

FULL COUNCIL REPORT

Date Written	9 th March 2018 *
Report Author	Simon Jones
Service Area	Legal & Democratic Services
Exempt/Non Exempt	Non Exempt
Committee Date	4 th April 2018

To: Mayor, Ladies and Gentlemen

Objections & Appeals Sub Committee Amendment

1.0 SUMMARY OF THE REPORT

- 1.1 The Council's Constitution provides delegated power to the Objections & Appeals Sub Committee (the Sub Committee) to determine, consider and hear objections and appeals as set out in paragraph 3.4 of this report. It is proposed to extend the functions of this Sub Committee to allow it to consider and determine objections to any proposal on the part of the Council to appropriate land and to dispose of land under sections 122 & 123 of the Local Government Act 1972. It is also proposed to provide delegated power to the Sub Committee to allow it to consider and determine representations under Regulation 7 of the Playing Fields (Community Involvement in Disposal Decisions) (Wales) Regulations 2015. The power in relation to these matters is currently retained by Full Council. To ensure decisions are transparent, accountable and made without undue delay it is considered appropriate for objections and representations of this nature be considered and determined by the Sub Committee using powers delegated to it by Full Council.
- 1.2 Sub paragraph 3.06.06(e) of the Constitution provides delegated power to the Objections and Appeals Sub Committee to hear and determine appeals against the refusal of a Door Control Personnel licence. The determination of Door Control licences is no longer a function of the Council and as such this delegation should be revoked

2.0 RECOMMENDATIONS that

- 2.1 The delegation of power given to the Objections & Appeals Sub Committee set out in the Council's Constitution at paragraph 3.06.06 (e) be revoked.

- 2.2 That paragraph 3.05.06 of the Constitution be amended to provide delegated power to the Objections & Appeals Sub Committee to consider and determine objections and representations made under the following legislation –
- a. s122 of the Local Government Act 1972
 - b. s123 of the Local Government Act 1972
 - c. Regulation 7 of the Playing Fields (Community Involvement in Disposal Decisions) (Wales) Regulations 2015
- 2.3 The delegations detailed in 2.2 shall be in addition to the delegations listed in the Constitution at paragraph 3.06.06 (a) to (d).

3.0 INTRODUCTION AND BACKGROUND

- 3.1 The Council's Constitution sets out how the Council operates, how decisions are made and the procedures which are to be followed to ensure that these are efficient, transparent and accountable to local people.
- 3.2 Article 8 of the Constitution concerns the Council's Regulatory and other committees. These committees have powers delegated to them by Full Council to discharge the functions given to them as set out in Part 3 of the Constitution.
- 3.3 The Objections and Appeals Sub Committee is one of the committees referred in 3.2 above. It is a Committee of 3 Members consisting of the Chairperson and/or Vice Chairperson of the Appeals Committee together with 1 or 2 Members (as the case may be) drawn on a rota basis from the Members of the Appeals Committee.
- 3.4 The functions of the subcommittee currently are:-
- (a) To determine whether or not proposed orders made under the Road Traffic Regulation Act 1984, the Road Traffic Regulation (Special Events) Act 1994 or the Town Police Clauses Act 1847 in respect of which objections and/or representations have been received should be made as proposed or to take some other prescribed action.
 - (b) To determine whether or not Tree Preservation Orders in respect of which objections have received should have been confirmed.
 - (c) To hear and determine objections to and representations concerning street trading and street trading consents or licences.
 - (d) To hear and determine appeals etc against the decision of any Council Officer concerning applications pursuant to section 26(1) (bb) of the Marriage Act 1949.
 - (e) To hear and determine appeals against the decision of the Licensing Committee in those cases in which the Licensing Committee is not prepared to approve an application for registration under the Council's Door Control Personnel Scheme.

4.0 THE REASON FOR THE PROPOSED AMENDMENT

- 4.1 Sub paragraph 3.4 (e) concerns appeals against the refusal of a Door Control Personnel licence. The determination of Door Control licences is no longer a function of the Council with regulation of the same having been taken over by the Security Industry Authority (SIA). This delegation should therefore be revoked.
- 4.2 In addition to this, where legislation provides for representations and/or objections to be considered and determined by the Council, save for the matters referred to in 3.4 (a) to (d) above, this must be done by Full Council. For instance consideration of objections against the appropriation of land made under s122 of the Local Government Act 1972 LGA 1972 would fall as a responsibility of Full Council. The Council currently has a number of these objections to be considered. It is felt that to ensure decisions are transparent, accountable and made in a timely fashion, it is appropriate that objections of this nature are best dealt with using delegated powers given to the Objections & Appeals Sub Committee as would objections to disposals of land made under s123 of the Local Government Act 1972. It is also considered that the consideration and determination of representations received in relation to a proposed decision to dispose of playing fields made under the Playing Fields (Community Involvement in Disposal Decisions) (Wales) Regulations 2015 should also be delegated to the Objections & Appeals sub Committee.
- 4.3 It is therefore proposed to amend paragraph 3.05.06 of the Constitution to delegate to the Objections & Appeals Sub Committee power to consider and determine objections and representations made under the following legislation –
- a. s122 of the Local Government Act 1972
 - b. s123 of the Local Government Act 1972
 - c. Regulation 7 of The Playing Fields (Community Involvement in Disposal Decisions) (Wales) Regulations 2015

5.0 FINANCIAL IMPLICATION(S)

- 5.1 None save for members expenses.

6.0 EQUALITY IMPACT ASSESSMENT

- 6.1 An Equality Impact Assessment (EqIA) form has been prepared for the purpose of this report. It has been found that a full assessment is not required at this time. The form can be accessed on the Council's website/intranet via the 'Equality Impact Assessment' link.

GARETH CHAPMAN
CHIEF EXECUTIVE

COUNCILLOR ANDREW BARRY
CABINET MEMBER FOR GOVERNANCE
AND CORPORATE SERVICES

BACKGROUND PAPERS		
Title of Document(s)	Document(s) Date	Document Location
None		
Does the report contain any issue that may impact the Council's Constitution?		Yes

Consultation has been undertaken with the Corporate Management Team in respect of each proposal(s) and recommendation(s) set out in this report.