

County Council

3 December 2014



Changes to the Constitution regarding Scrap Metal Dealer Licences, Common Land and Town and Village Greens

Report of Colette Longbottom, Head of Legal and Democratic Services

Councillor Simon Henig, Leader of Durham County Council

Purpose of the Report

- 1 This report details amendments to the Constitution made by the Head of Legal and Democratic Services to reflect changes in the law or to correct inaccuracies. The changes were made after consultation with the Leader in his capacity of Chairman of the Constitution Working Group.

Background

- 2 An amendment was required to the functions of the General Licensing and Registration Committee in Part 3, Table A of the Constitution, to remove the function to determine contested (refusal, revocation or variation) applications for scrap metal dealer licences because this an executive function.
- 3 A change was required to the delegations of the Corporate Director Regeneration and Economic Development at Table 4 which incorrectly references Common Land and Town and Village Greens under Executive functions when it is a specific and non-executive delegation. A new paragraph 4 has been added to the Director's specific and non-executive delegations as follows and the incorrect reference has been removed:-

“The exercise of the Council's enforcement powers under legislation listed in the Appendix to Table 4 in relation to Common Land and Town and Village Greens.”

- 4 Changes to the Commons Act 2006 which take effect from 1 December 2014 mean that Local Authorities will be able to correct mistakes in the register of common land and town and village greens and remove buildings and land wrongly registered. The delegations to the Head of Legal and Democratic Services who is responsible for the register have been updated accordingly and the following new paragraphs have been added to the delegations at Table 6.

“To discharge the Council's functions set out in Part 1 of the Commons Act 2006 and the Commons Registration Act 1965 with the exception of determinations under section 15(1) of the Commons Act 2006.”

“To appoint an inspector to hold an inquiry into applications to register land as town or village green where appropriate.”

Changes that have been made to the Constitution

- 5 The functions of the General Licensing and Registration Committee in Part 3, Table A, the delegations of the Corporate Director Regeneration and Economic Development at Table 4, and the delegations of the Head of Legal and Democratic Services at Table 6 have been amended in the Constitution as set out in paragraphs 2 to 4 of this report.

Recommendations and reasons

- 6 It is recommended that Council note the content of this report.

Appendix 1: Implications

Finance – None specific within this report

Staffing - None specific within this report

Risk - None specific within this report

Equality and Diversity / Public Sector Equality Duty - None specific within this report

Accommodation - None specific within this report

Crime and Disorder - None specific within this report

Human Rights - None specific within this report

Consultation - None specific within this report

Procurement - None specific within this report

Disability Issues - None specific within this report

Legal Implications - The proposed amendments will enable the Council to carry out its functions in relations to scrap metal dealer licences and common land and town and village greens .