

Director of Communities and Environment

Subject to the exceptions listed below, the Director of Communities and Environment¹ is authorised to discharge the following Council (non-executive) functions:

1. Regulatory Functions

(a)	To approve premises for the solemnisation of marriages	Section 46A of the Marriage Act 1949 and the Marriages and Civil Partnerships (Approved Premises) Regulations 2005 ²
(b)	To license premises for acupuncture, tattooing, ear-piercing and electrolysis	Sections 13 to 17 of the Local Government (Miscellaneous Provisions) Act 1982
(c)	To license premises for the breeding of dogs	Section 1 of the Breeding of Dogs Act 1973 and Section 1 of the Breeding and Sale of Dogs (Welfare) Act 1999
(d)	To license pet shops and other establishment where animals are bred or kept for the purposes of carrying on a business	Section 1 of the Pet Animals Act 1951, section 1 of the Animal Boarding Establishments Act 1963, the Riding Establishments Act 1964 and 1970, section 1 of the Breeding of Dogs Act 1973 and sections 1 and 8 of the Breeding and Sale of Dogs (Welfare) Act 1999
(e)	To register animal trainers and exhibitors	Section 1 of the Performing Animals (Regulation) Act 1925

¹ The fact that a function has been delegated to the Director does not require the Director to give the matter his/her personal attention and the Director may arrange for such delegation to be exercised by an officer of suitable experience and seniority. However, the Director remains responsible for any decision taken pursuant to such arrangements.

² These Regulations replaced 1995/510 which is cited in the Functions and Responsibilities Regulations

(f)	To license zoos	Section 1 of the Zoo Licensing Act 1981
(g)	To license dangerous wild animals	Section 1 of the Dangerous Wild Animals Act 1976
(h)	To grant consent for the operation of a loudspeaker	Schedule 2 to the Noise and Statutory Nuisance Act 1993
(i)	To issue licences for the movement of pigs	The Pigs (Records, Identification and Movement) Order 2011 ³
(j)	To license the sale of pigs	The Pigs (Records, Identification and Movement) Order 2011 ⁴
(k)	To license collecting centres for the movement of pigs	The Pigs (Records, Identification and Movement) Order 2011 ⁵
(l)	To issue a licence to move cattle from a market	The Cattle Identification Regulations 2007 ⁶
(m)		
(n)	Duty to enforce Chapter 1 and regulations made under it	Section 10(3) of the Health Act 2006
(o)	Power to authorise officers	Section 10(5) of, and paragraph 1 of Schedule 2 to, the Health Act 2006
(p)	Functions related to fixed penalty notices	Paragraphs 13, 15 and 16 of Schedule 1 to the Health Act 2006. Smoke-free (Vehicle Operators and Penalty Notices) Regulations 2007 (SI 2006/760)

³ This Order replaced 1996/11 which is cited in the Functions and Responsibilities Regulations

⁴ This Order replaced 1996/11 which is cited in the Functions and Responsibilities Regulations

⁵ This Order replaced 1996/11 which is cited in the Functions and Responsibilities Regulations

⁶ These Regulations replaced 1998/871 which are cited in the Functions and Responsibilities Regulations

(q)	Power to transfer enforcement functions to another enforcement authority	Smoke-free(Premises and Enforcement) Regulations 2006 (SI 2006/3368)
(r)	To license pleasure boats and pleasure vessels	Section 94 of the Public Health Acts Amendment Act 1907
(s)	To authorise erection of stiles etc on footpaths or bridleways ⁷	Section 147 of the Highways Act 1980
(t)	To create footpath bridleway or restricted byway by agreement	Section 25 of the Highways Act 1980
(u)	To create footpaths bridleways and restricted byways	Section 26 of the Highways Act 1980
(v)	Duty to keep register of information with respect to maps, statements and declarations	Section 31A of the Highways Act 1980
(w)	To stop up footpaths bridleways and restricted byways	Section 118 of the Highways Act 1980
(x)	To determine application for public path extinguishment order	Sections 118ZA and 118C(2) of the Highways Act 1980
(y)	To make a rail crossing extinguishment order	Section 118A of the Highways Act 1980
(z)	To divert footpaths bridleways and restricted byways	Section 119 of the Highways Act 1980
(aa)	To make a public path diversion order	Sections 119ZA and 119C(4) of the Highways Act 1980
(bb)	To make a rail crossing diversion order	Section 119A of the Highways Act 1980
(cc)	To make a special diversion order	Section 119B of the Highways Act 1980
(dd)	To require applicant for order to enter into agreement	Section 119C(3) of the Highways Act 1980
(ee)	To make an SSSI diversion order	Section 119D of the Highways Act 1980

