

**REGULATORY COMMITTEE**

**Terms of Reference**

1. To discharge the Council's regulatory and enforcement functions, in accordance with Council policy and so far as not delegated to any other Committee or Officer, which relate (but not exclusively) to:-
  - (i) Town and Country Planning;
  - (ii) Roads and Transportation;
  - (iii) Environmental Health and Trading Standards;
  - (iv) Building Control;
  - (v) Civic and other licensing;
  - (vi) Matters which require a Hearing before Committee to be held in terms of the Children (Scotland) Act 1989 and the Social Work (Scotland) Act 1968; and
  - (vii) Other matters of a regulatory or enforcement nature.

**Powers**

2. In relation to development control matters, to determine applications for:-
  - (i) planning permission
  - (ii) listed building and conservation area consent
  - (iii) discharge, amendment or deletion of conditions
  - (iv) certificates of lawfulness of existing or proposed development
  - (v) advertisement consent
  - (vi) hazardous substances consent
  - (vii) decisions on permitted development
  - (vii) notices of intention to develop

In circumstances where:-

- (i) there has been a request from an elected member to refer any matter to committee within 14 days of the periodical planning list being circulated

- (ii) there has been a request from an elected member to refer any matter to committee within 7 days of the periodical recommendations list being issued
  - (iii) determining the application (whether by grant or refusal) would result in a contravention of the development plan or a contravention of the Council's policies, whether or not objections have been made
  - (iv) material objections in terms of planning grounds and timescales (as defined by statute and case law) have been made to an application which cannot be addressed either by the imposition of suitable conditions or by any other means and the Director of Development Services considers it appropriate to refer the matter to committee
  - (v) the application has been submitted by an elected member of the Council or by an officer involved in the statutory planning process
  - (vi) for any other reason, the Director of Development Services considers it inappropriate to consider the application under delegated powers
- 3. To hear and determine unresolved objections to any order proposed for the regulation of traffic and the implementation of traffic management schemes under the Road Traffic Regulation Act 1984, the Roads (Scotland) Act 1984 and the Local Roads Authorities' Traffic Orders (Procedure) (Scotland) Regulations 1987, and to conduct any hearings required under those acts and Regulations.
- 4. To consider and determine any of the regulatory and enforcement matters relating to the Council's functions as Roads Authority, in terms of the Roads (Scotland) Act 1984, the Road Traffic Regulation Act 1984, the Town and Country Planning (Scotland) Act 1997 or any other relevant Acts or Regulations, where:-
  - (i) the nature of the matter has been deemed controversial by the Director of Development Services.
- 7. To conduct hearings under the Building (Scotland) Acts 1959-70 and to make appropriate determinations.
- 8. To consider and determine decisions and to conduct hearings, where required, regarding childminding and the provision of day care in which the applicant or registered person requires to be given an opportunity to make objections, in terms of the Children Act 1989.
- 9. To consider and determine decisions and to conduct hearings, where required, regarding the registration of residential care establishments where any person is required to be given an opportunity to make objections, in terms of the Social Work (Scotland) Act 1968.
- 10. In carrying out any of their powers hereunder, the Committee may:-
  - (i) conduct hearings in such manner as they consider appropriate, having regard to the subject matter under consideration and the requirements of law;

- (ii) visit any site connected with a matter under consideration if it would assist the Committee in the discharge of their functions;
  - (iii) authorise the institution, entering appearance in or defending of any proceedings before any Court, Tribunal or Inquiry (where not authorised elsewhere in these Schemes of Delegation) where Council involvement is necessary to protect or uphold the interests of the Council and its community in respect of any matter within the remit of the Committee, provided that it will remain open to any Chief Officer to provide the foregoing authority where time limits or an emergency situation requires immediate action to ensure the Council's participation in the proceedings.
11. Any regulatory or enforcement powers or duties conferred or imposed on the Council in terms of law, apart from those detailed herein as being within the remit of the Regulatory Committee, will be executed by the Chief Officer for the relevant Service and, in the event of there being any conflict as to which is the relevant Service, the Chief Executive will be entitled decide. Without prejudice to the generality of the foregoing, it is specifically acknowledged that the Director of Development Services will have power to:-
- (i) vary or otherwise any planning permission where the variation sought is not material, under section 64 of the Town and Country Planning (Scotland) Act 1997
  - (ii) advertise applications for planning permission when considered necessary or desirable
  - (iii) decide whether the topping, lopping or felling of trees subject to Tree Preservation Orders is necessary in terms of section 160 of the Town and Country Planning (Scotland) Act 1997 and the authorisation of such activities
  - (iv) make emergency Tree Preservation Orders
  - (v) issue stop notices and instruct action for interim interdicts
  - (v) issue breach of condition and planning contravention notices
  - (vi) pursue enforcement action
  - (vii) issue statutory notices in terms of the Building (Scotland) Act 2003 and any Regulations made there under or any amendment thereof