

Committee Functions

The following is a list of committee functions extracted from the Constitution. If Council decides to change the number of members on each committee then amendments will need to be made as shown below.

SECTION 1: RESPONSIBILITY FOR LOCAL CHOICE FUNCTIONS

Decision Making Body: Regulatory Committee

Membership: 5 [or other number to be agreed by Council] members of the authority.

Functions:

1. All regulatory functions under any local Act.
2. The following functions or actions where the function or action involves:
 - determining an application from a person for a licence, approval, consent, permission or registration;
 - direct regulation of a person (with substantial discretion as to the regulatory action); or
 - enforcement of any such licence approval, consent, permission or direct regulation.
 - (i) Functions relating to contaminated land.
 - (ii) The discharge of functions relating to the control of pollution or the management of air quality.
 - (iii) The service of an abatement notice in respect of a statutory nuisance.
 - (iv) The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the authority's area.
 - (v) The inspection of the authority's area to detect any statutory nuisance.
 - (vi) The investigation of any complaint as to the existence of a statutory nuisance.
 - (vii) The obtaining of particulars of persons interested in land under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976.

Decision Making Body: General Purposes Committee

Membership: 5 [or other number to be agreed by Council] Members of the authority.

Functions:

1. To hear appeals against both disciplinary decisions made by the Chief Executive and decisions taken to dismiss members of the Council's staff made by the members of staff affected except where the Committee itself has exercised the power to dismiss.
2. To consider representations by the member of staff affected, any representative(s) and/or witness(es).

3. To consider representations by the Head of East Kent Human Resources Partnership concerning the appeal.
4. To determine the appeal.
5. To determine whether any grievance lodged against the Chief Executive, Monitoring Officer or Section 151 Officer has any merit and, if so determined, to appoint an independent assessor as contained in these officers' terms and conditions of employment.
6. To determine a grievance against a member of the Corporate Management Team where the employee lodging the grievance remains dissatisfied with the determination of the Chief Executive.

Decision Making Body: Planning Committee

Membership: 10 for other number to be agreed by Council members of the authority.

Functions:

1. The obtaining of information under Section 330 of the Town and Country Planning Act 1990 as to interests in land.
2. The obtaining of particulars of persons interested in land under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976.
3. Functions in connection with the determination of an appeal against any decision made by or on behalf of the authority in relation to planning matters.

SECTION 2: RESPONSIBILITY FOR COUNCIL FUNCTIONS

Decision Making Body: General Purposes Committee

Membership: 5 for other number to be agreed by Council Members of the Authority.

Functions:

1. To exercise the powers and functions of the Council within the Budget and Policy Framework other than:
 - (a) Those which are specifically reserved to the full Council by Article 4.02.
 - (b) Those which are within the remit of another committee of the Council.

Decision Making Body: Planning Committee

Membership: 10 for other number to be agreed by Council Members of the Authority.

Functions:1. Planning and Conservation

Functions relating to town and country planning and development control, trees, footpaths, bridleways and restricted byways and public rights of way as described in Article 2 and Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (SI 2000 no.2853) with the exception of any functions required by any enactment or this constitution to be discharged by the council including:

