

STANDARDS COMMITTEE

Monday, 17 May 2004

11.00 a.m.

Conference Room 1,
Council Offices, Spennymoor

AGENDA and REPORTS

AGENDA

1. APOLOGIES

2. MINUTES

To confirm as a correct record the Minutes of the meeting held on 4th November 2003 (Pages 1 - 4)

3. MONITORING OFFICER'S UPDATE REPORT

(a) Update Report 1

- Training Arrangements
- Website Development
- Advice issued since the last meeting
- Review of Registers of Interest and Gifts and Hospitality
- Term of Office of Independent Members

(b) Update Report 2

- Section 66 Regulations

(Pages 5 - 14)

4. CONSULTATION UPON CONSTITUTIONAL CHANGES

(a) Part 3C : Responsibility for Functions

(b) Changes to licensing functions resulting from the Licensing Act 2003
(Pages 15 - 56)

5. ANY OTHER ITEMS WHICH THE CHAIRMAN DECIDES ARE URGENT

Members are respectfully requested to give the Chief Executive Officer notice of items they would wish to raise under the heading not later than 12 noon on the day preceding the meeting, in order that consultation may take place with the Chairman who will determine whether the item will be accepted.

N. Vaulks
Chief Executive Officer

Council Offices
SPENNYMOOR
10th May 2003

Mr. L. Petterson (Chairman) and

Councillors Mrs. B. Graham, A. Gray, Mrs. L. Hovvels, G.M.R. Howe and J. Wayman J.P.
Councillor J. Marr (Spennymoor Town Council)
Mr. I. Jamieson (Independent Member)

ACCESS TO INFORMATION

Any person wishing to exercise the right of inspection in relation to this Agenda and associated papers should contact
Liz North Tel 01388 816166 ext 4237

Item 2

SEDGEFIELD BOROUGH COUNCIL

STANDARDS COMMITTEE

Conference Room 1,
Council Offices,
Spennymoor.

Tuesday
4th November 2003

Time : 2.00 p.m.

Present: Mr. L. Petterson (Chairman and Independent Member) and
Councillors Mrs. B. Graham and A. Gray

Parish/Town Council Member
Councillor J. Marr

Independent Member
Mr. I. Jamieson

Apologies: Councillors Mrs. L. Hovvels, G.M.R. Howe and J. Wayman, J.P.

ST.3/03 MINUTES

The Minutes of the meeting held on 10th June 2003 were confirmed as a correct record and signed by the Chairman. (For copy see file of Minutes).

ST.4/03 TRAINING UPDATE

The Monitoring Officer gave details of the County Durham Ethical Standards Roadshows.

It was reported that two roadshows had already been held at Sedgefield Parish Hall on 18th September 2003 and Newton Aycliffe Leisure Centre on 29th October 2003. A further roadshow was to be held on 17th November 2003 in the Council Chamber, Council Offices, Spennymoor.

The roadshows included information regarding the changes to the Standards Committee and its role in determining issues relating to Member conduct, the new powers to impose penalties and a whole range of changes to the standards and ethics framework. All Borough and Parish Councillors had received notification of the events via the North Eastern and Regional Employers Organisation, which was assisting in the administration support for the bookings.

It was pointed out that the events formed part of the Council's Member Development Programme, however, the two roadshows at Sedgefield Parish Hall and Newton Aycliffe Leisure Centre had not been particularly well attended.

The Committee suggested that it might be necessary for the Monitoring Officer to hold a further event in the new year, if the event on 17th November 2003 was not well attended.

RECOMMENDED: That consideration be given to organising a further Ethical Standards Roadshow in the new year.

ST.5/03 DETERMINATION OF STANDARDS ALLEGATIONS BY THE STANDARDS COMMITTEE

Consideration was given to a report of the Monitoring Officer regarding the above. (For copy see file of Minutes)

It was noted that the Government had made the first part of the Regulations under Section 66 of the Local Government Act 2000 to enable the Ethical Standards Officers of the Standards Board for England to refer allegations to the Standards Committee or a Sub-Committee of the Standards Committee for local determination, once the Ethical Standards Officer had completed an investigation of, and report on the allegation.

A further set of Section 66 Regulations would be made later in the year once the Local Government Bill was in force to allow an allegation to be referred down to the Monitoring Officer before investigation of the allegation so that the Monitoring Officer would arrange the investigation and report to the Standards Committee or Sub-Committee.

It was pointed out that the Standards Board had issued guidance on procedures for dealing with referred allegations and a model procedure was detailed in the appendix to the report.

Members were given details of the types of issues that would be considered at local hearings and the range of sanctions that could be imposed.

The report also made reference to guidance received from the Standards Board regarding the Members' Allowances Scheme and the publicity of hearings.

RECOMMENDED: That the report be recommended to Council, for approval, of all consequential amendments to the Constitution, Members' Allowances Scheme and the remit of the Standards Committee.

ST.6/03 MEDIA PROTOCOL FOR STANDARDS COMMITTEE MEMBERS

Consideration was given to a report of the Monitoring Officer setting out a protocol for dealing with the media in respect of complaints and investigations considered by the Standards Committee. (For copy see file of Minutes).

It was explained that the purpose of the protocol was to ensure a consistent approach and equality of treatment for any Member who was the subject of a complaint or investigation. It was designed to ensure consistency with existing protocols and compliance with relevant Acts and Codes of Practice.

With regard to the procedure for issuing a Standards Committee press release, it was reported that the Member, subject of the investigation, would be given copies of any release and statements as well as members of the Committee.

It was also noted that arrangements would be made for the Council's Press and Public Relations Officer to be in attendance at all hearings, with exception of those held in private under the personal circumstances category of exempt information, and for transcripts to be prepared of the proceedings.

RECOMMENDED: That the protocol be recommended for adoption by Council, as an addition to the Council's Constitution.

ST.7/03 CASE SBE2166.03 CONSIDERED BY THE STANDARDS BOARD FOR ENGLAND

Consideration was given to a summary outlining the conclusions reached in the above case. (For copy see file of Minutes).

Members noted that the Ethical Standards Officer had found that no action needed to be taken.

RECOMMENDED: That the information be received.

CHAIRMAN OF MEETING HELD ON 17th May 2004

ACCESS TO INFORMATION

Any person wishing to exercise the right of inspection, etc., in relation to these Minutes and associated papers should contact Mrs. G. Garrigan, Spennymoor (01388) 816166, Ext. 4240.

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Item 3

ITEM NUMBER:

**REPORT TO
STANDARDS COMMITTEE**

17TH MAY 2004

REPORT OF MONITORING OFFICER

MONITORING OFFICER'S UPDATE REPORT 1

1. TRAINING ARRANGEMENTS

As reported to the last Standards Committee, training events, as part of the County Durham Standards and Ethics Roadshow, took place at the Parish Hall, Sedgefield, on the 18th September 2003, at Newton Aycliffe Leisure Centre, on the 29th October 2003, and at the Council Chamber, Sedgefield Borough Council on the 17th November 2003.

Topics covered by the courses included: a review of the Standards and Ethics Framework under Part 2 of the Local Government Act 1972; the examination of the Role of the Monitoring Officer and the Standards Committee and its new powers in respect of determination; the examination of key points of the Code of Conduct for Members; the position of dual-hatted planning members and a presentation of the Standards Board's latest video was made.

A further feedback training session took place at the Council Offices, Sedgefield Borough Council on the 20th February 2004.

It is intended that a further training event will take place later this year.

2. WEBSITE DEVELOPMENT

Lack of resources and capacity have delayed the production of website based registers. However, recently further work has been undertaken and a Standards and Ethics link to the Council's website and intranet is likely to go live in the next few months.

3. ADVICE ISSUED SINCE LAST MEETING OF STANDARDS COMMITTEE ON THE 4TH NOVEMBER 2003

- MO27 : Standards Board Bulletin No. 14.
- MO28 : Notification of Bi-Annual Review of Registers of Interests and Gifts and Hospitality.
- MO29 : Standards Board Bulletin No. 15.
- MO30 : Information about Publications on Standards Issues.
- MO31 : Code of Conduct : Registers of Interests : Advice about Freemasonry and Political Organisations.

- MO32 : Standards Board Bulletin No. 17.
- MO33 : Links to currently available Standards Board advice.
- Standards Board Bulletin 19.

4. REVIEW OF REGISTERS OF INTERESTS AND GIFTS AND HOSPITALITY

5. TERM OF OFFICE OF INDEPENDENT MEMBERS

To note that at the Annual Council, reference will be made to the term of office of independent members: that tenure of independent members will subsist until May 2007 unless vacated before then. Vacant posts will be advertised in accordance with current regulations.

6. RECOMMENDATIONS

To receive the information in this report.

ITEM NUMBER:

**REPORT TO
STANDARDS COMMITTEE**

17TH MAY 2004

REPORT OF MONITORING OFFICER

**MONITORING OFFICER'S UPDATE REPORT 2
SECTION 66 REGULATIONS**

1. INTRODUCTION

The Office of the Deputy Prime Minister and the Standards Board for England are consulting on proposed regulations and guidance which would enable the Standards Board to refer complaints of member misconduct down to the Local Authority's Monitoring Officer before investigation, so that it would be the Monitoring Officer's responsibility to arrange for the local investigation of the complaint and for the matter to be reported to the Standards Committee for determination.

At present, matters can only be referred down for local determination after the SBE's Ethical Standards Officer has completed an investigation and concluded that there has been a breach of the Code of Conduct, and that the matter is a level of gravity which can be dealt with appropriately within the Standards Committee's maximum sanction of three months' suspension. Once the proposed regulations and guidance are in place, it is anticipated that the Standards Board for England will refer for local investigation the majority of cases which appear to be of a gravity which is appropriate for local determination. The Standards Committee will need to adopt a procedure for such local investigations and the Standards Board for England intends to publish further guidance on the code of local investigations, on which a further report to the Committee will be made in due course.

This report sets out the key issues in the consultation and proposed responses. Responses are sought by the 18th May 2004.

2. KEY ISSUES IN THE CONSULTATION

(a) Criteria for reference for local investigation

(i) The issue

The Standards Board proposes the following as the criteria by which ESO's would decide whether a particular matter should be sent to the Monitoring Officer for local investigation:

- The matter does not appear to need the heavier penalties only available to the Adjudication Panel for England.

