

Haringey Council

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Report for:	Full Council 18 November 2013	Item Number:	
Title:	Scrap Metal Dealers Act 2013 - Delegation of functions and amendment to terms of reference of Regulatory and Licensing Sub-Committees		
Report Authorised by:	Lyn Garner Director of Place and Sustainability		
Lead Officer:	Stephen McDonnell Deputy Director of Operations and Community Safety		
Ward(s) affected: All	Report for Key/Non Key Decisions: N/A		

1. Describe the issue under consideration

- 1.1 This report sets out the implications for the council arising from the Scrap Metal Dealers Act 2013 ("the 2013 Act") which establishes a new licensing regime for scrap metal dealers.
- 1.2 The proposed process for dealing with these new licences is outlined, including decision making arrangements both by officers, under delegated powers, and by the Licensing Sub-committees.
- 1.3 The minor amendment to the terms of reference of the Regulatory Committee and the Licensing Sub-committees to specifically include scrap metal dealing matters.
- 1.4 The licence fees to cover the cost of administering the new licensing regime were approved by the Regulatory Committee on 14 September 2013.

2. Cabinet Member introduction

- 2.1 The Scrap Metal Dealers Act 2013 received Royal Assent in February 2013, delivering much needed reform of the scrap metal sector. The 2013 Act will provide effective and proportionate regulation of the sector, creating a more robust, local authority run, licensing regime that will support legitimate dealers yet



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provide the powers to effectively tackle unscrupulous operators. It will raise standards across the whole sector. It is being implemented in key stages between between 1 September 2013 and 1 December 2013.

3. Recommendations

That Council:

- 3.1 Notes the requirements of the Scrap Metal Dealers Act 2013 and the proposed arrangements for its operation by the council.
- 3.2 Approves the delegation of functions to officers in respect of uncontested applications based on the criteria set out in paragraph 5.17 to this report.
- 3.3 Notes the functions of the Licensing Sub-committee in respect of contested applications based on the criteria set out in paragraph 5.17 and 5.15 to this report.
- 3.4 Approves the minor amendment to the terms of reference of the Regulatory Committee and the Licensing Sub-committees to specifically include matters covered by the Scrap Metal Dealers Act 2013. Appendix 2
- 3.5 Notes that the licence fees to cover the cost of administering the new licensing regime were approved by the Regulatory Committee on 14 September 2013.

4. Alternative options considered

- 4.1 The licensing regime created by the 2013 Act is mandatory and suitable arrangements are required to be put in place for its operation by the council.

5. Background information

- 5.1 The Scrap Metal Dealers Act 2013 enables local authorities to decide who should and should not be licensed to deal with scrap metal, allowing them to refuse a licence upon application or to revoke a licence at any time if they are not satisfied as to the suitability of a person to carry on business as a scrap metal dealer.
- 5.2 The Act also creates closure powers for unscrupulous dealers who operate without a licence. It extends the record keeping requirements placed upon scrap metal dealers and requires the verification of the people with whom scrap metal dealers are transacting. The Act will integrate the separate regulation of motor salvage operators with the scrap metal sector and bring to an end the cash exemption given to some collectors under the Scrap Metal Dealers Act 1964 ("the 1964 Act") which is being repealed.



5.3 The 2013 Act allows local authorities to recover the costs arising from administering and seeking compliance with the new regime.

5.4 In terms of recent background history, the Government had introduced initial changes in 2012 through the Legal Aid, Sentencing and Punishment of Offenders Act 2012 which amended the 1964 Act. This was broadly in response to an increase in metal theft across the UK which impacted on a number of service sectors including transport, electricity, street furniture, memorials, churches and schools. Cash payments for scrap metal were prohibited, the powers of entry into unregistered scrap metal sites were amended and the existing financial penalties for offences increased.

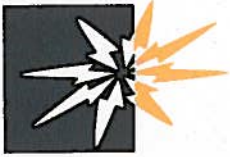
5.5 The aim of the 2013 Act is to further strengthen the regulatory regime. It does so by giving the police and local authorities powers to refuse and revoke licenses, the ability to issue "closure notices" on scrap metal sites, to impose requirements on licence holders in respect of record keeping and the display of licences, and increasing the rights of entry, inspection and the range of offences that may be prosecuted.

