

Scheme of Delegation for the Regulatory Committee

Introduction

1. There are a number of functions delegated to the Regulatory Committee by the Full Council. These functions are listed at Appendix A to this document.
2. The Committee may then lawfully delegate these functions to a sub committee or to an officer of the authority.
3. Officers may further delegate any of the functions delegated to them.
4. This scheme of delegation for the Regulatory Committee does not form part of the Council's constitution. However it is recognised that where there appears to be any doubt, the Articles and Procedure Rules within the Constitution will take precedence.

Delegations

5. This is a scheme of delegation by exception.

Delegations to Officers

6. All functions listed at Annex A are delegated to the head of service with management responsibility for the functions unless specifically reserved to the Regulatory Committee or a sub committee thereof.
7. Any delegation to the head of service with management responsibility for the listed functions may be exercised on his/her behalf by any other officer authorised in writing by her/him, either generally or specifically.

Matters reserved to the Committee

8. The Regulatory Committee reserves to itself;
 - The adoption of all policy documents developed within the scope of the functions set out at annex A.
 - Adoption of conditions applicable to drivers; vehicles or operators of Hackney Carriages or Private Hire Vehicles
 - Setting hackney carriage fares
 - Limitation of Hackney Carriage vehicle numbers

Matter reserved to the Sub Committee of the Regulatory Committee

9. Any matters referred by officers in respect of contested applications for;
 - Hackney Carriage; private hire and operator licences
 - Sex establishment licence applications
 - Street Trading Consents

And any other officer referred matters seen as appropriate from time to time

Urgent decisions

10. Any matter covered by this scheme of delegation, whether or not reserved to the Regulatory Committee or a sub committee thereof may be taken by the Chief Executive on the basis of urgency. Where it has been necessary for the Chief Executive to take a reserved decision he will report the reasons for urgency back to the next full meeting of the Regulatory Committee, or where no such meeting exists, back to the Council.

Functions delegated to the Regulatory Committee by the Council – Annex A

| Committee | Functions | Delegation of Functions |
|----------------------|--|---|
| Regulatory Committee | Regulatory functions specified in list B of schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (The Functions Regulations and the Health Act 2006) | |
| | Health and Safety – functions relating to Health and Safety under any of the “relevant statutory provisions” within the meaning of Part 1 (Health, Safety and Welfare in Connection with Work and Controlled Dangerous Substances) of the Health and Safety at Work Act 1974 to the extent that those functions are discharged otherwise than in the Council’s capacity as an employer | |
| | Power to register premises or stalls for the sale of goods by way of competitive bidding | |
| | Functions relating to sea fisheries | |
| | Power to make closing order with respect to take-away food shops | |
| | Power to enforce offences relating to the display of no-smoking signs | |
| | Power to enforce offences relating to smoking in smoke free places | |
| | Power to enforce offence of failing to prevent smoking in smoke-free places | |
| | Power to transfer enforcement functions to another enforcement authority | |
| | The exercise of functions under part 8 of the Anti Social Behaviour Act 2003 (High Hedges) with the exception of fee setting. | <p>The Assistant Director Environmental Services to undertake investigations into any complaint relating to high hedges</p> <p>The Development Control Manager to issue remedial Notices and take enforcement action.</p> |

Local Choice functions delegated to the Regulatory Committee

| Function | Decision Making Body | Delegation of Functions |
|--|--|--|
| Any function relating to contaminated land. | Regulatory Committee | The Committee may delegate functions to one or more appropriate officers |
| The discharge of any function relating to the control of pollution or the management of air quality. | Regulatory Committee | The Committee may delegate functions to one or more appropriate officers |
| The service of an abatement notice in respect of a statutory nuisance. | Regulatory Committee | The Committee may delegate functions to one or more appropriate officers |
| The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the authority's area. | Regulatory Committee | |
| The inspection of the authority's area to detect any statutory nuisance. | Regulatory Committee | The Committee may delegate functions to one or more appropriate officers |
| The investigation of any complaint as to the existence of a statutory nuisance. | Regulatory Committee | The Committee may delegate functions to one or more appropriate officers |
| The obtaining of information under section 330 of the Town and Country Planning Act 1990 as to interests in land. | Regulatory Committee or Cabinet as appropriate | The Cabinet, or the Regulatory Committee, as the case may be, may delegate some or all of the function to one or more appropriate officers |
| The obtaining of particulars of persons interested in land under section 16 of the Local Government (Miscellaneous Provisions) Act 1976. | Regulatory Committee or Cabinet as appropriate | The Cabinet, or the Regulatory Committee, as the case may be, may delegate some or all of the function to one or more appropriate officers |