- The matter is an isolated occurrence and is unlikely to be repeated.
- The member has made a prompt, adequate and unreserved apology and whether adequate remedial action has been taken.
- There is evidence that a local investigation would be perceived as unfair or biased.
- The allegation is of an entirely local nature and does not raise matters of principle.
- There are any relevant local political issues that may have a bearing on a local investigation.

(ii) Proposed response

Whilst the proposed criteria address the main issues?

- If an apology is adequate, it is irrelevant whether it is unreserved.
- The issue of an apology is entirely separate from whether remedial action has been taken.
- The presence of such local political issues is encompassed within the probability that the investigation would be perceived as unfair or biased and so can be deleted.
- The reference of a matter for local investigation carries with it a decision that the matter should be determined at a local hearing. One of the criteria should therefore be whether there are any reasons for believing that the matter will not be determined fairly and rigorously at a local hearing.

(b) The scope of investigatory powers

(i) The issue

The consultation paper proposes that the Monitoring Officer should arrange for someone (probably not the Monitoring Officer himself as he may wish to continue to act as the Chief Legal Adviser to the Standards Committee, but more likely another senior officer, and officer of a neighbouring authority or an external investigator) to undertake the investigation and prepare a report to the Standards Committee. The Government proposes to give the Investigating Officer a power to require the authority to afford him access to any documents in his possession, but does not intend to make it a criminal offence to fail to co-operate with the investigation, as would be the case in an investigation by an ESO.

(ii) Proposed response

Whilst a criminal sanction would be inappropriate for a local investigation, there should be a statutory requirement for members and officers to co-operate with a local investigation which, ultimately, could be enforced through the civil courts, and the Guidance should make it clear that failure to co-operate with a local investigation could itself give rise to a further complaint of conduct likely to bring the member's office or the authority into disrepute.

(c) Reference back to the Standards Board

(i) The issue

The ESO will refer the case down to the Monitoring Officer before it has been investigated. So the Government proposes that, if the Investigating Officer considers that the matter is more serious than first thought and that the Standards Committee's maximum sanction of 3 months' suspension would be inadequate, he should be able to request the ESO to take the matter back so that it can go on to a Case Tribunal, with powers to suspend for up to a year or to disqualify for up to 5 years.

(ii) Proposed response

Such a facility for referring a complaint back to the Standards Board is welcome, but should be extended so that the Standards Committee can also refer a matter back if, in the course of a hearing, it concludes that its available sanctions are inadequate for the particular matter.

(d) The procedure for local hearings

(i) The issues

The Government proposes that every case referred for local investigation should have to be resolved by the Standards Committee (or Sub-Committee) even if the Investigating Officer finds that there has been no breach of the Code or no action is required. In such cases, the Government proposes that the Committee should consider the Investigating Officer's report and, if it agrees with his finding that there has been no breach of the Code or no action is required, determine the matter accordingly. But if the Committee disagrees with such a finding or the Investigating Officer has found that there has been a breach of the Code, the matter would then go on to a full hearing.

(ii) Proposed response

It is absolutely correct that all cases should finally be determined by the Standards Committee, and that the Investigating Officer should not have a power to close a case if he finds that there has been no breach of the Code or no action is required. The proposed two-stage hearing

is cumbersome, and authorities should be given discretion to determine a matter involving a breach of the Code at a first meeting where it can do so fairly.

(e) Confidentiality of ESO's reports

(i) The issue

ESO's have developed a custom of marking their reports as "confidential". This has been taken to mean that, when an ESO's report finds that there has been no breach of the Code or no action is required, the Monitoring Officer is precluded from giving copies of such reports to the Standards Committee. No statutory confidentiality is proposed for Investigating Officers' reports, but the draft Guidance urges Investigating Officers to seek similar confidentiality.

(ii) Proposed response

It is important that the public see that all complaints of misconduct are dealt with rigorously, and that authorities have the opportunity to learn from ESO's reports and improve their procedures in order to avoid unjustified complaints. ESO's custom of marking reports as confidential is not justified by the Local Government Act and is contrary to the public interests. Accordingly, the opportunity should be taken to make it clear that such confidentiality should be limited to the course of the investigation but does not apply to completed reports.

(f) The 3 month time limit for hearings

(i) The issue

The current regulations require the Standards Committee to hold the hearing within 3 months of the ESO's report being referred to the Monitoring Officer. The Government proposes to extend this requirement, so that hearings following local investigations would have to be held within three months of the Investigating Officer completing his report. The model procedure for local hearings recommended by the Standards Board means that it is virtually impossible to hold a hearing within 2 months of the ESO's referring the matter to the Monitoring Officer, and the failure of the member to co-operate can easily push the hearing beyond the 3 month time limit. The requirement for a two stage hearing of local investigation cases will make this even more difficult to achieve.

(ii) Proposed response

The 3 month time limit is an admirable objective, but the regulations and guidance should make it clear that it is an objective rather than a strict requirement, and that the Standards Committee will still be able to determine the matter even if the hearing has not been held or completed within the 3 months.

(g) Seeking additional information

(i) The issue

The present regulations and the current proposals make no provision for the case where the Standards Committee does not feel that it has sufficient information at the hearing to come to a safe determination of the matter.

(ii) Proposed response

The current and the proposed regulations should be amended to enable the Standards Committee to commission additional evidence if, during the course of a local hearing, it does not feel that it has sufficient information to come to a safe determination of the matter. In practice, it might instruct the Investigating Officer to report back with such additional evidence.

(h) Evidence of additional breaches

(i) The issue

The proposals would limit the Investigating Officer to the specific matter referred by the ESO and do not allow the Standards Committee to consider and determine any possible additional breaches of the Code of Conduct which may be identified during the local investigation. Instead, any such additional matters would have to be reported to the Standards Board for investigation.

(ii) Proposed response

If the additional breaches of the Code are essentially aspects of the same conduct (such as rudeness to an officer being both disrespect to the officer and conduct likely to bring the member's office into disrespect) there would seem to be merit in allowing the Investigating Officer to add them into the investigation and for them all to be dealt with by the Standards Committee at the one hearing, provided that the member had due notice. However, where the additional breaches relate to a different matter, it is quite right that the additional matters should be sent to the Standards Board.

(i) Sanctions available to the Standards Committee

(i) The issue

At present the sanctions available to the Standards Committee include, censure, restriction of use of Council premises and resources, and total or partial suspension or training or an apology or conciliation. The Government recognises that this is inflexible, and proposes that the Standards Committee should be able to set a total or partial suspension until such time as the member submits a written apology or undertakes

training or conciliation. This is still inflexible as the Committee may well wish to require an apology, mandatory training and a total or partial suspension, or may wish to reduce the period of the suspension in the event that the member submits a written apology. Or the Committee may feel that a partial suspension should be accompanied by a restriction on access to Council premises or resources.

(ii) Proposed response

The Standards Committee should be able to impose any combination of the available sanctions, provided that the total period during which the member is subject to any suspension or restriction should not exceed 3 months. Accordingly the sanctions available to the Committee should be as follows:

“Any one, or a combination of, the following sanctions?

- (i) censure of that member:
- (ii) restriction for a maximum period of three months of that member’s access to the premises of the authority and the member’s use of the resources of the authority.
- (iii) partial suspension of that member for a maximum period of three months;
- (iv) suspension of that member for a maximum period of three months;
- (v) requirement to submit a written apology in a form satisfactory to the Standards Committee.
- (vi) requirement to undertake training as specified by the Standards Committee; and
- (vii) requirement to undertake conciliation as specified by the Standards Committee.

Provided that the maximum period during which the member shall be subject to a suspension or restriction shall not exceed 3 months.”

(j) Notification to the Standards Committee of reference for local investigation

(i) The issue

The draft guidance suggests that, when the ESO refers a matter to the Monitoring Officer for local investigation, the ESO will notify the member, the complainant and the Parish Clerk (if appropriate) that the matter has been referred for local investigation. It then suggest that, in order to maintain confidentiality, the Monitoring Officer should notify the members of the Standards Committee by confidential letter that he is

arranging an investigation, but should not name the complainant or the member, or give any details of the alleged breach of the Code of Conduct.

(ii) Proposed response

It is suggested that notification to the complainant, the member and the parish clerk should be undertaken by the Monitoring Officer rather than by the ESO, as the Monitoring Officer can then advise them who has been appointed to undertake the investigation. The proposed notification to the members of the Standards Committee appears to be completely pointless in the form suggested and so this requirement for notification should be dropped.

3. IMPLEMENTATION

We do not as yet have a likely date for implementation of the new regulations.

4. RECOMMENDATION

That the Committee approve the proposed response and instruct the Monitoring Officer to notify the Office of the Deputy Prime Minister and the Standards Board for England of its views.

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PART 3 - RESPONSIBILITY FOR FUNCTIONS

C. Officer Delegations

CHIEF EXECUTIVE OFFICER AND MULTI-DEPARTMENTAL

Approved by Council on 2004.

No.	Function	Proper/Designated Officer
CE1	Representation of the People Act 1983 S.8 Registration Officer	Chief Executive Officer
CE2	Representation of the People Act 1983 S.35 Returning Officer - Borough and Parish Elections	Chief Executive Officer
CE3	LGA 1972 - S.83 - Witness and receipt of Declarations of Acceptance of Office	Chief Executive Officer Head of Democratic Services Solicitor to the Council
CE4	LGA 1972 - S.84 - Acceptance of Resignations from Members of the Council	Chief Executive Officer (Proper Officer)
CE5	LGA 1972 - S.89(1)(b) - Receipt of notice of casual vacancy from two Local Government electors for the area. (Borough)	Chief Executive Officer (Proper Officer)
CE6	Local Elections (Parishes and Committees) Rules 1986 receipt of Notice of Request for an election from ten Local Government electors for the electoral area.	Chief Executive Officer (Proper Officer)
CE7	Initiation of legal proceedings, where appropriate, for non-compliance with Regulation 23 of the Representation of the People Regulations 2001.	Electoral Registration Officer
CE8	LGA 1972 - S.88 (2) - Convening of meeting of Council to fill casual vacancy in the office of Mayor	Chief Executive Officer (Proper Officer)
CE9	LGA 1972 - Schedule 12, Para.4(2)(b) Signature of summons to Council meetings.	Chief Executive Officer (Proper Officer)
CE10	LGA 1972 - Para.4(3) - Receipt of notices regarding address to which summons to meetings is to be sent.	Chief Executive Officer (Proper Officer)
CE11	LGA 1972 - S.12.Para.25(7) - Certification of resolutions.	Chief Executive Officer (Proper Officer)
CE12	Local Government Act 1972 - S.100B(2) Determination of reports to be excluded from public inspection.	Chief Executive Officer (Proper Officer)
CE13	Local Government Act 1972 - S.100B(7)(c) Determination of additional explanatory material to be	Chief Executive Officer (Proper Officer)