5.6 The 2013 Act brings in two types of licences:

- **Site Licence:** A site licence requires all of the sites at which the licensee carries on the business as a scrap metal dealer within the local authority area to be identified and a site manager to be named for each site. In doing so, they will be permitted to operate from those sites as a scrap metal dealer, including transporting scrap metal to and from those sites from any local authority area.
- **Collector's Licence:** A collector's licence authorises the licensee to operate as a mobile collector in the area of the issuing local authority, permitting them to collect any scrap metal as appropriate. This includes commercial as well as domestic scrap metal. The licence does not permit the collector to collect from any other local authority area. A separate licence should be obtained from each local authority in who's area the individual wishes to collect. A collector's licence does not authorise the licensee to carry on a business at a site within any area. Should a collector wish to use a fixed site, they will need to obtain a site licence from the relevant local authority.

5.7 An applicant for a licence must be suitable and the local authority, when determining suitability, may have regard to any information it considers relevant including:

- Whether the applicant or any site manager has been convicted of any relevant offence;
- Whether the applicant or any site manager has been the subject of any relevant enforcement action;
- Any previous refusal for issue or renewal of a Scrap Metal Licence;



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- Any previous refusal for an environmental permit or registration;
- Any previous revocation of a Scrap Metal Licence;
- Whether the applicant has demonstrated that there will be adequate procedures to comply with the Act.

The same considerations also apply to any director or company secretary of a company if the applicant is not an individual.

5.8 Once an application has been received the Local Authority may consult with:

- Any other local authority (if an application has been made or licence issued to the same applicant)
- Environment Agency
- Police

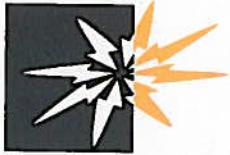
The Act has also introduced the requirement for the Environment Agency to keep and maintain a register of all scrap metal licences issued in England and that register will be open for public inspection.

Fee Setting Criteria

5.9 The 2013 Act provides that an application for a licence must be accompanied by a fee set by the local authority. This fee raising power is an essential component of the legislation as it will provide local authorities with the funding they need to administer the regime and ensure compliance. The power to set fees has been passed to individual local authorities, to enable them to set the fee by reference to their actual costs. The EU Services Directive states that a licence fee can only be used to pay for the cost associated with the licensing process. In effect, each local authority must ensure that the income from fees charged for each service does not exceed the costs of providing the service.

5.10 The costs of a licence should reflect the time spent assessing and administering applications, processing them, having experienced licensing officers review them, storing them, consulting on the suitability of an applicant, reviewing relevant offences, the decision on whether to issue a licence, as well as the cost of issuing licences in a format that can be displayed. Consulting the local authority's enforcement records in order to determine the suitability of the applicant is chargeable within the licence fee costs, as are costs associated with contested licence applications.

5.11 The Licensing team's proposed fee structure was approved by the Regulatory Committee on 14 September 2013 as follows.



	Collectors Licence	Site Licence
New application	£250	£350
Variation	£250	£350
Renewal	£190	£250
Replacement licence	£25	£25
Replacement of vehicle licence ID	£10	£10

The fees are in line with those being established by other London Boroughs.

