

PART 7 - REGULATION

7.1 Arrangements for the Delivery of the Regulatory Function

- 7.1.1 The regulatory functions are those functions which cannot by law be performed by the Executive and are not strategic or policy functions which must be performed by full Council.
- 7.1.2 There will be a Planning Committee consisting of sixteen Members appointed by the Council. No member of the Cabinet may be a member of the Planning Committee. Where wards have more than one elected member only one member from that ward may sit on the Committee.
- 7.1.3 There will be two Licensing Committees entitled the Statutory Licensing Committee and the General Licensing Committee, both consisting of the same twelve members appointed by the Council. No member of the Cabinet may be a member of either of the Licensing Committees.
- 7.1.4 The Chairs of the Planning Committee and the Licensing Committees shall be elected at the Annual meeting of the Council.
- 7.1.5 The Licensing Committees may appoint panels to deal with specific licensing issues or appeals. Such panels will consist of no less than three members, one of whom will be the Chair of the Licensing Committees unless he or she is unable to attend. The procedure for the hearing of cases and appeals is in Appendix 13.
- 7.1.6 The Planning Committee may delegate its powers to a sub-committee with such members as it appoints to determine applications.

7.2 Terms of Reference of the Planning Committee

- 7.2.1 The Planning Committee will discharge the following functions:
- The functions set out in Part A and C of Schedule 1 of the Local Authorities Executive Arrangements (Functions and Responsibilities) (Wales) Regulations 2007 (as amended from time to time) relating to town and country planning and development control-and functions relating to health and safety at work.
 - The miscellaneous functions set out in Part I of those regulations which are listed in column 1 of Appendix 7 where the Committee appears in column 2.
 - The local choice functions in Schedule 2 of those regulations which are listed in column 1 of Appendix 8 where the Committee appears in column 2.

7.2.2 The functions referred to in paragraph 7.2.1 includes the functions of:

- imposing any condition, limitation or other restriction on an approval, consent, licence, permission or registration granted;
- determining any other terms to be attached;
- deciding whether and in what manner to enforce any failure to comply with or contravention of any such approval, consent, licence, permission or failure to comply with or contravention of any term or condition;
- amending, modifying, varying or revoking any approval, consent, licence, permission or registration.

7.2.3 For the avoidance of doubt, the function of enforcement does not include the determination of policy in relation to enforcement, which is an Executive responsibility.

7.3 Terms of Reference of the Licensing Committees

7.3.1 The Statutory Licensing Committee or the General Licensing Committee will discharge the following functions and powers:

- The functions set out in Part B of Schedule 1 of the Local Authorities Executive Arrangements (Functions and Responsibilities) (Wales) Regulations 2007 (as amended from time to time) relating to licensing and registration functions of the General Licensing Committee.
- The miscellaneous functions set out in Part I of those regulations which are listed in column 1 of Appendix 7 where the General Licensing Committee appears in column 2.
- The local choice functions in Schedule 2 of those regulations which are listed in column 1 of Appendix 8 where the General Licensing Committee appears in column 2.
- The functions assigned to the Statutory Licensing Committee in accordance with Part 2 of the Licensing Act 2003 (except section 6), and Part 8 of the Gambling Act 2005 (except sections 166 and 349).

7.3.2 The functions referred to in paragraph 7.3.1 include the functions of:

- imposing any condition, limitation or other restriction on an approval, consent, licence, permission or registration granted;
- determining any other terms to be attached;

- deciding whether and in what manner to enforce any failure to comply with or contravention of any such approval, consent, licence, permission or failure to comply with or contravention of any term or condition;
- approving any policy, including enforcement policy except those specified in 7.3.3 below;
- setting of fees levied for licences;
- amending, modifying, varying or revoking any approval, consent, licence, permission or registration.

7.3.3 Policies under section 6 of the Licensing Act 2003 and section 349 of the Gambling Act 2005, and a resolution not to issue casino licences under section 166 of the Gambling Act 2005, are functions of the Council and not the Statutory Licensing Committee.

7.3.4 Where any licensing, gambling or registration function is delegated to officers, the Statutory Licensing Committee/General Licensing Committee shall hear appeals against officer decisions unless there is a right of appeal direct to the Courts.