	available to any newspaper	
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CE14	Local Government Act 1972 - S.100C(2) Preparation of written summaries of those items taken in private.	Chief Executive Officer (Proper Officer)
CE15	Local Government Act 1972 - S.100F(2) Determination of which additional material is “exempt” and whether documents to be available to Members.	Chief Executive Officer (Proper Officer)
CE16	Local Government Act 1972 - S.10D(1)(a) Identification, listing and retention for public inspection for a period of four years from the date of the meeting of background papers to public reports. <i>NB: Agenda, Minutes and Public Reports must be kept on deposit for a period of six years from the date of the meeting.</i>	Chief Officer responsible for the preparation of a report or the first named Chief Officer in the heading of a Joint Report. (Proper Officer) <i>NB: Subject to the need to liaise with the “Proper Officer” (Chief Executive) responsible for agenda preparation.</i>
CE17	Local Government Act 1972 - S.100F(2) - Determination if documentation not required to be open to inspection by members of the Council.	Chief Officer who has in his/her possession or under his/her control the documents which are the subject of an application to inspect subject to the need to liaise with the “Proper Officer” (Chief Executive) responsible for agenda preparation.
CE18	Receipt of Notices of Motion	Chief Executive Officer
CE19	Determination as to whether or not a Member has a “need to know” in respect of attendance at a Committee of which he/she is not a Member.	Chief Executive Officer (in consultation with the Chairman, or in his/her absence, the Vice-Chairman of the Committee concerned).
CE20	LGA 2000 (S81) – Establish and maintain a register of Interests of Members and Co-opted Members	Monitoring Officer
CE21	LGA 2000 (S81(2)) – Receipt of notices from Members of financial and other interests	Monitoring Officer
CE22	LGA 2000 (S81) - Establish and maintain a Register for Members of receipt of gifts and hospitality.	Monitoring Officer
CE23 (formerly CE43)	LGA 1972 - S.13(3) - Parish Trustee - in the event of a parish not having a separate Parish Council.	Chief Executive Officer (Proper Officer)
CE24 (formerly CE44)	LGA 1972 - S.210(6) and (7) - Charity Functions of holders of offices with existing authorities transferred to holders of equivalent office with new authorities or, if there is no such office, to proper officers.	Chief Executive Officer (Proper Officer)

CE25 (formerly CE45)	LGA 1972 - S 225(1) - Receipt of documents deposited with the Council.	Chief Executive Officer (Proper Officer)
CE26 (formerly CE46)	LGA 1972 - S.236(9) - To send copies of byelaws for Parish records.	Chief Executive Officer (Proper Officer)
CE27 (formerly CE47)	LGA 1972 - S 236(10) - To send copies of byelaws to the County Council	Chief Executive Officer (Proper Officer)
CE28 (formerly CE48)	LGA 1972 - S 238 - Certification of byelaws	Chief Executive Officer (Proper Officer)
CE29 (formerly CE49)	Local Government and Housing Act 1989 - S.2(4) Receipt on deposit of the list of politically restricted posts.	Chief Executive Officer (Proper Officer)
CE30 (formerly CE50)	Local Government and Housing Act 1989 - S.15 Receipt of notifications under the Local Government (Committees and Political Groups) Regulations 1990	Chief Executive Officer (Proper Officer)
CE31 (formerly CE51)	Town Police Clauses Act 1847 - Street Closures To make orders under S.21 for the purposes of preventing obstruction to roads and streets within the Borough.	Chief Executive Officer in consultation with the appropriate Cabinet Member and Ward Members.
CE32 (formerly CE52)	Local Government Act 1972 - S234(1) and (2) - authentication of documents - any notice, order or other document which a Local Authority is required by or under any enactment to give, make or issue may be signed by the "Proper Officer" of the authority.	Any Chief Officer designated as the "Proper Officer" for that function.
CE33 (formerly CE53)	Local Government Act 1972 - S229(5) - Certification of photographic copies of documents	Chief Officer responsible for the function to which the documents related. (Proper Officer)
CE34 (formerly CE54)	Local Government and Housing Act 1989 - S.4 – Designation as Head of the Paid Service	Chief Executive Officer
CE35 (formerly CE55)	Local Government and Housing Act 1989 - S.5 – Designation as Monitoring Officer	Solicitor to the Council
CE36 (formerly CE56)	To incur expenditure considered necessary in response to emergency situations (Borough Emergency Plan).	Chief Executive Officer
CE37 (formerly CE57)	Power to determine fees and conditions for supply of copies of, or extracts from, elections documents.	Chief Executive Officer
CE38 (formerly CE58)	Environmental Information Regulations 1992. Issue in writing of refusal to supply information specifying reasons for decision.	Chief Executive Officer
CE39 (formerly CE59)	Land Charges Act 1975 S.5(1) Maintenance of Land Charges Register	Chief Executive Officer
CE40 (formerly CE60)	Power to institute proceedings to protect the ownership of Council owned land.	Chief Executive Officer (in consultation with the Solicitor to the Council)

CE41 (formerly CE61)	Housing Act 1980 - Implementation of Sale of Council Houses Schemes - Issue of Offer Notices	Chief Executive Officer
CE42 (formerly CE62)	Housing Act 1980 - Sale of Council Houses Issue of Notices to Complete	Chief Executive Officer
CE43 (formerly CE63)	Housing Act 1985 (Pt.16)(Housing Defects) Determination of Applications	Chief Executive Officer
CE44 (formerly CE64)	To instigate prosecutions under the Hedgerow Regulations 1997	Solicitor to the Council jointly with the Director of Neighbourhood Services in consultation with the Chairman and Vice-Chairman of the Development Control Committee.
CE45 (formerly CE65)	Appointment of all staff below Deputy Chief Officer or equivalent as defined in Part 2, Article 12 – Council Employees – Article 12.01(e) in accordance with agreed procedures.	Chief Executive Officer and appropriate Chief Officers.
CE46 (formerly CE66)	To authorise additional payments under Paragraphs 35(a) and 35(b) of the Charter.	Chief Officer in consultation with Head of Service Improvement
CE47 (formerly CE68)	Expenditure - Authority to place orders and enter into maintenance or other agreements.	Appropriate Chief Officer in consultation with the Director of Resources.
CE48 (formerly CE70)	Authority to appoint additional staff/ consultants on a short term basis in any emergency situation.	Chief Executive Officer, in consultation with the appropriate Chief Officer and Head of Service Improvement
CE49 (formerly CE72)	Authority to instigate legal proceedings, civil or criminal, or to defend or lodge appeals or otherwise respond to proceedings in order to protect the interests of the Council or the inhabitants of its area and to take such steps as may be necessary in the exercise of the Council's functions.	Chief Executive Officer in consultation with the Solicitor to the Council.
CE50 (formerly CE73)	Authority to approve sales of Council houses eligible for disposal within the Housing Act 1985 (or any modification or re-enactment thereof) and to take all necessary steps to complete those transactions.	Solicitor to the Council

Regulation of Investigatory Powers Act 2000		
CE51 (formerly CE74)	Authority to grant authorisations under Section 28 (Authorisation and Directed Surveillance) and Section 29 (Authorisation of Covert Human Intelligent Sources) in relation to their duties/responsibilities.	Solicitor to the Council *Director of Neighbourhood Services. *Director of Resources. *Head of Financial Services. *Director of Housing. <i>*specifically linked to those duties and functions for which they are responsible.</i>
CE52 (formerly CE75)	Authority to keep a central register of authorisations granted and generally monitor the issue of authorisations.	Solicitor to the Council
Freedom of Information Act		
CE53 (formerly CE76)	Authority to review and update the Council's Publication Scheme in consultation with the Cabinet Member for Resource Management.	Solicitor to the Council
CE54 (formerly CE77)	Authority to nominate an officer within Departments with the duty and responsibility to deal with the operational requirements of the Act, including the handling of requests for information, maintaining the necessary data and updating and submitting information comprised in the Publication Scheme.	Chief Executive Officer and appropriate Chief Officers
CE55	Delegations in Contract Procedure Rules at Part 4(G). (CPR refers to the Contract Procedure Rules at Part 4G)	CPR3(7) - Chief Officer delegation in respect of invitations to tender. CPR4(1), (3) and (4) - Chief Officer delegation in respect of invitations to tender. CPR5 - Chief Officer delegation in respect of invitations to tender. CPR6(2) - Chief Officer delegation in consultation with Cabinet Member in respect of invitations to tender. CPR7(1) - Chief Officer delegation in relation to contracts under £10,000. CPR9 - Chief Officer delegation in relation to emergency works.

Cont'd...

		<p>CPR11 - Chief Officer delegation : sales of vehicles, plant, machinery, equipment, etc.</p> <p>CPR16(1) - Chief Officer in consultation with appropriate Cabinet Member : acceptance of tenders.</p> <p>CPR20(1), (2) - Chief Officer delegation : signing of contracts.</p> <p>CPR24 - Chief Officer delegation, in consultation with appropriate Cabinet Member : expenditure in excess of tender sum.</p>
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**CE46 transferred back into CE from Resources – was R49
CE55 – new delegation.**

RESOURCES DEPARTMENT

Approved by Council on

2004.