- 5.12 The licence fee cannot be used to support enforcement activity against unlicensed scrap metal dealers. Any activity taken against unlicensed operators must be funded through existing funds. Such activity against unlicensed operators includes issuing closure notices, with applications for closure orders subsequently made to a Magistrates Court. The cost of applying to the Magistrates Court for a warrant (Section 16(5)(6) and (7) of the 2013 Act) for entry to unlicensed premises, by force if necessary, will incur legal costs to be borne by the local authority and police.
- 5.13 The envisaged procedure for the application will be as follows (although this list is not exhaustive):
- the individual dealer will complete an application form;
 - there will be a review of this form by licensing officers to ensure it is complete, carry out the CRB checks, receive the fees and create the records;
 - the consultation process will commence with the Police and the Environment Agency;
 - an initial visit will be carried out of the site by 2 officers to familiarise themselves;
 - the applicant will be given the opportunity to attend at a Licensing Sub-committee to make representations to seek to persuade the committee to either grant an application, not to revoke a licence, or for conditions not to be imposed on the licence, if these actions have been proposed by the relevant licensing officer;
 - the licence, if granted, will be issued,;
 - there will need to be an inspection after the licence is issued;
 - if refused, partial refund to be granted.
- 5.14 In view of the nature of these businesses, it would not be appropriate for 1 officer to carry out inspections on their own. Site visits will therefore be carried out by 2 officers routinely. We have yet to establish if the local police will put resources into this although we currently liaise with a BTP Officer. The inspection regime is proposed to be every 6 months. This is to ensure that the purpose of the legislation can be implemented, namely to ensure that there is an audit trail for



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transactions relating to the trade of scrap metal and to attempt to reduce the related crimes.

5.15 The licensing team will also need to create an administrative and inspection regime for mobile collectors who will need a separate licence for each area of their operation and who may not live in the borough. The procedure for the application will be similar to that outlined above for a site licence.

5.16 We will need to have in place an inspection of records regime in carrying out follow up inspections with those that we license. A licence also has to be displayed in any vehicles used for the business of collecting scrap.

Delegation of functions

5.17 The functions under the 2013 Act fall within the Regulatory and Licensing Sub-committee's terms of reference. It is proposed, however, that the majority of functions under the Act, including uncontested applications, be processed by officers and therefore delegated to them. This would reflect a similar set up to uncontested premises licence applications under the Licensing Act 2003 with which comparisons may be drawn. The recommendation is for the Deputy Director of Operations and Community Safety to be delegated the following functions:

- i) To grant, renew or vary a scrap metal dealer's licence;
- ii) To serve notice of a proposal to refuse to grant, renew, or vary a scrap metal dealer's licence.
- iii) To refuse to grant, renew, or vary a scrap metal dealers licence but only where the applicant, upon notice of such a proposal, has not informed the local authority that they wish to make oral representations (to a Licensing Sub committee).
- iv) To serve notice of a proposal to impose conditions or to revoke a scrap metal dealer's licence,
- v) To impose conditions or revoke a scrap metal dealer's licence but only where the applicant, upon notice of such a proposal, has not informed the local authority that they wish to make oral representations (to a Licensing Sub committee).

5.18 The Licensing Sub-committees retain the function of considering oral representations in the circumstances set out above. Appendix 1 reflects the inclusion of the above delegations in the scheme of office delegation.

5.19 Under the 2013 Act, the principal functions imposed on the local authority applied since 1 October 2013. Having set the fees, the council was in a position to accept new applications from that date. Since 1 October 2013 (pending officer delegation) the functions under the Act have fallen to the Regulatory Committee



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and, in the case of individual applications (even uncontested ones), to the Licensing Sub-Committees.

5.20 Transitional provisions have been published dealing with licence holders under the 1964 Act e.g. they were deemed to have a licence up until 15 October 2013 following which it lapsed if a new application had not been submitted.

Amendment to terms of reference of Regulatory and Licensing Sub-Committees

5.21 The functions under the Scrap Metal Dealers Act 2013 are considered to fall within the Regulatory and Licensing Sub-Committee's terms of reference. However, due to the broader nature of the functions in the Scrap Metal Dealers Act 2013 compared to those of the Scrap Metal Dealers Act 1964, it is considered appropriate to specify scrap metal dealing in both terms of reference (as they do, for example, for street trading) to ensure better clarity. These minor amendments are shown in Appendix 2.

7. Comments of the Chief Finance Officer and financial implications

7.1 The fees were set in line with Government guidelines in order to recoup costs of administering the license scheme. Therefore there is no impact on wider Council budgets.

