

BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO COUNCIL

18 SEPTEMBER 2013

REPORT OF THE MONITORING OFFICER

AMENDMENT OF THE CONSTITUTION AND SCHEME OF DELEGATION OF FUNCTIONS

1. Purpose of Report

1.1 Council is asked to approve the amendment of the Constitution and Scheme of Delegation of Functions to reflect the coming into force of the Scrap Metal Dealers Act 2013.

2. Connection to Corporate Improvement Plan / Other Corporate Priority

2.1 The Constitution directly impacts upon the Authority's ability to implement the Corporate Improvement Plan and other Corporate Priorities.

2.2 The Scheme of Delegation of Functions provides the authority for Cabinet Members and Officers to undertake their respective duties. The scheme therefore directly affects the ability of the Authority to process the Corporate Improvement Plan and all Corporate Priorities.

3. Background

3.1 At their meeting on 17 September 2013, Cabinet received a report on the implementation of the Scrap Metal Dealers Act 2013 which comes into force on 1 October 2013 and it is therefore necessary to update the Constitution and Scheme of Delegation of Functions.

4. Current situation / proposal

Constitution

4.1 In order to implement the legislation, the following changes are proposed:

To remove references to Scrap Metal Dealers from the Licensing Committee and Sub-Committee functions as set out in the table below:

Licensing Committee	Fourteen County Borough Councillors.	1. All matters relating to the discharge by the licensing authority of its licensing functions under the Licensing Act 2003 other than any	Details of the licensing functions within the
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		<p>function conferred by section 5 in respect of its statement of licensing policy;</p> <ol style="list-style-type: none"> 2. To determine from time to time any standard conditions applicable to and detailed policies governing the issue of the following licences, permits and consents; to determine the amount of the fees to be charged from time to time in respect of those licenses, permits and consents; and to determine objections in relation to proposed fee revisions: <ol style="list-style-type: none"> (a) Hackney Carriage and Private Hire Vehicle Licences, Drivers' Licences and Operators' Licences; (b) Licences for Pleasure Boats and Vessels; (c) Street Trading Licences and Consents; (d) Sex Establishments; ((e) Street Collections; (f) House to House Collections; 3. To prescribe guidelines, conditions, limitations or restrictions governing the grant of applications for Hackney Carriage and Private Hire Vehicle Drivers' Licences by Council officers under the power delegated to them; 4. To determine revisions of Hackney Carriage fares and to hear and determine objections to proposed revisions; 5. To resolve to designate any street within the County Borough under the street trading provisions contained in Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 and to deal with any matter arising there from, including licence and consent issues. 	<p>purview of the Licensing Committee and the Licensing Sub-Committee which are delegated to the Assistant Chief Executive Legal & Regulatory Services and other officers in the Legal and Regulatory Services Directorate are contained in the Council's Schemes of Delegation of Functions.</p>
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4.2 To remove references to the Scrap Metal Dealers Act 1964 from paragraph 2.14 Scheme B2 within the Scheme of Delegation to Officers; however, all other functions in the above table will remain within the remit of the Licensing Committee.

4.3 To amend Part 3 of the Constitution in respect of Responsibility for Executive (Cabinet) Functions as follows

Function	Decision Making Body	Membership	Delegation of Functions
The functions set out in the Scrap Metal Dealers Act 2013	Cabinet	Leader, Deputy Leader and four other County Borough Councillors.	Specified functions allocated to the Assistant Chief Executive Legal and Regulatory Services (see Schemes of Delegation of Functions).

4.4 To amend Scheme B1 of the Scheme of Delegations, to allocate the following Cabinet function to the Assistant Chief Executive Legal and Regulatory Services as follows:

	<u>Allocated Functions</u>	<u>Consultee(s)</u>
3.5	To exercise the functions set out in the Scrap Metal Dealers Act 2013	

5. Effect upon Policy Framework & Procedure Rules

5.1 The report proposes amendment of the Procedure Rules.

6. Equality Impact Assessment

6.1 There are no equality implications.

7. Financial Implications

7.1 There are no financial implications.

8. Recommendation

8.1 Council is requested to approve amendment of the Constitution and Scheme of Delegation of Functions as set out in paragraph 4 of the report.

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11 September 2013

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Background documents

None