. (Schedule 2 to the Betting, Gaming and Lotteries Act 1963 (c.2)).
4. Power to grant track betting licenses. (Schedule 3 to the Betting, Gaming and Lotteries Act 1963).
5. Power to license inter-track betting schemes. (Schedules 5ZA to the Betting, Gaming and Lotteries Act 1963).
6. Power to grant permits in respect of premises with amusement machines. (Schedule 9 to the Gaming Act 1968 (c.65)).
7. Power of licensing for all matters under the Licensing Act 2003 including premises licensing, personal licensing, temporary event notices and review of premises licences.
8. Power of licensing for all matters under the Gambling Act 2005 (following the appointed date) including premises licensing, temporary use notices and review of premises licences
9. Power to register societies wishing to promote lotteries. (Schedule 1 to the Lotteries and Amusements Act 1975 (c.32)).
10. Power to grant permits in respect of premises where amusements with prizes are provided. (Schedule 3 to the Lotteries and Amusements Act 1976).
11. Power to license sex shops and sex cinemas. (The Local Government (Miscellaneous Provisions) Act 1982 s.2 and Schedule 3).

12. Power to license performances of hypnotism. (The Hypnotism Act 1952 (c.46)).
13. Power to license premises of acupuncture, tattooing, ear-piercing and electrolysis. (Sections 13 to 17 of the Local Government (Miscellaneous Provisions) Act 1982).
14. Power to license pleasure boats and pleasure vessels. (Section 94 of the Public Health Acts Amendment Act 1907 (c.53)).
15. Duty to keep lists of persons entitled to sell non-medicinal poisons. (Sections 3(1)(b)(ii), 5, 6 and 11 of the Poisons Act 1972 (c.66)).
16. Power to license dealers in game and the killing and selling of game. (Sections 5, 6, 17, 18 and 21 to 23 of the Game Act 1831 (c.32); sections 2 to 16 of the Game Licensing Act 1860 (c.90), section 4 of the Customs and Inland Revenue Act 1883 (c.10), Sections 12(3) and 27 of the Local Government Act 1874 (c.73), and section 213 of the Local Government Act 1972 (c.70)).
17. Power to license scrap yards. (Section 1 of the Scrap Metal Dealers Act 1964 (c.69)).
18. Power to issue, amend or replace safety certificates (whether general or special) for sports grounds. (The Safety of Sports Ground Act 1975 (c.52)).
19. Power to issue, cancel, amend or replace safety certificates for regulated stands at sports grounds. (Part III of the Fire Safety and Safety of Places of Sport Act 1987 (c.27)).
20. Power to issue fire certificates. (Section 5 of the Fire Precautions Act 1972 (c.40)).
21. Power to license premises for the breeding of dogs. (Section 1 of the Breeding of Dogs Act 1973 (c.60) and section 1 of the Breeding and Sale of Dogs (Welfare) Act 1999 (c.11)).
22. Power to license pet shops and other establishments where animals are bred or kept for the purposes of carrying on a business. (Section 1 of the Pet Animals Act 1951 (c.35), section 1 of the Animal Boarding Establishments Act 1963 (c.43), the Riding Establishments Acts 1964 and 1970 (1964 c.70 and 1970 c.70), section 1 of the Breeding of Dogs Act 1973 (c.60) and sections 1 and 8 of the Breeding and Sale of Dogs (Welfare) Act 1999).
23. Power to register animal trainers and exhibitors. (Section 1 of the Performing Animals (Regulation) Act 1925 (c.38)).
24. Power to license zoos. (Section 1 of the Zoo Licensing Act 1981 (c.37)).
25. Power to license dangerous wild animals. (Section 1 of the Dangerous Wild Animals Act 1976 (c.38)).