No.	Function	Proper/Designated Officer
R1	Local Government Act 1972 Designation as Section 151 Officer.	Director of Resources (Proper Officer)
R2	<p>Account And Audit Regulations 2003</p> <p>Regulation 4 To ensure an adequate and effective system of financial management including a sound system of internal control, which includes arrangements for the management of risk. To review the effectiveness of the system on internal control at least once in a year.</p> <p>Regulation 5 To determine accounting records, including the form of accounts and supporting accounting records and accounting control systems.</p> <p>Regulation 6 To maintain an adequate and effective system of internal audit of the accounting records and of the system of internal control.</p> <p>Regulation 7 To ensure that an annual Statement of Accounts is prepared in accordance with proper practices and including all relevant information.</p> <p>Regulation 10 To ensure the signing and dating of the Statement of Accounts within the prescribed periods.</p> <p>Regulation 11 To publish the Statement of Accounts in the prescribed manner.</p> <p>Regulation 14 To make all relevant accounts and documents available for public inspection within the specified periods.</p> <p>Regulation 16 To give notice of public rights to the inspection of the Accounts by way of advertisement.</p>	Director of Resources

	<p>Regulation 18 To give notice of the conclusion of the audit of the Statement of Accounts.</p> <p>Regulation 19 To publish the annual Audit Letter received from the Auditor and to make copies available.</p> <p>Regulation 20 To deposit with each constituent authority of a joint committee, joint board or combined authority, a copy of the Auditor's Report and Statement of Accounts.</p> <p>Regulation 21 To give notice by advertisement of an extraordinary audit of accounts.</p>	
R3	<p>Statutory Determinations Authority to make determinations on items A and B and D to H set out in Annex C of Department of Environment circular 11/90.</p>	Director of Resources
R4	<p>Local Government Act 1972 – S.228 To maintain the appropriate documents to be made available for public inspection.</p>	Director of Resources
R5	<p>LGA 1972 – S.228(3) Accounts of "any proper officer" to be open to inspection by any Member of the Authority.</p>	Director of Resources
R6	<p>LGA 1972 – S.112 Signing of Cheques.</p>	Director of Resources Head of Financial Services Accountancy Services Manager Audit Services Manager Policy and Finance Manager
R7	<p>Expenditure Authority to pay all accounts and claims.</p>	Director of Resources
R8	<p>Salaries and Wages Responsibility for the payment of salaries and wages to all Council Employees.</p>	Director of Resources
R9	<p>Applications for Financial Assistance Applications for financial assistance to voluntary and charitable organisations.</p>	Director of Resources or Head of Financial Services in consultation with Cabinet Member (Supporting People)
R10	<p>Contracts Maintain a Register of all Contracts.</p>	Director of Resources

R11	Land, Building and Properties Authority to agree lease terms with tenants.	Director of Resources Valuation and Corporate Property Manager
R12	Housing Act 1985 Authority to make 'Well Maintained' payments where appropriate.	Director of Resources Valuation and Corporate Property Manager
R13	Land Compensation Act 1973 – S.29/30 Authority to make 'Home Loss' payments where appropriate.	Director of Resources Valuation and Corporate Property Manager
R14	The Housing Benefit (General) Regulations 1987 Determine the amount and benefit period of applications for housing benefit.	Director of Resources Head of Financial Services Revenue Services Manager
R15	Licences for Vehicular Crossings Agreement of terms.	Director of Resources
R16	Determine valuations when necessary in respect of:- (1) Grant aided land matters (e.g. for DOE/Inland Revenue purposes – Derelict Land Act 1982 S.1(5)). (2) Mortgages, insurance risks, etc.) Valuation and Corporate Property Manager)
R17	Land Compensation Act 1973 – S.37 Payment of Compensation.	Director of Resources
R18	Certification of Grant Claims Unless a specific claim has to be certified by Section 151 Officer.	Director of Resources Head of Financial Services Accountancy Services Manager Audit Services Manager
R19	Arrangements to dispose of Land Disposal of small areas of housing related land sold/leased under the agreed procedure. Authority to agree terms of disposal subject to the value of land not exceeding £7,000. (The limit is to be increased annually in line with price increases).	Director of Resources
R20	Administration Arrangements - Cars Administration of the Assisted Car Purchase and Contract Car Hire Schemes	Director of Resources

R21	<p>Insurances Responsibility for making arrangements to provide adequate insurance cover, including the use of external insurance agencies when necessary.</p> <p>Dealing with claims against the Council for which insurance cover has been arranged with an external insurance agency.</p> <p>Dealing with claims against the Council for which cover is provided by the Insurance Fund, subject to a maximum charge to the fund not exceeding £5,000 in respect of any one incident. (The limit is to be increased annually in line with price increases).</p>	Director of Resources
R22	<p>Stocks and Stores Ensure adequate arrangements have been made for the proper recording of all transactions and authority to write off surpluses and/or deficiencies.</p>	Director of Resources
R23	<p>Control of Income To make and maintain adequate arrangements to ensure the proper recording of all sums due and the collection, control, disposal and prompt and proper accounting for cash.</p>	Director of Resources
R24	<p>Banking Arrangements To make adequate arrangements with the Council Bankers concerning the various bank accounts and the control and issue of cheques, including the use of Giro Bank Accounts.</p>	Director of Resources
R25	<p>Loans, Borrowing and Investments Authority to raise and repay loans as and when necessary. Authority to sign loan documents and to monitor and comply with the Prudential code/indicators approved by the Council.</p>	Director of Resources
R26	<p>Leasing Authority to enter into and sign Lease Agreements. Responsible for the negotiation and management of Lease agreements.</p>	Director of Resources
R27	<p>Debt Recovery Authority to serve notices, enter into agreements, give receipts, make adjustments, institute proceedings and take any action available to the Council to collect or enforce the collection of any debts due to the Council.</p>	Director of Resources
R28	<p>Officers Conducting Proceedings Authority to nominate officers from time to time, within the Resources Department, to conduct proceedings on behalf of the Council in connection with the implementation of the actions as outlined in F28.</p>	Director of Resources

R29	Authority to Write Off Debts Authority to write off all former tenants arrears and all other miscellaneous debts where appropriate recovery procedures have been taken.	Director of Resources
R30	Voluntary Arrangements Authority to enter into voluntary arrangements with debtors regarding settlement where it would be to the benefit of the Council.	Director of Resources
R31	Overpaid Housing Benefit Authority to write off overpaid Housing Benefit where appropriate recovery procedures have been taken.	Director of Resources
R32	Houses in Possession Issue of Notice of Intent to seek possession. Authority to issue any 'Notices to Quit' as and when necessary.	Director of Resources Valuation and Corporate Property Manager
R33	Landlord and Tenant Act 1954 – S.25 Authority to issue Notices re. the expiration of Business Tenancies.	Director of Resources Valuation and Corporate Property Manager
R34	Determination of Appropriate Terms and Conditions – Sale of Shops Authority to determine appropriate terms and conditions for the sale of shops on HRA estates to existing tenants.	Director of Resources
R35	Determination of Appropriate Terms and Conditions – Industrial Land or Property Authority to agree appropriate terms and conditions for the sale of industrial land or property to existing tenants.	Director of Resources
R36	Agricultural Holdings (Notice to Quit) Act 1977 Authority to serve formal notice to terminate Agricultural Tenancies.	Director of Resources Valuation and Corporate Property Manager
R37	Coal Mining (Subsidence) Act 1991 Authority to issue Damage Notices.	Director of Resources Valuation and Corporate Property Manager
R38	Land Tribunal Act 1949 and Arbitration Act 1996 Authority to act as expert witness when necessary.	Valuation and Corporate Property Manager
R39	Agricultural Holdings Authority to consider applications for short term grazing licences.	Director of Resources Valuation and Corporate Property Manager
R40	Disposal of Houses and Land (The General Consents 1981) Authority to administer the procedures governing the sale of 'Difficult to Let' properties.	Director of Resources Valuation and Corporate Property Manager
R41	Land Compensation Act 1961 – S.17 Authority to seek informal planning advice.	Director of Resources Valuation and Corporate Property Manager
R42	Local Authority Mortgage Interest Rates To implement change of mortgage rates.	Director of Resources

R43	Standard Average Mortgage Rate To determine bi-annually the standard Average mortgage rate.	Director of Resources
R44	Local Government (Miscellaneous Provisions) Act 1976 Sec.16 and Town and Country Planning Act 1971 – S.284 Authority to conduct questionnaires regarding ownership/occupation of land.	Director of Resources Valuation and Corporate Property Manager
R45	The Council Tax Benefit (General) Regulations 1992 (as amended) Determine the amount and benefit period of applications for Council Tax Benefit.	Director of Resources Head of Financial Services Revenue Services Manager
R46	Exceptional Circumstances – Benefit Regulations Consider the merits of any individual case for additional amounts to be awarded under the appropriate 'Exceptional Circumstances' Benefit Regulations for Housing Benefit/Council Tax Benefit.	Director of Resources or any Officer authorised by him.
R47	Certification of Housing Association Grant Claims Authority to certify Housing Association Grant claims and loan applications in accordance with S.114(b) of the Local Government Resources Act 1988.	Director of Resources
R48	Setting the Council Tax Base To calculate the Council Tax base in accordance with the appropriate regulations.	Director of Resources
R49 (formerly CE67)	Determination of Applications for Post-Entry Training.	Head of Service Improvement in consultation with the appropriate Chief Officer.
R50 (formerly PT36)	Authority to approve, in principle, applications for the tenancy or sale of industrial land and property.	Director of Resources in consultation with the Head of Strategy and Regeneration and the appropriate Cabinet Member.

NOTE: R1 to R47 previously F1 to F47; R48 additional, R49 transferred from CE. Former F14 – Housing Act 1969 – S.68 – deleted R50 transferred from NS (NS33 (formerly PT36)).

NEIGHBOURHOOD SERVICES DEPARTMENT

Approved by Council on

2004.

No.	Function	Proper/Designated Officer
	Town and Country Planning Act 1990	
NS1 (formerly PT1)	<p>Determination of all matters within the powers and duties of the Committee under the Principal Act and the consolidating Acts as defined by the Planning (Consequential Provisions) Act 1990 together with any Regulations made thereunder other than in relation to an application which:</p> <ol style="list-style-type: none"> 1. Any Member requests in writing, within 21 days of receipt, that an application should be presented to the Development Control Committee; or 2. Is submitted by or on behalf of a Member of the Council, any officer employed in the Neighbourhood Services Department or any other officer who holds a politically restricted post and to which third part representations have been made; or 3. Where the decision would be contrary to any policy of the Borough Local Plan; or 4. Involves development by or on behalf of the Council to which third part representations have been made; or 5. Involves more than two residential units, unless the Council has previously approved the same number of dwellings on the same site; or 6. Involves non-residential development with a gross floor area in excess of 500 square metres; or 7. Involves changes of use to Use Classes Order A3 or B2 8. Any application accompanied by an Environmental Impact Statement 9. Any application where approval would involve a legal agreement under planning legislation 10. Involves the erection of a new telecommunication mast. 	<p>Director of Neighbourhood Services</p> <p>Head of Planning Services</p>

	For clarification this would apply to all planning applications for new mast structures but 'prior notification' submissions for structures under 15 metres in height would remain delegated items because of the reduced timescales involved. The addition of further antennae on the masts already having permission would be a delegated item.	
NS2 (formerly PT2)	Discharge of conditions attached to Approvals.	Director of Neighbourhood Services Head of Planning Services Principal Development Control Officer
NS3 (formerly PT3)	Issue of Notices of Approval and Refusal	Director of Neighbourhood Services Head of Planning Services Principal Development Control Officer
NS4 (formerly PT4)	Service of Breach of Condition Notices in those cases where the relevant condition had previously been agreed by the Committee.	Director of Neighbourhood Services Head of Planning Services.
NS5 (formerly PT5)	Making of Tree Preservation Order in situations where urgent action is required.	Director of Neighbourhood Services Head of Planning Services in consultation with the Chairman and Vice-Chairman of the Development Control Committee.
NS6 (formerly PT6)	Determination of applications to prune trees protected by a Tree Preservation Order	Director of Neighbourhood Services Head of Planning Services Landscape Architect.
NS7 (formerly PT7)	Determination of notifications to fell or lop trees in Conservation Areas.	Director of Neighbourhood Services Head of Planning Services Landscape Architect
	Town and Country Planning Act 1990 and Planning (Listed Buildings and Conservation Areas) Act 1990	
NS8 (formerly PT8)	Service of the following in situations where urgent action is required:- (i) Enforcement Notices (ii) Listed Building Enforcement Notices (iii) Stop Notices	Director of Neighbourhood Services Head of Planning Services
NS9 (formerly PT9)	Discharge of conditions attached to Approvals.	Director of Neighbourhood Services Head of Planning Services Principal Development Control Officer.

