
STATUTORY INSTRUMENTS

2008 No. 3261

The Overview and Scrutiny (Reference by Councillors) (Excluded Matters) (England) Order 2008

Citation, commencement, application and interpretation

1.—(1) This Order may be cited as the Overview and Scrutiny (Reference by Councillors) (Excluded Matters) (England) Order 2008 and shall come into force on 1st April 2009.

(2) This Order is made for the purposes of section 21A of the Local Government Act 2000 and applies in England only.

(3) In this Order—

“the Act” means the Local Government Act 2000;

“enactment” includes subordinate legislation;

“licensing decision” means—

(a) any decision in relation to—

(i) an application for any authorisation within the meaning of section 2 of the Licensing Act 2003(1), or

(ii) a request for a review of any such decision, or

(b) any enforcement decision made under that Act or subordinate legislation made under that Act;

“the Planning Acts” means the Town and Country Planning Act 1990 (2), the Planning (Listed Building and Conservation Areas) Act 1990(3), the Planning (Hazardous Substances) Act 1990(4) and the Planning Act 2008(5);

“planning decision” means—

(a) any decision on an application under the Planning Acts or subordinate legislation made under those Acts for any agreement, approval, consent or permission, or

(b) any enforcement decision relating to any development within the meaning of those Acts(6); and

“right of recourse to a review” does not include any right to make a complaint to the Commission for Local Administration pursuant to the Local Government Act 1974(7).

(1) 2003 c. 17.

(2) 1990 c. 8.

(3) 1990 c.9.

(4) 1990 c.10.

(5) 2008 c. 29.

(6) “Development” is defined in section 55 of the Town and Country Planning Act 1990 and is used with the same meaning in the other Planning Acts.

(7) 1974 c. 7.