7.2 As the fees are new, the fee level will need to be monitored to ensure compliance with statutory requirements.

8. Head of Legal Services and legal implications

8.1 The functions under the 2013 Act are non-executive and any delegations to officers must be approved by Full Council. Until that time, principal functions under the Act fall to the Regulatory Committee and, in the case of individual applications, to the Licensing Sub-committees. The fee raising power sits with the Regulatory Committee and officers had regard to the statutory guidance issued by the Home Office specifically dealing with the fees.

9. Equalities and Community Cohesion Comments

9.1 The Council has a public sector equality duty to, in all its functions, have due regards to the need to, amongst other things, eliminate discrimination, harassment and victimisation of persons who possess any of the characteristics protected by section 4 of the Equality Act 2010 and promote equality of opportunity between people who possess those characteristics and those who do not.

9.2 The protected characteristics include Age, Disability, Sex (formerly Gender), Race, Sexual Orientation, Religion and Belief, Gender Reassignment, Marriage and Civil Partnership and Pregnancy and Maternity.



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9.3 In carrying out its responsibilities for administration and compliance activities in relation to the Scrap Metals Dealers Act, for example, when assessing an application for a licence, granting or refusing a licence, revoking or varying a licence etc, the Council must be mindful of this duty and ensure that all applicants are treated fairly whatever their protected characteristics.

10. Use of Appendices

10.1 Appendix 1: Additional delegation to Deputy Director of Operations and Community Safety.

10.2 Appendix 2: Minor amendment to Regulatory and Licensing Sub Committee's terms of reference.

11. Local Government (Access to Information) Act 1985

11.2 Home Office Fee Guidance

11.3 LGA guidance to Local Authorities

Appendix 1

Scrap Metal Dealers Act 2013

Sections 1-6, 8-17, Schedules 1 & 2	Limited Delegation: Powers relating to the licensing and conduct of scrap metal dealing including inspection and enforcement. Any oral representations which an applicant or existing license holder is entitled to make by virtue of Schedule 1 is to be heard by a Licensing Sub Committee.	DDOSCS
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Appendix 2

- (j) Granting exemptions for politically restricted posts and giving directions to include a post on the list of restricted posts;
- (k) Advising the Council on the appointment of independent persons and taking steps to select them.

4. Alexandra Palace and Park Board

To fulfil the functions, powers and duties of the Council as Trustee of Alexandra Palace and Park under the Alexandra Park and Palace Acts and Order 1900 to 1985 and, without prejudice to the generality of this, these functions include:

- (a) The duty to uphold, maintain and repair the Palace and to maintain the Park and Palace as a place of public resort and recreation and for other public purposes.
- (b) Acting as the employing body for employees engaged in the working of the Trust at Alexandra Palace, and to be responsible for the setting of staffing policies, conditions of service and terms of employment of those employees.
- (c) In relation to the Trust, being responsible for developing and monitoring the implementation of effective policies and practices to achieve equality of opportunity both for employment and service delivery.

5. The Regulatory Committee

The Regulatory Committee has functions either (1) as the statutory Licensing Committee of the Council under the Licensing Act 2003, which also exercises functions under the Gambling Act 2005, or (2) as a non-statutory Committee exercising other non-executive functions relating to Licensing, Town Planning and other regulatory matters generally. At the beginning, and at other appropriate stage(s) in each meeting, the Chair will make a short announcement indicating whether the Committee is operating in its capacity as “statutory Licensing Committee” or as a “non-statutory Committee”.

Membership

The Regulatory Committee must have between 10 and 15 Members in order to comply with the legislation as statutory Licensing Committee.

Protocol

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There is a Protocol outside this Constitution setting out how the Regulatory Committee is to operate. The Protocol shall be applied in a manner consistent with Committee Procedure Rules in Part 4 and the relevant Licensing Procedure Rules when the Committee is conducting a formal hearing. Any issue on procedure at the meeting shall be subject to the ruling of the Chair. The Protocol can be amended by the written agreement of the Leaders of the Political Groups on the Council.