NS10 (formerly PT10)	Issue of Notices of Approval and Refusal	Director of Neighbourhood Services Head of Planning Services Principal Development Control Officer.
	Planning and Compensation Act 1991	
NS11 (formerly PT11)	Service of Planning Contravention Notices.	Director of Neighbourhood Services Head of Planning Services in consultation with the Chairman and Vice-Chairman of the Development Control Committee.
	Town and Country Planning and General Development (Amendment) (No. 3) Order	
NS12 (formerly PT12)	Determination of whether prior approval is required regarding the method of demolition and restoration of buildings.	Director of Neighbourhood Services Head of Planning Services Principal Development Control Officer.
NS13 (formerly PT13)	Determination of such applications where prior approval is required.	Director of Neighbourhood Services Head of Planning Services in consultation with the Chairman and Vice-Chairman of the Development Control Committee.
	Town and Country Planning and General Development (Amendment) (No. 2) Order	
NS14 (formerly PT14)	Determination of whether prior approval is required for the siting, design and external appearance of Agricultural and Forestry Buildings.	Director of Neighbourhood Services Head of Planning Services Principal Development Control Officer
NS15 (formerly PT15)	Determination of such applications where prior approval is required.	Director of Neighbourhood Services Head of Planning Services in consultation with the Chairman and Vice-Chairman of the Development Control Committee.

	Town and Country Planning (General Regulations) 1992	
NS16 (formerly PT16)	Issuing Notices for Development under Regulations 3 and 4.	Director of Neighbourhood Services Head of Planning Services Principal Development Control Officer
	Town and Country Planning Act 1991	
NS17 (formerly PT17)	Service of Notices requisitioning information.	Director of Neighbourhood Services Head of Planning Services.
NS18 (formerly PT18)	Determination of planning applications for alterations to dwellings subject to Article 4 Direction.	Director of Neighbourhood Services Head of Planning Services
NS19 (formerly PT19)	Development by Telecommunications Code Systems Operators:- (i) Determine whether or not prior approval of the siting and appearance of the development is required. (ii) Determine those applications where prior approval is required. (iii) To determine whether prior approval is required for demolition and site restoration.	Director of Neighbourhood Services Head of Planning Services
NS20 (formerly PT20)	Determination of “Hedgerow Removal Notice” applications under the Hedgerow Regulations 1997.	Director of Neighbourhood Services Head of Planning Services
NS21 (formerly PT21)	Service of “Hedgerow Replacement Notices”.	Head of Planning Services
NS22 (formerly PT22)	To instigate prosecutions under the Hedgerow Regulations 1997.	Director of Neighbourhood Services/ Head of Planning Services in consultation with the Chairman and Vice-Chairman of the Development Control Committee and the Solicitor to the Council.

	Town and Country Planning (Environmental Impact Amendment) Regulations 1999	
NS23 (formerly PT24)	<ul style="list-style-type: none"> (i) Determine, upon receipt of a planning application, whether or not an Environmental Statement is required under Regulation 7 of the Town and Country Planning (Environmental Impact Assessment) Regulations 1999; (ii) Give notification to applicants and their agents on those occasions when an environmental statement is necessary; (iii) Provide a “screening opinion” to prospective applicants as to whether an Environmental Assessment is required under Regulation 5 of the Town and Country Planning (Environmental Impact Assessment) Regulations 1999; and (iv) Provide a “scoping opinion” under Regulation 10 of the Town and Country Planning (Environmental Impact Assessment) Regulations 1999 on what should be included in an Environmental Statement. 	Director of Neighbourhood Services Head of Planning Services
	Local Government and Housing Act 1989	
NS24 (formerly PT25)	Determination of applications for House Renovation and Disabled Facilities Grants	Director of Neighbourhood Services Building Control Manager
	Building Act 1984	
NS25 (formerly PT26)	<p>Service of the following Notices, Directions and Applications:-</p> <ul style="list-style-type: none"> (i) Requiring removal or alteration of work not carried out carried out in accordance with Approved Plans. (ii) Failure to comply with Regulations or Approved Plans. (iii) Refusal of application for dispensation with or relaxation of Building Regulations. (iv) Direction dispensing with or relaxing requirements of Building Regulations. (v) Requirement on owner to deal with ruinous or dilapidated building. (vi) Requirement on owner to remove rubbish etc. (vii) Application to Magistrates Court for Order to require owner of dangerous building/structure to remedy situation. (viii) Intention to carry out emergency measures to deal with dangerous building/structure. (ix) Method of demolition to be followed. (x) Determination of applications and notices under Building Regulations. 	Director of Neighbourhood Services Building Control Manager

	Building Regulations 1991 and 2000	
NS26 (formerly PT27)	Notice to open up works.	Director of Neighbourhood Services Building Control Manager
	Building (Approved Inspectors etc.) Regulations 1985 and 2000	
NS27 (formerly PT28)	Service of the following Notices:- (i) Rejection of Initial Notice. (ii) Rejection of Plans Certificate. (iii) Rejection of combined Initial Notice and Plans Certificate. (iv) Rejection of Final Certificate. (v) Rejection of Public Bodies Notice. (vi) Rejection of Public Bodies Plans Certificate (vii) Rejection of Public Bodies Notice and Plans Certificate. (viii) Rejection of Public Bodies Final Certificate. (ix) Cancellation by Local Authority.	Director of Neighbourhood Services Building Control Manager
	The Building (Local Authority Charges) Regulations 1998	
NS28 (formerly PT29)	Authority to vary the Council's scheme of Building Regulation Charges	Building Control Manager in consultation with the Cabinet Member for Regeneration
NS29 (formerly PT30)	Authority, where allowed for within the scheme, to vary plan charges for individual applications where work of a repetitive nature or work previously approved or inspected is involved, to a maximum of 30% of the plan charge in accordance with the powers given by the Regulations.	Building Control Manager
	Local Government Act 1972 (S.191)	
NS30 (formerly PT31)	Functions with respect to Ordnance Survey	Director of Neighbourhood Services Head of Planning Services
	Consultations on Highway Matters	
NS31 (formerly PT34 and CS32)	Responses to County Council on proposals to divert Footpaths and make Traffic Regulation Orders.	Director of Neighbourhood Services Head of Environmental Services; Street Scene Manager; Technical Services Manager in consultation with the appropriate Cabinet Member and local Ward Members.
	Other Matters	
NS32 (formerly PT35)	Lodging of objections to applications for new or variations to existing licences.	Director of Neighbourhood Services Head of Planning Services

NS33 (formerly PT37)	Authority to confer rights of entry on any Officer of the Council for the purposes of discharging its planning control and enforcement functions under the provisions of Section 196a-c, 214c-d, 324 and 325 of the Town and Country Planning Act 1990; Sections 88, 88a-b of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Section 36, 36a-b of the Planning (Hazardous Substances) Act 1990.	Director of Neighbourhood Services Head of Planning Services
NS34 (formerly PT38)	Authority to seek (but not to authorise) permission for development on behalf of the Council under the Town and Country Planning General Regulations 1992 (applications by Local Authorities) and the Building Act 1984.	Director of Neighbourhood Services
NS35 (formerly PT39)	Street naming and numbering	Building Control Manager in consultation with the appropriate Cabinet Member.
NS36 (formerly CS3)	Environmental Protection Act 1990 - Part IV (Litter) - Authority to take proceedings through the Magistrates Court	Director of Neighbourhood Services; Head of Environmental Services in consultation with the appropriate Cabinet Member.
NS37 (formerly CS4)	Service of Abatement Notices	Director of Neighbourhood Services; Head of Environmental Services Manager in consultation with the appropriate Cabinet Member.
NS38 (formerly CS5)	Service of Fixed Penalty Notices	Street Scene Manager Street Scene Controller Street Scene Co-ordinators Street Scene Supervisors Neighbourhood Wardens
NS39 (formerly CS6)	Service of Litter Control Notices	Director of Neighbourhood Services; Head of Environmental Services in consultation with appropriate Cabinet Member.
NS40 (formerly CS7)	Signing of Trade Refuse Contracts (including Controlled Waste Transfer Notes)	Director of Neighbourhood Services Street Scene Manager Street Scene Controller

NS41 (formerly CS8)	Authority to adopt open space in new developments for inclusion in the Council's maintenance programme.	Director of Neighbourhood Services; Head of Environmental Services in consultation with the appropriate Cabinet Member .
	Environmental Health	
	Control of Animals Animal Boarding Establishments Act 1963 Breeding of Dogs Act 1973 and 1991 Dangerous Wild Animals Act 1976 Pet Animals Act 1951 and 1983 Riding Establishments Act 1964 and 1970 Environmental Protection Act 1990 Part IV and VIII Dangerous Dogs Act 1991 Dogs (Fouling of Land) Act 1996 The Breeding and Sale of Dogs (Welfare) Act 1999 Any Regulations, Orders or other relevant statutory provisions made under or incorporated into the above.	
NS42 formerly HEH1)	Authority to:- Enter and inspect premises for compliance with legal requirements Prepare and serve notices and issue licences and other documentation Carry out all other relevant duties conferred by this legislation. To seize and detain stray and Dangerous Dogs and Dangerous Wild Animals. Issue fines for fouling and litter.	Director of Neighbourhood Services; Head of Environmental Services Public Health Services Manager Inspection and Licensing Services Manager Senior Environmental Health Officers Environmental Control Officer Environmental Control Assistant Environmental Protection Officers Environmental Protection Assistants
NS43	Service of Fixed Penalty Notices (Dogs Fouling of Land act 1996)	Street Scene Manager Street Scene Controller Street Scene Co-ordinators Street Scene Supervisors Neighbourhood Wardens