7.4 The Scheme of Delegation to Officers

7.4.1 The Planning Committee and the Licensing Committees may establish schemes of delegation giving officers powers to make decisions on such terms as they consider appropriate. The current schemes of delegation are set out in Appendix 9 in relation to planning decisions and in Appendix 10 in relation to licensing, gambling and registration decisions.

7.5 The Roles of the Chairs of the Planning Committee and of the Licensing Committees

7.5.1 The Chair of the Planning Committee will Chair meetings of the Planning Committee and the Planning Site Inspection Panel (see Appendix 11), or in the Chair's absence, the Planning Committee shall elect any other member of the Committee to preside the meeting

7.5.2 The Chair of the Licensing Committees will Chair meetings of the Licensing Committees and any Licensing Panel unless they are unable to attend for any reason, in which case a Panel may appoint its own chair.

7.5.3 The Chair of each Committee will be consulted in respect of certain planning or licensing decisions as set out in the Schemes of Delegation attached as Appendix 9 and Appendix 10.

7.6 Rules of Procedure for the Planning Committee

7.6.1 The Committee meets regularly (usually every four weeks) to determine planning applications and any other necessary matters for which it is responsible.

7.6.2 The following provisions of Part 4 of this Constitution apply to meetings of the Committee with references to the Chair replacing references to the Presiding Member.

4.11., 4.12, 4.19, 4.20, 4.21, 4.22, 4.23, 4.24, 4.25,4.26, 4.27.

7.6.3 No business is to be transacted at a meeting of the Committee unless at least half of the total number of members of the members of the committee, rounded to the nearest whole number is present.

7.6.4 Another member of the Council cannot act as a member of the Committee in the absence of the member appointed.

7.6.5 Special procedures apply in relation to third party speaking rights at the Planning Committee. These are set out in Appendix 12.

7.7 Rules of Procedure for the Licensing Committees/Panels

7.7.1 The Licensing Committees meet regularly (usually every quarter) to determine matters within its terms of reference. It will approve rules for the selection of panels to determine specific appeals or applications.

7.7.2 When considering appeals or applications for licences or registration, the Committees and its panels will adopt a procedure to ensure that the requirements of natural justice are met. The procedures for such panels are set out in Appendix 13 but may be varied in an individual case at the discretion of the Chair of the Panel.

7.7.3 The provisions of Part 4 of this Constitution set out in paragraph 7.6.2 above apply when the Licensing Committees are not considering appeals or applications for licenses or registration.

7.8 Access to Information

7.8.1 The provisions of paragraph 4.27 apply to the meetings of the Planning Committee and the Licensing Committees, with references to the Chair replacing references to the Presiding Member. They also apply to meetings of any Licensing Panel.

7.9 Recording and Publishing the Decisions of the Planning Committee and the Licensing Committees and Licensing Panels

7.9.1 Minutes are prepared and approved at the subsequent meeting as a correct record. In the meantime they are available for public inspection and are published as draft.

7.9.2 A decision notice setting out names of the members who attend the meeting and any apologies for absences, any declarations of interest and any decision taken at the meeting shall be published electronically within seven days of the meeting.

7.10 The Exercise of Regulatory Functions by the Council

7.10.1 Any of the functions of the Planning Committee may be exercised by the full Council. Any of the functions of the Licensing Committees may be exercised by full Council except those reserved to the Statutory Licensing Committee by the Licensing Act 2003.

7.10.2 The Chief Executive or Monitoring Officer may refer a decision of the Planning Committee to full Council for review and any decision referred in such way shall not take effect until it has been considered by Council.

7.10.3 The Chief Executive or Monitoring Officer may refer a decision of a Licensing Panel to the Licensing Committees for review. Any decision referred in such way shall not take effect until it has been considered by one of the Licensing Committees.

Statutory Provisions:

Section 13 of the Local Government Act 2000

Part VA, Section 99 and Schedule 12 of the Local Government Act 1972

Licensing Act 2003

The Local Authorities Executive Arrangements (Functions and Responsibilities) (Wales) Regulations 2001 and 2007 as amended.

Gambling Act 2005

The Size and Composition of Local Planning Authority Committees (Wales) Regulations 2017

The Local Authorities (Standing Orders) (Wales) (Amendment) Regulations 2017

End of Part Seven