

## 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.**

### **Disability Discrimination Act, 1995 (S49A)**

#### **General duty**

- (1) Every public authority shall in carrying out its functions have due regard to—
  - (a) the need to eliminate discrimination that is unlawful under this Act;
  - (b) the need to eliminate harassment of disabled persons that is related to their disabilities;
  - (c) the need to promote equality of opportunity between disabled persons and other persons;
  - (d) the need to take steps to take account of disabled persons' disabilities, even where that involves treating disabled persons more favourably than other persons;
  - (e) the need to promote positive attitudes towards disabled persons; and
  - (f) the need to encourage participation by disabled persons in public life.

### **Race Relations Act, 1976 (S71)**

- (1) Every body or other person specified in Schedule 1A [including local authorities] or of a description falling within that Schedule shall, in carrying out its functions, have due regard to the need—
  - (a) to eliminate unlawful racial discrimination; and
  - (b) to promote equality of opportunity and good relations between persons of different racial groups.

### **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.

### **Equality Act, 2006 (S52)**

- (1) It is unlawful for a public authority exercising a function to do any act which constitutes discrimination.

### **Sex Discrimination Act 1975 (S76A)**

- (1) A public authority shall in carrying out its functions have due regard to the need—
  - (a) to eliminate unlawful discrimination and harassment, and
  - (b) to promote equality of opportunity between men and women.

### **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 this 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.