NS44 (formerly HEH2)	<p>Authority to :-</p> <p>Sign notices and licences.</p> <p>To instigate legal proceedings</p>	<p>Director of Neighbourhood Services Head of Environmental Services Public Health Services Manager Inspection and Licensing Services Manager</p>
	<p>Environmental Control Environmental Protection Act 1990 Environment Act 1995 Clean Air Act 1993 Noise Act 1996 Noise and Statutory Nuisance Act 1993 Control of Pollution Act 1974 Water Industries Act 1991 Pollution Prevention and Control Act 1999 Any regulations, Orders or other relevant statutory provisions made under or incorporated into the above</p>	
NS45 (formerly HEH3)	<p>Authority to:-</p> <p>Enter and inspect premises for compliance with legal requirements. Take samples and otherwise monitor. Prepare and serve notices, licences, authorisations, approvals and other documentation. Carry out all relevant duties conferred by this legislation Issue fixed penalty notices</p>	<p>Director of Neighbourhood Services; Head of Environmental Services; Public Health Services Manager Inspection and Licensing Services Manager Senior Environmental Health Officers Environmental Control Officer Environmental Control Assistant Environmental Protection Officers Environmental Protection Assistants</p>
NS46 (formerly HEH4)	<p>Authority to:-</p> <p>Sign notices, licences, authorisations, approvals and other documentation. To instigate legal proceedings.</p>	<p>Director of Neighbourhood Services Head of Environmental Services; Public Health Services Manager Inspection and Licensing Services Manager</p>

	<p>General Public Health Public Health Acts 1936 and 1961 Environmental Protection Act 1990 Part II, III and IV Building Act 1984 Caravan Sites and Control of Development Act 1960 Prevention of Damage by Pests Act 1949 Refuse Disposal (Amenity) Act 1978 Public Health (Control of Disease) Act 1984 Scrap Metal Dealers Act 1964 Pesticides Act 1995 Local Government (Miscellaneous Provisions) Act 1976 and 1982 National Assistance Act 1948 and 1951 Criminal Justice and Public Order Act 1994 Control of Pollution Act 1974 Motor Salvage Operators Regulations 2002 Any regulations, orders or other statutory provisions made under the above</p>	
NS47 (formerly HEH5)	<p>Authority to:- Enter and inspect premises for compliance with legal requirements. Take samples and otherwise monitor Prepare and serve notices, licences and other documentation Carry out all other relevant duties conferred by this legislation</p>	<p>Director of Neighbourhood Services Head of Environmental Services Public Health Services Manager Inspection and Licensing Services Manager Environmental Control Officer Environmental Control Assistant Environmental Protection Officers Environmental Protection Assistants</p>
NS48 (formerly HEH6)	<p>Authority to:- Sign notices, licences, authorisations, approvals and other documentation. To instigate legal proceedings.</p>	<p>Director of Neighbourhood Services Head of Environmental Services Public Health Services Manager Inspection and Licensing Services Manager</p>

NS49	Sign notices under the provisions of Section 16, Local Government (Miscellaneous Provisions) Act 1976 and Section 29, Local Government (Miscellaneous Provisions) Act 1982 only	Environmental Control Officer; Environmental Control Assistant; Environmental Protection Officer; Housing Strategy Manager; Private Sector Renewals Manager; Home Improvement Agency Manager; Home Improvement Agency Technical Officer
	<p>Private Sector Housing Housing Acts 1985, 1988 and 1996 Housing Grants, Construction and Regeneration Act 1996 Any regulations, orders or other relevant statutory provisions made under or incorporated into the above.</p>	
NS50 (formerly HEH7)	<p>Authority to:- Enter and inspect premises for compliance with legal requirements. Prepare and serve notices, licences, authorisations, approvals and other documentation. Carry out all other relevant duties conferred by this legislation.</p>	<p>Director of Neighbourhood Services Head of Environmental Services Public Health Services Manager Inspection and Licensing Services Manager Environmental Control Officer; Environmental Control Assistant; Environmental Protection Officers; Environmental Protection Assistants Housing Strategy Manager; Private Sector Renewals Manager; Home Improvement Agency Manager; Home Improvement Agency Technical Officer</p>
NS51 (formerly HEH8)	<p>Authority to:- Sign notices, licences, authorisations, approvals and other documentation. To instigate legal proceedings.</p>	<p>Director of Neighbourhood Services Head of Environmental Services Public Health Services Manager Inspection and Licensing Services Manager Housing Strategy Manager</p>

	<p>Food Safety Food Safety Act 1990 Food and Environmental Protection Act 1985 European Communities Act 2003 Products of Animal Origin (Third Country Imports) (England) Regulations 2003 Any regulations orders and other relevant statutory provisions made under or incorporated into the above.</p>	
NS52 (formerly HEH9)	<p>Authority to:- Enter and inspect premises for compliance with legal requirements. Prepare, sign and serve notices, licences, authorisations, approvals and other documentation. Carry out all other relevant duties conferred by this legislation. To instigate legal proceedings.</p>	<p>Director of Neighbourhood Services Head of Environmental Services Public Health Services Manager Inspection and Licensing Services Manager</p>
NS53 (formerly HEH10)	<p>Authority to:- Enter and inspect premises for compliance with legal requirements. Prepare, sign and serve notices Prepare and serve licences, authorisations, approvals and other documentation Carry out all other relevant duties conferred by this legislation To instigate legal proceedings.</p>	<p>Senior Environmental Health Officers</p>
	<p>Health and Safety at Work Health and Safety at Work Act 1974 and its relevant statutory provisions</p>	
NS54 (formerly HEH12)	<p>Authority to:- Enter and inspect premises for compliance with legal requirements and exercise the powers contained in Sections 20, 21, 22 and 25 Carry out all other relevant duties conferred by the legislation</p>	<p>Glyn Hall Alan Suggett: Neil Smalley, Eric Beevers: Terry Holden Meryl Gregg Donald Green Martin Scott and Environmental Protection Officer (Health and Safety) as Inspectors</p>

	Young Persons Employment Act 1938 Sunday Trading Act 1994 Any regulations orders and other relevant statutory provisions made under the above.	
NS55 (formerly HEH14)	Authority to:- Enter and inspect premises for compliance with legal requirements. Prepare and serve notices, licences, authorisations, approvals and other documentation Carry out all other relevant duties conferred by this legislation	Director of Neighbourhood Services Head of Environmental Services Public Health Services Manager Inspection and Licensing Services Manager Senior Environmental Health Officers Environmental Control Officers Environmental Control Assistant Environmental Protection Officers Environmental Protection Assistants
NS56 (formerly HEH15)	Authority to:- Sign notices, licences, authorisations, approvals and other documentation. To instigate legal proceedings.	Director of Neighbourhood Services Head of Environmental Services Public Health Services Manager Inspection and Licensing Services Manager
NS57 (formerly HEH44)	Public Health (Control of Diseases) Act 1984 Public Health (Infectious Diseases) Regulations 1988 National Assistance Act 1948 and 1951 – Various statutory functions under the above Acts and Regulations re: control of Communicable Disease.	Dr. Deborah Wilson Dr. David Walker Dr. A. Lowe Dr. I. Holtby Dr. P. Cresswell
	General	
NS58 (formerly HEH16)	Authority to authorise staff appropriate to their job specification following changes to personnel and/or job titles.	Director of Neighbourhood Services

	Licensing	
NS59	Authority to instigate or otherwise respond to legal proceedings.	Director of Neighbourhood Services; Head of Environmental Services; Inspection and Licensing Services Manager (in consultation with the Solicitor to the Council and the Chairman and Vice-Chairman of the relevant Licensing Committee).
NS60 (formerly CE23)	Town Police Clauses Act 1847 - Issuing Hackney Carriage Vehicle and Driver Licences - to grant but not refuse a licence	Director of Neighbourhood Services Head of Environmental Services
NS61 (formerly CE24)	Revocation or suspension of (a) Hackney Carriage Driver and Vehicle Licences and (b) Private Hire Driver, Operator and Vehicle Licences.	Director of Neighbourhood Services; Head of Environmental Services; Inspection and Licensing Services Manager, Principal Licensing Officer; Licensing Enforcement Officers
NS62 (formerly CE25)	Mini Bus Act 1977 Granting Mini-Bus Permits - to grant but not refuse a permit	Director of Neighbourhood Services; Head of Environmental Services; Inspection and Licensing Services Manager
NS63 (formerly CE26)	Private Hire Driver, Vehicle and Operator Licences - to grant but not refuse a licence.	Director of Neighbourhood Services; Head of Environmental Services; Inspection and Licensing Services Manager
NS64 (formerly CE27)	Local Government (Miscellaneous Provisions) Act 1976 Part II. S50(4) - Authority to require proprietor to produce vehicle licence and certificate of insurance for inspection. S53(3) - Authority to require driver to produce drivers licence for inspection. S58(2)(b) - Authority to remove and retain plate or disc identifying vehicle as hackney carriage or private hire vehicle following expiry, suspension or revocation of licence. S68 - Authority to inspect vehicle/taximeter, require vehicle to undergo detailed inspection and suspend/ revoke licence))) N. Smalley) D. Green) D. Icton) T. Lock) M. Toas) D. Ward) I. Smith) P. Cooke) L. Burtenshaw) S. Brown) P. Drake)

NS65 (formerly CE28)	Police Act 1997 S122 - Liaison with the Criminal Records Bureau re: checks for criminal convictions of applicants for Hackney Carriage or Private Hire Drivers' Licences.	Departmental "Nominated Officers" as included in the Council's "Guidance on Criminal Records Bureau (CRB) Disclosures" procedure.
NS66 (formerly CE29)	Local Government (Miscellaneous Provisions) Act 1982 Issuing of Public Entertainment Licences - to grant but not refuse a licence	Director of Neighbourhood Services; Head of Environmental Services; Inspection and Licensing Services Manager
NS67 (formerly CE30)	Local Government (Miscellaneous Provisions) Act 1982 - authority to enter premises in relation to Entertainment Licences.	Director of Neighbourhood Services; Head of Environmental Services; Public Health Services Manager; Inspection and Licensing Services Manager; Senior Environmental Health Officers; Principal Licensing Officer; Licensing Enforcement Officers; Environmental Control Officers; Environmental Control Assistant; Environmental Protection Officers; Environmental Protection Assistants.
NS68 (formerly CE31)	Local Government (Miscellaneous Provisions Act) 1982 – Liaison with the Police re, checks for criminal convictions of applicants for Door Supervisor Registration.	Tracey Lock David Icton Neil Smalley Donald Green Stephen Brown Penny Drake
NS69 (formerly CE32)	Private Places of Entertainment (Licensing) Act 1967 Issue of Private Entertainment Licences - to grant but not refuse a licence.	Director of Neighbourhood Services; Head of Environmental Services; Inspection and Licensing Services Manager
NS70 (formerly CE33)	Local Government (Miscellaneous Provisions Act 1982) - Authorisation of the exhibition, demonstration or performance of hypnotism at premises holding an Entertainment Licence. Hypnotism Act 1952 - Authorisation of exhibitions on premises which do not hold an Entertainment Licence.	Director of Neighbourhood Services; Head of Environmental Services; Inspection and Licensing Services Manager (in consultation with the Chairman and Vice-Chairman of the relevant Licensing Committee).

