

STANDING DUTIES

In assessing the merits of the proposals and reaching the recommendation made for each application, due regard has been given to the following duties and in determining the applications the members of the Committee will also have due regard to these duties.

Equality Act 2010

This Act notes certain protected characteristics which are:-

Age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

It is unlawful to discriminate against, harass or victimise a person when providing a service or when exercising a public function.

Prohibited conduct includes direct discrimination, discrimination arising from disability (treating a person unfavourably not because of the person's disability itself but because of something arising from or in consequence of his or her disability), indirect discrimination, harassment and victimisation.

Direct discrimination occurs where the reason for a person being treated less favourably than another is a protected characteristic.

Crime and Disorder Act, 1998 (S17)

- (1) Without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area.
- (2) This section applies to a local authority, a joint authority, a police authority, a National Park Authority and the Broads Authority.

Natural Environment & Rural Communities Act 2006 (S40)

- (1) Every public authority must, on exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity.

Planning Act 2008 (S183)

- (1) Every Planning Authority should have regard to the desirability of achieving good design.

Human Rights Act 1998 – this incorporates the rights of the European Convention on Human Rights into UK law.

Article 8 – Right to Respect for Private and Family Life

- (1) Everyone has the right to respect for his private and family life, his home and his correspondence.
- (2) There shall be no interference by a public authority with the exercise of his right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the rights and freedoms of others.
- (3) A local authority is prohibited from acting in a way which is incompatible with any of the human rights described by the European Convention on Human Rights unless legislation makes this unavoidable.
- (4) Article 8 is a qualified right and where interference with the right can be justified there will be no breach of Article 8.