26. Power to license knackers' yards. (Section 4 of the Slaughterhouses Act 1974. See also the Animal By-Products Order 1999 (SI 1999/646)).
27. Power to license persons to collect for charitable and other causes. (Section 5 of the Police, Factories etc (Miscellaneous Provisions) Act 1916 (c.31) and section 2 of the House to House Collections Act 1939 (c.44)).
28. Power to grant consent for the operation of a loudspeaker. (Schedule 2 to the Noise and Statutory Nuisance Act 1993 (c.40)).
29. Power to approve meat produce premises. (Regulations 4 and 5 of the Meat Products (Hygiene) Regulations 1994 (SI 1994/3082)).
30. Power to approve premises for the production of minced meat and meat preparations. (Regulation 4 of the Minced Meat and Meat Preparations (Hygiene) Regulations 1995 (SI 1995/3205)).
31. Power to approve dairy establishments. (Regulations 5 and 7 of the Dairy Products (Hygiene) Regulations 1995 (SI 1995/1086)).
32. Power to approve egg produce establishments. (Regulation 5 of the Egg Products Regulations 1993 (SI 1993/1520)).
33. 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. (Schedule 1A to the Food Safety (General Food Hygiene) Regulations 1995 (SI 1995/1763)).
34. Power to approve fish products premises. (Regulation 24 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998 (SI 1998/994)).
35. Power to approve dispatch or purification centres. (Regulation 11 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998).
36. Power to register fishing vessels on board which shrimps or molluscs are cooked. (Regulation 21 of the Food Safety (Fisher Products and Live Shellfish) (Hygiene) Regulations 1998).
37. Power to approve factory vessels and factory produce establishments. (Regulation 24 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998).
38. Power to register auction and wholesale markets. (Regulation 26 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998).
39. Duty to keep a register of food business premises. (Regulation 5 of the Food Premises (Registration) Regulations 1991 (SI 1991/2828)).
40. Power to register food business premises. (Regulation 9 of the Food Premises (Registration) Regulations 1991).

41. Functions under any of the "relevant statutory provisions" within the meaning of Part 1 (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 authority's capacity as an employer. (Part 1 of the Health and Safety at Work etc Act 1974 (c.37)).

7. Taxi and Private Hire Licensing Panel

7.1 Membership: 3 Members of the Licensing & General Purposes Committee.

7.2 Functions and Delegations

1. Powers for licensing hackney carriages and private hire vehicles:
 - a. as to hackney carriages, the Town Police Clauses Act 1847 (10 & 11 Vict. c.89), as extended by section 171 of the Public Health Act 1875 (28 & 39 Vict. c.55), and section 15 of the Transport Act 1985 (c.67); and sections 27, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976 (c.57); and
 - b. as to private hire vehicles, sections 48, 57, 58, 60, 62, 70, 75 and 79 of the Local Government (Miscellaneous Provisions) Act 1976).
2. Powers for licensing of drivers of hackney carriages and private hire vehicles. (Sections 51, 53, 55, 56, 57, 61 and 79 of the Local Government (Miscellaneous Provisions) Act 1976); and S.37, 37A Disability Discrimination Act 1995.
3. These provisions include the issues of grant, refusal, suspension, and revocation of driver, operator, and vehicle licences; applications for exemptions to display a vehicle plate and applications for exemptions under the Disability Discrimination Act.
4. Power to administer penalty points under the Council's Penalty Scheme for drivers and operators reported to the Panel for breaches of the scheme.

8. Overview and Scrutiny Committees

8.1 GENERAL RESPONSIBILITIES

(a) **Policy development and review.** Overview and Scrutiny Committees may:

- i) assist the Council and the Executive in the development of its budget and policy framework by in-depth analysis of policy issues;
- ii) conduct research, community and other consultation in the analysis of policy issues and possible options;
- iii) consider and implement mechanisms to encourage and enhance community participation in the development of policy options;
- iv) question Members of the Executive and/or the Head of Paid Service, Executive Directors or Heads of Service about their views on issues and proposals affecting the area; and
- v) liaise with other external organisations operating in the area, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working, and challenge the relevance of joint working, and in particular any service level agreements, in the delivery of the Council's 4 Aims.

(b) **Scrutiny.** Overview and Scrutiny Committees may:

- i) review and scrutinise the decisions made by and performance of the Executive and/or council officers both in relation to individual decisions and the impact of those decisions over time;
- ii) review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas;
- iii) question Members of the Executive and/or the Head of Paid Service, Executive Directors and Heads of Service about their decisions and performance, whether generally in comparison with service plans and targets, over a period of time, or in relation to particular decisions, initiatives or projects;
- iv) make recommendations to the Executive and/or Council arising from the outcome of the scrutiny process;
- v) review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address the Overview and Scrutiny Committee and local people about their activities and performance; and
- vi) question and gather evidence from any person (with their consent).

