

COUNCIL MEETING 16TH OCTOBER 2006POLICY RECOMMENDATIONS IN PUBLIC SESSIONA LICENSING COMMITTEE - 14TH SEPTEMBER 2006MINUTE 21 SCHEME OF DELEGATION.

**INFORMATION:** Members were reminded that, at their last meeting, they had been presented with a report on additional items for inclusion in the Constitution. The recommendations, which members approved, only referred to Appendix 1 and 2.

Members were therefore requested to consider further inclusions in the Constitution and these were as follows:-

- (1) To amend the drivers panel functional responsibilities to include the following:

To make decisions on the continuation of any Private Hire/Hackney Carriage/Dual Drivers Licence following serious complaints against the driver.

- (2) To approve the following delegation to Officers and Full Council set out below:

Delegation to Officers

Authority to suspend licences for Hackney Carriage and Private Hire vehicles under the relevant statutory provisions when vehicles are found to be un-roadworthy or fail other aspects of the test such as a taximeter check.

Delegation to Full Council

Authority to approve in respect of Hackney Carriage and Private Hire vehicles, new and revised conditions and pre-licensing standards which have universal application, but do not deprive any licence holder of their livelihood, but are introduced in the interest of the public safety and the raising of standards.

- (3) To approve the following changes to the general licensing functions within the Council's Constitution following recent changes in legislation:

To delete the following activities under point 85 of the constitution (Part 3 – Responsibility for Functions)

Determination of applications for grant or renewal of licences and permits for or registration of:

- Cinemas
- Theatres and Stage Plays
- Theatrical Agents
- Public Entertainments (renewal, transfers and occasional licences) including the registration of Door Staff

To add the following activities under point 85 of the Constitution (Part 3 – Responsibility for Functions)

Determination of applications for grant or renewal of licences and permits for or

registration of:

Licensing Act 2003

- Premises Licence/ Club Premises Certificate
- Personal Licence
- Provisional Statements
- Variation of Premises Licence/ Club Premises Certificate
- Variation of Designated Premises Supervisor
- Request to be removed as Designated Premises Supervisor
- Transfer of a Premises Licence
- Interim Authorities
- Review of Premises/Club Premises Certificate
- Temporary Event Notice

Gambling Act 2005

- Premises Licence
- Variation of a Premises Licence
- Transfer of a Licence
- Provisional Statement
- Temporary Use Notices
- Club Gaming and Club machine permits
- Amusements with Prizes machines and any other permits for machines
- Review of a Premises Licence
- Cancel Licensed Premises gaming machine permits

**DECISION:** That it be **Recommended to Council** that the inclusions to the Council's Constitution, as set out above, be approved.

B DISTRICT DEVELOPMENT COMMITTEE – 21<sup>ST</sup> SEPTEMBER 2006

MINUTE 30 TREE PRESERVATION ORDERS – MAKING AND CONFIRMATION

**INFORMATION:** The Committee's attention was drawn to an anomaly in the Council's Constitution (Scheme of Delegation) which had been highlighted recently.

Members were advised that Tree Preservation Orders were currently made by the Head of Corporate Services on the instruction of the Development Director. Under existing arrangements, all Orders to which objections had been submitted were reported to the appropriate Area Committee who determined whether or not the Order should be confirmed. Whereas, all unopposed Orders were confirmed by the Head of Corporate Services. However, the Constitution (Part 3, Section 5, paragraph 131, page 75) did not reflect this and merely authorised the making of an Order, subject to it being reported to the Area Committee.

It was agreed that the Constitution should be amended to reflect current practice.

**DECISION:** That it be **recommended to Council** that paragraph 131 of Section 5 of Part 3 of the Constitution be amended to read as follows:-

To act as a Proper Officer [*Development Director*] for the making and confirmation of Tree Preservation Orders under Section 198 and provisional Tree Preservation Orders under Section 201 of the Town and Country Planning Act 1990, subject to those Orders to which objections have been lodged being reported to the appropriate Area Committee to determine whether or not they should be confirmed.

**LIST OF PUBLIC MINUTES**

- (1) Cabinet – 25<sup>th</sup> September 2006 (copy previously circulated)
- (2) Braintree Area Committee – 19<sup>th</sup> September (copy previously circulated) 2006;
- (3) Halstead Area Committee – 26<sup>th</sup> September 2006 (copy to follow);
- (4) Witham Area Committee – 12<sup>th</sup> September 2006 (copy previously circulated);
- (5) Business Council – 5<sup>th</sup> September 2006 (copy previously circulated)
- (6) Museum Trustees – 5<sup>th</sup> September 2006 (copy previously circulated)
- (7) Community Policy Development Group – 6<sup>th</sup> September 2006 (Informal Meeting – no minutes published)
- (8) Scrutiny Panel – 7<sup>th</sup> September 2006 (copy previously circulated)
- (9) Public Safety Policy Development Group – 13<sup>th</sup> September 2006 (Informal Meeting – no minutes published)
- (10) Licensing Committee – 14<sup>th</sup> September 2006 (copy previously circulated)
- (11) Better Value Policy Development Group 20<sup>th</sup> September 2006 (Informal Meeting – no minutes published)
- (12) District Development Committee - 12<sup>th</sup> September 2006 (copy previously circulated);
- (13) Audit Panel – 21<sup>st</sup> September 2006 (copy previously circulated);
- (14) Overview and Scrutiny Coordinating Group – 27<sup>th</sup> September 2006 (copy enclosed)
- (15) Economic Development Working Group – 2<sup>nd</sup> October 2006 (copy to follow);