NS71 (formerly CE34)	Door Supervisors Registration Scheme - Register or de-register Door Supervisors.	Director of Neighbourhood Services; Head of Environmental Services; Inspection and Licensing Services Manager (in consultation with the Chairman and Vice-Chairman of the relevant Licensing Committee).
NS72 (formerly CE35)	Lotteries and Amusements Act 1976 Granting Lottery Licences - to grant but not refuse a licence	Director of Neighbourhood Services; Head of Environmental Services; Inspection and Licensing Services Manager
NS73 (formerly CE36)	Police, Factories, etc., (Miscellaneous Provisions) Act 1916 Granting Street Collection Permits - to grant but not refuse a permit.	Director of Neighbourhood Services; Head of Environmental Services; Inspection and Licensing Services Manager
NS74 (formerly CE37)	Late Night Refreshment Houses Act 1969 Granting of Licences. To grant but not refuse a licence	Director of Neighbourhood Services; Head of Environmental Services; Inspection and Licensing Services Manager
NS75 (formerly CE38)	Local Government Act 1894 - Granting of licences to deal in Game and kill Game - to grant but not refuse a licence	Director of Neighbourhood Services; Head of Environmental Services; Inspection and Licensing Services Manager (Licences to kill Game are issued by Post Offices acting as agents)
NS76 (formerly CE39)	Theatres Act 1968 - Granting of Licences - to grant but not refuse a licence.	Director of Neighbourhood Services; Head of Environmental Services; Inspection and Licensing Services Manager
NS77 (formerly CE40)	Cinemas Act 1985 - Granting of Cinema Licences - to grant but not refuse a licence.	Director of Neighbourhood Services; Head of Environmental Services; Inspection and Licensing Services Manager

NS78 (formerly CE41)	Gaming Act 1968/Lotteries and Amusements Act 1976. Issue of Amusement with Prizes Permits - to grant but not refuse a permit.	Director of Neighbourhood Services; Head of Environmental Services; Inspection and Licensing Services Manager
NS79 (formerly CE42)	LGA 1972 - S.204(3) - Receipt of Notice of Application for Justices Licence under Sch.2. Licensing Act 1964	Director of Neighbourhood Services (Proper Officer)
NS80 (formerly CE69)	Authority to grant exemptions and to issue drivers with exemption certificates in accordance with the provisions of Sections 37 and 37A of the Disability Discrimination Act 1995.	Director of Neighbourhood Services; Head of Environmental Services; Inspection and Licensing Services Manager
NS81 (formerly CE71)	Authority to sign Certificates of Compliance within the meaning of the Motor Vehicle (Test) Regulations 1981.	D. Icton T. Lock N. Smalley D. Green S. Brown P. Drake
NS82 (formerly HEH28)	Determination of Homelessness applications under Pt. VII of the Housing Act 1996.	Homeless Persons Officer
NS83 (formerly HEH31)	Determination of requests for use of the Carelink Coach which are outside of the Standard Operating Procedures	Director of Neighbourhood Services

NS40 transferred to Housing as H26

NS43, NS49 and NS59 new functions

NS82 and NS83 transferred from Housing

Former NS23, NS32, NS33, NS41, NS58 and NS60 deleted

HOUSING DEPARTMENT

Approved by Council on 2004.

No.	Function	Proper/Designated Officer
	Housing	
H1 (formerly HEH17)	Housing Act 1985, as amended. Authority to issue 'Notice to Seek Possession (Grounds 1-16 of Sch. 2 of the Act)	Director of Housing
H2 (formerly HEH18)	Housing Act 1985, as amended. Authority to issue 'Notice to Seek Possession' in connection with anti social behaviour cases (Grounds 1 and 2 of Sch. 2 of the Act).	Director of Housing in consultation with the Solicitor to the Council.
H3 (formerly HEH19)	Housing Act 1985, as amended Authority to apply for a warrant for possession under Grounds 1-16 of the Act.	Director of Housing
H4 (formerly HEH20)	Housing Acts 1985 and 1996 Authority, in cases involving actual harm or damage or the imminent risk of serious harm, injury or damage to persons or property, to simultaneously authorise the issue of 'Notice to Seek Possession' (or seek waiver of such notices) and to authorise legal proceedings for possession under Ground 1 (in cases involving anti-social behaviour which breaches the Tenants Charter) and/or Ground 2 of the Housing Act 1985, as amended.	Director of Housing in consultation with the Solicitor to the Council.
H5 (formerly HEH21)	Crime and Disorder Act 1998 Authority to exercise powers under Section 1 (Anti-Social Behaviour) or Section 14 (Child Curfew Schemes) where necessary and in exercising those powers due regard be given to the following policy:- (a) In the case of Anti-Social Behaviour Orders or the promotion of local child curfew schemes that the Council considers taking action where:- <ul style="list-style-type: none"> • there is likely to be serious harm or injury or damage to property. • there is general or serious disturbance - being caused in the neighbourhood. • vulnerable individuals are exposed to serious harm or the risk or fear of such harm. (b) That where necessary, such action is supported by the Home Office, the Police, and is consistent with the strategies formulated by the Crime and Disorder Partnership's borough-wide strategy.	Director of Housing or the Head of Housing Management in consultation with the Solicitor to the Council and the appropriate Cabinet Member.

H6 (formerly HEH22)	Administration of Scheme to determine applications for inclusion on the Housing Register in accordance with S167 of Housing Act 1996.	Head of Housing Management
H7 (formerly HEH23)	Determination of Special Consideration applications for housing including Exceptional Letting, Social Need and Medical.	Head of Housing Management
H8 (formerly HEH24)	Determination of Appeal relating to access to the Housing Register and lettings.	Director of Housing
H9 (formerly HEH25)	Determination of any application/offer where statutory provisions could apply and the action would respond to proven housing need and represents appropriate use of the housing stock.	Director of Housing
H10 (formerly HEH26)	Authority to make an applicant ineligible to be added to the Housing Register on grounds that the applicant's behaviour is unacceptable.	Head of Housing Management
H11 (formerly HEH27)	Introductory Tenancy conversion to Secure Tenancy under S160 of the Housing Act 1985	Head of Housing Management
H12 (formerly HEH29)	Determination of applications relating to Succession and Assignment of Secure Tenancies under S89, S91 and S92 of The Housing Act 1985, as amended.	Head of Housing Management
H13 (formerly HEH30)	Alteration and Adaptation to Council housing for disabled persons. Authority to make a payment, not exceeding £500, where alternative accommodation, within the parameters of the Allocations Policy, represents the most cost effective solution.	Director of Housing
H14 (formerly HEH32)	Approval of Erection of CB Aerials to Council dwellings	Director of Housing
H15 (formerly HEH33)	Redecoration arrangements, maintenance and minor works - handling of justifiable claim for compensation for damage resulting from jobbing maintenance operations	Head of Housing Property Services
H16 (formerly HEH34)	Issue of redecoration vouchers	Head of Housing Property Services
H17 (formerly HEH35)	Tenant redecoration/disturbance allowances for Central Heating Contracts - authority to apply discretion in cases where more than a minimal amount of work would need to be undertaken.	Head of Housing Property Services

H18 (formerly HEH36)	Authorisation to waive the usual charge to tenants for repairing damage caused by intruders gaining entry in cases referred by the Sedgefield Borough Victim Support Scheme	Director of Housing
H19 (formerly HEH37)	Release for sale of long term void/difficult to let properties.	Director of Housing
H20 (formerly HEH38)	Release of Sheltered Housing bedsits for conversion.	Director of Housing
H21 (formerly HEH39)	Release for sale of pre-919 properties in Spennymoor where SBC ownership in a street/block is in the minority.	Director of Housing
H22 (formerly HEH40)	Determination of applications to operate a business from a Council tenancy.	Director of Housing
H23 (formerly HEH41)	Authority to determine applications from tenants to purchase shops on the H.R.A. Estates.	Director of Housing
H24 (formerly HEH42)	Determination of schemes for inclusion in the programme (Tidy Estates and Community Involvement Initiative) in accordance with priorities identified by the Area Forums.	Director of Housing
H25 (formerly HEH43)	Authorisation to add additional properties to the Empty Properties Strategy, subject to overall budget constraints.	Director of Housing in consultation with the Cabinet Member for Housing
H26 (formerly CS1)	Redecoration arrangements, maintenance and Minor works - handling of justifiable claim for compensation for damage resulting from jobbing maintenance operations.	Director of Housing and Head of Property Services

**Former H12 and H15 transferred to Neighbourhood Services as NS82 and NS83
Former NS40 transferred from Neighbourhood Services to Housing as H26**

LEISURE SERVICES

Approved by Council on 2004.

No.	Function	Proper/Designated Officer
LS1	Authority to close Leisure Centre swimming pools to the general public to enable special events to take place or for any other appropriate reason.	Director of Leisure Services in consultation with the appropriate Cabinet Member.
LS2	Authority to set Leisure Centre prices.	Director of Leisure Services in consultation with the appropriate Cabinet Member.

