



# **BOGNOR REGIS TOWN COUNCIL**

## **TERMS OF REFERENCE**

### **PLANNING AND LICENSING** **COMMITTEE**

Adopted by the Council at its Meeting held on 2<sup>nd</sup> January 2024

# BOGNOR REGIS TOWN COUNCIL

## TERMS OF REFERENCE: PLANNING AND LICENSING COMMITTEE

**9 Members of the Authority**

**Quorum = 3**

### Introduction

The Planning and Licensing Committee shall exercise the function of consideration of all planning and licensing applications submitted to the Council by the local planning and licensing authorities and shall authorise the Clerk to submit to such authorities the observations, recommendations or objections of the Committee on all such applications. Where a meeting of the Committee is not quorate, Councillors who are members of the Committee may consider such applications and a note of their views shall be made available to the Clerk who shall inform the planning and licensing authorities accordingly under delegated authority.

### Definitions

- Management Overview: To recommend policy and new initiatives to Council, decide on service expansions and contractions or options within budget and policy and to ensure service objectives and relevant policies are adhered to. To make spending decisions with budget and Financial Regulations/Standing Orders for contracts.
- Operational Management: That part of the service which is considered necessary in the delivery of an initiative or service which is within Policy and Budget. Spending decisions in accordance with Financial Regulations on matters for which committee has already made a resolution. Decisions which if not delegated would need to be referred to Council.

Function of Committee Column 1	Delegation of Functions Column 2
<p><b>1. Planning and Development Control</b></p> <p>To make observations on all Principal Council Planning Applications; listed building applications; Conservation area consents; Certificates of Existing or Proposed Lawful Use or Development; Display of Advertisement Regulations; and development involving telecommunications, including prior notification determinations, gypsy &amp; traveller consultations</p>	<ul style="list-style-type: none"> <li>• Committee</li> <li>• Town Clerk if observation would be out of time, after consultation with Members</li> </ul>
<p>2 Referring any Planning enforcement issue to the principal Council</p>	<ul style="list-style-type: none"> <li>• Town Clerk</li> </ul>
<p>3 To make observations on all planning aspects and licensing aspects of waste applications or mineral applications</p>	<ul style="list-style-type: none"> <li>• Committee</li> <li>• Town Clerk if observation would be out of time, after consultation with Members</li> </ul>
<p>4 To comment on Tree Preservation applications or the making of Orders</p>	<ul style="list-style-type: none"> <li>• Committee</li> <li>• Town Clerk if observation would be out of time, after consultation with Members</li> </ul>
<p>5 To make observations on Planning/ Housing/ Licensing consultation documents from the Principal Council or other bodies</p>	<ul style="list-style-type: none"> <li>• Committee, except Local Plan and strategic Regeneration sites which are reserved for Council</li> </ul>
<p>6 To make observations at the time of planning appeals/ planning inquiry's/ development control meetings/ licensing hearings and to authorise witnesses on behalf of the Council</p>	<ul style="list-style-type: none"> <li>• Committee</li> <li>• Town Clerk if observation would be out of time, after consultation with Members</li> </ul>
<p>7 To make observations on Hazardous Substance applications</p>	<ul style="list-style-type: none"> <li>• Committee</li> </ul>
<p>8 Responding to consultations from adjoining parishes</p>	<ul style="list-style-type: none"> <li>• Committee</li> <li>• Town Clerk if observation would be out of time, after consultation with Members</li> </ul>

