

PLANNING PERFORMANCE AGREEMENTS:**Annexe A to the Area Planning Committees Terms of Reference****Provisos:-**

- 5 Extraordinary meetings of the Council will be convened and held for the sole purpose of considering and determining all applications for development of strategic interest as follows:

Development of Strategic Interest:

- ~~Any proposal which is subject to an completed Planning Performance Agreement.~~
- Any development proposal which directly relates to one of the Garden Suburbs or Strategic Allocations (sites S2(a) – (k)) included within Policy S2 the Local Development Plan (LDP).
- Any residential or mixed-use development proposal which includes provision for 75 dwellings or more.
- Any large-scale renewable and low carbon energy projects, including:
 - Any wind energy proposals whose output capacity is 1Mw or more or which proposes three or more turbines of 30m or more.
 - Any Solar energy proposals whose output capacity is 1Mw or more or which proposes 4,000 or more solar panels.
 - Energy from Waste Scheme of 1MW capacity or more.
- Any development proposal which directly relates to identified *new* employment sites allocated by Policy E1 of the LDP.
- Any retail development of 1,000 square meters or more which is proposed to be beyond existing town centres as defined by Policy E2 of the LDP.
- Any proposals for a new Community Hospital or similar healthcare facility to serve the needs of the District as defined by Policy I2 of the LDP.
- Any proposals for Primrose Meadow in Maldon as defined by Policy I3 of the LDP.

For the purpose of this proviso 5 “applications for development of strategic interest” shall include all applications establishing or varying the principle of development but shall not include variations to conditions or the approval of reserved matters unless in accordance with a decision of the Council or at the discretion of the Director of Planning and Regulatory Services. In all other respects, the existing provisions of the Scheme of Delegation will apply.

PUBLIC LICENSING FUNCTION:

LICENSING ACT 2003

REVISED SCHEME OF DELEGATION

1. Licensing Act 2003

Environmental Health Manager - Commercial:-

1. The grant of a Premises Licence or Club Premises Certificate where no representations are made by a Responsible Authority or Interested Party.
2. In consultation with a Legal Advisor, a determination that representations made by a Responsible Authority or Interested Party regarding an application for the grant of (or a variation of) a Premises Licence or Club Premises Certificate or for the grant of a Provisional Statement are frivolous or vexatious.
3. The grant of an application to vary a Premises Licence or Club Premises Certificate where no representations are made by a Responsible Authority or Interested Party, and in the case of an application for a Minor Variation to determine that application having taken into account any representations received.
4. The grant of an application to transfer a Premises Licence where no Notice has been given by the Chief Officer of Police.
5. The determination of an exemption from the requirement to obtain a Personal Licence holder's consent for an application to transfer a Premises Licence.
6. The issue of a Notice specifying the date of entry and inspection (or any extension of that date) where a Club applies for a Club Premises Certificate, a variation of a Certificate or on a review of a Certificate.
7. In consultation with a Legal Advisor, a determination that an application for a review of a Premises Licence or Club Premises Certificate on the grounds that the ground for review is not relevant to one or more of the Licensing Objectives or is frivolous, vexatious or repetitious.
8. In consultation with a Legal Advisor, a determination that a Club is not a Qualifying Club or has ceased to be a Qualifying Club.
9. The grant of an application for a Provisional Statement in respect of a premises which are being or are about to be constructed or extended where no representations are made by a Responsible Authority or Interested Party.
10. The determination of an application to vary the Designated Premises Supervisor where no Notice has been given by the Chief Officer of Police.
11. The issue of a Notice granting or rejecting an application to vary the Designated Premises Supervisor.

12. The receipt of a Notice requesting the removal of a person as a Designated Premises Supervisor.
13. The determination of whether or not a Temporary Event Notice is void.
14. The acknowledgement of receipt of a Temporary Event Notice.
15. Where appropriate, following consideration of any Objection Notice to a Temporary Event Notice, the issue of a Counter Notice where it is considered necessary for the prevention of the crime prevention objective.
16. The issue of a Counter Notice where any of the Permitted Limits are exceeded in any Temporary Event Notice.
17. The rejection of applications for Personal Licences where applicants have failed to meet the statutory conditions.
18. The grant of an application for (or the renewal of) a Personal Licence where no Objection Notice has been given by the Chief Officer of Police.
19. The issue of a Notice to the Chief Officer of Police that an applicant for the renewal of a Personal Licence has a Relevant or Foreign Offence.
20. To issue Notices to the Chief Officer of Police where a Personal Licence holder has been convicted during the application period of a Relevant or Foreign Offence after the grant or renewal of a Personal Licence.
21. The issue and certification as a true copy of any Premises Licence or Club Premises Certificate (or a summary of either) or any Temporary Event Notice or Personal Licence where it has been lost, stolen, damaged or destroyed.
22. Unless specified to the contrary, the issue of all Licences, Certificates, Notices and any other formal notifications required under the Licensing Act 2003.
23. In consultation with a Legal Advisor and the Chairman of the Planning and Licensing Committee, the institution of legal proceedings in respect of any of the Council's powers under the Licensing Act 2003.
24. To keep the Licensing Register and any Central Register prescribed by the Secretary of State.
25. In consultation with the Service Manager – Environmental Health, to authorise Officers and duly appoint Contractors who are appropriately qualified and experienced to discharge the powers and duties delegated to the Service Manager- Environmental Health.
26. To determine, as part of applications by a management committee of a community premises for a new Premises Licence, whether the alternative licence condition in relation to the sale of alcohol should apply instead of the mandatory condition, provided that no representation is received from the Chief Officer of Police.