Addition – LS2

ITEM NUMBER:

**REPORT TO
STANDARDS COMMITTEE**

17TH MAY 2004

**JOINT REPORT OF
CHIEF EXECUTIVE OFFICER AND
SOLICITOR TO THE COUNCIL**

PORTFOLIO: ENVIRONMENT

**LICENSING ACT 2003 : CONSTITUTIONAL CHANGES :
REVISIONS TO LICENSING COMMITTEE ARRANGEMENTS**

1. SUMMARY

- 1.1 Standards Committee is invited to consider the terms of this Report and to offer comments to the Council Annual Meeting on 21st May 2004. The Report involves recommendations to Council (at para. 2.2) which involve changes to the Council's Constitution to implement the Licensing Act 2003.
- 1.2 The Licensing Act 2003 ('the Act') introduces wide-ranging changes to the regulation of licensing for liquor, entertainment and late night refreshments. These changes include transferring the entire role of the administration of licensing for such matters from the Licensing Justices and Magistrates Courts to Local Authorities. In our Borough, Sedgefield Borough Council will become the Licensing Authority.
- 1.3 It is therefore necessary for arrangements to be established to deal with the new licensing functions, including appointing a new Licensing Committee. It will be necessary to make a series of amendments to the Constitution to allocate duties and powers between full Council, the new and existing Licensing Committees, and to review the delegation of powers to Officers.
- 1.4 The main recommendation is to establish a new committee as Licensing Committee 2, comprising 15 members to cover liquor licence functions and associated licensing. Although the new Act is yet to be fully implemented, it is considered appropriate to put these arrangements in place now in order to be prepared for the substantial workload which is anticipated and to enable the necessary induction and training to be directed to the new committee members.

2. RECOMMENDATIONS

- 2.1 The Committee is asked to consider the Report generally, including the recommendations at para. 2.2 below and to offer comments to the Council.
- 2.2 It is recommended that Council:
 - (a) rename the existing Licensing Committee as 'Licensing Committee 1' whose remit shall be miscellaneous licensing, including taxis, street trading.

- (b) establish a new Licensing Committee comprising 15 members to undertake the statutory functions of the Licensing Act 2003 (named the 'Licensing Committee 2') whose remit shall be functions under the Act and related licensing.
- (c) resolve the Constitution be amended as necessary to implement the above decisions.
- (d) To receive further reports upon the coming in to force of the Act and the relevant provisions thereunder.

3. THE NEW LICENSING AUTHORITY FUNCTIONS

Background

- 3.1 The Act appoints the Council of a district in England to be the 'Licensing Authority'. [Section 3(1)]. Hence, Sedgefield Borough Council shall become the Licensing Authority for this area.
- 3.2 The Act and accompanying guidance details a structure for each Authority to deal with the decision making process for the various functions under the Act which includes licensing and enforcement for retail of liquor, entertainments (including cinemas etc), and late night refreshments.

Licensing Functions

- 3.3 A Licensing Policy must be prepared, approved by Council, published and then reviewed [section 5]. A draft Policy will be prepared and submitted to Council for adoption in due course.
- 3.4 The Act provides that the new Committee should be established to undertake functions under the Act. This committee must have at least 10 and not more than 15 members [section 6]. Whilst there appears to be no legislative requirement for 'political balance', it is considered appropriate, in order to achieve an open, fair and impartial administrative arrangement, that the composition of the new committee be nonetheless established in accordance with that principle.
- 3.5 It would be inappropriate for a member who has any interest in any premises Licensed or with a Registration Certificate under the Licensing Act 1964 or to be so under the Act, to be appointed to and serve upon the new Committee.
- 3.6 The Act provides that the new Committee must discharge all functions of the licensing authority except for the approval and renewal of the Policy Statement [section 7(1) & (2)].
- 3.7 The new Committee may discharge any function of the authority, which relates to a matter referred to that committee but which is not a licensing function [section 7(3)].
- 3.8 The new Committee should not be given power to deal with any other matters, unless they are related to matters otherwise before the committee as part of its licensing functions. Many of those functions presently dealt with by this Council's

existing Licensing Committee must remain to be dealt with by that committee rather than by the new Licensing Committee. The Appendix to this Report explains the division of responsibility in more detail.

- 3.9 The new Committee will have statutory power to establish sub-committees and to delegate powers to officers, to meet the workload that is anticipated in respect of the new functions.
- 3.10 The Act received Royal Assent in July 2003. Applications for the new form of licences can be made to new Licensing Authorities after the 'first appointed day'. There will be a transitional period until the 'second appointed day' in which existing licensees, and registered clubs must apply for their new form of licences. The new Committee will need to be ready to deal with applications by the 'first appointed day'; appropriate induction and training will be focused upon the members of the new Committee.
- 3.11 This date has not yet been notified but an announcement is expected in the near future and is likely to nominate a date approximately 6 months from the date of the announcement. Although, recent indications are the first appointed day may now become the 1st January 2005.
- 3.12 Sedgefield Borough has approximately 350 licensed premises. All will have to apply for a new premises licence during a period of approximately six months.
- 3.13 However, many are likely to apply in the first days and weeks after the first appointed day. An application for a licence must be processed within very short time scales and it is possible that many applications may need to be dealt with by sub-committees, particularly in the first few weeks or months.

4. CORPORATE POLICY IMPLICATIONS

- 4.1 This Report represents the first step in fulfilling statutory duties under the new Act. Further reports, including a Policy Statement, are envisaged in the short term.

5. RESOURCE IMPLICATIONS

- 5.1 There are major costs implications in implementing the provisions of the Act and these have been discussed in an earlier Report from the Director of Neighbourhood Services to the existing Licensing Committee dated 26th January 2004.
- 5.2 Some staff have already been identified to manage the implementation and undertaking of the licensing functions. There will be a considerable input required from members of the new Licensing Committee, particularly sitting as sub-committees. There will be a significant staffing impact for Legal and Democratic Services, in addition to relevant officers from the Neighbourhood Services Department, particularly during the early months after the first appointed day.
- 5.3 This report will also have implications for the Members' Allowance Scheme at Part 6 of the Constitution and a further report is intended.
- 5.4 However, the individual recommendations contained in this report do not have any specific financial implications.

6. CONSULTATION

- 6.1 Both Management Team and relevant operational officers have been consulted in the preparation of the Report. As this Report recommends changes to the structure of the Council's Committees, the Standards Committee has been consulted upon the Report. The results of that consultation will be indicated at the Council meeting.

7. OTHER MATERIAL CONSIDERATIONS

- 7.1 The establishment of a new Committee under the Licensing Act 2003, publication of a licensing policy and undertaking the licensing functions are statutory duties under the Act.
- 7.2 Whilst this Report reflects the available guidance, it is likely that further information will be published which may clarify the manner of discharge of the new functions. Further Reports will follow where appropriate.

8. OVERVIEW AND SCRUTINY IMPLICATIONS

- 8.1 There has not been any prior consultation or engagement at this stage. It is anticipated that wider consultation will take place ahead of the formulation of the Council's Policy Statement.

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Key decision:

Background Papers:

Licensing Act 2003
Explanatory Notes to Licensing Act 2003
Draft Guidance under s182 Licensing Act 2003 (March 2004)
Report of Director of Neighbourhood Services to Licensing Committee - 26th January 2004

Examined by Statutory officers:

	Yes	Not applicable
1. The Report has been examined by the Council's Head of the Paid Service or his representative	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. The content has been examined by the Council's S 151 Officer or his representative	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. The content has been examined by the Council's Monitoring Officer or his representative	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. The Report has been approved by Management Team	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**RETAINED FUNCTIONS FOR EXISTING LICENSING COMMITTEE
TO BE RENAMED “LICENSING COMMITTEE 1”**

	Functions	To duplicate
	Licensing and registration functions (insofar as not covered by any other paragraph of this Schedule)	
1.	Power to issue licences authorising the use of, and as a caravan site (“site licences”).	
2.	Power to licence the use of moveable dwellings and camping sites.	
3.	Power to licence hackney carriages and private hire vehicles.	
4.	Power to licence drivers of hackney carriages and private hire vehicles.	
5.	Power to licence operators of hackney carriages and private hire vehicles.	
6.	Power to register pool promoters.	
7.	Power to grant track betting licences.	
8.	Power to licence inter-track betting schemes.	
9.	Power to grant permits in respect of premises with amusement machines.	Y
10.	Power to register societies wishing to promote lotteries.	
11.	Power to grant permits in respect of premises where amusements with prizes are provided.	Y
15.	Power to licence sex shops and sex cinemas.	Y
17.	Power to licence premises for acupuncture, tattooing, ear-piercing and electrolysis.	
18.	Power to licence pleasure boats and pleasure vessels.	
19.	Power to register door staff.	
20.	Power to licence market and street trading. (Adoptive powers).	
22.	Power to licence dealers in game and the killing and selling of game.	
23.	Power to register and licence premises for the preparation of food.	

	Functions	To duplicate
24.	Power to register scrap yards.	
25.	Power to licence premises for the breeding of dogs.	
26.	Power to licence pet shops and other establishments where animals are bred or kept for the purposes of carrying on a business.	
27.	Power to licence zoos.	
28.	Power to licence dangerous wild animals.	

29.	Power to licence persons to collect for charitable and other causes.	
30.	Power to grant consent for the operation of a loudspeaker.	
31.	Power to approve meat product premises.	
32.	Power to approve premises for the production of minced meat or meat preparations.	
33.	Power to approve dairy establishments.	
34.	Power to approve egg product establishments.	
35.	Power to issue licences to retain butcher's shops carrying out commercial operations in relation to unwrapped raw meat and selling or supplying both raw meat and ready-to-eat foods.	
36.	Power to approve fish products premises.	
37.	Power to approve dispatch or purification centres.	
38.	Duty to keep register of food business premises.	
39.	Power to register food business premises.	

TRANSFER AND DUPLICATE FUNCTIONS OF THE NEW COMMITTEES

	Functions	Transfer	Duplicate if relates to 2003 Act
	Licensing and registration functions (insofar as not covered by any other paragraph of this Schedule)		
9.	Power to grant permits in respect of premises with amusement machines.		Y
11.	Power to grant permits in respect of premises where amusements with prizes are provided.		Y
12.	Power to issue cinema and cinema club licences.	Y	
13.	Power to issue theatre licences.	Y	
14.	Power to issue entertainments licences.	Y	
15.	Power to licence sex shops and sex cinemas.	Y	
16.	Power to licence performances of hypnotism.	Y	
19.	Power to register door staff.		
21	Power to licence night cafes and take-away food shops.	Y	

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