9	Making observations on applications for amendments to planning and other related consents previously granted by any authority	<ul style="list-style-type: none"> <li>• Committee</li> <li>• Town Clerk if observation would be out of time, after consultation with Members</li> </ul>
10	Making observations on applications for the discharge of conditions in respect of planning permissions and other related consents issued by the Principal Council	<ul style="list-style-type: none"> <li>• Committee</li> <li>• Town Clerk if observation would be out of time, after consultation with Members</li> </ul>
11	Making observations on applications and other actions in relation to hedge rows	<ul style="list-style-type: none"> <li>• Committee</li> <li>• Town Clerk if observation would be out of time, after consultation with Members</li> </ul>
12	Making observations on applications and other matters under the Licensing legislation	<ul style="list-style-type: none"> <li>• Committee</li> <li>• Town Clerk if observation would be out of time, after consultation with Members</li> </ul>
13	Making observations on street naming or numbering	<ul style="list-style-type: none"> <li>• Committee</li> </ul>
14	Making observations on highways consultations including all on-road issues, on street parking, and Tourist Direction Signs	<ul style="list-style-type: none"> <li>• Committee</li> <li>• Town Clerk if observation would be out of time, after consultation with Members</li> </ul>
15	Consent when required for ending maintenance at public expense or stopping up or diversion of highway	<ul style="list-style-type: none"> <li>• Committee</li> </ul>
16	Power to complain to Highway authority as to unlawful stopping up or obstruction of highway or unlawful encroachment on roadside land	<ul style="list-style-type: none"> <li>• Committee</li> <li>• Town Clerk if observation would be out of time, after consultation with Members</li> </ul>
17	Making observations on any matter relating to gaming or gambling	<ul style="list-style-type: none"> <li>• Committee</li> <li>• Town Clerk if observation would be out of time, after consultation with Members</li> </ul>
18	To liaise with the Principal Council on any matter relating to building control	<ul style="list-style-type: none"> <li>• Town Clerk in the case of an emergency, or following consultation with Members</li> </ul>
19	To oversee the Council's role in the making, review or management of conservation areas	<ul style="list-style-type: none"> <li>• Management Overview to Committee</li> <li>• Operational Management to Town Clerk</li> </ul>
20	Power but not the duty to light roads and public places. Maintenance & upgrading of Street lights. Parish Councils Act 1957 S3: Highways Act 1980, S301: Local Government Act 1972, Sched. 14 para 27	<ul style="list-style-type: none"> <li>• Management Overview to Committee</li> <li>• Operational Management to Town Clerk</li> </ul>
21	Matters relating to public footpaths and rights of way	<ul style="list-style-type: none"> <li>• Committee</li> </ul>
22	Responding to consultations on community assets	<ul style="list-style-type: none"> <li>• Committee</li> </ul>
23	Power to enter into agreement as to dedication & widening of highways	<ul style="list-style-type: none"> <li>• Committee within Council Policy</li> </ul>
24	<b>Highways &amp; Transport</b>	
24.1	Power to maintain footpaths & bridleways	<ul style="list-style-type: none"> <li>• Management Overview to Committee</li> <li>• Operational Management to Town Clerk</li> </ul>
24.2	Powers to provide parking places for vehicles & cycles and to engage on car park charging initiatives	<ul style="list-style-type: none"> <li>• Management Overview to Committee</li> <li>• Operational Management to Town Clerk</li> </ul>
24.3	Improve off street parking	<ul style="list-style-type: none"> <li>• Management Overview to Committee</li> <li>• Operational Management to Town Clerk</li> </ul>

24.4	Power to provide roadside seats & shelters	<ul style="list-style-type: none"> <li>• Management Overview to Committee</li> <li>• Operational Management to Town Clerk</li> </ul>
24.5	Power to contribute financially to traffic calming Schemes; Highways Act 1980, S274A	<ul style="list-style-type: none"> <li>• Management Overview to Committee</li> <li>• Operational Management to Town Clerk</li> </ul>
24.6	Power to provide traffic signs and other objects or devices warning of danger	<ul style="list-style-type: none"> <li>• Management Overview to Committee</li> <li>• Operational Management to Town Clerk</li> </ul>
24.7	Power to plant trees and lay grass verges and to maintain them	<ul style="list-style-type: none"> <li>• Management Overview to Committee</li> <li>• Operational Management to Town Clerk</li> </ul>
24.8	Powers relating to car sharing schemes, taxi fare concessions & information about public transport; local Government & Rating Act 1997, S26, 28, 29	<ul style="list-style-type: none"> <li>• Management Overview to Committee</li> <li>• Operational Management to Town Clerk</li> </ul>
24.9	To support approved community transport schemes.	<ul style="list-style-type: none"> <li>• Management Overview to Committee</li> <li>• Operational Management to Town Clerk</li> </ul>
24.10	Making observations on transportation consultations	<ul style="list-style-type: none"> <li>• Committee under the direction of Council</li> <li>• Grants to Policy and Resources Committee</li> </ul>
24.11	Power to erect flagpoles in highway land. Highways Act 1980, S144	<ul style="list-style-type: none"> <li>• Management Overview to Committee</li> <li>• Operational Management to Town Clerk</li> </ul>
25.	To assist in preparing & implementing the Emergency Plans for the town and to lead in case of major emergencies or disasters (see Council for emergency powers to Town Clerk)	<ul style="list-style-type: none"> <li>• Management Overview to Committee</li> <li>• Operational Management to Town Clerk</li> </ul>
26.	<b>Bus Shelters</b>	
26.1	Power to provide & maintain shelters, Local Government (Miscellaneous Provisions) Act 1953 S4	<ul style="list-style-type: none"> <li>• Management Overview to Committee</li> <li>• Operational Management to Town Clerk</li> <li>• Power to make contribution, within budget to Committee</li> </ul>
27.	<b>Neighbourhood Planning</b>	
27.1	To monitor for any changes in Neighbourhood Plan legislation	<ul style="list-style-type: none"> <li>• Management overview to Committee</li> </ul>
27.2	To oversee the formation of a Working Group to review such changes if deemed appropriate by the Committee	<ul style="list-style-type: none"> <li>• Committee</li> </ul>
28.	<b>Environment</b>	
28.1	To promote the environmental wellbeing of the Town.	<ul style="list-style-type: none"> <li>• Management Overview to Committee</li> <li>• Operational Management to Town Clerk</li> </ul>
28.2	Issues involving ancient monuments & areas of archaeological interest.	<ul style="list-style-type: none"> <li>• Management Overview to Committee</li> <li>• Operational Management to Town Clerk</li> </ul>
28.3	To approve & action any Environmental Audits.	<ul style="list-style-type: none"> <li>• Management Overview to Committee</li> <li>• Operational Management to Town Clerk</li> </ul>
28.4	To promote environmental awareness.	<ul style="list-style-type: none"> <li>• Management Overview to Committee</li> <li>• Operational Management to Town Clerk</li> </ul>
28.5	To work in partnership on sustainability and transition for the Town.	<ul style="list-style-type: none"> <li>• Management Overview to Committee</li> <li>• Operational Management to Town Clerk</li> </ul>