⁷ Functions (v) – (xx) are limited to areas contained within the Definitive Map of Public Rights of Way. Functions (u), (jj), (kk) and (ss) are also delegated to the Director of City Development whose powers are not limited to areas contained within the Definitive Map of Public Rights of Way.

(ff)	To keep register with respect to applications under sections 118ZA, 118C, 119ZA and 119C of the Highways Act 1980	Section 121B of the Highways Act 1980
(gg)	To decline to determine certain applications	Section 121C of the Highways Act 1980
(hh)	To assert and protect the rights of the public to use and enjoyment of highways	Section 130 of the Highways Act 1980
(ii)	To apply for variation of order under section 130B of the Highways Act 1980	Section 130B(7) of the Highways Act 1980
(jj)	To authorise temporary disturbance of surface of footpath bridleway or restricted byway	Section 135 Highways Act 1980
(kk)	To divert footpath bridleway or restricted byway temporarily	Section 135A of the Highways Act 1980
(ll)	To extinguish certain public rights of way	Section 32 of the Acquisition of Land Act 1981
(mm)	To keep definitive map and statement under review	Section 53 of the Wildlife and Countryside Act 1981
(nn)	To include modifications in other orders	Section 53A of the Wildlife and Countryside Act 1981
(oo)	To keep register of prescribed information with respect to applications under section 53(5) of the Wildlife and Countryside Act 1981	Section 53B of the Wildlife and Countryside Act 1981
(pp)	To prepare map and statement by way of consolidation of definitive map and statement	Section 57A of the Wildlife and Countryside Act 1981
(qq)	To designate footpath as cycle track	Section 3 of the Cycle Tracks Act 1984
(rr)	To extinguish public right of way over land acquired for clearance	Section 294 of the Housing Act 1985
(ss)	To authorise stopping up or diversion of footpath bridleway or restricted byway	Section 257 of the Town and Country Planning Act 1990
(tt)	To extinguish public rights of way over land held for planning purposes	Section 258 of the Town and Country Planning Act 1990

(uu)	To enter into agreements with respect to means of access	Section 35 of the Countryside and Rights of Way Act 2000
(vv)	To provide access in absence of agreement	Section 37 of the Countryside and Rights of Way Act 2000

Exceptions⁸

The Director of Communities and Environment is not authorised to discharge the function above where objections have been received.

2. Functions of the Licensing Authority delegated by Full Council

Subject to the exception set out below, the Director of Communities and Environment is authorised to discharge the functions of the licensing authority as set out below:-

(a)	Any function of a Licensing Authority ⁹	Licensing Act 2003 and any regulations or orders made under that Act ¹⁰ .
(b)	Powers and functions relating to late night levy requirements	Chapter 2 of Part 2 of the Police Reform and Social Responsibility Act 2011 and any regulations made under that Chapter.

Exceptions:

- any function of the Licensing Authority reserved to full Council¹¹;

3. Functions of the Licensing Authority delegated by Licensing Committee

Subject to the exceptions listed below, the Director of Communities and Environment is authorised to discharge the licensing functions¹² of the licensing authority as set out below:-

⁸ Under this delegation scheme (Council functions). The General Purposes Committee may however arrange for the discharge of any of its functions by the Director of Communities and Environment - (Section 101(2) Local Government Act 1972).

⁹ These functions will be carried out to support those matters which cannot be delegated by the Licensing Authority.

¹⁰ Including functions which, by virtue of the Gambling Act 2005 Act are delegated to the Licensing Committee.

