

## SECTION 6 – RESPONSIBILITIES OF STAFF AND PENSIONS COMMITTEE AND REGULATORY COMMITTEE

### 6.1 STAFF AND PENSIONS COMMITTEE

#### MEMBERSHIP

6 county councillors appointed proportionately to the representation of groups and individual members on the council. The chair of the committee shall be the Leader of the council.

#### TERMS OF REFERENCE

The committee is responsible for the following non-executive functions of the council:

Power to appoint staff, and to determine the terms and conditions on which they hold office (including procedures for their dismissal).	Section 112, Local Government Act 1972
The making of agreements with other local authorities for the placing of staff at the disposal of those other local authorities.	Section 113, Local Government Act 1972
Functions relating to local government pensions, etc.	Regulations under Sections 7, 12 or 24, Superannuation Act 1972 and Public Service Pensions Act 2013
Functions under the Firefighters' Pension Scheme, the New Firefighters' Pension Scheme (England), and the Firefighters' Compensation scheme (England) 2006, relating to pensions, etc. as respects persons employed by fire and rescue authorities pursuant to section 1 of the Fire and Rescue Services Act 2004.	Section 26, Fire Services Act 1947; Orders made under sections 34 or 36 of the Fire and Rescue Services Act 2004 (c.21) or under section 26(1) to (5) of the Fire Services Act 1947; and Section 12 of the Superannuation Act 1972, as applied by section 163 of that Act

- Establishing a pool of members from which the membership of Appointments and Disciplinary Appeals Sub-Committees can be drawn;
- Appointing the councillors who are not cabinet members to the Joint Negotiating Body and the Joint Negotiating Body (Teaching Staff) when required; and
- Establishing the Pension Fund Investment Sub-Committee to oversee pension fund investments, management of the fund and the administration of the pension scheme.

## 6.2 REGULATORY COMMITTEE

The powers of the Regulatory Committee arise from a diverse range of statutory provisions. Except in so far as a matter may be an executive function, or has been reserved to the full council or delegated to other persons (including officers) or bodies under this constitution, the committee has responsibilities set out in the following table, including the following in so far as they relate to the matters specified in the table:

- a. to grant or revoke and determine the terms (including the scale of fee, if any) of any approval, consent, licence, permission or registration; and
- b. to impose, vary, modify or enforce any condition, limitation, or other restriction on any approval, consent, licence, permission or registration.

N.B. The table contains a mix of local choice and non-executive functions.

Function		Statutory Reference
<b><i>Functions relating to planning development control and conservation</i></b>		
1	Power to determine application for planning permission.	Sections 69 and 92, Town and Country Planning Act 1990; Town and Country Planning (development Management Procedure) (England) Order 2010 (S.I. 2010-2184) and directions made under those sections or that order.
2	Power to determine applications to develop land without compliance with conditions previously attached.	Section 73, Town and Country Planning Act 1990
3	Power to grant planning permission for development already carried out.	Section 70A, 70B and 70C, Town and Country Planning Act 1990
4	Power to decline to determine application for planning permission.	Section 70A, Town and Country Planning Act 1990
5	Duties relating to the making of determinations of planning applications.	Sections 69, 76 and 92, Town and Country Planning Act 1990; and Articles 8, 10 to 13, 15 to 22, 25 and 26, Town and Country Planning (General Development Procedure) Order 1995 (S.I. 1995/419) and directions made thereunder
6	Power to determine applications for planning permission made by a local authority, alone or jointly with another person.	Section 316, Town and Country Planning Act 1990; Town and Country Planning General Regulations 1992 (S.I. 1992/1492)
7	Power to make determinations, give approvals and agree certain other matters relating to the exercise of permitted development rights.	Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 (S.I. 1995/418)
8	Power to enter into agreements regulating development or use of land.	Section 106, Town and Country Planning Act 1990
9	Power to issue a certificate of existing or proposed lawful use or development.	Sections 191(4) and 192(2), Town and Country Planning Act 1990
10	Power to serve a completion notice.	Section 94(2), Town and Country Planning Act 1990