27. To suspend premises licences and club premises certificates for non-payment of the annual fee.
28. To make representations on behalf of the Licensing Authority in respect of all applications for premises licenses or club premises certificates and to apply for reviews of the same.

To the Group Manager - Planning Services and the Environmental Protection Team Leader:-

1. To respond to the Licensing Authority on behalf of the Council (as a Responsible Authority) to applications for (or variations of or reviews of) Premises Licences or Club Premises Certificates.
2. To respond to the Licensing Authority on behalf of the Council (as a Responsible Authority) to applications for Provisional Statements in respect of premises.
3. To make applications on behalf of the Council (as a Responsible Authority) to the Licensing Authority for a review of Premises Licences or Club Premises Certificates.
4. In consultation with the Director to authorise Officers and duly appoint Contractors who are appropriately qualified and experienced to discharge the delegated powers and duties set out in 1. – 3. above.

To the Environmental Health Manager – Commercial (MOVE to previous section):-

2. Gambling Act 2005

To the Environmental Health Manager - Commercial

1. Consideration and determination of applications for the following matters where no objections have been received or any so received have been withdrawn:
 - (a) premises licences;
 - (b) variation to licences;
 - (c) transfers of licences;
 - (d) provisional statements;
 - (e) club gaming / club machine permits.
2. Consideration and determination of applications or decisions on the following matters:
 - (a) other permits;
 - (b) cancellation of licensed premises gaming machine permits.
3. Consideration of Temporary Use Notices and Occasional Use Notices.

3. Other Licensing Functions

(Hackney Carriage Drivers and Vehicle Licences; Private Hire Drivers, Vehicle and Operators Licences; Street Collections; House to House Collections; Registration of Society Lotteries; Sex Establishments and Scrap Metal Dealers)

To the Environmental Health Manager - Commercial:-

1. Subject to no objections being received, the grant and issue of licences and permits for:-
 - Charitable Collections (Street Collections and House to House Collections);
 - Registration of Society Lotteries;
2. The issue of Hackney Carriage and Private Hire Vehicle, Drivers and Operators Licences, except in the case of Drivers Licences where the applicant has unspent convictions or endorsements exceeding six points accrued on his/her Driving Licence.
3. The refusal of an application for a Drivers Licence on the recommendation of the applicant's GP in a medical report.
4. With regard to the Carriage of Assistance Dogs in Taxis:-
 - The issue of Exemption Certificates under Section 37(5) of the Disability Discrimination Act 1995 where satisfactory medical evidence is provided by the applicant's GP of relevant medical grounds.
 - The determination of whether the exemption is to apply to a 'specified taxi' or a 'specified type of taxi'.
5. In consultation with the Chairman of the Planning and Licensing Committee, the suspension or revocation of Hackney Carriage and Private Hire Drivers' licences.
6. To authorise Officers and duly appoint Contractors who are appropriately qualified and experienced to discharge the powers and duties delegated to the Service Manager – Environmental Health.
7. The grant, issue, renewal or variation of a Scrap Metal Dealer Licence where the applicant is deemed to be a suitable person and no objections are received.
8. The refusal or rejection of an application for a Scrap Metal Dealer Licence where no representations are received.
9. In consultation with the Chairman of the Planning and Licensing Committee, the revocation of a Scrap Metal Dealers Licence where no representations are received.
10. To ensure all Scrap Metal Dealer Licences are reported to the National database.

To the Director of Planning and Regulatory Services:-

1. In consultation with a Legal Advisor and the Chairman of the Planning and Licensing Committee, the institution of legal proceedings in respect of any of the Council's licensing powers.
2. To authorise Officers and duly appoint Contractors who are appropriately qualified and experienced to discharge the powers and duties delegated to the Chief Executive.