(c) **Task and Finish Groups**

In fulfilling their functions, Overview and Scrutiny Committees may, between them, create up to a maximum of 4 active task and finish groups at any one time. The size, quorum and political make up to be at the discretion of the Overview and Scrutiny Committees, with membership open to non Members of the Council. In creating such task and finish groups, consideration needs to be given to ensure that no "undue burdens" are placed on one specific service area.

8.2 SPECIFIC RESPONSIBILITIES

Overview and Scrutiny Committee

Membership: 12 Non-Executive Members of the Council

Functions

- Provision and management of cultural, domestic, housing, leisure and recreational activities and facilities.
- Food Hygiene, Health and Safety and Licensing.
- Crime and Disorder Committee – power to review or scrutinise the decisions or actions of the Safer Rother Partnership (SRP).
- Review of the provision of education, health and social services by other authorities and agencies.
- Economic Growth & Employment.
- Regeneration Partnerships.
- Tourism Promotion.
- Protection & enhancement of the Built and Natural Environment.
- Sustainability issues.
- Planning and Transport.
- Emergency Planning.
- Community Help Points/Customers First.
- Local democracy and the achievement of effective, transparent and accountable decision making.
- Consultation arrangements (except budget consultation arrangements).
- Modernisation.

Performance Activity

- To scrutinise the work of the Executive in developing the Council's corporate strategy and make recommendations with regard to the development of the performance management aspects of corporate strategy and policy.
- To monitor the effective delivery of the Council's key plans, policies and strategies and to make recommendations for performance improvement. To consider quarterly performance monitoring reports.
- To monitor the Council's obligations to publish performance information and to use such information to drive improvement. To take an overview of the publication of the Council's Annual Report.
- To monitor the performance of the Council's significant partnerships including performance against contracts and service level agreements

Finance Activity

- To monitor the Council's capital and revenue budgets.
- To review and develop the Medium Term Financial Revenue Strategy; the Capital Strategy; the Asset Management Plan; and the Procurement Strategy.
- To review and, if necessary, develop the budget consultation process.

9. Appointment of Substitute Members of formal Committees and Sub-Committees

1. There shall be no substitution of members of the Audit and Standards Committee, Cabinet or Licensing Panels. Members of the Cabinet may not be substitutes on any Overview and Scrutiny Committees.
2. The political groups may appoint substitute Members from their own group in accordance with this Procedure Rule on committees and sub-committees. Only substitute Members who have undergone related training may be substituted to the Planning Committee.
3. Substitute Members will have all the powers and duties of any ordinary Member of the committee.
4. Political Groups will be permitted to nominate one substitute Member for each relevant Committee on which they have an allocated seat(s).
5. Substantive Members must organise their own substitute arrangements and confirm the attendance of a substitute to the Democratic Services Manager or Officer at least one clear working day prior to the commencement of the meeting (unless there are extenuating circumstances such as a medical emergency or some other family-related emergency); notification by electronic mail or telephone will suffice for these purposes.
6. The Chairman of a relevant meeting will seek confirmation of substitute Members present at the "Apologies and Substitutes" Agenda Item.
7. Substitutes arriving after the commencement of the meeting and for which prior notification has not been received will not be permitted to act as a substitute.
8. Where a substantive Member is substituted on a relevant Committee for more than 50% of the scheduled meetings of that Committee in any civic year, Group Leaders will be alerted and consideration given to the removal of the substantive Member.
9. Substitute Members may attend meetings in that capacity only:
 - i. to take the place of the substantive Member for whom they are the designated substitute;
 - ii. where the substantive Member will be absent for the whole of the meeting;
 - iii. has undertaken the mandatory training in the case of the Planning Committee; and
 - iii. after notifying the Democratic Services Manager no later than 1 clear working day prior to the commencement of the relevant meeting.