11	Power to grant consent for the display of advertisements.	Section 220, Town and Country Planning Act 1990; Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (S.I. 2007/783) 1992
12	Power to authorise entry on to land.	Section 196A, Town and Country Planning Act 1990
13	Power to require the discontinuance of a use of land.	Section 102, Town and Country Planning Act 1990
14	Power to serve a planning contravention notice, breach of condition notice or stop notice.	Sections 171E, 187A and 183(1), Town and Country Planning Act 1990

<b>Function</b>		<b>Statutory Reference</b>
<b><i>Functions relating to planning development control and conservation (cont'd)</i></b>		
15	Power to issue an enforcement notice.	Section 172, Town and Country Planning Act 1990
16	Power to apply for an injunction restraining a breach of planning control.	Section 187B, Town and Country Planning Act 1990
17	Power to determine applications for hazardous substances consent and related powers.	Sections 9(1) and 10, Planning (Hazardous Substances) Act 1990
18	Duty to determine conditions to which old mining permissions, relevant planning permissions relating to dormant sites or active Phase I or II sites, or mineral permission relating to mining sites, as the case may be, are to be subject.	Paragraph 2(6)(a) of Schedule 2, Planning and Compensation Act 1991; Paragraph 9(6) of Schedule 13, Environment Act 1995; Paragraph 6(5) of Schedule 14 to that Act
19	Power to require proper maintenance of land.	Section 215(1), Town and Country Planning Act 1990
20	Power to determine applications for listed building consent and related powers.	Sections 16(1) and (2), 17, 27(2) and 33(1), Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990
21	Power to determine applications for conservation area consent.	Section 16(1), Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990, as applied by Section 74(3) of that Act
22	Duties relating to applications for listed building consent and conservation area consent.	Sections 13(1), 14(1) and 14(4), Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990; Regulations 3 to 6, and 13, Town and Country Planning (Listed Buildings and Buildings in Conservation Areas) Regulations 1990; Paragraphs 8, 15 and 22, Department of the Environment Circular 14/97
23	Power to serve a building preservation notice and related powers.	Sections 3(1) and 4(1), Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990
24	Power to issue enforcement notice in relation to demolition of unlisted building in conservation areas.	Section 38, Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990
25	Powers to acquire a listed building in need of repair and to serve a repairs notice.	Sections 47 and 48, Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990
26	Power to apply for an injunction in relation to a listed building.	Section 44A, Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990
27	Power to execute urgent works.	Section 54, Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990
28	Any function relating to contaminated land.	Part IIA, Environmental Protection Act 1990 and subordinate legislation
29	The discharge of any function relating to	Pollution Prevention and Control Act 1990; Part IV,

	the control of pollution or the management of air quality.	Environmental Protection Act 1990; Clean Air Act 1993
30	Powers relating to the preservation of trees.	Sections 197 to 214D, Town and Country Planning Act 1990; Trees Regulations 1999 (S.I. 1999/1892)
31	Power to make limestone pavement order.	Section 34(2), Wildlife and Countryside Act 1981