¹¹ Part 3, Section 2A of the Constitution sets out licensing functions reserved to full Council, as licensing authority under the 2011 Act.

¹² "Licensing functions" means functions under the Licensing Act 2003 Act, the Gambling Act 2005 2005 and the Police Reform and Social Responsibility Act 2011.

(a)	Any function of a Licensing Authority	Licensing Act 2003 and any regulations or orders made under that Act ¹³ .
(b)	Powers and functions relating to late night levy requirements	Chapter 2 of Part 2 of the Police Reform and Social Responsibility Act 2011 and any regulations made under that chapter
(c)	Duty to comply with requirement to provide information to Gambling Commission.	Section 29 of the Gambling Act 2005
(d)	Functions relating to the exchange of information	Section 30 of the Gambling Act 2005
(e)	Functions relating to occasional use notices	Section 39 of the Gambling Act 2005
(f)	Power to designate officer of a licensing authority as an authorised person for a purpose relating to premises	Section 304 of the Gambling Act 2005
(g)	Power to institute criminal proceedings	Section 346 of the Gambling Act 2005
(h)	Power to exchange information	Section 350 of the Gambling Act 2005
(i)	Functions relating to the registration and regulation of small society lotteries	Part 5 of Schedule 11 to the Gambling Act 2005

Exceptions:

- any function of the Licensing Authority¹⁴ reserved to full Council¹⁵;
- any function of the Licensing Authority where full Council has referred a matter to a committee other than the Licensing Committee¹⁶;
- any function of the Licensing Authority reserved to the Licensing Committee;
- any function of the Licensing Authority within the terms of reference of the Licensing Sub-committees¹⁷; and
- to object when the Authority is consultee and not the relevant authority considering an application under the 2003 Act

4. Functions related to the Licensing Functions delegated by Licensing Committee¹⁸

¹³ Including functions which, by virtue of the 2005 Act are delegated to the Licensing Committee.

¹⁴“Licensing functions” - see footnote 6 above

¹⁵ Part 3, Section 2A of the Constitution sets out licensing functions reserved to full Council, as licensing authority under the 2003 Act.

¹⁶ Under the provisions of Section 7(5)(a) of the 2003 Act.

¹⁷ Except where a Licensing sub-committee has arranged for the discharge of any of their functions by an Officer.

¹⁸ These functions were delegated to the Licensing Committee by full Council on 14 July 2010.

Subject to the exceptions listed below, the Director of Communities and Environment is authorised to discharge the functions set out in the following table which are delegated to the Director by Licensing Committee¹⁹

(a)	To license hackney carriages and private hire vehicles	(a) As to hackney carriages, the Town Police Clauses Act 1847 as extended by section 171 of the Public Health Act 1875 and section 15 of the Transport Act 1985 and sections 47, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976 (b) As to private hire vehicles, sections 48, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976
(b)	To license drivers of hackney carriages and private hire vehicles	Section 51, 53, 54, 59, 61 and 79 of the Local Government (Miscellaneous Provisions) Act 1976
(c)	To license operators of hackney carriages and private hire vehicles	Sections 55 to 58, 62 and 79 of the Local Government (Miscellaneous Provisions) Act 1976
(d)	** To license sex shops and sex cinemas and sexual entertainment venues.	The Local Government (Miscellaneous Provisions) Act 1982, Section 2, Schedule 3, the Policing and Crime Act 2009, Section 27.
(e)	To license performances of hypnotism.	The Hypnotism Act 1952
(f)	*** To license persons to collect for charitable and other causes	Section 5 of the Police, Factories etc (Miscellaneous Provisions) Act 1916 and section 2 of the House to House Collections Act 1939

Exceptions

¹⁹ These delegations include functions where these have been delegated to Leeds City Council by any other Council.

The Director of Communities and Environment is not authorised to discharge those functions marked ** above where the application is for the grant, renewal or transfer of a sexual entertainment venue licence irrespective of whether objections have been received, or the grant of a sex shop or sex cinema licence irrespective of whether objections have been made, or renewal or transfer of a sex shop or cinema licence where objections have been received

The Director of Communities and Environment is not authorised to discharge those functions marked *** above where objections have been received.