28.6	To lead the duty to consider the conservation of biodiversity when undertaking all Council functions. Natural Environment and Rural Communities Act 2006, S40.	<ul style="list-style-type: none"> <li>• Management Overview to Committee</li> <li>• Operational Management to Town Clerk</li> </ul>
<b>29.</b>	<b>Environmental &amp; Public Health</b>	
29.1	Power to utilise well, spring or stream to provide facilities for water supply, Public Health Act 1936, S125.	<ul style="list-style-type: none"> <li>• Management Overview to Committee</li> <li>• Operational Management to Town Clerk</li> </ul>
29.2	Power to deal with ponds & ditches, Public Health 1936, S260.	<ul style="list-style-type: none"> <li>• Management Overview to Committee</li> <li>• Operational Management to Town Clerk</li> </ul>
29.3	To liaise with the relevant authorities in cases of public health/ environmental nuisance, drainage matters, pollution, animal welfare issue.	<ul style="list-style-type: none"> <li>• Petitions to Committee</li> <li>• Town Clerk in other cases</li> </ul>
29.4	To make observations on any public health/ environmental licence or registration application (other than under the Licensing Act).	<ul style="list-style-type: none"> <li>• Committee</li> <li>• Town Clerk in consultation with Chair in cases of urgency</li> </ul>
29.5	Waste & recycling.	<ul style="list-style-type: none"> <li>• Management Overview to Committee</li> <li>• Operational Management to Town Clerk</li> </ul>
<b>30.</b>	<b>Public Realm &amp; Public Facilities</b>	
30.1	Provision of litter receptacles, Litter Act 1983, S5&6.	<ul style="list-style-type: none"> <li>• Management Overview to Committee</li> <li>• Operational Management to Town Clerk</li> </ul>
30.2	Provision and maintenance of street furniture and directional signs in the public realm.	<ul style="list-style-type: none"> <li>• Management Overview to Committee</li> <li>• Operational Management to Town Clerk</li> </ul>
30.3	Matters relating to street cleaning, litter, fly posting, graffiti, including fixed penalty notices (adoptive). Dog Control Orders, Clean Neighbourhoods & Environment Act 2005.	<ul style="list-style-type: none"> <li>• Management Overview to Committee</li> <li>• Operational Management to Town Clerk</li> </ul>
30.4	Power to provide & maintain public conveniences, Public Health Act 1936, S87, including partnerships for community provision.	<ul style="list-style-type: none"> <li>• Management Overview to Committee</li> <li>• Operational Management to Town Clerk</li> </ul>
30.5	To promote and support floral and planting Initiatives, Local Government Act 1972, S144.	<ul style="list-style-type: none"> <li>• Management Overview to Committee</li> <li>• Operational Management to Town Clerk</li> </ul>
<b>31.</b>	<b>Clocks</b>	
31.1	Power to provide & contribute to public clocks, Parish Councils Act 1957, S2.	<ul style="list-style-type: none"> <li>• Management Overview to Committee</li> <li>• Operational Management to Town Clerk</li> </ul>
31.2	Liaison with private owners of publicly viewed clocks, to support and encourage high standards.	<ul style="list-style-type: none"> <li>• Management Overview to Committee</li> <li>• Operational Management to Town Clerk</li> </ul>