- (1) In its capacity as the statutory Licensing Committee the Committee has all the functions referred to it by law under the Licensing Act 2003 and the Gambling Act 2005. These include:
 - (a) To be responsible for monitoring the operation of the Acts licensable activities and gambling in the Borough;
 - (b) To establish the Licensing Sub-Committees and to agree the delegation of functions to the Sub-Committees and to officers;
 - (c) To receive reports on the matters in (a) above and on the functions delegated to the Licensing Sub-Committees and to officers. To call for a report on any individual case;
 - (d) To determine the procedures to be followed in handling applications, notices, representations and all hearings, subject to the relevant Regulations;
 - (e) Subject to Regulations, to determine the fees payable for applications for premises licences and related matters under the Gambling Act 2005;
 - (f) In a Council Election Year when there is a need to hold a hearing in the period between Election day and the Annual Meeting of the Council, those Members of the Committee who are re-elected as Councillors shall meet as the Committee (subject to there being a quorum of 3 Members) in order to exercise any of the functions of the Licensing Sub-Committees, or of the Committee under (f) above, and shall elect a Chair for the meeting.
- (2) In its capacity as the non-statutory Committee exercising other non-executive functions the Committee has the following functions:
 - (a) Exercising the functions which are stated not to be the responsibility of The Executive/Cabinet In Regulation 2 and Schedule 1, Paragraph B (Licensing and Registration) of The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) and in any Statute or subordinate legislation further amending these Regulations. The

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Committee's functions are to determine all policy issues, procedures and standard terms and conditions relating to the non-executive licensing functions but exclude decisions in individual cases which are delegated to the Licensing_Sub-Committees. The Sub-Committee's remit includes the licensing of street trading, scrap metal dealing, special treatment premises, sex establishments and dog breeding establishments;

- (b) Formulating, reviewing and approving for consultation the Statement of Licensing Policy under the Licensing Act 2003 and recommending it, and any revisions to it, to full Council for adoption;
- (c) Being consulted informally on the review and determination of the Statement of Gambling Policy, including procedures for Council consultation with external stakeholders, and making recommendations on these matters to the Cabinet;
- (d) Making informal recommendations to the Cabinet and full Council on local development documents, development plan documents, the local development framework, the statement of community involvement and any other planning policy matter;
- (e) Reviewing all Council plans and policies on any licensing, planning or regulatory matters, exercising an overview in relation to common themes and making informal recommendations on these matters to Cabinet and full Council;
- (f) Making informal recommendations to the Cabinet and other bodies on service delivery, grant aid, commissioning and procurement matters when these involve or relate to licensing, planning, conservation or regulatory issues.

SECTION 3 - SUB-COMMITTEES AND PANELS

The following bodies shall be created as Sub-Committees of the relevant Committee of the Council under which they are listed. Bodies described as "Panels" are Sub-Committees unless otherwise stated. Sub-Committees shall report to their parent bodies and they shall have the membership as described in the Appointments of Non-Executive Committees, Sub-Committees, Panels, etc as approved by the Annual Meeting

1. Under the Corporate Committee

1.1 Disciplinary Appeals Panel

To confirm, reduce or increase the penalty imposed by previous internal

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disciplinary hearings.

1.2 Grievance Panel

To determine grievances lodged by employees of the Council in relation to their terms and conditions of service, in accordance with the approved procedures.

1.3 Job Evaluation Appeals Panel

To determine job evaluation appeals lodged by employees of the Council in accordance with the approved procedures.

1.4 Haringey Council and Employees Joint Consultative Sub-Committee

- (a) To negotiate on matters relating to the service between the Council and the officers or between officers with a view to the prevention of differences and to their better adjustment when they appear, and to make appropriate recommendations to the Corporate Committee.
- (b) To secure the largest possible measure of joint action between the Council and the officers for the development and improvement of local government administration, and for the consideration of the conditions of all engaged therein.
- (c) To make provision for members of the Cabinet to meet with Employees' Side representatives for the purpose of negotiation and consultation on matters affecting Southbury paid officers.