<b>Function</b>		<b>Statutory Reference</b>
<b><i>Functions relating to highways and public rights of way</i></b>		
1	Power to create footpath or bridleway by agreement.	Section 25, Highways Act 1980
2	Power to create footpaths and bridleways.	Section 26, Highways Act 1980
3	Duty to keep register of information with respect to maps, statements and declarations.	Section 31A, Highways Act 1980
4	Power to stop up footpaths and bridleways.	Section 118, Highways Act 1980
5	Power to determine application for public path extinguishment order.	Sections 118ZA and 118C(2), Highways Act 1980
6	Power to make a rail crossing extinguishment order.	Section 118A, Highways Act 1980
7	Power to make special extinguishment orders.	Section 118B, Highways Act 1980
8	Power to divert footpaths and bridleways.	Section 119, Highways Act 1980
9	Power to make a public path diversion order.	Section 119ZA and 119C(4), Highways Act 1980
10	Power to make a rail crossing diversion order.	Section 119A, Highways Act 1980
11	Power to make a special diversion order.	Section 119B, Highways Act 1980
12	Power to require applicant for an order to enter into agreement.	Section 119C, Highways Act 1980
13	Power to make an SSSI diversion order.	Section 119D, Highways Act 1980
14	Duty to keep register with respect to applications under sections 118ZA, 118C, 119ZA and 119C Highways Act 1980.	Section 121B, Highways Act 1980
15	Power to decline to determine certain applications.	Section 121C, Highways Act 1980
16	Duty to assert and protect the rights of the public to use and enjoyment of highways.	Section 130, Highways Act 1980
17	Duty to serve notice of proposed action in relation to obstruction.	Section 130A, Highways Act 1980
18	Power to apply for a variation of order under section 130B Highways Act 1980.	Section 130B(7), Highways Act 1980
19	Power to authorise temporary disturbance of surface of footpath or bridleway.	Section 135, Highways Act 1980
20	Power to temporarily divert footpath or bridleway.	Section 135A, Highways Act 1980
21	Functions relating to the making good of damage and the removal of obstructions.	Section 135B, Highways Act 1980
22	Powers relating to the removal of things so deposited on highways as to be a nuisance.	Section 149, Highways Act 1980
23	Power to extinguish certain public rights of way.	Section 32, Acquisition of Land Act 1981
24	Duty to keep a definitive map and statement under review.	Section 53, Wildlife and

		Countryside Act 1981
25	Power to include modifications in other orders.	Section 53A, Wildlife and Countryside Act 1981
26	Duty to keep register of prescribed information with respect to applications under section 53(5) Wildlife and Countryside Act 1981.	Section 53B, Wildlife and Countryside Act 1981
27	Duty to reclassify roads used as public paths.	Section 54, Wildlife and Countryside Act 1981
28	Power to prepare map and statement by way of consolidation of definitive map and statement.	Section 57A, Wildlife and Countryside Act 1981
29	Power to designate footpath as cycle track.	Section 3, Cycle Tracks Act 1984
30	Power to extinguish public rights of way over land acquired for clearance.	Section 294, Housing Act 1981
31	Power to authorise stopping-up of diversion of footpath or bridleway.	Section 257, Town and Country Planning Act 1990
32	Power to extinguish public rights of way over land held for planning purposes.	Section 258, Town and Country Planning Act 1990
<b>Function</b>		<b>Statutory Reference</b>
<b><i>Functions relating to highways and public rights of way (cont'd)</i></b>		
33	Power to enter into agreements with respect to means of access.	Section 35, Countryside and Rights of Way Act 2000
34	Power to provide access in absence of agreement.	Section 37, Countryside and Rights of Way Act 2000
35	Power to permit deposit of builder's skip on highway.	Section 139, Highways Act 1980
36	Power to license planting retention and maintenance of trees, etc., in part of highway.	Section 142, Highways Act 1980
37	Power to authorise erection of stiles, etc., on footpaths or bridleways.	Section 142, Highways Act 1980
38	Power to grant a street works license.	Section 50, New Roads and Street Works Act 1991
39	Power to license works in relation to buildings, etc., which obstruct the highway.	Section 169, Highways Act 1980
40	Power to consent to temporary deposits or excavations in streets	Section 171, Highways Act 1980
41	Power to dispense with obligation to erect hoarding or fence.	Section 172, Highways Act 1980
42	Power to restrict the placing of rails, beams, etc., over highways.	Section 178, Highways Act 1980
43	Power to consent to construction of cellars, etc., under street.	Section 179, Highways Act 1980
44	Power to consent to the making of openings into cellars, etc., under streets, and pavement lights and ventilators.	Section 180, Highways Act 1980
45	Power to grant permission for provision, etc., of services, amenities, recreation and refreshment facilities on highway, and related powers.	Section 115E, 115F and 115K, Highways Act 1980
46	Duty to publish notice in respect of proposal to grant permission under section 115E Highways Act 1980.	Section 115G Highways Act 1980
47	Power to authorise stopping up or diversion of highway.	Section 247 Town and Country Planning Act 1990
<b>Function</b>		<b>Statutory Reference</b>
<b><i>Functions relating to consumer safety and animal welfare</i></b>		
1	Duty to keep list of persons entitled to sell non-medicinal poisons.	Sections 3(1)(b)(ii), 5, 6 and 11, Poisons Act 1972