- (a) Power to determine applications for planning permission.
- (b) Power to determine applications to develop land without compliance with conditions previously attached.
- (c) Power to grant planning permission for development already carried out.
- (d) Power to decline to determine applications for planning permission.
- (e) Duties relating to the making of determinations of planning applications.
- (f) Power to determine applications for planning permission made by a local authority, alone or jointly with another person.
- (g) Power to make determinations, give approvals and agree certain other matters relating to the exercise of permitted development rights.
- (h) Power to enter into planning obligations, to modify and discharge planning obligations and related powers.
- (i) Power to issue a certificate of existing or proposed lawful use or development.
- (j) Power to serve a completion notice.
- (k) Powers in relation to the display of advertisements.
- (l) Powers in relation to entry onto land.
- (m) Power to require the discontinuance of a use of land.
- (n) Power to serve a planning contravention notice, breach of condition notice or stop notice.
- (o) Power to issue a temporary stop notice.
- (p) Power to issue an enforcement notice.
- (q) Power to apply for an injunction restraining a breach of planning control.
- (r) Power to determine applications for hazardous substances consent, and related powers
- (s) Duty to determine conditions to which old mining permissions, relevant planning permissions relating to dormant sites or active phase 1 or 2 sites, or mineral permissions relating to mining sites, as the case may be, are to be subject.
- (t) Power to require proper maintenance of land.
- (u) Power to determine application for listed building consent, and related powers.
- (v) Duties relating to applications for listed building consent.
- (w) Power to serve a building preservation notice, and related powers.

- (x) Power to issue enforcement notice in relation to demolition of listed building in conservation area.
 - (y) Powers to acquire a listed building in need of repair and to serve a repairs notice.
 - (z) Power to apply for an injunction in relation to a listed building.
 - (aa) Power to authorise stopping up or diversion of highway.
 - (bb) Power to execute urgent works.
 - (cc) Powers relating to the protection of important hedgerows.
 - (dd) Powers relating to the preservation of trees.
 - (ee) Powers in relation to complaints about high hedges.
 - (ff) Power to authorise stopping-up or diversion of footpath, bridleway or restricted byway.
 - (gg) Power to extinguish public rights of way over land held for planning purposes.
2. To implement the provisions of the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2017
 3. Local choice functions allocated to the Planning Committee as set out in Section 1 of Part 3 of the Constitution.

Decision Making Body: Regulatory Committee

Membership: 5 for other number to be agreed by Council Members of the Authority.

Functions:

1. To exercise the functions of the Council relating to:
 - (a) Licensing the use of land as a caravan site ("site licences").
 - (b) Licensing the use of moveable dwellings and camping sites.
 - (c) Licensing hackney carriages and private hire vehicles.
 - (d) Licensing drivers of hackney carriages and private hire vehicles.
 - (e) Licensing operators of private hire vehicles.
 - (f) Granting of permits in respect of premises with amusement machines.
 - (g) Registering societies wishing to promote lotteries.
 - (h) Granting permits in respect of premises where amusements with prizes are provided.
 - (i) Licensing of sex shops and sex cinemas.
 - (j) Licensing the performance of hypnotism.
 - (k) Licensing or registration of premises for acupuncture, tattooing, ear-piercing and electrolysis.
 - (l) Licensing of pleasure boats and pleasure vessels.
 - (m) Licensing of market and street trading.
 - (n) Licensing dealers in game and the killing and selling of game.

- (o) Registration and Licensing of premises for the preparation of food.
- (p) Licensing of scrap yards and scrap metal dealers.
- (q) Licensing premises for the breeding of dogs.
- (r) Licensing of pet shops and other establishments where animals are bred or kept for the purposes of carrying on a business.
- (s) Registration of animal trainers and exhibitors.
- (t) Licensing of zoos.
- (u) Licensing of dangerous wild animals.
- (v) Knackers' yards.
- (w) Licensing of persons to collect for charitable and other causes.
- (x) Granting of consents for the operation of a loudspeaker.
- (y) Approving meat product premises.
- (z) Approving premises for the production of minced meat or meat preparations.
- (aa) Approving dairy establishments.
- (bb) Approving egg product establishments.
- (cc) Licensing of retail butchers' shops carrying out commercial operations in relation to unwrapped raw meat and selling or supplying both raw meat and ready-to-eat foods.
- (dd) Approving fish products premises.
- (ee) Registration of food business premises.
- (ff) The making of closing orders with respect to take-away food shops.
- (gg) Power to grant permission for provision, etc. of services, amenities, recreation, and refreshment facilities on the highway and related powers.
- (hh) Duty to publish notice in respect of proposal to grant permission under section 115E of the Highways Act 1980.
- (ii) Licensing of Riding Establishments.