2. Under Overview and Scrutiny Committee

2.1 Scrutiny Review Panels

- (a) To carry out scrutiny processes relevant to particular services as determined by Overview and Scrutiny Committee and within the parameters, protocols and procedures agreed by Overview and Scrutiny Committee for all Scrutiny Review Panels.
- (b) Within these scrutiny processes to request and receive submissions, information and answers to questions from Cabinet Members, officers and other senior employees of the Council, service users, external experts and relevant members of the public.
- (c) To refer the findings/recommendations in the form of a written report, with the approval of the Overview and Scrutiny Committee, to The Cabinet and/or the Council as appropriate.

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3. Under Standards Committee

3.1 Assessment Sub-Committee

To consider all allegations referred to the Sub-Committee by the Monitoring Officer that a member or co-opted member has failed to comply with the Member's Code of Conduct and to determine whether the allegation:

- (a) Merits no further action and is dismissed; or
- (b) Merits further investigation.

The quorum of the Assessment Sub-Committee is three.

3.2 Hearing Sub-Committees

- (a) To conduct hearings into allegations referred for investigation by the Assessment Sub-Committee that a member or co-opted member has failed to comply with the Members' Code of Conduct.
- (b) To determine whether or not the member or co-opted member did / did not fail to comply with the Members' Code of Conduct.
- (c) Where the Sub-Committee has determined that a member has failed to comply with the Members' Code of Conduct to take such action as it may lawfully take.
- (d) In consequence of the hearing and determination of any allegation to make recommendations to the Council with a view to promoting high standards of conduct amongst members.

The quorum of the Hearing Sub-Committee is three.

4. Under The Regulatory Committee

4.1 Licensing Sub-Committees

Introduction

The Licensing Sub-Committees have functions either (1) as Sub-Committees of the Regulatory Committee in its capacity as the statutory Licensing Committee of the Council under the Licensing Act 2003, which also exercises functions under the Gambling Act 2005, or (2) as Sub-Committees of the Regulatory Committee in its capacity as a non-statutory Committee exercising non-executive licensing and regulatory functions. At the beginning, and at other appropriate stage(s) in each meeting, the Chair will make a short

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announcement indicating whether the Sub-Committee is operating in its capacity as “statutory Licensing Sub-Committee” or as a “non-statutory Sub-Committee”.

Membership

The membership of each Sub-Committee is nominated by the Annual Council but formally appointed by the Regulatory Committee each year. In the event that an appointed Member or Members of a Sub-Committee is unable or unwilling to take part in a hearing for any reason a Special Licensing Sub-Committee may be appointed from among the Members of The Regulatory Committee. When operating in its capacity as “statutory Licensing Sub-Committee” there must be a membership and quorum of 3 present at all times.

(1) General Provisions Relating to the Statutory Licensing Sub-Committees

- (a) Licensing Sub-Committees have the power to make final decisions on behalf of the Council on matters within their terms of reference and there is no right of appeal to the Regulatory Committee;

Functions under both the Licensing Act 2003 and the Gambling Act 2005

- (b) To determine applications for premises licences where relevant representations have been made;
- (c) To determine applications for provisional statements where relevant representations have been made;
- (d) To determine valid applications for review of premises licences;
- (e) To decide on any other matter where it is necessary or desirable for Members to make that decision;

Functions under the Licensing Act 2003 alone

- (f) To determine applications for variations of premises licences where relevant representations have been made except in the case of minor variations;
- (g) To determine applications to vary designated premises supervisors following police objections;
- (h) To determine applications for transfer of premises licences following police objections;
- (i) To consider police objections made to interim authority notices;

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- (j) To determine applications for club premises certificates where relevant representations have been made;
- (k) To determine applications to vary club premises certificates where relevant representations have been made except in the case of minor variations;
- (l) To determine valid applications for review of club premises certificates;
- (m) To decide whether to give counter notices following police objections to temporary event notices;
- (n) To determine applications for grants of personal licences following police objections;
- (o) To determine applications for renewals of personal licences following police objections;
- (p) To decide on revocation of personal licences where convictions come to light after grant;