2	Power to approve meat product premises.	Regulations 4 and 5, Meat Products (Hygiene) Regulations 1994 (S.I. 1994/3082)
3	Power to approve premises for the production of minced meat or meat preparations.	Regulation 4, Minced Meat and Meat Preparations (Hygiene) Regulations 1995 (S.I. 1995/3205)
4	Power to approve dairy establishments.	Regulations 6 and 7, Dairy Products (Hygiene) Regulations 1995 (S.I. 1995/1086)
5	Functions under any of the "relevant statutory provision" for health, safety and welfare in connection with work and control of dangerous substances.	Within the meaning of Part I, Health and Safety at Work Act 1974 to the extent that those functions are discharged otherwise than in the authority's capacity as an employer
6	Power to issue, amend or replace safety certificates (whether general or special) for sports grounds.	Safety of Sports Ground Act 1975
7	Power to issue cancel, amend or replace safety certificates for regulated stands at sports grounds.	Part III, Fire Safety and Safety of Places of Sport Act 1987

Function		Statutory Reference
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<i>Functions relating to elections</i>		
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1	Duty to appoint returning officer for local government elections.	Section 35, Representation of the People Act 1983
2	Power to divide electoral divisions into polling districts at local government elections.	Section 31, Representation of the People Act 1983
3	Duty to declare vacancy in office in certain cases.	Section 86, Local Government Act 1972
4	Duty to give public notice of a casual vacancy.	Section 87, Local Government Act 1972
5	Power to determine fees and conditions for supply of copies of, or extracts from, elections documents.	Rule 48(3), Local Elections (Principal Areas) Rules 1986 (SW.I. 1986/2214)
6	Power to submit proposals to the Secretary of State for an order under section 10 (pilot schemes for local elections in England and Wales) of the Representation of the People Act 2000.	Section 10, Representation of the People Act 2000 (c2)

Function		Statutory Reference
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<i>Functions relating to appeals</i>		
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1	The determination of an appeal against any decision made by or on behalf of the authority.	Any enactment conferring a power on the council to determine such appeals
2	The making of arrangements for appeals against exclusion of pupils.	Section 52, Education Act 2002 and relevant subordinate legislation
3	The making of arrangements for school admission appeals.	Section 94(1), (1A), (4) and (5), School Standards and Framework Act 1998 and relevant subordinate legislation
4	The making of arrangements for appeals by governing bodies against an LEA decision to admit a child permanently excluded from two schools.	Sections 87, 95(2) and 95(3A), School Standards and Framework Act 1998 and relevant subordinate legislation

Function		Statutory Reference
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<i>Miscellaneous Functions</i>		
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1	The appointment or revocation of the appointment of any individual: (a) to an outside body or committee or sub-committee of an outside body; or (b) as a governor of community, foundation and voluntary, special and nursery schools.	Any enactment conferring a power to make such appointments other than those appointments reserved to the council or the executive by law or other provision within this constitution
2	Power to register common land or town and village greens except where the power is exercisable solely for the purpose of giving effect to: (a) an exchange of lands effected by an order under section 19(3) or paragraph 6(4) of schedule 3 Acquisition of Land Act 1981; or (b) an order under section 147 Inclosure Act 1845.	Section 13, Commons Registration Act 1965 (c.64)

3	Power to register variation of rights of common.	Part 1, Commons Act 2006 and The Commons Registration (England) Regulations 2014 (S.I. 2014/3038)
4	Power to license the employment of children.	Part II, Children and Young Persons Act 1933; bylaws made under that Part; Part II, Children and Young Persons Act 1963
5	Power to approve premises for the solemnisation of marriages and the formation of civil partnerships.	Section 46A, Marriage Act 1949 (c.76); Marriages and Civil Partnerships (Approved Premises) Regulations 2005 (S.I. 2005/3168)
6.	Power to make payments or provide other benefits in cases of maladministration, etc.	Section 92, Local Government Act 2000