Including the functions of:

- (1) imposing any condition, limitation or other restriction on any such approval, consent, licence permission or registration granted
- (2) determining any other terms to which any such approval, consent, licence, permission or registration is subject
- (3) determining whether, and in what manner to enforce
 - (a) any failure to comply with any such approval, consent, licence, permission or registration
 - (b) any failure to comply with a condition, limitation or term to which any such approval, consent, licence, permission or registration is subject
 - (c) any other contravention in relation to a matter with regard to the function of determining an application for any such approval, consent, licence, permission or registration

- (4) amending, modifying or varying any such approval, consent, licence permission or registration, or any condition, limitation or term to which it is subject.
 - (5) revoking or suspending any such approval, consent, licence permission or registration.
 - (6) determining appeals against refusal and revocation of registration of door staff/supervisors.
2. Functions under any of the "relevant statutory provisions" within the meaning of Part I (health, safety and welfare in connection with work, and control of dangerous substances) of the Health and Safety at Work etc Act 1974, to the extent that those functions are discharged otherwise than in the authority's capacity as an employer.
 3. Local choice functions allocated to the Regulation and Licensing Committee as set out in Section 1 of Part 3 of the Constitution.

Decision Making Body: Governance Committee

Membership: 7 for other number to be agreed by Council Members of the Authority.

Functions:

1. To agree and then periodically review the Terms of Reference in relation to the Internal Audit function.
2. To ensure effective internal audit and internal control arrangements.
3. To receive the Internal Audit Annual Programme of work.
4. To receive audit activity reports and the assurances contained therein relating to the level of internal control and risk management across the Council.
5. Ensure that audit recommendations agreed by management are implemented effectively.
6. To consider external audit reports and make recommendations to the Council.
7. To ensure the effectiveness of the Council's risk management arrangements.
8. To seek assurances that effective action is being taken on risk and internal control related areas of weakness.
9. To receive the Statement of Internal Control and to monitor the implementation of the action plan.
10. To approve the Council's Statement of Accounts, as required by prevailing legislation.
11. Monitor and review the Constitution and make recommendations to the Council.

13. To consider the reports of the Joint Independent Remuneration Panel and make recommendations to the Council.
14. Independent scrutiny of the authority's financial and non-financial performance to the extent that it affects the authority's exposure to risk and weakens the control environment.
15. To discharge the functions of the Council relating to Standards contained in Part 1, Chapter 7 of the Localism Act 2011 (other than those which are reserved to Council by law) including:
 - (i) To promote and maintain high standards of conduct by Members and Co-opted Members of the District Council and to make recommendations to Council on improving standards.
 - (ii) To advise and assist Town and Parish Councils and Town and Parish Councillors to maintain high standards of conduct and to make recommendations to Town and Parish Councils on improving standards.
 - (iii) To advise the District Council on the adoption of or revisions to its Code of Conduct.
 - (iv) To advise, train or arrange to train District Members, Co-opted Members and Town and Parish Councillors on matters relating to the Code of Conduct.
 - (v) To assist the District Councillors, Co-opted Members and Town and Parish Councillors to observe their respective Codes of Conduct.
 - (vi) To monitor and assess the operation and effectiveness of the Code of Conduct and to review and manage the Arrangements for dealing with Code of Conduct Complaints.
 - (vii) To advise on local ethical governance protocols and procedures.
 - (viii) To maintain oversight of the District Council's arrangements for dealing with Code of Conduct complaints.
 - (ix) To act as an advisory body in respect of any ethical governance matter.
 - (x) To monitor and review the procedures for the Register of Members' Interests and declaring gifts and hospitality.
 - (xi) To receive reports from the Monitoring Officer on the number and nature of complaints received and action taken as a result in consultation with the Independent Person.
 - (xii) To receive an annual report on the District Council's ethical governance arrangements.
 - (xiii) To appoint a Hearing Panel to deal with Code of Conduct complaints following investigation.
16. To grant dispensations pursuant to S33(2) of the Localism Act 2011 and paragraph 8 of the adopted Code of Conduct where:

- (i) without the dispensation, the representation of different political groups on the body transacting the business would be so upset as to alter the outcome of any vote on the matter.
 - (ii) that the authority considers that the dispensation is in the interests of persons living in its area; or
 - (iii) where the Committee considers that it is otherwise appropriate to grant a dispensation.
17. To monitor complaints handling and Ombudsman investigations and, in relation to non-executive functions, to make payments or provide other benefits in cases of maladministration.
18. To deal with any alleged breaches by councillors of local protocols adopted by the Council including the Protocol for Good Practice in Planning Procedure and the Protocol for Officers and Members for Dealing with Conflicts of Interest of Councillors in Professional Practice

Decision Making Body: Licensing Committee

Membership: 15 for other number between 10 and 15 to be agreed by Council Members of the Authority (and shall not be required to be politically balanced).

Functions:

1. Discharge those functions referred to by Section 7(1) of the Licensing Act 2003 (licensing functions).
2. Consider and report upon any recommendation or report of the Council or its Committees or the Executive and its Committees on any matters referred to it which relate to a licensing function.
3. Make recommendations to the Council or its Committees or to the Executive and its Committees on any matter relating to a licensing function.

Decision Making Body: Licensing Sub-Committee

Membership: Each to comprise 3 Members of the Authority appointed by the Licensing Committee (and shall not be required to be politically balanced)

Functions:

1. To discharge the functions under Section 18(3) relating to determining applications for premises licences where there are relevant representations.
2. To discharge the functions under Section 31(3) relating to determining applications for provisional statements where there are relevant representations.
3. To discharge the functions under Section 35(3) relating to determining applications for variations to premises licences where there are relevant representations.
4. To discharge the functions under Section 39(3) relating to determining applications to vary the designated premises supervisor where there is police objection.

5. To discharge the functions under Section 44(5) relating to determining applications for the transfer of a premises licence where there is police objection.
6. To discharge the functions under Section 48(3) relating to considering police objection to interim authority notice.
7. To discharge the functions under Section 72(3) relating to determining applications for club premises certificates where there are relevant representations.
8. To discharge the functions under Section 85(3) relating to determining applications to vary club premises certificates where there are relevant representation.
9. To discharge the functions under Section 105(2) relating to determining whether to give counter notice where there is police objection to temporary events notices.
10. To discharge the functions under Section 120(7) relating to determining applications for personal licences where there is police objection.
11. To discharge the functions under Section 120(6) relating to determining applications for personal licences where the applicant has unspent convictions.
12. To discharge the functions under Section 121(6) relating to determining applications for the renewal of personal licences where there is police objection.
13. To discharge the functions under Section 121(5) relating to determining applications for the renewal of personal licences where the applicant has unspent convictions.
14. To discharge the functions under Section 124(4) relating to revoking licences where convictions come to light after the grant or renewal of a personal licence.
15. To discharge the functions under Section 52(2) or (3) relating to the determination of applications for the review of premises licences in cases where relevant representations (within the meaning of Section 52(7)) have been made.
16. To discharge the functions under Section 88(2) or (3) relating to the determination of applications for review of club premises certificates in cases where relevant representations (within the meaning of Section 88(7)) have been made.
17. To discharge the functions under Section 167(5) relating to review following closure order in cases where relevant representations (within the meaning of Section 167(9)) have been made.

Decision Making Body: Electoral Matters Committee

Membership: 5 for other number to be agreed by Council Members of the Authority.

Functions:

1. To consider electoral matters and Boundary Reviews and make recommendations to the Council.
2. To make recommendations on electoral boundaries and associated issues.