Functions under the Gambling Act 2005 alone

- (q) To determine applications for variations of premises licences where relevant representations have been made;
- (r) To determine applications for transfers of premises licences following representations by the Gambling Commission or others;
- (s) To determine applications for the re-instatement of premises licences where relevant representations have been made;
- (t) To decide whether to give counter notices following objections to temporary use notices;
- (u) To determine applications for the grant of club gaming permits and club machine permits where objections have been received;
- (v) To determine proposals to cancel club gaming permits and club machine permits where the holder requests a hearing;
- (w) When the licence holder requests a hearing, to determine officer proposals: (i) to make an order removing the entitlement of an on-premises alcohol licence holder to have one or two gaming

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machines, or (ii) to cancel or vary a licensed premises gaming machine permit;

- (x) To determine licensed premises gaming machine permit applications for 5 or more machines and all applications for any number of machines where there is cause for concern about the proper management of the premises;
- (2) General Provisions Relating to the Non-Statutory Licensing Sub-Committees
- a) The Sub-Committees have all the functions which are stated not to be the responsibility of the Council's Executive/Cabinet in Regulation 2 and paragraph B (Licensing and Registration) of Schedule 1 of The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 S. 1. 2853, as amended, or further amended, in any statute or subordinate legislation. The Sub-Committee's remit includes the licensing of street trading, scrap metal dealing, special treatment premises, sex establishments and dog breeding establishments.
 - (b) The Sub-Committees make decisions in all individual licensing or registration cases where a hearing is required because of an objection to an application or to a proposed revocation or because of an officer recommendation for refusal.
 - (c) The Sub-Committees have the power to make final decisions on behalf of the Council in relation to its functions in (b).
 - (d) Excluded from the Sub-Committees' terms of reference are decisions on all policy issues, procedures and standard terms and conditions which are within the remit of The Regulatory Committee.

4.2 Planning Sub-Committee

- (a) The Sub-Committee has all the functions which are set out in (b) and (c) below and which are stated not to be the responsibility of the Executive in Regulation 2 and Schedule 1 of The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) and in any statute or subordinate legislation further amending those Regulations (references to paragraphs are to those in Schedule 1);
- (b) paragraph A - Town Planning (all functions), including determination of applications for planning permission, conservation area consent, listed building consent and advertisements consent, entering into

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planning agreements and enforcement of planning and listed building controls;

- (c) paragraph I - Miscellaneous Functions;
 - (A) the creation, stopping up and diversion of highways, footpaths and bridleways in connection with development control decisions, and
 - (B) the preservation of trees;
- (d) The Sub-Committee may enter into highway works agreements under section 278 of the Highways Act 1980 in connection with the determination of a planning application.

SECTION 4 - UNDER ALEXANDRA PALACE AND PARK

Arising from the Council's role as trustee of Alexandra Palace and Park the following additional bodies shall be established. Membership of the additional bodies is as described in the Appointments of Non Executive Committees, Sub-Committees, as approved by the Annual Meeting. The Terms of Reference of the additional bodies shall be as follows:

1. Alexandra Palace and Park Panel

To consider and take decisions upon urgent matters arising between ordinary meetings of the Alexandra Palace and Park Board. The Panel is composed of four Members, selected with reference to political balance.

2. Alexandra Palace and Park Consultative Committee

Alexandra Palace and Park Consultative Committee 7 Members and up to 30 community representatives.

- (a) To give representatives of appropriate local and national organisations the opportunity of full discussion with Members of the Alexandra Palace and Park Board on general matters affecting Alexandra Palace and Park.
- (b) To give Members of the Alexandra Palace and Park Board the opportunity of discussing and explaining to the organisations matters affecting the overall policy and efficient management of Alexandra Palace and Park.
- (c) To promote better understanding between Members of the Alexandra Palace and Park Board, the Palace Management and local organisations.

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- (d) To enable appropriate local (and national) organisations to be fully consulted on decisions of direct concern to them.
- (e) To promote the best interests of the Alexandra Palace and Park as a conservation area.